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**CONCEPTUALIZING A HUMAN-RIGHTS-FRIENDLY AND MORE HUMANITARIAN “FREEDOM” AND “JUSTICE” FROM A WOMAN, TRIBAL AND TRANSGENDER PERSPECTIVE: EMPOWERING THE MARGINALIZED THROUGH LEGAL LITERACY**

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**INTRODUCTION**

By virtue of being humans, we possess certain inalienable fundamental a priori rights of which the “Right to Freedom” is supreme. I believe this Freedom is only achievable by a quantified human being. This is because a man with huge tracts of land is as poor

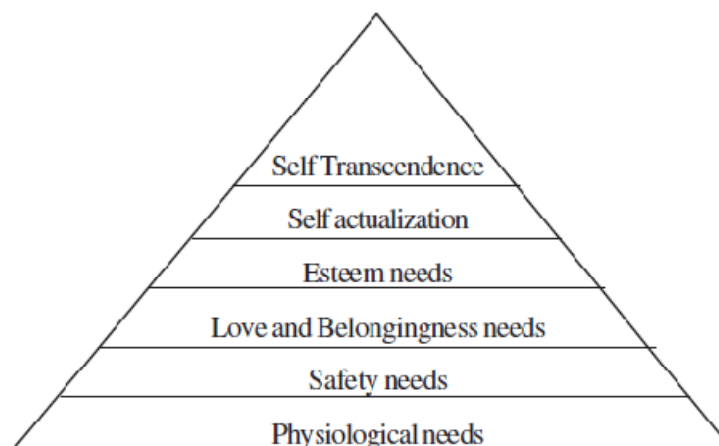
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as a beggar in front of a food shop, if both do not have capital. Both remain poverty stricken and as Mahatma Gandhi puts it, “Poverty is the worst form of violence”. In the KBK (Kalahandi, Bolangir and Koraput) districts of Orissa, India, people own land but have low access to finance. This poverty amongst plenty has precipitated many farmer suicides. Thus, it is important to realize that time is ripe to spatialize fresher conceptual landscapes for freedom and justice. A democracy which witnesses farmer suicides should be ashamed of breaching a constitutional guarantee to the right to life for all its citizens. This paper thus provides that a more human-rights-friendly freedom would be to create enabling conditions in a society susceptible for an individual to fulfil her/his Maslow’s hierarchy of needs (see Diagram 1). This is highly humanitarian as well because such a right to freedom would be concomitant with the three tenets on which humanitarianism hinges. This freedom, which is conventionally called economic freedom, encompasses The Principle of Impartiality because it acts as a self-aid during disasters irrespective of one’s sex, caste, creed and colour. Thus, a woman who has economic freedom will recover easily from climate calamities than her un-free counterparts. This freedom respects The Principle of Universality because it is intertwined with the fundamental human aspiration for Liberty, a commonality for which every individual must be treated with dignity immaterial of whether the person is a transgender. Thirdly, this econo-freedom believes in The Principle of Humanity because when powerful human instrumentalities such as the governments allow such freedom to prevail, they are in essence helping fellow human beings to survive. A more humanitarian and human-rights-friendly conceptualization of Justice on the other hand would mean creating transparent and perfect mechanisms of

“Freedom” delivery so that each individual gets her/his due. This paper will not only kaleidoscope the concept of freedom, present the newer aspirations, the finer mechanisms of achieving both justice and freedom but also explore the subjective individual experiences of a transgender individual, a tribal and a rural woman. This research paper will most importantly show how LEGAL LITERACY can be a sustainable justice delivery magnet and a promoter of a more human-rights-friendly and more humanitarian Freedom and Justice. For this demi-academic research paper, I, the researcher take India, as my case study.

