

World of Work

Student Handbook

Volume V:

Justice and Constitution Cluster

Module 1: Justice and Constitution

Module 2 : Lawyering

Module 3: Public Policy



Led by



World of Work Grade 9 & 10 is a specialised subject in the School of Specialised Excellence, Delhi Board of School Education, designed by **Centre of Excellence in Teacher Education, Tata Institute of Social Sciences (TISS), Mumbai**. The course aims to introduce students to the world of work and develop skills and perspectives through enquiry, projects, and interactions with industry experts. The full set of course material includes lesson plans, teacher professional development guides, students' and teachers' handbooks, and assessments.

Schools of Specialised Excellence are choice-based schools for grades 9 to 12 that allow students to specialise in their chosen fields of study. The Government of NCT of Delhi established Specialised Excellence in 2021 in order to cater to students who have a demonstrated interest and aptitude in specific domains. Schools of Specialised Excellence are affiliated to the Delhi Board of School Education (DBSE). They are designed as per the philosophy of DBSE that centers around moving away from rote memorisation through integrating assessment into the everyday practice of teaching-learning and using assessments for learning rather than restricting them to only being assessments of learning.

The Centre of Excellence in Teacher Education (CETE) at the Tata Institute of Social Sciences Mumbai (<http://bit.ly/cetewebsite>) aims to enable Right to Quality Education for all children in India by enabling teachers to respond to diverse and changing needs. Built around the central premise that professional qualified teachers can create lasting impact. The Centre focuses on empowering teachers, improving professional development standards, supporting teachers' education ecosystem and advocating to strengthen policy on teaching and teacher education.

Research at the Centre is on themes of quality in teaching, policy and scaling innovations inclusion, curriculum and pedagogy and Ed Tech. Academic teaching programmes include BEd-MEd (Integrated), MA Education, MA Education (Elementary), MA Education and Technology, doctoral research, short term programmes through blended learning and online offerings to enhance capabilities of teachers and teacher education faculty (www.tissx.tiss.edu). Key field action projects are focussed on improving inclusive teaching learning at schools and employing technology thoughtfully in professional development of teachers. The Connected Learning Initiative (www.tiss.clix.edu) was awarded the UNESCO-King Hamad Prize for the use of ICTs in Education in 2018. CETE received seed support from the Pandit Madan Mohan Malaviya National Mission on Teachers and Teaching. Government of India and TATA TRUSTS.

As knowledge partner of the DBSE for the Schools of Specialised Excellence, the CETE has developed the following six clusters of modules for Grade 9th and 10th specialised subject "World of Work". Each cluster comprises a skill/perspective building module and two/one career modules, detailed in a teacher handbook with an accompanying student handbook.

Student and Teacher Handbooks:

Volume I: Transmedia Storytelling Cluster: Transmedia Storytelling, Journalism, and Content Creation

Volume II: Mapping and Visual Representation Cluster: Mapping and Visual Representation, Geographic Information System (GIS) Analyst, and Urban Planning

Volume III: Working with People and Communities Cluster: Working with People and Communities, and Social Work

Volume IV: Enabling Learning Cluster: Enabling Learning, and Teaching

Volume V: Justice and Constitution Cluster: Justice and Constitution, Lawyering, and Public Policy

Volume VI: Research and Critical Thinking Cluster: Research and Critical Thinking, Academic Research, and Marketing Research

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(For the course development team of the modules, please refer to the respective handbooks)

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World of Work

Student Handbook

Justice and Constitution

This handbook belongs to:

Name: _____

Class: _____

Section: _____

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Introduction

I.I World of Work

One of the components of the vision for Schools of Specialised Excellence (SoSE) is increasing exposure of students to careers and the world of work. However, career domains today are not straightforward and are becoming exceedingly integrated. Students require a multidimensional and interdisciplinary approach. Separately, the best education globally offers students abundant opportunities for project-based learning, development of higher-order thinking skills and development of soft skills.

The World of Work (WOW) course aims to address all the above requirements during the 9th and 10th grades for the SoSE schools of the Humanities stream. The course is designed as a series of 1 month (16 classroom hours) ‘taster’ modules that explore different skills and careers in the humanities and social sciences. The modules are designed as a skill module, paired with career modules. Skill modules address a workplace skill that has wide applicability across a range of careers. Each skill module is followed by 2 career modules which are strongly associated with the skill and which develop further on the skill. For example, the Transmedia Storytelling module is followed by Journalism and Content Creation as career modules. Each module is a 16 hour exploration and is delivered via discussions, expert guest speakers (‘masterclasses’), digital content, field visits, projects and assignments. These modules are critical in enabling SoSE students to make informed choices and prepare in advance to succeed in their chosen career pathways.

Students learn in various ways in the World of Work course. In developing the modules a priority has been to provide interesting and vivid teaching material including videos and presentations. Classroom discussions are an important part of the session and students learn from each other as well as develop their confidence and spoken communication. Expert guest speakers and field visits offer rare and privileged opportunities to experience a profession. Assignments and project work take them out of the classroom to engage with the environment they live in. These also demand developing time management, creativity, working collaboratively and good presentation skills. All this nurtures students for all round development and at the same time sets them up for success in their chosen area of specialization.

The role of the teacher in the World of Work is both challenging and rewarding, offering exciting opportunities for professional growth. While teachers may not be subject matter experts, their extensive training positions them as facilitators of student learning. Embracing this role involves stretching boundaries to familiarize themselves with a diverse array of skills and careers within the course. Engaging students in group and individual projects is a key component, requiring teachers to develop new skills in project facilitation and navigate the inherent ambiguity in project evaluation. Classroom discussions, another vital aspect of the course, demand adaptability to various formats.

This journey may necessitate teachers to step out of their comfort zones, letting go of traditional teaching methods in favor of innovative approaches—a humbling yet enriching experience. This presents an opportunity for teachers to explore new content areas and methodologies that can greatly benefit both them and their students. The true rewards lie in witnessing tangible growth and development in students, particularly in areas such as confidence, presentation, and communication. Simultaneously, teachers can anticipate significant personal and professional growth, making the journey in the World of Work an exciting and fulfilling one.

Assessment is an important part of the World of Work. The course is meant to be rigorous and not limited to the level of awareness-raising or exposure. The course delivers specific skills and concepts that the students are expected to understand, internalize and apply. The assessment framework has components of “Knowledge and Understanding”, “Inquiry and Exploration”, “Critical Thinking and Decision Making” and “Presentation and Communication”. Assessment of each module of WOW will draw from the above set of components and be tailored to the module. Internal assessment of the modules will be usually through the module project, while the summative assessment could be through a variety of formats including mini-project or different types of sit-down exams.

I.II Overview of the Curriculum

The World of Work course is designed as a series of 1 month (16 classroom hours) ‘taster’ modules that explore different skills and careers in the humanities and social sciences. The modules are designed as a skill module that is paired with one or more career modules. Skill modules address a workplace skill that has wide applicability across a range of careers. Each skill module is followed by 2 career modules which are strongly associated with the skill and which develop further on the skill. For example, the Transmedia Storytelling module is followed by Journalism and Content Creation as career modules.

The following table gives the full list of modules that will run in the World of Work curriculum.

| Skill Area | Career Pathway 1 | Career Pathway 2 |
|-------------------------------------|---|--------------------|
| Transmedia Storytelling | Journalism | Content Creation |
| Mapping and Visualization | Geographic Information System (GIS) Analyst | Urban Planning |
| Working with people and communities | Social Work | |
| Enabling Learning | Teaching | |
| Justice and Constitution | Lawyering | Public Policy |
| Research and Critical Thinking | Academic Research | Marketing Research |

The first 3 rows show the modules that run in 9th Grade and the next three rows the modules that run in 10th grade.

Below shows the classroom time allocation for the modules and the number of instructional days they will run over.

| S.No. | Modules | Suggested time allocation/Instructional days |
|-----------------|---|--|
| Grade 9 | | |
| | Unit 1: Transmedia Storytelling | 16 hours/12 days |
| | Unit 2: Journalism | 16 hours/12 days |
| | Unit 3: Content Creation | 16 hours/12 days |
| | Unit 4: Mapping & Visual Representation | 16 hours/12 days |
| | Unit 5: Geographic Information System (GIS) Analyst | 16 hours/12 days |
| | Unit 6: Urban Planning | 16 hours/12 days |
| | Unit 7: Working with People & Community | 12 hours/ 9 days |
| | Unit 8: Social Work | 12 hours/9 days |
| Grade 10 | | |
| | Unit 9: Enabling Learning | 12 hours/ 9 days |
| | Unit 10: Teaching | 12 hours/ 9 days |
| | Unit 11: Justice and Constitution | 16 hours/12 days |
| | Unit 12: Lawyering | 16 hours/12 days |
| | Unit 13: Public Policy | 16 hours/12 days |
| | Unit 14: Research and Critical Thinking | 16 hours /12 days |
| | Unit 15: Academic Research | 16 hours/12 days |
| | Unit 16: Marketing Research | 16 hours /12 days |

Note the exceptions to the standard format: In two skill areas, “Working With People and Communities” and “Enabling Learning”, there is a single career module associated with the skill module. In these two cases, the Skill module runs for 3 weeks and the career module for three weeks. In these cases, the skill and career modules are tightly integrated rather than running as individual modules.

I.III Objectives of the curriculum

- To give the students a very wide area of exploration that leaves them with an understanding of the world of work at large. They are also shown interconnections between modules and clusters and realize the interdisciplinarity of the world of work.

- To develop a range of skills (the skills of the skill modules) that will continue to be useful to students in their future irrespective of the specific career path they choose.
- To give the students sufficient information and engagement with skills, careers and workplaces so that they can start a deeper process of focussed exploration in skills and professions as designed for the 11th & 12th grades. In a few cases, the students will have gained enough clarity from the course that they will make a decision on their own about their career goal and independently plan and work towards reaching it.
- To develop their ability to do independent work and thinking, to deliver projects, and work collaboratively.
- To develop skills of critical thinking and creativity.
- To enhance students' presentation skills in different modes and media.

I.IV Curriculum Framework

The course consists of a sequence of skill and career modules. These modules are grouped into related clusters. A cluster will contain a skill module and 2 (or 1) related career modules.

A skill module introduces the students to a particular skill or skill area that is widely required for many careers. In this course the students are introduced to 5 skill areas in the Social Sciences and Humanities which gives them a good range of knowledge. By practicing these skills, students develop themselves with a wide range of skills. Simultaneously they have the opportunity to find out if they have an aptitude for or interest in that skill. Discovering such interest and aptitude can be an enormous boon to the student - if they find a niche they are happy with, they start exploring and developing on their own and the future unfolds with ease and fulfillment. While it is not possible to develop a skill in-depth in the time available, the engagement with the skill does result in concrete learning outcomes.

Career Modules explore a career that is strongly connected to the skill in that cluster. Career modules explore the career from multiple perspectives:

Skills: The career module builds on the work done in the skill module to develop the skill further in the context of the particular career. For example the Journalism career module will take storytelling to the context of Journalism.

Career Roadmap: The career module will talk about way to join that career ie. what subjects to choose for 11th & 12th grades, what degree courses are appropriate, what are the premier colleges, what communities of practice exist, relevant skills to develop etc.

'A Day in the Life': The career module also gives students an idea of what work in that career looks like. Practitioner interactions are a very effective way to do this.

Is this for me?': The various interactions and experiences of the career module helps the student build some evidence for whether this is the direction they want to take. The intention is not however that the student should decide by the end of 10th grade.

Career modules will have sub-areas or may cover a career *area*. For example, Content Creation is a career area which covers careers in Graphic Design, Content Writing, Film-making and more. Journalism is considered a career, but there are a wide range of sub-options by media and types of writing eg. news reporting, news analysis, photography, video journalism etc.

I.V About this handbook

This Handbook is written to provide the students with all the information, support, and guidance they need as they work through World of Work modules. It guides them through the “Justice and Constitution” skill module, “Lawyering,” and “Public Policy” career modules under the Justice and Constitution Cluster. It contains the handouts and worksheets that the students will use while going through the modules. It also includes the student planner for each module, designed to help them plan, organize, and keep track of their work.

Cluster V Module 1: Justice and Constitution

Credits

Module Conceptualization, Authoring and TPD sessions:

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Ms. Simantini Dhuru (Director, Avehi-Abacus Project)

Research and Coordination:

Ms. Serah George (Research Assistant, CETE)

Ms. Tanya Mittal (Program Manager, CETE)

Student Planner

| Session | Topic | Objectives and Description | Readings |
|------------------|---------------------------|---|--|
| Week 1 | | | |
| Session 1 | Idea of justice | <ol style="list-style-type: none"> 1. To help students think about the notion of Justice. 2. To help students understand that justice is not just a desirable goal but needs to be an integral part of living together. 3. To understand, debate, and explore challenges to practicing/experiencing justice in everyday life. 4. To Identify Instances/ practices /experiences of justice or challenges to justice in their own lives (school/ home/ community). <p><i>In this session, students will discuss and engage with the idea of fairness. They will also try to understand the meaning of justice. And also the difference between fairness and justice. This session will also explore how justice is practised in everyday life</i></p> | <p>Who is the Winner?</p> <p>Case Stories</p> |
| Session 2 | Equity and justice | <ol style="list-style-type: none"> 1. To understand the relationship between equity and justice. 2. To acknowledge that there are differences and inequalities in society. 3. To think about ways to address diversity and discrimination to ensure justice. <p><i>The purpose of the session is to introduce the link between concepts of equity, equality and justice. The session presents different, competing perspectives about the notion/concept/idea of justice.</i></p> | <p>‘Who Should get the Flute?’ (Source: The Idea of Justice: Amartya Sen, Page 12.):</p> |

| | | | |
|------------------|---|--|---|
| Session 3 | Justice: social/structural/institutional | <ol style="list-style-type: none"> 1. To understand our role as citizens in understanding how these institutions function and respond to them. 2. To read, interpret and compare data. 3. To identify various institutions, and social structures involved in ensuring/violating justice. 4. To recognize how injustice is deep-rooted in social structures and contexts <p><i>The third session will reflect on the need for institutions as mediators, monitors or dispensers of justice or to set standards/rules/norms. The session will also explore the importance of having good quality information, actual data to make and implement plans— so that the limited resources that the country has can be spent carefully by prioritising overall ‘national interests’ and specific interests of certain regions or groups that need additional support so that their situation can improve.</i></p> | <p>The information speaks</p> <p>Zimmerdar Kaun</p> |
| Week 2 | | | |
| Session 4 | Justice in historical times | <ol style="list-style-type: none"> 1. To understand that the idea of justice is not a new, ‘modern’ one but it has existed in different forms from the beginning of human societies. 2. To explore the stories/fables of different communities/cultures across the world, mythological stories of different religions that shed light on how notions of justice were communicated from one generation to the other. 3. To understand the concepts of right/wrong, fair/unfair | <p>“Thirty-Six Guiles”</p> |

| | | | |
|------------------|--|--|--|
| | | <p>/just/unjust by exploring the examples of the life of certain personalities, and events with reference to other parts of the world and in ours.</p> <p>4. To understand that there is some similarity and some differences (continuity and change) in society's ideas about justice – over time.</p> <p><i>Week 2 begins by identifying the idea that the notion of justice was communicated from one generation to another. It will also give students a glimpse of the History of Justice and how Justice has been (is) different in different periods of history, in different places, and for different cultures.</i></p> | |
| Session 5 | Modern Justice | <p>1. To understand, compare and analyze the changing ideas of justice in different places over time.</p> <p>2. To identify how certain concepts, ideas, actions, or lack of them have emerged as common criteria for justice in contemporary times.</p> <p><i>The fifth session focuses closely on events in India that shape the struggle for independence. This session discusses how unfair policies, the repression of a foreign rule, as well as the changes they brought bring injustice to citizens and how our leaders formulate the course ahead to get independence.</i></p> | |
| Session 6 | Diversity, democracy, and Justice | <p>1. To develop an appreciation of diversity in India</p> <p>2. To enhance the idea and significance of diversity.</p> | |

| | | | |
|------------------|---|--|--------------------------------------|
| | | <p>3. To draw an interconnection between diversity and justice</p> <p>4. To reflect on the principles that should guide a just society</p> <p>5. To use these principles to examine the present society and everyday beliefs and institutional practices</p> <p><i>Session 6 introduces the idea of diversity. The session also discusses how the constitution is crafted to cater to the needs of the diverse population of the country. It then discusses a thought experiment for justice inspired by the ideas of the Political Philosopher John Rawls. The experiment helps to think about how justice can be equally provided to diverse groups.</i></p> | |
| Week 3 | | | |
| Session 7 | Debates in constituent assembly/constitution | <p>1. To appreciate the idea and need of the constitution.</p> <p>2. To experience how negotiations and consensus building are part of the making of the constitution</p> <p>3. To recognize that the constitution shaped the everyday lives and imaginations of Indians in significant ways.</p> <p><i>In week 3, The seventh session focuses on what is a constitution, why it is needed, how it is made, and how ordinary citizens use the constitutions to make a difference in their life.</i></p> | Making a constitution for the family |
| Session 8 | Debates in the constituent assembly | <p>1. To help students understand the process of framing the constitution</p> <p>2. To help students understand the need to put different</p> | |

| | | | |
|------------------|---|---|--|
| | | <p>points of view in a constitutional democracy</p> <p>3. To develop capacities for preparing and presenting arguments on any issue concerning people</p> <p><i>Session 8 focuses on the process involved in the making of the Constitution of India. It describes how the constituent assembly was formed and how the assembly through debates and discussions formulated our present constitution.</i></p> | |
| Session 9 | RTE making, complaints and DCPCR | <p>1. To make students aware of various institutions and actors of RTE of implementation of the constitution.</p> <p>2. To give students exposure to policy making in action.</p> <p>3. To allow students to explore how students think about their own role in claiming their rights from institutions.</p> <p><i>Session 9 will focus on the fundamental right, “The Right of Children to Free and Compulsory Education (RTE) Act, 2009” and discuss some of its provisions. The session will examine what different institutions are involved in the implementation of this right and how common people make claims to this right.</i></p> | |

| Week 4 | | | |
|------------|---------------------------|---|--|
| Session 10 | Understanding the project | <ol style="list-style-type: none"> 1. To understand the idea and provisions of the Right to Education. 2. To identify the institutions involved in the implementation and exercise of a right. 3. To develop the skill to work in a group 4. To develop the skill of locating important information. <p><i>Session 10 introduces the project and the rubrics of assessment. Students may also work in groups to choose the theme and work further on it.</i></p> | |
| Session 11 | Preparation of project | <ol style="list-style-type: none"> 1. To develop the skill of analyzing a document. <p><i>Project preparation by groups. After the selection of a theme by each group, they need to discuss and write individual letters.</i></p> | |
| Session 12 | Presentation of project | <ol style="list-style-type: none"> 1. To Organize and present ideas in a coherent manner. 2. To understand how to act as an active citizen and address institutions and competent authorities. <p><i>The final session is a sharing and feedback session where students will present their projects. Here the group can tell their experience in working as a group and the teacher can call out 2 or 3 students from the group to read out the letter they have written. The calling out of names will happen on the spot.</i></p> | |

Who is the Winner?

Instructions:

- This is a contest - each player will be given three tasks. The first one to finish all the given tasks will be the winner of the contest. The rest of the class must carefully observe the contest.
- The contestants will not start at the same time; they have to wait for their turn and begin their tasks only when asked to do so.
- **Neither the contestants nor the observers (students watching the game) are to speak while the game is being played.** But, if a contestant asks any observer to do something, that person must cooperate.

When everyone has understood the rules, contestants will be given cue cards

Contestant A will start doing the tasks given on the cue card.

Once contestant **A** is about half way through the second task given to her/him, **Contestant B** can begin his/her tasks.

Once contestant **B** is about halfway through the second task given to him/her, ask **Contestant C** can begin her/his tasks.

The tasks that each player has to perform are as follows.

Contestant A

- Wipe the blackboard clean and write today's date.
- Write your name and the names of your family members on the blackboard.
- Sing two lines from any song you know.

Contestant B

- Teach two P.T. exercises to any four children from the class.
- Write two lines on the blackboard on the topic, 'My School'.
- Touch your toes five times.

Contestant C

- Take the duster outside and clean it well.
- Write three lines on the blackboard on the topic, 'My favourite animal'.
- Do 20 sit-ups.

After all the contestants have completed the tasks given to them, they can take their seats. Declare the name of the winner.

It is almost certain that contestant A will finish first and so will be declared the winner.

The game was clearly unfair; it favoured Contestant A over the others and Contestant C was discriminated against the most. C started much later than the others and also had the most difficult tasks. That is, all the contestants did not get an equal chance to win the game.

Case Stories

Case 1

Grace's friend calls her on the eve of an examination, saying she has a copy of the question paper for the next day's exam. Grace doesn't want it because she thinks cheating is wrong but doesn't want to say so to her friend. Instead she tells her that since she has no time to study anything new, the paper would be useless to her. She tells some other friends about this however, and they try to convince her that there is nothing wrong in getting the paper in advance. Their argument is that some people have already got the paper, so the exam is not going to be a fair one anyway. Besides, everyone knows that the entire system is defective – how is one person taking such a stand going to make a difference ?

Points for discussion

- What is Grace's real reason for refusing the paper ?
- Why does she not give her friend this reason ?
- Why do Grace's friends feel she should have taken the paper ?
- Whom do you agree with ?
- Have you ever had a similar experience ?
- What would happen if everyone refused to take a leaked paper, like Grace did ?
- Is there any link between this situation and what happens in other spheres of society – the giving and taking of bribes, for instance ?

Case 2

Sanjeev had lent Rs 50,000 to a friend about two years ago. The friend had promised to return it after a year, but he could not do so as his business was not doing well. As Sanjeev is now setting up a clinic, he needs the money, but his friend has invested it in new equipment and will not be able to return it for at least another year. Sanjeev has tried explaining his position but his friend simply refuses to listen. Now Sanjeev's wife feels that they should take the friend to court, since he has not kept his word. Sanjeev is reluctant because he knows that even if he eventually wins the case, it will take a few years to get his money back, and he needs it immediately. Sanjeev's brother tells him that he should just hire some gundas who will teach the debtor a lesson and also 'persuade' him to return the money.

Points for discussion

- What are the options available to Sanjeev in this case ?
- Which option do you think he should choose ? Why ?
- Do you think Sanjeev's brother is giving him the right advice ? Why ?
- Do you think more and more people in our society are losing faith in the police and the courts ? Why ?
- Do you think there is any link between this situation and the violence we see in our society today ?
- Why do people resort to violence ? Can it really solve problems ?

Case 3

Akshay is very fond of his grandmother. Every day he tells her what happened at school, what games he played with his friends etc. Grandmother is old, and she enjoys listening to his stories. There is, however, one thing she has repeatedly told Akshay – that he should not eat or drink anything at his friend Anil's house because his family belongs to a 'lower' caste and if Akshay accepts food/water from Anil's place he will get polluted. Anil lives far away and Akshay rarely visits him. But one day, after school, the children go to play a volleyball match at a playground near Anil's house. All of them are tired and very thirsty at the end of the match. So they go to Anil's house for some water. Akshay is dying of thirst, but when Anil is about to hand him a glass, he suddenly remembers his grandmother's warning. Looking at Anil smiling at him and holding out the glass, Akshay does not know what to do.

Points for discussion

- What do you think Akshay should do ?
- Why did Akshay's grandmother tell him not to eat or drink at Anil's house ? Do you agree with her ?
- What is Akshay feeling awkward about ?
- Do you think many people feel the way Akshay's grandmother does?
- By obeying his grandmother will Akshay be breaking any law?
- What do you think Akshay himself wants to do ?

Fairness/Justice in Everyday Life

We have discussed and tried to think about fairness, justice and how we can look at instances in our life to understand things from the point of view of fairness

In the space given below briefly record two instances from your life – something you have experienced, observed, heard.

| Questions | Responses |
|---|-----------|
| 1. In brief, write one example of how fairness/justice is practised in everyday life (home/school/community). Explain in brief your reasons for choosing this example. | |
| 2. In brief, write one example of how justice is neglected/violated in everyday life (home/school/community). Explain in brief your reasons for choosing this example. (Add 6/8 lines for writing). | |

Who Should Get the Flute

Zahira, Shikha and George are neighbours. One day, after school, they are playing together and Gurpreet didi calls out to all three children. She is holding a flute: “here, this is my brother’s old flute, but now since he has many more, you can have this”. All three children thank her as she leaves and try to grab the flute. The question is who should get the flute.

