

UNIVERSITIES ENGAGING WITH THEIR SOCIAL AND CULTURAL ENVIRONMENT

NALSAR - A CASE STUDY*

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“University stands for humanism, for tolerance, for reason, for the adventure of ideas and for the search of truth. It stands for the onward march of the human race towards ever-high objectives. If the universities discharge their duties adequately, then it is well with the nation and the people”.

Pandit Jawaharlal Nehru

Introduction

A study of the history and evolution of the University Education System in India is an exciting and challenging exercise. The world-renowned mathematician Ramanujam once commented that it is a system designed to produce ‘elite clerks’ for the British Raj. This comment cannot be dismissed as a cynical one. The Indian University system became an extension of the ‘Raj’ to produce the ‘civil servants’ for its administration. The syllabi, curriculum and teaching methods were designed to insulate the inmates to the reality and tune them with values, which will suit the continuation of the Raj. Coupled with the conditions of caste hierarchy and feudal system, the University space was also dominated by the ‘local elites’ who preferred to identify with the ‘Raj’ and its values.

Ironically when the same graduates went to the United Kingdom for higher studies, they had a different exposure of the liberal and progressive ideas of the Universities. It is here they were sensitised to the liberal values, which in turn made them think about their country and fellowmen. Thus the forerunner of the modern University system in India- by design- which was built for sustaining the colonial interests, later started transforming itself to the sweeping values of democracy, socialist values and political thoughts emanating from Europe to look inward for its freedom. Among the various

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segments of Universities, it was the lawyers who stood in the forefront of the freedom movement. If the history of Indian independence is impartially written, more space will be devoted to lawyers than to the votaries of any other vocation.

I

Post Independence Scenario

The Independent India saw the Universities transforming in many ways. The Indian Constitution laid emphasis on compulsory education to all its citizens. It declared that “the State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory primary education for all children until they complete the age of fourteen years”¹. Thus the emphasis was that with compulsory and free education it would give an equal and fair opportunity to all to enter the portals of higher education in Universities. The Government set up the University Grants Commission to guide, support and regulate the University systems. Education being a concurrent subject under the federal system of India, the majority of the Universities was set up by the states and a few Universities were set up by the Central Government.

The Post-independence University system made tremendous strides in Science, Technology, Management, and Agriculture to meet the needs of the country. On the other side segments of Liberal Arts and Law lagged behind. The reasons were many – some studies attributed the whole system as a part of the stratified social order. Higher education was seen as an instrument for communities of the ‘higher order’ to move up and keep the difference with the ‘lower order’². Some studies attribute it to the limited job market and development, where university education is seen as a passport for better standards of life in an environment of competing inequalities. Other views attributed to the continuation of the insulated system of Universities from the colonial days to involve themselves with the social environment resulted in the deterioration of the standards of the subject and eventually stunted the growth and their contribution to the society.

Of the above, it was very evident that the Liberal Arts and subjects like Law, which had the potential and responsibility to mirror the concerns of the society were reduced to merely mimicking the theories and hypothesis of foreign scholars who prescribed solutions far removed from reality (with

¹ Article 45 of the *Constitution of India*.

² Myron Weiner, *The Child and the State in India*, p. , Oxford University Press, New Delhi, (1991).

notable exceptions). The solutions to many problems in the country should have come from the research and scholarship within the system. For such solutions the University system should have come out of its towers and structures to plains and hills of the country. The syllabi and curriculum should have internalized and projected the experience of the real world problem. Unfortunately till today, the University space is regarded as a cozy extension of the school education to provide access to a rosy career. Let me at this juncture, focus on the role of legal education in University systems and of the new experiments of Law Schools in India in setting the new agenda for social engineering and transformation.