Diagram 1: Maslow’s Hierarchy of Needs



Spatializing Fresher Concepts: Freedom and Justice, a New Look:

*Engaging with Freedom through a Transgendered Lens*

## 1. EXPERIENCING SONALI

“Freedom is acceptance, accommodation and inclusion of human diversity. It is the absence of barriers for self-actualization for a

human being irrespective of the identity whether sexual or otherwise the person holds. This freedom is an offshoot of economic freedom that I seek to achieve through entrepreneurship.” Sonali, Bolangir, Orissa

Sonali is a transgendered individual residing in Bolangir, Orissa, India. She lives with fellow individuals in an exclusive commune in a rural agglomeration. She consented to interact with the researcher on being approached by the manager of a marriage-baaraat (procession) organizer in which Sonali was frequently hired to dance (transgender persons being considered auspicious in marriage-baaraats in Orissa). I asked Sonali what freedom meant to her. Sonali presented her idea with personal experiences substantiating her words, though I learnt later from her that she held a B.A. in Oriya from the local college. She said, “Freedom is acceptance, accommodation and inclusion of human diversity. It is the absence of barriers for self-actualization for a human being irrespective of the identity whether sexual or otherwise the person holds. I have no access to temples and other public places of worship, hotels, restaurants, teashops, drinking water resources, hospitals in the village. We are not allowed into disaster-shelters during extreme weather events. We are commoditized as sex objects. Most importantly, we are a love-dwarfed lot who die and rot silently in a cold and torturing world.” I questioned her, “What is the greatest impediment for your achieving freedom?” Sonali answered, “I feel the greatest problem that we people have is our identity. We are forced to assume a gender which we do not fit into. This increasingly discourages us to engage with the mainstream India. We too want to participate in nation-building but the government neither provides us with any push-or-pull factors. Now, we beg to eke out a living for ourselves.” I intervene, “Can you suggest any solutions for providing

you with the freedom you aspire to gain?” She elaborates, “This freedom that we aspire to gain is an offshoot of economic freedom that I seek to achieve through entrepreneurship. I believe that entrepreneurship is a vital tool towards enabling us to be truly free. This is because once our instinctual needs for food, clothing and shelter are fulfilled, we can then participate in social activism to gain wider acceptance in the society. Further, financial independence makes human lives more dignified. I had attended a Woman Entrepreneurship Development Camp organized in 2005. I wanted to start “Service-Entrepreneurship” amongst the transgender guild by organizing fellow sisters into a partnership that would provide dance services for parties and watchman services for lady hostels during nights. I needed seed investment to get a telephone. My idea was appreciated by the EDC facilitator but when he realized that I was a transgender, he was unsure if any NBFIs will help us secure seed money.”

*Engaging with Freedom through a tribal man's eyes*

## **2. EXPERIENCING MALA SABARA**

“A livelihood that sustains me and my family comfortably is real freedom for me because then I will be able to fulfill my dreams. I will be able to feed my family daily and adequately”: Mala Sabara

Mala Sabara is amongst the tribal people who could lose their land to the government in the land acquisition drive for Vedanta, which was recently halted. He is skeptic about allowing strangers to interact with him. The researcher met him in the market where he sells Sal-leaf plates. I asked him what freedom meant and he replied, “Freedom means unhindered access to the land and resources which provide us

livelihood”. I diagnosed, as a doctor does: The goal was “adequate nutrition for the body” and the mother’s complain was “How can I get my daughter to eat eggs?” which in-fact, when incisively analysed translated into, “How can I get my daughter to consume more proteins?” Similarly when I reasoned with Mala, I asked, “You want access and use of forest resources for livelihood, right? So what if you got an alternative livelihood, that does not depend on forest produce but pays you much more? Will you leave the forests then?” He contemplated and answered, “Is that possible? A livelihood that sustains me and my family comfortably is real freedom for me because then I will be able to fulfill my dreams. I will be able to feed my family daily and adequately.” I questioned further, “So can you sell your land for a better livelihood and sufficient payment?” Mala answered, “How can I sir? The land belongs to us all, not only to me. We have a pond in our area where we rear fishes. I do much of the labour to collect the fishes and feed them. But when it comes to distribution, everyone gets equal share. So, I do not get commensurate share and am prevented from argument. Only if I had a pond that belonged exclusively to me, but that is not possible. Similarly, if I had land that belonged to me, I could sell it to you in exchange for a better livelihood”.