Shikha argues she is the only one of the three who knows how to play the flute and so it would be quite unjust to deny the flute to her, (the others do not refute this). But George interrupts her. He pleads that unlike Shikha and Zahira he has no toys of his own. Everyone knows George lost his parents when he was a baby and his old grandmother looks after him. But she can barely make ends meet and cannot afford much besides his education and basic upkeep. The flute would give him something to play with. (The other two concede that they are better-off and have toys to play with). But things are getting more complicated as Zahira speaks up. She says the flute was made by her father for Gurpreet didi’s brother, when the COVID lockdown was announced. Zahira also helped her father while he made the flute (the others know about this).

Having heard all three and their different points of reasoning, there is a difficult decision that you have to make. Who should get the flute? **What do you think? Whose claim to flute will you support on grounds of fairness and justice? Make your choice and list down the reasons for your choice.**

Now that you have made your decision, let us use this example to think about our society and decision-making in modern democracies.

Our society is diverse with different sections of groups/communities representing differences in socio-economic conditions. Some communities are in a better position than others and the reasons for these differences are many. At the same time resources like food, water, power supply, housing or opportunities for education, and services like transport are limited and unequally divided. Those with more resources, social status and economic power have easy access to things while others are on different levels of life-styles. This situation is constant in most societies and thus there are different, competing arguments in favour or against who should get more access to what. Just like the story ‘Who should get the flute’, there are different arguments about the right to resources or services. Let us see.

Pleasure (or happiness, gratification): Take the case of Shikha, who is the only one who knows how to play the flute. Shikha thinks that she has a natural claim because she can enjoy playing it. We can compare Shikha’s position to another example in society. Let us look at access to education in our society. If we look at higher education colleges offering medicine, engineering, MBA, etc. A large number of students want to get admission to these institutions but the seats are limited. There are groups and communities who over generations have got the advantage of education and usually come from socio-economically advantageous backgrounds. They go to better quality schools, attend extra-tuition, and have family support. Students from these communities often score higher marks and argue that they should get preference because they already know how to do well, can enjoy the experience of education and can make use of the precious opportunity, instead of these opportunities given to those who score less.

Egalitarianism (equality, equity): This argument is in support of equality of access or opportunity like in the case of George who is poor and thus feels he should be given the chance to have the flute so he too can learn to play and enjoy it. In this case, the argument can be in terms of the principle of ‘equity’ or

egalitarianism. Those who favour this principle argue that society should ensure equity and bring everyone on a similar level, those who have much less must be given more or special opportunities so that they can improve their conditions. This can be applied to 'reservations in higher education or jobs in the government sector' to people belonging to ST/SC communities or women or people from neglected regions like the North-East of India. Or it could be about the distribution of land to the landless by the government taking away some of the share from those who have for generations have large agricultural land.

'Ownership over one's labour': Lastly, we look at Zahira who claims the right to the flute because she has contributed to making it. If we look at an example from larger society to compare Zahira's position, we can see how workers-movements (or unions) organise to claim a higher share in profit from factory owners (in terms of salary) because they have worked hard to produce the goods or contributed their labour to offer services. We can also compare this with the farmers negotiating a better price for their produce or Adivasis resisting changes in laws that reduce their access to the forest because they have contributed to nurturing it, or women's rights activists arguing that domestic-work or women's agricultural labour in family owned land must be recognised as women's contribution to family-wealth and thus women's names must be included in property documents, etc.

To summarise, when we look at the issue of justice in a democratic society, positions based on all three principles (and a mix and match of these) exist. The story about the flute urges us to recognise that all societies have situations of diversity and differences and people/groups hold particular views based on different principles. Each group thinks their perspective, their view is most valid. But if we think from the position of those who make the decisions, like the policy-makers, political leaders, thinkers who study society and voice their opinions, we can see that they have to seriously consider the different demands, view-points while making decisions.

Looking at the different positions in the story we need to recognise that all the views are logical and need to be considered. To recap; The first position representing Shikha represents the principle of 'utilitarianism' arguing that those who can efficiently use resources/services should be given preference; so that things are not 'wasted' by giving them to those who are not immediately prepared, or capable of using them. As indicated earlier it also stands for 'deriving pleasure' arguing that those who have the knowledge/ability to use resources/services should be preferred because their knowledge/ability enables them to derive pleasure/satisfaction from having things and thus it's useful/not wasteful. On the other hand; those favouring this position also have to take into account the claim of the other two i.e. those who seek the principle of 'egalitarianism' (George who does not have toys should be given a chance to play with the flute) and 'Ownership over one's resources' (Zahira whose labour has gone into making the flute). In the case of both these positions, we often see that different groups claim their rights either based on denial of access because of the permanent inequality in society (like, caste, tribe, gender or geographical location) or because they are creators/protectors/contributors of the resources/services (like workers, farmers, teachers, inventors).

Modern democratic societies are based on the principles of freedom or liberty and this point is agreed upon by almost all who believe in democracy. Democracy sustains when everyone has the liberty to exercise and enjoy freedoms; whether they are in majority or in tiny minority, whether they are powerful or powerless. In democratic societies the different positions we saw in the story have to be taken into account while making decisions about distribution of resources and services. We often find that the arguments in favour of 'egalitarianism' and 'ownership over one's labour' are not only favoured by those who those who have been denied access to resources or by those who contribute their labour to produce things but are also supported or considered worthy by others who stand for principles of justice in

society. The idea here is that a healthy society needs to be fair to all, and to achieve fairness or equity a variety of factors including historical conditions must be taken into account. Thus we often see that many of those in a privileged position, having resources to enjoy their freedoms, also believe in protecting and securing justice for others, particularly for those who are socio-economically weak. Justice can be done by enabling more equity, with more equitable distribution people will be able to enjoy their freedom to exercise their rights and sustain healthy democracy. The core principle upheld is; "When people are free, they can create a more just, more prosperous, safer, and better world for everyone. Freedom is possible when people have reasonable, equitable access to resources"

The different resolutions in the story have serious arguments in support of them, and all co-exist in society, sometimes resulting in problems or tensions and sometimes pointing at solutions.

Information Speaks

Mrs Sujata Rane

Time: 6.30 a.m.

Place: Mrs Rane's kitchen in Dombivli, a suburb on the outskirts of Mumbai.

Mrs Rane is busy preparing a large quantity of sabudana khichdi for her friend's birthday party on the local train. You may wonder – a birthday party on a local train? But the mystery will be solved when you learn more about Mrs Sujata Rane.

Mrs Rane's day begins around 5 a.m. Time whizzes past - making breakfast, packing everyone's tiffin, making lunch for her in-laws, washing up, then finally a quick bath, and out of the house! There is not a minute to breathe, but she has now mastered this act.

She often wonders how a small-town girl like her has managed to fit in so well in a big city. They moved here after her first daughter was born when her husband was transferred here. Life in the city was expensive and so much against the wishes of her in-laws, they had decided that she should also find work. Since she was a graduate and had a B.Ed. degree, she got a job in a school. But the school was far away and she had to travel by train every day - how terrified she used to be of those crowded trains in the early days!

Life is tough in a big city! The double duty - work at school and home – and the long train travel! By the time she's back in the evening she is exhausted but has no choice but once again take-over the kitchen, and help her daughter with her home-work. But if asked whether she would exchange this life for that in her small town, she would say 'no'. Because here, for a few hours every day, she can be Sujata - not someone's daughter, wife, daughter-in-law or mother – just herself! Here she gets a chance to meet new people, to learn new things. There are many like her in her school and particularly, on the train. They are friends and enjoy each other's company. They don't speak the same language or even belong to the same age group.

Their gods are different, their castes may be different and their food is different. But when these ladies board the 7.55 train in the morning and meet each other, they shed their problems for a little while and don new skins. They share one another's joys and sorrows, advise each other, celebrate their friends' achievements, and when required they just hold someone's hand and tell her, "We're here, don't despair". Their time on the train is like a tonic - it revives them and replenishes them. They share food and recipes. Today is Rashida's birthday - she is going to bring packets of her famous biryani so the women can take it for their office lunch, Mrs. Dastur will bring 'lagan nu custard' and Sujata, her sabudana khichdi. They will have a party till her stop in Dadar.

It is now 7:53. Mrs Rane reaches the station just as her train enters the platform. She dashes her compartment - the heavy bag with the big tiffin of khichdi hardly slowing her down. A hand stretches out from within the compartment as the train begins to move. She grabs it and clambers on. From now until Dadar station arrives she will stop being Mrs Rane and be just Sujata!

- What does Sujata like about her daily commute by train?
- Do you think women in cities have more freedom? Why?
- Do you know anyone like Sujata?

Opportunities for women

Even though many improvements still need to be made in the condition of women in our country, by and large, women in urban areas have more opportunities for personal growth.

For example, data from 2019-21 showed that underage marriages are less common in cities. 27 % of rural girls were married before the age of 18 years as compared to 15 % of urban girls. In the case of education, it was found that 56 % of women in urban areas had 10 or more years of schooling whereas in rural areas only 34 % had similar opportunities. Nearly 59% of urban women have a mobile phone that they themselves use whereas about 47 % of the women in rural areas have one.

Nondita

Time: 3 a.m.

Place: A basti in Kolkata, near Howrah bridge.

Nondita is wide awake and waiting for her cousin to wake up. Her uncle's cramped little house is hot and smelly. Her uncle, his wife, two daughters and a son are sleeping in the small house, which is a single room, partitioned to create a seating/sleeping space and a cooking/washing area. Nondita's family in the village is very poor, but their house has more space. All the houses there have courtyards, small kitchen gardens, separate kitchens and rooms for the women. Here there is no privacy, either inside or outside the house - houses are arranged in two rows facing each other with an open gutter running in between them.

Nondita has been here for nearly a month, taking care of her mother, who has been admitted to a special hospital. Every morning, at around 3.30 a.m. her older cousin and her aunt get up to fill water from the public tap near their house. Nondita too gets up to help them, for if they don't queue up at the tap as soon as possible, they do not get enough water for the day. Invariably there are fights and arguments with the neighbours. Nondita hates to begin her day with these fights. In her village, they have no water nearby. They fetch it from a small pond they call *poker*, which is about 10 minutes away. In summer if the pond dries up, they have to walk for 45 minutes to get drinking water from the river. But there are no fights, at least!

She hardly gets any sleep these days but that is the least of her problems - the real problem is the toilet! There are a few toilets about 10 minutes away from her uncle's house, but she hates going there because they are unbearably dirty. And men keep staring at all the young girls. The other option is the lane near the river behind their basti. These days she goes there with someone from the family to accompany her. She is used to the open fields in her village where there are distinct areas for men and women. In the city, the traffic starts as early as 4.00. If she makes it before the day dawns, it's okay; otherwise, she's so conscious of the passing vehicles and men's comments, it's terrible! Countless families here, including her uncle's, have learnt to live with all this, but for Nondita it is an ordeal every day. She is waiting for her mother to get better so that they can return to their village once again. If only her mother could get good medical treatment in the village itself!

- Why do cities have problems with water and sanitation?
- Does everyone in a city have such problems?
- Why is nothing done to solve these problems?

Sanitation

It is not just that cities are growing; the number of poor people living in them is also increasing and their lives are becoming more difficult. A study of slums in Mumbai reveals disturbing inequalities - slums occupy just 7 % of Mumbai's total land area, but four out of ten Mumbaikars live in a slum. This means that almost half of the city's population struggles to fulfil their basic needs even seven decades after Independence.

Sanitation is a bigger problem in slums; data shows that there is just one toilet for every 190 slum dwellers, when the BMC's own rule says that there should be one toilet per 50 people.

(<https://www.orfonline.org/expert-speak/poor-sanitation-in-mumbais-slums-is-compounding-the-covid-19-threat-66216/>)

Technically, there is enough water for every citizen in Mumbai. The Government has set a benchmark of 135 litres per person, per day, to ensure that basic needs are met. BMC supplies water at a heavily subsidised rate of Rs 6 for 1,000 litres. So, a citizen living in a high-rise society can receive up to 240 litres daily at very affordable rates. However, citizens in slums end up paying up to 40-120 times more to private water suppliers and surviving on just 20 litres a day because their colonies are not recognized by authorities and therefore are not entitled to BMC water.

(<https://thewire.in/urban/mumbai-water-supply-photos>)

Sonu Singh

Time : 1.30 a.m.

Place : In Sonu Singh's taxi outside Indira Gandhi international airport, New Delhi.

Sonu Singh gazes longingly at the photo of his village home, pasted right next to the steering wheel. Not a day has gone by in the last 30 years when Sonu has not thought of his village in Punjab – the lush green fields; rushing straight from school to join the menfolk for lunch; the rich damp smell of the earth as he worked; the gentle breeze drying the sweat on his back. He had never imagined leading any other kind of life. But here he is in a taxi, in the middle of the night, in a big city, waiting in a queue for a passenger. He makes enough money here – he has his own taxi, and sends money to his father back in the village. He is well liked - they love his sense of humour as much as the regular supply of delicious pickles from his village.

Sonu was only 19 when he came to Delhi. His uncle had a taxi here and had brought Sonu with him. Sonu hadn't had much choice. Things had changed in the village – a growing family meant division of the land. His father was getting old; his two older brothers took over. They could not make ends meet by farming alone. Money was needed all the time : for new kinds of seeds, fertilisers, electricity and water charges; for medical expenses; for his sister's wedding . . . They had had to take loans and the debts had kept mounting. That was when his brothers had decided to send young Sonu to work in the city. He had not objected, though his heart had been heavy. After all, in this way he could be of use to his family and save their land from being sold.

Sonu is not unhappy in Delhi - the city has been good to him. It has given him a new identity, new friends; it has shaped a good future for his children. His daughter is a teacher and his son is studying in college. Back in the village he could never have educated his daughter ! And, most important of all, he has been able to save the farm which is so dear to him. Though he is aware of all this, he dreams more often of his village these days, longing to spend his old age there, relaxing in the shade of the trees in the farm. But

will his brothers welcome him the way they do today if he can't provide ready cash ? Will they realise the sacrifice he has made for the family ?

No, maybe it is better here - he is loved here just for being Sonu Singh. Here he can sit in his taxi, look at the picture of his village and transport himself to that dreamland . . .

- Why was it difficult for Sonu to stay on in the village?
- Do you think Sonu is unhappy in the city? Why?
- (For city children only) Do you know people like Sonu Singh who send money to relatives in their villages ?
- (For children living in villages) Do you know of people who are dependent on a family member sending them money from the city ?

Remittance Economy

Indian citizens often migrate from their original place of residence to other parts of the country (and even abroad) in search of work and send money back to their families for their needs. Studies have shown that almost 80% of such money is sent to villages and helps provide for 30% of the household expenditure of family members living there.

Interestingly, India gets the largest number of remittances in the world; this is, the money that is sent back home by Indians working abroad. Our state Maharashtra, gets the highest amount in India. This shows how deeply dependent we are on money sent by our people working in foreign lands.

Changdev Mahato

Time: 2 p.m.

Place: A small restaurant in Bangalore.

Changdev is too hungry to continue work. Informing the shop manager, he heads towards a small restaurant around the corner. He occupies one of the two vacant seats there and orders his lunch. He is enjoying the comfort of the fan whirling above him, when a well-dressed man enters the restaurant and prepares to take the only other unoccupied seat, next to Changdev. Immediately Changdev gets up and apologetically makes a place for the man, saying, "Maaf kijiye, sorry, please take a seat!" The man looks at him in surprise and says, "Aap bhi baithiye na, why are you getting up?" The waiter who has just brought Changdev's order is also surprised. Embarrassed, Changdev sits down and begins to eat, but mentally he is blaming himself. "Why do I always do this? This is Bangalore, not my village. Here I too can sit at the same table as the sahib! Here everyone can travel in the same buses, eat in the same places, and go to the same cinemas."

Changdev has been living in this city for many years but he has still not forgotten the ways he learnt in his village, where he had been looked down upon because of his 'low' caste. For centuries his people had been forced to clean dirt in the village and work in the houses of the upper castes; they had to live far from the main village; they couldn't pray in the village temple, and couldn't use the village well for water. Even at school, boys of his community had been made to sit separately in the classroom. Changdev still remembers one of his teachers saying, "Why do you bother to study? You are born with a jhadu and you'll die with it."

In the village, it had been unbearable. Changdev couldn't tolerate the daily humiliation, nor could he bear the thought of living the life of a slave like his forefathers. He was forced to give up school at an early age and start working on the landlord's farm. But he remained obsessed with the idea of escaping from his surroundings. One day he heard something that shocked and shattered him. In the district next to his village, about 40 people of his caste had been forcibly blinded because they had refused to obey upper-caste landlords. That very night Changdev ran away from his village. He travelled to different places, staying with relatives, doing odd jobs. But he was lucky. Coming to Bangalore to live with one of his relatives, he learnt a new trade - carpentry.

Today Changdev is a skilled carpenter and has a job in a furniture shop and is now married. It's crowded, dirty and difficult in the city, but for Changdev it is better here. His children go to school. They are baffled when they see him move aside as a smartly dressed person walks past him on the street or sits beside him on a bus. The area they live-in is for only those considered 'lower castes', the upper-castes don't live here even if some of them may be poor. In the locality each sub-caste group has houses in close clusters, everyone follows different gods, celebrates different festivals and sometimes this becomes a point of tension. Unsaid restrictions of exchange of food, water, marriage also exist here but his children are still young to understand all this.

In a city a person is recognised for his work. It is not that there are no divisions here. He has seen how the rich behave with those who clean their bathrooms, toilets. But because Chandev has come from very far away, speaks a different language, the people here cannot guess his caste by his surname. When he goes to work in a rich person's house, they serve water, tea in different utensils and the look in their eyes is not respectful. The main thing is the city is crowded, one can become a nobody. This is what Changdev likes about life in this city.

- Why does Changdev like living in a city?
- Do you agree that people are less conscious of caste in cities?
- What are the different ways used in urban areas to identify a person's caste?
- Do you have friends belonging to different castes and religions?

Caste discrimination

After nearly 75 years of independence and in spite of having a Constitution based on principles of equality and justice, caste discrimination continues to exist in our country. Even today about 71 % of Scheduled Caste farmers are agricultural labourers; that is, they work for wages on land they do not own. (<https://journals.sagepub.com/doi/10.1177/2455328X19898449>)

In urban areas, the hold of the caste system is somewhat looser as a city is too big and too full of different people from all over the country. Living, travelling and working conditions also make it difficult to enforce strict caste rules. We can see the effect of this in an example from a study done in 2011 – it was found that the more urbanised States had a higher rate of inter-caste marriages than their rural counterparts. For example, Maharashtra, Gujarat, Karnataka, Punjab that are more urbanised reported between 15 and 20 % inter-caste marriages, whereas Bihar, Uttar Pradesh, Rajasthan reported under 5 % such marriages. This is a welcome sign and it does point out that caste rules are less strict now in urban centres at least. (<https://www.orfonline.org/expert-speak/can-urbanisation-the-panacea-for-indias-caste-issues-49835/>)

This data indicates comparatively progressive trends in caste relations in urban areas. Does this mean caste discrimination does not exist in cities? What do you think?

Unfortunately this does not seem so. To understand the issue better, we look at analysis of data about violence against Dalits/Scheduled Castes (SC) in urban areas. The analysis is based on records of the National Crime Report Bureau (NCRB). NCRB data of 2016 for Bengaluru; a modern city that boasts of prime IT business, recorded 207 cases of atrocities against Dalits. The situation in the Northern states of Lucknow and Patna is much worse; with 262 and 241 cases respectively, ranking as the first two urban areas in recorded crimes against SCs in 2016. These cases are registered under the Prevention of Atrocities Act (PoA 1989) of 1989.

The Prevention of Atrocities Act, was passed in 1989 because despite passage of forty years after Independence, violence against the socio-economically disadvantaged did not cease and in fact is on rise. Along with the most serious crimes like blinding or killing people as we saw in Changdev's story, there are equally serious atrocities that are specifically directed against SC/STs because they are considered belonging to low social status by those who think of themselves as belonging to higher status. The Prevention of Atrocities Act not only considers crimes causing physical harm but also those that are intended to emotionally and socially dehumanise Dalits, Adivasis. They include using abuses based on caste, forcing people to consume offensive things; throwing excreta, garbage or animal carcasses in their surroundings, forcing them to clean dead animals or to do manual scavenging, forcefully taking away their land, property, sexual abuse, preventing them from entering public places like temples, hospitals, hostels, canteen, or contesting elections, or celebrating festivals, carrying wedding processions, wearing good clothes, humiliating in school or college, preventing from working in occupations of their choice, or renting/buying property, and so on.

The issue is that these acts of hatred are serious. The question is, are there no laws that forbid these crimes? There are different laws including those that are part of the Criminal Procedure code (Cr.PC) which apply to everyone. There are also specific laws banning manual scavenging (manual cleaning of sewers and septic tanks without protective equipment or cleaning of open-latrines). But the Prevention of Atrocities Act recognises that the heinous mentioned above are committed because of caste-bias. The law has many serious provisions against those who commit these crimes.

Despite our Constitution recognising unjust treatment of Dalits and outlawing untouchability (Article 17) attitudes about caste and ideas about impurity have remained strong nearly 75 years after our Constitution came into force. For example; the India Human Development Survey drawing on data for 2011-12 shows that over 27% of Indians admit to practicing untouchability. The rise in crimes against those who are seen as low in caste is in fact because as the Dalits and Adivasis try to get some education and rise economically or oppose age-old caste oppression, they are punished for standing for their rights; just as we saw in Changdev's story when 40 people were blinded for standing against the landlord. Changdev escaped to the city and has found the city life bearable. But are our cities free of caste prejudice? Will he or all others like him have their rights and justice wherever they belong?

Zimmedar Kaun

Rahul sat on the floor, his head resting on his knees. He was in the town jail, arrested for killing a man, and waiting for the judge to hear his case. Why had he killed a man he did not even know? This man was riding his bicycle on his way to the market.

At the same moment, Rahul crossed the road, drunk and unsteady on his feet. The bicycle collided with Rahul and both the men fell on the road in a heap. A heated argument followed and wild with anger, Rahul picked up a stone and hit the man's head with it.

Why had he become so angry? He asked himself this question again and again but could not find an answer.

Note: Let us read the story of Rahul. After reading the story students can then think about why Rahul lost control of himself

Rahul, a friendly, helpful boy, lived in a small village with his mother Savita and his father Rajaram. Rajaram worked for a rich landlord. When Rahul was still a boy, his father got TB. This got worse over the years as there was no healthcare centre from where he could get treatment. Although the Government's TB control programme did give free medicines, patients had to travel to the nearest primary health centre for tests and medication. For Rajaram, this meant travelling 50 kilometres every two weeks - he simply could not afford it.

His health continued to weaken until finally he was fired. This meant that the family lost their home as well because it belonged to the landlord. Rahul was angry at this injustice, but his father managed to pacify him. They built a little hut at the edge of the village, near the garbage dump, and also cleared a small patch of land to grow vegetables to sell in the market.

Around this time a health care programme was started in the village, though there was no trained worker to treat the villagers. A visiting doctor gave free medicines to Rajaram and taught 11-year-old Rahul how to administer these medicines. A quick learner, Rahul soon began to help several sick people in the village. By the time he was 13, Rahul was assisting a team of health workers in the area. He would even go to other villages to help during school holidays.

Some months passed. The vegetable patch provided a small income for the family. Things were getting better and they had even begun to pay back their debts. With a secure roof over his head and two square meals a day, Rajaram's health also improved. However he never fully regained his strength as the treatment had come too late.

Unfortunately, the family's misfortunes were not over yet - Rajaram fell ill with appendicitis and needed surgery. The villagers carried him on a stretcher to the road, and from there took him to the city hospital by truck. 13-year-old Rahul, alone and afraid, accompanied his father. The cost of the surgery was as much as the family's annual income and soon they were reduced to begging.

