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Law in the Vernacular: Reclaiming Legal Consciousness through Everyday Justice in India

Ishika Garg

LL.M., Criminology and Criminal Justice System, West Bengal National University of Juridical Sciences, Salt Lake City, Kolkata - 700106, West Bengal, India; ishikagarg77395@gmail.com / llm095225@nujs.edu

Abstract

This article examines how legal consciousness is shaped and expressed in everyday life across diverse Indian contexts. Drawing on socio-legal theory and ten grounded case studies- from urban slums and tribal regions to university legal aid clinics and grassroots campaigns- it argues that law in India operates not only through formal institutions but also through informal, community-based mechanisms. The paper highlights how marginalised groups engage with law "before," "with," and "against" its formal structures, often translating legal norms into vernacular forms of justice. By analysing these practices through the lenses of legal pluralism, jurisprudence of suffering, and vernacularization, the study challenges conventional understandings of law as a top-down system. It concludes with a reform roadmap for legal education, advocating experiential learning and interdisciplinary integration to better prepare future lawyers for the realities of plural legal engagement. Ultimately, the article calls for a justice system that is not only codified but lived.

Keywords: *Community Legal Aid, Grassroots Justice, India, Jurisprudence of Suffering, Legal Consciousness, Legal Education Reform, Legal Pluralism, Socio-legal Theory; Vernacular Law*

1.0 Introduction

Law in India isn't confined to courtrooms or legal textbooks- it's woven into the everyday. Whether it's a disagreement over property, a wage negotiation, or a community decision, legal ideas surface constantly. For many, law isn't something distant or abstract; it's something they live with, navigate, and sometimes challenge.

India's legal landscape is layered and complex. Formal state law operates alongside religious norms, customary practices, and community-based dispute resolution. These informal systems aren't just substitutes for courts- they're living spaces where people interpret and adapt legal ideas to fit their own realities. In these spaces, law isn't only imposed from above; it's shaped from below (Chiba, 1986; Santos, 2002).

Historically, this pluralism has deep roots. Under colonial rule, the British codified criminal and civil laws but allowed religious personal laws to continue for Hindus, Muslims, Christians, and others. Customary practices in tribal areas were often left untouched, creating a layered legal order. After independence in 1947, the constitution of India recognised both the supremacy of state law and the continued existence of certain customary and religious laws. Over time, legal aid movements, public interest litigation, and grassroots activism have further diversified the ways in which law is accessed and understood (Baxi, 1982; Galanter, 1984).

This paper explores legal consciousness- the ways people think about, use, and sometimes resist law in everyday life. Through case studies from urban slums, tribal regions, domestic workspaces, youth campaigns, and university legal aid clinics, it examines how communities, especially those on the margins, engage with law in creative and meaningful ways (Sundar, 2016; Bourdieu, 1987).

The central argument is that law should not be seen only as a technical system of rules. It is also a social practice shaped by culture, identity, and experience. (Merry, 2006; Ewick & Silbey, 1998) that has serious implications for legal education, which too often ignores how law is actually experienced. If law schools bring these everyday perspectives into the classroom, they can produce lawyers who are not just technically skilled but socially aware and better equipped to serve diverse communities.

1.1 Theoretical Framework

This study draws on socio-legal theory, which challenges the idea that law exists in isolation. Instead of treating law as a neutral set of rules, socio-legal scholars see it as a product of social relationships, cultural norms, and political struggles. Law is not just what judges declare in court- it's also what people believe, practise, and negotiate in their daily lives (Ewick & Silbey, 1998).

1.2 Legal Pluralism

One key concept is legal pluralism. In simple terms, it means more than one legal system can operate in the same society. In India, state law runs alongside religious law, customary law, and community-based norms (Chiba, 1986; Galanter, 1984). This is why people might choose to take a dispute to a local council or a respected elder instead of a formal court. These systems may not have official recognition, but they carry weight and legitimacy.

Legal pluralism in India has a long history. Under British colonial rule, criminal and civil laws were codified, but personal laws for different religious communities were left intact. After independence, the constitution continued to recognise certain customary practices in tribal areas and allowed religious personal laws to remain. This layered legal order still shapes how people decide where to take their disputes.

1.3 Legal Consciousness

Another important idea is legal consciousness, developed by Patricia Ewick and Susan Silbey. They describe 3 ways people relate to law:

1. Before the law- Seeing it as powerful, distant, and authoritative.
2. With the law- Using it strategically to achieve goals.
3. Against the law- Resisting or challenging its authority.

This framework offers a lens to see how individuals- particularly those facing systemic barriers like poverty or limited education-engage with law. It helps unpack the subtle ways people respond to legal authority, whether by cooperating, negotiating, or resisting.