*Engaging with Freedom through a rural-woman’s eyes*

### **3. EXPERIENCING ROMA**

“Freedom to me is sharing of proportionate powers and responsibilities between the husband and the wife in a family. It is the absence of gender inequality and equal availability of opportunities for both woman and man.”: Roma Begum, Kakatpur, Orissa

Roma is a Muslim woman in Kakatpur village, Orissa. She says,

“Freedom to me is sharing of proportionate powers and responsibilities between the husband and the wife in a family. It is the absence of gender inequality and equal availability of opportunities for both woman and man.” I ask her, “Have you realized the “Freedom” you speak of?” She answers, “Yes, the 1999 super cyclone made my husband realize that.” I was interested and inquired further, “How?” She answered, “The Climatic variations that we are experiencing nowadays put a disproportionate burden on women. Women are the primary caregivers of the family and have to collect water and fetch fodder for the livestock at home. When floods and storms occur, not enough resources are available at hand for poor families such as mine to be able to feed and run a family. To prevent bankruptcy during such exigencies, if the woman worked and added to the family’s income plus the husband too involved himself in jointly assisting a woman in whatever way she required him in the care industry at home, then the woman could achieve autonomy and agency at par with the man. The super cyclone made us face untold hardships but at the same time made my husband realize the need to liberate me most importantly, economically. Today, I run a tailoring shop but I find there is a lot to be achieved to allow women to realize freedom. Women should have equal access to property as men have.”

### **ANALYSIS**

An analysis of Mala Sabara’s situation yields that the government’s land acquisition drive is compelling rather than reasoning with him. When I reasoned with him, he provided three interesting observations:

- A willingness to sell his land for a better livelihood and payment.
- A pressing need to own land and resources as his private property.

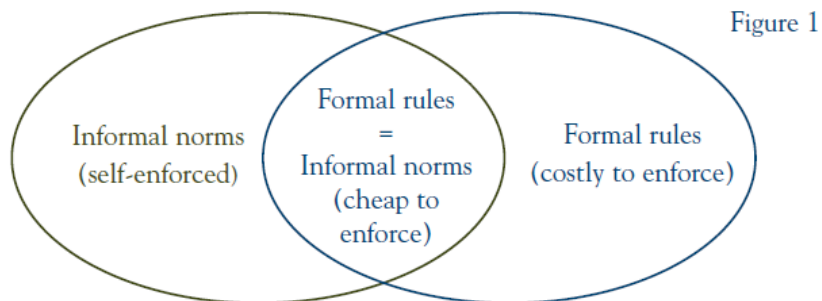
■ An increasing disgust with being forced to produce agreement on everything because of a collective socialistic arrangement in his community that promotes sacrifice of individual autonomy and agency over collective interests.

Like John Mills in his essay, “On Liberty” clearly and cogently argues that no one must be compelled to do or forebear anything (even if it were for her/his good or happiness) except when the act or omission would do harm to others. He, however, concedes that the person’s good or happiness could be valid reasons for “remonstrating with him, or reasoning with him, or persuading him or entreating him, but not for compelling him, or visiting him with any evil, in case he do other wise.”<sup>1</sup> Mill argues that any external interference is unwarranted “when the thing to be done is likely to be better done by individuals than by the government. Speaking generally, there is no one so fit to conduct any business, or to determine how or by whom it shall be conducted, as those who are personally interested in it.”<sup>2</sup> In the present situation in Orissa, people such as Mala Sabara can very well voluntarily bargain with the Company the price they need for their land and government interference which not only snatches their freedom of speech and expression including bargaining but compels them without consulting or reasoning with them to sacrifice their land is not only unjustified but unconstitutional. Further, the government, instead of providing legal-aid to the tribal people to enable them acquire valid titles over their property, is looting them of it. Mala when wants to sell his property, he is legally debarred to because he has no title over it, leave aside a good title. Hayek in his essay “The Road to Serfdom” convincingly presses for the paramount importance of private property rights. He reasons, “It is only because the control of the means of production is divided among many people acting

independently that we as individuals can decide what to do with ourselves. When all the means of production are vested in a single hand, whether it be nominally that of ‘society’ as a whole or that of a dictator, whoever exercises this control has complete power over us”<sup>23</sup> and thus can use it coercively against individual agency. This is what pinched Mala Sabara who wanted to pursue his individual dreams but was laid down by a socialistic communal arrangement.