II

Legal Education- Yesterday

As discussed earlier, Legal Education and the legal profession played an unenviable role in the freedom of India. The Bar-at-Laws went behind bars (prisons) to get the freedom of this country. They were in the forefront to set up a new Republic, a bold experiment in the post-colonial era invoking hope in many countries, which then freed themselves from the yoke of colonialism. Due to the sheer size of its population, layers of social and cultural oppressions, running this Republic to the avowed goals is an enormous task. Here the people regarded legal education and lawyers as guardians to mitigate their burdens and lead them to better life. This fact is emphasized strongly as³:

A strong independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but its very pluralism and creativeness make it capable of both enormous progress of debilitating conflicts that can blunt all semblance of order. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, and a reconciler. He must be more than simply a skilled legal mechanic. He must be that but in a larger sense he must also be a legal architect, engineer, builder and, from time to time, an inventor as well.

In the Indian context there is a need to bring the law closer to the life of people so that it is able to appreciate, understand and solve the problems of

³ K. Iyer, J., *The Social Dimensions of Law and Justice in Contemporary India - The Dynamics of a New Jurisprudence*, p.1, Wadhwa & Co., Nagpur, (1979).

the child, the woman, the downtrodden, the weak and the weakest and the underprivileged sections of society. There has to be a radical change not only in thinking of the budding lawyers but also in the way they look at their profession and implement the law. Unless it is done, and achieved, the goal of social justice is a far cry.

But even after 55 years of independence the poor man stares at the face of mankind and asks, why he is "invisible to the affluent eye of the law". Should all this not kindle the law teachers, law students and the lawyer's interest and prompt action for improving the plight of the neglected sections of the society? This is relevant not only in the Indian context but also in a developed country like the United States of America. For instance Robert F.Kennedy, in his address on Law Day in Chicago in 1964 observed⁴:

to the poor man, 'legal' has become a synonym simply for technicalities, obstruction, not for that which is to be respected. The poor man looks upon the law as an enemy, not as a friend. For him the law is always taking something away.First we have to make law less complex and more workable. Lawyers have been paid well, to proliferate subtleties and complexities. It is about time we brought our intellectual resources to bear on eliminating some of those intricacies..... secondly, we have to begin asserting rights, which the poor have always had in theory-but, which they have never been able to assert on their own behalf. Unasserted, unknown, unavailable rights are no rights at all.

This should take us to the basic question why 'law' is perceived as one removed from the reality and not regarded as instrument for social change. One probable answer could be that legal education itself is insulated from its environs and thus produces lawyers who are alien to the aspirations and problems of the society they are expected to serve. To quote Justice V.R. Krishna Iyer:

If we ask the Lawmen, 'what is Law?' the answer could be 'Not Justice' and if we ask 'What is Justice?' radical humanists answer: 'Not Law'. This shows the crisis that grips our times and makes many groups-the angry young, the neglected old, the exploited many and the thinking few -question: What is Law, if it is not justice? Why is Law not dead if it upholds

⁴ Supra n.3 at p.6.

injustice?' From these basic interrogations flames forth, as from the burning embers of the Old Order, a New Order based on a New Jurisprudence-socially relevant and purposive⁵.

III

Legal Education - Today

In the context of the proliferation of legal education without a focus on the needs of the society and falling standards in the imparting of legal education, that the need to set up law schools in the country was felt. After a few decades of deliberation, procrastination and delay law universities that focused on revamping the content, methodology of teaching, assessments and sensitizing the students to the needs of the society were set up. Today, India has five law universities functional and a few more are in the start-up stage. In the first place, these schools endowed with greater autonomy and focus are designated as Universities with a single discipline system. These Universities are given the powers to design the curriculum, the teaching methods, the evaluation system and other research priorities.

