



# **Himachal Pradesh National Law University, Shimla, Himachal Pradesh**

## **Report of the Long-Term Research Project**

### **"Paving the Way Forward: Challenges for Protection, Dissemination and Promotion of Human Rights Education (HRE) in the Law Schools of North India "**

#### **Commissioned by**

**National Human Rights Commission**

**New Delhi**

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*Principal Investigator*

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**Himachal Pradesh**

**Duration of the Project: March 2017-June 2018**

# Declaration

It is hereby declared that the Research Project titled “*Paving The Way Forward: Challenges for Protection, Dissemination and Promotion of Human Rights Education (HRE) in Law Schools of North India*” is an original piece of research conducted by the Himachal Pradesh National Law University, Shimla and any part of it has not been published elsewhere for any purposes whatsoever.

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The Project could not have been completed without the assistance of faculty and staff members at Himachal Pradesh National Law University. I also place on record deep sense of thankfulness to the heads, faculty members and students of various institutions who cooperated with us during the various phases of data collection and analysis.

Prof. Subash Chander Raina

## TERMS OF REFERENCE

The National Human Rights Commission has decided to undertake a research project –“*Paving the Way Forward: Challenges for Protection, Dissemination and Promotion of Human Rights Education (HRE) in Law Schools of North India*” in collaboration with the Himachal Pradesh National Law University, Shimla.

### 1. **Assessing the status of the HRE in Law Schools /Universities in North India**

1.1 The broad objectives of the study are :

- a) Assessing the status of Human Rights Education (HRE) in Law Schools/ Universities in India
- b) Role and Methods adopted by such institutions in disseminating HRE in society
- c) Results achieved by such methods or the extent to which such methods have been useful for spreading HRE.
- d) Follow up programs in vogue for retaining and enhancing HRE by such institutions.
- e) Suggest measures which can be used by Law Schools/Universities to enhance HRE in India.

### 2. **Methodology**

2.1.1 **Universe**: In order to make the study broad based the universe chosen is Law Schools and Universities of North India imparting Legal Education.

2.1.2 **Sampling**: Due to mushroom growth of Law Schools, it was not be possible to cover all the Law Schools of North India. Hence "Purposive Sampling" method was used to decide the sample size of Law Schools and Universities proposed to be covered through the study.

2.1.3 North India has four National Law Universities (Patiala, Shimla, New Delhi, and Lucknow). In addition, it has got well established Law Schools at Kashmir, Jammu, Himachal Pradesh, Chandigarh, Rohtak, Kurukshetra, New Delhi, Aligarh, Lucknow,

Banaras and Dehradun. Further, private universities and colleges like Amity Law School, University of Petroleum and Energy Sciences, Sharda University, Galgotia University to name a few.

- 2.1.4 It was proposed to take up at least one public and private university from each region of North India, i.e. Department of Law, University of Kashmir, Rajeev Gandhi National Law University (Patiala), Chandigarh University, Himachal Pradesh University, Kurukshetra University, Delhi University, Amity University, University of Petroleum & Energy Studies (Dehradun), National Law University Delhi, Galgotia University, Ram Manohar Lohia University (Lucknow), Banaras University, Aligarh Muslim University (AMU) will be taken on the basis of –Simple Random Sampling!.

## **2.2 Tools for Data Collection**

- 2.2.1 Data on various parameters related to human rights education will be collected through structured interview schedules. These will be circulated both to the students, staff of Law Schools as well as to members of locality where such programmes have been initiated or completed.
- 2.2.2 The data thus obtained through primary sources and supported by secondary material will be tabulated, analyzed and interpreted. Broad inferences will be drawn to reach logical conclusions and suggestions.

## **3. Duration**

- 3.1 The duration of the research project will be 12 months from the date of the issue of first installment.

## **4. Budget**

- 4.1 The National Human Rights Commission has approved the research project with a budget of **Rs. 11,90,000/-** (Rupees Eleven Lakhs Ninety Thousand only). Head-wise details of the budget are as follows :

<b>Heads</b>	<b>Expenses (approximate)</b>
Travel & Transport	2,00,000/-
Air/Train Travel : 75,000/-	
Bus/Taxi Fares : 40,000/-	
Stay and Logistics : 60,000/-	
Miscellaneous : 25,000/-	
Secretarial Assistance	1,20,000/-
Emoluments for Research Assistants (15000x2x12)	3,60,000/-
Emoluments for Research Associates (20,000 x 2 x 12)	4,80,000/-
Miscellaneous	30,000/-
<b>Total Budget</b>	<b>11,90,000/-</b>

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## **List of Abbreviations**

<b>BCI</b>	<b>Bar Council of India</b>
<b>HPNLU</b>	<b>Himachal Pradesh National Law University, Shimla</b>
<b>HRE</b>	<b>Human Rights Education</b>
<b>MHRD</b>	<b>Ministry of Human Resource Development, Government of India</b>
<b>NHRC</b>	<b>National Human Rights Commission, New Delhi</b>
<b>NCERT</b>	<b>National Council for Educational Research and Training</b>
<b>NGO</b>	<b>Non-Governmental Organisation</b>
<b>NIEPA</b>	<b>National Institute of Educational Planning and Administration</b>
<b>NLU</b>	<b>National Law University</b>
<b>UGC</b>	<b>University Grants Commission</b>
<b>UN</b>	<b>United Nations</b>
<b>UNESCO</b>	<b>United Nations Educational, Scientific and Cultural Organization</b>



# I

## Introduction

This report presents a detailed discussion of the long term research project titled *“Paving The Way Forward: Challenges for Protection, Dissemination and Promotion of Human Rights Education (HRE) in The Law Schools of North India”* commissioned to **Himachal Pradesh National Law University, Shimla (HPNLU)** by the **National Human Rights Commission, New Delhi (NHRC)**. The long-term, one year research project was commissioned to HPNLU in the month of March 2017 for a year. Based on the appraisal of the progress done in the research exactly six months after its inception, the Commission granted HPNLU a further extension of three months (till June 2018). This report presents a detailed discussion of the nature of the project, its objectives, research methodology, tools used, research findings and offers an analysis of the results, discussion of further areas of research and towards the end offers a set of recommendations vis-à-vis the protection, dissemination and promotion of **Human Rights Education (HRE)**<sup>1</sup> in India.

The report is divided into five chapters. The first chapter offers a summary view of the issue of Human Rights Education in India and discusses the rationale of the present study. It presents a review of literature, lays out the research questions, research design, methods adopted and tools of data collection and related themes. The third chapter offers a detailed view of the research universe and discusses the characteristics of the sampled institutions i.e. Universities and law colleges of north India selected for the present study. It also discusses the issue of HRE as seen from the perspective of academicians, heads of institutions and faculty members working in the sampled institutions. In so doing, the chapter presents what may be referred to as the institutional perspective on HRE. In continuation with this discussion, the third chapter presents a view of HRE as seen from the students’ perspective. Chapter IV tries to understand the larger discursive narrative as it has evolved around the issue of HRE. These students happen to be enrolled at undergraduate, post graduate and research levels in the law schools under study. The fifth chapter presents a detailed discussion and analysis of the results presented in the previous chapters. The last chapter of the report

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<sup>1</sup> For stylistic purposes, National Human Rights Commission, New Delhi and Himachal Pradesh National Law University, Shimla shall be referred to by the acronyms NHRC and HPNLU respectively. Human Rights Education similarly shall be referred to as HRE.

presents a summary of the findings and presents a set of recommendations for policy makers and lays the ground for further research in the area of HRE.

Before setting out to discuss the rationale of the study, its precise objectives and research methodology adopted in the research, it is pertinent to delve briefly into the issue of Human Rights and Human Rights Education.

To begin with, the following section discusses the issue of Human Rights Education in a historical context and is followed by a summary examination of formal documentation of the issue of HRE as produced by international and national level institutions both of a governmental and private nature. The later section of the chapter discusses the need and rationale for the current study, research design, methodology and sources of data used in the research.

## **I**

### **1. Human Rights and Human Rights Education**

Article 1 of the Universal Declaration of Human Right (1948) states that:

*“All human beings are born free and equal in dignity and rights”.*

Kofi Annan, the Secretary General of the United Nations said that:

*“Without education, we cannot see beyond ourselves and our narrow surroundings to the reality of global interdependence. Without education, we cannot realize how peoples of other races and religions share the same dreams, the same hopes. Without education, we cannot recognize the universality of human aims and aspirations.”*

Human Rights are the result of humanity's increasing and persistent demand for dignity, respect, justice, protection and freedom--all needed for a decent human existence. The contemporary conception of human rights has historical roots. Rousseau, Socrates, and Plato in the West, and Manu, Vyasadeva, Gandhi, Aurobindo, and others in India have enunciated principles of human rights. Important milestones in the struggle for human rights are the struggle between the British crown and Parliament, the French revolution, the struggle for American independence, the Russian revolution, and the adoption of the Universal Declaration of Human Rights by the United Nations on 10th of December 1948. The Declaration symbolized the beginning of the international human rights movement. In 1959, children's rights to life, education, health, protection, and development were proclaimed in

the Declaration of the Rights of the Child. The Universal Declaration of Human Rights embodies a set of guarantees enabling one:

- Not just to live but to live with dignity
- To develop fully and use one's human qualities, intelligence, talents, and conscience; and
- To satisfy one's physical, mental, social, and spiritual needs.

The first sentence of the Declaration states that respect for human rights is the "foundation of freedom, justice and peace in the world". The Declaration has influenced the constitutions and legal systems of various countries. It was followed by many other declarations such as:

- International Congress on Human Rights (Teheran, 1968),
- International Congress on the Teaching of Human Rights (Vienna, 1978) organized by UNESCO,
- Seminar on the Teaching of Human Rights (Geneva, 1988),
- United Nations World Conference on Human Rights (Vienna, 1993), which recommended the adoption of the United Nations Decade for Human Rights Education (1995-2004).

Human Rights as a fundamental value have also been a hallmark of Indian thought and polity. There is a long Indian tradition of standing up for the weak against abuse by the strong. Upholding human rights values in every aspect is firmly in the Indian tradition. The 'Great' Mauryan emperor Ashoka renounced the path of violence after the massacre in the war of Kalinga. The 'Great' Moghul king - Akbar granted religious minorities legal status in his realm. One of the most influential was Mahatma Gandhi's movement to free his native India from British rule. Human Rights lie at the core of our Constitution and are the heart of our national interest today. But the values that we stand for – freedom, human rights, the rule of law – are all universal values. Given the choice, people all over the world want them.

### **1.1 Human Rights Education (HRE) - Philosophical Underpinnings and Need**

The importance of HRE hardly requires any over emphasis. It has a crucial role in preventing human rights violations from occurring. These efforts are designed to strengthen respect for human rights and fundamental freedoms. It facilitates the full development of human personality, sense of dignity, promote understanding, respect, gender equality and friendship enables all persons to participate effectively in a free society, and enhance activities for maintenance of peace.

HRE, training and public information are, therefore, necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life, fundamental change could be brought about to eradicate poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, and disability and other status amongst the people.

### **1.2. Contextualizing HRE**

The United Nations proclaimed that HRE is *“training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the moulding of attitudes”*. ‘Higher education’ similarly has been defined as *“all types of studies, training or training for research at the post-secondary level, provided by universities or other educational establishments that are approved as institutions of higher education by the competent State authorities”*. Included in the higher education sector can be institutions for the training and certification of teachers at all levels, social workers as well as medical and legal professionals. HRE may be seen to comprise of the following five important dimensions:

- strengthening respect for the human personality and its dignity;
- fully developing the human personality and its dignity;
- promoting understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and racial, national, ethnic, religious, and linguistic groups;
- enabling all persons to participate effectively in a free society; and
- Furthering the activities of the United Nations to maintain peace (Guidelines for national plans of action for HRE-UN-A/52/469/Add.1.)

### **1.3 The United Nations and HRE**

The objective of the United Nations (UN) in its HRE efforts is to teach the "*common language of humanity*" to people everywhere. The Organization strives to make humankind fluent in the vocabulary of human rights, and to enable people everywhere — student and farmer, police officer and soldiers, cabinet minister and teacher — to apply that vocabulary and meaning to their daily conduct. Through education, the UN proposes to build a universal culture of human rights.

Through the years, United Nations efforts to promote and encourage respect for human rights and fundamental freedoms, without regard to race, sex, language or religion, have ranged from standard-setting to monitoring, from facilitating international dialogue and cooperation to providing technical assistance, and from commissioning technical studies to deploying large-scale peace keeping missions; the universal stands, international mechanisms, and an ethical and legal foundation of rights and responsibilities of nations and peoples.

### **1.4 Dimensions of HRE**

There are three dimensions to the promotion of human rights through education:

- **Knowledge**-providing information about human rights and the mechanisms that exist to protect those rights;
- **Values, beliefs and attitudes**-promoting a human rights culture through the development of these processes; and
- **Action**-encouraging people to defend human rights and prevent human rights abuses.

### **1.5 Covenants and Resolutions**

The plan of action for the second phase (2010–2014) of the World Programme, which benefited from the input and review of governmental and non-governmental experts and practitioners, proposes a concrete strategy and practical ideas for implementing HRE in the abovementioned areas at the national level. Its key elements are highlighted below.

It is universally accepted that education is the best source of social mobility, equality, and empowerment, both at the individual and collective levels. Further, it is considered as a

precondition for a healthy democratic society. It is thus important that education include the study of peace, human rights, and democracy as essential to society's development. The United Nations Declaration on Human Rights states the following:

*“Everyone has the right to education. Education shall be free at least at the elementary and fundamental stages. Elementary education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups and further the activities for maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children”.* (Article 26)

The International Covenant on Economic, Social and Cultural Rights (1976) reaffirms and strengthens these provisions. The 1978 International Congress on the Teaching of Human Rights and the 1993 Vienna conference called upon UN member-states to introduce HRE at all levels of education.

The World Congress on Human Rights in Delhi, 1990, urged that HRE be understood as encompassing formal, non-formal, and informal education systems, and also reach parents and policymakers. It aimed to develop awareness of how to translate human rights into social and political reality.

The 1993 Vienna conference reiterated the urgency of respecting human rights and fundamental freedoms, and emphasized that HRE must be treated as essential to the development of a global human rights culture. Four paragraphs of the Vienna Declaration and Programme of Action are related to education and training.

The World Conference on Human Rights considers HRE, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. States should strive to eradicate illiteracy and should direct education towards the full development of the

human personality and to the strengthening of respect for human rights and fundamental freedoms.

Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest HRE and the dissemination of public information, taking particular account of the human rights needs of women. This conference calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

Pursuant to the Vienna Declaration, the UN declared 1995-2004 as the United Nations Decade for HRE. The Decade's Plan of Actions aims to accomplish the following:

- ☐ Assess needs and formulate strategies to further HRE at all school levels, in vocational training and formal as well as non-formal learning.
- ☐ Build and strengthen programs and capacities for HRE at the international, regional, national, and local levels.
- ☐ Coordinate the development of HRE materials.
- ☐ Strengthen the role and capacity of mass media in the furtherance of HRE.
- ☐ Globally disseminate the Declaration in the most number of languages possible and in other forms appropriate for various levels of literacy and for the disabled.

The international community has increasingly expressed consensus on the fundamental contribution of HRE to the realization of human rights. HRE aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of participation in decision making processes within a democratic system.

Provisions on HRE have been incorporated into many international instruments and documents including:

- ☐ The Universal Declaration of Human Rights, 1948 (art. 26);

- The International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (art. 7);
- The International Covenant on Economic, Social and Cultural Rights, 1966 (art. 13);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (art. 10);
- The Convention on the Elimination of All Forms of Discrimination against Women, 1979 (art. 10);
- The Convention on the Rights of the Child, 1989 (art. 29);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 (art. 33);
- The Convention on the Rights of Persons with Disabilities, 2006 (arts. 4 and 8);
- The Vienna Declaration and Programme of Action (Part I, paras. 33–34 and Part II, paras. 78–82);
- The Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001 (Declaration, paras. 95–97 and Programme of Action, paras. 129–139);
- The Outcome Document of the Durban Review Conference, 2009 (paras. 22 and 107); and the 2005 World Summit Outcome (para. 131).

In accordance with these instruments, which provide elements of a definition of HRE as agreed upon by the international community, HRE can be defined as any learning, education, training and information efforts aimed at building a universal culture of human rights, including:

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities;
- (d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;



- (e) The building and maintenance of peace;
- (f) The promotion of people-centred sustainable development and social justice.

The Platform for HRE and Training, an informal cross-regional grouping of States within the framework of the Human Rights Council which supports related international activities, is promoting the development of a United Nations declaration on HRE and training. A first draft, prepared by the Human Rights Council Advisory Committee, was presented to the Council in March 2010. In its resolution 13/15 of 25<sup>th</sup> of March 2010, the Council decided to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Council the draft declaration by March 2011.

On 10<sup>th</sup> of December 2004, upon the recommendation of the Commission on Human Rights and the Economic and Social Council, the General Assembly proclaimed the World Programme for HRE scheduled to begin on 1<sup>st</sup> of January 2005, in order to advance the implementation of HRE programmes in all sectors. The World Programme is structured in consecutive phases, in order to further focus national HRE efforts on specific sectors/issues.

The objectives of the World Programme for HRE are:

- (a) To promote the development of a culture of human rights;
- (b) To promote a common understanding, based on international instruments, of basic principles and methodologies for HRE;
- (c) To ensure a focus on HRE at the national, regional and international levels;
- (d) To provide a common collective framework for action by all relevant actors;
- (e) To enhance partnership and cooperation at all levels;
- (f) To survey, evaluate and support existing HRE programmes, to highlight successful practices, and to provide an incentive to continue and/or expand them and to develop new ones.

The World Programme also lays out principles for HRE activities which need to be reproduced here. Educational activities as included in the World Programme aim to:

- (a) Promote the interdependence, interrelatedness, indivisibility and universality of human rights, including civil, political, economic, social and cultural rights and the right to development;

- (b) Foster respect for and appreciation of differences, and opposition to discrimination on the basis of race, sex, language, religion, political or other opinion, national, ethnic or social origin, physical or mental condition, sexual orientation and other bases;
- (c) Encourage analysis of chronic and emerging human rights problems (including poverty, violent conflicts and discrimination), also in view of rapidly changing developments in the political, social, economic, technological and ecological fields, which would lead to responses and solutions consistent with human rights standards;
- (d) Empower communities and individuals to identify their human rights needs and to claim them effectively;
- (e) Develop the capacity of duty-bearers (in particular, governmental officials), who have an obligation to respect, protect and fulfil the human rights of those under their jurisdiction, to meet such obligation;
- (f) Build on the human rights principles embedded within the different cultural contexts and take into account historical and social developments in each country;
- (g) Foster knowledge of and skills to use local, national, regional and international human rights instruments and mechanisms for the protection of human rights;
- (h) Make use of participatory pedagogies that include knowledge, critical analysis and skills for action furthering human rights;
- (i) Foster teaching and learning environments free from want and fear that encourage participation, enjoyment of human rights and the full development of the human personality;
- (j) Be relevant to the daily life of the learners, engaging them in a dialogue about ways and means of transforming human rights from the expression of abstract norms to the reality of their social, economic, cultural and political conditions.

Other major historical documents such as the American Declaration of Independence, the French Declaration of the Rights of Man and the Citizen, the UN Charter should also be discussed alongside these documents for a clearer understanding of HRE in a proper context.

With a view to encouraging HRE initiatives, Member States have adopted various specific international frameworks for action, such as:

- The World Public Information Campaign on Human Rights (1988–ongoing), focusing on the development and dissemination of human rights information materials,
- The United Nations Decade for HRE (1995– 2004) and its plan of action, encouraging the elaboration and implementation of comprehensive, effective and sustainable strategies for HRE at the national level,
- The International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001–2010),
- The United Nations Decade of Education for Sustainable Development (2005–2014),
- The International Year for Human Rights Learning (2008–2009) as well as the International Year for the Rapprochement of Cultures (2010).

Apart from these policy documents, the following legal and policy guidelines have also been consulted in order to have a better background for this research:

- ☐ Resolution adopted by the United Nations General Assembly on 10<sup>th</sup> of December 2004 (World Programme for Human Rights Education).
- ☐ Human Rights in Education: Papers Presented on the occasion of Human Rights Day Celebration at NIEPA (10<sup>th</sup> of December 2001).
- ☐ Recommendations of National Human Rights Commission, New Delhi: Module on Human Rights Education for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary Levels. National Human Rights Commission, New Delhi.
- ☐ Recommendations of National Human Rights Commission for Human Rights Education at the University and College Levels

- Guidelines for Human Rights and Values in Education, University Grants Commission, New Delhi.
- Human Rights in India: Status Report 2012: Prepared for India's Second Universal Periodical Review at the United Nations by WGHHR (Working Group on Human Rights in India and the United Nations).
- Justice V.S. Malimath Committee Report on Curriculum for Human Rights Education.

### **1.5 HRE in India**

In India the content of HRE is not different from what was taught by way of religion, be it Hinduism, Buddhism, Christianity or Islam. On a careful examination, one gets to see that the argument holds water. The quintessence of human rights is also the basic essence of all religions-love, compassion, loving kindness are overarching elements of these faiths. However, while teaching religions we confined the obligations arising from these doctrines only to their followers. Human rights could bring in a universal aspect to moral and ethical education. We in our different social groups are in great need of such pedagogical arrangements. On the other hand, in the context of rapid secularization we could still retain a basic common ground for mutual love and respect. We could still be our brothers' keepers and withstand value systems which only promote selfish ways of life.

In the context of such a pressing need for HRE, one gets to see that Indian school level textbooks barely mention human rights. Indirect references to human rights are included the Directive Principles of the Constitution of India and in civics and history textbooks. Most universities in India do not offer HRE, although some have three-month to one-year postgraduate courses on human rights. Section 12(h) of the Protection of Human Rights Act, 1993, requires the Commission *"to spread human rights literacy among various sections of society and promote awareness"*. The National Human Rights Commission of India and many Non-Governmental Organisations (NGOs) have launched a countrywide public information campaign for human rights which aims to make citizens more conscious of human rights and fundamental freedoms, and better equipped to stand up for them. At the same time, the campaign spreads knowledge of the means which exist at the international and national levels to promote and protect human rights and fundamental freedoms. A growing consensus holds that HRE can both help reduce human rights violations and contribute to building free, just peaceful societies. Human rights, as inscribed in the Universal Declarations, form the common language of humanity.

### **1.6.1 Place of HRE in Higher Education: Indian Perspective**

Having discussed the issue of HRE as it has been mentioned in international documents, it is necessary to have a brief overview of HRE as it appears in an Indian context.

#### **1.6.1.1 The Constitution of India and HRE**

The Constitution of India shapes the country's concept of human rights. The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of the State policy are concrete steps toward the realization of human rights. Whereas basic objectives have been defined in the Preamble, the protection of human freedom and liberties are emphasized in Fundamental Rights and Directive Principles of State Policy. The rights of the child have been given the greatest priority. Since rights and duties are inseparable, Fundamental Duties (Article 51) are also imperative. These provisions epitomize the collective will and aspiration of all Indians. The following provisions in Constitution safeguard human rights:

- equality before the law (Article 14);
- nondiscrimination on ground of religion, race, caste, sex, and place of birth (Article 15);
- equality of opportunity (Article 16);
- freedom of speech, expression, assembly, association, movement, residence, acquisition, and disposition of property, practice of any profession, carrying out any occupation, trade, or business (Article 19);
- prohibition of traffic in human beings and forced labor (Article 23);
- prohibition of labor in case of children below 14 years (Article 24);
- freedom of religion (Article 25);
- no provision for religious instruction in any educational institution wholly maintained out of State funds (Article 28);
- conservation of language, scripts, and culture (Article 29 [1]);
- right of minorities to administer educational institutions (Article 30);
- State guarantee of social order (Article 38 [1], Directive Principles of State Policy);
- adequate means of livelihood, equal pay for equal work for both men and women, non-abuse of health of the worker, opportunity for children to develop in a healthy manner and in conditions of freedom and dignity (Article 39, Directive Principles of State Policy);

- right to work, education, and public assistance in specific cases (Article 41, Directive Principles of State Policy);
- provision for free and compulsory education of children up to 14 years of age (Article 45, Directive Principles of State Policy); and
- Ensuring education and economic development of scheduled castes, scheduled tribes, and other weaker sections of society (Article 46, Directive Principles of State Policy).

Higher education includes all forms of education that is imparted at the post-secondary level in universities or other establishments approved by the State authorities, including institutions for the training and certification of professionals such as teachers, social workers, medical and legal personnel. In this context, HRE promotes a holistic, rights-based approach to education that includes both **“human rights through education”** ensuring that all the components and processes of education—including curricula, materials, methods and training—are conducive to the learning of human rights, and **“human rights in education”** ensuring that the human rights of all members of the academic community are respected. The effective integration of this approach in higher education requires action in at least the following five areas:

**i) Policies and related implementation measures:**

Higher educational policies—legislation, plans of action, curricula, training policies and so on—should explicitly promote HRE and infuse human rights throughout the higher education system. Policies are to be developed in a participatory manner in cooperation with all stakeholders and fulfil a country’s international obligations to provide and promote the right to quality education. To be effective, policies need a consistent implementation strategy, including the allocation of adequate resources and the setting-up of coordination mechanisms to ensure coherence, monitoring and accountability.

**i) Teaching and Learning Processes and Tools:**

Introducing or improving HRE requires a holistic approach to teaching and learning that reflects human rights values. Human rights are infused as a cross-cutting issue into all disciplines, and specific human rights courses and programmes—in particular, multidisciplinary and interdisciplinary human rights programmes—are introduced. Practices

and methodologies are democratic and participatory. Materials and textbooks promote human rights values. Relevant support and resources are in place.