Let us now move on to the case of Sonali. Sonali talks about achieving freedom by entrepreneurship. She believes that dismantling the stereotypes and disaffection associated with her identity can be made possible through economic independence. This is because changing mindsets is a long term goal which can only proceed after economic independence satiates their basic human needs. For this government must make policies that are in tandem with the informal institutions within the transgender communities so that they can follow them. This is a reiteration of the Frederic Sautet’s idea that “Whether individuals follow the formal rules legislated by governments will depend to a large extent on the alignment between formal rules and informal norms of conduct”<sup>24</sup>. See Figure.1.

Figure.1<sup>5</sup>



The policy maker has to identify this overlap. He/She has to remember the 4<sup>th</sup> principle discovered by Lawrence W. Reeds: “If you encourage something you get more of it; if you discourage something you get less of it.”<sup>6</sup> Further, the policy maker must understand that “productivity increases are increases in the amount of socially useful knowledge. In other words, the source of changes in productivity lies in the increase in knowledge that entrepreneurial activity generates: the tyranny of diminishing returns is overcome by human ingenuity displayed in entrepreneurship.”<sup>7</sup> Thus entrepreneurship is a vital engine for economic growth but “different institutional frameworks offer different incentives for entrepreneurs”<sup>8</sup>. Thus, in Sonali’s case, the policy-maker can incentivize the transgender community by understanding that informal institutions within the transgender people accord utmost significance to their identity and that if Sonali wants to become an entrepreneur, her access to micro-credit must not be impeded because she has to align herself to a fixed sex category, that is, either male or female. This discourages them. Hence, formal institutions must begin importing the third-sex in the documents that accord individual an identity such as voter’s id, ration cards, passports and so on. This mechanism will enable them to embrace formal institutions and become entrepreneurs plus, this will also make the policy enforcement costs cheaper. Thus, in this process the law will usher in social change. The transgender people will thereafter become economically free and concentrate on effecting social change to gain wider acceptability in the mainstream society.

Let us now move on to the case of Roma. Roma believes true freedom lies in providing her an enabling environment that allows her unhindered access to the market like her male counterparts. She advocates for pure libertarianism that, as Roy A. Childs, Jr., writes,

“begins with inviolable individualism, with the view that human beings are the sole legitimate owners of their lives, free to do whatever they wish, so long as they do not use force, violence, aggression or fraud against the person or justly held property of another.”<sup>9</sup> He adds, “Libertarians stand opposed to power in lauding the natural rights of all human beings to choose the course of their lives....Any attempt to impose conformity on human beings is an attempt to destroy what makes them essentially and gloriously human.”<sup>10</sup> Thus, libertarianism, by recognizing “human worth” aims at dismantling both formal and informal institutions of power, in our case gender-inequality perpetrating customary laws, both recognized and unrecognized by the state, that prevent any human being from self-actualization, that includes access to the market and ownership of property. Further, as Angelina Grimke puts it, “Now if rights are founded in the nature of our moral being, then the mere circumstance of sex does not give to man higher rights and responsibilities, than to woman. To suppose that it does, would be to deny the self-evident truth, that the “physical constitution is the mere instrument of the moral nature.””<sup>11</sup>

Thus, in all, we learn that all the three of our interviewees wanted ECONOMIC FREEDOM DIRECTLY OR INDIRECTLY to realize their fundamental human right to a life with dignity whether in peace or in disasters (as Roma points out). So, ECONOMIC FREEDOM is the essence of all other freedoms whether political or personal. It is a more human-rights-friendly and more humanitarian concept of freedom that is often not accessible to people in many places worldwide. As Michael Walker (L), executive director of the Canada-based public policy research organisation, Fraser Institute, puts it, “Without economic freedom you can't exercise the other freedoms that

we all cherish.”