IV

About NALSAR

NALSAR University of Law, Hyderabad, established under the Andhra Pradesh Act 34 of 1998, is a body corporate having perpetual succession and a common seal. It is a fully residential University engaged in teaching and promoting research in law and allied disciplines. The establishment of the University is in response to the need of the hour, to restructure the needs of legal education and research and to meet the challenges of the millennium. **NALSAR** hopes to bring forth a generation of advocates and judicial administrators who readily respond to the needs of the citizens. **NALSAR** also endeavors, in a variety of ways, to disseminate legal awareness in the society thus bringing the law closer to the needy and the deserving. To that end the University aims to impart legal education in a manner distinctly different from the traditional method of teaching law. Students will be acquainted and acclimatized with the legal issues confronting the people in the society and will be urged to find, interpret, analyze and criticize the law for themselves and to relate it to real life problems. It is with this perspective that the course curriculum, greatly inspired by the U.G.C. Curriculum Development Committee Report, has been designed. Our wish is to inform the instincts of

⁵ K. Iyer, J., *Some Half-Hidden Aspects of Indian Social Justice*, p.9, Eastern Book Company, Lucknow, (1980).

our students to the service of humanity and turn them into lawyers who are technically sound, professionally competent and socially relevant.

The University Campus is located on a sprawling 50-acre site abutting the Shameerpet Lake about 26 k.m. from High-tech city, Hyderabad. Whilst its city centre is located at Barkatpura, Hyderabad.

NALSAR, University of Law endeavors to produce lawyers who would be sensitive to the call of the nation, the manifesto of social, economic and political justice enshrined in our Preamble.

The University just five years since its inception has initiated programmes through the students for involvement in the social and cultural settings to understand the 'Law' apart from the classroom deliberations.

NALSAR –Case Study –1

LEAP- Legal Education Awareness Programme

LEAP is a programme initiated by the students of NALSAR to improve and upgrade the layman's awareness and attitude towards law. *Ignorantia non juris exquisat*, is a principle taught to the law students but as a principle it is applicable to all in the society. Nevertheless a vast majority is not aware of their rights and the system in which they operate. The students of NALSAR have taken up the initiative to work on the project of legal awareness.

Objectives of LEAP

The LEAP programme is aimed at:

1. identifying Schools and Junior Colleges in Hyderabad to make presentations and conducting interactive sessions on basic principles of legal system
2. extending the programme to other Institutions like engineering colleges, Management Institutes, Arts Colleges and other Scientific Institutions
3. extending the programme to Corporate offices, Government offices and public institutions
4. covering Domestic workers, Organized Labour associations, unorganized labourers.

The students give project reports on the experiential learning of their interactions for further research in their curriculum.

Scope of the Laws covered:

The programme will cover the areas of:

- a. Consumer Protection
- b. Environmental issues
- c. Minor & Guardianship
- d. Voting Rights
- e. Sexual Harassment
- f. Right to Information
- g. Censorship
- h. FIR(First Information report) & Arrest
- i. Black Market
- j. Alcohol Prohibition
- k. Eve Teasing and Rape Laws
- l. Advertisement
- m. Corruption and Red Tapism

Methodology

The student groups interested in the project under the guidance of the faculty will make a detailed report on the selection of the institutions, schedule of the programme and conduct of the programme. The student groups will carry out the presentation and interactive session, which will be recorded and documented and presented as part of the curriculum and project work.

NALSAR Case Study – II

Placements

Placements play a significant role in the scheme of University education. Placements bridge the gap between the classroom and the courtroom, the protected atmosphere and the provocative social sphere, theoretical foundations and practical wisdom.

In this context it is essential to acknowledge that classrooms and courtrooms are not antithetical, rather they are complementary. There is often a notion that Law is understood in courtrooms and not in classrooms. Such

notions could be true where the classrooms are devoid of the standards expected of it. Nevertheless such formula of learning in courtrooms does not help everyone to be successful in the profession. Some do succeed after a long time. In the same breath, advocating that only classroom experience of semantics and delightful dissemination of the subjects will make good lawyers is equally myopic.

