



LAWYERS' AND THEIR ROLE IN SOCIAL JUSTICE

An Analysis of Role of Lawyers in Social Reforms

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Introduction

Over the years lawyers have played crucial role in bringing social reforms in the society. They not only epic centre of some of the greatest changes in history but they have also contributed immensely to the Independence of the country. Over the period of time, it was the lawyers who took centre stage and ensured the formation of our grand constitution. They laid the reforms which were desperately needed by a country which has suffered brunt of 200 years of slavery.

Dada Bhai Naoroji, a social reformer was also a lawyer and contributed to changes in society when India was entangled with number of social customs which never did justification to individual or to the society. Or it was Mahatma Gandhi who was at the centre of the freedom struggle and gave a new direction to the independence movement of the country.

Our first Prime Minister Pandit Jawahar Lal Nehru was an advocate and had a major role in India's Independence. Baba Bhimrao Ramji Ambedkar, the architect of Indian Constitution was also a Lawyer, his contribution in the upliftment of the people from backward class was monumental. He made significant efforts to ensure that these people who have been exploited for centuries get their due rights and included in mainstream of Indian society.

Bal Gangadhar Tilak, C. Rajagopalachari and Lala Lajpat Rai. were some of the eminent names who were not only lawyers but also great freedom fighters. They introduced a new ideology in the Congress which only believed in only one way of modernism. Dr. Rajendra Prasad, the first President of India, Saifuddin Kitchlew who protested against the Rowlett Act 1919, Sardar Vallabhbhai Patel an iconic figure in the Indian freedom struggle, all of them lawyers.

The paper tries to assess the contribution of these lawyers and many more of them who contributed immensely to the social reforms which ultimately changed the face of the country over the years. Their contribution has been as colossal as the legal professionals from any other developed country who has shaped their nation.

Chapter 1- The Pre Independence-Era (1847-1947)

The Contribution of the lawyers to the social changes goes back to 19th century when some of the most eminent legal professionals like Dadabhai Naoroji, Sundernath Bannerjee, Madan Mohan Malviya and Motilal Nehru changed the face of Indian politics and society.

Dadabhai Naoroji formed number of institutions which helped in reformation of the society. He established an ‘East India Association’ in 1867, which aimed to expose the British people to the Indian perspective. He wanted to ensure that women get quality education which would uplift their social and economic status. For this purpose, he founded Gyan Prasar Mandali for Women’s Education¹. He also formed. His publication Rasta Goftar also helped in raising issues such as reorganization of legislative councils and goal of self government.²

He was the first Indian to be elected to the British Parliament in 1892³; his appointment was a milestone for India as he raised the issue which highlighted the plights of Indians, their social and economic struggle, extreme poverty, high unemployment. Through his theory of Drain of Wealth Principle, he explained different forms of exploitation used by the British⁴. He was instrumental in training new generation of Indian freedom fighters by his exemplary work. Most of the freedom fighters followed his theory of British exploitation to stress on getting swaraj.

¹ <https://www.freetimelearning.com/govt-exams/general-knowledge/freedom-fighters-que-ans.php?Gyan-Prasarak-Mandali-an-organization-dedicated-to-the-education-of-the-adult-was-formed-by-&id=4324>

² Karkaria, R.P. (October 1898). "The Revival of the Native Press of Western India- The Rast Goftar". *Calcutta Review*. University of Calcutta. **107**: 238–243.

³ <https://www.thehistorypress.co.uk/articles/dadabhai-naoroji-the-uk-s-first-indian-mp/>

⁴ Drain of Wealth Theory Sanjai Pannu M.A. History (NET), International Journal of Research, p-I SSN: 2348 -6848 e-I SSN: 2348-795X

Madan Mohan Malviya was another iconic figure who contributed immensely in the freedom struggle. Born in Allahabad, United Province in 1861, he did his Law Graduation from Allahabad University in 1891 at the age of 30. Being a late bloomer, he made significant strides as an Advocate. In his 20-year career as an advocate where he practised at district court and later in Allahabad High Court, he became a highly respected name in legal fraternity. At the peak of his career in 1911, he decided to quit the practise in order to focus on social reforms and contribute to India's freedom movement.