Now let us understand how we ensure this freedom becomes available to all. In other words, let us understand how we can give every individual his due, that is, a more human-rights-friendly and humanitarian JUSTICE through legal literacy.

### **ENTER “LEGAL LITERACY”**

The Government of the Indian democracy runs on three wings: The Legislature, The Executive and The Judiciary. However, in India, the doctrine of separation of powers is not followed with absolute rigidity, rather the Constitution of India provides for an independent judiciary with extensive jurisdiction over the acts of the legislature and the executive<sup>12</sup>. There exist inherent checks and balances to keep every organ within the limits of constitutional power. The Supreme Court of India in *Indira Gandhi v. Raj Narain*<sup>13</sup>, observed, thus: “... the exercise by the legislature of what is purely and indubitably a judicial function is impossible to sustain in the context even of our co-operative federalism which contains no rigid distribution of powers but which provides a system of salutary checks and balances”. It is in this context that the role of legal literacy becomes highly significant and necessary. It is the citizens who have to ensure that these three organs of the government run properly. It is they who have to ensure that their views are properly and adequately reflected in the legislations of the country. In this regard the women, the transgendered and the tribal have been a neglected lot. Further, citizens are to ensure that the executive implements the laws properly and the judiciary adjudicates disputes impartially. However, the researcher opines that this can be effectively done if people are sufficiently aware of their rights and

duties. As we learnt above, for economic freedom, policies to the effect the freedom must not only be enforced but *JUSTICE* has to see to it that the benefits of those policies reach its targeted beneficiaries. Thus, a right to food policy that stands to provide food to the below poverty line people cannot succeed if a just mechanism is not ensured. Thus, now the government in India is contemplating shifting from a Public Distribution System (PDS) model to a Food Stamp Model which is more just and seeks to make people economically free in tandem with human rights jurisprudence and humanitarianism. Legal Literacy can enable a person to get justice by ensuring that he gets economic freedom in the following ways:

### **THE RIGHT TO KNOW**

The Supreme Court of India in *Secretary Ministry of Information and Broadcasting Government of India and Others v. Cricket Association of Bengal and Others*<sup>14</sup> observed: "True democracy cannot exist unless all citizens have a right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views.... This is particularly so in a country like ours where about 65 per cent of the population is illiterate and hardly 1 percent of the population has an access to the print media which is not subject to precensorship." The Court also observed – "a successful democracy posits an 'aware' citizenry"<sup>15</sup>. The Court had reiterated its views expressed in *Secretary Ministry of Information and Broadcasting Government of India and Others v. Cricket Association of Bengal and Others* in *Union of India v Association for Democratic Reforms*<sup>16</sup>:

“One-sided information, disinformation, misinformation and non-information all equally create an uninformed citizenry which makes democracy a farce.” In *Dinesh Trivedi. M.P. and Others v. Union of India and Others*<sup>17</sup>, The Court observed that: "In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the Government which, having been elected by them, seek to formulate sound policies of governance aimed at their welfare". The Court also observed “democracy expects openness and openness is concomitant of a free society...”.

Thus, for the people in general and the marginalized in particular awareness of their legal rights and most importantly, Use of ‘The Right to Information Acts’ (RTIs) of their countries is highly necessary because corruption renders most economic welfare policies unsuccessful. During an internship that I undertook as a law student in the State Information Commission, I met an impoverished daily wage earner woman who had applied for a grant under a government scheme which provided \$650 to a poor person to build a house. However, she waited over four years watching wealthier neighbours getting grants and building brick-and-mortar structures while she languished in her mud-and-stick hut. With my help, she filed a Right to Information request at the local government office to find out who had benefited from the scheme while she waited, and why. Within few days, her grant was approved and a cheque sent to her along with an inquiry commission being established to investigate corruption. I learnt from this experience the power of using “The Right to Information Act” to provide the marginalized with JUSTICE that furthers their human rights by economically freeing them.