While Rajaram was away, a wealthy neighbour stole his only ox. When Rajaram asked the panchayat for justice, they accused him of lying and fined him! He did not seem angry, just sad. He said, "That's life, nothing can be done." Rajaram had lost his will to fight and the ability to start all over again - he simply gave up hope. Once again the family was destitute.

Rahul, however, was very angry. The once cheerful young boy was growing up to be a bitter young man, seething with anger at the injustices his family had to suffer. But worse was yet to come . . . When it

was time for his secondary school board examination, for which he had studied very hard, he had no money to pay the examination fee. He asked many people for a loan but they refused since they were tired of lending money to this family. He then asked the headmaster to waive his fees; this too was refused. With no hope left for the future, Rahul became more and more dejected.

He continued to work with the healthcare programme but now he had begun to drink. He was angry with people all the time, even with his friends - picking fights, abusing people and often having to be carried home drunk.

As it is he had grown weak because of the lack of nourishing food, and alcohol further weakened his body and his mind. The day the bicycle hit him, Rahul finally lost control. He killed a stranger over nothing!

What would the judge's verdict be? Today as he awaited judgment, he wondered why all this had happened to him. He knew there was no way the judge would forgive him, although he had suffered many injustices. He knew that he had to take responsibility for his actions. And yet, he continued to wonder . . .

This young man had done so much for the people around him. He was a hot-tempered, but good person. What had gone wrong? Who was to blame? What do you think?

The Fox and The Titu (Quail)

Titu, a spritely little quail, was tired of the constant insinuations and insults of the fox, who considered himself to be very clever and held Titu to be stupid. One day, the argument about who is clever and who stupid, reached a pitch. The fox mocked Titu and challenged her to prove she was clever, by providing him a cooked meal. Tired of the continuous provocation, the little Titu finally decided to teach the fox a lesson he would never forget.

Titu looked around from the high tree she was sitting on, and noticed a woman leaving her house with a basket full of lunch for her family members working in the fields. Titu asked the fox to hide behind a tree on a bundle in the field, while she remained perched atop a tree. In a short while, the farmer's wife carrying the basket came walking towards the field. Titu swooped down close to the woman, feigning injury and hopped on the pathway a little distance ahead of the woman. The woman's eyes lit up with the possibility of a delicious bird for the evening meal.

She put the basket down and ran to catch Titu. Titu continued to remain invitingly close, but out of grasp, in front of the woman, who was still hoping to lay her hands on the limping bird. Finally, when the woman began to tire of chasing, Titu flew away. She returned to retrieve her basket with the lunch, but in the meanwhile, the fox had dug into the basket and eaten the farmer's lunch. The woman of the house faced a tongue lashing from her family members for her foolishness to risk a meal in the hand for a bird in the bush.

The satiated fox met up with Titu a short while later. When Titu asked him to admit that he was outwitted, the fox turned around saying, "Passing the first test was a fluke, and I will admit my inferiority only after you pass the second test." Once again, he racked his brains to find a challenge in which Titu would fail. With a wry smile on his face, he turned to an incredulous Titu and said in a pompous tone, "You passed the first test because I let it happen by placing an extremely easy problem before you." He went on, "This time, I challenge you to make me laugh heartily. Then alone will I accept that you do have some intelligence, though nowhere close to mine. Make me laugh till I drop laughing."

Titu did not feel insecure even for a moment and felt it was an easy challenge. The fox thought he had outfoxed her and was waiting to beat his chest in triumph. Once again Titu scouted around from the branch of a high tree and observed two men walking down the path, one behind the other, with their possessions tucked under their arm and their walking sticks in their hands. One look at the two men, and Titu felt they would unwittingly provide the solution to the challenge posed by the fox.

Titu found a tree stump further down the path and asked the fox to sit and relax, while she made the necessary arrangements for his entertainment. Soon enough, Titu figured out her strategy. She gently perched herself on the turban of the man walking in front and stayed put on his head for a few seconds. Before the man in front could realise a bird was perched on his turban, the man following him thought Titu would make a tasty meal and raised his stick to strike her. Expecting this reaction from the man behind, Titu flew away just as the stick came down upon the head of the man in front.

His turban saved him from a heavy blow but the man in front was so outraged that he turned around and struck his friend on the head in return for the blow. Both of them ended up abusing and assaulting each other, with the aggrieved man refusing to accept the explanation given by his friend walking behind, and itching to give the friend behind a taste of his own medicine. The fox was so amused that he laughed and laughed to his heart's content and fell off the stump laughing. Titu had won the day. Even after the second

episode, the fox refused to treat Titu with respect and said she would have to undergo one more test to prove herself, this time the challenge from the fox was to make him cry. Titu decided to teach the fox a lesson that he would never forget and would never be permitted to forget. Once again, she asked the fox to wait at a selected spot and flew up to a high tree to scout around for a situation which provided a solution.

She came across a group of young men, with their sticks and slings, in search of birds and small animals like rabbits, to flavour their meal. Titu scanned the whole area. After some scouting, she found a spot which could provide her the ideal solution to make sure the fox would never forget this episode.

Out of sight of the hunters, Titu led the fox to a hole in the bund of a paddy field and asked him to sit inside and stay put till she returned. She warned the fox that if he left the spot then the challenge was off. Titu then flew around to attract the attention of the hunters and as in every challenge, she lured them, feigning an injured wing.

Making sure that she was out of range of the stones shot by the hunters, Titu hobbled at a distance. And then, in full sight of the hunters, she hopped into the hole in the embankment, where the fox had hidden himself. The hunters reached the hole and closed the opening with stones just in case Titu would fly off. But she had already slipped out of the tiny opening at the back of the embankment, out of sight of the hunters.

The hunters believed Titu was still in the hole, but they were careful not to put their hand in the hole for fear of snakes or scorpions and decided to smoke the bird out. They collected a lot of dry grass and stumps of the harvested paddy, piled them on the stones and set the grass on fire. As the grass began burning, they began to blow the smoke into the hole.

There was no way the fox could escape from the hole in the rear, and the front hole had the grass on fire, so he coughed and coughed in the smoke till tears streamed out of his eyes. Finally, when he could bear it no more, he jumped through the fire and escaped. In his ordeal by smoke and fire, the tip of his nose and his tail got badly singed.

The fox had learnt a lesson he would never forget. Each time the fox looks behind and notices the darkened patch on his singed tail, he sheds a silent tear at his foolishness and intelligence of the little quail, Titu.

The Ideas of Justice: Historical Overview - Part- I

Around 3500 years ago (around 1792 B. C.)

Remember the story of 'The Titu and the Fox' of the Warli tribe of Maharashtra? In your History classes, you have studied how societies formed – from hunting-gathering to settled agriculture, followed by trade and much later the industrial age, followed by the information technology that has changed the world drastically. But like the Warlies, many tribal communities live in India and all over the world even today. Historical evidence reveals that in early societies while some people had more power than others, there has been relative equality and less hierarchy, with women having relatively equal status, fewer restrictions, and social taboos. Most tribal societies still have a similar social structure.

With settled agriculture, excess production, the emergence of craft centres, and trade, certain groups began controlling agricultural produce, domesticated animals, took charge of larger parts of cultivable lands and began claiming more power. They also kept armed troupes, both to gain more resources as well as confront other opposing groups. More strict divisions began to be made – based on gender where social restrictions were placed on women and economic assets controlled by men by passing property from father to son. As conflicts over resources and territories increased, prisoners of conflict were made to become slaves, and gradually people of a certain colour or physical features were considered different/less important, enslaved, and exploited. Such systems of hierarchy emerged across the world – based on birth. Gradually the institution of formal religion emerged and differences created by powerful humans began being justified as decided by a higher power – God.

Like we often have senior students minding the classroom in the teachers' absence, sometimes an individual took charge of organising everyone else. Such a person was the **Chief** of the tribe or a **King**. The territory over which such a king ruled was his kingdom. Though we do have some well-known queens, it was usually men who ruled. The right to rule often passed from father to son and so the same family ruled for several generations. We call them **Dynasties**. Often such kings became very powerful. Some claimed that God had appointed them to rule on his behalf.

Hammurabi's code of law

In Mesopotamia, the city of Babylon grew very powerful. Their greatest king, **Hammurabi** conquered all the lands around like Sumer, and Akkad. He honoured the traditions of the lands he brought under his authority. He was both a powerful warrior and a perceptive administrator. He was ruthless to enemies, destroying those that defied him. But he also provided unity and stability to his empire by compiling a **code of laws**, or legal standards. The laws that Hammurabi made were enforced all over his kingdom. They were engraved on stone pillars and tablets and placed all over his kingdom. For Hammurabi these codified laws were to strengthen his kingdom, for it to be blessed by the sun god 'Shamash' so that justice "would rise like the sun over the people, and to light up the land." This is the world's oldest surviving law code.

Hammurabi's laws applied both to domestic situations as well as community life. He made laws on many subjects like property, rent, irrigation, medical treatment, etc. If fights broke out among people, the king or the judges he appointed, would hear the cases and **pass judgments**. While Hammurabi made a code of laws it is not necessarily his laws that treated everyone equally. The code was lenient to the richer, 'higher' sections of society and favourable towards men than women. For example; adultery by a husband could go unpunished, but a wife's unfaithfulness was punished by death. At the same time, on

the other hand, the code also offered some protection to women, in a case of an abusive husband the wife could claim divorce and her dowry.

Despite its iniquitous nature, it is for the first time that a standardized law code was set and basic principles were adhered to. One of the main features of Hammurabi's Code was that defendants were considered innocent till proven guilty – a principle of (most) democratic laws. There was a very harsh punishment, the death penalty for false testimony, for witnesses who committed perjury and thus people varied of lying before the court. Setting laws down in formalized code made judges more accountable, instead of passing arbitrary sentences. In this way, the Code upheld the idea of justice as universal and lasting. Hammurabi's Code disallowed personal acts of revenge; this itself can be said to be a noteworthy contribution to law and order in civil society.

Note for teachers: Do use the videos in class if time permits or for supplementary information.

QR Code for the videos



About 2500 years ago. (About 600 years BC)

Historians tell us that in the context of the Indian subcontinent the system of hierarchy based on birth, the '**caste system**' took root about 3000 years ago. Religious leaders divided society into four main Caste categories (and a large section of those who were called the outcastes had no rights over anything). Being born in a particular community decided whether people had or lacked power, social status, right to land, water, knowledge, or the kind of occupation one could choose, choice of marriage, and all aspects of life! (Tribal groups that resisted usually isolated themselves in deep forests and were considered alien or even non-human.) To avoid any challenge; the upper-caste religious heads, popularized the reasoning that the divine powers sent people in this world to suffer or enjoy the deeds i.e. '**Karma**' (**actions**) of so-called past birth. The upper-caste, powerful men maintained that 'good Karma' in past lives meant a person had a privileged, happy life in current life and 'bad Karma' in past births meant a life of deprivation and suffering. Thus questioning injustice based on caste (or gender) would be sinful. Thus exploitation, poverty, the suffering of lower castes, women' or undue privileges enjoyed by upper castes' could be justified.

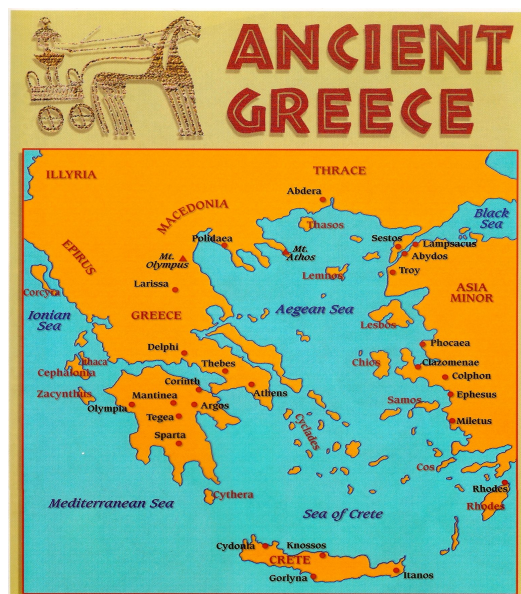
This authority of the upper castes was challenged by some people around 2500 years ago. The most important among these were two upper-caste Kshatriyas who, although born into princely families, renounced the world and preached a new way of life. We know them today as **Buddha**, the founder of Buddhism, and **Mahavir**, whose followers are known as Jains. They believed and preached that everyone born into this world was equal, nobody was impure or pure, good or bad because of past birth deeds. That there was nothing beyond one's current life, and salvation or *moksha* could be achieved by good actions or right conduct in this life itself – kindness, compassion, non-violence, non-accumulation, selflessness. In this way, both Buddha and Mahavir opposed the fundamental inequality on which the caste system was based.

Questions for discussion:

- How do you see the changes in society from early times to settled ones and the change in social relationships linked with the division of power?
- What kind of society would we have if birth determined good-bad, pure-impure, higher-lower? What of justice, and fairness?
- Mahaveer and the Buddha advocated kindness, compassion, non-violence, non-accumulation, and selflessness but what about the idea of justice? Do you think there can be justice without kindness, compassion, non-violence, non-accumulation, and selflessness?

Elsewhere in the World: (Around 400 BC)

We will now travel about a hundred years ahead to another part of the globe. (Use the map to locate the parts of **Greece** and the surrounding area., Use the current map as well.) Scan the QR code to play the video and discuss with help of questions.



Watch this video by Erick Wilberding to help improve your critical thinking -



Questions for discussion:

- What do you see in Socrates' ideas about justice/injustice?
- Why do you think he kept raising doubts and questions even if an answer was available?

- Why was his method of raising questions seen as dangerous? Does it have anything to do with seeking justice?

Poet-saints (*Many years ahead, 7th century to 18th century*)

We come back to the Indian subcontinent and with a passage of a much longer time. While we know about Mahaveer and the Buddha who rejected socio-economic inequality, it proliferated through religion and caste and by denying women their basic freedoms. Education, work, and social status were all tied to one's birth in a particular caste, gender. The 'Shurda' or working castes had very limited rights and the 'ati-shurdas' i.e. those outside the caste had no rights at all and were compelled to do inhuman, unhygienic, physically demanding work without any remuneration. Women had no right to education and very limited scope in decision-making only in domestic space. Traditionally, Brahmins held a key position in society because they were considered the unquestioned authority on knowledge and religion. They read Sanskrit, the language in which the holy books were written, and acted as spiritual guides. They claimed that only they had the right to read and interpret the sacred language and could perform the special rituals for attaining *moksha*.

Around the 7th century onward regions of what we know as Tamil Nadu, Karnataka, Odisha, and West Bengal saw the emergence of new religious sects that reduced the importance of religious rituals and instead focused on Bhakti, devotion to god. From the 11th century onward in particular, what we know as the **Bhakti movement** emerged particularly in the Karnataka region and then spread to Maharashtra, Gujarat, Rajasthan, Uttar Pradesh, Punjab, Haryana, and Sindh (now in Pakistan). The *Bhakti* (devotional) poets belonged to different sections of society. While some of them were from the privileged upper castes most were mainly from the 'lower castes'. All of the poet saints opposed the Brahmins for claiming the role of mediators between them and their beloved God. They saw God as an embodiment of love and compassion, like a mother or a friend, rather than someone who punished people for wrong deeds committed in their past lives. They insisted that to reach their God, they did not need complicated rituals or the use of Sanskrit. They used commonly spoken local languages and wrote spontaneous poetry expressing their feelings. They demanded an equal place not only for 'lower castes', but also for women. They attracted a great following among the common people.

Over the next few hundred years, *Bhakti* traditions spread to various parts of the land. Their impact was especially felt in South India, Bengal and Maharashtra. Poet-saints like Andal from Tamilnadu, Basavaraja, Akka Mahadevi from Karnataka, Jayadev from Odisha, Eknath, Namdev, Chokhamela, Janabai, Dnyaneshwar, Tukaram, Gora Kumbhar in Maharashtra, questioned the discrimination practised in the name of caste, gender. Some of them like Tukaram were tortured by the upper castes, their poems/verses destroyed and had to pay with their life.

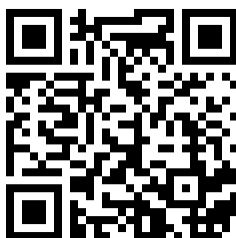
Similar challenges arose to the caste system in Central and North India, in Rajasthan, Uttar Pradesh, Punjab and Gujarat. Poets like Ravidas and Kabir influenced many others. Saint Kabir sought to combine the teachings of Islam and Hinduism but questioned the anti-rational and exploitative, hierarchical practices amongst both. Guru Nanak, the founder of Sikhism, and Mambaji, the founder-saint of the Bishnoi sect, Bulle Shah (from Sindh, Pakistan) were greatly influenced by the progressive elements of Islam and their teachings reflected the humanitarian elements of both Islam and Hinduism. Similar to poets in Maharashtra who revered the 'black god' Vithoba (a deity claimed to be an avatar of Vishnu) Mira bai and Narsee Mehta adopted Krishna bhakti to spread the message of non-accumulation, love, peace, and wellbeing for all and held closely by the lower castes.

Some examples of the poems composed by the saints.

- Earth is one and the same
For pariah¹ street
And Shiva temple;
Water is one and the same
For washing dirt and ritual cleaning;
All castes are one
For a man with self-knowledge... (*Basava Raj*)
- “*Je Ka Ranjale Ganjale, Tyachi Mhane Je Apule, Tochi Sadhu Olakhava, Dev Tethechi Janava*” (Sant Tukaram)

(The destitute and the downtrodden, those who consider them as his own, He alone is to be recognised as Saint, God is to be experienced only therewith)

For supplementary viewing:



You can scan the QR code to listen to a Doha by Kabir sung by Shabnam Virmani:



Questions for Discussion:

- The poet-saints invoked love, compassion, peace like Mahaveer and Buddha and some of them also directly criticized injustice. Can you think of possible reasons why they may have done this?
- Why do you think maybe the reasons that most poet saints came from ‘working’/exploited castes (like gardeners, tailors, tanners, weavers, potters, village bonded labourers)?
- Why do you think women also entered the Bhakti movement, going against restrictions of family and community boundaries?

¹ A ‘outcast’ in south India.

The Ideas of Justice: Historical Overview - Part II

In the last discussion, we began with early civilizations and travelling through times reached around the period of 16th-century in the Indian subcontinent.

Introduction

The sub-continent was ruled by different kings. Mughals controlled mainly Northern and central parts, Sikhs ruled Punjab, Rajputs in Rajasthan and Gujarat, and Marathas in Maharashtra and parts of central and Southern areas, in parts of South there were Nawabs and local Rajas, North East was controlled by different local tribal Kings. These different kingdoms were continually at territorial war with each other for lands and resources. We know that in the Indian subcontinent land is diversely endowed with natural wealth, it is cultivated by farmers and a great wealth of crafts are created by artisans. The trading community was always in a relationship of mutual exchange with places far away from India. But the advent of Islam and the 'Islamic Golden Age', when new ideas and knowledge in different fields flourished. It gave rise to new technology particularly the development of mathematics, medicines, astronomy, map-making Inventions like the 'Astrolabe' facilitated inter-continental maritime trade and greatly expanded the ancient sub-continental trade to China, Africa, Arabian countries (popularly known as 'middle east' i.e. the transcontinental area between Western Asia and Egypt), and even Europe. The agricultural produce and the crafts, mineral wealth, precious stones and metals, were highly sought and attracted traders from across the world. It was one of the wealthiest places at the time. Traders from far and wide were attracted to these lands, seeking licenses for trading.)

Western Invasion

We have studied how society rested on the power of the king and religious heads. In Europe the king and the church set the rules favouring the rich, wealthy landlords. Roughly around the 11th century or so wealthy merchants, mainly in Europe, began organizing journeys to faraway lands to buy goods they could sell for great profits. Gradually as the profitability in trade increased, kings also began investing in these 'expeditions' and this gave added advantage to European traders. This increased exposure to other cultures and over some time it helped light a spark of new ideas.

In school, we have studied the '**Renaissance**' and the **scientific discoveries**, and the spread of information and ideas through inventions of the printing press, telescope, etc. In school, we have also studied the challenges of the reign of kings and the church. One important example is the **French Revolution** which gave rise to the ideas of individual rights to freedom, dignity and equality. The Renaissance opened the minds of people and raised questions, looking for alternative perspectives other than those explained by the Church. People began rethinking about traditional social structure, values and looking afresh at natural phenomena giving rise to technological discoveries, artistic creations and new philosophical, and ideological perspectives. '**Rationality**' replaced 'religious faith' as an accepted way of life. The technological might propelled travel and trade to lands further away to source raw materials as well as led to what we know as the '**Industrial Revolution**'. While new ideas brought new technology, we also know that the difference between the rich and poor remained, and the exploitation continued. What changed is the **consciousness, the ideas of justice, freedom, and equality** and therefore workers fought against exploitation and this gave rise to many rights we have today - for workers, for children, for women...

Questions for discussion:

- *How do you see the changing relationship between travel, trade and change in ideas/thinking?*
- *While the age of reason brought in ideas of freedom and justice for all in some parts of the world, Industrialization also led to the concentration of wealth and continued exploitation of the poor, workers, and even children - what do you think about this?*
- *Do you think if the ideas about life had not changed from focusing on religion to focusing on equality and freedom; people would have fought for Workers' Rights or children's Rights during 'Industrial Revolution'?*

Colonisation

In the discussion about these developments, one important factor that is often not acknowledged is the element related to geography. The inter-continental trade (between parts of Europe, Africa, China, South Asia, and South-East Asia), while dominated by certain European and middle-eastern powers, existed on a relatively equal level till the end of the 1400s. The Spanish expedition by Christopher **Columbus and his making landfall in the Americas in 1492** changed all this – the world expanded to include hereto unknown geography, an entirely new continent, resource-rich and without competition from established large kingdoms. The proximity of the Americas to Europe gave European kings and traders the added advantage of access to massive, bountiful natural resources. Their dependence on faraway lands in Asia and Africa for minerals and natural produce gave them a double advantage, as their raw material supplies could now be easily accessed from the Americas. **The capture and colonization of the Americas**, establishing a large colony in North America (today's USA) gave the Europeans the upper hand in commerce is one of the key reasons that turned the wheels of the 'Industrial Revolution in Europe; and in turn dominance in trade, technology, to control production and marketing across the continents including Africa, middle-east and Asia. The traders and merchants who earlier requested and appealed to local kings for licenses and permissions for new commerce, launched wars to **seize local territories and establish colonies**. They also captured, **enslaved** and traded less aggressive people from Africa and South America as free-labor, developed war technology and launched battles against those who resisted their dominance. In the Indian subcontinent the '**Battle of Plassey**' became the watershed event that helped the **British East India Company** consolidate their military hold on crucial areas so they could completely control raw materials and markets. Gradually the British East India Company by use of superior war technology and a trained army gained political control over different parts of the subcontinent, subjugating the local kings and compelling them to accept rules of agriculture and trade. One of the examples is the control of salt.

Salt Tax

We look at salt as a common commodity and popular belief is that it should be consumed in less quantity. While this may be the case; salt is an essential mineral that helps maintain the balance of body muscles, brain-function and = lack of salt can lead to death. Since ancient times it has been used for curing and preserving meat as well for medicinal purposes. Since it is seasonal and not easily available; rulers from ancient times have controlled the **salt trade** by imposing the '**Salt Tax**'. Scholars agree that the word 'salary' is derived from the 'salt allowance' paid to Roman soldiers as part of their wages. Money from salt tax in ancient China helped build parts of the 'Great Wall'.

In the context of European colonization of the Indian subcontinent, the British East India Company too imposed a '**Salt Tax**' **from 1762** in and around Bengal provinces and as their territorial control expanded they made it even more stringent in 1835. It was made even more severe to increase British revenue after the British Crown took political control in 1858. The British imported large amounts of salt from Britain to benefit markets back home and prevented Indians from making and trading in salt. Strict laws were enacted against the production, storage, transport, and sale of tax without a license from the government. Any premises could be searched without prior notice or 'warrant' and breaking laws led to

six months imprisonment. Salt became a precious commodity, particularly for the poor leading to malnutrition and death.

The essential commodity that people produced, exchanged and consumed from indigenous resources was now out of their reach.

