

Plea for A Revamp In Human Rights Education

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Abstract

It has been rightly identified that man has been a victim of violence unfortunately though at the hands of man himself. Be it vulnerable groups like women, children, slum dwellers or refugees or it might be a terrorist attack shaking up the sense of security of the victims as well as the society. Question therefore arises as to what would be the future of the human rights situation? Why do all efforts go waste? This paper presents the view that the answer lies in improving human rights education. The objectives of the courses purporting to teach human rights in most cases are ill defined and the methodology inadequate. Moreover students read it from the point of view of exams only. But human rights education cannot be confined to books and class rooms. It extends to sensitizing the minds of the students by teaching values of love, peace and compassion that will inspire them to work for a better and an orderly society.

Introduction

*“Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not been broken up into fragments by narrow domestic walls;
Where words come out from the depth of truth;
Where tireless striving stretches its arms towards perfection;
Where the clear stream of reason has not lost its way into the dreary desert sand of dead habit;
Where the mind is lead forward by the ever widening thought and action;
Into that heaven of freedom my Father, let my country awake.”*

- Rabindranath Tagore

This is the dream of a beautiful and a successful India which our forefathers had dreamt and strived for, and it is our pious duty to live up to that dream. We need to build an India rich in values and wisdom. This dream will materialize when every citizen is educated to solemnly resolve to observe the Preamble of the Constitution of India and follow the ideals laid down therein, and to discharge with all wisdom and might the Fundamental Duties enshrined in article 51 A of the Constitution of India. For this there should be a burning desire to act immediately in the requisite direction. This urgency is well depicted in the following paragraph.

Urgency to Bring Reforms

1995-2004 had been declared by the United Nations as the Decade for Human Rights Education.¹

To quote United States Chief Justice Warren E. Burger's, “My mother taught us that the time to fix the cracks in the plaster is when you see first move into the house. Later on you do not

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pay attention to them.”

Chief Justice Ahmadi sounded almost the same note of caution when he said in a lecture—“I think we have waited long enough to repair the cracks in the legal education system of this country and it is high time that we rise from our armchairs and start the repair work in the right earnest.”

Frankly speaking legal education plays a vital role in the maintenance of Rule of Law. Advocates are the pillars of the justice delivery system. Advocacy is a profession and not a business. It is a branch of administration of justice and not a mere money making occupation. The essence of a profession is that though men enter it for the sake of livelihood, a measure of their success is the service, which they perform to promote their health, safety and good of the society and not the gains which they amass.²

Purpose of Human Rights Education

If the goals of legal education and particularly human rights education are formally and thoughtfully laid down then all can work together and bring about success. Infusing a sense of social obligation on the part of legal service providers is the responsibility of legal education.

For that we need to analyse the purpose of legal education and the purpose would in turn guide the method of imparting legal education. Before Independence the scope of legal education was comparatively narrow. The only purpose subserved by the legal system was maintenance of law and order, punishment of crimes and adjudication of civil disputes. Subsequently legal education became an instrument for providing the requisite personnel to the legal profession.³

One purpose might be to create legal professionals and hence legal education would be treated as professional education. As a professional education, legal education would equip students with the necessary skills needed to fill up certain roles as for e.g. administrators, policy makers, lawyers, law teachers, judges, LPO executives and the list keeps on growing according to the times. So when a student entered the college with one or the other of the above aims then what he received was professional education which tried to equip him with the necessary skills required to fulfill his goals. He received information devoid of critical understanding. Overall, 'legal education in India' has been unable to respond holistically and meaningfully to contemporary challenges.⁴

According to Arthur von Mehren, before Independence the Indian legal profession and legal education had not developed “a rationally functional approach to the problems of law and legal order” and the “Indian legal education inevitably tended to evolve in patterns that emphasized rote memory.”⁵

But the times have changed. The society today looks to ameliorate its socio economic difficulties by peaceful means. It is understood that law has a crucial role to play in a democratic society where law serves as an instrument of social change. Respect for democratic values and rule of law can be best conveyed through legal education. That has influenced the purpose of legal education. The purpose of legal education today is not just professional education but is education that is aimed at producing lawyers with a social vision. These lawyers then can build an India fortified with values enshrined in the Constitution of India.