**iii) Research:**

Higher education institutions develop new knowledge and advance critical reflection in the area of human rights, which in turn inform policies and practices in human rights and in HRE. Through an assessment of existing experiences and comparative studies, research can support the identification and dissemination of good practices as well as the development of innovative methodologies and tools based on those practices; research can also guide lesson-learning and evaluation exercises. Research can be furthered through exchanges, scholarships and fellowships.

**iv) The Learning Environment:**

Academic freedom informs the environment of higher education institutions, where HRE promotes the daily practice of human rights by fostering mutual understanding, respect and responsibility. Explicit and shared policy statements protect the human rights of all actors. Teaching personnel have a mandate to pursue HRE, and students can express their views freely, participate in academic life and have extensive opportunities for interacting with the wider community.

**v) Education and Professional Development of Teaching Personnel :**

For higher education institutions to serve as a model of human rights learning and practice, all teaching personnel and other staff need to be able to both transmit and model human rights values. Education and professional development must foster educators' knowledge about, commitment to and motivation for human rights. Furthermore, as rights-holders themselves, teaching personnel need to work and learn in a context of respect for their dignity and rights.

### **1.7 HRE and Curriculum**

HRE may not be treated as a separate area of the curriculum but is integrated into various subjects at different stages:

- the Indian political system and Constitution;
- problems and challenges of contemporary life i.e. political, economic, social, cultural, educational--that have direct or indirect bearing on human rights;
- diversity and variety of Indian culture, its composite and non-monolithic character;
- the Indian social system and dynamics of social change;
- major events in Indian and world history relating to the struggle for political and civil rights as well as economic and social rights, and the role of the people and outstanding leaders in these struggles;
- the world human rights situation with regard to gross violations in the form of colonialism, racism, and apartheid; and
- literary works that reflect human rights concerns and the quest for freedom and rights.

### **1.8 Education Policies and the issue of Human Rights**

The reports of various Education Commissions and the statement of educational policy have articulated the importance of the right to education and education in human rights as part of the effort to reform and develop education. They assign special status in the national educational system to women, scheduled castes, scheduled tribes, minorities, and the handicapped, and emphasize values education. They also define the basic components of the core curriculum, which reflects some important human rights concerns.

The National Curriculum Framework is provided for by the 1986 National Education Policy. It covers core elements that cut across narrow subject boundaries and is designed to promote values such as India's common cultural heritage, egalitarianism, democracy, secularism, equality of the sexes, observance of small-family norms, and inculcation of scientific temper, among other things.



### **1.8.1. Policies and Action**

HRE is significant as an instrument of raising awareness of human rights. Of the world's school children, about 77% are in primary school, and of these, 68% are girls. As per the Annual Report of UNICEF (1999), 130 million primary-school-age children in the developing world are denied the right to basic and quality education; 70 million are girls (40 million of whom are Indian girls).

The first National Curriculum Framework formulated by the National Council of Educational Research and Training (NCERT) in 1975 states:

*"The awakening of social consciousness, the development of democratic values and of a feeling for social injustice and national integration are extremely important.... All subjects should be taught in such a manner so as to foster the spirit of scientific humanism."*

The National Curriculum Framework for primary and secondary education (NCERT 1988) identifies and addresses some of these concerns such as promoting values of egalitarianism, democracy, secularism, equality, removal of social barriers, and creating a sense of common citizenship. It proposes that the school curriculum reflects some world issues and helps make children become aware of and appreciate different world cultures. Highlighting the need to strengthen national identity, the National Curriculum Framework for School Education (NCERT 2000) reaffirms the 10 core components identified in the National Policy on Education (1986):

- the history of India's freedom movement;
- Constitutional obligations;
- the content essential to nurture national identity;
- India's common cultural heritage;
- egalitarianism;
- democracy and secularism;
- equality of the sexes;
- protection of the environment;
- removal of social barriers;
- observance of small-family norms; and
- Inculcation of scientific temper.

It further emphasizes the need to include the fundamental duties as laid down in Article 51 A of Part IV A of the Constitution as common core components of the curriculum: *"These core components need to be integrated in school curriculum in a suitable manner. It is envisaged that they would help in instilling a nationally shared perception and values and creating an ethos and value system in which a common Indian identity could be strengthened."*

### **1.8.2. XI Plan Guidelines For HRE**

In 1985, the UGC prepared guidelines for human rights teaching and research at all levels of education. There was a serious attempt to structure the syllabi, introduction of foundation courses and fresh initiatives in the form of new courses in human rights. In the decade of nineties there was considerable fillip given to this initiative.

As part of this endeavor a number of universities and colleges came forward to participate in this programme. There was a slight shift in the emphasis during late nineties when values and duties were added as important components of HRE (HRE). In the XI Plan the UGC will give a fresh thrust to HRE. HRE is acquiring greater importance in the changing national and global scenario in the wake of globalization. While it is opening up new possibilities for realization of creative human potential, there are very disturbing trends in the forms of violence including terrorism within and across the Nation States. The Governments are finding it increasingly difficult to cope with the complexity and magnitude of the problems. This new context may give rise to arbitrary exercise of power by organs of the State resulting in legitimacy crisis. The society should have enough of democratic potential where people, particularly the youth, would play a positive role in facing the new challenges. This is possible only when the people, the younger people in particular, in all walks of life are sensitized and humanized so that they will be a part of the solution and not of the problem. HRE can create the necessary moral, intellectual, and democratic resources for this purpose.

The ultimate overall vision of building a humane, participatory and democratic society has to be promoted and sustained. HRE has three dimensions: moral, legal and contextual. The ethical terrain of the human kind lies in its sensitivities and sensibilities which are rooted in the moral potential, which always reminds the people that the world can be a better place than what it is at a given point of time. The standard-setting exercise that international agencies like the UN took up from 1948 with the commencement of Universal Declaration of Human Rights has been an attempt in exploration of the 'moral' dimension of HRE. There was no

year after 1948 when the UN did not come up with new fresh standards. Today, there are about one hundred documents in the form of Declarations, Conventions, Covenants and Treaties on human rights. The people all over the world should be enabled to appreciate the deepening of the scope and content of human rights, and their relevance to protect and enlarge human freedoms. The second dimension of HRE is the rights that are already guaranteed by the Constitution and legal systems of the country. There have been varied laws enacted to ensure equity and justice. Effective enforcement is possible only when the law reigns supreme. It is necessary that a ‘rule of law’ culture is adequately institutionalized. Rule of law is an objective standard that has the potential to mediate the complex web of social interactions and tilt the balance of power in favour of the weak. The law enforcement agencies will have to be a part of this standard maintaining process. HRE should draw the law enforcing personnel more and more into this effort where they become lifelong learners. The Armed Forces, Police Training Institutions and the other agencies have introduced HRE in their curriculum. This is a welcome change and it needs full support and encouragement. Legal literacy in the form of rights education is essential to ordinary people. It is more so to the marginalized and excluded sections like the Scheduled Castes, Scheduled Tribes, Backward Classes, minorities and women to make them aware of their rights. It would contribute to enhancement of dignity and self-respect of ‘downgraded’ human beings. HRE should also focus on the concrete changing context and the growing concerns on how the Nation States are responding to these new challenges and devising the forms through which people can express their anger and anguish, but not necessarily through violent outbursts. A creative society will always find ways and means to channelise the human potential for constructive development of the society.

Human rights are in themselves ends as well as means. They are ends in terms of standards to be attained and are means as they enable and empower the people to use the rights to enjoy the rights. It is both an area of academic enquiry and also a part of everyday life experience of humans as members of a society. Its objectives are determined by the following three components in the XI plan:

- A) Human Rights and Duties;
- B) Human Rights and Values;
- C) Human Rights and Human Development.

### **1.8.3. Human Rights and Duties**

Although every right entails a duty, there has been a feeling in certain quarters that rights education is promoted and the question of duties has not been adequately addressed. In a society which emphasized on duties for centuries, rights education comes as a correction of historical distortions. The violation of rights could be corrected only when the privileged persons are reminded of their duties towards the marginalized sections, and the marginalized sections are gradually empowered through rights education. HRE at these levels would extend to such areas as gender equity, caste and community relations, majority-minority conflicts, ‘\_forward-backward’ dilemma and North-South power relations. In short, all power relations have to be humanized and democratized through restructuring of rights and duties.

### **1.8.4 Human Rights and Values**

HRE should also focus on value education:

- (a) One of the objectives is to create awareness and commitment to values where the individualistic self-interest is properly reconciled with the collective and common good.
- (b) There has to be a debate on universal values and relativistic values that are culturally determined. The search for universal values assumes added importance in a globalizing but fragmented world.
- (c) The values like pluralism, respect for all religions, scientific temper, open mind, public reasoning, all of which have been part of long Indian traditions, will have to be sustained and promoted.

### **1.8.5 Human Rights and Human Development**

Rights are not only standards, but also claims of the citizens on the allocation of resources of the society. Indian economy is growing at a fast pace, but the economic disparities are also growing. It is necessary to recognize that development needs and equity concerns should go hand in hand. Any level of material development will not lead to human happiness unless it values human life and provides the conditions for fuller realization of the human potential. Human being is both a subject and an object of development. The State has an obligation in the promotion and enforcement of the rights and has to envision rights approach to development. No doubt these obligations when they are carried out will lead to balanced

human development. HRE will include all these components which if implemented will lead to the growth of HRE:

- ☐ A foundation course
- ☐ A certificate course
- ☐ An undergraduate course, i.e., B.A. or B.A (Hons.)
- ☐ A post-graduate diploma course
- ☐ A post-graduate degree (M.A./LL.M) course
- ☐ Integrated Masters Programme
- ☐ Seminars/Symposia/Workshops
- ☐ Moot Court/Mock Trial.
- ☐ Promoting nodal centers of excellence
- ☐ Encouraging Publication of books and journals

#### **1.8.6 Promotion of Human Rights Standards, Social Concerns and Human Development**

Financial support for the following activities for promotion of human rights standards, social concerns and human development have to be provided for:

- (a) Research
- (b) Teaching
- (c) Organization of Conferences/ Seminars/ Workshops/ Lectures and awareness/ sensitization programmes and Human Enrichment/ Holistic development of human person.

#### **1.8.7 Research Projects**

The nature of research projects under this Scheme would be different from the usual Ph.D. oriented academic research. They would be aimed at understanding and clarifying value issues of contemporary concern in the public and social life, and to suggest possible ways of resolving these value problems. The research could be a combination of conceptual and empirical investigations. Some of the likely areas of the research projects are:

- i. The tensions and issues emanating from the relations between the individual and the collective, universalism and relativism, violence - counter violence, non-violence,

roots of terrorism global and national, human values and rights standards and transformative processes through peoples assertions.

- ii. Values relating to democratic polity, collective living, peace dialogue and negotiations, the concepts and parameters of human happiness.
- iii. Social values of professional groups like engineering, medicine, law, teaching, public service, management and business.
- iv. Values of good governance, administration, judicial responses, changing role and nature of the State.
- v. Social concerns relating to environment, science and technology, and sustainable development.
- vi. Strategies of transmission of knowledge and transformation of values through formal/non-formal education.
- vii. The role of the films and the multi-media in respect of value transmission and the potentials of multi-media to promote consciousness and appreciation of human concerns. The research, in essence, should provide insight into the transition of society, new human and social concerns, transformative processes, civil societal initiatives, changing nature of social movements, levels of growing consciousness of the marginalized sections and possibilities of ensuring fuller human development.

### **1.8.8 Teaching Support**

Under this head would be provided for encouraging and facilitating introduction of new courses on socially related themes like social concerns, professional values, environmental concerns, science, technology, parliamentary democracy, civil society and the rule of law and other human concerns. It would also include historical and philosophical foundations of National and International standards. Financial assistance would be provided by way of:

- ☐ Giving grant to teachers teaching such courses for writing books, preparation of teaching material, travel grant to consult libraries elsewhere, to attend national and international conferences/lectures on themes related to the subject matter, preparation of manuscript for writing books, etc.

- Giving grant to university/college/department for paying honorarium to retired teachers, visiting professors to teach such courses.
- Providing teaching positions and establishing human rights chairs wherever desirable.

### **1.9 Critical theory and Recent Developments**

The subject of Human Rights has also received critical analyses in the recent decades. A number of perspectives identifiable with trends in post-modernist, post-structuralist and post-colonial theory have emerged wherein the issue of what Human Rights are, what the politics of their definition is and what they truly aim to achieve have been amply discussed. Baxi (1990) may be considered one of the important names in this regard whose studies have explicated the modes through which Human Rights has become a dominant discursive tradition in the contemporary world. Setting out to seek –...to decipher the future of social action assembled, by convention, under a portal named human rights...(he) problematizes the very notion of Human Rights, the standard narratives of their origin, the ensemble of ideologies animating their modes of production, and the wayward circumstances of their enunciation<sup>l</sup>. He argues that Human Rights are not the –gifts of the West to the Rest<sup>l</sup>. Choosing to focus on the relationship between human suffering and human rights, he argues for understanding the difference between the politics of Human Rights and the politics for Human Rights.

A number of scholars too have questioned and problematized the set of assumptions at work in the way Human Rights are talked about and taught in the contemporary world. However, these critics and their views do not form the substance of the issue of HRE in as much this research focusses on the logistical and socio-psychological dimensions of HRE.

Having discussed briefly the various policy guidelines and perspectives on the issue of Human Rights Education, the following section lays out the rationale of the present study and proceeds to discuss the methodology adopted in this research.

## **2**

### **Rationale of the Study**

As the discussion in the previous sections has shown, HRE is one of the most important parts of the educational system at the primary, secondary and higher levels. Occasional stock taking of the developments in the field of HRE is of utmost importance for the purposes of devising new policy and updating curricula and pedagogical methodology so as to keep

students, faculty and in turn the larger social milieu well aware of the recent trends in humanitarian issues which have arisen in novel forms practically all over the globe. The processes of economic liberalization, privatization and globalization have in their wake up produced a series of challenges for modern nation states and citizens wherein the issue of the meanings of being human and human rights is constantly evolving. In such as scenario, it is imperative on the academic and policy making community of scholars and practitioners to keep devising newer means to meet these challenges. For doing so, the essential requirement is to perform a reality check on the mechanisms through which governments are ensuring the promotion, preservation and dissemination of human rights education. This research is a step in that direction and aims to provide for a thorough analysis of the ways and means deployed by higher educational institutions- law schools of north India in particular so as to promote the cause of human rights and the implementation of laws related to the issue.



## **II**

# **Methodology**

### **2:1 Assessing the status of HRE on Law Schools/ Universities in North India**

HRE aims to achieve the following:

- Enhance the knowledge and understanding of human rights.
- Foster attitudes of tolerance, respect, solidarity, and responsibility.
- Develop awareness of how human rights can be translated into social and political reality.
- Develop skills for protecting human rights.
- Follow up programs in vogue for retaining and enhancing HRE by such institutions.
- Suggest measures which can be used by Law schools/Universities to enhance HRE in India

### **2:2 Review of Literature**

Literature related to research on HRE may be seen as belonging to the following three heads:

- 1. Prescriptions and Guidelines as provided by international agencies such as the United Nations and other Humanitarian organizations.**
- 2. Prescriptions and guidelines of the Indian Government and its agencies such as the University Grants Commission, National Human Rights Commission and the Ministry of Human Resources and Development, Central Board of Secondary Education and the Bar Council of India.**
- 3. Research work carried out in the area of HRE at the Primary, Secondary and Higher level**

After conducting a thorough review of literature, it may be said that a research of the kind where status of an educational scheme has been tested is rare. Of the available literature, a majority of writings deal with the status of HRE from a doctrinal or a primary educational level. Empirical research in the area is hard to find and it is this precise gap that

the current study wishes to fill. Following a perusal of the important points as gleaned from policy documents, a review of books, articles and media reports was carried out so as to take stock of the research work that is already available.

### **2:3 Research Questions**

This research has been carried out in order to find answers to the following questions:

- 1. What specific role is played by educational institutions of higher learning towards the promotion, dissemination and preservation of human rights education?**
- 2. What are the specific issues faced by academic heads and faculty members vis-à-vis running and teaching courses related to HRE?**
- 3. How do students perceive their participation in courses related to HRE?**
- 4. What is the relationship between indicators of social identity such as religion and caste with the specific ways in which participation in the Human Rights Educational apparatus is perceived and talked about?**
- 5. What are the specific areas wherein there is a scope for improvement when it comes to facilitating the HRE processes?**

### **2:4 Research Methodology and Design**

The research design chosen for the study is of an exploratory kind wherein a synergistic mix of qualitative and quantitative data, interdisciplinary approaches has been adopted. The research is not one based on the testing of a hypothesis and therefore a variety of tools for data collection and analysis have been adopted.

### **2:5 Research Universe**

The universe from where the research sample was drawn comprised firstly of

- Central and State universities that have a separate Department or Faculty of Law and legal education where educational degrees at the Undergraduate, Post Graduate and Doctoral levels are awarded to students in accordance with the rules prescribed by the University Grants Commission (UGC) and the Bar Council of India (BCI).
- Secondly, National Law Universities/Schools set up in accordance with Acts passed by respective State Legislatures.
- Thirdly, Private Educational Institutions duly approved by certifying agencies in respective states where educational degrees at the Undergraduate and/or Post Graduate level are awarded to students in accordance with the rules prescribed by the UGC and the BCI.

In all of the instances listed above, those educational institutions where a Certificate/Diploma/Advanced Diploma level course or where a part time course in areas of legal studies is offered shall also be considered for inclusion in the research sample.

## **2:6 Locale of the Study**

**North India Map**



*Figure 1 Map Showing the States Covered by the Study*

The research is based on data collected from educational institutions (as mentioned above)

falling in the states in the northern part of the country. Before proceeding to enlist the institutions that satisfy the conditions posed above, it is important to offer some clarificatory remarks with regard to the choice of –North India as a category for geographical demarcation as will be used in this research.

A preliminary exploration at this stage makes it clear that –North India does not seem to be an official administrative category that has been deployed either with a uniform force or meaning by the Central Government or by any of its agencies in its official documents. Unlike other official categories such as –North East or various Zonal Councils, –North India happens to be a loosely defined region and has been defined differently- the Ministry of Home Affairs in its Northern Zonal Council Administrative division included the states of Chandigarh, Delhi, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab and Rajasthan.

The Ministry of Culture in its *North Culture Zone* includes the state of Uttarakhand but excludes Delhi whereas the Geological Survey of India includes Uttar Pradesh and Delhi but excludes Rajasthan and Chandigarh. Other states sometimes included are Bihar, Madhya Pradesh, Jharkhand, Gujarat and West Bengal.

Keeping in mind such ambiguity with regard to the demarcation of the research universe, this research will proceed with using –North India as a heuristic device. As a starting point, the following states of India have been included in the research universe:

- 1. Jammu & Kashmir**
- 2. Punjab**
- 3. Himachal Pradesh**
- 4. Uttarakhand**
- 5. Haryana**
- 6. Delhi**
- 7. Uttar Pradesh**

Due to mushrooming growth of Law Schools, it was not possible to cover all the Law Schools of North India. Hence –Simple Random Sampling method was used to decide the sample size of Law Schools and Universities proposed to be covered through the study.

At the time of the commission of the Project, North India had four National Law Universities (Patiala, Shimla, New Delhi, and Lucknow). In addition, it has got well established Law

Schools in Kashmir, Jammu, Himachal Pradesh, Chandigarh, Rohtak, Kurukshetra, New Delhi, Aligarh, Lucknow, Banaras and Dehradun. Further, private universities and colleges like Amity Law School, OP Jindal Global Law School, University of Petroleum and Energy Sciences, Sharda University, Galgotia University too have emerged as important centers of legal education in the recent decades.

At least one public and private university from each region of North India were selected for the study. The names of some of these sampled institutions are as under:

1. Department of Law, University of Kashmir.
2. Rajeev Gandhi National Law University, Patiala
3. Chandigarh University, Chandigarh
4. Himachal Pradesh University, Shimla
5. Kurukshetra University, Kurukshetra, Haryana
6. University of Delhi, Delhi
7. Amity University, Noida
8. University of Petroleum & Energy Studies, Dehradun
9. National Law University Delhi, Delhi
10. Galgotia University, Greater Noida
11. Ram Manohar Lohia National Law University, Lucknow
12. Banaras Hindu University, Varanasi
13. Aligarh Muslim University, Aligarh

With regard to the list of institutions above, a clarificatory remark is in order. Through the course of the presentation of the findings of this study, an attempt has been made to not identify these institutions individually at any stage. This has been done in order to guarantee anonymity to institutions and individual respondents who spoke to us on conditions of anonymity.

## **2:7 Sampling**

Out of the universities mentioned above, the study began by selecting twenty eight institutions so that Sample could be fairly represented. The method of sampling that was deployed may be called Multistage sampling wherein at the first stage (i.e. at the stage of choosing the states and the institutions where the study is to be conducted, it was kept judgmental and

secondly at the level of each of these chosen institutions, where the method of judgmental and snow ball sampling was adopted. While making the choice of Institutions to be included in the Sample, Non-Probability Sampling Method was been adopted as the Selection is based on subjective criteria such as:

- ☐ Year of Establishment
- ☐ Reputation of the Institution (Ranking, Media coverage etc.)
- ☐ Social Diversity among Students and Institution's Workforce
- ☐ A few Case were also chosen on the basis of using above facts in the opposite sense . The case, therefore had to be one that was more recently established than the other "normal cases", had a low reputation (low rankings, poor media coverage etc.), had a visible local intake in terms of students and workforce. It is to be highlighted again that the institute cannot be identified in the study owing to reasons of anonymity- a condition that enabled the collection of information from the institution. Except that it helped to make the study perfect

### **2.8.1 Proposed number of Respondents (Heads and Faculty Members) Sample size (Group wise)**

On the basis of Parameters discussed , the Samples have been grouped in two categories;

- (a) Heads of the Department and Faculty members
- (b) Students

Selection was made using Non-Probability Sampling Technique

- **Vice Chancellor/Dean/Professors in-charge/Heads of Department (Max. 3)**
- **At-least One Half of the Total Number of Faculty Members employed at the time of data collection(Max. 15)**
- **Total Number of Respondents in the set=**
- **28x1= 28 Vice Chancellors**
- **28x2= 56 Heads of the Department/Deans/Professors In Charge of Law**
- **15x28=420**
- **Total Number of Heads and Faculty Members= 504 (Maximum),**

### **2.8.2 Proposed numbers of Respondents (Students)**

- ☐ 50 students from each institution were chosen based on Simple Random Sampling Method. However, Snow Ball Sampling method was used in the case of pass out students

☐ **Sample Size**

$$50 \times 28 = 1400$$

☐ **Total Sample Size**

**Heads/Faculty and Students Put Together**

$$504 + 1400 = 1904$$

**2.9 Actual Sample Size of study**

It was proposed initially to include the size of Sample as proposed .However, due to certain situations the actual size got reduced quite opposite to it in case of students sample it in case of students sample it had to be increased due to reasons given below

- ☐ In most cases Heads of Institutions and Members of the Faculty did not respond to our queries owing to a number of reasons. (Discussed in the Report).
- ☐ Despite the lack of cooperation from the selected institutions, a fairly representative sample that comprised of respondents from diverse social backgrounds had to be drawn (Religion, Gender, Caste, Region) and therefore in each of the states, universities and law departments not originally proposed in the sample had to be included.
- ☐ Students were contacted individually as well as in groups. Telephonic interviews were conducted and a Questionnaire was administered online.
- ☐ 13 Heads of Institutions and 210 Members of Faculty were included in the sample.
- ☐ Overall 925 responses from students were usable for our analysis.

**2:10 Sources of Data**

**a. Primary Sources:** A standardized Structured Questionnaire whose reliability was established using Chronbach's Alpha method was used for collecting responses from respondents. Data collected through these tools, documents produced by educational institutions such as journals, annual reports, seminar proceedings, academic publications and their websites and other online sources constituted primary material for the research. Apart from the administration of these questionnaires, Semi Structured Interviews were conducted both in person and over the telephone. A digitized form of the questionnaires was also circulated widely online.

**b. Secondary Sources:** A number of existing policy documents, research reports, books, journals and newspaper reports were consulted for this research. Special attention was paid to

online forums and University websites to check for latest developments on their academic activities. An important source of information relevant for this research was collected from University publications such as Annual Reports, Journals and Newsletters. Institutional Records such as Annual Calendars and Annual Reports, Publications such as Conference Proceedings, Journals and Books, Newspapers and Websites, Audio-Visual material whenever available were studied. Government documents such as MHRD Guidelines, UGC and BCI Circulars, official state government publications etc. too comprised important sources of data.

### **2.11 Methods of Data Collection**

Method of collection of data directly depends upon the types of the problem chosen. In case the topic like the present one has two components namely (1) Quantities and (2) Qualitative. Hence, the methods used in combination can be (a) Observation; mostly used for evaluating qualitative data and (b) Interview which serve as the basis for understanding the real life problems. Similarly the questionnaire /interview schedule which are mostly structured and close ended have been used for the purpose of quantitative analysis and conclusion.

Combination of both methods have resulted into a fruitful analysis and conclusion.

- a. Personal Observation
- b. Interview
- c. Questionnaire/Schedule

### **2:13 Data Analysis**

- a. Presentations were made at the National Human Rights Commission, New Delhi (18th of July 2017 and 9th of February 2018) which gave us useful insights and suggestions that were incorporated at various stages of the research.
- b. Data was collected on a Five Point Likert's Scale and was tabulated and analyzed with the help of pie charts and the Percentage Method (Qualitative analysis).
- c. Quantitative data was coded and response were classified under relevant heads

Having discussed the important aspects of the methodology and the tools used in the research, the next chapter deals with an overview of the institutional aspect of HRE in North India. It discusses the perspectives of academicians and faculty members working in the sampled institutions.



