



Legal Awareness of Academic Professionals: A Case Study of UGC Net June 2012 Case

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Abstract

National Eligibility Test (NET) of June 2012 conducted by University Grants Commission, New Delhi was the most controversial examination in the history of UGC NET examination series and this case study is related to the legal awareness of academic professionals with special reference to UGC NET June 2012 case. The scope of this study is limited to Kerala state only. Data collected from UGC NET June 2012 unfair cutoff victims and petitioners of UGC NET June 2012 case in Kerala High Court. Questionnaire and interview method are adopted for collecting the data. Findings shows that Internet (37.33 %), Books (33.17%) and Library (14.18 %) were the major sources of information collected for filing a case and 50.67 % have basic idea about the law (Civil and Criminal laws of India).

Keywords: Legal awareness, academic professionals, case study, UGC NET June 2012 Case, University Grants Commission National Eligibility Test.

Introduction

In India the selection of a college lecturer is based on certain parameters like the educational qualification, UGC-NET, PhD, number of papers published in national /international journals, conference attended/papers presented, teaching experience, age, reservation criteria, extracurricular activities etc

UGC NET is one of the important parameter of identifying a person who is eligible to teach the graduates as well as post graduate students of colleges and universities in India.

The main objectives of UGC NET exam is: i. To standardize the higher education system if India. ii. To determine the eligibility for college and university level lectureship. iii. To award of Junior Research Fellowship (JRF) for Indian nationals.

UGC Net: Government of India started the test for Junior Research Fellowship in 1984. In 1988 the eligibility test for lectureship transfer to University Grants Commission, New Delhi. UGC conducted the first National Eligibility Test (NET), common to both Eligibility for Lectureship and Junior Research Fellowship in December 1989. Since then it is conducted twice (June and December) in every year.

The eligibility of the UGC NET exam is 55% marks in Master's Degree from universities/institutions recognised by UG. For Scheduled Caste (SC)/Scheduled Tribe (ST)/Persons with disability (PWD) category candidates have 50% marks in Master's degree are eligible for applying the NET examination.

UGC Net June 2012 Case: In June 2012, the first time National Eligibility Test (NET) was conducted in objective mode for all

three papers in two sessions. Before that the third paper in descriptive format in all subjects. In June 2012 the descriptive paper changed with multiple-choice questions with same syllabus of the previous year. The exam conducted on June 24, 2012 and the result was published in Sept 18, 2012. But UGC changed the notification criteria for NET after the publication of the result.

UGC coming out with a last minute specification that an aggregate of 65 per cent in three papers was necessary for NET qualification for general category candidates. The qualifying aggregate was fixed at 60 per cent for OBC and 55 per cent for SC/ST/visually challenged/physically challenged categories.

But at the time of June 2012 notification the following marks (Table-1) are mentioned as the criteria for NET. Table-2 shows UGC NET June 2012 criteria after the publication of result.

Table-1
UGC NET June 2012 criteria at the time of notification

Category	Minimum marks (%) to be obtained		
	Paper-I	Paper-II	Paper-III
General	40(40%)	40(40%)	75 (50%)
OBC	35(35%)	35(35%)	67.5(45%) rounded off to 68)
SC/ST/PWD	35(35%)	35(35%)	60(40%)

Table-2

UGC NET June 2012 criteria after the publication of result

Category	Minimum marks (%) to be obtained			Aggregate
	Paper-I	Paper-II	Paper-III	
General	40(40%)	40(40%)	75 (50%)	65%
OBC	35(35%)	35(35%)	67.5(45%) rounded off to 68	55%
SC/ST/PWD	35(35%)	35(35%)	60(40%)	50%

Justice From Kerala High Court: Academic communities were against the last minute change of the UGC NET June 2012 notification and a mass petition filed in Kerala High Court and almost two and half months hearing procedure done in Kerala High Court and on 17 Dec, 2012 declared as "illegal the changing norms after the declaration of result fixed by the University Grants Commission (UGC) for the National Eligibility Test (NET) for college and university lectureship. The court held that fixing of higher aggregate marks for three categories, just before the announcements of results, cannot be justified as the same was not supportable by law"¹.

The change of the cut-off marks at the final stage violated Article 14 of the Constitution (equality before law).The court also declared that the petitioners, who had obtained the separate minimum marks prescribed in the UGC notification, had cleared the NET and all those who have obtained minimum marks prescribed in the notification have cleared NET and appropriate follow-up action be taken to issue certificates to them within one month².

Kerala high court on 1 January, 2013 declared that the benefit of a single Bench order will be applicable to all eligible candidates irrespective of the fact that they were petitioners to the case or not³. After the Kerala high court verdict so many other state high courts provide verdict favour to candidates.

Supreme Court Verdict: UGC filed an appeal (Civil Appeal No. 8355/2013) in the Supreme Court and the SC declared in its verdict (SLP CIVIL No. 19333/2013 dated on 19/09/2013) UGC's change in notification for the June 2012 NET was valid.