Questions for discussion:

- *What do you think about the colonial western nations controlling minerals, produce, and labour of regions/countries in Asia, Africa, South America, etc? Do you think this control in India ended after we got our Independence or does it continue?*
- *Should people of a region/country have the freedom to decide what to plant, sell, and manufacture, freedom of movement, and right to privacy? Why?*

Education

While we know the exploitation and repression of British rule in India (and the **era of Colonialism** by European powers elsewhere in the world) there were aspects of the British rule that brought in **positive changes** in Indian society. This is because back home in Britain the Renaissance as we saw earlier; led to changes in the social and political fabric of society. Rule of people, based on democracy, replaced the reign of Crown and Church, individual freedoms were being valued, the position of women was changing, ordinary people resisted the exploitation by millowners and brought in laws to protect workers. The idea of childhood was also changing (from 'extra hands' in agrarian, feudal society or cheap labor in factories); childhood was being recognized as a phase of life to be nurtured, protected, carefully developed to become free individuals and democratic citizens. Some of these ideas also filtered in the policies about the occupied Colonies. Education as the British saw it was one of these ideas. And different sections of Britishers saw its function differently. Some looked at it as a necessity of 'civilizing an uncivil population, some others as a necessary investment to create a class of local administrators and a few also looked at it as an essential instrument of positive social change. So, education introduced by the British aimed both; to change Indian society culturally, as well as to create a force of able local subordinate administrators.

This was one of the biggest changes that acted as a catalyst for other **social changes** and finally kindled the **political awakening** for rights and freedoms in Indian society. Unlike the Pathshalas and Gurukuls that prevented knowledge to the so-called lower castes and girls; (the Madrasas and Maktabas too prevented girls' education) the British-supported schools were open to all, irrespective of caste, religion or gender.

Most 'upper caste' boys took advantage of this education so that they could get government jobs. Later, people from other castes, including some 'untouchables', also tried to get education and in face of great resistance by the Brahmins they persisted going to schools, often being made to sit outside the classroom. . But even though few of the 'lower castes' and the 'untouchables' now had some access to formal education, the attitudes of the 'upper castes' did not change. An example, taken from the memoirs of a British Education Officer of those times, will give you an idea of how caste discrimination continued in schools.

During a routine visit to a government school near Pune, the officer observed a class conducted by a Brahmin teacher. The 'upper caste' pupils were seated far away from their 'lower caste' counterparts who were very few. The teacher had a long, sturdy cane with him, which he did not hesitate to use. There was also a large heap of stones kept near the teacher. When asked about the stones, the teacher explained, "When I need to beat the higher caste children I use this cane, but if I use the same cane to beat these shudras my cane will get polluted, in turn polluting me and my upper caste pupils. So when I need to punish them, I throw a stone at them. Often I miss the aim and so I need this large heap of stones with me."

Such was the situation about 150 years ago. But change was slowly happening despite these odds.

Reformers

One important reason for the change in social attitudes was the work done by **social reformers who struggled to make people aware of the injustice of caste and gender**. Many educated people from both 'upper' and 'lower' castes understood that for the development and freedom of their land, it was necessary to break the shackles of unfair customs. Nearly one-third of India's people suffered a fate similar to that of Eklavya from the Mahabharata. But some began to challenge their situation and said, "No, I will not tolerate this!"

One of the foremost crusaders for the rights not just of the 'lower castes', but also of women, was Mahatma Jyotiba Phule from Maharashtra. Jyotiba Phule was the son of a gardener. Although born in a family that was considered to be 'lower caste', he was able to acquire formal education in schools run by the British government.

Realising the discrimination that 'lower caste' children had to suffer in regular schools, Phule started the first ever school for 'lower castes' in the year 1854. It was located in Pune, Maharashtra. But no one was willing to teach in this school. So Phule educated and trained his wife Savitribai, who began teaching here. Savitribai's work was not easy. On her way to school, the orthodox brahmins in the locality would pelt stones at her, and shower her with cow dung and curses. But she continued her mission. She was supported by others like Fatima Sheikh. The couple faced many economic and social hardships but did not give up their work of educating women and the 'lower castes'. Phule also founded the Satya Shodhak Samaj as an alternative to Hinduism and was responsible for many legal reforms banning child marriage and caste discrimination, and promoting laws for widow remarriage.

Like Phule, others in different parts of India also challenged the caste system. One such person was Ramaswami Naicker of Tamil Nadu, who came to be known as '**Periyar**' or 'Mahatma'. Although not born into a 'low caste' family himself, Periyar questioned the unjust and inhuman basis of caste. He founded the Self-Respect Movement and dedicated his life to fighting for justice for the 'lower castes' and women.

Jyotiba Phule's efforts for education particularly for the poorer sections of society can be summed up in a couplet he wrote:

"Vidyevina mati geli;
mativina neeti geli;
neeti vina gati geli;
gativina vitta gele;
vittavina shudra kachale;
itke anartha eka avidyene kele."

"(Lack of education/knowledge, robs a people of the power to think,
Without the power to think, a person cannot have discerning, ethical reasoning,
Without the ability to reason, one cannot progress in life,
Without the ability for self-development, one cannot have economic power,
Lack of economic power, has repressed the Shudra castes,
Such is the catastrophe brought by lack of knowledge"

In 1882, Phule submitted his testimony to the Hunter Commission, i.e. the Indian Education Commission, to demand that the government take full responsibility for the education of all children (at

least till the age of 12 years) irrespective of their caste, gender, religion, or socio-economic status. It must be understood that while Phule successfully ran a school in Pune, he knew that individual efforts based on charity were not enough to reach the large masses. Education needed resources and the poor could not afford the costs or families would not spend for girls' education thus only the government could do this by using the revenue and taxes it collected from the public in India.

(<https://velivada.com/2015/04/08/rashtrapita-jotiba-phules-memorial-address-to-the-education-commission/> or scan the QR code to read more about this)



While his demand was not implemented it paved a way for the struggle for the universalisation of education based on public funding. **Education, what is to be taught, how, and what the purpose of it should be also became an important point of reference in the Indian freedom struggle.** The spread of education, however limited, gave rise to the ability to critically understand the way the British ruled India and how they ruled in their home country. As the awakening against the British began, so did the severity of the repressive measures.

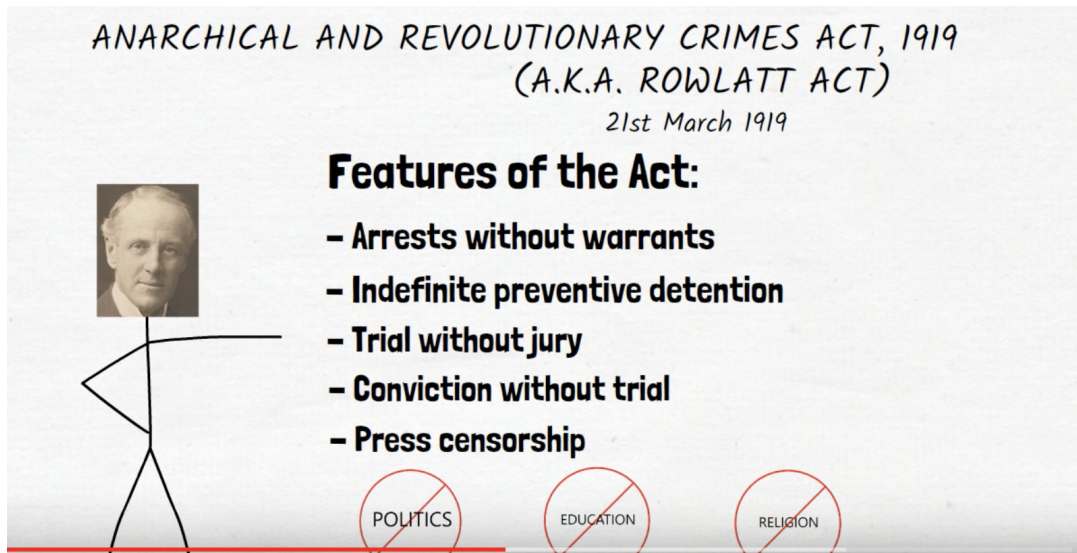
The Rowlatt Act

Let us see one of the darkest examples of British laws and people's response to it. Scan the QR code to watch the video.



Questions for Discussion:

- Look at the different provisions of the Act: Do you think all of them are directed only at curbing violent protests?



- Firstly; the Rowlatt Act was a revised version of the 'Defence of India Act, of 1915'. Why do you think this Act was brought in by the Britishers? The First World War has fought far away in Europe – why were Indians subjected to legislation to curb their possible opposition?
- The 'Defence of India Act, of 1915' was passed in the Imperial Assembly in British Parliament and applied to only the Indians (not to Europeans residing in India). It was also supported by Indian members. Who did these Indians represent? Why do you think they chose to support legislation taking away the rights of Indian citizens?
- Both the 'Defence of India Act, 1915' and the 'Rowlatt Act' were conceived by a committee on 'Sedition' which means 'treason' and 'disaffection or disloyalty to the State' (any nature of the act or thought that questioned the British Government). Do you think it was fair for the foreign government to expect citizens of India to be loyal and devoted to them?
- The video ends with two questions: '*Do you think the Rowlatt Act was really necessary to use against peaceful protesters?*' Or *Do you think the Rowlatt act prevented major acts of violence in India at that time?*' – What do you think?
- We see people's reaction to the 'Rowlatt Act' and how the British administration responded. How do you compare the two?

Dandi March 1930

We have familiarized ourselves with the Salt Tax. Many leaders of the Independence movement and the Indian National Congress constantly opposed the salt tax from as early as 1885. Gandhiji who was at that time living in South Africa also opposed the Salt tax in India by writing about it for the first time since 1891. The movement for Independence against the British went through different phases – like the ebb-and-flow or the waves, like the high and low tide of the sea. The mid-twenties was a period of lull, but the early 1930s saw the tide rising – with the **Salt Satyagraha, the Dandi March that Gandhi ji** started on 12th March 1930 from Sabarmati Ashram, Ahmadabad, to the sea shores or south Gujarat, at Dandi. Our textbooks have details of this. The Independence movement from the 1930s saw a rising tide of resistance from all sections of society – all castes, religions, men, women, the better off and poorer ones, in cities and villages. It did not limit itself to political independence but took up the issues of inequality of caste and the rights of women as well.

Concluding Remarks

To summarize, It is from these different events and forces that our struggle for Independence is shaped. This session concentrated on events in India concerning the world. The period we looked into laid the foundation of our Independence. The unfair policies; the repression of a foreign rule, as well as the changes they brought about, the systems they established, became a reference point for our leaders to chart the course ahead when we finally gained Independence. It is during this period our nation experienced injustice, sought clarity about our society, and formulated our ideas for justice. In the forthcoming sessions, we will look at these issues more closely.

Making a constitution for the family

Read the description given below:

Imagine that you are a member of a big joint family with members across generations. So far, this big family was being ruled by the old grandfather, Ravi who acted like a patriarch. He owned all the land, houses and business of the family. He had one big mango orchard, three houses, lands that are used for cultivation, and barren lands. His business includes one factory, four shops given for rent, three cars, one two-wheeler, and one bicycle. All these properties were ancestral.

He had four children, two sons and two daughters, Suresh, Chetna, Uma and Namdev in the order of birth. The eldest of all siblings, Suresh, the first son, helped the father in running the factory. He is married to Sunita and has three grown up sons. Two of them assist the father and grandfather in the family business, while the eldest is a drunkard. The second son, Namdev, who is the youngest among the siblings, had an intercaste marriage with Vandana and was asked to leave the house. He worked with a private firm in a different city and died. His wife Vandana teaches in a government school. They also have two children, a daughter and a son. The daughter is pursuing medicine and the son is in class 10. Chetna, the elder daughter, is married to Shyam. They are IT professionals, and work in Seattle, USA and are Non-Resident Indians. They have one son and are planning to return to India, start a firm and settle here. Uma is unmarried and stays in the ancestral house. She performs various domestic responsibilities. She earns some money by making pickles and papads. Before his death, the grandfather, Ravi was bedridden for some years due to illness. He was served and taken care of by the family's loyal servant Chandu who has two daughters. (adaption of the story used by Prof Krishnakumar, Former Director NCERT)

After Ravi's death, the family has to develop consensus about the following

| Questions | Responses |
|---|-----------|
| 1. What principles should be followed to decide the distribution of family property among the different members of the family and should any part of the family property be shared with Chandu? | |

| | |
|--|--|
| <p>2. Who can participate in taking the decisions about the family and in case of an emergency, how will a decision be taken and who will have the powers to take decisions?</p> | |
| <p>3. What will be the rights of all the family members and servants?</p> | |
| <p>4. In case of any dispute, who should be approached to resolve the conflict and take a decision?</p> | |

5. Write your arguments on behalf of the person the student is representing.

Samvidhan

Watch the episode 3 of Series Samvidhan in the class and answer the following questions. You can watch it here:



| Questions | Responses |
|---|-----------|
| 1. What did Ambedkar say about the right of the government to arrest and detain any person without trial? | |
| 2. What are the provisions advocated by Rajkumari Amrit Kaur and Hansa Mehta? | |
| 3. According to Somnath Lahiri, from whose perspective are many of the fundamental rights framed? | |

Institutions at work in the implementation of fundamental right, RTE

Read the text and answer the questions that will be discussed in class.

TEXT 1: Section 2(n) of Chapter 1

*(n) "school" means any recognised school imparting elementary education and includes—
(i) a school established, owned or controlled by the appropriate Government or a local authority;
(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
(iii) a school belonging to specific category; and
(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;"*

TEXT 2

Clause 12:

12. Extent of school's responsibility for free and compulsory education.—(1) For the purposes of this Act, a school,—

(a) specified in sub-clause (i) of clause (n) of section 2 shall provide free and compulsory elementary education to all children admitted therein;

(b) specified in sub-clause (ii) of clause (n) of section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five percent.;

(c) specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent. of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:

Provided that where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education."

Identifying provisions and actors for admission in Delhi under Clause 12(1)(c)

| Questions | Responses |
|---|-----------|
| 1.What are the different authorities referred to in paragraphs 3 and 4 of these guidelines that recognise private unaided schools? | |
| 2. According to paragraph 7, what documents must the students submit to get admission in this category, and who will issue these documents? | |
| 3.What authorities/institutions are involved in issuing necessary certificates to decide eligibility (see paragraphs 7 and 8)? | |
| 4.Who will answer the questions and complaints regarding admission (see paragraph 11)? | |
| 5.Who has issued these guidelines? | |

A complaint about the implementation of the RTE Act filed before DCPCR

| Questions | Responses |
|--|-----------|
| 1. Name the different institutions and actors involved in implementing the RTE Act as mentioned in the above description of the complaint. | |
| 2. Why did the RTE Act appoint an authority to monitor its implementation? What would have happened if such authority was not appointed in the Act? | |
| 3. In this story, DCPCR issued a notice to the school, and the entire process of the decision took some time. Why the DCPCR could not have directly ordered the school to admit the child? | |
| 4. Recall the story of the vegetable seller Yasin discussed in an earlier session. What are the similarities and differences between these two stories? | |
| 5. In what ways do the above stories, and the institutions involved in them relate to justice? | |
| 6. Have you witnessed any situation where any institution or policy was unjust? What are the rights given by the Indian constitution and the means available to the citizens in a democracy like India to oppose injustice initiated by any institution or a policy? | |

Module Project

Instructions for Project:

We have been trying to understand ideas about Justice and how our Constitution came to be, how it has provided a blueprint to shape our democracy, to understand how our society is to be supported to remain a vibrant democracy, and how the institutions should be structured, how they should function to address needs of diverse sections of society, what citizen's rights are, who is responsible for ensuring our rights, etc. All this enables our elected representatives to formulate specific laws.

We have tried to familiarize ourselves with different aspects of our Constitution and the Rights it guarantees. One of the rights that has been ensured through law is the 'Right of Children to Free and Compulsory Education Act, 2009'. We will develop a project in groups based on critical analysis and aspects of the implementation of the 'Right of Children to Free and Compulsory Education Act, 2009'. Two options of topics for the project are given below along with instructions/guidelines about the group work.

Implementation of the RTE Act is binding on different government institutions (Zilla Parishad in rural areas, or Tribal Development Department in tribal areas, Municipal Council in small urban areas and Municipalities in metropolitan areas, besides these the Central government, the State governments and Governors or Union territories) are responsible for ensuring that schools are available for all the students. These schools are to be established, run as per the norms and help children to learn.

The RTE Act has laid out different provisions and education has to be conducted accordingly. There is also a 'Schedule' at the end of the Act which specifies certain standards for implementing different aspects of the law.

The options for the project are as follows:

Option 1: Children's Right to Early Childhood (Preschool) Education:

The RTE is aimed at children in the age group of 6 to 14 years. But we know that children need **preschool education**, where they play together, sing, draw, sometimes learn basic reading, counting, play with objects to gain control of movements, and learn to adjust with others their age, outside their family. Scientific research in the field of child development marks this age to be crucial for a healthy life, as a key foundational phase for the development of the brain and body, and a healthy, active childhood with nutrition and appropriate stimulation for the brain is essential.

Our Constitution in its Article 45, 'directed' the State (appropriate government agencies) to ensure that children between the age group of 0 to 14 years i.e. from the time a baby takes life in the mother's womb to 14 years should have 'fundamental' right to education by enacting a law. But when the Constitution was amended (in 2002) to convert the 'Directive Principle 45' as a Fundamental Right to Education, the age group of 0-5 years was excluded. There is a scheme called Integrated Child Development Scheme (ICDS) for young adolescent girls, pregnant mothers, newborn babies, toddlers, and young children to support their nutrition and health support, and play-groups for Anganwadies, **pre-school education** is not addressed for children between the age of 2.5 to 6 years through is not sufficiently provided. This makes the foundation of childhood and education vulnerable, and weak.

Keeping this background in mind your group will do the following task

Let the students discuss the topic in respective groups and make notes of the discussion points. Each student will also write the letter individually. The group representatives will collect the letters of each of the group members and submit them to the teacher.

The group will:

- Discuss the need for including children in the age group of 0 to 6 as a crucial group of children in the Fundamental Right to Education./Do you think children between the age group of 0 to 6 should be included in the 'Right to Education Act? Explain your reasons.
- The letter can be addressed to the following authorities:
 - i) The Education Minister of India
 - ii) The Law Minister of India and
 - iii) President of India.

NOTE: The students can use Chrome books to get better awareness about different authorities to whom the letter can be addressed.

Option 2: Quality of Mid-Day Meal:

This is an imaginary scenario.

Many women's self-help groups from a locality nearby have been assigned contracts by the Municipal Corporation for preparing and serving Mid-Day Meal (MDM) to the designated Municipal Schools in the area. The norms of the Mid-day Meal are as per the RTE Act as well as the National Food Security Act, 2013 (NFSA 2013) can be accessed here:



Read section 5,6,7 of chapter 2, chapter 3, section 15 of chapter 7, section 33 and 34 of chapter 13 (attached later in this handbook)

You have learned that the food supplied by the groups in the locality to designated schools in the area is poor in quality (very little dal and vegetables in khichdi or the same vegetables used all the time, for example, potato sabji or white matar sabji which is very watery,) and the quantities are also insufficient (not enough for all students). You decide to make enquiries about this problem and accompany teachers visiting the women's groups who are making and supplying the food to your school. The women's group members admit that they are not doing their best. But they give you a list of their problems, which are the reasons behind the poor and insufficient MDM. They show you their records that they have not been given the expenses, the money they have already spent in the last six months. They also complain that more often than not the quota of grains, daals, etc. that is delivered to them by the contractor assigned by the government has less bags of daal-rice, etc. They have complained to the concerned authorities but nothing has happened.

Your Task:

- Discuss the problem in the group.
- Read relevant sections of the National Food Security Act, 2013 (NFSA 2013) that apply to the school MDM scheme.

- Let the students in groups discuss the topic in groups and later they can write the letter individually to different authorities (the matter in the letter can be in simple language or maybe in bulleted points).
- The group representatives will collect the letters of all the group members and submit them to the teacher.
- The letter can be addressed to the following authorities:
 - i) The National Commission for Protection of Rights of Children,
 - ii) The Delhi Commission for Protection of Rights of Children.
 - iii) Commissioner, The State Food Commission
 - iv) District Grievance Redressal Officer.

NOTE: The students can use Chrome books to get better awareness about different authorities to whom the letter can be addressed.

Extracts from The National Food Security Act, 2013

CHAPTER II

PROVISIONS FOR FOOD SECURITY

Nutritional support to children.

5. (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local anganwadi so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and anganwadi shall have facilities for cooking meals, drinking water and sanitation: Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

Prevention and management of child malnutrition.

6. The State Government shall, through the local anganwadi, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

CHAPTER III

FOOD SECURITY ALLOWANCE

Right to receive food security allowance in certain cases.

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

District Grievance Redressal Officer.

15. (1) *The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.*

(2) *The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the State Government.*

(3) *The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.*

(4) *The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.*

(5) *The officer referred to in sub-section (1) shall hear complaints regarding non distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.*

(6) *Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.*

(7) *Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government*

CHAPTER XIII

MISCELLANEOUS

Penalties.