### III

## Teaching Human Rights: Institutional Dimensions

For the purposes of this research, a set of two government and two private universities/colleges were sampled from amongst the seven states of North India. Of the universities selected, the parameters that were used for their selection have been discussed in the previous chapter. Care was taken to include institutions which had been active in the educational realm for a sufficiently long period of time so that useful information could be collected regarding challenges in HRE. To establish contrasts, institutions with few and many courses were included in the sample. As has been stated, included in the sample were both government and private institutions. Within the government run institutions both modern ones such as National Law Schools and traditional ones such as Central and State run universities were selected. In the section below, a brief overview of legal educational institutions has been provided with a special focus on Law Schools. It will be noticed that after the opening up of the Indian economy, legal education in the country has witnessed a sea change as far as the mode of teaching, syllabi, student intake etc. is concerned.

### **1. Legal Education in India**

History of legal education in a democratic society cannot be over emphasised. Knowledge of law increases one understands of public affairs. Concept of ‘Dharma’ in Vedic period also includes dispensation of justice by King who acquired specific legal knowledge. There was a time in the human evolution when law was a part of ethics and religion, of morals and values, of philosophy and consciousness. Ancient civilization particularly that of India, conceived a legal order based on the compendious Sanskrit expression –Dharmal. The role of ethics and philosophy in explaining social problems and giving directions for social action is not adequately appreciated today. However, in making and interpreting law, no society can afford to ignore Ethics. One can say that law is an applied ethics. No civilised society can be structured without developing its moral fibre and consciousness either through law, religion, education or other instruments of social control. The *guru-shishya* parampara has existed ever since Vedic era making education an integral part of human development. It is education which ultimately results in shaping or transforming the whole society in to human

civilization. Spiritually, it is believed that the life on the earth is regulated by the laws of the Lord or the Divinity. It is 'rule of law', that draws the essential difference between human society and animal world. It is the legal education that plays a pompous role in promoting social justice. Education or awareness of laws, characterize the lawyers as 'Social engineers'.

A study of history reveals that in modern times shows that it is intellectuals alone who can give leadership to the nations. We can find that it was the lawyers who gave leadership to most nations. For example, during the great American Revolution of 1776, most of the American leaders were lawyers e.g. Thomas Jefferson, John Adams, James Madison etc. In the great French Revolution of 1789, about two-thirds of the members of the French National Assembly were lawyers, e.g. Robespierre, Danton etc. In the American Civil War of 1861-65, the American President who led the nation to victory over slavery was a lawyer-Abraham Lincoln. In the Russian Revolution of 1917, the leader of Russia was Lenin who was a lawyer. In our own independence Struggle, most of the leaders during that period were lawyers e.g. Mahatma Gandhi, Motilal Nehru, Jawaharlal Nehru, Sardar Vallabh Bhai Patel, CR Dass, Dr. Rajendra Prasad, Rajaji etc. The lawyers who gave leadership to the nations and not doctors or engineers or teachers or other professionals because of the reason those lawyers are intimately connected to the Society. Doctors deals with medical problems, engineers deals with technical problems, teachers deals with academic matters etc, but it is lawyers who deals with the entire society.

In modern India legal education came in to existence in 1885. Numerous committees were foamed to consider and propose reforms in legal education. Constitution of India basically laid down the duty of imparting legal education. It was the Advocates' Act, 1961 which brought uniformity in the legal system. In the changed scenario the additional roles envisaged are that of policy planner, business advisor, negotiator of any interested groups etc. In the era of globalisation legal system in India include catering the needs of new brand consumers or clients namely foreign companies, collaborators etc. Strengthening our legal education system is need to face the new challenges. Imparting of legal education has always been considered as one to the noblest profession. Legal education which is part of general education cannot be viewed in isolation. Today, legal education derives its impetus from the economic, social and economic and political set up of the society.

## **1.1 Significance of Legal Education<sup>2</sup>**

'Law is the cement of society and an essential medium of change'. Its study promotes accuracy of the expression, facility in arguments and skill in interpreting the written words, as well as some understanding of social values. It is pivotal duty of everyone to know the law. ***Ignorance of law is not innocence but a sin which cannot be excused.*** Thus, legal education is imperative not only to produce good lawyers but also to create cultured law abiding citizens, who are inculcated with concepts of human values and human rights. We must have a legal education which can fulfill the need of the society and country as well. We are no longer laissez-faire but a welfare State and in welfare society law plays a very important role in every affair of human being. Law serves as an important instrument to achieve socio-economic development. Today law is not viewed merely as an instrument of social control but also an instrument of social change. The aim of legal education should be not only to produce good lawyers but also create cultured, law abiding citizens who are inculcated with concepts of human values and human rights who can serve humanity in various capacities such as, administrators, law teachers, jurists, judges, and industrial entrepreneurs etc. As far as creation of good advocates and solicitors is concerned, the legal education should aim at equipping them with legal techniques and professional skills. An Advocate must be tolerant, must listen patiently other man's point of view and not hazard opinions without some basis. He should be rational, secular keeper, willing to work hard, competent to communicate having good expression, must have critical understanding of human institutions and values. Legal profession is objectively in the position of producing Statesmen. This is due to two reasons

- (a) Lawyers belong to an independent profession. They are not subordinate to the government or to anyone else.
- (b) They are directly in contact with society in its entirety as they have to deal with all kinds of problems of people from all sections of society, unlike say, doctors who are confined to technical problems. Hence lawyers are the people who are most conversant with the problems of society as a whole.

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<sup>2</sup> Compiled from a Guest Post by T.M. Devadas, *History of Legal Education in India* <http://strippedlaw.blogspot.com/2010/11/history-of-legal-education-in-india.html> last accessed 10th of June 2018. For greater details see

A well administered and socially relevant legal education is a sine qua non for a proper dispensation of justice. Giving legal education a human face would create cultured law abiding citizens who are able to serve as professionals and not merely as business men.

The quality and standard of legal education acquired at the law school is reflected through the standard of Bar and Bench and consequently affects the legal system. The primary focus of law schools should be to identify the various skills that define a lawyer and then train and equip its students with requirements of the field of law.

## **1.2 History of Legal Education**

Legal historians record instances of legal practitioners indigenously known as ‘Pleaders’ or ‘Niyogis’ representing parties in litigation at least from the time of Manu Smriti. There are difference of opinion on the exact role these ‘lawyer’ played in ancient times and whether they were at all organized as a profession. Legal system in India is the natural outcome of its deep roots in ancient Indian traditions. It has existed in India from the dawn of Aryan civilization. But there are different viewpoints in the matter of legal education in ancient India. Dr. Kane quotes *Sukraniti* IV 5, pp.114-117 to say that a person appointed to represent a party should get as his wage 1/16, 1/20, 1/40, 1/80, 1/60 part of the amount in dispute. K.P. Jayaswal observes that professional lawyers existed in India at least from the Manu Smriti. According to Dr. Kane, a person well versed in Dharma Shastra and procedure of law could be appointed as the representative. The King should punish any representative who took wages without having these qualifications. According to P.V.Kane there could be some people who represented others in the Kings Court, but the opinions of such legal experts were not binding on the King.

### **1.2.1 Legal Education in Ancient India**

In ancient India law was understood as a branch of *Dharma*. It is difficult to draw a distinction between secular law and religious ordinances in Ancient India. The Vedas were the original sources of law, and the *Smritis* announced the message of Vedas and *Smritikars* were great jurists. *Smritikars*, commentators and *Nibandhakars* [essayists] were the legal guardians of law. King made laws were also interpreted, thus, the commentators were virtually law-makers. *Sadachara*, custom, Nyaya or *Yukti* were the base of legal process in Ancient India. The King was advised by a Sabha which had both advisory and executive

functions. The *parishad* was an expert committee comprised of ministers of officials, generally Brahmans, who advised the King authoritatively on law.

The concept of dharma, in the Vedic period, can be seen as the concept of the legal education in India. Although there is no record of formal training in law, the dispensation of justice was to be done by the king on the basis of a self-acquired training. Justice was also administered by the King through his appointees who in turn were persons of known integrity and reputation of being fair and impartial. The guiding force for the King or his appointee was the upholding of the Dharma.

### **1.2.2 Legal Education in British India**

Britishers came to this country for the purpose of trade, which they started through a company popularly known as East India Company formed in 1600 in England. In the beginning the courts were presided by merchants who were having very rudimentary knowledge of law, but later on legally trained persons were put for the job.

First British court was established in Bombay in 1672 by Governor Gerald Angier. The first Attorney General appointed by Governor was George Wilcox who was acquainted with legal business and particularly in the administration of estates of deceased persons and granting of probate. He made provision for parties to be represented by attorneys and fixed the counsel fee a little more than Rupee one. First concrete step in the direction of organising legal profession was taken through Regulating Act of 1773 which empowered to enroll advocates and Attorneys-at-law to the Supreme Court. The Supreme Court was established in Fort William in Bengal through a charter issued in 1774. At that time Indian Lawyers had no right to appearance in the Courts. The position was same when the Supreme Courts with the same jurisdiction and power were established at Bombay and Madras later. The Bengal Regulation VII of 1793 which created for the first time a regular legal profession for the company's courts, which allowed the appointment of *Vakils* or native pleaders in the courts of civil judicature in the provinces of Bengal, Bihar and Orissa. In 1861 three High Courts were established at Calcutta, Madras and Bombay. At this time three bodies of practitioners viz, advocates, Attorneys and *Vakils* were in existence. Advocates were the barristers of England or Ireland but the *Vakils* were Indian Practitioners. According to Clause 19 of Letters Patent 1865 of the High Court of Calcutta empowered the court to approve, admit and enrol such and so many Advocates, Attorneys and *Vakils* as the High Court shall deem fit. As already

state Supreme Court not allowed but High Courts were allowed them which increased the prestige of Indian Lawyers. Legal Practitioners Act, 1879, provided for enrolment to only those practitioners who had taken LL.B degree from Indian Universities. Under Section 41, the High Court could dismiss any advocate or suspend him from practice by giving an opportunity to defend him. Bar Councils Act, 1926 unified two grades of legal practitioners, the *Vakils* and Pleaders, by merging them in the class of advocates. It also provided for making rules for giving facilities of legal education and training.

The pattern of legal education which is in vogue in India was transplanted by the English; after the establishment of their rule in India. Formal legal education in India came into existence in 1855 when the first professorship of law was established at the Government Elphinstone College in Bombay and Madras and Hindu College at Calcutta. At that time the primary aim of legal education was to equip law students so that they could help the lower courts and the High Courts in the administration of justice by enrolling themselves as *Vakils* or becoming judicial officers, and thus serve the interests of the administration. As majority of the population was rural and illiterate, the need was felt to bridge the gap between the existing law and the uneducated masses crying for justice, by rendering importance to formal legal education. Initially a law school had to be a self – financing institution, and if possible a money making concern so that it could feed the teaching of other disciplines in the University. There is no tradition of legal research and academic legal training. In the year, 1857 legal education was introduced as a subject for teaching in three universities in the presidency towns of Calcutta, Madras and Bombay. Thus, a beginning of the formal legal education was made in the sub-continent. The language of the British statutes being English, so any Indian who learnt English could study law and was considered qualified to practice the profession. At that time law classes were attached with arts colleges. However, if one aspired to something higher, he could go to England and join the Inns court, provided one could afford it.

For almost a century from 1857 to 1957 a stereotyped system of teaching compulsory subjects under a straight lecture method and the two year course continued. The need for upgrading legal education has been felt for long. Numerous committees were set up periodically to consider and propose reforms in legal education such as

- Calcutta University Commission [1917-1919],

- University Education Commission, was set up in 1948-49,
- In the year 1949 the Bombay Legal Education Committee was set up to promote legal education. The All India Bar Committee made certain recommendations in 1951.

In 1954, XIV [14th] Report the Law Commission (Setalvad Commission) of India discussed the status of legal education and recognized the need for reform in the system of legal education and made certain recommendations.

1. Only graduates should be eligible for legal studies.
2. The theory and principles of law should be taught in the law schools and the procedural law and the law of practical character should be taught by the Bar Council.
3. The university course should be for two years and the Bar Council training should be for one year.
4. The principal method of teaching being lecture to be supplemented by tutorials, seminars, moot courts, and case methods.
5. Admission to law schools should be restricted on merit and seriousness.
6. All India Bar Council should be empowered to ascertain whether law colleges maintain the requisite minimum standards and should be empowered to refuse recognition for law colleges.

The recommendations accepted by All India Law Conference [1959] and also the All India Law Teachers Association. After the year 1961 the Bar Council of India was empowered to lay down standards of Indian Legal education. In 1967 this body established a uniform three years LL.B. Course with annual examinations and prescribed compulsory and optional subjects to be taught at LL.B. level. Most of these subjects were traditional topics and there is no guidance relating to curriculum planning.

It depicted a very gloomy picture of legal education. It was only from 1958 that many universities switched over to three year law degree courses. It was only by 1967, that it became onerous task for the three year law colleges to include procedural subjects into the curriculum of their law school.

### **1.2.3 Historical Background of Legal Education in Independent India**

With the Independence the situation has completely changed. In 1950 we gave ourselves democratic form of government. The rule of law became the foundational doctrine. It is also clear that a polity based on rule of law would require a legal profession sufficiently skilled and possessing knowledge of laws and their principles in order to maintain and preserve the legal system.

The Advocates' Act, enacted in 1961, became the focal point of the legal education system presently in existence. The Bar Council of India Rules, introduced under The Advocates' Act 1961, lays down the curriculum for imparting legal education throughout India and these said Bar Council of India Rules have been governing the procedural aspects of legal education, including, but not restricted to, the subjects to be taught, mode of examination to be conducted, the various Degrees to be conferred on successful students and the like. It was only in 1967 that it became the burdensome task of the three year law colleges to include procedural subjects into the curriculum of their law school. The monologue lecture scheme adopted in law schools, where practical training is either totally neglected or marginally implemented at the level of Moot Courts, Court visits and legal research will not make good lawyers in today's scheme of legal education.

Rules on Legal Education, which were incorporated into the pre-existing regulations, have been amended from time to time. There were demands for a consolidated latest version of the Rules under Part IV on standards of Legal Education and Recognition of Degrees in Law for admission as Advocates from Universities and Colleges teaching Law in the Country. In response to popular demand, the Bar Council of India published the Rules in its final shape as applicable from 30 November 1998.

The minimum qualification for being an advocate is an LL.B. Degree, generally a three year course, which can be obtained after graduation in other disciplines. A debate as to its efficacy in the recent past led to a proposal of a five year integrated course after an intermediate (10+2) examination (from 1st class to 12th class - total period of 12 years of study). The three year course itself came to be restructured into a semestered system and several papers came to be included and excluded as per the Bar Council Guidelines. Hence, the Council today allows both the 3 year course and 5 year course to continue. The Advocates' Act, enacted in



1961, became the focal point of the legal education system presently in existence. The Bar Council of India Rules, inducted under The Advocates' Act 1961, lays down the curriculum for imparting legal education throughout India and these said Bar Council of India Rules have been governing the procedural aspects of legal education, including, but not restricted to, the subjects to be taught, mode of examination to be conducted, the various Degrees to be conferred on successful students and the like. It was only in 1967 that it became the onerous task of the three year law colleges to include procedural subjects into the curriculum of their law school. The monologue lecture scheme adopted in law schools, where practical training is either totally neglected or marginally implemented at the level of Moot Courts, Court visits and legal research will not make good lawyers in today's scheme of legal education.

### **1.3 Agencies Regulating Legal Education**

The Constitution of India basically laid down the duty of imparting education on the states by putting the matter pertaining to education in List II of the Seventh Schedule. But it now forms part of List III, giving concurrent legislative powers to the Union and the States. Legal profession along with the medical and other professions also falls under List III (Entry 26). However, the Union is empowered to co-ordinate and determine standards in institutions for higher education or research and scientific and technical institutions besides having exclusive power, inter alia, pertaining to educational institutions of national importance, professional, vocational or technical training and promotion of special studies or research.

Empowered by the Constitution to legislate in respect of legal profession, Parliament enacted the Advocates Act, 1961, which brought uniformity in the system of legal practitioners in the form of Advocates and provided for setting up of the Bar Council of India and State Bar Councils in the States. Under clause (h) of sub-sec (1) of Sec.7 of the Advocates Act, 1961 the Bar Council of India has power to fix a minimum academic standard as a pre-condition for commencement of a studies in law . Under clause (i) of sub-sec (1) of Sec. 7, the Bar Council of India is also empowered "to recognize Universities whose degree in law shall be taken as a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities". The Act thus confers on the Bar Council power to prescribe standards of legal education and recognition of law degrees for enrolment of persons as Advocates. However, for promoting legal education and for laying down standards of legal education, the Universities and State Bar Councils must be effectively consulted. The University Grants

Commission has in the course of time evinced interest in improving legal education and has taken various steps towards at end, through adequate funding, creating of senior posts and other means.

#### **1.4 Commissions, Committees and Statutes.**

The objectives of commissions, committees and reports etc was to give their recommendations on reforming legal education in India. The main questions before all the committees, commissions and seminars etc. were:

- What should be the pattern of the legal education be impacted by law colleges and law faculties of the universities to fulfil their mission.
- Should it be exclusively academic and theoretical or should it is exclusively practical and procedural?
- Should it be meant for any research purposes of law?

Some of the other major instruments and establishments may be listed as follows:

- First Indian University Commission, 1902
- Recommendations of Chagla Committee, 1910
- Bills on Legal Education 1936-49
- Bombay Legal Education Committee, 1949
- All India Bar Committee, 1951-52
- Rajasthan Legal Education Committee, 1955
- Law Commission of India, 1958
- Advocates Act, 1961
- Gajendra Gadkar Committee, 1964
- All India Seminars on Legal Education, 1972
- Establishment of Bar Council of India Trust, 1974
- Legal Education Seminar, Bombay, 1977
- First National Convention on Legal Education, 1977
- National Conference on legal Education, Hyderabad, 1981
- All India Law Teachers Conference, 1981
- Report of Bar Council of India, 1982
- All India Council for Technical Education Act, 1987

- Report of the Curriculum Development Centre in Law, 1990
- Bar Council of India Training Rules, 1995
- Report of Professional Legal Education Reform Committee, 1996

### **1.5 The Journey of Legal Education: From the Crossroads to Modernization**

Prior to the introduction of five year law course, most of the students who performed well in their Intermediate Education aspired to study medicine, engineering, computers, business management and accounting. Law as a profession and legal education as a discipline was not a popular choice of the students. Unlike India, the situation prevalent in England, America and in many other developed countries is convincingly different. The admissions to law schools in these parts of the world are highly competitive. The end result is that the 'creams' among students opt for law by choice and not as the last resort and thus richly contribute their Shares to the society as lawyers, judges, paralegals and academics. Though, five year law schools are doing their bit to bring about a change; but more effectively the perspective of prospective law students can be changed by a healthy pre-legal education at the school level.

### **1.6 New Challenges to the Legal Education in India:**

Half a century ago, the main purpose of university legal education in India was not the teaching of law as a branch of learning and as a science but simply to impart to students a knowledge of the black letter law, that is, certain principles and provisions of law to enable them to enter the legal practice exclusively for local needs. Gradually this perception changed and the process of reform in law and legal education was initiated. The real break came in 1990s when the new challenges posed by scientific and technological revolution and greater interaction between nations, trade in goods and services, information technology and free capital flow across international boundaries made the world a global village. Consequently, the concept of –local practice| widened to that of –transnational practice| in the context of globalisation and opening up of most of the economies of the world.

Roscoe Pound directed to particular attention new aspect of the lawyers' role in modern society. He said that the worldwide economic unification is challenging the self-sufficiency n the systems of law. He pointed out that law transcended local and political limits and has become an economic necessity. He said –*Even more the development of industry carried on*

*with instrumentalities and under conditions increasingly dangerous to life and limb and under conditions creating ecological problems and the mechanizing of every activity of life likewise threatening injury to everyone, have been creating new legal problems calling for revision of the old doctrines and finding out a new means of promoting and maintaining a general security.....thus the science of law must be increasingly comparative. Whether we are dreaming of a world law or thinking of further development of our own law, to suit to the worldwide problems of general security in the present and immediate future, the methods of jurist must have a base of comparison. Comparative law and international law have achieved such vital importance in current life that they have become an essential part of legal education. The lawyer of today has to play a role in influencing world policies and building up the future of mankind.”*

How should the legal profession and legal education respond to the new challenges? Never before in history has the need for sound thinking and planning on all issues been felt so intensely as today. Unless the topics of universal application are integrated into legal education in developing countries, our lawyers and those of other countries would not be able to compete in the transnational marketplace. In the present day, an innovative programme of integrated interdisciplinary legal learning and in the new areas such as Comparative Law, information technology, intellectual property, corporate governance, human rights, environment, and international trade law, investment, and commerce, transfer of technology, alternative dispute resolution and space is important. Comparative Legal education for professional excellence is needed in these and other areas on a global basis.

The world's problems require international co-operation and solutions, especially after the initiation of the liberalisation and globalisation process in today's world of increasing international trade and inter-dependence. The recent trend is that most of the agreements are construed internationally and the member countries are obliged to implement them at the domestic level. It is necessary for lawyers to understand the political, cultural and social influences on the legal systems of other countries and, by using that knowledge, to forge strong relationships between parties. Some observations of David Gerber are apposite in this context. For instance, Gerber calls for greater attention to theory in the broad sense of conceptual structure, because theories are the mechanisms for structuring information and knowledge effectively. The object of the entire exercise is to structure knowledge about foreign legal systems. Analogous to this viewpoint is the model suggested by Ugo Mattei. He argues for a classification of legal systems, which he refers to as taxonomy of legal systems

for the purpose of learning from each other by rethinking the traditional boundaries drawn in the context of changing nature of global politics. This situation necessitates revisiting the classic categorisation of legal systems as civil, common and socialist.

For a new beginning, one has to think within the paradigm of change and bring to the forefront the need for developing new approaches to the ongoing challenges posed by globalization, which should be prioritized in the framework of legal education in a country such as India, in order to cope with the current and future pressures.

## **2. National Law Universities in India**

Since the research focusses on law schools it is important that a brief overview of the national law universities that have been established be presented. NLUs that have been established are listed below:

<b>Name of NLU</b>	<b>Year of Establishment</b>
National Law School of India University, Bangalore	1986
NALSAR University of Law, Hyderabad	1998
National Law Institute University, Bhopal	1997
The West Bengal National University of Juridical Sciences, Kolkata	1999
National Law University, Jodhpur	1999
Hidayatullah National Law University, Raipur	2003
Gujarat National Law University, Gandhinagar	2003
Dr. Ram Manohar Lohia National Law University, Lucknow	2005
Rajiv Gandhi National University of Law, Patiala	2006
National University of Advanced Legal Studies, Kochi	2005
Chanakya National Law University, Patna	2006
Damodaram Sanjivayya National Law University, Visakhapatnam	2008
National Law University Odisha, Cuttack	2009
National University of Study and Research in Law, Ranchi	2010
National Law School and Judicial Academy, Assam, Guwahati	2009
Tamil Nadu National Law School, Tiruchirappalli	2013
Maharashtra National Law University (MNLU), Mumbai	2014
Maharashtra National Law University (MNLU), Nagpur	2015

Himachal Pradesh National Law University, Shimla, Himachal Pradesh	2016
Maharashtra National Law University (MNLU) Aurangabad	2017

### 3. **Institutional Dimensions of HRE**

Having presented a brief account of the history of legal education in the country, one should take a glance at the —About Us‖ section of a prominent national law school’s website. In looking at this mission statement and vision, one gets to have an idea of the kind of theoretical commitment that law schools have towards HRE. The discrepancy between such a stated commitment and the actual realization of these targets is a subject that the research gradually delves it. The law school whose mission statement is reproduced below was included in our sample and it has the following to say about its mission and vision:

*“The primary objective of the University is to evolve and impart comprehensive and interdisciplinary legal education that is socially relevant. Through this education, we aim to promote legal and ethical values and foster the rule of law and the objectives enshrined in the Constitution of India. Furthermore, the University works toward dissemination of legal knowledge and its role in national development, so that the ability to analyse and present contemporary issues of public concern and their legal implications for the benefit of the public is improved. These processes strive to promote legal awareness in the community and to achieve political, social and economic justice.*

*Many believe that the path of liberalization we embarked upon in the early 90s unleashed India’s potential. Undoubtedly the country has undergone vast changes in all spheres and we see a more confident India asserting itself on the global stage. However, this progress has come with very significant challenges to the country. India’s various social classes are yet to be assimilated; their participation in the process of governance remains fractured. Cumulative progress needs to be fair and equitable. And integral to that is a legal system that empowers the marginalised, is just and fair in letter and spirit, and most importantly, does not use the law as a tool of oppression.*

*Our sincere endeavor is to make legal education justice education, as an instrument of social, political and economic change. Each individual who is part of this institution must be remembered for the promotion of social justice. Our students will not only be shaped as change agents as the country achieves its social and developmental goals, but will also be equipped to address the imperatives of the new millennium and uphold the Constitution of India.‖*

For the purposes of the research presented here, a similar perusal of the mission statements of institutions included in the sample was carried out. An analysis of these mission statements reflects a serious inclination on their part to work towards the realization of a free, equal and just society. Almost all the sampled institutions when studied as monolithic blocks seemed to be extremely cautious of the responsibility that is entrusted to educational institutions of their kind. It was clear that they seemed ideologically well prepared to carry on with the stipulated task of preserving, promoting and disseminating Human Rights Education. Quite a number among the sampled institutions had established centers or chairs dedicated to social causes such as welfare of minorities, subaltern and disadvantaged groups such as women, children, refugees and tribal groups. A prominent National Law School had an established **Center for Human Rights and Subaltern Studies** whose mission statement read as follows:

*“To Commit to Liberty, Equality, Dignity and ensuring Access to Justice for all and building fraternity with the view of unity and integrity of the Nations....”*

It further adds:

*The objective is “...To make the global society in general and Indian society in particular, truly sensitive for human rights of people, irrespective of their caste, class, religion, gender, ethnicity, or place of origin. The institutions of higher learning are necessary upholders of human rights and the primary spaces where „human rights” can be studied, understood and first transcended and hence, the institutions of higher learning need contribute in addressing the larger issues of human rights at all levels. NLU (name withheld) acts as a beacon for the human rights. The UGC has already decided to support research on the issue of “human rights” which have theoretical as well as policy implications. The focus of the Centre is researches on human rights related to the subaltern social groups, especially Dalits, women, indigenous communities and religious, ethnic and linguistic minorities. The idea behind the Center is to establish a teaching-cum-research Centre in National Law University (NLU), (name withheld) to pursue this noble cause.”*

In order to account for the steps taken by these institutions towards preserving, disseminating and promoting HRE, the research team looked carefully into the institutional infrastructure as well as into the course contents, propensity of enrollments for particular courses and took details of the specific steps they had taken in the recent decades for the issue of HRE. These

observations may be classified into two kinds- firstly, where these institutions took steps in the area of logistics and infrastructure and secondly their ideological commitment to the issue of HRE. For understanding the logistical, infrastructural aspects of these institutions, data was collected with regard to these institutions libraries, subscriptions, research dissertations, seminar halls, technologically equipped halls etc. On the other hand, their commitment to HRE was seen in their course contents, mission statements, number of seminars held, legal aid clinics, and community outreach programs and so on.

