
REDEFINING LEGAL EDUCATION TOWARDS SOCIAL JUSTICE: A DEMOCRATIC APPROACH

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ABSTRACT

“Education is the most powerful weapon which you can use to alter the world.”

- Nelson Rolihlahla Mandela

We board a rustic where the people of noble cause strive hard to impart and achieve the journey of ‘Education to Everyone’ for a just and peaceful society. This paper attempts to analyze the trail, the hurdles, and achievements of this journey, and the immeasurable legacy. This text focuses on the lost dimension of legal education and seeks to rediscover its march towards social justice. As legal education always played a vital role in shaping a peaceful society with rights and justice in all fields. *“Equality of Opportunity is that the essence of Social Justice” – Tony Honore*

In my view, the development of contemporary legal education did not address the wants of the deprived and left a void in sculpting an orderly, just society, because the focus of legal education has undergone a hapless shift towards manufacturing corporatized law graduates to compete in this competitive arena. This is high time to rethink and reposition the main focus of legal education with the sense of democratic social responsibility in a sustainable manner. This text chalks out the very need of shifting focus toward achieving the wants of the underprivileged through education which is the heart of social justice.

Keywords: legal education, social justice, education democracy

The Cosmic Growth of Education

Schooling is a powerful asset possible preserve to stay a pleasant first-rate existence within society. The strong cognizance of the need for training is exorbitant and we are heading closer to the motto of “training for everybody”. The need and blessings of training are frequently understood in a capitalistic manner, however, the reality to be pondered upon is in simple words, education is a system of studying, acquiring knowledge, abilities, values, morals, ideals, and habits.

Indian society is one of the oldest civilizations in which training is promoted. India is domestic to the oldest village faculty to IITs and IIMs and the literacy charge is at 75%. Kerala has executed the maximum literacy price of 93% even as Bihar is the least literate nation in India with a literacy price of sixty-three percent. A rural-city gap existed in the person literacy fee for each girl and an adult male. The significance of female education in society has always been a social concern in India. Girls in India had been educated much less because of the conventional notion that a woman’s baby is married early and looks after the household. Subsequently, human beings realized the significance of girl infant training inside society. Girls are equally rightful to are seeking schooling as guys. Ladies have outperformed guys in numerous aggressive and national exams. Whilst a girl is educated, the entire society is knowledgeable¹.

When we communicate about the sizable momentous increase in education, quoting some of the distinguished committee reports could be vital.

Sarkar Committee (1945 - 1949)²

Based totally on the guidelines of the committee five IITs had been set up in Kharagpur, Bombay, Kanpur, Madras, and Delhi between 1951 and 1963. The IITs were created with foreign technical collaboration and UNDP assistance.

Radhakrishnan Committee (1948 - 1949)

Its essential pointers are to improve the nice of a college schooling, more vocational education establishments have to be opened. Duration of skip graduate for 2 years & honors graduates

¹ “Importance of Education in Our Society”, www.leverageedu.com, last accessed on 05-04-2022

² “IITs were formed on the lines of Massachusetts Institute of Technology”, *The Economic Times*, Mar 30, 2015

for 3 years. Paintings enjoyed must receive equal significance in conjunction with formal schooling. Following the hints, the university grants fee (UGC) became shaped and assumed a maximum essential position in the coordination and development of Universities in India from 1956.

Kothari Commission (1964-1966)

It emphasized vocational, technical, and technological know-how training. The document confused that there must be radical development inside the first-class & preferred better schooling & studies growth of higher education and further growth of centers of ITIs.

The traces depicted here shows the tempo of the evolution and increase of education and now it reaches its apotheosis through the edition of technological advancement in teaching and studying.

Closer to first-rate training: “education without values, as beneficial as it is, appears instead to make a guy a cleverer devil.” - C.S. Lewis

The demanding situation we are facing these days is not the improved literacy rate on my own across the state, but the epitome of schooling, the fee introduced training that teaches and crowns the learner with societal values. We gained the evils of unemployment, poverty, and losses through the weapon of schooling. But on the opposite, we lack the important part of education which is the transformation of a people into responsible citizens.

The Legal Education and its Prominence in Democratic Society

The constitution of India affords that, it shall be the duty of the authorities to restore the requirements of higher education. Training forms a part of listing III, giving concurrent legislative powers to the Union and the States. The legal profession in conjunction with different professions falls below list III. In 1974 The Bar Council of India agree with became created by using the Bar Council of India as a public charitable agree with to keep professional standards inside the Legal career and to make improvements in Legal education; through establishing regulation faculties of excellence and selling legal research. Within the 184th file (2002), the law commission of India undertook a comprehensive suo moto evaluation of the structure and regulation of the expert legal training and endorsed the reintroduction of schooling; and exams through the Bar Council of India. Thirteen The commission has regarded

that accreditation and high-quality assessment of regulation schools in the country to be monitored by the BCI and UGC.

The Bar Council of India set up a Directorate of legal education in 2010 for the reason of organizing, undertaking, retaining, and administering: (a) persevering with legal training (b) teachers training (c) superior specialized expert publications (d) training program for Indian students in search of registration after obtaining a regulation degree from a foreign college (e) Seminar and Workshop (g) legal research and (h) some other task that may be assigned to it via the legal education Committee and the Bar Council of India³.

The exceptional legal education is integral as it enriches the Legal profession, however, predominantly it shapes the guideline of regulation and democracy. The development of super legal education is a prerequisite to high best legal practitioners, they, in turn, determine the course of law and justice in a rustic.