Supreme Court pointed that courts shall not interfere in matters of education unless there is a violation of statutory provisions and UGC has only implemented the opinion of the Experts by laying down the qualifying criteria, which cannot be considered as arbitrary, illegal or discriminatory or violative of Article 14 of the Constitution of India⁴.

Legal Awareness: Legal awareness of the law including Civil Law as well as Criminal law of a land is power because every people, society or community lives under a common law. Legal

awareness is the back bone of the very existence of every society and in turns that of a nation. Article 39A of the Constitution of India directs the State to provide free legal aid through suitable legislation or schemes/programmes⁵.

Objective of the Study: i. To know the legal awareness of academic professionals in Kerala. ii. To identify the source of information collected for filing a case. iii. To find the level of satisfaction among the source of information for filling a case. iv. To measure the academic professionals awareness of the existed court procedure and functions of court. v. To determine the problems faced by academic professional for filing a case with special reference to UGC NET June 2012 case. vi. To suggest measures to improve the legal awareness of academic professionals.

Scope of the Study: The scope of this study is limited to Kerala state only. Data collected from UGC NET June 2012 unfair cutoff victims and petitioners of UGC NET June 2012 case in Kerala High Court.

Relevance of the Study: The relevance of this study is to know the opinions, awareness, and level of understanding about the court procedure, its functions and various formalities of Indian legal system of academic professionals in Kerala through the UGC NET June 2012 case.

Review of Literature: Kumar et.al⁶ have done a study to assess the level of legal awareness of nursing staff in administration of patient care at a trust hospital through a questionnaire .The finding shows that knowledge on various legal provisions applicable to nursing, across all categories of nurses was found to be poor. The nursing staff had poor knowledge on patients' rights and also on their legal obligations towards patients.

Iriana et.al⁷ conducted a study about the awareness of legal services and problems faced by people in remote areas of Australia and found that, overall, the use of legal advisers decreases with remoteness. In very remote areas, respondents who were not aware of various free legal services.

Deka⁸ studied the gender disparity and legal awareness among women in Assam, within a complex framework of the post-colonial structure. This study explores the spaces for legal awareness among women within the traditional constrained sphere of a dominant patriarchal society.

Everett⁹ conducted a survey about the citizen awareness and attitudes regarding law and justice in Timor-Leste. The results shows that a small proportion of the public are aware of courts but they are not clear about the existence or roles of the different actors involved in the system. Most of the Timorese did not understand the nature of the formal system of judicial governance or have no practical access to the legal system.

Methodology

Questionnaire and interview method are adopted for collecting the data. A total of 650 questionnaires were distributed and 607 were returned. Seven of them are not suitable for data analysis. The final data analysis done on the basis of 600 questionnaires. A total of 120 respondents were interviewed for direct response.

Table -1
Gender wise distribution of questionnaire

Gender wise	Frequency	Percentage
Male	471	78.5
Female	129	21.5
Total	600	100

Gender wise distribution of questionnaire shows that Males are 78.5 % and Female are 21.5 % of the total 600 respondents.

Male Female

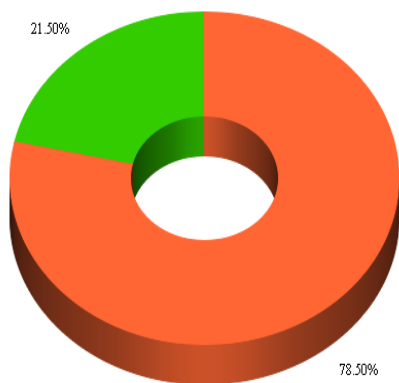


Figure-1
Gender wise distribution

Table-3
Geographical distribution of respondents

Geographical distribution	Frequency	Percentage
Urban	324	54
Sub Urban	104	17.33
Rural	172	28.67
Total	600	100

Geographical distribution of respondents was Urban 54%, Sub Urban 17.33% and Rural 28.67 % of the total 600 respondents all over Kerala.

Urban Sub-Urban Rural

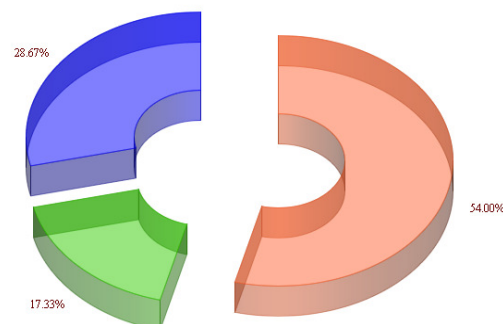


Figure-2
Geographical distribution of respondents

Table-3
Source of information for filing a case

Sl.No	Source of information	Frequency	Percentage
1	Internet	224	37.33
2	Books	199	33.17
3	Library	85	14.18
4	Legal professionals	70	11.67
5	Friends and Relatives	14	2.33
6	Others	8	1.32
	Total	600	100

Table-3 reveals that Internet (37.33 %), Books(33.17%) and Library(14.18 %) were the major sources of information for filing a case. Legal professionals comes in the 4th place. Only 70 respondents (11.67% of the total 600 respondents) choose Legal professionals as a source of information for filing case.