33. *Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees: Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.*

Power to adjudicate

34. (1) *For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.*

(2) *While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to*

the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

Cluster V Module 2: Lawyering

Credits

Module Conceptualization, Authoring and TPD sessions:

Ritu Lamba, founder, Things Education

Sneha Chandna, Independent consultant

Niharika Dadoo, Independent consultant

Research and Coordination:

Vijay Krishna, Founder, Bhavishyath Counselling

Himanshu Pippal, Project Manager, Bhavishyath Counselling

Student Planner

| Session | Topic | Objectives and Description | Readings |
|---------------|---|---|------------------|
| Week 1 | | | |
| Session 1 | To comprehend the meaning and functioning of the judicial system | <p>- To learn about the judiciary (also known as the judicial system or court system) as a court system that interprets and applies the law on behalf of society.</p> <p>- To learn about the role and significance of lawyers in the courtroom.</p> <p><i>This session is concluded when the teacher informs students that the Judiciary is a court system that interprets and applies the law on behalf of the state. The teacher will also inform students that the judiciary is a means of resolving disagreements and conflicts between citizens, citizens and the government, or two governments.</i></p> | |
| Session 2 | To understand the importance and purpose of an independent judiciary. | <p>-To help students understand the concept of Independent Judiciary.</p> <p>-To help students learn about the independence of Judiciary and “Rule of law”.</p> <p><i>During the session, the teacher will present a scenario demonstrating how justice cannot be delivered if the judiciary is not independent. The teacher leads a discussion based on the situation and concludes that India's court system is designed to be independent of powerful people's influence.</i></p> | Appealing A Case |
| Session 3 | To gain a better understanding of the various branches of the legal system. | <p>- To understand the two branches of the legal system - civil and criminal.</p> <p>- To understand that there are other jobs outside of a court that are open to graduates of law.</p> <p><i>The third session will contemplate how to provide high-quality, cost-effective legal services. Legal service delivery is a</i></p> | |

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| | | <i>complex process that typically necessitates teams of skilled professionals. As a result, many legal jobs necessitate a diverse set of skills, experience, and education.</i> | |
| Week 2 | | | |
| Session 4 | Soft Skills of a Lawyer | <ul style="list-style-type: none"> - To help students understand the various fields of law. - To help students learn about the main duties of a lawyer. - To help students practise skills of managing conversations with clients. -To help students understand the various stages of a legal case. -To help students experience the real feel and the tone of a real case in the courtroom. <p><i>Week 2 begins by the activity "Fields of Law," the teacher creates two chart papers with four terms written in large font: Criminal Law, Environmental Law, Property Law, Family Law, Civil Rights Law, Labor Law, Intellectual Property Law, and Corporate Law.</i></p> | <p>Fields of law</p> <p>Mastering client conversation</p> <p>Mastering Client Conversations About The Case</p> <p>How civil cases progress</p> <p>Stages of a case</p> |
| Session 5 | Technical Skills of a Lawyer | <ul style="list-style-type: none"> - To understand the objectives and format of bare acts in India. - To explore the technical skills of legal reading and research. - To learn the contents of some common legal documents. - To explore the technical skill of drafting legal documents. <p><i>The second session focuses closely on reading Acts and drafting documents are two of a lawyer's basic technical skills.</i></p> | <p>The Indian penal code Reading A Bare Act.</p> <p>Sample plaint & sample written statement/</p> <p>Draft plaint & draft written statement.</p> |
| Session 6 | Practitioner Session | <ul style="list-style-type: none"> - To interact with an experienced practicing lawyer. | <p>Law of Torts.</p> <p>Structuring the</p> |

| | | | |
|---------------|--|---|--|
| | | <ul style="list-style-type: none"> - To understand the preparation needed for and the process of cross questioning. - To formulate & ask clarifying questions about the work and day-to-day life of a lawyer. <p><i>Session 3 continues with an invitation to a practising lawyer (litigation law) to join the class in person or virtually. The practitioner discusses their professional experiences as a lawyer. The lawyer is specifically asked to concentrate on the art of cross-examination.</i></p> | arguments. |
| Week 3 | | | |
| Session 7 | Innocent Until Proven Guilty & Burden of Proof | <ul style="list-style-type: none"> - To understand that law is the codification of the moral principles and standards of a society. - To understand the legal principle 'Innocent Until Proven Guilty'. - To understand the legal principle of 'Burden of Proof'. <p><i>During week 3, the teacher informs students about designing their own legal system for their school and explains to students that the legal system is founded on strong moral principles and everyone is entitled to fairness and justice.</i></p> | <p>Questions for legal principles.</p> <p>Hyderabad Encounter.</p> |
| Session 8 | Proof Beyond Reasonable Doubt & Mens Rea | <ul style="list-style-type: none"> - To understand the legal principle 'Proof Beyond Reasonable Doubt'. - To understand the legal principle 'Mens Rea'. <p><i>Session 8 focuses on familiarising students with the "Indian Penal Code, 1860." The teacher assists the students in tracing some definitions of crimes from the Indian Penal Code, such as "theft."</i></p> | <p>The OJ Simpson Case.</p> <p>IPC Definitions.</p> <p>Mens Rea.</p> |
| Session 9 | Fair Representation & Reasoned Judgments | <ul style="list-style-type: none"> - To understand the legal doctrine "Fair Representation." - To understand the legal doctrine "Reasoned judgments." | |

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|---------------|--|---|--|
| | | <p><i>Session 9 starts by assigning the students one legal principle in each group. Teacher encourages the group to debate the assigned legal principle.</i></p> <p><i>The teacher also encourages each group to present their understanding of the legal principle in a few sentences.</i></p> | |
| Week 4 | | | |
| Session 10 | Understand the rationale and values of lawyering | <p><i>Session 10 prepares students in composing their first draft of stories. Students may also work in groups to create collaborative story projects. Nuances of writing, overcoming writer's block and the importance of revisions and editing are introduced to them. Students now synthesise the ideas from weeks 1-3 to create story-worlds that are detailed, incorporating narrative features to create memorable tales.</i></p> | |
| Session 11 | | <ol style="list-style-type: none"> 1. Students see that their work improves significantly through multiple iterations 2. Students visualize their final performance and work back to identify logistical or other requirements to reach their goal 3. Students work well in a team and all members of the team participate <p><i>The process of editing continues in this session, as students experience the way their stories improve with peer and teacher feedback and multiple iterations. Students also begin preparing for their final performances, actively incorporating the relevant elements of stories, world building, detailing through descriptors and commentaries.</i></p> | |
| Session 12 | | <ol style="list-style-type: none"> 1. To experience performing/presentation 2. To experience fulfillment and accomplishment of bringing a piece of storytelling to life 3. To get good feedback on their performance | |

| | | | |
|--|--|--|--|
| | | <p>4. To get validation for their efforts, to gain confidence, and to feel positive about their experience of the project</p> <p>5. To learn from the ideas and approaches of the other groups</p> <p><i>The final session is a sharing and feedback session where students perform/present their stories. They listen to each other and give constructive feedback based on elements and stylistic features of the narratives that can help them improve their stories.</i></p> | |
|--|--|--|--|

Terminologies in the field of Law

1. Court of Justice.—A tribunal that is presided over by a magistrate/judge or by one or more judges who administer justice according to the laws.
2. Judge: The person or group of persons who make a decision in a court case. When referring to them we use the word “Justice” before their name, the way we use the word “Doctor” before the name of a doctor. There are several judges who are part of the courts like the High Court and the Supreme Court. Typically at any given time, the judges are simultaneously hearing different cases in different courtrooms. Cases may be heard by a single judge or a ‘bench’ of multiple judges.
3. Legal Person : A legal person is any person or 'thing' that can do the things a human person is usually able to do in law – such as enter into contracts, sue and be sued, own property, and so on.
4. Bar : The bar refers to the collective of all lawyers qualified to practice in a given court or Jurisdiction.
5. Bench: the term bench is used to describe members of the judiciary collectively, or the judges of a particular court.
6. Adjudication: the act of judging a case, competition, or argument, or of making a formal decision
7. Lawyer and Advocate: These words are similar but not exactly the same. An Advocate is a person who is professionally qualified to plead the cause of another in a court of law. Advocates have to have a degree of law and in addition to pass the “Bar Exam” in the state they are practising in, and enroll in the “Bar Council” of that state. A lawyer is used more generally and can include those who are not qualified to argue in a court of law. For example, a person who helps you to draw up land sale agreements is a real estate lawyer.
8. Advocate on record: Advocate on Record can be considered as a designation to practice in the Supreme Court. To be an AOR one has to qualify an exam conducted by the Supreme Court and he / she should have been enrolled with the bar for at least five years and worked with an AOR of not less than five years of standing.
9. Petitioner: A petitioner is a person who brings a legal case to a court of law.
10. Respondent: a respondent is a person against whom a case is brought.
11. Prosecution: the side of a legal case which argues that a person who is accused of a crime is guilty eg. “The prosecution made the case that ...”
12. Appellant: A person who applies to a higher court for the reversal of the decision of the lower court.
13. Defendant : A person or a group of persons that are being sued in the court of law.
14. Defense: It is the side of the legal case that argues in favour of the accused person eg “The defense argued that the evidence was false”
15. Convict: Convict is an individual who has been found guilty of a criminal offense, following a trial. In a verb form it also describes the act of declaring someone a convict eg. “He was convicted of murder”
16. Acquit: Acquit means to set free, release or discharge as from an obligation, burden, or accusation.
17. Appeal: the resort to a higher court to review the decision of a lower court,
18. Witness: A witness is a person who has personally seen an event happen, one who gives testimony, under oath or affirmation in person or by oral or written deposition, or by affidavit
19. Testimony: A declaration usually made orally by a witness under oath in response to interrogation by a lawyer or authorized public official.

20. Cross-examination: Cross-examination means interrogating the opposing party's witness who has already testified.
21. Circumstantial Evidence: Circumstantial evidence is indirect evidence that does not, on its face, prove a fact in issue but gives rise to a logical inference that the fact exists.
22. Corroboration: Corroborating evidence is evidence that strengthens or confirms already existing evidence. In courts, it is used to support the testimony of a witness.
23. Dying Declaration: Dying Declaration is a statement made by the person while he was dying and states the reason for his death. A dying declaration is considered credible and trustworthy evidence based upon the general belief that most people who know that they're about to die do not lie.
24. Sentence: In law, a sentence is the punishment for a crime ordered by a trial court after conviction in a criminal procedure, normally at the conclusion of a trial.
25. Jurisdiction: Jurisdiction can be defined as the limit of a judicial authority or the extent to which a court of law can exercise its authority over suits. For example the Supreme Court has jurisdiction over the entire country. High Courts have jurisdiction over a state or states.
26. Writ: . A writ is a formal written order or directive issued by a court to a lower court, government official, or another body instructing them to perform a specific act or refrain from doing so. Writ petitions are typically employed as a remedy to protect fundamental rights and ensure justice. There are 5 types of writ petitions.
- (1) Habeas Corpus: This writ is used to protect an individual's right to personal liberty. It directs authorities to produce a person who is detained, arrested, or imprisoned before the court, along with the reasons for their detention.
 - (2) Mandamus: Mandamus compels a public official, government body, or a lower court to perform a specific duty that is within their jurisdiction. It is issued when there is a failure or refusal to act where there is a legal right to do so.
 - (3) Prohibition: Prohibition prevents a lower court or tribunal from exceeding its jurisdiction or acting outside the scope of its authority. It is issued to stop proceedings that are beyond the legal limits.
 - (4) Certiorari: Certiorari is issued to review and quash the decision of a lower court, tribunal, or quasi-judicial authority when it has acted without jurisdiction or in excess of its jurisdiction.
 - (5) Quo Warranto: Quo Warranto challenges the authority of a person holding public office and demands to know by what authority or warrant they hold that office.

Appealing A Case

Appeal against acquittal and appeal against conviction, scope of and the powers of the Supreme Court to intervene

This is an activity - To demonstrate the appellate procedure by following a real case's development through three levels of the legal system. The case below is "State Delhi(Administration) vs Laxman Kumar & Ors. 1986 AIR 250" and the text has been adapted from the actual judgement of the Supreme Court in the case.

SUMMARY OF THE CASE

Shakuntala and Srinivas have four sons, Subhash, Laxman, Vinod, and Ram Avtar, along with two daughters. On February 16, 1980, Laxman Kumar married Sudha, now deceased, and they resided in one of the rooms in flat No. 9B. Sudha, pregnant at the time, was anticipating childbirth towards the end of the first week of December 1980. Disturbingly, after 9 p.m on December 1, 1980, a lady's cry for help was heard from flat No. 9B- she was loudly crying "Bachao Bachao", prompting neighbours like Jaspal Singh (PW1), Satish Chopra (PW2), and Ishwari Devi (PW4) to rush to the scene. Tarsem Jain (PW5) who was nearby also joined them. PW1 witnessed Laxman standing at the entrance door, attempting to close the door, and Subhash with his hand on the latch of the door that opened in the courtyard.

PW1 and others who had gathered there forced themselves inside to discover Sudha standing but set on fire. The witnesses pulled out the saree from her body, put a gunny bag lying nearby on the burning body and later wrapped Sudha in a blanket.

After extinguishing the fire, they brought Sudha to the room where Shakuntala's mother-in-law was standing. Here Sudha made a statement to the effect that it was her mother-in-law who had set her on fire after pouring kerosene on her body. The accused then took Sudha for treatment to the Hindu Rao Hospital.

Sudha made another statement affirming the same details regarding the authorship of the crime. Furthermore, while en route, when they picked up Gayatri, one of Sudha's sisters (PW3) and her husband, Sudha reiterated the accusation against her mother-in-law upon seeing her sister. Subsequently, she was transported to St. Stephen's Hospital. Following the distress call for help, a telephone message reporting that a lady had been set on fire was dispatched to the police Control Room using telephone number 100.

At the hospital a written declaration is said to have been made which was proved and relied on by the defence. Sudha died in the early hours of December 2, 1980.

After due investigation the respondents were prosecuted on a charge of murder. There is no eye witness to testify to the act of setting fire to Sudha which is the prosecution case, or to the fact that Sudha's saree catching fire accidentally as alleged by the defence. **21 witnesses were examined.**

Defence Argument

According to the defence the deceased caught fire when she was trying to light the kerosene stove to heat up milk for one of Subhash's children who was feeling hungry. The defense claims that her saree caught fire from the stove, leading to the incident. They also say that Laxman, her husband, was not at home as he had accompanied the deceased's sister to the bus stand. Subhash and Shakuntala, according to the defense, did their best to put out the fire. To support this argument, they brought in witnesses like PW1, the hospital doctor, DW2 (same as PW18), who is the Record Keeper of the hospital, DW3- a neighbor, DW4- the taxi driver, and DW5- Subhash's wife. They also referred to certain documents.

Argument Advanced by Prosecution

The relationship of Sudha with Laxman and members of his family had become strained on account of demands for more dowry and the accused had decided to do away with her before the child was born. Sudha was about to deliver a child on account of the advanced stage of pregnancy had become somewhat immobile. Kerosene had been sprinkled on her body by her husband's family with a view to killing her and fire was set to her clothes at the time alleged.

Judgement by Trial Court

The judge accepted the prosecution version. Accepting the charge and convicting the respondents of murder, he was of the view that the appropriate punishment to be meted was death. He accordingly sentenced all the respondents to death and as required by law, referred the matter to the High Court of Delhi for confirmation of the death sentence.

Appeal to High Court

The defendant challenged their conviction by preferring an appeal. The reference and the appeal were taken up together for hearing by the High Court and the High Court discharged the reference and allowed the appeal. The respondents thus came to be acquitted as the High Court determined deceased death as an Accident.

Appeal to Supreme Court

After considering the following evidence

- (i) that the relationship of the deceased with the members of the husbands' family had become strained and that she had been subjected to physical as well as mental torture for some time before the incident; The physical torture was the outcome of indifference to her health and the mental torture was on account of demand of dowry;
- (ii) that the deceased had not lighted the kerosene stove that evening and her wearing apparel had not caught fire accidentally but kerosene had been sprinkled on her clothes and she had been brought into the open space where fire was lit to her clothes;
- (iii) that the deceased died not as an outcome of an accidental fire but on account of a designed move on the part of the members of the family of the accused persons to put an end to her life; and
- (iv) that the husband and mother-in-law or the deceased are responsible for the killing of the deceased by setting her on fire and therefore committed the Offence of murder and are liable to be convicted for the offence punishable under section 302 I.P.C., while the brother-in-law Subhash is entitled to the benefit of doubt.

The court observed that

(i) The Deceased having been burnt is not in dispute; (ii) the plea of suicide has not been advanced either by the prosecution or by the defence.

(a) the kerosene stove was in the open space

(b) there was a gas stove in the kitchen and the same was in order but there was no evidence why the gas stove was not used

(c) around 9 p.m. of December it would be unbearably cold outside the house in Delhi. To work the kerosene stove would take some time and if milk for the crying child was immediately necessary, the kerosene stove would not be the proper heating medium.

(d) the deceased did not have any warm clothings on her person and had only a nylon saree. Being pregnant lady at an advanced stage she was expected to keep properly robed to avert getting ill from exposure to cold, and therefore, it is not likely that she would have ventured going out to operate the kerosene stove;

(e) the deceased being in an advanced stage of pregnancy would have found it difficult to squat on the floor; and

(f) it would be natural human conduct for the deceased to have gone to the gas stove in preference to the kerosene stove.

A dying declaration enjoys almost a sacrosanct status as a piece of evidence as it comes from the mouth of a person who is about to die and at that stage of life s/he is not likely to make a false statement.

The Supreme Court gave the final verdict which accused Laxman and his mother and sent them to life imprisonment and acquitted Subash.

- What was the case about?
- In which court was the matter first heard?
- Who came to her aid and attempted to save her life?
- Why did the accused go to the high court to appeal the trial court's decision?
- What decision did the Supreme Court reach?
- Was Sudha's family pleased with the high court's decision?
- What is the reason behind this? What's to stop you?
- What steps did they take to achieve justice if they weren't satisfied?
- What was the Supreme Court's ultimate ruling in 1985?
- The Supreme Court reached a final ruling that differed from that of the high court. Why?

Justice Delayed

This is a short reflective piece of writing based activity upon the idea of - Justice delayed is justice denied.

In India, it takes a long time for court cases to get decided and a judgement passed. Find out about this topic from books or online searches. Write a 500 word essay on the topic “Justice delayed is justice denied”

[illegible]

Media Search

Activity Description:

For this activity , you will explore real-world legal cases that have undergone appeals, delving into the details of each case, understanding the grounds for appeal, and analyzing the arguments put forth by the parties involved. Follow the steps below-

Selection of Legal Case:

- Find and choose at least one legal case that has been appealed. Prefer a case that is recent and relevant to current events.

- You can search for news articles, legal websites- like ***livelaw, bar and bench, legally india, ipleaders lawoctopus, scconline*** and similar ones to identify cases. Ensure that the information is recent and provides details about the appeal process.

Understanding the Case:

- Once you have chosen a legal case, thoroughly read the articles or reports to understand the background, initial verdict, and the reasons behind the appeal.

- Take note of key details such as the parties involved, legal issues at stake, and any significant reasons that led to the appeal.

Analysis of Grounds for Appeal :

- Identify and analyze the grounds on which the case is being appealed. Consider aspects such as legal errors, new evidence, or procedural irregularities.

- Note the arguments presented by both sides and how they differ from the initial court proceedings.

Prepare notes on all the above mentioned points for a class discussion.

Field of law - Cases

Case 1 - Criminal Law

Rashi accused her friend Dhriti of stealing money and gold jewellery from her house, and she filed an FIR against Dhriti at the nearest police station. Now, there is a case of theft against Dhriti. Theft is a crime under Indian law. Dhriti hired a lawyer to defend her. Other crimes include fraud, assault, murder, and so on.

Case 2- Environmental Law

In 2002, 50 hunters were found with traps and other equipment, camping inside the Nagarhole National Park in Karnataka. This was after a tourist shot a video of an adult tiger limping in the forest with a steel jaw trap attached to its leg. 6 hunters were finally convicted under the Wildlife Protection Act, 1972 and the Karnataka Forest Act. They were imprisoned and also had to pay fines.

Case 3- Property Law

Mr Ajay Sahu, Mrs Bina Sahu and their two daughters live in a 4-bedroom house in Pune. Due to financial difficulties, Ajay's younger brother Sahil moves into their house, along with his wife and son. A few months later, Ajay, Bina and their elder daughter have to move to Kolkata for a few months. They leave their younger daughter behind with Sahil and his family.

Sahil is now refusing to move out of the house, claiming that it is his house. He is asking Ajay to take his older daughter away. Ajay has filed a suit against Sahil so that he can gain back possession of the house. A lawyer well-versed in property law will assist Ajay in this case.

Case 4- Family Law

Seemant and Soni have been married for over 10 years and have two children. They are now unhappy in the marriage and have decided to begin divorce proceedings. Since Soni had to give up her career on Seemant's insistence, he will have to pay her alimony after the divorce. However, Seemant does not want to pay the amount that Soni is asking for. He insists on keeping custody of both the children, and says that if he takes care of them, Soni does not deserve any alimony. However, Soni wants sole custody of both children, claiming that Seemant does not know how to take care of them. Lawyers well-versed in family law will be able to help both Seemant and Soni.

Case 5- Civil Rights Law

In the case of *Air India v Nargesh Meerza*, [1978], Air India, a state-owned company, required female flight attendants to retire under three circumstances: (1) upon reaching 35 years of age, (2) upon getting married, or (3) upon first pregnancy. The same rules were not applicable to male attendants. The Supreme Court struck the rules down, holding that these requirements violated Article 14 of the Indian Constitution, which guarantees every person the right to equality.

Civil rights lawyers defend the basic rights of people, such as right to equality, education, freedom of religion, freedom from discrimination and so on, especially of marginalised groups, refugees, women and children.

Case 6- Labour Law

A small NGO in Haryana discovered that hundreds of bonded laborers were being forced to work under deplorable conditions in quarries, brick kilns, and mining establishments. The workers were severely underpaid and worked very long hours in hazardous conditions. The workers were forced to work long hours and their daily wages were withheld as part of their earlier debts to the contractors. They were provided no rest breaks or lunch and were often denied basic amenities like clean drinking water as a punishment by the goons of the contractors.

Case 7- Intellectual Property Law

Krishna writes several blogs about her travel experiences and posts them on her website. She has several thousand readers, and she is earning well from her blog. A reputed publishing company copied all her blogs

and printed them into a book. The book now has over a million sales. Krisha has sued the company for stealing her work and for making profits out of it.

Intellectual property lawyers file cases on behalf of clients when their copyright, trademark, patent or other intellectual property has been used by someone else without permission.

Case 8- Corporate Law

A multinational company based in the USA wants to set up a business in India. Corporate lawyers based in the US and India are now working together to draft contracts for business agreements. They also oversee deals involving mergers between corporations or purchase of companies and advice on complex regulations relating to registration, documentation, tax, etc

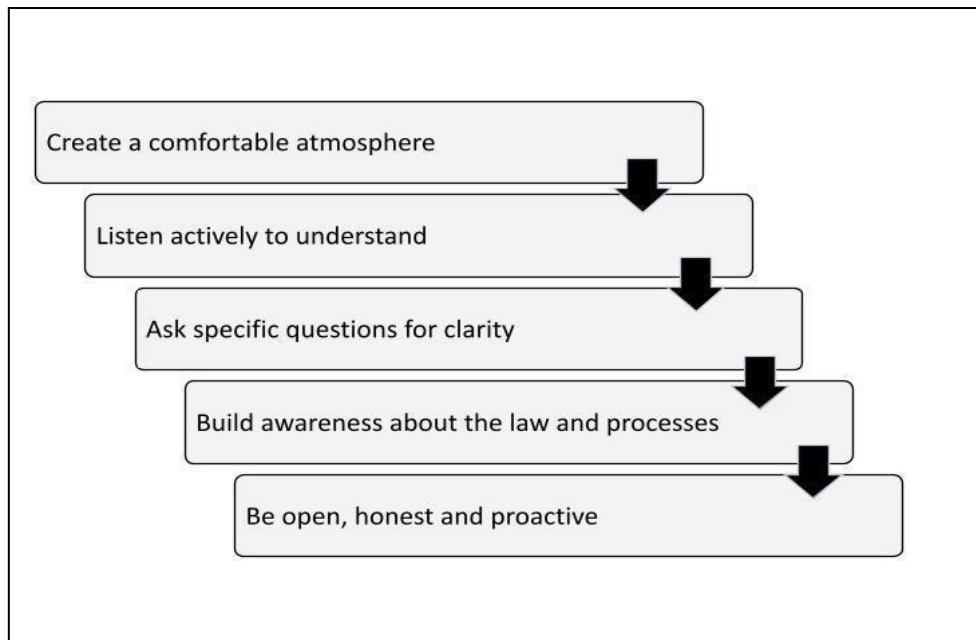
Mastering Client Conversation - Case

Imagine that you are a lawyer and that you are meeting with a new client at your office. The customer is a businessperson. He exudes a lot of worry and anxiety. He tells you he is quite concerned, worried he will lose a lot of money, and unsure of what to do as soon as the meeting starts. Below is the narration in detail!

- I own a chain of shops called 'Woodzy Enterprises' that sells wooden toys.
- I entered into a contract with a manufacturer 'A to Z Woodmakers'.
- Under the contract, the manufacturer was to supply 40,000 pieces of Toy A and 40,000 pieces of Toy B over a period of 6 months, from 1 July 2021 to 31 December 2021.
- I gave very specific instructions to the manufacturer about size, details, components, colours, etc. These were included in the contract.
- I was to pay the contractor Rs. 8 lakh in installments for these.
- The first 2000 pieces of Toy A were of the wrong size.
- The next 3000 pieces of Toy A had missing components.
- A total of 8000 pieces of Toy B had similar defects.
- A total of 15,000 pieces of both toys were delivered only in May 2022.
- 10,000 pieces of Toy A and 6000 pieces of Toy B were never delivered.
- I paid the manufacturer for all pieces that met the specifications, in spite of the delay.
- The manufacturer has threatened me several times because I have refused to pay him for the defective and undelivered toys.

Here are some things you can do to have good communication with a client

- ★ **Create a comfortable atmosphere:** Reassure the client that he or she has done the right thing by contacting a lawyer. Remain calm yourself so that the client is calm too. Ask the client friendly questions and build a connection by starting with a light conversation.
- ★ **Listen actively to understand:** Encourage the client to share as much as he or she can. Begin by simply listening to understand all the facts of the case. Make detailed notes, and do not jump to conclusions till you have all the facts.
- ★ **Ask specific questions for clarity:** Once the client has shared, ask specific *what, where, when, and how* questions to get a clearer picture of the situation.
- ★ **Build awareness about the law and processes:** Give the client a short overview of what the law says, how the law can help him or her, and what the next steps will be. Explain this in simple words so that the client understands clearly. Answer all questions that the client has in a respectful way.
- ★ **Be open, honest and proactive:** Be honest about all aspects of the case and what the client can expect. The client must know that he or she can rely on you to be transparent and that you will do your best to help them.



Stages Of A Case

Here are the several mentioned stages through which most of the cases go through, with the help of these stages cut out and arrange the stages of cases in the correct order from the case shared under the title “progression of a civil case” on page no 19 of the handbook.