It was here the great freedom fighter that we know was born. From this moment till next 35 years, he was involved extensively in the social reforms. He was part of many social movements which aimed to fight for the Indian freedom struggle. He was an important figure in Non-Cooperation Movement, Civil Disobedience movement and protest against Simon Commission in 1928.⁵

As an advocate for once last time, he donned his robe to defend the accused in Chauri Chaura incident and it was due to his ability and arguments put up that out of 170 accused, 155 were acquitted.⁶

Madan Mohan Malviya believed that education was a significant element to elevate the society and people from poverty. For this he alongside Annie Besant laid the foundation of prestigious Banaras Hindu University (BHU) in 1916.⁷ He served as the Vice Chancellor of the University from 1919 to 1938 ensuring that the university establishes itself as one of the best in country. He also established Hindu Hostel in Allahabad (now Prayagraj) for boys. He also established Bharti Bhavan Library in Allahabad as well.

Malviya founded Ganga Mahasabha to oppose the dam being built at Ganga. He worked relentlessly for the eradication of social evil of untouchability.⁸ He was instrumental in number of other movements which ensured that India get freedom as early as possible. It was quite tragic that he died just 9 months before India became Independent, on 12th November 1946. His contribution led to him famously termed as Mahamanav (Great Soul) by Mahatma Gandhi.⁹

There were other Lawyers like Bal Gangadhar Tilak, Lala Lajpat Rai C. Rajagopalachari were eminent figures in the freedom struggle.

⁵ Madan Mohan Malviya and his contributions towards Education, A Study, Jyoti, GLOBUS Journal of Progressive Education A Refereed Research Journal Vol 4 / No 1 / Jan-Jun 2014 ISSN: 2231-1335

⁶ Supra

⁷ Misra, Jagannath Prasad, 'The Foundation of the Banaras Hindu University', *Madan Mohan Malaviya and the Indian Freedom Movement* (Delhi, 2016; online edn, Oxford Academic, 21 Apr. 2016) accessed 14th May 2023 at 13.48 hrs

⁸ Supra

⁹ Dwivedi, B. N. (2011). Pt Madan Mohan Malaviya: Teacher of the Nation. Hindustan Times, Retrieved on February 13, 2013 from <http://www.itbhuglobal.org/chronicle/chronicle/malaviyajiji%20and%20bhu.pdf>

Jawahar Lal Nehru and Sardar Vallabh bhai Patel were pivotal figures in Indian Independence. In early part of the previous century they were then joined by Mahatma Gandhi who gave the whole freedom struggle a new direction.

Mohan Das Karamchand Gandhi completed his law at the age of 22 and moved to South Africa to represent his client. It was here his journey started when he was thrown out of the train by an English Ticket Checker. He dedicated his next 22 years for civil rights in South Africa and the non-white people who were being exploited by the ruling white government.¹⁰ In 1915 he returned to India and became part of the India's struggle to swaraj. From Champaran movement to Kheda Agitations to Non-Cooperation movement and then the Civil Disobedience Movement he was became the centre figure in India's national movement for achieving Independence.¹¹

His method of nonviolence won many hearts and followers not only in India but in countries like United States of America, Union of Soviet Socialist Republics, United Kingdom, France, Germany and many more nations.

On the other hand, Jawaharlal Nehru followed into his father's footstep and completed his Law Degree in 1912 from England¹². He returned to India and joined Indian National Congress. With Mahatma Gandhi he became a central figure in India's freedom struggle and was at the helm when India achieved her Independence on 15th August 1947.¹³

The contributions of lawyers didn't end here. There were advocates like Chitranjan Das, Saifuddin Kitchlew, Dr. Rajendra Prasad who stood up like rock during the pre- independence era to ensure that all the hindrances in the national movement were removed successfully.

Chapter 2- Post Independence Era (1947-1997)

1. The early years (1947-1965): Post Independence in the coming decades, the advocates were involved in the nation building. Pandit Jawahar Lal Nehru became India's first Prime Minister and helped a country freed from clutches of 200 years of slavery to flourish gradually.

As a Prime Minister, Nehru identified that India has to be self-dependant, but it was not possible instantly. The first step towards that dream was to ensure that literacy rate was increased, jobs were generated, strong

¹⁰ Gandhi and Africans in South Africa by E.S Reddy

¹¹ The Story of Gandhi Written by: Rajkumari Shankar First Published : 1969 ,Published by : Children's Book Trust Nehru House, 4 Bahadur Shah Zafar Marg, New Delhi 110 002, India.