The Supreme Court of India (as observed in *State of Uttar Pradesh v. Raj Narain and others*)<sup>18</sup> the Court states that: “In a

government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. *The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries.* They are entitled to know the particulars of every public transaction in all its bearing...".The people of this country or any developing country for that matter fail to exercise this very effective Accountability legislation called "The Right to Information Act". Through this act the citizens can compel the relevant authorities to answer adequately for any action they undertake that affects public or private interest. They can compel contestants in elections to disclose their antecedents such as assets, educational qualifications, criminal records, so on to enable them to make a more informed choice. Through this act, people in authority who intend action that would affect the public or private interests can be made to disclose the outcomes they intend to bring about, for whom, and why they think the outcomes they intend are desirable and fair. They can also be made to answer their own performance standards and the standards for those whom they direct, which clarify their outcome intentions. Through this act, the authorities can be made to disclose their achievements or lack of achievement given by those responsible for the achievement objectives, performance standards and actual performance. In democracies worldwide today, which are increasingly embracing a CENTRIST approach to their economies, social justice policies and legislation are co-existing with capitalist aspirations, which is good for the marginalized as such an economic system will provide them with fillips to become economically free. Hence, transfer payments by the government to its people can be used as seed capital for businesses by the beneficiaries themselves. Further,

ensuring that the tribal person gets the ownership of her/his land, the woman gets her widow pension and the transgendered individual gets an answer to why he cannot get micro-credit is possible from the “RIGHT TO INFORMATION ACT”. Thus, this would mean enabling people to climb up the Maslow’s hierarchy of needs, thereby enabling them to realize their human rights and be able to sustain themselves post humanitarian-crises. JUSTICE here, would thus mean ensuring accountability of the government goods-delivering mechanism at each step, wherein good can be “the cash” transferred by government as well. So information about the inner processes in the black-box bureaucratic government instrument is vital for a more human-rights-friendly and more humanitarian freedom and justice.

This information so acquired by the citizens can then be evaluated for intentions and reasoning, and for results and learning, validated by knowledgeable public interest organizations or professional practitioners, or both and then the citizens can take resort to the second legal weapon: “Public Interest Litigation.”

## **THE RIGHT TO BE HEARD**

“No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime.”

*Former UN Secretary-General, Kofi Annan*

The women, the tribal and the transgendered often disengage themselves from the political process and do not get suitable platforms to air their views regarding governmental actions. As a result of which, the disgruntled often take resort to violent means to

assert themselves when they feel that any governmental action is unjust. To control this unrest, the marginalized must realize that *taking resort to strike or protest must be the last option as the citizen must remember that he/she still has the second legal weapon: "Public Interest Litigation (PIL)"*. Through Public Interest Litigation or a simple case, any citizen, the young and the old alike, or organization can invoke the court's power of judicial review. Public Interest Litigation is the name given to the right of any member of the public, having sufficient interest to maintain an action for judicial redress of public injury arising from breach of public duty or violation of some provision of the constitution or the law and seek enforcement of such public duty and observance of such constitutional or legal provisions.<sup>19</sup> It is the essence of this rule of law, which constitutes the core of our constitution, that exercise of the power by the State, whether it be the legislature or the executive or any other authority, should be within the constitutional limitations and if any practice is adopted by anyone of them which is in flagrant and systematic violation of its constitutional limitations, the petitioner as a member of public would have sufficient interest to challenge such practice by filing a writ petition and it would be constitutional duty of the court to entertain the writ petition and adjudicate upon the validity of such practice.<sup>20</sup> The citizen can thus contest any legislative action, judicial decision or executive action in the court of law and prove that the said action or decision is unjust or unreasonable. In *U.O.I. v International Trading Co*<sup>21</sup> the Supreme Court observed: "Article 14 of the Constitution"<sup>22</sup> applies also to matters of government policy and if the policy or any action of the government, even in contractual matters, fails to satisfy the test of reasonableness, it would be unconstitutional. While the