If the former would be the purpose of legal education, where we must train our students to fill

in certain roles then we need to train them in aptitude, the provisions of the law, articulation of thoughts and good presentation skills. And if the latter be the purpose of legal education then training would be with the view to sensitizing the students with the problems of the society so that they are able to give some innovative solutions to the present day problems.

The most worthwhile and surely the most representative, approach for the curricular would be to address some vital questions of ethics, human rights, and value by means of a dialogue between law and literature.

The Constitution of India in the preamble mentions that it must be the endeavour to create a social order in the country in which justice in all its phases i.e. social, economic and political must be secured without discrimination to all its citizens. Hence, justice must be the core value that needs to be inculcated through legal education. In view of the Constitutional contemplation towards sensitizing the operation of legal systems to promote human rights and justice, legal education which prepares persons to shoulder these responsibilities, should undergo these refinements. A legally conscious civil society free from corruption and prejudice can be built well only on the sound foundation of legal education.⁶

Defining the Objective Of The Course

To inculcate these values should be the objective of legal education, and more so the purpose of human rights education, since these values are essential to the propagation and the promotion of human rights. The objective for the study of the course should be laid down with due care. The sensitizing of the student in human rights must find mention.

The Preamble of the Universal Declaration of Human Rights states-

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all

peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.⁷

Realisation of these goals should be the aims for teaching human rights to the students. Having said that, it is necessary, to look into the methods that may be employed for teaching the subject effectively.

Methodology of Teaching Human Rights

1- Lecture Method

Legal Education is no longer a one way process of transmission of knowledge. Lecture method is seen as requiring 'little intellectual effort' reducing student involvement to the taking of notes leaving virtually no scope for the learner to think. Hence this method is not adequate.⁸

2- Interaction and Discussion Method

Because of the intensive involvement of the students, the content of the lecture becomes more meaningful to the students. It is a two way communication wherein both the teacher and the students are involved in the learning activities. Discussion elicits higher levels of reflective thinking and creative problem solving.⁹

3- Case Study Method

Case study method is built upon certain premises. It consists of learning certain principles and doctrines. The growth of the law can be traced through a series of cases. Cases will enable the students to develop the power to analyse complicated state of facts. By the study of cases students can acquire a habit of legal thought.

1- Moot Courts

Moot Courts are nothing but mock courts wherein a fictitious case is given and students have to take up the role of advocates and prepare both sides of the matter. This improves their analytical skills when they analyse the given problem. They apply the laws to the factual situations given. While so doing innovative ideas come up and new arguments come up to deal with a given problem and these ideas indirectly go a long way in finding solutions to current problems and later by developing the law towards that end. Through application of law they come across also the deficiency in the law and thereby are familiarized with the need for reforms. For teaching human rights moot problem may be set up depicting the conflicting interests of various groups or the conflicting individual and community interests or the shortcomings of municipal law and the realization of rights guaranteed under the International Covenants that are not expressly guaranteed under the municipal law.

2- Conducting fieldwork

It is said that travelling is the best educator. Identifying and visiting sites where there are human rights violations, and doing whatever one can to ameliorate such difficulties is a good way to instill care and social responsibilities, in the minds of young students. This is the best way of sensitizing them with current social problems. Perceiving a problem directly through ones own eyes initiates in the minds of the young a sense of responsibility towards fellow

citizens. To help them out students can contact local authorities, the State Human Rights Commission or the National Human Rights Commission as the case may be. They can also take steps to bring to the notice of the statutory authorities for e.g. the National Commission for the Protection of Child Rights (NCPCR) or the commission for Women's Rights or the Commission for the Minorities Rights. This will give them a first hand experience of how problem solving can be done through the constitutionally appointed means.

3- Organising students seminars and workshops

Students enthusiastically take part in seminars. If class seminars are organized on topics from the curriculum then, in the anxiety to perform well the student will prepare all aspects, even those that are very slightly related to the matter. This will ensure good and thorough learning of the subject. It is said that self learning is the best learning. It also ensures personality development. More reading sensitizes them on human rights issues. Workshops similarly go a long way in practically familiarizing them with the subject at hand.