### **3.1 Physical Infrastructure**

It was found that institutions had made arrangements for dissemination of HRE which may be called satisfactory. Well-equipped libraries with sufficient number of titles related to Human Rights and HRE, subscription to Journals both in the physical and digital forms, specially earmarked halls and seminar rooms for the conduct of collective, academic events, transport and conveyance facilities were sufficiently taken care of. Many libraries that were visited had special stack sections for books on Human Rights and its academic and practical dimensions. In this regard, government run universities were found to have done better than their private counterparts. Books published by local, national and international publishers were adequately found in these libraries. Case laws and analytical commentaries, text books, anthologies and edited volumes were found in most libraries.

A snapshot from one of the institutions- of the various activities that these institutions have been conducting over the last few years should give one a clear idea of the levels of commitment that is shown by these institutions. On being asked a member of the staff at a prominent Department of Law, the respondent said:

#### ***Q- What are the various activities of your Legal Aid Clinic?***

***Legal Aid Clinic:*** *The Committee has established a fully functional legal aid clinic on the campus premises to pursue cases of people seeking legal counsel. Anyone can contact the clinic through a helpline number which has been advertised areas around the university and on the university website. A legal aid lawyer from the Delhi State Legal Services Authority visits the Clinic every week to deals with various grievances addressed to the clinic."*

***Compensation for Sewerage Deaths Project:*** *This Project is being undertaken in association with the Safai Karamchari Andolan (SKA), to identify the families of deceased sewerage workers and to help them claim compensation from the Government in accordance with the*



*Supreme Court judgment in Safai Karamchari Andolan versus Union of India ()2014). This Project is trying to trace as many as possible of sewerage workers who have died while being engaged in such forms of manual scavenging in Delhi. We are also helping the families in procuring relevant documents (such as death certificates, postmortem reports, FIRs etc.) from the concerned authorities and in approaching the state government for claiming compensation. So far, we have managed to conduct first level field visits in case of seventy nine (out of eighty four identified) sewage workers. Throughout these visits, we have been able to track their families in fifty eight instances and we have also collected the relevant documents from some of them.*

***Prison Advocacy Project:*** *The committee has initiated a project on Prison advocacy in Tihar Jail. The Committee consisted of eleven members and twenty nine volunteers with (names of faculty members withheld) as its faculty advisors. The main focus areas of the project were sections 436, 436 (A) and 437 of the Cr.P.C. The committee secured the release on bail of two prisoners on reduction of their surety amount. They also collaborated with Amnesty International to ensure that the relief made available under Section 436 (A) of the Code of Criminal procedure can be extended as far as possible and in as many states as possible.*

***The Hundred Laws Project (100 Laws Project):*** *Another collaboration of great significance was with Center of Civil Society through its initiative i-Justice which has partnered with Tanikella Rastogi Associates. In the past, under the scope of the collaboration, the committee has coordinated participation of students in the second phase of 100 Laws Project. The 100 Laws Project was an ambitious Project to help the Government weed out archaic and redundant laws which materially impede the lives of citizens, entrepreneurs and the Government.*

***Pro Bono Week:*** *The committee in collaboration with i-Pro Bono organized a first of its kind event in February 2017 for students. Pro Bono Lawyering Week intended to underscore the need for skilled lawyers to engage in working with disadvantaged groups and individuals, to enable access to justice. During this week, we called eminent pro bono lawyers in an attempt to provide exposure to students about such lawyering through multiple events- a lecture series, drafting workshops, vulnerable client counselling sessions, theater for the oppressed workshops and movie screenings.*

From the details of these programs, one gets to have sense of the kind of initiatives that educational institutions are taking for the advancement of HRE. The research team that

visited the universities was left more than satisfied with the ample work being done through established institutions. However, on a closer scrutiny, most of the institutions could not very readily identify the exact thrust areas under which their programs were being conducted.

This ambiguity in placing institutional level social activities was all the more visible in their record keeping systems as has been elaborated in the sections below.

### **3.2 Seminars and Conferences**

It goes without saying that academic events such as Symposia, Colloquia, Seminars, Conferences and workshops are an important means through which HRE may be promoted, protected and disseminated. As events where academicians, practitioners, activists, professionals and students gather to take stock of developments in the area of research and legislation, these collective events may be considered to be one of the most important factors behind the dissemination of HRE. Sampled institutions did organize these regular events but yet again it was seen that faculty and members of organizing committees could not clearly classify these events as belonging to one specific objective or the other. Because of such inability, data was tough to tabulate and analyse. Once again, the problem of record keeping in these institutions came to the fore. Information about events held in the recent past was not easily accessible as it was not found to be maintained properly under relevant heads. On a typical visit to these institutions, appropriate authority or staff member was difficult to find where questions and information about such events could be systematically gathered.

On asking the question –Has your department/institution organized a seminar/workshop/special lecture in the recent past where Human rights was an important theme of discussion?, responses seemed ambiguous. In a case where the institution had organized a special lecture on Gender issues such as domestic violence or the problems faced by refugees, respondents did not readily consider it to be a part of HRE. This ambiguity is an important determinant in the way institutions talk about the issue of HRE and may be considered to be extremely critical in determining the quality and the character of the discourse of HRE in contemporary India.

### **3.3 Publications**

Law Schools and University Departments that were visited, often spoke highly of their regular publications such as Newsletters, Journals and Blogs which were studied selectively to look for the element of Human Rights and it was found that such publications wherever they existed devoted sufficient space for the discussion of Human Rights violations as they

might have been in the news. Publications by the faculty members in journals, newspaper columns and digital spaces such as e-journals and blogs too amply and frequently mentioned Human Rights and related issues.

### **3.4 Community Outreach Programs**

Most of the universities and law schools were found at a loss when it came to the organization of outdoor, community outreach programmes. In the section above, it has been pointed out that the institutional mechanisms were mostly found to be in place- established committees and so on. When it came to the real execution of these field-visit based activities, much more was felt that could be done. As would become clear from the responses of faculty members and students alike, this disproportionate distribution between theoretical/classroom training and actual experience of ground realities was an important finding. Most institutions opted for the usual activities such as legal aid camps (very few and infrequent), a lone prison visit in the district that would involve all students enrolled in a batch, environment protection related activities such as planting of trees or cleanliness drives and so on. Lack of innovative ideas and increased thrust over field work and empirical observation was not found to be adequate. The reasons why institutions seemed to have compromised on this important aspect of legal education may be attributed to syllabi and curricular related mandates and lack of infrastructural amenities such as modes of conveyance and strength of staff. A number of private educational institutions did not have ample transport facilities and therefore the quality of their field related exercises may not be said to be up to the mark. An impediment to the carrying out of these activities may also be the academic calendars of these organizations wherein regular tests, examinations and results were found to interfere in activities which would otherwise demand greater flexibility and more efficient utilization of resources at hand.

### **3.5 Lack of Inter-Institutional Mechanism for Coordination of HRE related activities**

An important finding of the research has been the lack of inter institutional tie-ups when it came to their HRE related activities. Most activities related to themes of Human Rights were conducted in a standalone fashion and these departments rarely got in touch with other departments working in similar areas. This lack of coordination leads to some sort of a confusion in determining the exact nature of academic achievements when it comes to understanding the actual progress that has been made in the advancement of Human Rights in society. It was seen that Universities in the same state had been working on a similar theme

and yet there was no channel of communication through which they could take stock of the collective achievements in the area of HRE.

This coordination is badly needed as it would

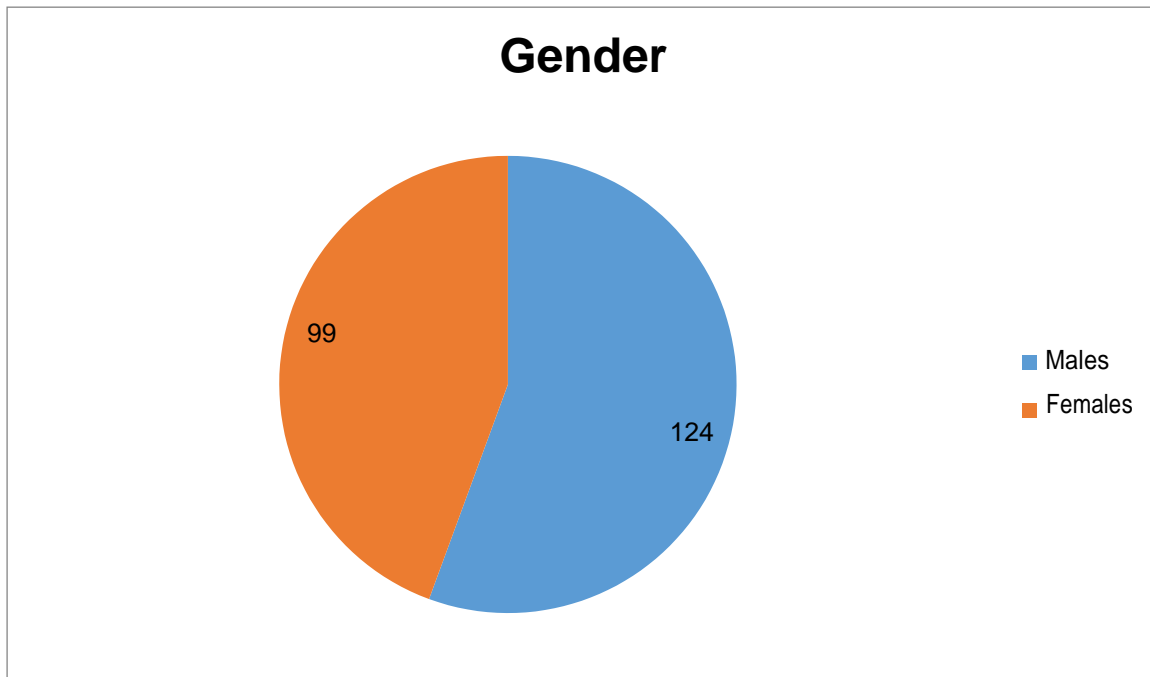
- a. help policy makers take stock of the actual progress made at an overall level and
- b. help institutions to chart effectively the way forward and introducing newer elements in their institutional designs.

Having presented an appraisal of the institutional level mechanisms in place for the dissemination and promotion of HRE, it would be useful to understand the issue of challenges facing HRE from the perspective of Academicians. For the purposes of this research, as has been mentioned in the section where the research methodology has been discussed, a good number of representative individuals were selected through multistage sampling method. To be surely included in the sample were Senior Most members from the academic staff namely the Vice Chancellors, Deans and Heads of Departments wherever such nomenclature was in use. Faculty members from all ranks (Assistant Professors, Associate Professors and Professors) and having all kinds of job tenures (Permanent, Visiting, Ad-Hoc, Contractual and Guest lecturers) and also adjunct faculty constituted the second set of respondents from where a sample was drawn and care was taken to include at least half of the faculty members from each of the given institutions in the research sample. It must be pointed out at the outset that responses from this group of respondents were hard to solicit and most often repeated requests for an interview or an appointment for filling up the questionnaire were either declined or not taken very seriously.

#### **4. Observations and Findings from the Data Collected Through Questionnaires**

##### **4.1 Reluctant Respondents**

The Heads of Law Schools and other Universities too were seemingly reluctant or uninterested in responding to our queries. Telephonic as well electronic communication with them yielded little results. To solve this difficulty, repeated visits were made to some of the sampled institutions and the sample size of this set of respondents actually turned out to be smaller than the one that was initially planned. **A total of 223 usable responses were collected from the faculty whose break up along various parameters may be provided as under:**



*Figure 2 Chart showing gender breakup of respondents*

#### **4.2 Total Number of Respondents and Job Profiles**

The total number of respondents included for this part of the study was 223, out of which ninety-nine (99) were females and one hundred and twenty four (124) males. Chart 2 below presents the distribution of Professors, Associate Professors and Assistant Professors who were included in the study. Ninety (90) Assistant Professors were included in the sample, comprising the maximum share of the sample i.e. forty percent (40%). Sixty Nine (69) Associate Professors were included in the sample comprising therefore thirty one percent (31%) of the total sample size. There were sixty four (64) Professors i.e. twenty percent of the total respondents, who participated in the study.

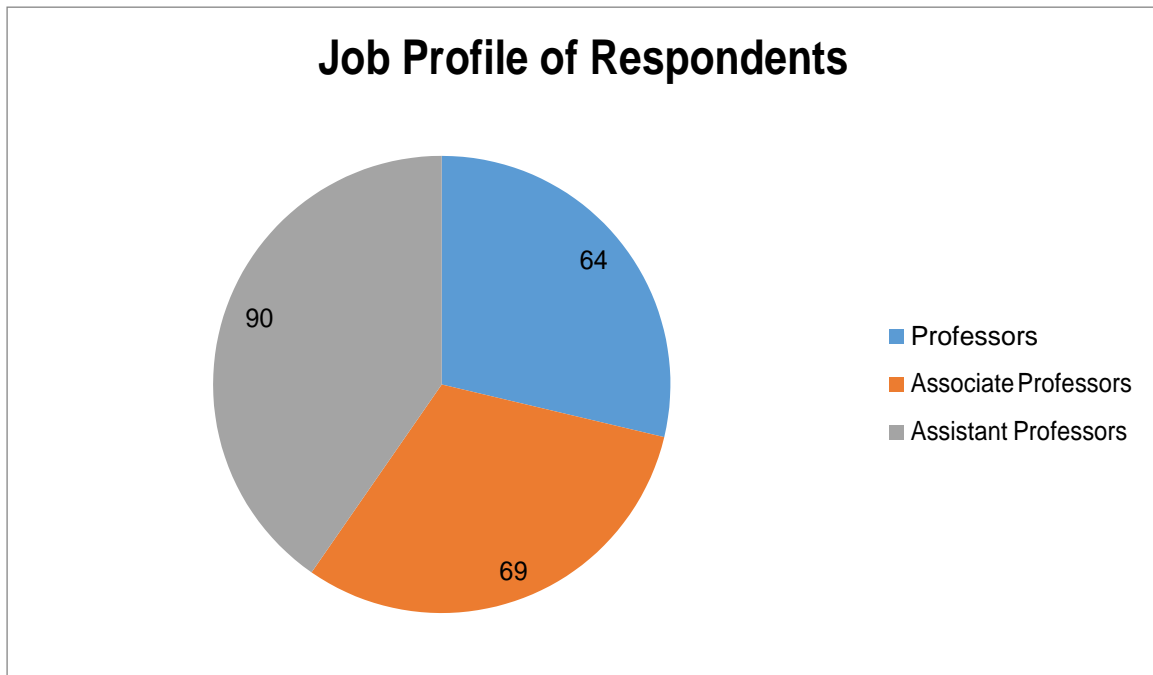


Figure 3 Chart Showing the composition of the Sample based on Designation

#### **4.3 Religious Identities of Respondents**

Regarding religious identities of respondents, one hundred and thirty three (133) were Hindus comprising therefore sixty percent (60%) of the total sample size. Forty six (46) respondents identified themselves as Muslims comprising therefore twenty one percent (21%) of the total sample size. Twenty eight (28) respondents identified themselves as Sikhs comprising twelve percent (12%) of the sample. Nine (9) respondents were Christians i.e. 4% of the total sample. The remaining three percent of the total number of respondents chose not to disclose their religious identities.

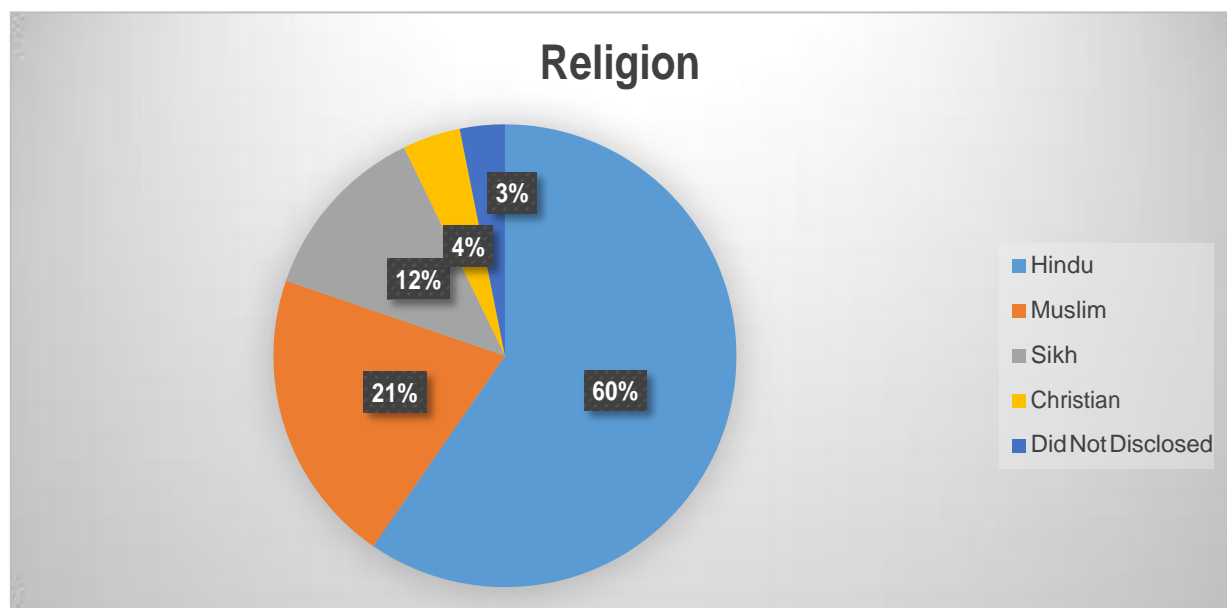


Figure 4 Chart showing the composition of the sample based on religious identity

**4.4** To a question “Do you think Universities have done enough to promote HRE?” the responses turned out to be as shown and analysed in the graph below.

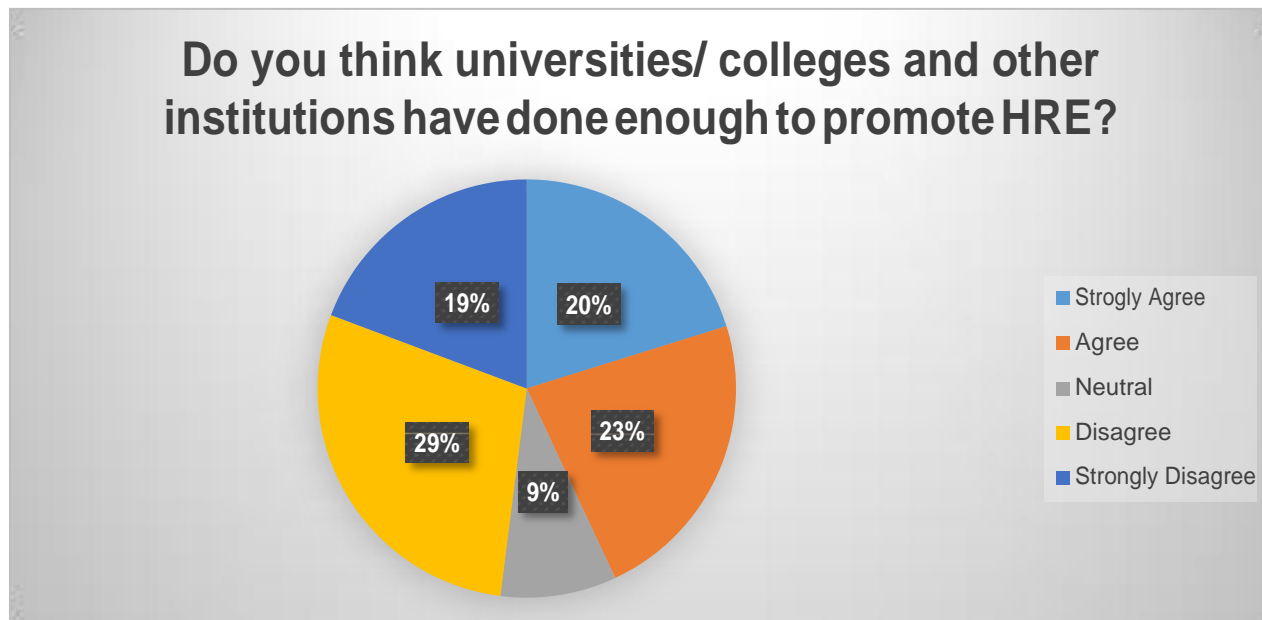


Figure 5 Chart showing breakup of responses related to Institutional roles w.r.t. HRE

When these respondents were asked whether universities/colleges and other institutions have done enough to promote HRE , 20% of the respondents strongly agreed, 23 % agreed, 9% were neutral, 29 % disagreed whereas 19% strongly disagreed.

#### **4.5 Academic Competence of Faculty**

Academic qualification of the faculty as provided in the table above was reasonably satisfactory. Senior Professors to Fresher appointments in these institutions presented a lively, experienced and energetic feel to almost all the sampled institutions. Faculty members in all these departments came from a varied variety of specializations and areas of expertise and in all the sampled institutions a reasonably good number of teachers had Human Rights as an area of specialization. These teachers had all some experience of designing and teaching a course related to Human rights both at the Undergraduate and Post Graduate levels. It was very interesting to note that teachers who otherwise did not have a prior experience of teaching a Human Rights related course exhibited a keen interest in designing and teaching such a course. It was reassuring to find that practically all the respondents considered Human Rights to be a very important component of legal education and agreed that it must be allotted a greater space in the academic curriculum.

#### **4.6 Human Rights an Easy Subject to Teach**

A good number of respondents considered Human Rights to be an easy subject to teach and through their informal responses it was clear that they did not consider Human Rights to be a very popular course among students as it lacked the same kind of a technical feel as a subject such as Criminal Law or Intellectual Property Rights would be considered to have. Owing to such a differentiation in the ‘status’ of the course that would center on Human Rights, the courses were found to be fewer in number. Not all the universities that were studied had a separate course dedicated to Human rights even when the faculty was equivocal in its support for such a step.

This aspect of HRE that may be referred to as the irony of modern legal education needs a bit of a further discussion. The gap between the ideological or theoretical models that academics desires to pursue and vouch for and the exact mechanisms through which such an aim may be pursued or achieved is one whose filling up required academic will power and also demands in many ways a mode of talking back to established structures of market and modern capitalism. On the one hand are academic institutions critical and worried of the deleterious changes brought to modern society by agents such as market and mindless plans of development in a globalized age, on the other they have to prepare themselves as well as their students for absorption in the same structure that they otherwise remain critical of.

A way to resolve this ambivalence between theory and practice is very much the need of the hour and this research is a ripe opportunity for such a question to be at least placed on the table for a wider discussion and cross agency consultation.

#### **4.7 Experience of Attending HRE Related Events**

Very much in line with institutional level responses about events related to HRE, individual faculty members too presented ambiguous responses when they were asked about their involvement or participation in seminars/ conferences/workshops etc. where Human Rights happened to be a central theme. It was seen that for these individual respondents, separating Human Rights from other ancillary items around which colleges and universities organize academic events was not easy. Even when a member of the faculty had attended as a participant an event where global warming was discussed, she could not really state it unambiguously if her participation in any way was related to the cause of Human Rights. Such a response may be understood by analyzing the way Human Rights is introduced to students at school, undergraduate and postgraduate levels. Instead of keeping Human Rights



as central to all prominent socio-legal discourses, the academic machinery has tended to consider it as a subtle and underlying foundation of all developments to the extent that such placement has led to an effacement of the main issue and its relegation to the sidelines. In so doing, the discourse of Human Rights has been pushed to a margin which appears equally significant and at the same time one that does and cannot really receive serious engagement. In a response as mentioned at the beginning of this section, it is important to note that respondents although being very well aware of the significance of Human Rights, often fail to grant it a position of due centrality in their own careers as well as in recounting of their academic experiences.

#### **4.8 Role of Universities**

On asking these respondents if universities have done enough for the advancement of HRE, an overwhelming number of respondents agreed that enough had not been done and a lot more investment in terms of finances, manpower and academic will power was needed for realizing the dream of a society where Human Rights would be guaranteed to all citizens.

Most respondents (over 95% of the total sample) agreed that the government agencies such as UGC, NHRC and State Human Rights Commissions need to grant more funds for HRE related activities as according to them HRE was an important objective which needed the maximum amount of financial support.