discretion to change the policy in exercise of the executive power, when not trammled by any statute or rule is wide enough, what is imperative and implicit in terms of Article 14 is that a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any other ulterior criteria. The wide sweep of Article 14 and the requirement of every state action qualifying for its validity on this touchstone, irrespective of the field of activity of the state, is an accepted tenet. The basic requirement of Article 14 is fairness in action by the state, and non-arbitrariness in essence and substance is the heartbeat of fair play. Every state action must be informed by reason and it follows that an act uninformed by reason is per se arbitrary". Moreover, through PIL, any active citizen can compel the authorities to discharge their public functions properly or stop any act contrary to law. In *Shiram Food & Fertilizer case*<sup>23</sup> through Public Interest Litigation, the Supreme Court directed the Co. Manufacturing hazardous & lethal chemical and gases posing danger to life and health of workmen & to take all necessary safety measures before re-opening the plant. In *Parmanand Katara V. Union of India*<sup>24</sup> the Supreme Court of India held in the Public Interest Litigation filed by a human right activist fighting for general public interest that it is a paramount obligation of every member of medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities. In *Kapila Hingorani v. State of Bihar*<sup>25</sup>, the Supreme Court noted the plight of the employees of public sector undertakings or the statutory authorities in the State of Bihar. In a letter to the Supreme Court, an Advocate of the Supreme Court, Kapila Hingorani brought to its notice many incidents of death owing to starvation or malnutrition due to non-payment of salaries of

the workers working in these corporations. The court pierced the corporate veil in this case and also held the State of Bihar liable. Recent examples of successful PIL s include “Stopping of felling of trees by authorities on the Bopal-Ghuma road after an order of the Gujarat High Court. The PIL was filed by a local resident, one Shivlal Purohit, who could prove that the felling of trees by the authorities was not in public interest as it upseted the ecology and was contrary to the Felling of Trees Act.”<sup>26</sup> Another recent example is a public interest litigation (PIL) initiated through the petition on September 26 by A. Narayanan of Chennai in the Madras High Court to highlight the miseries of the sewer workers who indulge in manual scavenging (which is illegal according to the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993) and get into manholes and sewer drainage system to remove blocks, etc.<sup>27</sup>. Hearing the public interest petition, the court ordered that the “entry of sanitary workers into the sewerage system under the guise of removing the blocks should be prohibited, except under exceptional circumstances”. The court also directed the Chennai Metro Water Supply and Sewerage Board (CMWSSB) and the Tamil Nadu Municipal Administration and Water Supply Department to initiate steps to prevent the entry of solid waste into the sewage line, plug unauthorized sewerage connections, launch a public awareness campaign against the throwing of solid waste into sewers and ensure that manual scavenging is not undertaken. Thus, we observed that with proper legal literacy PIL in the hands of the citizens can become a very effective weapon of ensuring that human rights and humanitarian freedom and justice prevail in most democracies of the world today.

## **THE OTHER LEGAL WEAPONS THE PREVENTION OF CORRUPTION ACTS**

Attaining Freedom and Justice can not end with the RTIs and PILs, but continue with citizens-vigilance to continue ensuring a corruption-free transparent government in their home countries. This means weeding out the different manifestations of corruption such as bribery, extortion, embezzlement, favoritism, so on, that a citizen encounters in his/her life. Corruption may not be confined to the high and mighty only such as to the politicians, bureaucrats, business and industrial houses but it could start from the grassroots level. Legislations such as the Prevention of Corruption Act aim to contain corruption in public life of one's nation. However, amongst other reasons, poor legal literacy is a primary cause of its minimal use. The Act in India, for instance, deals with containing acts of corruption done by 'public servants'. The term 'public servant' in the Act encompasses various persons such as civil servants, judges, the Prime Minister, the Chief Minister, the MPs, the MLAs, so on. The Act also declares the acts of bribery, misappropriation, abuse of official position, possession of assets disproportionate to income, so on, as offence and punishable under law. As we discussed earlier, access to capital is vital to attaining economic freedom which in turn helps an individual to realize human rights and self-aid during humanitarian crisis. However, we also discussed that it is impossible to provide channels of finance without ensuring a JUST system where every individual get her/his due. Such a possibility can only be realized if we eliminate the malaise of corruption and effect good governance in the nation.