4- Use of Audio Visual Techniques

Use of power point presentations, while teaching leaves an impact on the minds of the viewers. There is actually scientific reason behind it. Perceiving a subject just through the ears and perceiving it through ears and the eyes makes a difference in the grasping of the subject. In this case the latter scores higher in reaching the audience. Use of blackboard is another way of driving in a point. But audio visual techniques certainly score higher as many colours may be used in it. There are certain colour combinations for e.g. yellow and black or certain colours for e.g. red which if used in making presentations, is remembered by the audience for a considerably long length of time.

5- Clinical Legal Education

Amos's technique was throwing the student in at the deep end.¹⁰ His lectures would be largely clinical. Clinical experiences involve Lok Adalat, Legal Aid Camps, Legal Literacy Projects and Public Interest Litigations. We need to learn the law through experience. It is directed at familiarizing the student with the theoretical and operational parameters of legal doctrines and statutory principles and the techniques of applying them in actual practice and real life situations. Students will develop critical and contextual understanding of law as it affects people in the society.

6- Education utilizing Mass Media resources

Collecting paper cuttings and making scrap books on topics from the curriculum helps learning while enjoying the learning process. Since it is not forceful it is easily accepted by the taker. Newspapers, magazines feed the thirst of the student to learn the day to day progress on a particular case. Following that and making content analysis of the subject helps in deeper understanding of the subject. The student can also visit various libraries and read the opinion of various authors and activists in the subject.

7- Use of Computers and Internet

The next generation is the generation of computers. No serious lawyer, law teacher or legal researcher can do without the use of computers.¹¹

Net connectivity during instructions helps the student access the relevant sites and get first hand information. For e.g. while teaching International Human Rights Commission student can directly access the website and have a look at the pictures and also the working of the

commission. Same is the case, when the role of the National Commission for the Protection of Childs Rights is taught. The student can access the website for the NCPCR where abundant information is given on the working of the commission, the steps it has taken to on various problems at hand, their success in settling earlier disputes etc.

Course Content

Today learning the traditional norms of human rights are grossly inadequate in the study of the subject. Agricultural biotechnology, pharmaceutical biotechnology, industrial biotechnology, cloning, Cyber technology, genome mapping and similar advances in technology leave the traditionally drafted courses far behind. These developing techniques pose a serious challenge to human rights education.

Conclusion and Suggestions

Human Rights Education must not only be accepted as an indispensable socio economic asset in catering to the human capital but also as an effective force for a sustainable peace, by the cultivation of values essential to the maintenance of peace order and growth in the society. The obligation of Man to Man must be clearly spelt out. The object should be to teach human rights must be redefined to bring about social change and also to bring legal literacy to the doorsteps. The methods of teaching must be revamped. The student must be sensitized to the values laid down in the Constitution and in the Bill of human rights. The course content must also be revamped to include human rights protection for violations that arise out of misuse of technological developments. Then only can real HUMAN RIGHTS EDUCATION be achieved.

Notes

¹ Mohanty Jagannath., '*Human Rights Education*', Deep & Deep Publications Pvt. Ltd. New Delhi

² Gupta Sushma, '*History of Legal Education*', Deep & Deep Publications (P) Ltd.

³ Agrawala S. K., '*Legal Education in India: Problems and Perspectives*' N.M.Tripathi Pvt. Ltd.

⁴ Baxi Prof. Upendra, '*Enculturing Law*' (unpublished)

⁵ For further reading Dr. A. Lakshminath on '*Legal education*'

⁶ Prof.P Ishwara Bhatt, '*Legal Education in India: Challenges and Perspectives*' Ed. by Manohar Rao & Srinivas Rao, Asia Law House Hyderabad

⁷ <http://www.un.org/en/documents/udhr/>

⁸ Prof. Dr. A. Rangunatha Reddy, '*Legal Education in India: Challenges and perspectives*' Ed. by Manohar Rao & Srinivas Rao. Asia Law House Hyderabad

⁹ See Muthukumarans., '*Teachers Effectiveness*' University News at 8 (1995)

¹⁰ Edgar S. Cohan, '*Clinical Legal Education*' at 129 AIR (1982)

¹¹ Singh Gurjeet, '*Role of Computers in the field of Legal Education And Research*' in LEGAL RESEARCH AND METHODOLOGY Ed. by S K Verma & M Afzal Wani, Indian Law institute

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“You must not lose faith in humanity. Humanity is an ocean; if a few drops of the ocean are dirty, the ocean does not become dirty.”

-Mahatma Gandhi