Stage 1-FRAMING OF ISSUES

Stage 2-EXAMINATION OF PARTIES

Stage 3-FILING OF THE WRITTEN STATEMENT

Stage 4-LEADING OF EVIDENCE BY DEFENDANT

Stage 5-SERVING OF SUMMONS

Stage 6-CROSS-EXAMINATION OF PLAINTIFF

Stage 7-PASSING OF JUDGEMENT

Stage 8-FILING OF DOCUMENTS

Stage 9- FILING OF THE PLAINT

stage 10-FIRST APPEARANCE OF BOTH PARTIES

Stage 11-LEADING OF EVIDENCE BY PLAINTIFF

Stage12-PRESENTING CLOSING ARGUMENTS

Stage 13 -CROSS-EXAMINATION OF DEFENDANT

Progression Of A Civil Case

Ms. Manya Joshi is an independent fashion designer. A leading fashion brand, Sara Fashion Ltd., contracted her services to design gowns and jewellery for a high-profile fashion show to be held in Mumbai. The contract between Ms. Manya Joshi and Sara Fashions Ltd. specified a payment of Rs. 3,00,000/- for the design of 30 gowns and 40 pieces of jewellery.

Ms. Manya Joshi has now approached her lawyer, claiming that Sara Fashion Ltd. has breached the contract and is refusing to pay her the money. She has reached out to them several times and even visited their offices for meetings, but no payment has been made. The lawyer decides to send them a legal notice, but after several notices, no response is received.

On 30th May 2019, Ms. Manya Joshi's lawyer filed a complaint in the court, which explains why she is filing the case. Based on this, the court sends a letter to Sara Fashion Ltd. to inform them that a case has been started against them, and they are required to present their defence in the court on 20 July 2019. Sara Fashion Ltd. is now required to file a reply within 30 days of receiving this letter, with their response to the allegations and claims made by Ms. Manya Joshi. Both parties have to appear in court on the specified date. On that day, they must also file all documents they have, such as the contract, receipts, emails, and so on, that will help their case. At the first hearing of the case, the court "examines each party," that is, ascertains from each party whether they admit or deny allegations made. Next, the judge goes through the whole matter and "frames the issues," specifying who needs to prove what.

Next, Ms. Manya Joshi has to stand in the witness box in court, state the details of the case and prove the documents that have been filed. She will then be asked questions by the lawyer for Sara Fashion Ltd. to ascertain if she is telling the truth. All other witnesses for Ms. Manya Joshi will also have to stand in the witness box and will be questioned. Then, Sara Fashion Ltd. must present their side of the case, followed by questioning by Ms. Manya Joshi's lawyer.

In the final stage of the case, both sides "argue" by presenting a summary of the case, the laws that are relevant, and the evidence to the judge. Finally, based on all this, the judge passes the judgement.

Note: This is a fictional case

Reading A Bare Act

| | |
|--|--|
| 1. What is the name of the Act you are reading? | |
| 2. What is the purpose of the Act? | |
| 3. What are the different parts of the Act? | |
| 4. How does the index help you read the Act? | |
| 5. What is the purpose of the Interpretation/Definition clause or Explanation section? | |
| 6. Choose any Section of the Act you are reading. Read it carefully and write its literal meaning. | |

Sample Complaints & Sample Written Statement

IN THE HIGH COURT OF DELHI AT NEW DELHI

Between:

The Chancellor, Master and Scholars of The University of Oxford

trading as Oxford University Press

1st Floor, YMCA Library,

1 Jai Singh Road,

New Delhi, 110001

...Plaintiff

Versus

Rameshwari Photocopy Service

Delhi School of Economics,

University of Delhi,

Delhi, 110007

...Defendant

SUIT FOR RESTRAINING INFRINGEMENT OF COPYRIGHTS, RENDITION OF ACCOUNTS OF PROFITS

1. The Plaintiff is trading as Oxford University Press, established in the 16th century and has a presence in more than 50 countries.
2. The present suit is primarily to address the unauthorized reproduction and issuance of copies of the academic publications of the Plaintiff.
3. The Plaintiff submits that 134 academic publications of the Plaintiff, including titles such as Ideologies of the Raj, Bringing the State Back In, Despotism of Law, and Working a Democratic Constitution (the entire list has been included in the Annexure) constitute "literary works" as defined in Section 2(o) of the Copyright Act, 1957.
4. The Plaintiff submits that in April 2022, the Plaintiff became aware that the Defendant is engaged in the unauthorized photocopying, reproduction and distribution of copies of the Plaintiff's publications. In order to verify the aforementioned information, the Plaintiff deputed Mr. Rajesh Mishra to visit the premises of the Defendant and purchase samples of the infringing copies of the Plaintiff's publications.
5. The Plaintiff submits that by these actions, the Defendant is infringing on the copyright of the Plaintiff and is wrongfully making financial gains, resulting in financial losses for the Plaintiff.
6. The Plaintiff humbly prays that this Hon'ble Court be pleased to grant the following reliefs to the Plaintiff:
 - (a) An order for restraining the Defendant from photocopying/reproducing and issuing illegal and unauthorised copies of the Plaintiff's publication.
 - (b) An order for the rendition of accounts of profits directly or indirectly earned by the Defendants from their infringing activities, to be paid to the Plaintiff.

University of Oxford v. Rameshwari Photocopy Services, 2016 SCC OnLine Del 6229

Sample Written Statement

IN THE HIGH COURT OF DELHI AT NEW DELHI

In the matter of:

The Chancellor, Master and Scholars of The University of Oxford ...Plaintiff

Versus

Rameshwari Photocopy Service ...Defendant

WRITTEN STATEMENT ON BEHALF OF DEFENDANT

That the present suit filed by the Plaintiff for infringement of copyright is not maintainable as the Plaintiff has completely failed to disclose the essential ingredients of the copyright.

The Defendant submits that the Plaintiff is asserting infringement on the basis of unregistered copyright.

The Defendant submits that the Plaintiff is not the author and owner of the work in question, and the Plaintiff has not disclosed their relationship with the authors.

The Defendant submits that the present suit is barred under Section 52 (zb) of the Copyright (Amended) Act, 1957 which lays out that the reproduction or issue of any work in any format, to facilitate persons with disabilities to access the work, provided that the copies are made available on a non-profit basis, and provided that the copies are used only by persons with disabilities, does not amount to copyright infringement. The buyers of the Defendant's copies include persons with disabilities.

In light of the aforesaid facts and circumstances, it is humbly prayed that the suit of the plaintiff be dismissed.

University of Oxford v. Rameshwari Photocopy Services, 2016 SCC OnLine Del 6229

Draft Complaint & Draft Written Statement

IN THE HIGH COURT OF DELHI AT NEW DELHI

Between:

...Plaintiff

Versus

...Defendant

SUIT FOR

1. The Plaintiff is
2. The present suit is primarily to address
3. The Plaintiff submits that
4. The Plaintiff submits that
5. The Plaintiff submits that
6. The Plaintiff humbly prays that this Hon'ble Court be pleased to grant the following reliefs to the Plaintiff:
 - (a) An order for
 - (b) An order for

IN THE HIGH COURT OF DELHI AT NEW DELHI

In the matter of:

...Plaintiff

Versus

...Defendant

WRITTEN STATEMENT ON BEHALF OF DEFENDANT

1. That the present suit filed by the Plaintiff
2. The Defendant submits that
3. The Defendant submits that
4. The Defendant submits that
5. In light of the aforesaid facts and circumstances, it is humbly prayed that the suit of the plaintiff be dismissed.

Law Of Torts In India

In this article, Krati Bhardwaj of New Law College, Bharti Vidyapeeth, discusses Law of Torts in India.

Source: <https://blog.ipleaders.in/law-of-torts/>

Introduction

One moment you are walking on the road and the other you slip into the pit left open by the Municipal Corporation. Without having a glance around, you stand up quickly to cover up the embarrassment you have faced. But what can you do? This happens every now and then especially in a country like India. Is there anyone who could be blamed for this? I have sustained injuries so I should be more careful from the next time. Isn't it? No, there was a responsibility of Municipality in this situation. They were negligent in fulfilling their duty. This is what law of torts talks about and much more.

What is Tort?

The word tort has been derived from a Latin word "tortum" which means twisted or crooked. According to Salmond, "Tort is a civil wrong for which the remedy is a common law action for unliquidated damages, and which is not exclusively the breach of contract, or, the breach of trust, or, other merely equitable obligation."

It is different from breach of contract and trust. Tort is when the act of one party causes some harm to the other party due to negligence, carelessness on the part of another party. The one who sues is known as 'plaintiff' and the one who is sued is known as 'defendant'.

The person who causes such harm shall be made liable to pay compensation to the injured party (plaintiff), this compensation can be in the form of money. This money received in the form of compensation is known as 'damages'. In order to claim damages, there must be some breach of duty towards the plaintiff which resulted in such injury.

Even if the harm which is caused was not intentional but due to carelessness or negligence, then also the other party can be sued. Tort allows people to hold the other person accountable for the injuries suffered by them.

Essentials of Law of Tort

- **Act/omission:** To constitute a tort there must be an act, which can either be negative or positive. There must be some breach of duty to constitute such wrongful act or omission. It means there was a duty to do or not to do a certain action, or to behave in a particular manner which a reasonable man is expected to act under certain circumstances. A person cannot be held liable for social or moral wrong. For example, if somebody fails to help a starving man then he cannot be held liable because it is a moral wrong unless some legal duty can be proved.
- **Legal Damage:** In order to constitute tort, breach of legal duty must be there. The legal right vested with the plaintiff should have been breached i.e certain act or omission have resulted in the breach of legal duty. The action can be instituted if there is a breach of legal right. For the injury sustained by the plaintiff, damages could be claimed by him. Legal damage could be understood more clearly with the help of following maxims:
 - **Injuria sine damnum:** "Injuria" means unauthorised interference with the right of the plaintiff. "Damnum" means harm or loss suffered in terms of comfort, money, health etc. When there is violation of a legal right without any harm to the plaintiff, the plaintiff can approach the court.

In *Ashby v. White*, the plaintiff was detained by the defendant, a returning officer. The plaintiff was a qualified voter at the parliamentary election but due to detention, his voting right was violated. The plaintiff sued the defendant for violation of his legal right. Since there is a right there is also a remedy available for it.

Similarly, in *Bhim Singh v. State of J&K*, plaintiff was an MLA of J&K who was detained wrongfully by the police officer while he was going to attend Assembly session. The fundamental right of personal liberty was violated and moreover, he was not presented before the magistrate within the requisite period. Here the wrongful and malicious act of the defendant was actionable so court awarded exemplary damages of Rs 50,000 to Bhim Singh.

- o **Damnum sine injuria:** According to this maxim, there is some injury caused to the plaintiff without any unauthorised interference to plaintiff's legal right. A person cannot claim damages in law even if the injury is caused due to the deliberate act of the defendant, as long as the other party is exercising his legal right. For example, a defendant set up a school exactly in front of the school of the plaintiff. The plaintiff suffered loss because of the rival school as he has to lower the fees and many students took admission in defendant's school. There is no remedy available for the loss suffered by him. The defendant has not done anything in excess of his legal right.

Development of law of torts in India

To deal with the malicious behavior of the people tort existed in Hindu and Muslim law but it can be said that tort was formally introduced by the Crown in India. It is based on the principles of equity, justice, and good conscience. The law of torts is based on the principles of 'common law' which is mainly the English law of torts. The application of the law of tort is applied selectively in Indian courts keeping in mind if it suits the circumstances of Indian society.

Justice Bhagwati in *M.C Mehta v. Union of India* observed that:

"We have to evolve new principles and lay down new norms which will adequately deal with new problems which arise in a highly industrialized economy. We cannot allow our judicial thinking to be constructed by reference to the law as it prevails in England or for the matter of that in any foreign country. We are certainly prepared to receive light from whatever source it comes but we have to build our own jurisprudence."

Tort based on Negligence

Negligence is the absence of reasonable care which is imposed on all persons so as not to place the other person at foreseeable risk of harm through his conduct. It is the failure to act in a particular way by taking into account the apprehended injury that could be sustained due to carelessness to one party.

Elements of negligence are:

Duty: There must be some duty or an obligation which one person owes to another. If the defendant fails to fulfill the duty which he owes to the plaintiff in the eyes of law then he can be held liable. So at first, it should be assessed whether the defendant owes any duty of care to the plaintiff or not. Sometimes the relationship between the plaintiff and defendant creates a legal duty or obligation to act in a certain

manner. For instance, the doctor owes a duty of care to the plaintiff i.e to treat the patient in an appropriate manner. If the doctor while treating the patient left a ring in his abdomen, then he can be said to be negligent in giving appropriate medical treatment. The doctor owed a duty of care towards his patient which he failed to do.

Breach: once it has been assessed that the defendant owes a duty of care to the plaintiff, it should be further established that there was some breach of duty i.e one person failed to exercise a take. "Amount of care" means the care which a reasonable person would have taken in those circumstances. Whether there was any breach of duty is both a subjective and objective test. The defendant can be said to be negligent if he knew that his action would affect the other person if he does not act in a particular way, for eg. If the owner of the dog knows that his dog is of ferocious nature then he should put some warning on the gate like "Beware of dog" or "Enter at your own risk". If he fails to do so then he can be held negligent in taking such care.

Causation (cause in fact): This element aims at establishing that there should be some negligence on the part of the defendant which caused such injury or harm to the plaintiff. The plaintiff should prove that the loss suffered was caused by the defendant. The (but for) rule is used in proving the causation i.e whether the injury suffered would have happened but for the action of the target of your suit.

Proximate cause: If a person cannot foresee that something bad could happen to another person then how could he be held liable. To make the person liable for alleged action it should be proved that his action was the remote/closest cause for the injuries sustained. If the act is foreseeable then only the person is liable otherwise not, for eg. If a motorcyclist hit the pedestrian on the road due to which he suffered a severe injury on the head. Seeing the sight on the internet, a woman whose house was on the road had a heart failure. The motorcyclist was liable to the pedestrian as he failed to take reasonable care while driving. But he is not liable to the woman who had a heart attack because that was not foreseeable.

Damages: The last element of negligence is damages. The person who had sustained injury should be compensated for such harm. The test of (reasonable person) is important to decide if the plaintiff is entitled to compensation or not. The compensation given to the plaintiff should be capable of putting him back in the position in which he was before the incident took place. For eg., if the car driver hit the motorcyclist due to which he sustained injuries and had to miss work, the compensation that the car driver could be made to pay should bear his medical expenses, lost earnings and the pain and suffering endured by him.

Defenses:

i) Volenti non fit injuria: If a person acts voluntarily and is aware of the risk associated, he cannot recover damages if he suffers harm. This is the voluntary acceptance of risk. The person should be free to make a choice when the employer forces an employee to take the risk of which he is aware but is not willing to undertake. Here, the defense cannot be used by the employer if an injury is sustained by the employee because the employer had forced the employee to undertake the risk against his will.

Essential of Volenti non fit injuria:

There was knowledge of risk by the plaintiff

He voluntarily undertook such risk

ii) Contributory negligence: When the damage which the plaintiff has suffered was partly due to his fault and partly due to the fault of the defendant, this constitutes contributory negligence. In order to prove contributory negligence, it must be proved that the plaintiff failed to take reasonable care for his safety. In a

collision between two cars, the defendant was driving negligently at high speed. It was discovered that the plaintiff was not wearing a seat belt due to which he sustained a higher amount of injuries than if he had been wearing a seatbelt. The plaintiff failed to take reasonable care which was expected on his part. So he is liable for contributory negligence.

iii) Exturpi causa: It means no defense or legal remedy can be initiated if the cause of action which arose was due to the illegal conduct of the plaintiff i.e no action can be found on a bad cause.

For example, Mr. Anil took a lift in a car which he knew was stolen by the other person. Later, the car met with an accident, Mr. Anil cannot initiate an action against the other party under this principle.

How law of torts is different from crime

| # | Tort | Crime |
|---|---|--|
| 1 | The person who commits a tort is known as 'tortfeasor'. | The person who commits a crime is known as an 'offender'. |
| 2 | Proceedings take place in Civil Court. | Proceedings take place in Criminal Court. |
| 3 | The remedy in tort is unliquidated damages. | The remedy is to punish the offender. |
| 4 | It is not codified as it depends on judge-made laws. | Criminal law is codified as the punishments are defined. |
| 5 | Private rights of the individuals are violated. | Public rights and duties are violated which affects the whole community. |

Structuring The Argument

Who are you representing?

Legal argument I (*write 1-2 sentences*)

How it relates to your case (*write a short paragraph*)

Legal argument II (*write 1-2 sentences*)

How it relates to your case (*write a short paragraph*)

| |
|---|
| |
| Legal argument III (<i>write 1-2 sentences</i>) |
| |
| How it relates to your case (<i>write a short paragraph</i>) |
| |

Hyderabad Encounter

Rape is one of the most common crimes against women in India. On 27 November 2019, four men ambushed, raped and murdered a 26-year-old vet in Shamshabad, near Hyderabad. This heinous crime sparked immediate outrage across India.

The police arrested the four accused based on the evidence gathered from CCTV cameras, an eyewitness, and the victim's mobile phone. It was reported that they were drunk during the rape and murder.

In the early hours of 6 December 2019, the four accused were taken to the location for a reconstruction of the crime scene, where two of them snatched guns and attacked the police. According to reports in The Indian Express, police alleged that one of four accused had gestured to the other three to flee after attacking the police. The four tried to run towards a deserted pathway when police opened fire in what they described as self-defence. All four were killed in this police encounter at around 3:30 am.

While thousands of people across the country celebrated this encounter and sent their congratulations to the police, the families of the accused and several human rights activists condemned this act.

In May 2022, a commission set up by the Supreme Court of India submitted a report stating that it believes the police deliberately fired on the accused “with an intent to cause their death” — and recommended action against ten police officers and personnel under various charges, including murder.

Sources:

https://en.wikipedia.org/wiki/2019_Hyderabad_gang_rape

<https://indianexpress.com/article/cities/hyderabad/hyderabad-encounter-2019-gangrape-accused-sc-commission-7927755/>

The OJ Simpson Case

OJ Simpson is a former American football player, who was extremely popular due to his skills on the field. He was married to a woman named Nicole Brown.

On the night of 12 June 1994, Nicole Brown and her friend Ron Goldman were found stabbed to death at Nicole's house. OJ Simpson was suspected of committing the murders and was asked to surrender to the police. Instead, he fled in a white car and was chased by police cars and news helicopters for several hours, until he eventually surrendered.

There was a lot of evidence to prove that OJ Simpson had committed the murders.

- He had a history of violence against his wife.
- He was in the area when the murders were committed.
- Critical pieces of evidence were a pair of bloody gloves. The left-handed glove was found outside Nicole Brown's house, and the right-handed glove was recovered from O.J. Simpson's house.
- Tests on the gloves showed the presence of DNA from OJ Simpson, Nicole Brown and Ron Goldman.
- Hairs consistent with OJ Simpson were found on Ron Goldman's shirt.
- OJ Simpson had fresh cuts on his left hand a day after the murders.
- Blood drops with the same blood type as his were found at the scene of the crime.
- Blood drops found at the crime scene had OJ Simpson's DNA.
- Blood found on socks in OJ Simpson's house matched Nicole's blood.

In spite of all this evidence and a strong case against him, the court found OJ Simpson 'not guilty' and allowed him to walk free. How did this happen?

This happened because OJ Simpson's lawyer convinced the court that the proof was not beyond reasonable doubt.

- The bloody glove outside Nicole Brown's house was a key piece of evidence against him. It was found 7 hours after the murder but was still moist. So, the lawyer argued that that evidence cannot be believed.
- When OJ Simpson tried on the glove in court, it did not fit his hand very well.
- There was no blood or fibre evidence found near the area where the glove had been found.
- OJ Simpson's lawyers presented witnesses who testified that much of the evidence was either mishandled, contaminated or lost by the police and investigating team.

People v. Simpson , 43 Cal.2d 553

For a person to be pronounced 'guilty', there must be proof beyond reasonable doubt. What do you think this legal principle means?

Mens Rea

| SITUATION | IS MENS REA PRESENT? WHAT MAKES YOU SAY SO? |
|---|--|
| <p>The accused applied for admission to LL.B. (Final) class in Benaras University alleging that he had attended LL.B. (Previous) class in Lucknow Canning College. He was admitted and required to produce a certificate in support of proof of having passed LL.B. (Previous) examination. He produced a forged certificate.</p> | |
| <p>The accused was using a chainsaw to cut down a tree. On hearing an odd sound, he left the chainsaw on the ground while it was still on, and he went to check what caused the sound. His co-worker was walking by, tripped on the chainsaw's wire and fell onto the chainsaw. His left arm was completely cut off.</p> | |
| <p>A woman had two large dogs that had the habit of attacking people, especially when they were not on a leash. The woman had continuous arguments with her neighbour, and often she hit, kicked or slapped them. One morning, as the neighbour was watering plants in the garden, the woman brought her two dogs out for a walk. As she was locking her doors, she let go of their leashes, and they attacked the neighbour.</p> | |
| <p>At a restaurant, two minor boys (below the age of 18) order alcohol. Restaurants not allowed to serve alcohol to minors in that state. The restaurant asks for ID cards, and the boys produce 2 fake ID cards that show that they are above 18. The server who served them alcohol has now been accused of committing a crime.</p> | |

Note: The given situations are fictional

Checklist For Presenting

| CRITERIA | YES/NO |
|--|--------|
| <ul style="list-style-type: none"> ● Take a deep breath before starting your argument. Do not begin until you are ready. ● Stand up straight and maintain a professional posture. ● Speak slowly, clearly, calmly and confidently. ● Never use the pronouns <i>I</i> or <i>Me</i>. Use <i>We</i>, <i>Us</i> and <i>Our</i>. ● Maintain eye contact with the judges. ● Use a respectful tone. Be careful not to use a flustered or angry tone. ● Use gestures to emphasise your point. ● When you are asked a question, answer it immediately and effectively. Maintain eye contact with the judge who asked the question. ● If the Judges are male, use the term <i>Your Lordships</i>. ● If the Judges are female, use the term <i>Your Ladyships</i>. ● If you aren't sure what the judge is asking, seek clarification. "Your honour, I want to make certain I understand your question, would you mind rephrasing?" ● If you obviously and/or materially misspeak, say "rather, ____" OR "pardon me your honours, what I mean to say is ____" and correct yourself. ● If you are really hard-pressed for a transition, say, "which brings me to my second/third point" and find a way to fit what you were talking about into that point. | |

Structure Of A Moot Court Argument

Introduction

May it please the court, my name is _____ and I represent the Petitioner/Respondent
_____ *<name>*.

Roadmap

Your honours, the Petitioner humbly submits the facts of the case.

We submit that the Petitioner/Respondent _____ *<name>* is liable/is not liable for
the death of Ms Neda Paresh and petition the honourable court to

_____ *<what order the court should pass>*.

We will now present our arguments.

ARGUMENT 1

ARGUMENT 2

ARGUMENT 3

Introduction To Law Degrees In India

In India, formal legal education, which is taught at several levels including undergraduate, postgraduate, and PhD, is gaining a lot of popularity. Both UG and PG levels provide a variety of legal degrees. The Law degree at the undergraduate level is called LL.B. (Bachelor in Law). This can be pursued in two ways. A 3 year LLB is an undergraduate course that can be pursued **after** doing any other undergraduate degree like B.A. or B.Sc. and focuses on the core subjects related to law. Whereas a 5-year LLB is an integrated program that gives you an undergraduate degree such as B.A., simultaneously with the core LLB program. The degree after such a course is called B.A, LL.B. The postgraduate degree in law is called LL.M. There are different specializations available in LLM courses at a higher level like Cyber law, Criminal law, Business law, Taxation law, Intellectual Property Rights, and others.

How do you get admission to a B.A., LL.B. course?

Common Law Admission Test

The Common Law Admission Test (CLAT) is a national level entrance exam for undergraduate (UG) and postgraduate (PG) law programmes offered by the country's various **National Law Universities** in India. The National Law Universities are some of the best colleges to study law in India.