1.4 Jurisprudence of Suffering

Upendra Baxi's concept of a jurisprudence of suffering is also relevant. He argues that law must respond to the lived experiences of marginalised groups, not just abstract principles. For Baxi, a just legal system is one that listens to the voices of the poor, the oppressed, and the excluded (Kannabiran, 2012; Sundar, 2016).

1.5 Vernacularization

Sally Engle Merry's idea of vernacularization- translating global legal norms into local contexts- is particularly useful here. In India, international human rights ideas often take on new meanings when adapted to village councils, women's collectives, or urban neighbourhood committees.

1.6 Legal Field Theory

Pierre Bourdieu's legal field theory adds another layer, showing how law operates as a field of power where judges, lawyers, activists, and community leaders compete to define what counts as legitimate legal knowledge.

Taken together, these theories help us see law not as a static set of rules but as a living social practice shaped by power, culture, and resistance (Pound, 1910; Galanter, 1984). They also provide the lens through which the case studies in this paper are analysed.

2.0 Literature Review

The relationship between law and society has fascinated scholars for over a century, cutting across sociology, anthropology, political science, and legal studies. This section draws together some of the most influential ideas- both from India and abroad- that shape the way we think about law in everyday life.

A. Law in Books *vs.* Law in Action

Pound's distinction between law as written and law as practiced still resonates, especially in India. Legal outcomes here are shaped not just by statutes but by

social norms, economic pressures, and the capacity of institutions to deliver justice.

B. Legal Pluralism in India

Marc Galanter's work on legal pluralism remains a cornerstone for understanding India's legal landscape. His phrase "justice in many rooms" captures the reality that disputes here can be resolved in a variety of forums- from formal courts to caste panchayats, religious tribunals, and neighbourhood committees. Galanter also showed that people often move between these systems strategically, choosing the one that best serves their needs.

C. Legal Consciousness Studies

Patricia Ewick and Susan Silbey's framework of legal consciousness- "before the law," "with the law," and "against the law"- has been widely used to understand how people perceive and engage with legal authority. In India, this helps to explain why some communities treat law as an untouchable authority, while others see it as a tool to be bent, or even an obstacle to be resisted.

D. Jurisprudence of Suffering

Upendra Baxi's critique of the Indian legal system is sharp and unflinching. He argues that the law often serves the powerful while ignoring the lived realities of the poor. His call for a "jurisprudence of suffering" is a reminder that justice must be measured not only by legal principles but by its ability to respond to human pain and inequality.

E. Vernacularization of Law

Sally Engle Merry's concept of vernacularization- translating global legal norms into local contexts- is especially relevant in India. International human rights ideas don't arrive here unchanged; they are re-interpreted through local languages, customs, and power structures. A law against domestic violence, for example, might be framed in terms of family honour in one village and women's autonomy in another.

F. Comparative Perspectives

Boaventura de Sousa Santos idea of "subaltern cosmopolitan legality" offers a global parallel, showing how marginalised groups create hybrid legal systems that blend formal and informal norms. Pierre Bourdieu's legal field theory adds another layer, explaining how different actors compete to define what counts as legitimate legal knowledge.

G. Recent Empirical Studies

Recent Indian research has examined legal literacy drives in Rajasthan, the role of paralegals in Assam, and the impact of mobile-based legal awareness tools in Uttar Pradesh (Centre for Social Justice, 2021; Hamari Pahchan, 2023). Comparative work from Kenya, Brazil, and the Philippines reveals similar patterns of hybrid legal engagement, suggesting that India's experience is part of a broader Global South story.

H. Gaps in the Literature

Despite this rich scholarship, there's still a gap in connecting theory to the lived realities of contemporary India. Too often, informal systems are treated as static traditions rather than dynamic spaces where law is constantly being re-made. This paper aims to bridge that gap by grounding theory in detailed, real-world case studies.

3.0 Methodology

This study takes a qualitative, interpretive approach. The goal isn't to produce sweeping generalisations or crunch large datasets, but to understand how law is experienced and reshaped in everyday life. The focus is on depth, not breadth- on stories, patterns, and lived realities.

3.1 Research Design

The design is exploratory and descriptive. It allows flexibility in following the threads that emerge from the data, rather than forcing everything into a rigid framework. Instead of relying on a single theory, the study draws on multiple socio-legal concepts to reflect the complexity of legal consciousness in India.

3.2 Case Selection

The case studies were chosen to reflect diversity across:

a) Geography- urban slums, tribal regions, coastal villages, and semi-urban towns.
b) Social groups- women, youth, migrant workers, fisherfolk, and marginalised castes.
c) Institutional contexts- NGO initiatives, state-led programs, grassroots movements, and university legal aid clinics.