In trying to understand such an overwhelming view of respondents, one may be tempted to dismiss it as yet another demand for more funds by the government. Still in so doing one misses the point of a genuine institutional need that requires serious consideration. Anyone working in the academic sector is well aware of the status of the kind of research and its implications for policy. This research report presents a deeply felt need on the part of institutions to be entrusted with research and teaching responsibilities with an adequate compensation for their efforts.

To a question –What in your opinion are the problems that an educational institution such as yours face in the event of organizing such programs (ones with a strong HR content)? An overwhelming majority of respondents placed financial problems at the top of the list. This preference is an indication enough of the kind of problems that universities face while executing programs aimed at the protection, dissemination and promotion of HRE. Finances

in such a view are an important reason behind the gap that is observed between ideological commitment to the cause of HRE and its implementation on the ground.

This chapter has provided a discussion of the data and information collected using the first questionnaire (see Appendix) designed for the study. Here the sole focus was on the views of heads of institutions and faculty members. The following chapter delves into a discussion of the findings of the research when carried out with students.

### III

## Learning Human Rights: Students and Communities

1. Having covered in the preceding chapter an analysis of the institutional perspectives on challenges facing HRE in law schools of north India, this chapter goes a step ahead and presents a contrasting view from the side of students enrolled at these institutions. A questionnaire was administered to nine hundred and twenty five (925) students and their responses were tabulated and analyzed. Out of these sampled respondents, **six hundred and ninety four (694)** were either enrolled for a three or five year undergraduate course in law or had just recently<sup>3</sup> passed out. A total of **one hundred and ninety four respondents** similarly were from the post graduate programme in law. The remaining **thirty seven** respondents were either enrolled for their doctoral research or had recently finished their Ph.D. from these institutions. Graphically the breakup of respondents along the lines of their enrolment for various courses may be depicted as under:

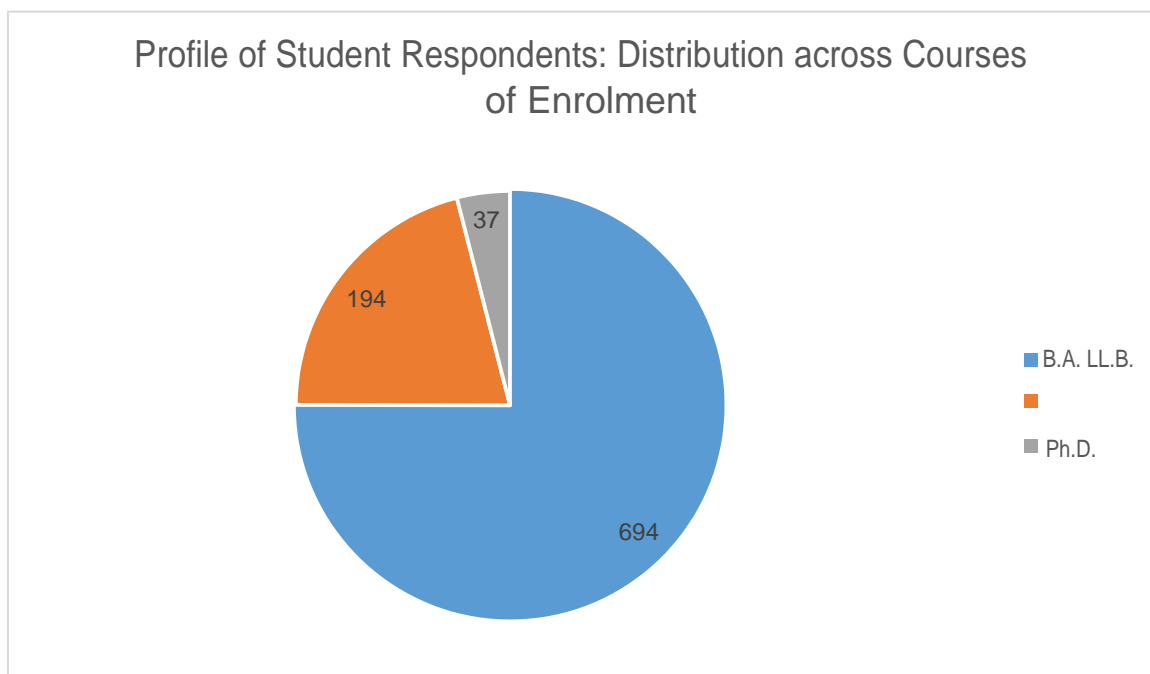


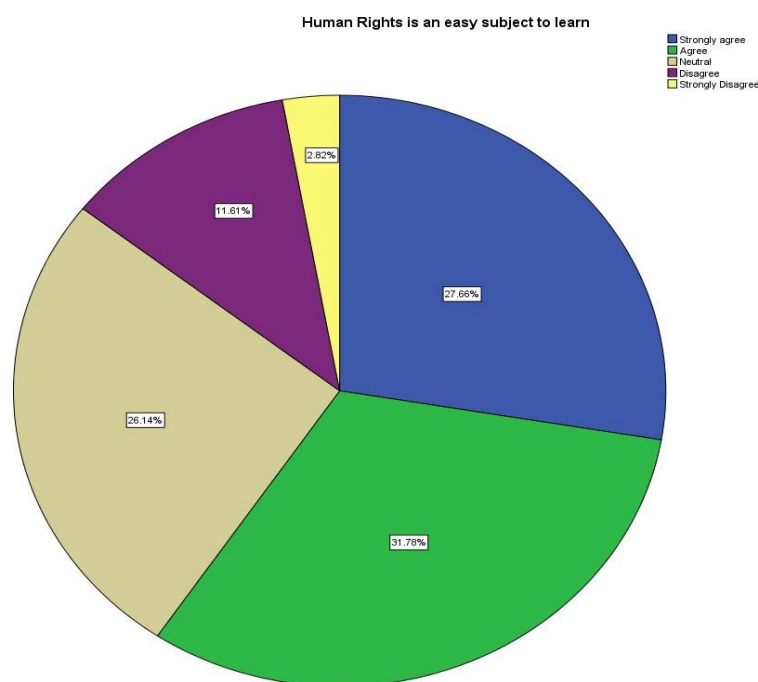
Figure 6 Chart showing the Breakup of Student Respondents Along Courses of Enrolment

<sup>3</sup> Recently would mean the respondent had passed out of a course during the previous semester than the one on-going at the time this study was conducted.

The following sections offer a discussion of the responses collected from these respondents. In case of questions whose answers could be quantified, pie charts have been presented and brief analyses have been offered. In other cases, qualitative responses have been analysed separately as a complementary discussion. (For the Questionnaire that was administered to these respondents see Questionnaire III attached in the Appendix).

### **1.1. Whether HRE is a Subject Easy to Learn**

The first part of the questionnaire had six different items related to understanding of the various courses having a Human rights component in various academic courses or related extracurricular activities. Respondents were asked to record their responses on Likert's scale (1- Strongly Agree, 2-Agree, 3-Neutral, 4-Disagree, 5- Strongly Disagree).



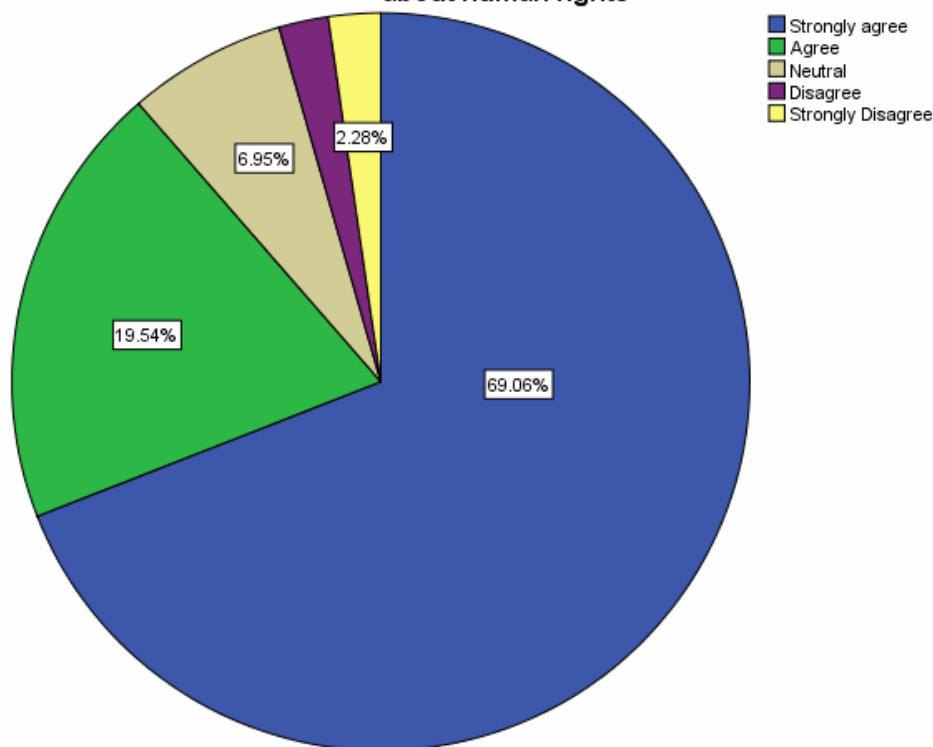
*Figure 7 Chart showing breakup of responses to the questions whether HRE is a subject easy to learn*

It is clear from the above pie chart that majority of the respondents were of the view that Human Rights courses or other courses having Human Resource content are easy to understand. Twenty-seven percent of the total number of respondents strongly agreed that according to them these courses are easy to learn whereas almost thirty-two percent were in agreement. A significant number of respondents choose for a Neutral response i.e. twenty-six percent. Eleven percent of the respondents were of the opinion that these courses are not easy

to understand whereas a small segment i.e. about two percent strongly disagreed. The major reason for this significant number is that students are otherwise burdened with an emphasis that teachers place on more –application orientedl courses such as Law of Crimes and Procedure or Intellectual Property Rights.

### **1.1.2 The Need for Dissemination of HRE**

**There is a strong need to Disseminate and preserve the knowledge & information about human rights**

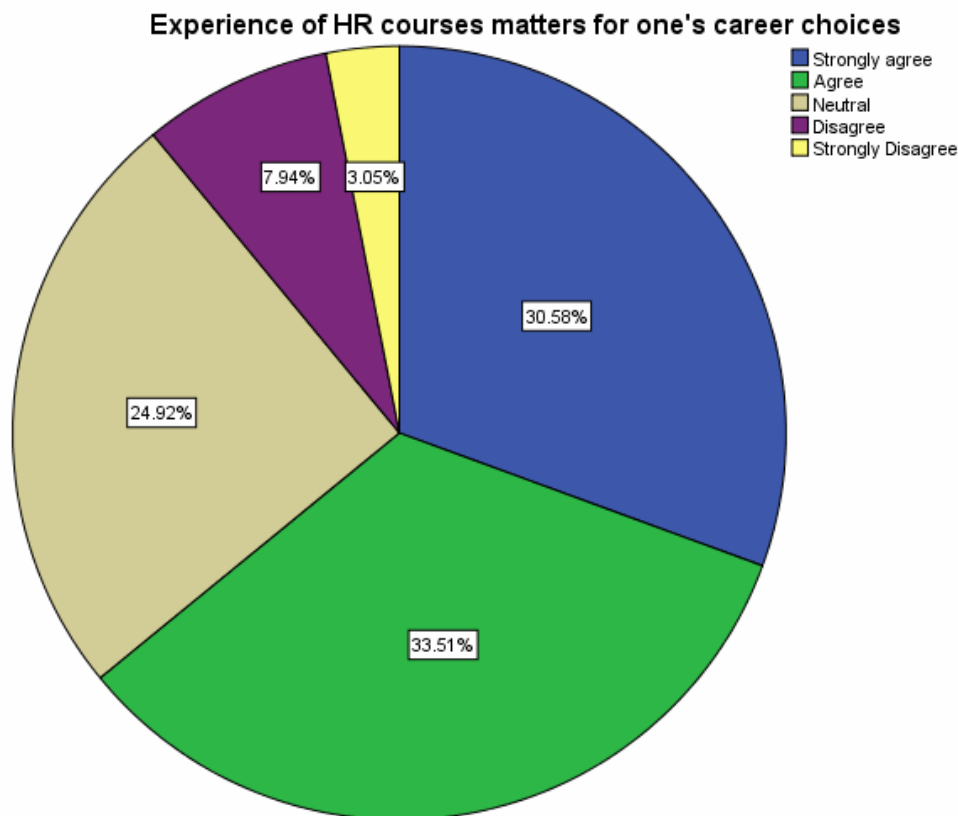


*Figure 8 Chart showing the breakup of responses to the question about the need for dissemination of HRE*

A very large number of respondents (about sixty-nine percent) strongly agree with the statement that it is strongly needed to disseminate and preserve the knowledge and information about Human Rights. 19.4 percent of the sample was in agreement with the statement whereas a very small segment i.e. 2.25 percent disagreed with the statement. About 2.28 percent of the respondents strongly disagreed whereas just a small number (nearly seven percent) were neutral. So this is evident from above chart that maximum number of respondents (that accounts for 88.6 percent of total sample) were of the opinion that there is very strong need to disseminate and preserve the knowledge and information about Human Rights. This is an indicator of the difference between the individual and the institutional

levels at which HRE is perceived and talked about. This finding has been discussed in greater details in the conclusion of this study.

### **1.1.3. Experience of HRE and Career Choices**



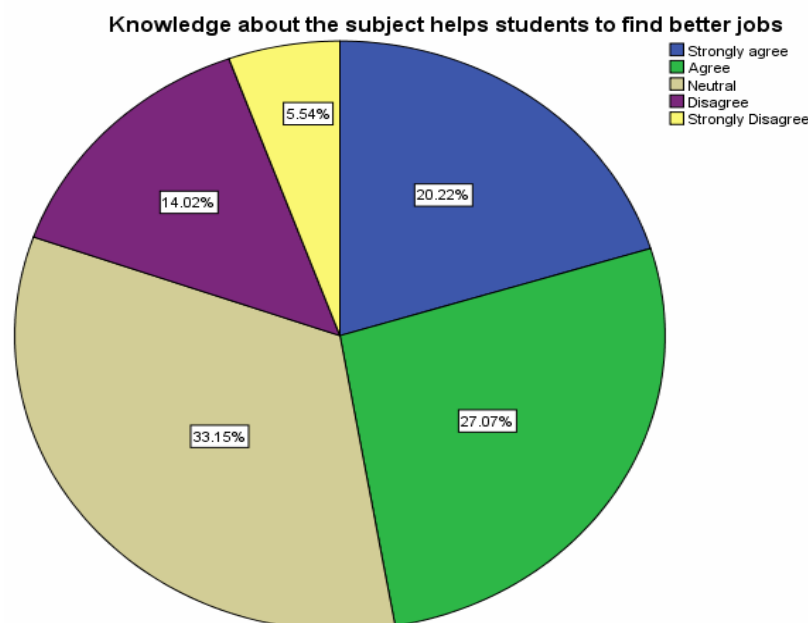
*Figure 9 Chart showing the breakup of responses to the question about HRE and Career choices of students*

Respondents, when asked whether experience of Human rights courses matter in one's career choices/growth, 30.58 of total respondents strongly agreed. 33.51 percent of the respondents merely agreed with the statement. About 25 percent of respondents were neutral whereas 7.94 disagreed. A miniscule 3.05 percent exhibited a strong disagreement with the statement. A significant number of 24.94 were neutral about whether it matters or not.

These figures point to the fact that students (and faculty members if we consider the findings of the second questionnaire) remain unsure of the exact prospects that become available for them in the event of teaching or attending a HRE related course. Based on this analysis of the information, the study recommends a greater level of participation in HRE of corporate firms and private Organisations as they have emerged as a major source of jobs for unemployed youth in the country. Corporate houses may have a Human Rights Cell to look into issues of

violations and challenges facing their employees or communities amidst whom they operate and function.

#### **1.1.4 HRE and Job Scenario**

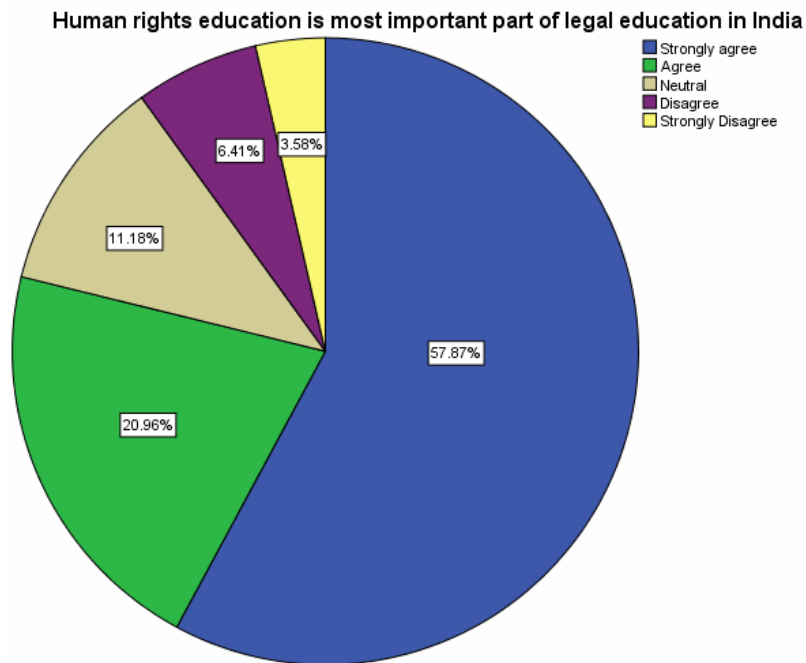


*Figure 10 Chart showing breakup of responses to the question about HRE and Job Scenario*

Respondents, when asked whether knowledge of the HR helps them to find better jobs, 20.22 and 27.07 percent respectively strongly agreed and agreed whereas 14.02 percent of the total sample disagreed. 5.54 percent of the respondents strongly disagreed with the statement. As many as 3.15 percent were neutral about the statement.

Non Governmental organizations, governmental setups and universities seen in the light of such a finding happen to offer to students and passouts, a limited vista for job openings.

### **1.1.5 HRE as an Important Part of Legal Education in India**



*Figure 11 Chart Showing Breakup of responses to the question whether HRE is the most important part of Legal Education in India*

57.87 percent of total respondents strongly agreed with the statement that HRE is one of the most important parts of legal education in India, whereas 20.96 percent chose to just agree.

11.18 percent of the respondents were neutral about the question whereas 6.14 and 3.58 percent of the respondents chose to disagree and strongly disagree respectively.



### **1.1.6 HRE and Personal Preferences of Students**

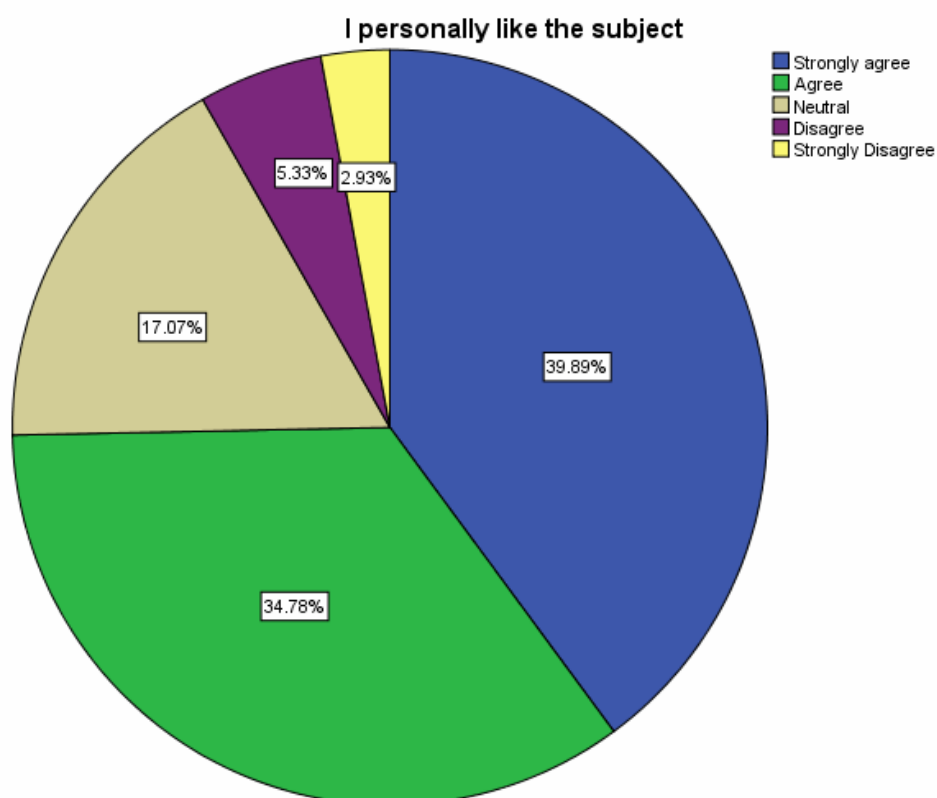


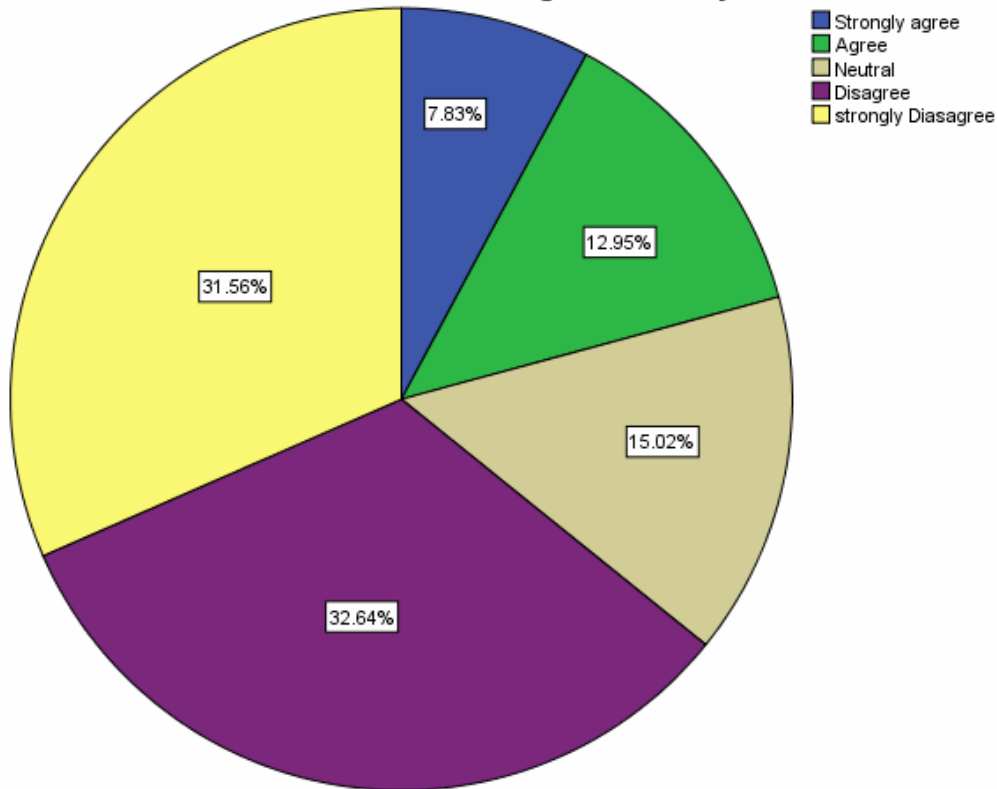
Figure 12 Chart showing breakup of responses to the question whether HRE is a personal favorite of students

Respondents when asked about whether they personally like the subject 39.89 and 34.78 percent strongly agreed and agree respectively while 17.07 percent were neutral. 5.33 and 2.93 percent of the respondents disagreed and strongly disagreed respectively.

2. Second part of the questionnaire had items related to the role of seminars, workshops and classroom teaching. Respondents were asked five different questions in order to understand their views about classroom teaching, role of workshops and seminars in raising awareness about human rights. Respondents were asked to record their responses on Likert's scale (1- Strongly Agree, 2-Agree, 3-Neutral, 4-Disagree, 5- Strongly Disagree).