It is in this context that NALSAR University has laid strong emphasis on the mutual moorings of strong theoretical foundations in class rooms and placement programmes, which are sharpened and tested for its validity, viability and its velocity in courtrooms and real life. The University placement programme begins from the first year – a reasonable start – for the student to hone his/her skills, understand the environment, test his/her strength and learn the weaknesses. Such placements are not just learning processes for the students but a valuable feedback to the teachers who have less opportunity to understand and experience what happens in practice. The placement in fact makes the student interact in class with a different perspective and re-learn the same foundations with a different outlook.

NALSAR placements are designed to give the maximum opportunity and choices to the students of the segments they desire to specialise. The priority and emphasis of the University is to encourage students to be at the Bar in the service of various stakeholders of society for which purpose the new legal Universities came into being, giving them a wider opportunity, yet not thrusting it upon them.

Students are also placed with NGOs and Judges in the country which enable a direct interface with reality and legal issues.

Rights of the Child

Students are placed with various Child Rights organisations in the country in the fields as diverse as:

Education,

Disability,

Gender discrimination

Juvenile delinquency,

Child labour

Adoption laws, etc.

Tribal Welfare

Rights awareness

Legal remedies

Alienation

Conflict between Tribal Issues and the Law.

Care for the Aged

Legal provisions for the senior citizens of the country.

Vulnerabilities in the pension schemes.

Legal provision for the protection of the elderly against crime.

Need for Elder Abuse Laws.

Environment Protection

Sustainable Development

Community Forest Management System

Local Community v. Forest Protection

Human Rights

Rural and Urban Poor

Assisting activists in promoting awareness

Prison reforms.

NALSAR Case Study –III**NALSAR – Nodal Agency for Child Line*****About Childline***

Childline is India's first, **24-hour, free, emergency phone service** to **reach out to children** who are in need of help. After the initial crisis intervention Childline links these children to long-term services. Till date Childline has nationally responded to over one million such calls.

Childline was set up in Mumbai on 20th June 1996, when a need was felt from several children, who required support anytime, anywhere, whenever in need. Since its inception, Childline has been working with a variety of children-those in need of medical aid and those abused, always focusing on the most marginalised of children who have nowhere to go and in critical need of care and protection.

Childline, a project of the Ministry of Social Justice and Empowerment, has evolved through a partnership between the Government of India, UNICEF, the Department of Telecommunications, street and community youth, NGOs, academic institutions, the corporate sector and concerned individuals. Both the non-governmental organisations and government departments have come together for this unique project with one single purpose- to help the most vulnerable section of the society-children in distress

Objectives of Childline Project

- Setting up the Childline service in different parts of the country to ensure that every child in India has access to emergency assistance.
- Providing a platform for networking amongst organizations throughout the country for rehabilitation of children.
- Creating awareness about Childline 1098 and child rights amongst every citizen.
- Research on and Document issues related to children in need of care and protection to determine trends, gaps in services, from which will springboard issues for advocacy.

How Childline Works

- NALSAR as a nodal agency would ensure effective networking, provide documentation inputs, training of Childline partner organizations, addressing of issues faced in responding to calls and anchoring/ training of the allied systems like the police, health care system etc.
- The collaborative organisation(s) which would have the call-receive centre and respond to the calls, 24 hours a day provides the necessary emergency intervention and follow-up as also conducts extensive outreach and network with other organisations.
- Support organisation(s), which would respond to and follow up on cases referred by the collaborative organisation and also conduct outreach and awareness about Childline.
- Resource Organisation(s) which would provide long-term services for children referred by Childline.
- City Advisory Board which is the principal policy-making body of CHILDLINE.
- City Advisory Board consists of government officials, NGOs, representatives from the corporate sector and concerned individuals.

NALSAR has involved its faculty and students in the project to internalize the experience and formulate its research policy towards the abolition of child labour project, which has been taken up with the ILO.