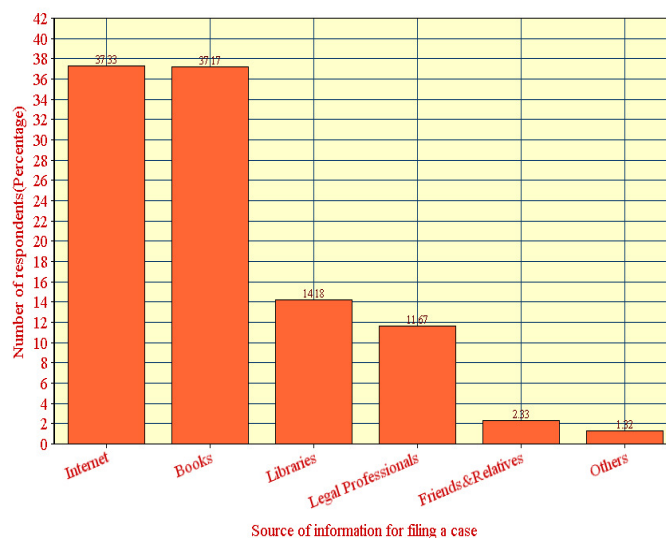


Figure-3
Source of information for filing case

Table-4
Level of satisfaction on the available sources of information for filing a case

Level of satisfaction	Frequency	Percentage
Very Satisfied	372	62
Partially Satisfied	198	33
Not Satisfied	30	5
Total	600	100

Table -4 shows that 62 % of the total 600 respondents are very satisfied and 33 % partially satisfied on the available sources of information for filing a case. 5 % are not satisfied on the available sources of information for filing a case.

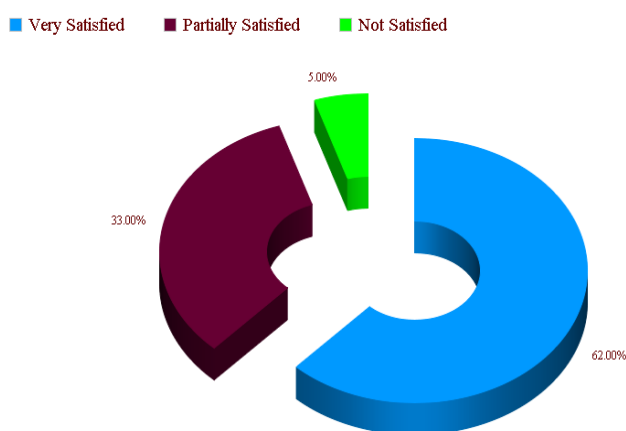


Figure-4
Level of satisfaction on the available sources of information for filing a case

Table-5
Awareness of the existed court procedure and functions of court

Awareness	Frequency	Percentage
Know very well	186	31
Basics of law (Civil and Criminal)	304	50.67
No idea about court procedure and functions of court	110	18.33
Total	600	100

Table -5 shows that 31% of the total respondents know very well about the existed court procedure and functions of court and 50.67 % have basic idea about the law. 18.33% have no idea about court procedure and functions of courts.

Problems Faced: Lack of Information, Incorrect information, Unaware about the professional fee of lawyers, court fee etc, Language barrier issues faced by some rural respondents, Court language is difficult to understand, Confusion about the legal

words and terms, Legal writings, laws, rules etc are very complex in nature.

Suggestions: i. Legal education should be started from school level onwards. ii. Add on course related to law includes Civil as well as Criminal law of India should be started in every degree course. iii. Correspondence course of six months or one year programs required. iv. Conduct regular legal seminars and workshops in schools, colleges and universities.

Conclusion

The study found the following findings: i. Internet (37.33 %), Books (33.17%) and Library (14.18 %) were the major sources of information for filing a case. ii. 62 % of the total 600 respondents are very satisfied, 33 % partially satisfied on the available sources of information for filing a case. iii. 50.67 % have basic idea about the law (Civil and Criminal laws of India).

Since the beginning of the case in Kerala HC with 20 petitioners but in later the figure has grown more than 5000. Almost two lakhs candidates suffered the injustice all over India but only a small number of people protested all over India and fewer tried to bring the issue into the notice of the media, public and the academic community. The mass movement to Court against the UGC NET June 2012 unfair cut off gained momentum only in Kerala as compared to other states. It is the lack of interest in social activities and diminished awareness of court and legal procedures.

If people are aware of their rights and duties, the delivery of justice in a society becomes so much easier. Legal awareness and legal literacy make drastic change in our democracy. Awareness of laws helps academic professionals as well as general public more effectively the legal system. Criminal Procedure Code highlighted that the fact that ‘Ignorance of law is no excuse’. A major reason for failure of execution laws is due to the lack of awareness beneficiaries.

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