This mix makes it possible to compare how different settings and institutional frameworks shape people's engagement with law.

3.3 Data Sources

The study relies on:

a) Peer-reviewed journal articles and books.
b) NGO reports and campaign documentation.

c) Government publications, especially from the National Legal Services Authority (NALSA).
d) Media accounts of legal interventions.
e) Comparative studies from other Global South contexts.

3.4 Analytical Framework

Each case is analysed using the theoretical concepts outlined earlier- legal pluralism, legal consciousness, jurisprudence of suffering, vernacularization, and legal field theory. The analysis focuses on:

a) The legal issues involved.
b) The forums and processes used to address them.
c) The role of community norms and power dynamics.
d) The implications for legal education and policy.

3.5 Triangulation and Reflexivity

To ensure credibility, information from one source is cross-checked against others. For example, an NGO's report might be compared with media coverage and academic evaluations. The study also acknowledges that the researcher's perspective shapes the analysis, and makes those choices transparent.

3.6 Limitations

a) Using secondary data means some cases- especially those undocumented- may be missed.
b) Focusing on successful or innovative examples might underplay situations where informal justice systems fail.
c) Prioritising depth over breadth limits generalisability, but allows for richer insights.

3.7 Ethical Considerations

Even though the data is public, the analysis avoids sensationalism and respects the dignity of individuals involved (Pound, 1910; Merry, 2006). The emphasis is on structural patterns, not personal details.

4.0 Case Studies and Analysis

4.1 Case 1: Dispute Resolution in Bihar's Samjhauta Committees

In the crowded lanes of Bihar's urban slums, Samjhauta Committees have become a trusted first stop for many disputes. These are not formal courts- there are no robes, no gavels- but they carry weight in the community. They deal with quarrels over property boundaries, family disagreements, and neighbourhood tensions.

A 2021 study by the Centre for Social Justice found that women, in particular, prefer these forums to police stations. The reason is simple: They feel heard here. Rather than focusing on punishment, these committees prioritise dialogue and reconciliation. Their goal is to mend relationships and preserve harmony within the community- a form of justice that feels more restorative than retributive.

4.2 Case 2: Legal Awareness among Cleaning Workers in Delhi

In Delhi, sanitation workers and domestic staff often operate in a legal grey zone- no contracts, no formal protections. Anwita Dinkar's 2022 research revealed how these workers still find ways to assert their rights. They share wage information with each other, lean on community leaders for support, and sometimes approach NGOs for help.

This is "with the law" legal consciousness in action: Using fragments of legal knowledge to push back against unfair treatment. Even without formal representation, these workers are shaping their own version of justice. The solidarity they build is as important as any legal tool.

4.3 Case 3: Hamari Pahchan's 'Drishti' Campaign in New Delhi

Hamari Pahchan's Drishti campaign took legal literacy to the streets- literally. Through street plays, digital workshops, and storytelling sessions, underprivileged children learned about cyber safety, child protection laws, and how to report abuse (Hamari Pahchan, 2023).

By 2023, over 5,000 children had taken part, and schools reported a noticeable rise in harassment complaints being filed. The campaign's success lay in its creativity: It made the law feel relevant and usable, not distant and abstract.

4.4 Case 4: NALSA's Legal Literacy Camps in Tribal Areas

In the forested regions of Jharkhand and Chhattisgarh, NALSA's legal literacy camps have been a quiet revolution.

They teach communities about the Forest Rights Act, domestic violence laws, and free legal aid (NALSA, 2022).

One striking example: A group of tribal women, armed with new legal knowledge, challenged exploitative contractors and reclaimed communal forest land. This shows how state-led initiatives, when delivered in culturally sensitive ways, can spark grassroots empowerment.

4.5 Case 5: Legal Aid Clinics in Law Universities

At NLU Delhi and NALSAR Hyderabad, legal aid clinics are more than just student projects- they're lifelines for nearby communities. In one case, students helped migrant workers recover unpaid wages and secure ration cards.

For the students, it's a crash course in the realities of law beyond textbooks. For the community, its access to justice they might otherwise never have.

4.6 Case 6: Women's Collectives and Domestic Violence Mediation in Kerala

In parts of Kerala, women's self-help groups have stepped into a sensitive space: Mediating domestic violence cases. Supported by NGOs, they offer survivors a safe place to speak, explore options, and decide whether to pursue formal legal action.

Some cases go to the police; others are resolved through negotiated settlements that prioritise safety and dignity. This blend of formal and informal approaches shows how justice can be adapted to the needs of survivors.