### **2.1.1 Sufficiency of the Current University Syllabi and Course Structures**

**University syllabi and classroom teaching alone are sufficient to raise awareness about human rights in society**



*Figure 13 Chart showing breakup of responses to the question of Institutional sufficiency and HRE*

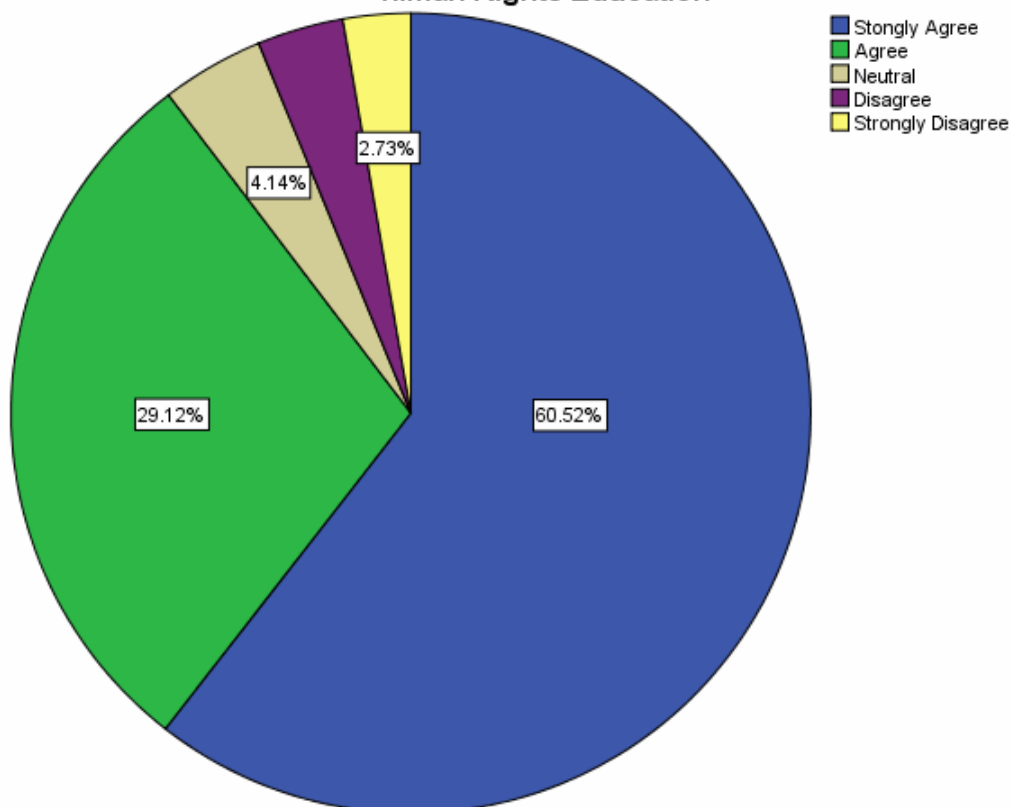
When respondents asked if the university syllabi and classroom teaching alone are sufficient to raise awareness about HRE in society a large number of respondents were in disagreement with this statement ie. 31.56 percent of the total respondents strongly disagreed whereas 32.64 percent of the total respondents disagreed. 15.02 percent were neutral whereas a small percentage of 7.83 and 12.95 percent strongly agreed and agreed respectively. Data chart above shows that majority of the respondents i.e. 64.2 percent of the respondents were of the view that merely classroom teaching and university syllabi are not sufficient to raise awareness about HRE in society. Based on such a response, the study has recommended that a. more courses dedicated to HRE be introduced in the Universities and b. more emphasis be placed on empirical research and fieldwork.

### **2.1.2 The Need for Seminars and Workshops**

In addition to the previous question when respondents were asked that programs like seminars and workshops are very much needed in society to provide Human rights education a large number of respondents i.e. 60.52 percent responded with strong agreement and 29.12

percent agreed with the statement. Where as merely 3.49 percent of total respondents disagreed and 2.73 percent strongly disagreed. A small number of respondents 4.14 percent were neutral. So this is evident that workshops seminars according to the data collected from respondents are very important tools for raising awareness about HRE in society.

**Programs like seminar, workshops are very much needed in society to provide himan Rights Education**



*Figure 14 Chart showing breakup of responses to the question regarding the need of Seminars and Workshops for HRE*

### **2.1.3 HRE Related Events as Breaks from University Routine**

Further, when respondents were asked that these programs are welcome break from routine university schedule 22.57 percent strongly agreed and 38.50 percent were in agreement with the statement. A large percentage of respondents i.e.27.15 percent were neutral about this statement.5.34 and6.43 percent of total respondents strongly disagreed and disagreed respectively.

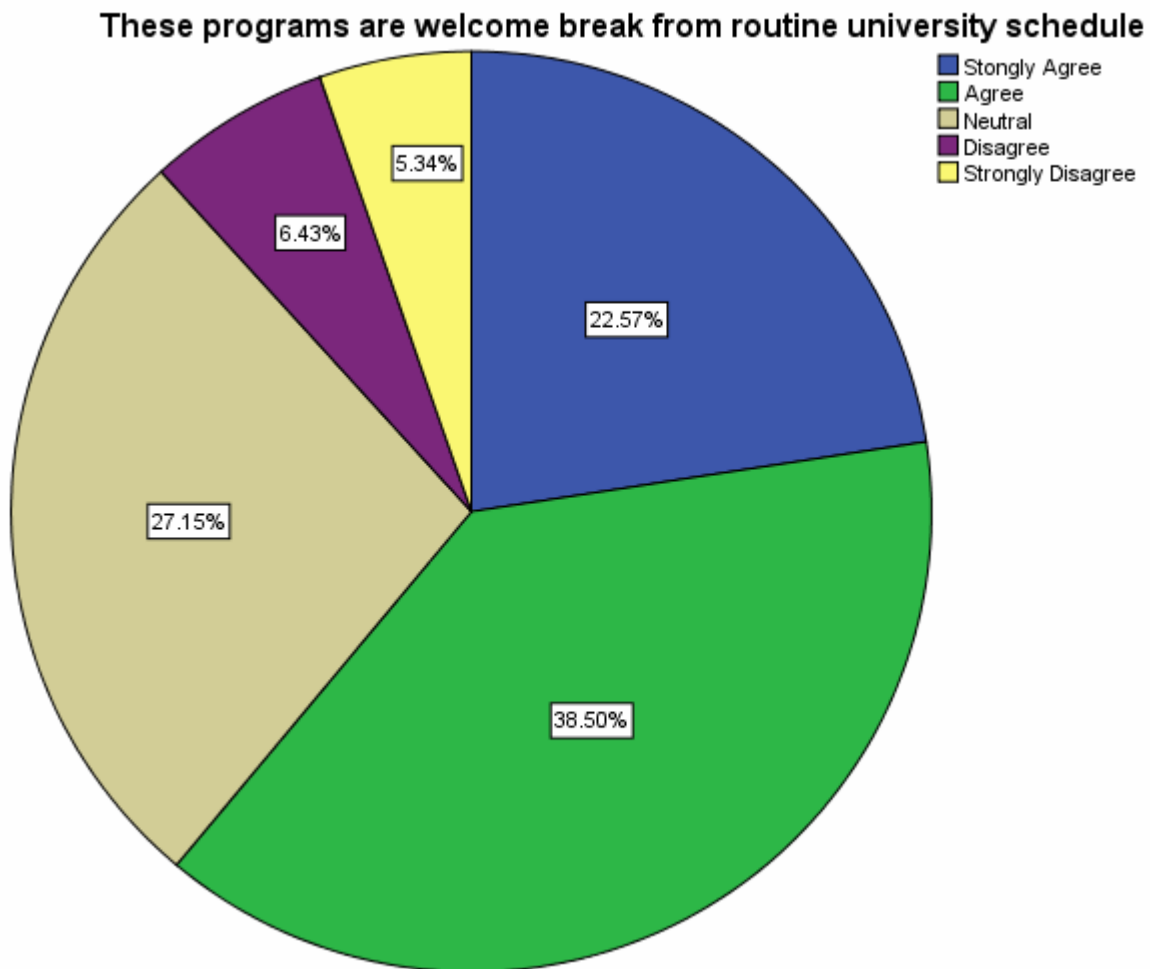


Figure 15 Chart showing breakup of responses to the question whether HRE seminars etc. are a welcome break from the University routine

#### **2.1.4 HRE related Programs and Exposure to the Larger World of People and Ideas**

Respondents were asked if these events provide students an exposure to larger academic world and society at large 46.77 percent strongly agreed and 31.87 percent agreed with the statement. 17.09 percent were neutral about the statement. Merely a small number of respondents i.e. 3.07 percent disagreed whereas 1.20 percent strongly disagreed with this statement.

**these events provide students with an exposure to the larger academic world and society at large**

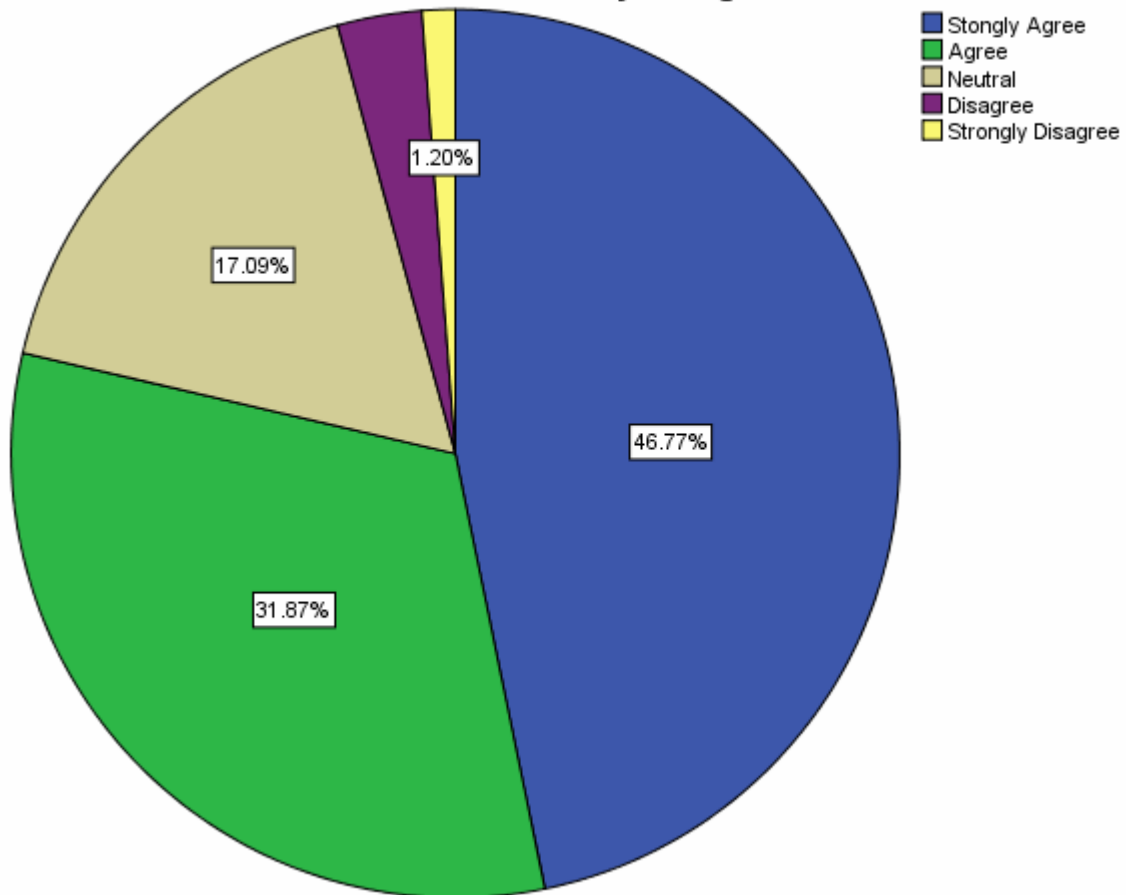


Figure 16 Chart showing breakup of responses to the question about HRE events and Exposure to the larger world of people and ideas

### **2.1.5 HRE Events as Tools for Publicity**

When respondents were asked about their understanding, if these events are being used as publicity tools by institutions and hence leading to wastage of resources, 27.26 and 24.75 percent of them strongly disagreed and disagreed respectively. 20.83 percent of the respondents were neutral whereas 15.59 and 11.56 percent of total respondents agreed and strongly agreed respectively.

**These events are merely as publicity tools by institutions and hence leading to wastage of resources**

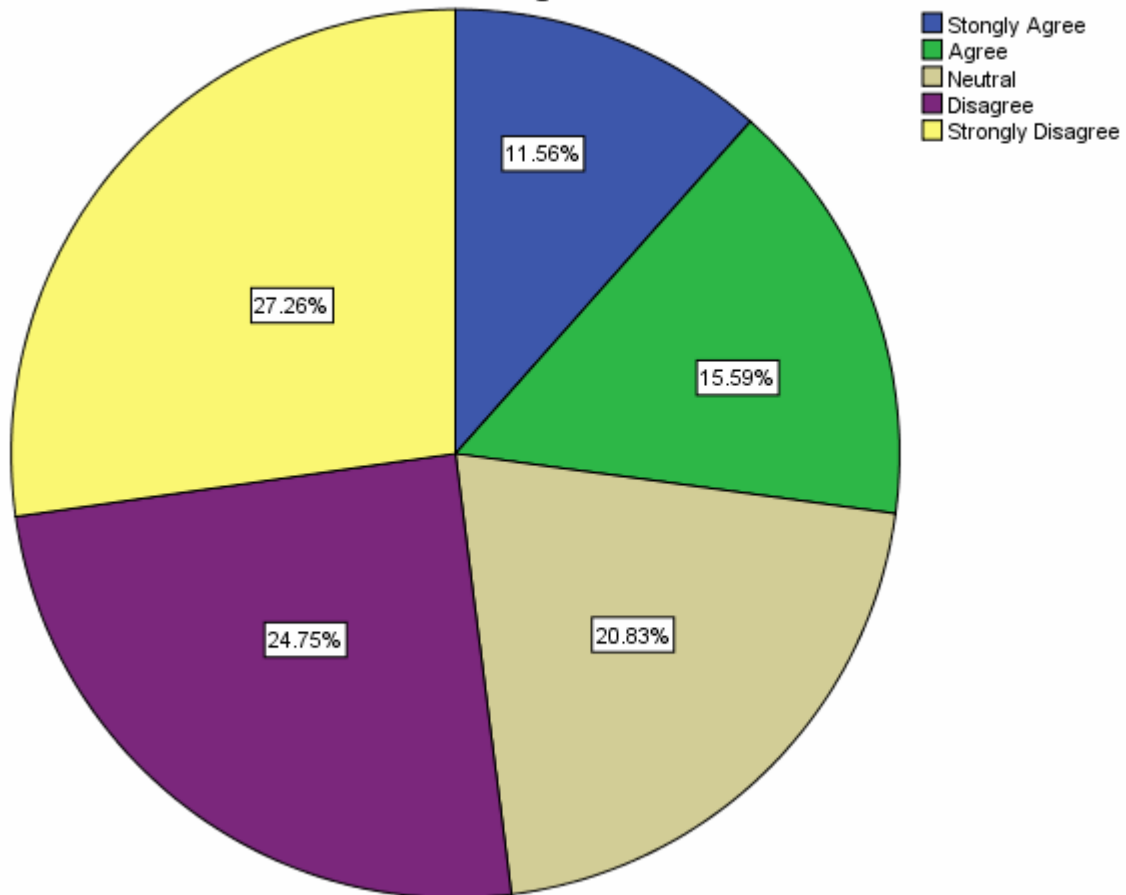
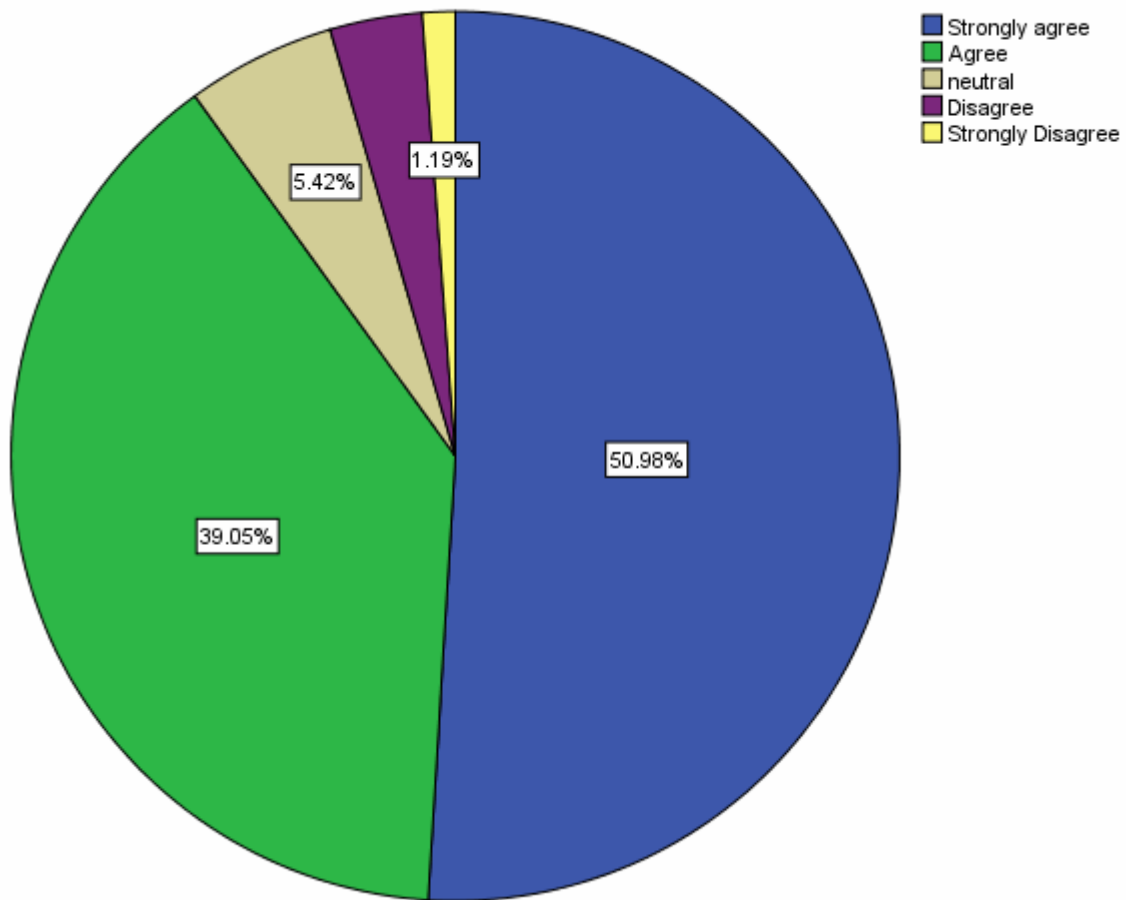


Figure 17 Chart showing breakup of responses to the question whether HRE events are merely a tool for publicity

- Third part of the questionnaire tried to find out the students' views regarding the objectives of the different training programs like seminars, workshops, training camps, and community outreach programmes such as legal aid camps and so on. This part had seven items and respondents were asked to record their responses on Likert's scale (1- Strongly Agree, 2-Agree, 3-Neutral, 4-Disagree, 5- Strongly Disagree)

### **3.1 HRE Related Events and Knowledge of HRE**

**These programs help in enhancing the knowledge of Human Rights among Students**

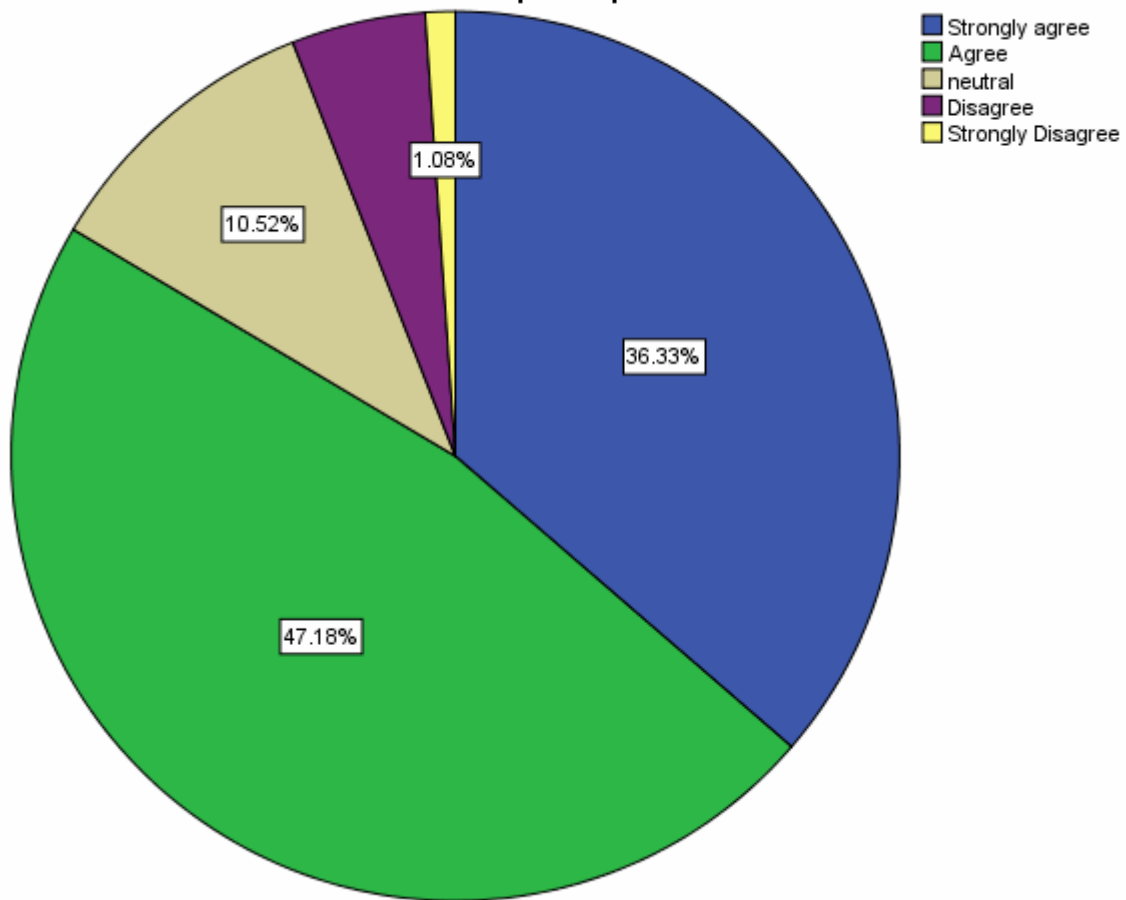


*Figure 18 Chart showing a breakup of responses to the question whether HRE related events enhance knowledge of students*

When asked if these programs enhance the knowledge of human rights among students, 50.98 percent of the total respondents strongly agreed whereas 39.05 agreed with the statement. Just a small percent i.e. 3.36 and 1.19 percent of total respondents disagreed and strongly disagreed. 5.42 percent of respondents were neutral in their responses.

### **3.2 Seminars and Change in Worldview and Social Outlook**

**These programs help in changing outlook towards Human right issues among the participants**



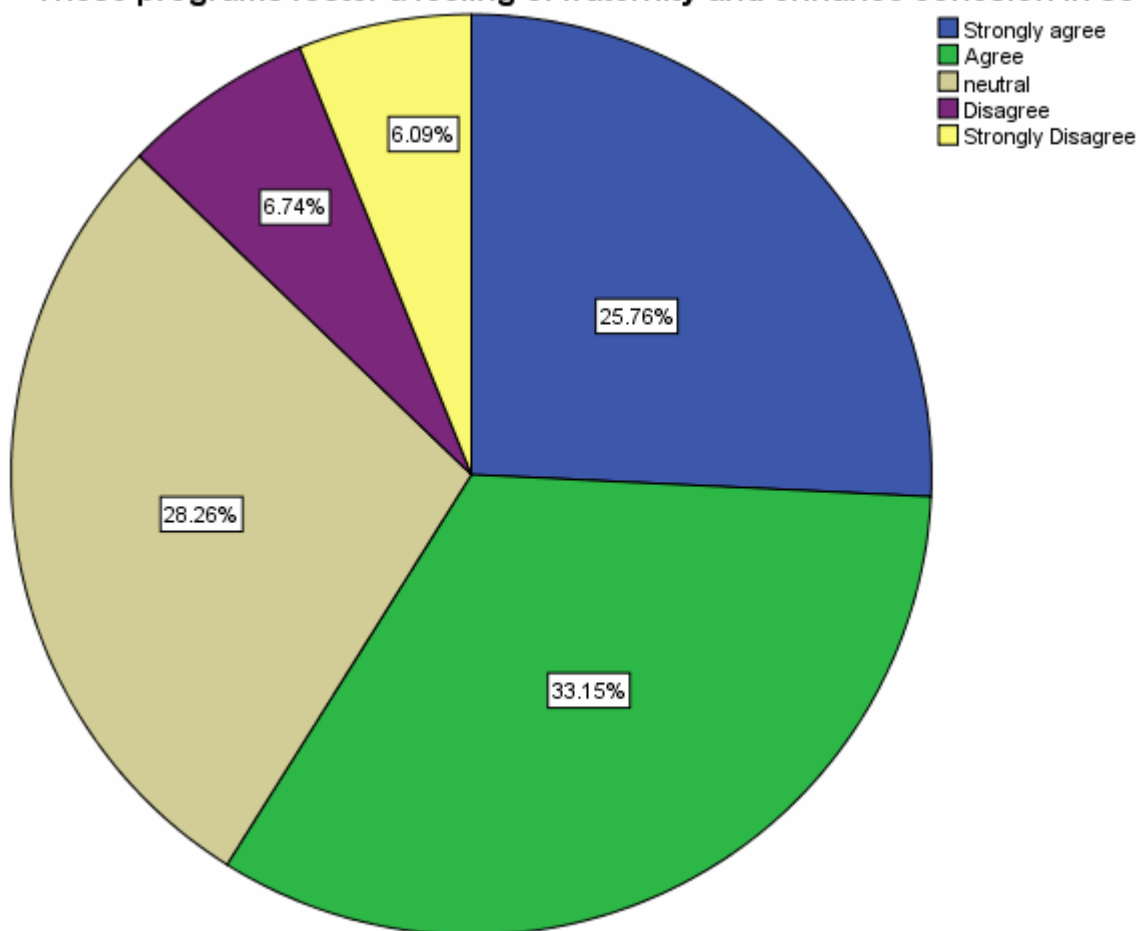
*Figure 19 Chart showing breakup of responses to the question regarding change in outlook of students after attending HRE related events*

36.33 percent of total respondents strongly agreed with the statement that these programs help in changing their outlook towards human right issues among the participants whereas 47.18 agreed. 10.52 percent of respondents were neutral about the statement. 4.89 percent of total respondents disagreed whereas 1.08 percent of total respondents strongly disagreed with the statement.



### **3.3. HRE events and Social Cohesion**

**These programs foster a feeling of fraternity and enhance cohesion in society**



*Figure 20 Chart showing breakup of responses to the question whether HRE events lead to cohesion in society*

Respondents when asked about if these programs foster a feeling of fraternity and enhance cohesion in society, 25.76 and 33.15 percent of total respondents strongly agreed and agreed respectively. 28.26 percent of total respondents were neutral where as 6.74 percent disagreed. 6.09 percent of the respondents strongly disagreed with the statement.