NALSAR Case Study- IV

NALSAR # ILO joint project on the *Andhra Pradesh Child Labour Abolition and Compulsory Education Act, 2003 Draft Bill.*

NALSAR University along with ILO and Dr.M.Channa Reddy Institute of Human Resources Development was entrusted by the Andhra Pradesh Government to prepare a draft bill on Child Labour Abolition and Compulsory Education Act. NALSAR University took the lead to organise a series of consultative meetings with the Government Departments, NGO's working with the Children and concerned stake holders to put the draft bill in place.

As part of the exercise the Draft Committee Chairman, Prof. Ranbir Singh along with the faculty members of NALSAR, Dr. Kalpana Kannabiran and Dr.Sridhar participated in nine consultative meetings for the draft bill. As experiential learning, Students of NALSAR were involved in all the meetings in formulating the draft.

This exercise now with the Government to pass the Act has sensitized the students on the various issues of Child Labour and participation in the drafting of the legislation has given them a blend of experiential learning and legal skills.

V

Globalisation and Universities

Globalisation though a catchword of the new millennium, what is especially disturbing is the dangerous trend of inequality; the increasing hiatus between the urban and the rural areas. This surely provides credibility to the argument that modern development has led to the emergence of two Indias: the rural versus the urban, the poor versus the rich. The fact that a rising trend in economic growth, in the short-term, leads to increasing inequality, is an old hat. After all, it is common knowledge that a boom in the market generates wealth, not equity and re-distribution. Attempting to achieve greater equality even in a classical political economy was supposed to be a function of state intervention.

As a necessary fall out of globalisation and liberal economic policies, India too has moved from its "socialistic pattern" stance to the "free market economy" with a distant shift in the role of the state in the emerging economic order.

India faces tough challenges due to globalisation. The Universities of today and tomorrow have to strengthen their research skills, and promote community based welfare research projects for reaching the unreached. They should see the invisible and include the excluded, within their fold of activities. Technology and globalisation should instead provide a strong ethical push for Universities engaged in higher education.

As Michael Gibbons rightly puts it⁶:

However, the question remains whether by being pushed closer to industry, universities will fail their public service missions. In order to solve these tensions and still fulfil their public service role, universities need to move from the production of reliable knowledge to what may be termed 'socially robust knowledge', which is increasingly in demand across the world. Paradoxically, it appears that through closer engagement with the wider research community, universities will be able to maintain their integrity and impartiality as institutions that serve the participants in the process of globalisation.

Institutions are not market places; neither is education a commodity traded on demand and supply. Institutions are knowledge spaces and education is a value in itself to distinguish between fair and unfair, just and unjust. It has to inculcate values like sacrifice, sensitivity to suffering, the courage to fight for justice and fairness and to stand up for the dispossessed and marginalized, and the determination to stand against the odds for the sake of justice.

Conclusion

From the above case studies, it may be seen that NALSAR, which is only a five-year old institution, is committed and will be committed to involve itself in the environs to have an experiential learning of the issues involved. As Chief Justice Stone once remarked, "the character of law schools determines the character of the Bar" and sensitisation of the students imbues a different attitude in their practice and other functions. Swami Vivekananda forcefully argued, "so long as the millions live in hunger and ignorance, I hold everyone a traitor, who, having been educated at their expense pays not the least heed to them⁷" and this particularly holds good for legal education over any other

⁶ Michael Gibbons, "Competition, Globalisation and the Future of Higher Education", p.8, (May) 155 *The Bulletin* (ACU), (2003).

⁷ Swami Vivekananda, *Thus spoke Vivekananda*, Rama Krishna Math, Calcutta, (1982).

discipline, as they have the power to empower the millions who believe that there will be light at the end of the tunnel. The task is challenging but can be accomplished if the plan is clear and if there is commitment to such a plan. One such step is that of the Universities to be part of the universe they function in and not be insulated from them.

The purpose of education should be, to quote Pandit Jawaharlal Nehru⁸:

...the service of India means the service of millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.

Universities have to respond to the call of Justice: social, economic and political; today. Tomorrow may be too late.

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⁸ Supra n. 5 at p. 13.