4.7 Case 7: Digital Legal Literacy in Rural Maharashtra

In rural Maharashtra, a legal tech NGO piloted mobile-based legal literacy modules in Marathi. Villagers could watch short videos on land rights, domestic violence, and welfare schemes.

When combined with in-person sessions led by local volunteers, the impact was clear: more people began asserting their rights and seeking official remedies. Technology, when localised, can be a powerful bridge to justice.

4.8 Case 8: Migrant Worker Rights Campaign in Gujarat

In Gujarat, a coalition of trade unions and NGOs launched a campaign to inform interstate migrant workers about their rights under the Inter-State Migrant Workmen Act. Pamphlets, WhatsApp groups, and on-site legal aid desks brought the law directly to construction sites.

The results were tangible: Workers recovered unpaid wages and negotiated safer working conditions. It's a reminder that legal literacy works best when it meets people where they are.

4.9 Case 9: Environmental Justice and Fisherfolk Rights in Tamil Nadu

Along Tamil Nadu's coast, fisherfolk have fought back against industrial projects threatening their livelihoods. With help from environmental lawyers, they've filed petitions in court while also passing resolutions in traditional panchayats.

By combining environmental law with customary fishing rights, they've created a hybrid strategy that protects both the ecosystem and their way of life.

4.10 Case 10: Urban Housing Rights Litigation in Mumbai

In Mumbai's informal settlements, residents facing eviction have used public interest litigation alongside grassroots organising to win temporary stays and negotiate rehabilitation packages. Community paralegals, trained by legal aid groups, document tenancy histories and prepare affidavits to strengthen cases.

Here, "with the law" and "against the law" operate side by side- using the system's tools while resisting its injustices.

5.0 Curriculum and Pedagogical Implications

Law schools in India continue to centre their teaching on statutes and procedures. While foundational, this approach often misses the mark when it comes to preparing students for the realities of legal practice- especially the social and human dimensions that shape how law is actually experienced.

To bridge this gap, legal education must evolve. It should integrate lived legal experiences into the curriculum, encouraging students to engage with law not just as a technical discipline but as a social force. This means introducing modules on legal consciousness, informal justice systems, and community-based legal

work. It also means placing students in real-world contexts- through field visits, internships with NGOs, and participatory research- where they can witness law in action (Kannabiran, 2012).

6.0 Phased Reform Roadmap

6.1 Phase 1: Immediate (0-1 year)

a) Launch short, credit-bearing "Law and Society" modules in all LL.B. programs.
b) Partner with local NGOs to run weekend legal literacy camps in nearby communities.
c) Make it compulsory for first-year students to take part in at least one legal aid or street law activity.

6.2 Phase 2: Medium-term (1-3 years)

a) Set up permanent community legal aid clinics within law schools, staffed by students under faculty supervision.
b) Build simulation-based learning into core courses- mediation, negotiation, client interviewing- so students practise before they face real clients.
c) Develop bilingual legal education materials to bridge the gap between formal legal language and the way people actually speak about rights.

6.3 Phase 3: Long-term (3-5 years)

a) Embed interdisciplinary "Law in Action" tracks that combine law with sociology, anthropology, and political science.
b) Create exchange programs between law schools and grassroots justice organisations.
c) Host annual "Justice in Practice" conferences where students present fieldwork findings directly to policymakers.

This kind of phased approach ensures reform isn't just a one-off experiment but a sustained shift, in how we train future lawyers (Centre for Social Justice, 2021).

7. Conclusion

Law is not just a set of rules printed in books- it's a living, breathing practice shaped by people's struggles, compromises, and hopes. In India, where formal legal systems sit alongside rich traditions of informal justice, understanding law in everyday life is not optional; it's essential (Centre for Social Justice, 2021).

The case studies in this paper- from Bihar's Samjhauta Committees to Mumbai's housing rights battles-show that marginalised communities are not passive recipients of legal outcomes (Dinkar, 2022). They interpret, adapt, and sometimes resist the law, creating their own pathways to justice.

If we want a legal system that serves everyone, we have to value these vernacular forms of justice. Legal education must reflect the diversity of legal experiences and prepare students to engage with law as a social force, not just a technical craft. Policymakers, educators, and practitioners need to work together to make sure the law doesn't just protect the powerful, but also empowers the powerless.

Policy recommendations include:

a) Expanding state support for community-based legal aid initiatives.
b) Integrating legal literacy into school curricula nationwide.
c) Providing targeted funding for NGOs working on grassroots justice.
d) Reforming legal education to prioritise experiential learning and social engagement.
e) Supporting interdisciplinary research on informal justice systems.

Reclaiming law in everyday language and practice brings us closer to a justice system that doesn't just exist on paper-but one that's felt, understood, and lived by the people it's meant to serve.

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