### **3.4. HRE Events and Empowerment of Weaker Sections of Society**

Role of these programs in empowering the weaker section was highlighted from the response, 36.44 and 34.06 percent of total respondents strongly agreed and agreed respectively. About 16.59 percent of total respondents were neutral where as 8.13 disagreed. 4.77 percent of respondents strongly disagreed with the statement.

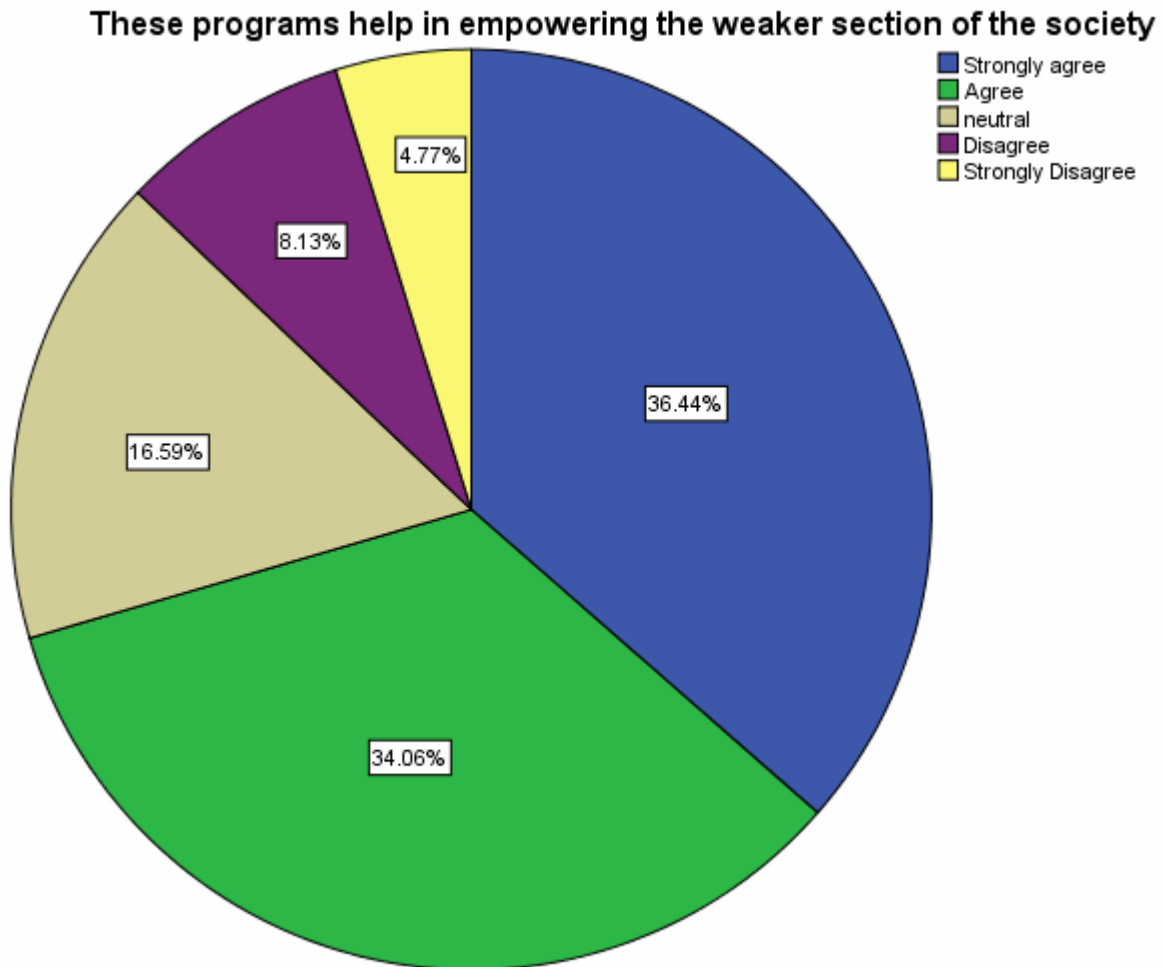


Figure 21 Chart showing a breakup of responses to the question whether HRE related events empower the weaker sections of the society

### **3.5 HRE Events as Lip Service**

A large section of respondents were of the view that these programs are very important and hence not merely lip service. 14.75 and 27.77 percent for respondents strongly disagreed and disagreed where as a large section of respondents i.e. 30.80 were neutral. Merely 9.44 and 17.25 percent of respondents strongly agreed and agreed with the statement respectively.

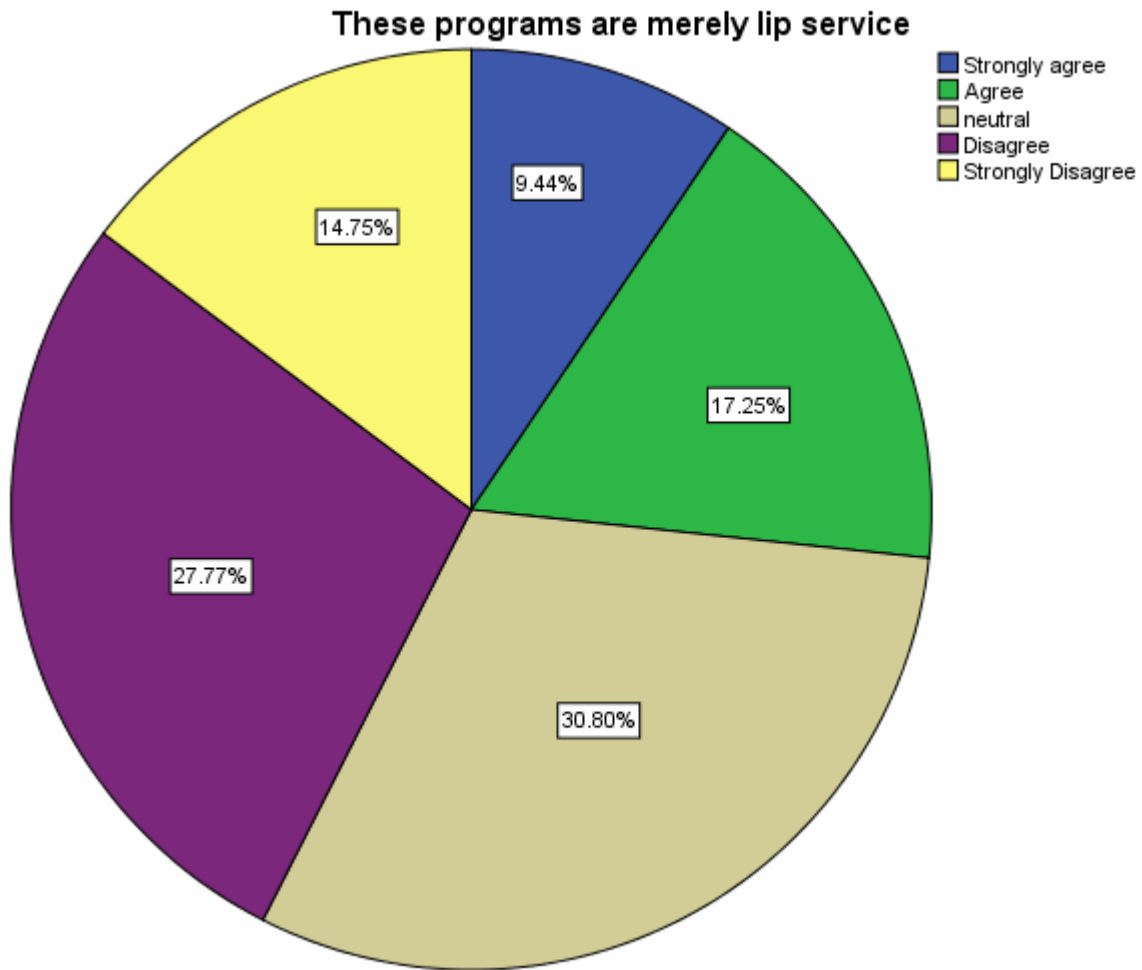


Figure 22 Chart showing breakup of responses to the question whether HRE events are mere lip service

### **3.6 HRE Events as Routine, Ritual Events**

When asked if these programs are part of routine and serves ceremonial and ritualistic function, 10.65 and 22.07 percent of respondents strongly agreed and agreed respectively. A large section of respondents were neutral, where as 24.67 and 8.80 percent of respondents disagreed and strongly disagreed with the statement.

**These programs are part of routine and hence serve a ceremonial and ritualistic function**

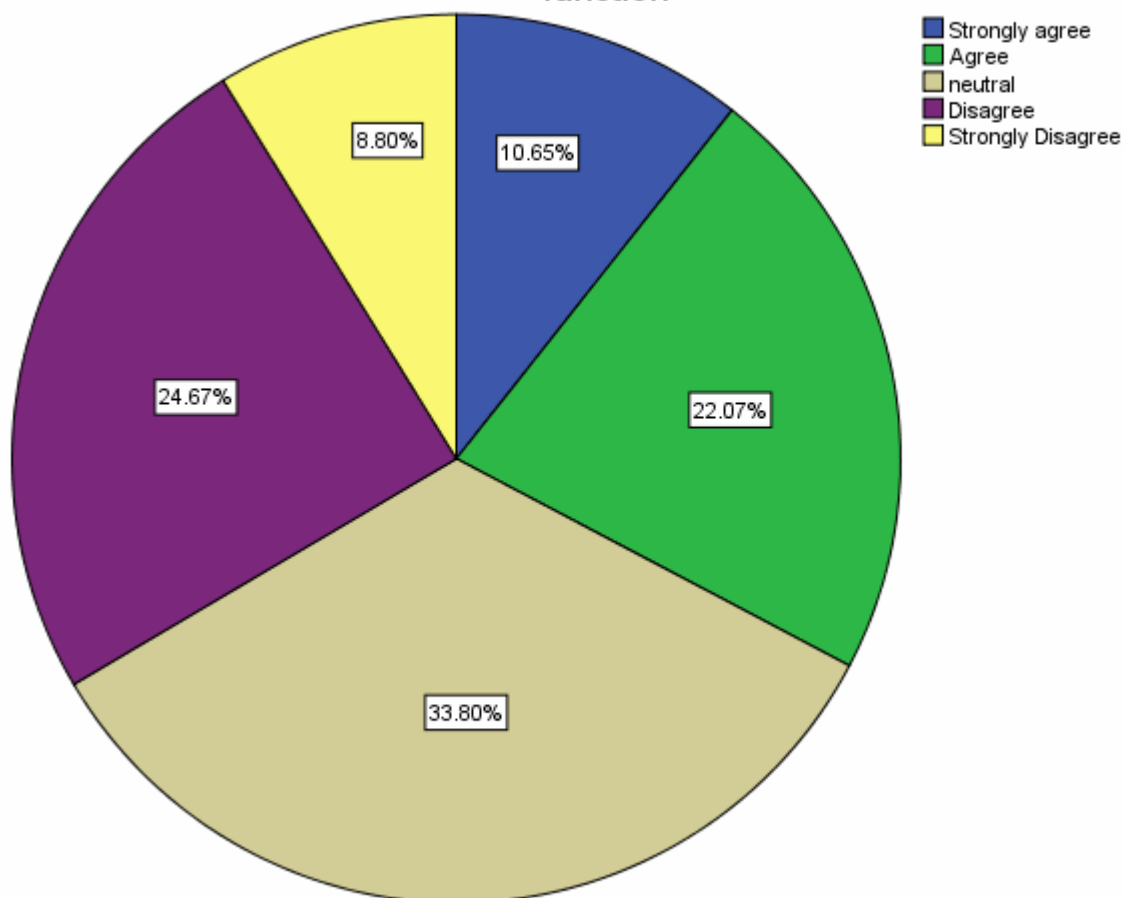


Figure 23 Chart showing breakup of responses to the question whether HRE events are mere routine and ritual events

### **3.7 Achievement of HRE Objectives through Seminars and Conferences**

Respondents were of the view that when it comes to what these programs can achieve respondents agreed that these programs fail to achieve what they intend to. 21.41 and 30 percent of total respondents strongly agreed and agreed with the statement. 8.80 and 19.46 percent strongly disagreed and disagreed. A large section of respondents was neutral about the specific outcomes of these programs.

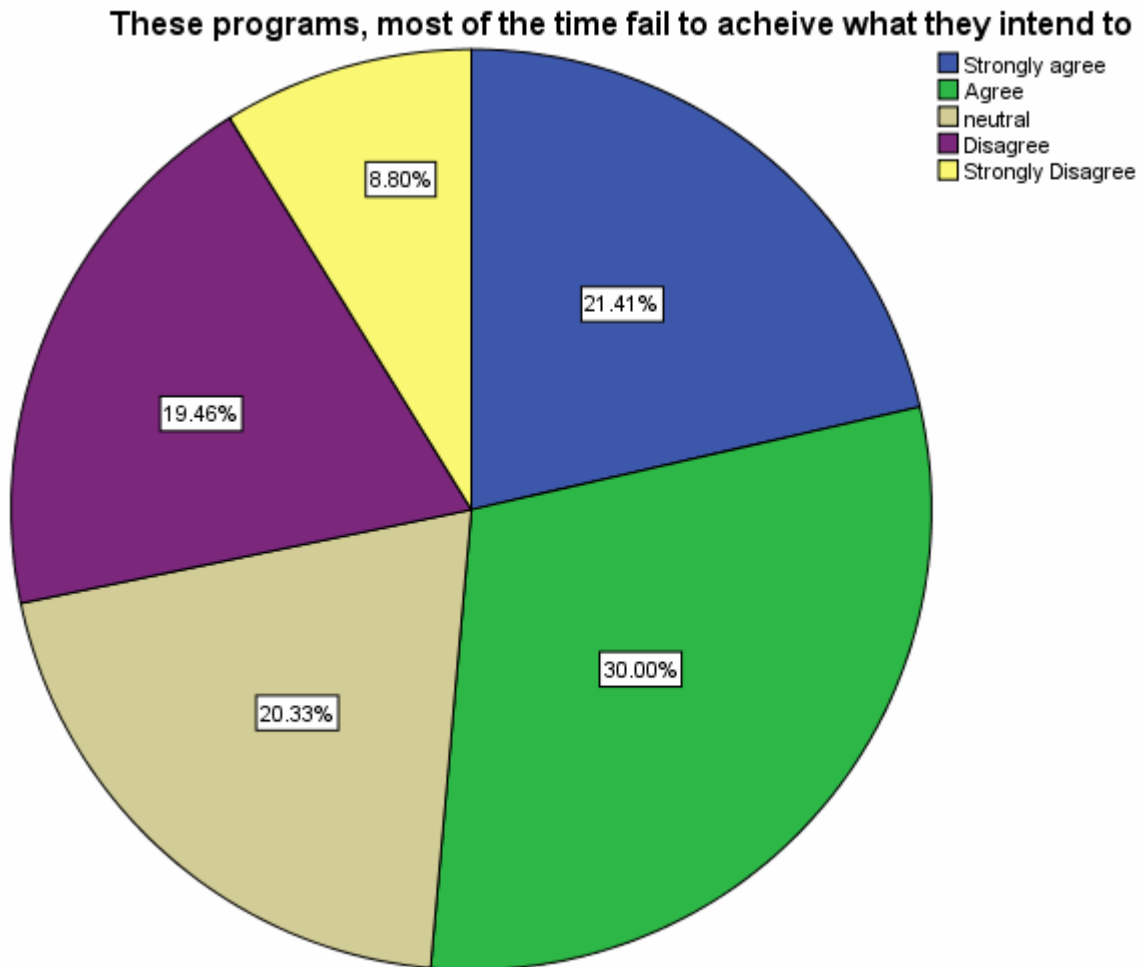
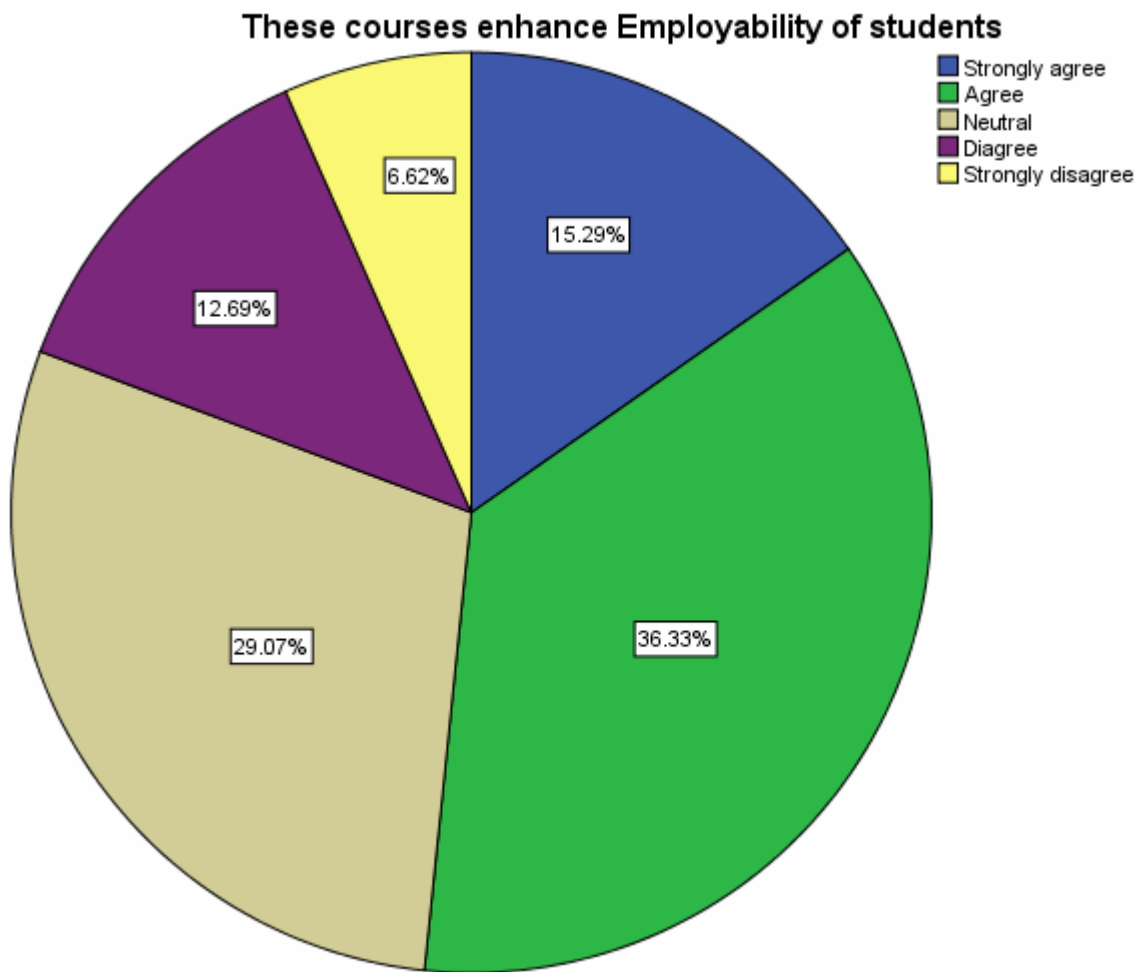


Figure 24nChart showing breakup of responses to the question whether HRE events achieve what they intend to

- 4.** Part four of the questionnaire was focused on the kind of education, in terms of employability, being provided to respondents at their respective law colleges/universities. This part had three items and respondents were asked to record their responses on Likert's scale (1- Strongly Agree, 2-Agree, 3-Neutral, 4-Disagree, 5- Strongly Disagree)

#### **4.1. HRE and Employability of Students**

When asked if courses related to HRE enhance the employability of students 15.29 and 36.33 percent of respondents strongly agreed and agreed whereas a significant percentage of respondents was neutral about the statement. A small segment of respondents i.e. 6.62 was in strong disagreement whereas 12.69 percent disagreed with the statement.

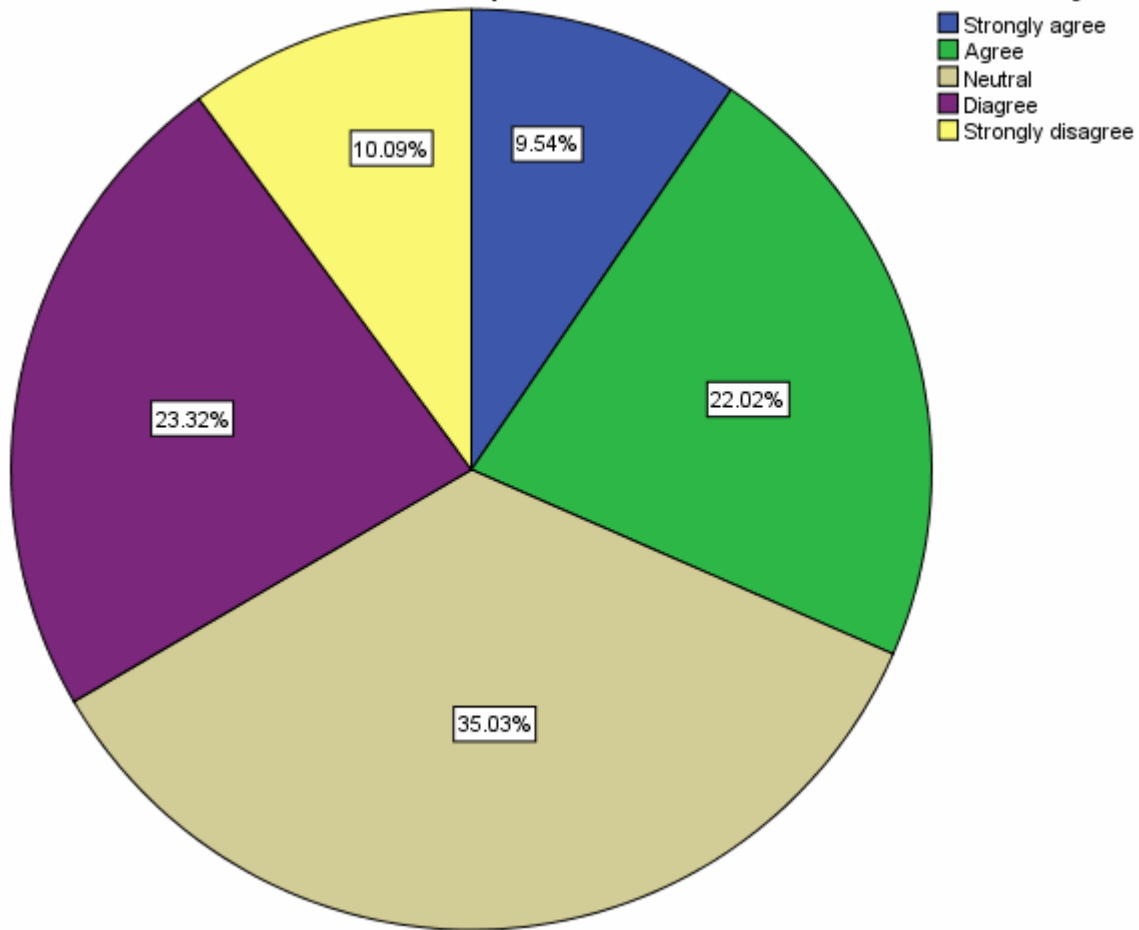


*Figure 25 Chart showing breakup of responses with regard to the question of HRE and employability of students*

#### **4.2. HRE and Ease of Finding Jobs**

Respondents when asked if students who opt for these courses related to HR find jobs easily, a small section of 9.54 strongly agreed, 22.02 percent agreed. A considerable percent of respondents i.e. 35.03 percent were neutral whereas 23.32 and 10.09 percent disagreed and strongly disagreed with this statement.

**In relative terms students who opt for these courses related to HR find jobs easily**



*Figure 26 Chart showing breakup of responses related to the question of HRE and ease of finding jobs*

#### **4.3. HRE and Job Availability in Various Sectors**

When asked about the scope of jobs in different sectors like Govt. institutions, private firms, UN and NGO's etc. where students who have knowledge of HRE can be absorbed, 19.59 and 31.34 percent of the respondents strongly agreed and agreed respectively. A large section of respondents i.e. 28.18 percent was neutral where as 16.21 and 4.68 percent of respondents disagreed and strongly disagreed with the statement.