Entrance for -Admission in B.A., LL.B (Hons)

Eligibility- Class 12, 12+

Application mode -Online, By Post

Source: <https://consortiumofnlus.ac.in/clat-2022/ug-eligibility.html>

List of National Law Schools - Across India

1.The West Bengal National University of Juridical Sciences, Kolkata

Website: www.nujs.edu

2. National Law University, Bhopal

Website: www.nliu.com

3. National Law University, Jodhpur

Website: www.nlujodhpur.nic.in

4. V. NALSAR University of Law, Hyderabad

Website: www.nalsarlawuniv.org

5. Gujarat National Law University, Gandhinagar

Website: www.gnlu.org.in

6. Hidayatullah National Law University, Raipur

Website: www.hnlu.ac.in

7. National University of Advanced Legal Studies, Kochi

Website: www.nuals.ac.in

8. Ram Manohar Lohia National Law University, Lucknow

9. Rajiv Gandhi National University of Law, Patiala

10. Chanakya National Law University, Patna

11. National Law University, Delhi (NLU, Delhi has its own admission test, see below)

Law School Admission Test LSAT India

The LSAT—India is an admissions test for law schools in India. It is based on the world-famous LSAT, which is used by law schools in North America and Australia. The LSAT—India assesses the critical thinking skills required for success in law school.

Purpose-Admission in B.A. LL.B (Hons)

Eligibility - Class 12, Graduates

Application mode - Online

LSAT—India Affiliated Law Colleges:

Kalinga University

Indore Institute of Law

Asian law college

VIT - School of law

CMR University

Amity University

Source: www.pearsonvueindia.com/lsatindia/

All India Law Entrance Test (AILET)

National Law University, Delhi (NLU Delhi) administers the All India Law Entrance Test (AILET) for admission to undergraduate (UG), postgraduate (PG), and doctorate (PhD) level law courses. This is a national-level entrance exam for admission to law programmes only at NLU Delhi. The exam is conducted on a pen-and-paper basis.

Purpose-Admission in B.A., LL.B. (Hons.), LL.M, PhD

Eligibility-Class 12, 12+, LL.B, LL.M

Apply-Online, By Post

Source: <https://nationallawuniversitydelhi.in/>

Lloyd Entrance Test (LET)

Purpose-Admission in B.A.,LL.B- 5-year integrated course at Lloyd Law College

Eligibility-Class 12, 12+

Application mode -Online, By Post

Source: www.lloydlawcollege.com

Law Colleges in Delhi

Faculty of Law, University of Delhi

The University of Delhi established the Faculty of Law in 1924, and it is an accredited legal institution by the Bar Council of India for its LL.B. degree.

The Faculty of Law has a single department, the Department of Law, which teaches LL.B. classes and oversees LL.M. and Ph.D. programmes.

Entrance for: Admissions in B.A.,LL.B , LL.M. & Ph.D

Eligibility - Class 12, 12+

Application mode - Online

Source: <https://lawfaculty.du.ac.in/>

Guru Gobind Singh Indraprastha University, Delhi(GGSIP)

The law programmes that Guru Gobind Singh Indraprastha University's colleges provide to their contemporaries have earned the university a distinguished position. One can join GGSIP colleges if they wish to pursue legal studies as a career.

Entrance for: Admissions in B.A.,LL.B , LL.M.

Eligibility - Class 12, 12+

Application mode - Online

Website: <http://www.ipu.ac.in/>

Colleges under GGSIP in the Delhi region offering BA - LLB

1. UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
2. VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES
3. MAHARAJA AGRASEN INSTITUTE OF MANAGEMENT AND TECHNOLOGY
4. TRINITY INSTITUTE OF PROFESSIONAL STUDIES
5. IDEAL INSTITUTE OF MANAGEMENT AND TECHNOLOGY
6. FAIRFIELD INSTITUTE OF MANAGEMENT AND TECHNOLOGY

7. CHANDERPRABHU JAIN COLLEGE OF HIGHER STUDIES & SCHOOL OF LAW
8. DELHI METROPOLITAN EDUCATION
9. TRINITY INSTITUTE OF INNOVATIONS IN PROFESSIONAL STUDIES
10. JIMS ENGINEERING MANAGEMENT TECHNICAL CAMPUS
11. SANT VIVEKANAND COLLEGE OF LAW AND HIGHER STUDIES

Faculty of Law, Jamia Millia Islamia University

Website: www.jmi.ac.in/law

Entrance for: Admissions in B.A.,LL.B , LL.M. & Ph.D

Eligibility - Class 12, 12+

Application mode - Online

In 1989, Jamia Millia Islamia opened its law school. A three-year LL.B. programme was first launched. In order to properly emphasize the legal profession's expanding horizons over the past 20 years, the Faculty has made significant strides in the areas of course and curriculum restructuring, the addition of new courses, experimenting with cutting-edge methods of delivering legal education, and strengthening its clinical programme.

Since then, the Faculty has developed a five year integrated B.A., LL.B (Hons.) Program, replacing the three year LL.B Course as part of its ongoing efforts in three specialized streams of Personal Laws, Corporate Laws and Criminal Laws.

Reflections On Lawyering

Name:

Date:

Pick one of the two sections below. If you are considering law as a career after this module, answer Section 1, if not answer Section 2. Don't worry, we are not asking you to make a serious choice or decision for your life! Pick whichever you feel more comfortable with right now.

Give brief reflective responses for the questions(short answers of up to a paragraph)

Section 1: If you are open to a career in law

What would you like to accomplish with your life if given a chance to pursue law as a career?

What do you find interesting in law?

What type of work interests you in a career in law? Court work or non-Court work? Area of law (like criminal, environmental, corporate)? Any other?

Did you become interested in lawyering during the lawyering module or before it?

What do you think are the skills you believe you will require to pursue your interests in law. How would you like to hone those abilities?

What challenges did you face while engaging with the lawyering module or you would likely face in case you pursue your interests in lawyering?

What kind of assistance/support will you think you require to achieve your objectives as an aspirant lawyer once this module gets over?

Section 2: If you don't think a career in law is right for you

What did you find interesting in the law module?

How do you think the profession of law is useful to society ?

In what way do you think that whatever you have learnt in the Law module can help you in your life or your career goal?

Why do you think a career in law is not suitable for you?

Career Opportunities In The Legal Field

Litigation Lawyer

We have studied a lot about litigation lawyers in this module.

Litigation lawyers, also known as litigators or trial lawyers, represent both plaintiffs and defendants in civil and criminal lawsuits. They handle all phases of the litigation, from examination, pleadings, and discovery to pre-trial, trial, settlement, and appeal. To become a litigation lawyer one must clear All India Bar Examination (AIBE) after two years of an enrollment as an Advocate.

To enroll as an Advocate, eligible individuals are admitted to the rolls of the State Bar Councils. The Advocates Act of 1961 gives State Bar Councils the authority to set their own standards for the enrollment of advocates. This could include an examination. Certificate of enrolment is given to those who have been admitted as advocates by any State Bar Council.

Under Section 24 (1) (f) of the Advocates Act, 1961, all applicants for enrolment as advocates pay an enrolment fee of Rs.600/- (Rupees Six Hundred Only) to the relevant State Bar Council and Rs.150/- (Rupees One Hundred Fifty Only) to the Bar Council of India.

While litigation lawyers are the most well-known career, there are many other jobs you can do with a degree in law that do not require you to argue cases in Court. Some of these are described below:

Corporate Lawyer

Also known as a company lawyer, works on legal issues concerning corporate business practices. They frequently handle business, legal, and financial functions of a company.. A corporate lawyer, for example, may be in charge of corporate taxes or may appraise and supervise mergers and acquisitions.

Real Estate Lawyer

Real Estate refers to land or buildings. A real estate lawyer is a licensed professional who oversees all real estate transactions involving real estate law. iThey are in charge of preparing and reviewing legal documents for real estate transactions like buying and selling of land or houses, as well as negotiating their terms and conditions.

Taxation Lawyer

Taxation lawyers assist clients in navigating and complying with the complex system of tax codes, as well as

legally taking advantage of the numerous deductions, credits, and exemptions. In addition, they represent clients in tax disputes. Private practice tax lawyers assist both individuals and businesses.

Below are some areas of law in which a person with a law degree can work. You can work in these areas either as a litigation lawyer or a non-litigation lawyer:

- a) **Labor Law** - Labor lawyers specialize in employment law and can represent both employers and employees. They work with clients in labor-unionized industries such as education and law enforcement. These attorneys are knowledgeable about union laws and regulations and how they affect businesses and union members.
- b) **International Law** - International lawyers are involved in contract negotiations, international dispute resolution, mergers, and other activities. It necessitates knowledge of various legal systems as well as a grasp of the source of international law. An international tax lawyer, for example, must determine the tax consequences of cross-border transactions and aid clients in lowering their worldwide effective tax rates.
- c) **Family Law** - Family lawyers are legal practitioners who specialize in family law issues. They deal with legal matters involving family members. Divorce, child custody, and guardianship are examples of legal challenges.
- d) **Constitutional Law** - Constitutional lawyers advise clients on the viability of legal courses under Indian Constitutional principles. They initiate legal proceedings under the provisions of the Indian Constitution, beginning with a formal notice seeking redress for a wrong or grievance.
- e) **Administration Law** - An administrative lawyer handles problems with municipal, state, or federal government entities. An administrative lawyer may be able to assist you if they pass policies that negatively impact your business or if you believe an agency has harmed you personally.
- f) **Patent Law** - The patent lawyers serve as the primary point of contact for industrial property rights legal protection. They advise clients on how to protect software products and plant varieties, as well as inventions, designs, trademarks, and know-how.
- g) **Human Rights Law** - A Human Rights Law represents in court or otherwise supports victims of human rights violations. It is the job of these lawyers to preserve persons' fundamental human rights.

Judge

The path to becoming a Judge is difficult and time-consuming, but it can lead to a rewarding career. A judge's position is at the top of the jurisprudential order and is one of the most prestigious professions.

Law Professor

Law school professors not only teach classes but are typically involved in research as well. Many schools also require that they periodically publish in law journals.

Legal Journalist

Legal Journalists are people who write on matters that are fully relevant to the law. Their mission is to provide specialized reporting on all legal-related issues. They can write for popular or specialist magazines or for websites like livelaw.in

Judge Advocate General (JAG)

This is a career that combines the military and the law. JAG are employees of the army with a legal degree who provide legal assistance to the military in all aspects related to the law. The military run their own courts which handle crimes committed by soldiers or actions by soldiers that go against their code of conduct. In addition there may be other matters like cases brought by civilians against the army, acquisition of land etc. The JAG supports in all these matters.

Professions Related To Law But That Do Not Require A Degree In Law

Policeman

Being a policeman/policewoman is also a career in law! We can call it a career in law enforcement. It will typically wear a law enforcement uniform. Besides the normal work of the police that we are aware of, police help to maintain order in the court. They may accompany criminal defendants to and from the courtroom or intercede between counsel. For example, they may pass an item of discovery from one table to the next or the judge.

Mediators/ Arbitrator

Also called an arbitrator—handle alternative dispute resolution (ADR), which many states require before a civil lawsuit can proceed to trial. The mediator meets with and attempts to guide opposing parties to compromise or settlement. They don't "represent" either side and may or may not be an employee of the government.

Professional Ethics For Lawyers

(Excerpted and adapted from "Professional Ethics for Lawyers" Retrieved June 16, 2022, from <https://www.lawjure.com/professional-ethics-for-lawyers/>)

Professional ethics are principles that govern the behaviour of a person or group in a business environment. Like values, professional ethics provide rules on how a person should act towards other people and institutions in such an environment. The professional ethics of lawyers is a code of conduct which lawyers have to observe with the public at large, with their associates, with their clients and in the court.

The following is a simplified and shortened version of the official professional ethics for lawyers laid down by the Bar Council of India

Group 1:

Lawyer's duty to the Court

Under section 1 of the Bar Council of India Rules provide for advocate's duties to the court.

1. An advocate should present his case with dignity and self-respect.
2. An advocate should maintain a respectful attitude towards the court
3. An advocate should not influence the decision of the court by an illegal or improper means. Private communications with a judge relating to a pending case are forbidden.
5. An advocate should appear in proper dress in the court.
6. An advocate should not wear bands or gown in public places other than courts.
7. An advocate should not act in any matter in which he is himself pecuniarily (ie. financially) interested.

Group 2:

Lawyer's duty to the client

Under section 2 of the Bar Council of India Rules provide the duties of advocate toward their clients.

1. An advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notices is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.
2. . An advocate behaviour towards his client should be kind and polite.
3. An advocate should never manipulate a client and give proper advice to the client.

4. An advocate should try his best to get justice for his client.
5. An advocate appearing for the prosecution in a criminal trial shall so conduct the prosecution, that it does not lead to conviction of the innocent.
5. It is the duty of an advocate to fearlessly uphold the interests of his client using all the fair and honourable means.
6. An advocate should not come close with the opposite party.
7. An advocate should not give any improper advice to his client that will affect negatively.
8. An advocate should keep accounts of the clients' money entrusted to him.
9. Proper accounting of everything is important in the case and for the client.
10. An advocate should not disclose any weaknesses of his client and should not reveal any material or document to the opposite party.
11. An advocate should not accept any bribe, gifts, and fees from the opposition party.

Group 3:

Lawyer's duty to the Opponent

Section 3 of Bar Council of India rules provide for the duties of an advocate to the opponent party.

1. An advocate should not open negotiations with the opposing party directly.
2. An advocate should do his best to carry out all legitimate promises made to the opposite party.
3. An advocate should be fair to his opponent.
4. An advocate should give due importance to his opponent Advocate and never mislead the facts of the case to the opponent Advocate.

Group 4:

Lawyer's duty to Colleagues

Section 4 of the Bar Council of India rules provide for the duties of an advocate to the colleagues.

1. An advocate cannot appear in a case where a memo is filed by the name of the other advocate. If he is having the consent then only he can appear.

2. An advocate sign-board or name-plate should be of reasonable size.
3. An advocate has to keep goodwill among his fellow advocates.
4. An advocate should not promote unauthorized practice.

Seven Lamps Of Advocacy

Thakur, Y. (2021, December 31). Seven lamps of advocacy –. Legal Study Material. Retrieved June 17, 2022, from <https://legalstudymaterial.com/seven-lamps-of-advocacy/>

Seven lamps of advocacy

You may have heard the phrase “**ASATO MA SADGAMAYA TAMASO MA JYOTIRGAMAYA**”. What does this mean? It means to take a person from untruth to truth and to lead from darkness to light. When a client comes to the chamber of an advocate, expect to take his case from the darkness to light and untruth to truth. But to take a case from darkness to light, an advocate must be aware of the seven lamps of advocacy.

Seven lamps of advocacy are a very interesting topic of professional ethics. The rights of an advocate under the **Advocates Act 1961** also help a lawyer to use these lamps of advocacy in his profession.

History of seven lamps of advocacy

It was Judge Edward Abbott Parry who brought the theory into existence. He gave the seven lamps of advocacy. After that, the 8th lamp of advocacy was added by justice V Krishnaswamy Aiyar in his legal book of “professional conduct and advocacy”. He named the 8th lamp of advocacy TACT.

- **HIGH COURT IS WITH EVERY JUDICIAL FELLOW.**

The qualities given under the seven lamps of advocacy are the best and essential qualities of an advocate which must be followed by an advocate to succeed in his legal profession while practicing in the court anywhere. Let’s know about each and every lamp of advocacy.

- **Honesty**

Honesty in a profession is the official policy that should be used by every person while interacting with another person. Honesty should reflect in the thoughts, words and behavior of an advocate. It is honesty that increases the personal and professional reputation of the person in a society. The reputation of an advocate is the thing that includes his fame and trust with his clients and bar.

An advocate is expected to be honest while dealing with the case and making arguments and producing oral and documentary evidence in the court of law. The judge decides the case on the basis of the submission and arguments done by an advocate on the behalf of his client. If a wrong fact represented by an advocate can punish an innocent person. An advocate should be:

- **Honest with his client-**

He must tell his client about the position of the case every time.

An advocate must tell about the merits of the case

He must tell about the demerits of the case or any consequences which can lead to the loss of his client.

If an advocate is going to lose the case in court, he should talk about this.

Honest with opposition-

An advocate should be honest even with his opposition party. He should not give any false facts to take the case in the opposite direction.

Deceiving a person in a case should not be the purpose of an advocate.

- **Honest to law-**

The person who is filing the case in the court is here to take justice, not to check the talent of an advocate. Honest with the law means an advocate should give the truthful fact in front of the judge, not any false statements. Telling the truth in front of the judge is the best practice for honesty.

- **Courage**

Courage is one of the important factors in seven lamps of advocacy. Courage means the ability to stand in front of the court without any fear. An advocate should feel proud and confident while arguing in a case. It builds the ability of an advocate to convince the judge that his true and honest facts represent on the behalf of his client.

A lawyer faces many problems while dealing with civil litigation or criminal litigation. He should have the courage to stand in that case and remove these problems fearlessly. He should have been ready to fight all the problems and social evils. Advocates can use courage as their weapon, but for that, they must have a deep knowledge of the law.

Not all cases are easy for dealing with, an advocate can get the case related to murder, marital rape, abatement, Child labour etc. He should have the courage to take every kind of case.

- **Industry**

Ignorance of the law is not an excuse. He must have the knowledge of the law for which he is dealing in a case. We all know that the law is like an ocean; no one can be the master of law. But an advocate should know about the law used in the case in which he is dealing for.

Advocates should have knowledge, attitude and skill while dealing with the case. To get the knowledge of the law and understand the law he should have given sufficient time for that.

No advocate can win the case without sufficient knowledge of the law. He must have given the time for the case so that he could deal perfectly with that case and increase his chance to win the case. Our law is not static, it keeps changing with the need of society every time to solve the various new problems of the society. An advocate should update himself with these new laws. Even if a lawyer was good enough to deal

with all the cases in the previous time, and now he does not stay up to date with new laws, he will face difficulties while dealing with the case in the present time. There is no way other than hard work.

- **Wit**

Being a professional lawyer in the field of law, a lawyer should have wit and a sense of humour. It is the humour that keeps us calm and active. A person without a sense of humour will fight the case with anger which isn't good for providing justice. Judges also like the advocates and witnesses which help them to provide justice in a case.

The wit is a necessary lamp to lighten the darkness of advocacy. A wit helps the advocates to stay focused on his work and reduce the workload so that he can remain relaxed. It automatically removes the mental strain of an advocate so that he can think beyond the limits of his mind.

A well-prepared speech by an advocate in front of the Judge will not always work. An advocate has to answer the questions of a Judge and that question will check the wit and presence of mind of a lawyer. The questions asked by judges check the intelligence and knowledge of advocates related to the case.

It happens many times that an advocate forgets to produce something in the court or fails to answer some questions in the court. At that time, it is the wit of an advocate which helps him to fill that gap.

- **Eloquence**

The lamp of eloquence is the art of speaking. Every advocate delivers his argument in front of the judge. But eloquence is the way to give the arguments in a way that holds a long-lasting effect on the judge as well as the clients and listeners in the courtroom.

Eloquence is an oral art that is used by an advocate for fluent and skilful use of communication which touches the soul of a judge.

An advocate who has a good knowledge of advocacy can use the eloquence language for fluent speaking. There are some important points related to eloquence as follow:

An advocate should be a skilled speaker

He should stay confident while giving the speech in front of the judge

He should be fluent while giving this speech.

The language used by an advocate should be error-free

He should have the ability to pause himself at the right moment

This speech given by an advocate should be effective, not dramatic.

He should give this speech in a way that leaves an impression on the judge.

The language should be used in a way that should help the judge while writing his judgement.

The language should influence people towards the point of discussion.

Use of the right law phrase and law maxim.

An advocate can use the power of eloquence by:

noticing the faults made by the opposite party

Presence of mind in the case

Knowledge and practice

By setting the relation between arguments and justification

The skill to develop the equivalence in Hindi speech needs more and more knowledge.

- **Judgement**

The lamp of judgment means the deep study of the present case and then make an informed opinion for that case. An advocate should think from two sides of the case because it will help him to understand the consequences of the case. By understanding the case from both sides the advocates knows the merits and demerits of that case. It helps him to anticipate the problems and tackle the same with his other lamps of advocacy.

A good advocate knows what will be the consequences after representing a witness in court. He should be aware of what questions can be asked by the judges and the opposite party after the witness. And he should be ready to counter these arguments and questions from the opposite party and judges of the case as well.

- **Fellowship**

Fellowship is one of the most important lamps of advocacy. An advocate must carry fellowship with his colleagues. When an advocate takes the case and argues, he argues against an opposite advocate. But it does not make them opposite to each other, they are just making arguments for the sake of justice only. After finishing the argument in the court hall, the advocate should respect his opposite advocate. Even while doing an argument in court, an advocate should respect his opposite lawyer as well. The reason is, it is not the fight between both of them but it is the fight for justice only.

After the judgement of the caught in a case, even if an advocate lost the case, he should respect the advocate who wins the case. If an advocate starts fighting with each and every advocate who is opposing him in the case, he will make all the advocates his enemy which is not professional ethics.

A case must not bother his friendly relationship with other advocates. An advocate should while referring to the opposite advocate use the term as a learned friend or learned counsel.

Advocates should also use the lamp of fellowship for judges also. It is the arguments of an advocate which leads his case. The advocate should respect the judge even if he gave the opposite decision. An advocate should refer to a judge as:

Learned Judge or Your Honour

High court- your lordship or my lord

These are the terms that show respect towards the other advocates and judges. It builds a friendship with another colleague.

8th lamp of advocacy

TACT is the 8th lamp of advocacy. An Indian lawyer and former judge of Madras High Court “V Krishnaswamy Iyer” has written the TACT in his book of PROFESSIONAL CONDUCT AND ADVOCACY as the 8th lamp of advocacy.

Sometimes it happens that the courtroom becomes a mess due to the heavy and serious arguments by advocates. In those circumstances, advocates should know how to tackle the situation. An advocate should know how to:

control his client in that situation

Control over the opponent advocate in the case.

Persuade the judge

An advocate should use a great technique that will be able to control the messy situation in the courtroom.

FAQ related to the Seven Lamps of Advocacy

What are the seven lamps of advocacy?

Honesty, carriage, Wit, industry, eloquence, judgment and fellowship are the seven lamps of advocacy.

What is the 8th lamp of advocacy?

Tact is known as the 8th lamp of advocacy. It is the ability and quality of an advocate to deal with a messy situation in the courtroom.

Who gave the 8th lamp of advocacy?

It was V K Iyer who has written TACT as the 8th lamp of advocacy in his book PROFESSIONAL CONDUCT AND ADVOCACY. He said that an advocate should know how to tackle a messy situation and take control over that situation.

Conclusion

Advocates should keep burning these seven lamps of advocacy. Advocacy is not a way to make money but it is the profession that helps the person to provide justice.

Advocacy is a profession and duty of an advocate towards society. Every lawyer is expected to deal with the case by using these seven lamps of advocacy. An honest advocate builds a strong bond with his clients and colleagues. Every lamp of advocacy has its own benefits which make the advocate confident and strong to deal with the case.

The seven lamps of advocacy are the qualities of a successful lawyer. If you are going to practice in court, you must obey the seven lamps of advocacy.