¹² Sen, Zoë Keshap C. 1964. "Jawaharlal Nehru." *Civilisations* 14(1/2):25–39. [JSTOR 41230788](https://www.jstor.org/stable/41230788).

¹³ Supra

infrastructure was built, hospitals, schools and universities were established. For all this purpose he preferred Soviet Model of development, a socialist economy was the power mainly vested on the government. For this the five-year planning was established and the first five-year plan was launched in 1951. Every five-year plan had different goals and objectives to be achieved, this helped in proper utilization of limited resources that India had at its disposal at time of the Independence. ¹⁴

Sardar Vallabh Bhai Patel was another iconic figure in India's freedom struggle and post Independence. He became the first deputy Prime minister and the first Home Minister of Independent India. He also took charge of the Information and Broadcasting Ministry. While he had done end number of services to India and has numerous achievements, the biggest of all though was uniting India which at the times of Independence was nothing but collection of hundreds of large and small princely states. ¹⁵ India became one as a nation truly under his leadership. His strong will ensured that the sacrifices of millions of freedom fighters were not wasted.

Another lawyer who reached to the pinnacle of Indian politics and played crucial part in freedom struggle was Dr. Rajendra Prasad. Dr. Prasad became the first President of Republic of India and till date has been the longest serving President of the country. ¹⁶

Babasaheb Bhimrao Ambedkar was another iconic figure in India's freedom struggle; he was among the top leaders of the movement. He not played crucial role in number of the social reforms which helped in upliftment of the weaker classes of the society but he also played a key role in drafting a strong constitution for the country. ¹⁷

He served as the First Law and Justice Minister of Independent India. Article 17 of the Indian Constitution is the result of movement against Untouchability started by him in pre independence era.

2. The new generation (1965-1997) this era saw number of the advocates who were involved in the social reforms. One of them was Mahesh Chander Mehta famously known as MC Mehta. Mr. Mehta, an advocate, social activist is an environmental lawyer. The Magsaysay award jury has cited him for "claiming their constitutional right to a clean and healthy environment for present and future citizens of India. His landmark cases included The Tajmahal Case- a case filed to protect the old heritage by ensuring that industries responsible for it should be removed. ¹⁸ The Vehicle Pollution case which led to the compulsory use of CNG in Delhi. ¹⁹ The Oleum Gas leak

¹⁴ Jawaharlal Nehru: Five contributions that made him the architect of modern India, Ramakant Chaudhary, Financial Express, 14th November 2022, retrieved on 14th May 2023

¹⁵ Sardar Vallabhbhai Patel: The Man Who United the Nation National Unity Day- 31 October Ministry of Home Affairs

¹⁶ President's Secretariat National Informatics Centre

¹⁷ DR. B.R. AMBEDKAR ROLE IN MAKING OF THE INDIAN CONSTITUTION Dr. Ram Sharan, Lecturer in Political Science, Department of Political Science, Government Senior Secondary School, Makrouli, District Rohtak (Haryana), International Journal of Advanced Research in Management and Social Sciences, ISSN: 2278-6236

¹⁸ MC Mehta vs Union of India (1986)

¹⁹ M.C.Mehta vs Union Of India And Ors (1991)SCR (1) 866, 1991 SCC (2) 353

case lead to the establishment of the new principle of Absolute Liability.²⁰ Beyond these there are plethora's of case in Environmental Laws and social cause which have been successfully initiated by Mr. Mehta.

Late Sushma Swaraj who was Bhartiya Janta Party member was a prominent lawyer turned politician who worked for numerous social causes. At the age of 25, in 1977 she became the youngest cabinet minister. She was more inclined for the welfare of the women and their upliftment in the society. In 1998, she became the first female chief minister of Delhi.²¹ She later became the minister of external affairs in 2014 and served till 2019.

With this we come to the conclusion of the second chapter where we have highlighted the advocate who contributed to the politics and social reforms to the society in different manners during 1965-1997. This was the time when India was celebrating its 50th Year of Independence and ushering into new era of development.

In the next chapter we would cover the modern era lawyers who are also bringing changes to the society, politics, sports, entertainment, and other areas.

Chapter 3- The Modern Era Lawyers (1997-2023)

1. **Menaka Guruswamy:** A BR Ambedkar Research Scholar and lecturer at Columbia Law School, Menaka Guruswamy is a Supreme Court Advocate and an expert in area of Human rights.