The scheme of legal training has to be along with would make the students socially aware lawyers after they exit from regulation universities, As the faculties ought to prepare them to serve a democratic principled lawyer not to work in an advanced environment⁴. As they are future social assets. Coaching regulation holds a deeper obligation as the scholars might be converted into future legal professionals, judges, and different roles that are related to the transformation of a dynamic society with Justice and equity. Legal education altogether has to be able sufficient to cope with the challenges laid down earlier and to take forward the profession toward the best form of morality and justice

Landmark Judgments that sculpted our Democracy

Mohamad Ahmad Khan vs Shah Bano Begum Case - Award of Maintenance to a divorced Muslim woman⁵

Mohini Jain Case⁶ -The decision of the court docket that the fulfillment of the proper existence requires the existence of dignity, and therefore must be interpreted to encompass economic and

³ Dr. Reghunathan K.R, "LEGAL EDUCATION IN INDIA: THE MYTH AND REALTY", Pramana Research Journal, ISSN NO: 2249-2976, Volume 9, Issue 6, 2019

⁴ Dr. Jay Prakash Yadav," Legal Education in the Era of Information and Communication Technology: An Analysis", Jamia Law Journal_Volume I.pdf, 2017

⁵ 1985 (1) SCALE 767; 1985 (3) SCR 844; 1985 (2) SCC 556; AIR 1985 SC 945

⁶ 1992 AIR 1858

social rights, has been extended using the Indian Courts to make sure rights to meals, water, and health.

PUCL v. Union of India⁷ - Claimed that hunger deaths had happened regardless of extra grain stocks leading to a contravention of the right to meals; court docket discovered right to lifestyles imperiled; orders for implementation of famine code, meals schemes, and noon food in faculties.

Aruna Ramchandra Shaunbaug vs Union of India⁸ - Approved withdrawal of lifestyles sustaining remedy from patients no longer in position to make a knowledgeable choice, most effective after the file of the scientific board constituted via high Courts in the respective jurisdiction. In favor of Passive Euthanasia.

Justice Puttaswamy (Retd) vs Union of India⁹ -whether or not the proper to privateness is a fundamental proper? In this example, nine judges on the constitution bench of the apex court unanimously held proper privacy as an essential right as consistent with part 3 of the constitution of India

Shreya Singhal v. Union of India¹⁰ - On 24th March 2015, the two-judge bench of the supreme court struck down phase 66A as unconstitutional, because it violated the right to freedom of expression guaranteed below Article 19(1)(a) of the constitution. This became hailed as a prime step in the country's quest for freedom of speech and expression

To say a number of the critical judgments including

- Daughters are entitled to have a coparcenary right in Father's property
- The supreme court ruled that the freedom of speech and expression through the net, that is access to the internet is an essential proper challenging internet shutdown in Kashmir.
- The reformatory punishments include, The motorcycle racer who got arrested turned into despatched to serve in a twist of fate ward of a government hospital for a month

⁷ Writ Petition (Civil) No.196 of 2001

⁸ WRIT PETITION (CRIMINAL) NO. 115 OF 2009

⁹ Writ Petition (Civil) No 494 of 2012; (2017) 10 SCC 1; AIR 2017 SC 4161

¹⁰ AIR 2015 SC 1523; Writ Petition (Criminal) No. 167 OF 2012

There are a lot more judgments and precedents which made a manner for downtrodden, affected one to stay peacefully. On the opposite, we need to see the grey patches of lacunae in the Judiciary which didn't address a number of the problems inside the purview of extended democracy.

The Sixties and Nineteen Seventies were vital times within the records of legal education in India when the legal resource movement and various legal useful resource committees' reviews started to attract interest to the significance of experiential learning or gaining knowledge of the task, in legal schooling. The main goal of concerning regulation students inside the national legal aid motion changed into to cause them to experience extra accountability for the big part of the Indian populace who, due to their socio-legal unpopularity, couldn't get the right of entry to justice. The history of ways India's clinical practice has been brought a phenomenal change. There has been a desire to create a group of attorneys, who could function as squaddies in the fight for social justice for underprivileged companies inside the nation¹¹.

So, it is legal education that determines the path, prosperity, and orderly state. The system, segment, and policies may be executed using artificial Intelligence generation these days. We live in the international of AI. But what makes the distinction is the purview, seeing via the situation, the heart, and thoughts of serving people. The reforms in legal schooling are taking place is surely a welcome able measure, amendments in the syllabus, sensible activities, exclusive pedagogies, and so on. This paper attempts to throw a whole lot of lighter on the fundamental point of view of greater than a classroom education, extra than a techno legal training. It is a socio-legal education which have to be inculcated in possible approaches.

Redefining legal education within the path of Social Justice can make the judges not only to bring justice to the affected one, but a law, a coverage to curtail the basis of the practice frequently. The Legal fraternity who comes through this route don't simply award justice, but reform the society via the legacy of judgments and via the concept of "Inclusiveness". The sense of Inclusiveness with the intention to lower away from the risk of injustice and lessen the victim network within the society.

It's miles promising that there may be a brand-new generation of legal teachers and students who have risen in India with a mission to inspire others to move, mainly in the pursuit of justice.

¹¹ Shuvro Prosun Sarker, "Empowering The Underprivileged: The Social Justice Mission For Clinical Legal Education In India", *International Journal of Clinical Legal Education*, Vol 19, UK, 2013

A small promising ray of desire is seen and we trust it's going to convey the preamble of our Constitution and the labours of veteran leaders Prof. Dr. N. R. Madhav Menon and others as 'Legal education toward Social justice, A reality'.

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