## **THE CONSUMER PROTECTION ACTS**

A human-rights-friendly and humanitarian concept of freedom and

justice apart from continuing to ensure transparency and accountability in the government bodies must also ensure that the rights of consumers in democracies are exercised aptly in this era of globalization. *Whether it be a government undertaking or its employee or a private enterprise, its employee or a professional such as a solicitor, doctor or an architect, the citizens must be aware that they have the right to safety, the right to be informed, the right to choose, the right to be heard and the right to seek redress for any product or service provided by these enterprises, their employees and the professionals.* In India the Consumer Protection Act 1986 provides for the establishment of Consumer Disputes Redressal Agencies at District, State and National levels for the protection and promotion of consumer interests and to redress their grievances in a speedy, simple and inexpensive manner. There are no legal formalities for filing the complaint. Suppose, one finds himself/herself cheated by any trader or manufacturer and wishes to lodge a complaint to a consumer court, here in India, he/she can write the details on a plain paper, attach supporting documents such as guarantee or warrantee card and cash memo with the complaint and submit it in the district consumer court without going to any lawyer or professional for legal assistance. S/he can also plead her/his own case in the consumer court. Thus, the consumer protection laws can be effective instruments of social change if used properly by the citizens.

## **CONCLUSION**

We thus conclude that economic freedom must be incorporated sufficiently and succinctly into our lexicon meaning of freedom because it is vital towards realizing other freedoms whether personal

or political. The three subjective experiences of a tribal, a transgender and a woman very aptly displayed the necessity to spatialize a fresher concept of more human-rights-friendly and more humanitarian freedom by giving economic liberty its due. Secondly, we realized that it is impossible to gain such a freedom when it's just distribution is not possible. Hence, entered "LEGAL LITERACY". We observed that a more human-rights-friendly and humanitarian concept of justice is enabling people to realize their freedom through accountable and transparent modes of economic liberty delivery whether in terms of cash or other forms. Legal literacy as proved can enable citizens ensure both this justice and freedom by the use of some legal mechanisms as discussed in the paper. Thus, I, the researcher hope that this demi-academic research paper enables its readers to theorize freedom and justice from a fresher perspective as well as realize them in praxis through legal instruments and through legal literacy as discussed in this paper.

#### **INDEX OF AUTHORITIES USED (FROM INDIA)**

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6. Union of India v Association for Democratic Reforms, India, SC, 2001

7. S.R.Gupta v. President of India, AIR 1982 SC149
8. Dr. D.C. Wadhawa v. State of Bihar, AIRSC 579,
9. U.O.I. v International Trading Co, (2003), 5 SCC, 437
10. Shiram Food & Fertilizer case, AIR (1986) 2 SCC 176 SC
11. Parmanand Katara V. Union of India, AIR 1989 SC 2039
12. Kapila Hingorani v. State of Bihar 2003 (6) SCC 1
13. The Prevention of Corruption Act, 1988
14. The Consumer Protection Act, 1986
15. The Right to Information Act,2005

#### **LIST OF ABBREVIATIONS**

1. AIR : All India Reporter
2. SC : Supreme Court of India
3. SCC : Supreme Court Cases ❖

## NOTES:

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18. (1975) 4 SCC 428
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20. *Dr. D.C. Wadhawa v. State of Bihar*, AIRSC 579, para 3
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23. AIR (1986) 2 SCC 176 SC
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25. 2003 (6) SCC 1
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