She has not been just an active human right advisor to UNICEF, United Nations but has also tried to help international organizations like UNICEF in terms of Human rights violation in South Sudan.²²

She was amicus curiae in case of Public Interest Litigation filed against Indian Army, Assam Rifles, Central Parliamentary Forces and Manipur Police for extra judicial killings and violation of human rights in the state between 1980 to 2011.²³

She later on fought to decriminalize homosexuality in India, Once Section 377 was struck down it was a major battle won by LGBT Community.

2. **Rahul Mehra:** A lawyer and sports activist, Rahul Mehra have been centre of many legal cases that has been files over the past decade or so regarding to abysmal governance of sports bodies in India. Since 2014 onwards he has been vocal about Sports bodies implementing the National Sports Development

²⁰ M.C. Mehta v/ Union Of India Air (1987)SC 965

²¹ "Sushma Swaraj sworn in Delhi CM". Rediff, 12 October 1998, Retrieved 14th May 2023 at 22.24 hrs.

²² <https://blog.ipleaders.in/famous-female-lawyers-in-india/>

²³ <https://rupapublications.co.in/menaka-guruswamy-the-lawyer-who-fought-the-legal-battle-to-decriminalize-homosexuality-in-india/>

Code 2011²⁴.

It has been a sorry state of affairs in terms of Sports Governance in India. For 63 years since Independence no one questioned their working style. It was only after the fiasco of the Commonwealth Scam that the government was put under serious pressure to introduce a sports code. The government brought National Sports Development Code 2011 and have asked the sports bodies to implement but it didn't have much effect. In 2014 after Delhi High Court said that NSDC 2011 shall be implemented by the sports bodies, it looked there will be some changes but sadly it didn't happen. In 2021, Mr. Mehra filed a Public Interest Litigation requesting Court to order the Sports bodies to implement the 2014 decision.²⁵ The effect of this case was that the Court gives number of instructions to the sports bodies which they need to follow. The effect could be seen in the fact that in 2022, three sports bodies the Table Tennis Federation of India (TTFI), the All-India Football Federation (AIFF), and Hockey India — have come under a court-appointed committee of administrators (COA)²⁶

Through these cases he has been striving for betterment of governance of Sports Bodies in India which is need of the hour.

Conclusion

In India every year approximately 60,000-70,000 of the Law Students enters in Legal Profession, which is a big number. Nevertheless, like Society the approach of the Legal professionals have changed considerably. More and more advocates prefer a career where the financial rewards are higher which is not wrong, but the issue is that majority of these lawyers are not involved in the social work. It does not help much to the society.

A legal Profession is different than a career in Management, Architecture, and Chartered Accountant etc. A Lawyer has a chance to be connected with common public through his profession, he has chance to help them to find justice in every possible manner. He has the opportunity to serve the society and nation in various manners. He understands the law and can fight against the unjust laws, he can raise question against the administration for the negligence in governance. He can identify how big fish try to exploit the loopholes in the law.

In spite of all this there are only handful lawyers who try to get themselves committed to these cause. It is one reason why the courts have also requested that more and more law graduates must be encouraged to take up litigation as a career and involved in social cause.

There is no doubt that the cost of education have gone up manifolds in past couple of decades forcing students and their guardians to focus on the sources which are financially rewarding. In such a scenario it is quite challenging for the administrators to ensure they find a balance between the financial stability and participation of students in social reforms as well.

²⁴<https://thebridge.in/law-in-sports/rahul-mehra-v-union-of-india-landmark-sports-administration-case-indian-judiciary-34661>

²⁵ Rahul Mehra vs Union of India and Ors on 17 December, 2021

²⁶ <https://theprint.in/judiciary/fiefdoms-of-individuals-why-this-lawyer-is-waging-court-battle-to-hold-sports-bodies-accountable/991605/>

Bibliography

- **Law and Social Transformation, P Ishwara Bhat, Eastern Book Company, 2022**
- **Legal Aid- Catalyst for Social Change, Raman Mitthal, Satyam Law International, 2012, ISBN - 9788192120423,**
- **Law and Social Change, Sharyn L Roach Anleu, SAGE Publications, 2010, ISBN -9781412945592**
- **Lawyers, Networks and Progressive Social Change, Jacqueline Kinghan, Bloomsbury Publishing, 2021**