Cluster V Module 3: Public Policy

Credits

| | |
|---|---|
| Authoring: | Ms. Anjali Noronha, Independent consultant |
| Initial Module Conceptualization: | Ms. Anjali Noronha, Independent consultant Prof. Aseem Prakash, TISS, Hyderabad |
| Teacher Professional Development sessions: | Ms. Ritu Lamba |
| Research: | Mr. George Jose, Research Assistant, CETE, TISS Mr. Himanshu Burad, Independent Consultant Ms. Richa Pandey, Independent Consultant Ms. Manvi Suyal, Research Assistant CETE, TISS |
| Research and Coordination: | Ms. Tanya Mittal, Program Manager, CETE, TISS |

Student Planner

| Session | Topic | Objectives and Description |
|---------------|---|--|
| Week 1 | | |
| Session 1 | Introduction to Public Policy | <ol style="list-style-type: none"> 1. To understand what Public Policy is and why it is important. 2. Examining the conceptual evolution of the discipline and practice of public policy <p><i>In this session, we will discuss and arrive at a broad understanding of public policy and why it is important. We will also look at different types of policy documents.</i></p> |
| Session 2 | What guides our public policies and what are the steps in public policy making? | <ol style="list-style-type: none"> 1. To understand how Constitution is the guiding document for framing policies in our country 2. To understand the steps involved in formulating a policy <p><i>In this session, we will be focusing upon how Constitution serves as the framework for formulating the public policies in India and the process of creating a policy and its components</i></p> |
| Session 3 | Institutions involved in Policy making | <ol style="list-style-type: none"> 1. To understand the institutions and the stakeholders involved in the formulation of a policy. 2. To analyse and compare the election manifestos of different political parties <p><i>In this session, we will discuss the various actors and institutions that are involved in the formation of a policy and with the help of election manifestos try to understand the different policies presented.</i></p> |
| Week 2 | | |
| Session 4 | Understanding how policy address issues through the case study of roads | <ol style="list-style-type: none"> 1. To understand the manner in which policy addresses an issue with the help of a concrete example. 2. To understand the text given in the policy and make connections with the real life experiences <p><i>In this session, you will look at a concrete issue and understand how policy is deployed to solve these issues. The real life experiences of the children will also be linked to the policy text.</i></p> |

| | | |
|---------------|---|---|
| Session 5 | Need for Coordination between different institutions for the implementation of policy | <ol style="list-style-type: none"> 1. To understand the policy statements 2. To understand the different institutions involved in policy making and how there needs to be a coordination amongst them 3. To focus upon the complexities and challenges faced in the policy implementation and review <p><i>In this session, we will focus upon the need for coordination amongst the different institutions and stakeholders for implementation of the policy and will also look at the challenges faced on ground in the process of implementation.</i></p> |
| Session 6 | Analysing Delhi Water Policy | <ol style="list-style-type: none"> 1. To understand the plausible issues faced with respect to water in India 2. To identify the different stakeholders involved in the process of making a policy 3. To apply the concepts learned previously and analyse the Delhi water policy. <p><i>In this session, we will focus upon identifying the issues with respect to water policy in India. The session will also ponder upon the idea of a stakeholder and identifying the stakeholders involved in water policy. Utilising the Delhi water policy the students would be required to analyse it using the concepts learned previously.</i></p> |
| Week 3 | | |
| Session 7 | Importance of data in policy making | <ol style="list-style-type: none"> 1. To understand the importance of data in policy making 2. To be able to differentiate between a census and a sample survey 3. To introduce the students to the official sources of data such as NSS, NFHS, Census <p><i>In this session, we will focus upon recognizing the importance of data in the evolution of a policy and the students will also take cognizance of the various official sources of data.</i></p> |
| Session 8 | Co-creating a list of careers in public policy | <ol style="list-style-type: none"> 1. To identify and explore the various career fields in the domain of public policy. 2. To understand the various pathways through which a career in the field of public policy can be built |

| | | |
|--|---|---|
| | | <p>In this session, we will focus upon exploring the various opportunities and careers that are prevalent in the field of public policy. You will also understand the different pathways through which the positions can be taken up in the public policy sector.</p> |
| Session 9 | Interactive session with policy professional | <ol style="list-style-type: none"> 1. The students would be introduced to the careers in the domain of public policy through an interactive session with a professional 2. To understand why public policy is accorded the status of a professional degree <p>In this session, you will be interacting with a professional in the field of public policy and will also be able to understand the status of professional degree accorded to the domain of public policy.</p> |
| <p style="text-align: center;">Week 4</p> | | |
| Session 10 | Introducing the Internal Assessment | <ol style="list-style-type: none"> 1. Students will be introduced to the module assessment rubrics 2. To familiarise the students with the draft of pedestrian policy and to prepare them for observing the problems related to pedestrians. <p>In this session, you will be familiarised with the assessment rubrics and the draft pedestrian policy.</p> |
| Session 11 | Finalising Observation Sheet and Writing Observation Report | <ol style="list-style-type: none"> 1. The students will be required to finalise the observation sheet and write the observation report <p><i>In this session, we will focus upon finalising the observation sheet and filling up the observation report.</i></p> |
| Session 12 | Submitting the observation report | <ol style="list-style-type: none"> 1. To finalize and submit the questions in the worksheet, observation sheet and observation report <p>In this session, you will be required to finalize the observation report and recap the entire module.</p> |

Introduction to Public Policy

What is public policy?

Public policy encompasses a set of documents, institutions and processes adopted by the government to address the various problems and demands of the citizens.

The set of documents includes policy documents (such as [National Health Policy 2017](#), [National Education Policy 2020](#), [Industrial Policy for Delhi](#) etc.), acts (eg - [RTE Act 2009](#)), rules and regulations, cabinet resolutions, executive orders, program documents, mission documents etc. Each of them outlines in different levels of detail the framework to address the issues. They determine the programs and actions implemented by the government.

Then there are institutions which work to implement what is there in the above documents. There are processes by which it is done. All these are done at the national and state level, and sometimes at the international level. Therefore careers in public policy also range from the grassroots to the international level.

Evolution of Public Policy

Initially, the relationship between the state and people was governed by the norms of the monarch/king and subjects. Accordingly, certain critical treatises were developed in different parts of the world. The works such as Kautilya's *Arthashastra* (3rd BCE) and Machiavelli's 'The Prince' (16th CE) dealt with state sciences which focused on serving the interests of the absolute ruler in knowing about the subjects of his principality, the state of its resource, how to rule best and preserve his power.

However, in the second half of the 18th century, political movements such as the American Declaration of Independence (1776) and the French Revolution (1789) inspired **a shift from serving the interests of the state to that of citizens**. There was a recognition of the rights of human beings and the state was supposed to govern on behalf of the citizens.

This situation created the demand to use social knowledge (collective knowledge available to society) for the purpose of social betterment. In the beginning, the state was seen as the single actor to address the socio-economic problems experienced by the nation and its citizens. There was a framework of **public administration**, which trained the bureaucracy to identify problems and resolve them by the systematic application of technical expertise. The rise of globalisation led to the belief that the market can serve as an instrument for addressing socio-economic problems, and a new framework of **New Public Management** emerged. The fundamental idea here is that the state should limit its role in the economy and the bureaucracy should also run on market principles, unlike the previous frameworks where the government had the primary role in initiating policies. For example, in the electricity sector reforms in Delhi – from public sector generation, transmission, and distribution, these roles were given to private actors. The division between generation, transmission, and distribution helped identify where the losses were happening. The tariff was conceived on the basis of investment and return, although the government steps in to subsidise the poor. In many sectors, the government's role became that of facilitator without investing or participating in it.

There is a realisation that you cannot rely only on bureaucracy for policy-making; instead think tanks, research institutions, civil society organisations and other private players are equally involved in public policy development and implementation. This has opened up many new career opportunities in these organisations. Public policy has also emerged as a separate academic discipline in universities as professionals are in demand to do background research, analyse data and come up with policy options.

To do: Look up Universities in India and abroad that offer Master's level programs in public policy. Read their curriculum to understand the concepts that are taught in these programs. Also, check their alumni pages to explore the organisations where the graduates are working. Share what you find with the class.

Look at the circular given to you and answer the following

| Circular number and date | Issued by | Deals with (subject) | Content - What does it say |
|--------------------------|-----------|----------------------|----------------------------|
| | | | |

List down three policies you are familiar with. Identify the issues it addresses and the actors/institutions involved in developing and implementing the policy.

| Policy | Issue to be addressed | Actors/ Institutions Involved |
|--------|-----------------------|-------------------------------|
| | | |

Constitution as the framework guiding public policy

- *Why do we need a constitution?*
- *Does the Constitution state how the policy should be formed?*
- *How is the government formed in our country? Does the government have the power to impose anything on the citizens?*
- *What is the difference between state and central government? Do they have the same authority to frame policies?*

The constitution is the framework that guides the public policies of our country. The Constitution provides the basic rules that allow coordination among members of society. It specifies who has the power to make decisions/new rules in a society. It decides how the government will be constituted. It also sets limits on what a government can impose on citizens. The constitution enables the government to fulfil the aspiration of society and create conditions for a just society. Constitutions lay down the rules for various institutions including the parliament, prime minister and cabinet ministers, and courts.

Article 12-35 lays down the fundamental rights of the citizens, which are justiciable and the government is mandated to ensure. The Directive Principles of State Policy in part IV of the constitution lays down the principles that guide the public policy of our country.

The Indian constitutional system is quasi-federal in nature. By listing the topics in the central list, state list, and concurrent list, an effort has been made to clearly demarcate the domains of policy-making between the central and state governments. You can access the seventh schedule of constitution here: <https://www.mea.gov.in/Images/pdf1/S7.pdf> or

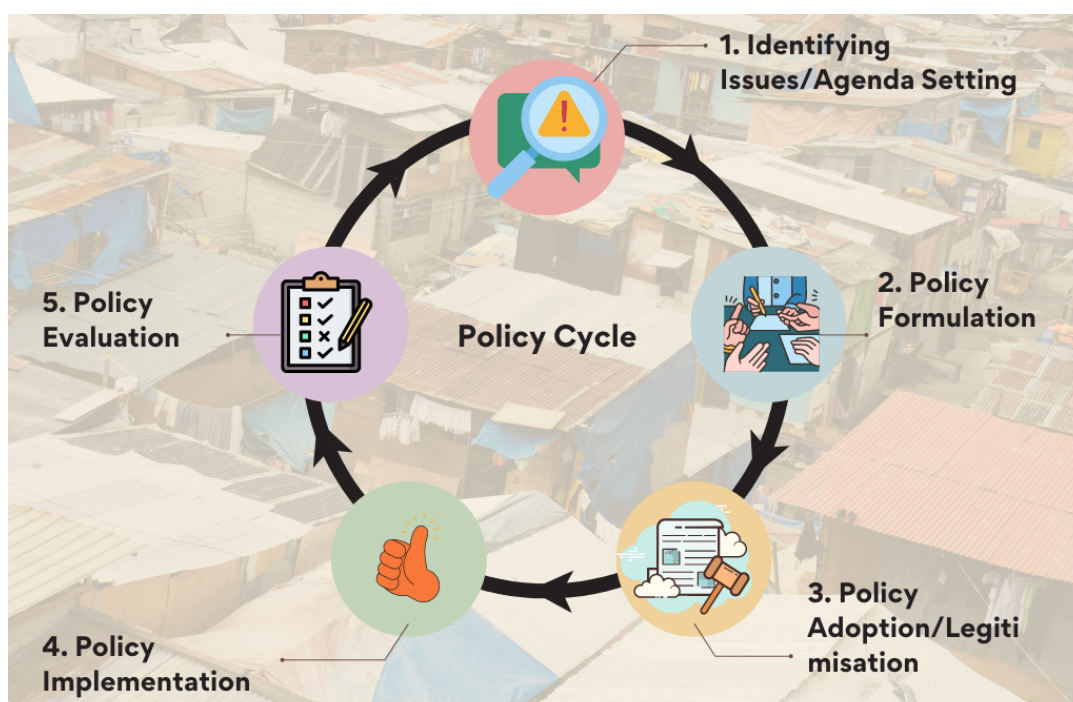


Typically, the central government has extensive authority to create policies for the economy's development sectors. However, the central and state governments are both involved in the implementation of programmes, and both are jointly responsible for the outcomes.

Refer to the seventh schedule of the constitution and list three subjects that come under each list.

| Union List | State List | Concurrent List |
|------------|------------|-----------------|
| | | |

Understanding Policy Cycle



From your discussion in the class, briefly describe what happens in each stage of the policy cycle with examples.

| | | |
|----|-----------------------------------|--|
| 1. | Identifying Issues/Agenda Setting | |
| 2. | Policy Formulation | |
| 3. | Policy Adoption/Legitimation | |
| 4. | Policy Implementation | |
| 5. | Policy Evaluation | |

Understanding Policy Components

Policy has objectives, plans, and strategies, and may also state the institutions, budgets, and time period to achieve it. Simply stating the objective does not make a policy.

The desired state of affairs that a society or organisation seeks to achieve is referred to as a policy objective or goal. Public policy lays down the strategies to achieve the objectives such as eradicating poverty, protecting water bodies, promoting the manufacture of semiconductors etc.

Example 1

- Improving environment sustainability – objective
- The household waste has to be segregated between wet waste and dry waste before discarding – policy strategy

Example 2

- People should eat healthy - goal
- All packaged foods have to disclose the calories and ingredients in the food products - policy strategy

Arrange the following policy strategies under the correct objectives. (You can also discuss and come up with new policy strategies and add to the list)

1. Women will be provided free bus passes in Delhi
2. High priority to identification and rectification of black spots (accident-prone spots) on national highways
3. all thermal power plants located within a 300-kilometre radius of Delhi will have to ensure compliance with emission standards
4. Conduct road safety audits through independent agencies for all roads of 5 km or more in length
5. use of coal in the industrial application will be banned from January 1, 2023
6. Increasing maternity leave from 12 weeks to 26 and ensuring that every establishment with over 50 employees has a crèche service
7. Diesel vehicles older than 10 years will automatically be deregistered from January 1, 2023.
8. Loans at a lower interest rate for women self-help groups
9. The Government will establish a National Road Safety Fund to finance road activities through the allocation of a certain percentage of the cess on gasoline and diesel.

Objective: To reduce air Air Pollution in Delhi

Objective: Road accidents to be reduced by 30% in the next five years

Objective: To improve participation of women in the workforce

Identify an objective and formulate policy strategies to achieve it

Objective:

Institutions/actors involved in policy-making

The parliament and state legislative assemblies are important institutions for policy formulation, but not all policies are made in the parliament or legislative assembly. There are also other state and non-state institutions and actors involved in the development and implementation of public policy.

From your discussion in class, write down the role played by each institution.

State Actors/Institutions

- 1. The prime minister's office and the cabinet**

- 2. Ministries/Department**

- 3. Parliament**

- 4. National Institution for Transforming India - NITI Aayog**

- 5. Judiciary**

Non-state Actors

1. Media

2. Civil Society organisations

3. Political Parties

Look up the internet and name some of the policy think tanks from India.

Analysing election manifesto

Name any two policy issues that are common to all three manifestos.

Are there any unique policies highlighted by the political party?

AAP -

BJP -

INC -

Do you think there are any issues that have not found a place in the manifesto? Which new policy do you want if you are creating a manifesto?

Understanding how policy address issues through the case study of roads

Understanding Different Types of Roads

| Types of roads | Examples that you're familiar with | What are its main features? | Who uses them? | Problems with the roads |
|-----------------|------------------------------------|-----------------------------|----------------|-------------------------|
| Highways | | | | |
| City main roads | | | | |
| Colony roads | | | | |
| Basti roads | | | | |
| Ring roads | | | | |

Understanding Policy Response from Policy Documents

Read the selected policy statements from the national road transport policy. Prioritise the three most important policy statements and order them as first, second and third and give your reasons.

| S. no. | Policy statement | Which issue problem would it address (roads, vehicles, others) | Why is it important? |
|--------|------------------|--|----------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

Need for Coordination

List down the various institutions involved in development and implementation of policies on Roads in Delhi. What are some challenges faced in implementation of policies?

Identifying Stakeholders in a Policy

A **stakeholder** is a person, group, or organization involved in or affected by a course of action. While developing policies it is important to identify all the stakeholders.

List down the stakeholders who are to be considered when a water policy is framed for NCT of Delhi

Analysing excerpts of Water Policy of Delhi

1. What are the objectives of the policy? What are the issues that are addressed in the policy?
2. Will there be any objections from any of the stakeholders while implementing the policy?
3. What are the advantages of this policy?
4. What are the disadvantages of this policy?
5. Compare the advantages and disadvantages and suggest if you would opt for this policy?
What suggestions do you have for this policy statement?

Data in Public Policy



Figure 1(image credits - The Hindu, March 14, 2012)



Figure 2(image credits-The Times of India, December 11, 2015)

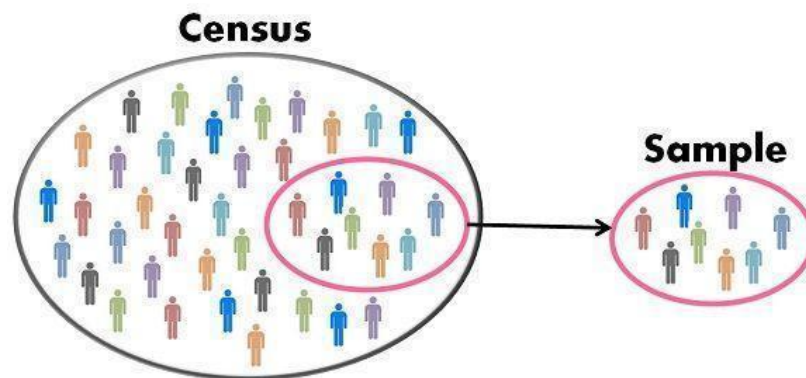
You might have seen news reports citing data on multiple issues as shown in figures 1 and 2. In this section, we will learn about important official data sources in India such as the Census of India, National Sample Survey and National Family Health Survey. These data sets give important insights for policy making.

Difference Between a Census and Sample survey

Before looking into the different data sets, we have to understand the difference between census and sample surveys.

A Census survey collects data about the entire population. The Census of India is an example of a census survey.

But it is not always possible to collect data from the entire population due to logistical difficulties. In that case, a sample survey is conducted. In a sample survey, data is collected from only a specific group or sample to make inferences about the entire population. For example - National Sample Survey



(If you are interested in learning more about different types of sampling you can refer to this article:



Source:

<https://www.scribbr.com/methodology/population-vs-sample/#:~:text=A%20population%20is%20the%20entire,t%20always%20refer%20to%20people.>)

Census of India

The Census of India is the most comprehensive dataset about our country and its demography. The first census was undertaken in 1881 in British India. Since then, a census is conducted every ten years. The census of 1951 was the first census in independent India. The most recent census available is from 2011, as the census of 2021 was postponed due to Covid.

Registrar General of India and Census Commissioner, which comes under the Ministry of Home Affairs is entrusted with the responsibility of conducting the census. It is a humongous exercise in a country as large and diverse as India. The whole administrative machinery of the State and local self-government, including teachers, clerks, “patwaris” etc. are appointed as census enumerators and they visit every household in the area assigned to them.

Interestingly, the census is the only data source in India, which has a legal backing. The Indian Census Act of 1948, authorizes the census enumerators to ask the prescribed census questions and legally compel all persons to answer truthfully –you cannot decline to participate or lie.

Any information provided by an individual is kept confidential and cannot be used as evidence in court.

The Census collects very comprehensive data. You can go to the censusindia.gov.in website to explore the questions asked in the census. These include:

- general population table - (how many villages are there, how many towns are there), population, area etc.
- Information related to economic activities - how many are working? How many are unemployed? How many are engaged in agriculture, industry? Etc.
- socio cultural – disability, religious composition, SC/ST community, linguistics population
- migration Data – overall migration, internal migration, stream of migration (Rural to Rural, Rural to urban etc, distance traversed (intra-district, inter-district, inter-state), reasons of migration (employment, business, studies, marriage, moved after birth, moved with household and others)
- Fertility table
- house and household series – nature of house, amenities in household
- Primary census abstract – which provide you the basic socio-economic characteristics of the village/ward in each district
- Village directory – which provides the village level infrastructure data (roads, bus stops etc.)
- Town directory (town infrastructure)

Apart from these population censuses, the census collects two other data which are known as civil registration system (CRS) and Sample registration system (SRS) and give information about the death and birth rates.

Watch an interesting video on how the census is carried out -



Visit Census of India website here:



National Sample Survey

The National Sample Survey (NSS) is conducted by the Ministry of Statistics and Program Implementation. Two very important data sets it regularly gives us are the employment, unemployment surveys and consumption expenditure. It is a quinquennial survey (every five years). Apart from these regular two

surveys, the NSS conducts demand-based surveys on morbidity, livestock, education, debt and investment, land holding, survey of disabled population, housing and sanitation, migration, village facilities, condition of farmers, tourism etc.

Unlike the Census, the NSS does not collect data from every household and instead samples are collected from villages and blocks – the sampling is done based on the previous census. You can explore the NSS reports here -



Source:

<http://microdata.gov.in/nada43/index.php/catalog/central/about>

You can read an interesting article about NSS here -



Source:

<https://www.bbc.com/news/world-asia-india-61870699>

National Family Health Survey

The National Family Health Survey (NFHS) is a large-scale, multi-round survey conducted in a representative sample of households throughout India. The first survey was conducted in 1992-93. The survey provides state and national information for India on fertility, infant and child mortality, the practice of family planning, maternal and child health, reproductive health, nutrition, anaemia, utilisation and quality of health and family planning services. Each successive round of the NFHS has had two specific goals: a) to provide essential data on health and family welfare needed by the Ministry of Health and Family Welfare and other agencies for policy and programme purposes, and b) to provide information on important emerging health and family welfare issues. The Ministry of Health and Family Welfare (MOHFW), Government of India, designated the International Institute for Population Sciences (IIPS) Mumbai, as the nodal agency, responsible for providing coordination and technical guidance for the survey.

You can explore the NFHS data -



or <http://rchiips.org/nfhs/>

Access factsheets of different states:



or http://rchiips.org/nfhs/factsheet_NFHS-5.shtml

India Fact Sheet:



or http://rchiips.org/nfhs/NFHS-5_FCTS/India.pdf

There is also an Open Government Data Portal designed, developed and hosted by the National Informatics Centre (NIC), a premier ICT organization of the Government of India under the aegis of the Ministry of Electronics & Information Technology. This platform facilitates access to Government owned shareable data. To explore, visit <https://data.gov.in/> through this QR code:



Apart from these traditional data sets, a new satellite-based data source is the Bhuvan – a Geo-platform of ISRO. To explore go to <https://bhuvan.nrsc.gov.in/home/index.php> through this QR code:



Go to the Census of India website and open the population finder tab and answer the following -

https://censusindia.gov.in/census.website/data/data-visualizations/PopulationSearch_PCA_Indicators

Total Population -

No. of Male -

No. of Female -

- ❖ select NCT of Delhi in the state/UT search box and each group has to select a different district such as Central, East, New Delhi etc.

Name of District -

Total Population -

Ratio of Male to Female -

Literacy Rate among Male -

Literacy Rate among female -

Percentage of working population -

We should note that Data is not only in the form of numbers. It can also be in the form of detailed descriptions (qualitative form) which is collected through observations, interviews with stakeholders etc. Evidence-based policymaking puts the best available research findings into the core of policy making. Social science research has an important role to play in informing policies with evidence. There is also increased use of data-driven evidence. You might have heard of terms like 'Big data' and 'data analytics'. There are new career pathways that are opening up in social science research, data analytics and monitoring and evaluation of policies.

Careers in Public Policy

The domain of development and implementation of public policy is broad and the career opportunities are also diverse - you have opportunities with government and non-government organisations. The job function varies from policy research and development, implementation, monitoring and evaluation, policy analysis, advocacy and lobbying, policy communication. You could be a politician and participate in an election to become a policy maker, you could write the civil services or other government exams to become a bureaucrat, you can be a lawyer and join the judiciary, or be an expert in your domain such as economist and work as a policy consultant, you can work as a data analyst or researcher for monitoring and evaluation of policy, work as a policy officer for MNCs to liaison with government etc.

Careers in Policy:

- Direct and Permanent Recruitments in State Services (Both Union and State Governments)
- Multilateral and Bilateral Organisations
- Development Consulting Institutions
- Corporate Sector
 - Consultants/ Young Professionals to Governments and ParaStatal Agencies such as NITI Aayog
- Development Data Scientists
- Corporate Sector
- Grassroot Organisations
- Universities
- Research Think Tanks
- Lobbying Firms and Agencies

Useful links and their QR codes:

1. Public policy jobs listed -

<https://publicpolicyindia.com/careers-plus/200-indian-jobs-and-opportunities-database/>



2. Link to websites of some policy think tanks in India

https://www.icwa.in/show_content.php?lang=1&level=1&ls_id=1586&lid=1555



3. Careers in public policy talk by Kumar Shubham -

https://www.youtube.com/watch?v=4_xWvooi6Yw



4. Fellowships and internships

- The CM Fellow program

<https://ddc.delhi.gov.in/cmulf/programmes>



- Delhi Assembly Research Centre Fellowship Program

<http://www.darc.dtu.ac.in/>



- NITI Aayog Internship Program

<https://www.niti.gov.in/internship>



- LAMP fellowship

<https://prsindia.org/lamp>



5. Instagram accounts that discusses public policy in India, careers related to it and scholarships to public policy courses in universities

<https://www.instagram.com/publicandpolicy/>

<https://www.instagram.com/thepolicygram/>