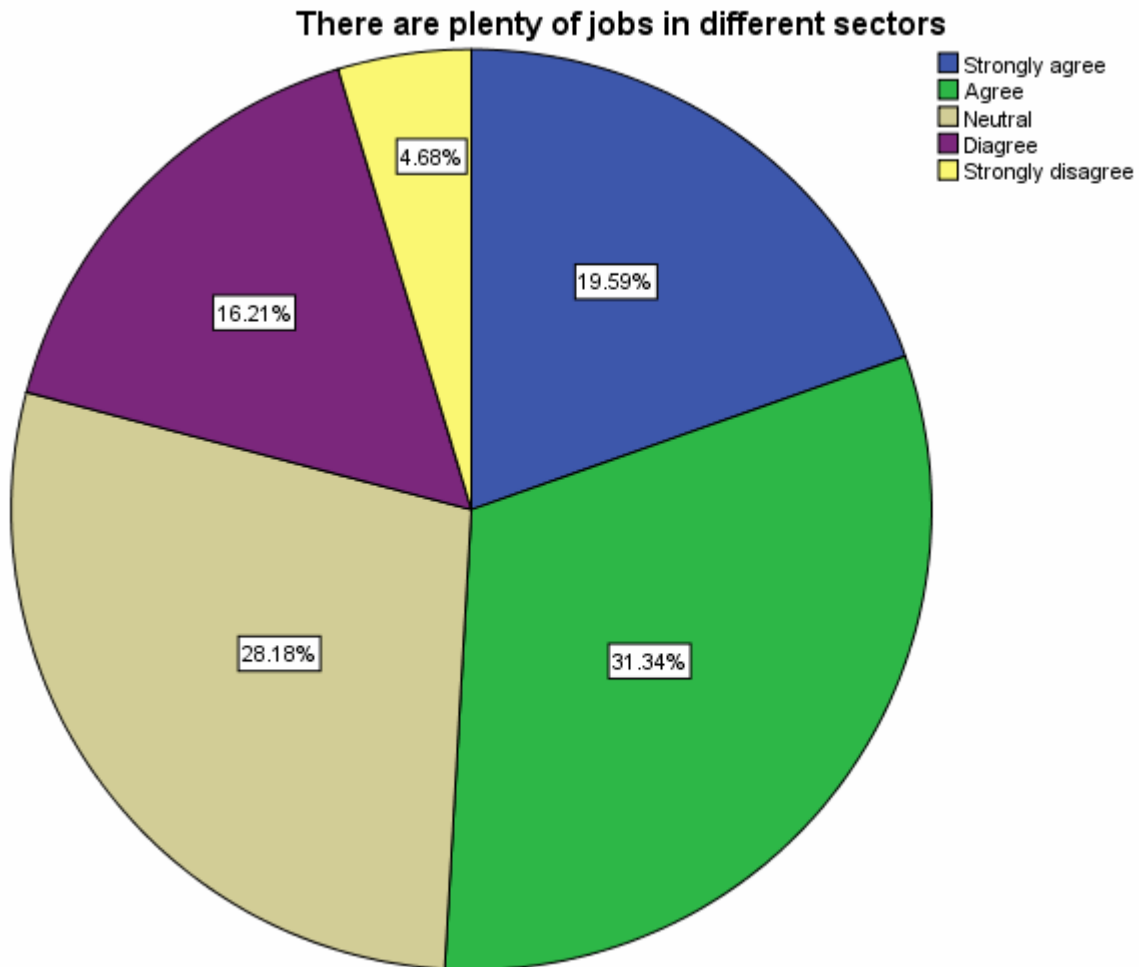


Figure 27 Chart showing breakup of responses regarding to the question of availability of jobs in various sectors

5. The last part of questionnaire was focussed on the kind of education with respect to Human Rights being provided at university/ College level. This part had eight items in all and respondents were asked to record their responses on Likert's scale (1- Strongly Agree, 2- Agree, 3- Neutral, 4- Disagree, 5- Strongly Disagree)

#### **5.1. Whether Universities Have Done Enough For HRE?**

Respondents were asked if Universities and Law Schools have done much more than what they could have done, 20.17 and 28.63 percent strongly disagreed and agreed respectively. 20.39 percent of total respondents were neutral whereas only 10.74 and 20.07 strongly agreed and agreed with the statement.



### Universities and colleges have done much more than what they could have done

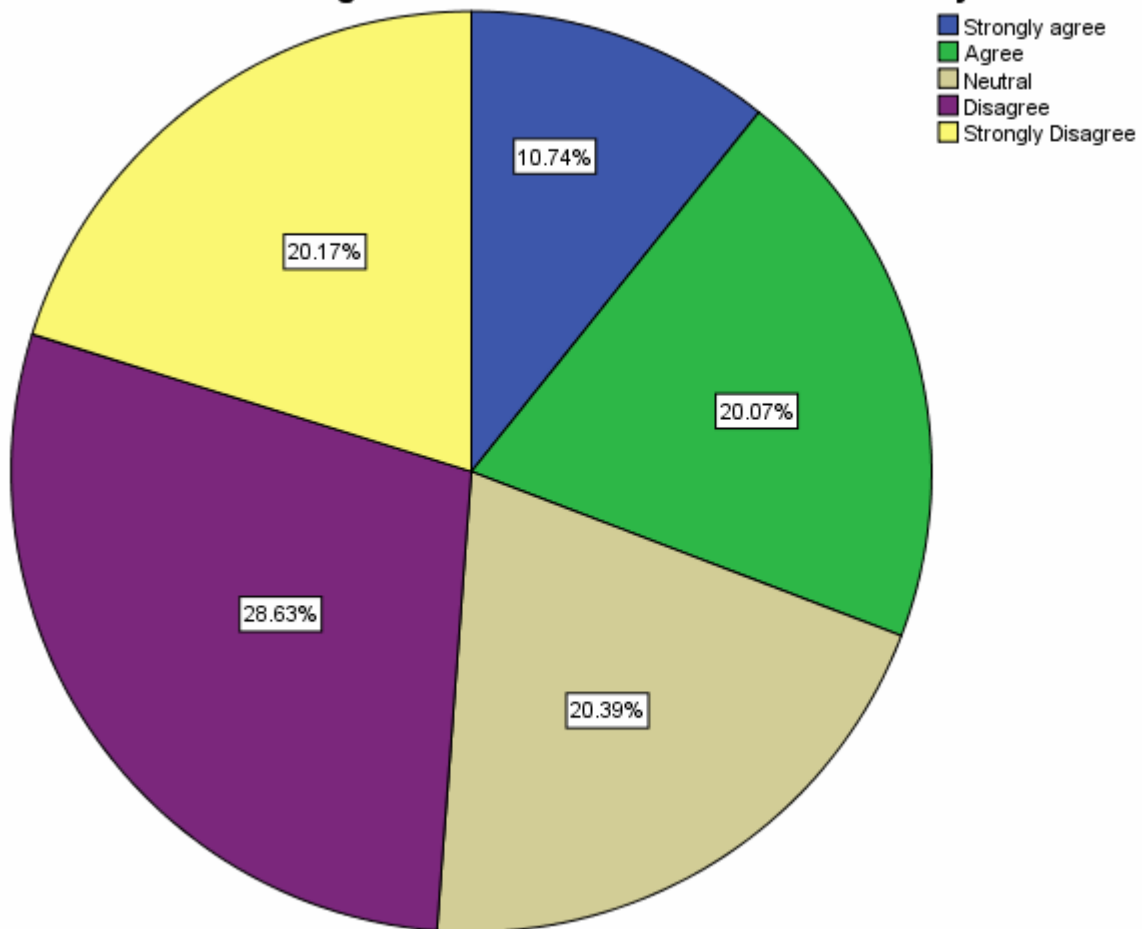


Figure 28 Chart showing breakup of responses to the question whether Universities and Law Schools have done more than what they could have done for the dissemination of HRE

#### **5.2. Do Universities and Law Schools Need to be More Responsible?**

When asked about the role of universities, majority of the respondents were of the view that these institutions have to be more active or responsible. 59.44 percent of the respondents strongly agreed with the statement, 31.13 percent agreed and 3.90 were neutral. A small section of respondents 3.04 and 2.49 percent of total respondents was in strong disagreement and disagreement respectively.

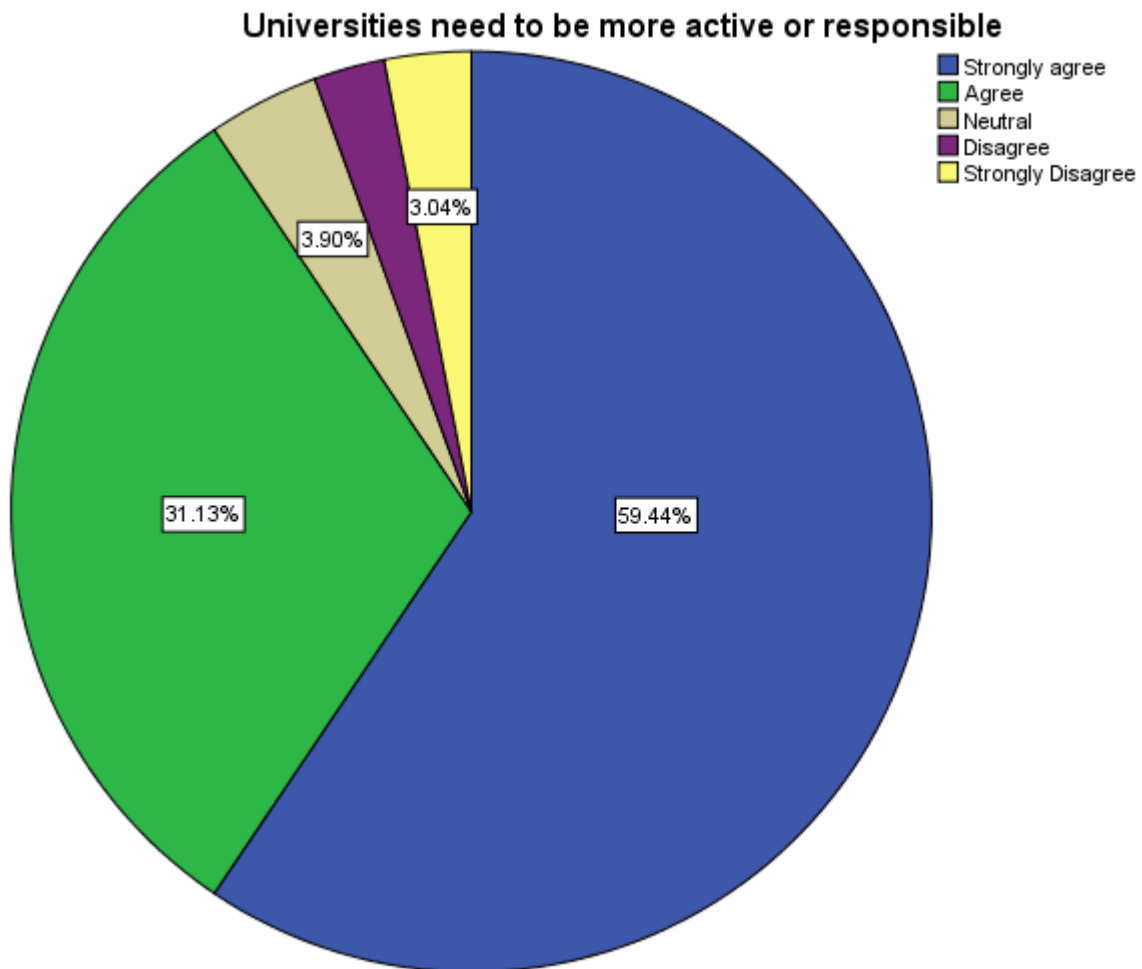


Figure 29 Chart showing breakup of responses to the question whether Universities need to be more active and responsible towards the cause of HRE

### **5.3. HRE and Shortage of Funds**

Regarding funding being received for the promotion of these courses from Centre and state governments, a majority of the respondents agreed that there is shortage of funds. 33.08 and 26.36 strongly agreed and agreed respectively with the statement. 21.26 percent of respondents were neutral, whereas 8.13 and 11.17 percent of the respondents disagreed and strongly disagreed respectively.

**There is shortage of funding to colleges from centre/State govt for promotion of HRE**

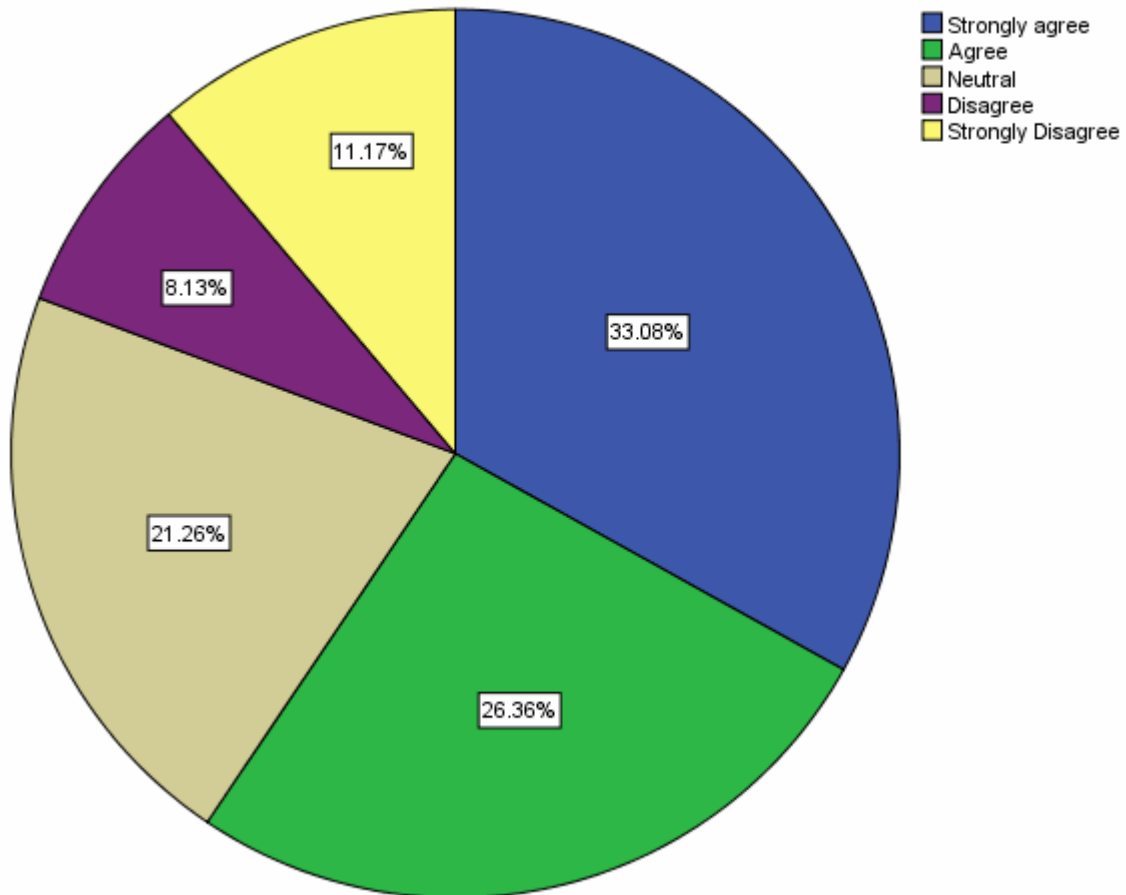


Figure 30 Chart showing breakup of responses regarding the question about availability of funds for HRE

#### **5.4. The Need for New Courses**

Respondents when asked that if there is a strong need to start new courses at college/university level, 52.99 percent exhibited strong agreement, 31.56 percent agreed whereas a small segment of 6.64 were neutral. Only 4.90 and 3.92 percent disagreed and strongly disagreed respectively.

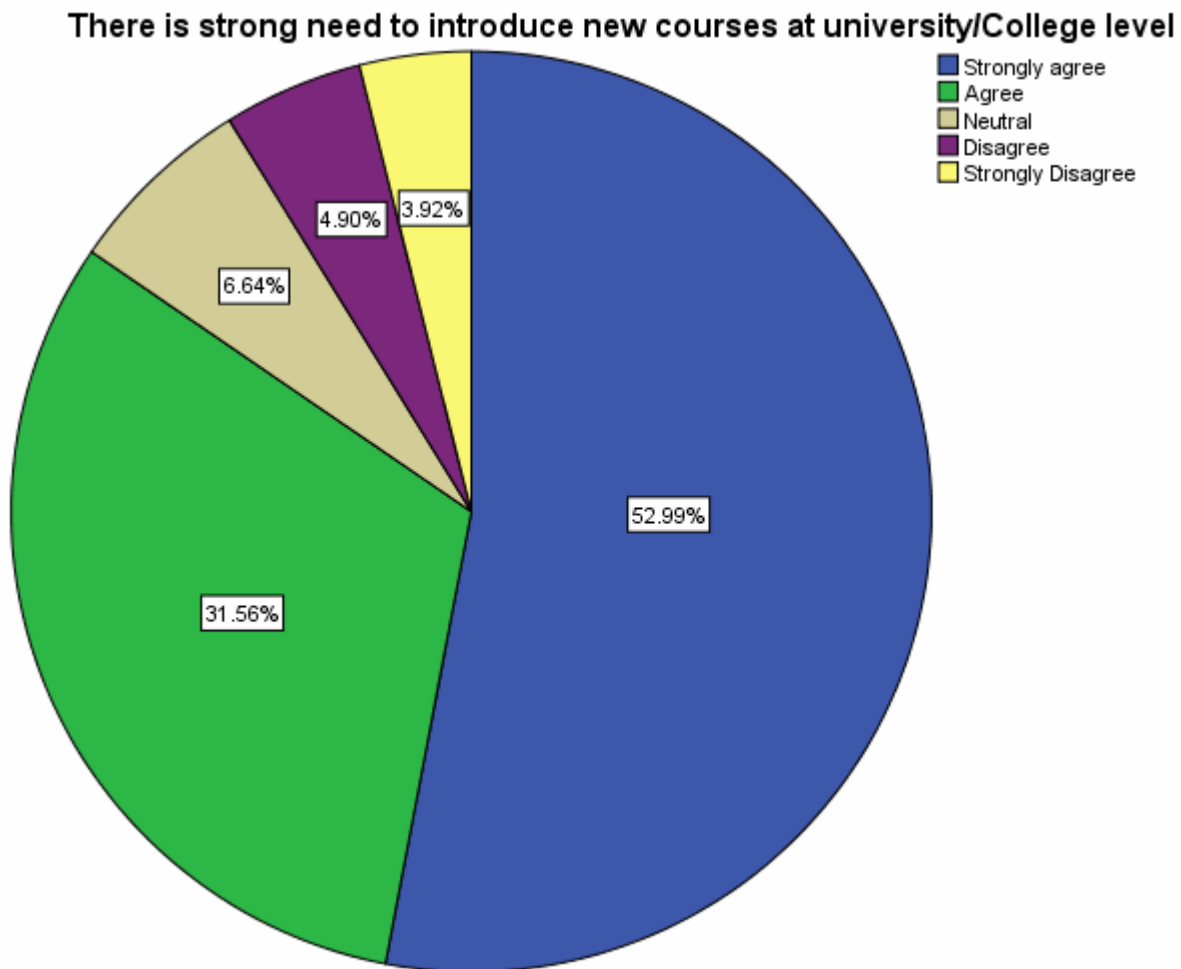


Figure 31 Chart showing breakup of responses with regard to the question of new courses related to HRE

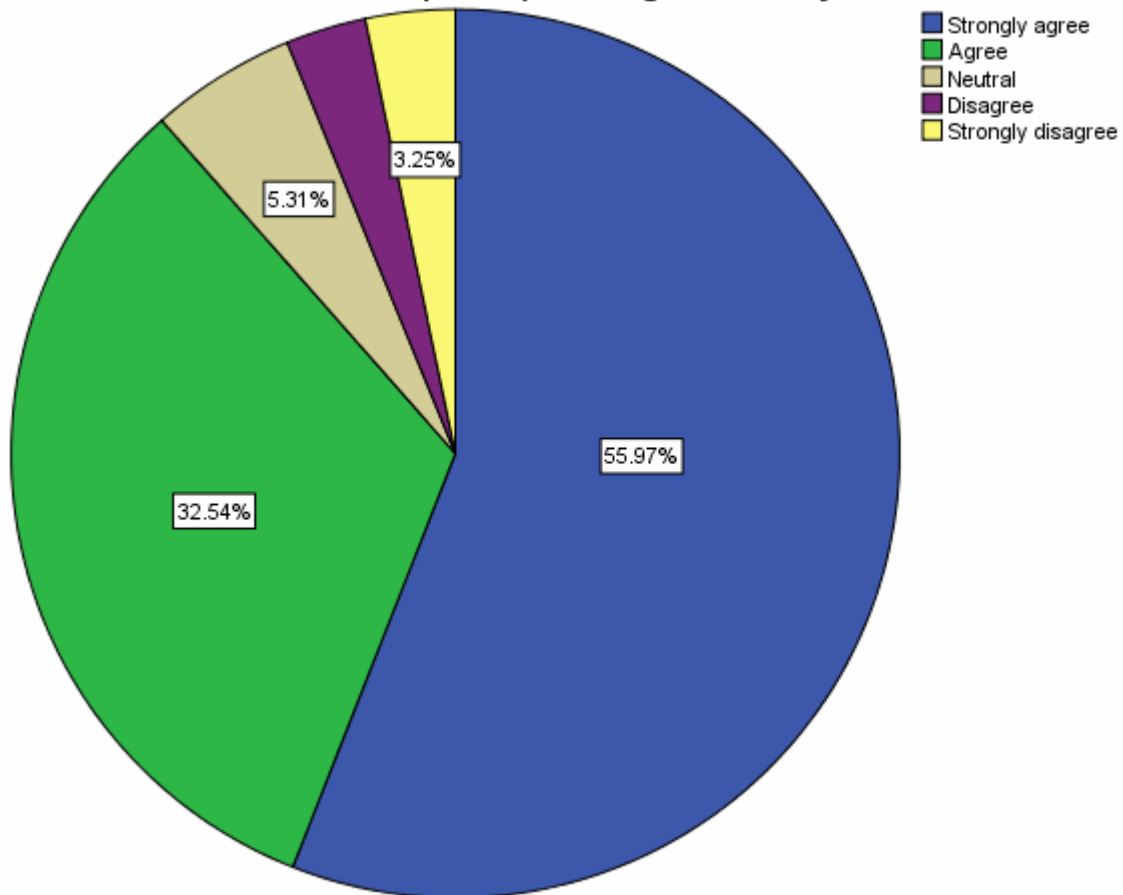
### **5.5. The Need to Enhance the Quantity and Quality of HRE**

Respondents under this head were asked a question whether there is a strong need to improve quality as well as quantity of events (seminar, workshops etc.) at college/university levels.

55.97 percent of respondents strongly agreed, 32.54 agreed and 9.31 percent were neutral.

Only 3.25 and 2.93 percent strongly disagreed and disagreed respectively.

**There is strong need to improve quality as well as quantity of events (seminars, workshops etc.)at college/university level.**



*Figure 32 Chart showing breakup of responses regarding the need to enhance the quality and quantity of HRE related activities*

### **5.6. The Future of HRE**

When asked about the future of Human Rights Education in the country, 25.43 percent of the respondents strongly agreed that future is bright. 33.37 percent of the respondents agreed whereas 25.11 percent were neutral. 9.13 and 6.96 percent of the respondents strongly disagreed and disagreed respectively.

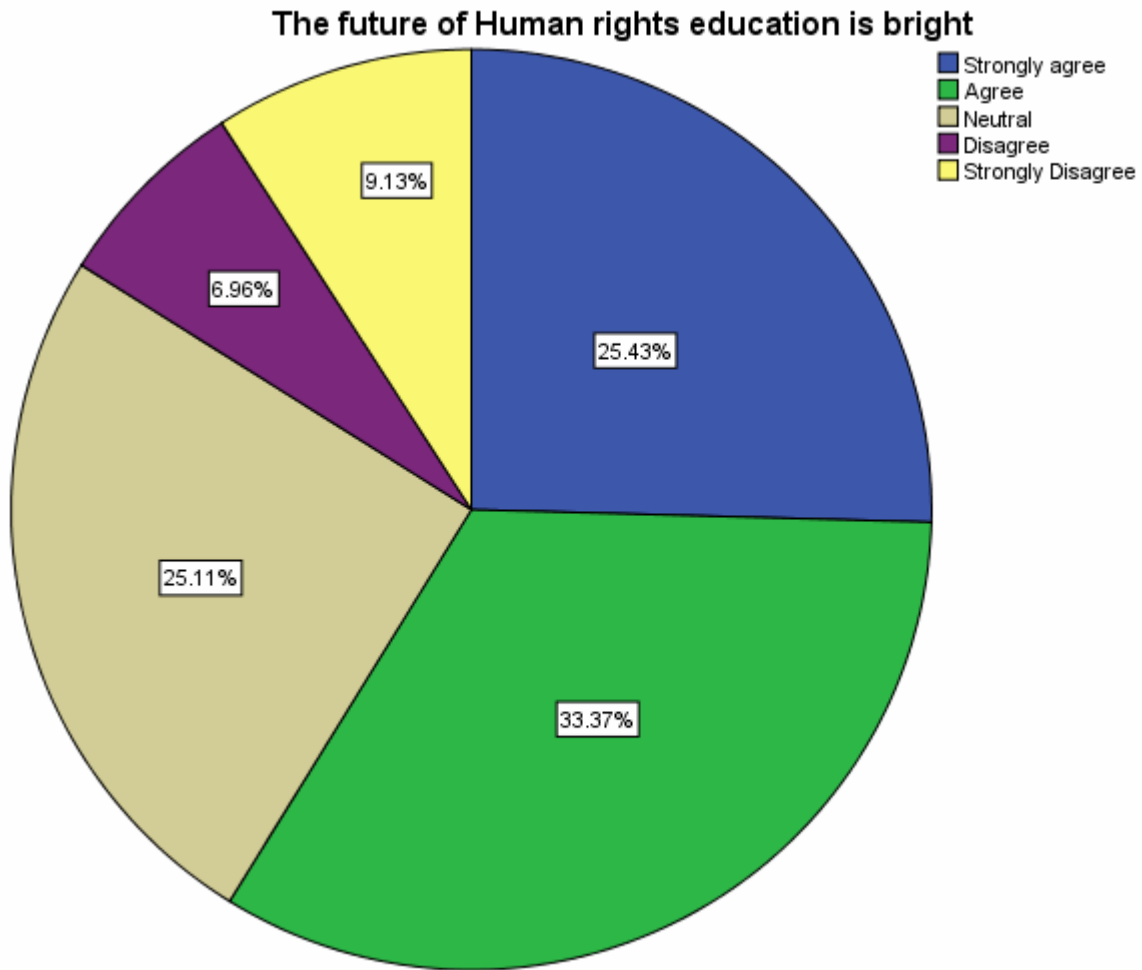


Figure 33 Chart showing breakup of responses with regard to the future of Human Rights in the country

### **5.7. HRE and Awareness Levels Among Students**

Regarding awareness among students about the issue of Human Rights, 27.97 percent of respondents strongly agreed that awareness among students is very poor whereas 39.17 percent agreed. A section of respondents i.e. 16.54 were neutral and 11.10 disagreed with the statement. Rest 5.22 percent of respondents strongly disagreed.

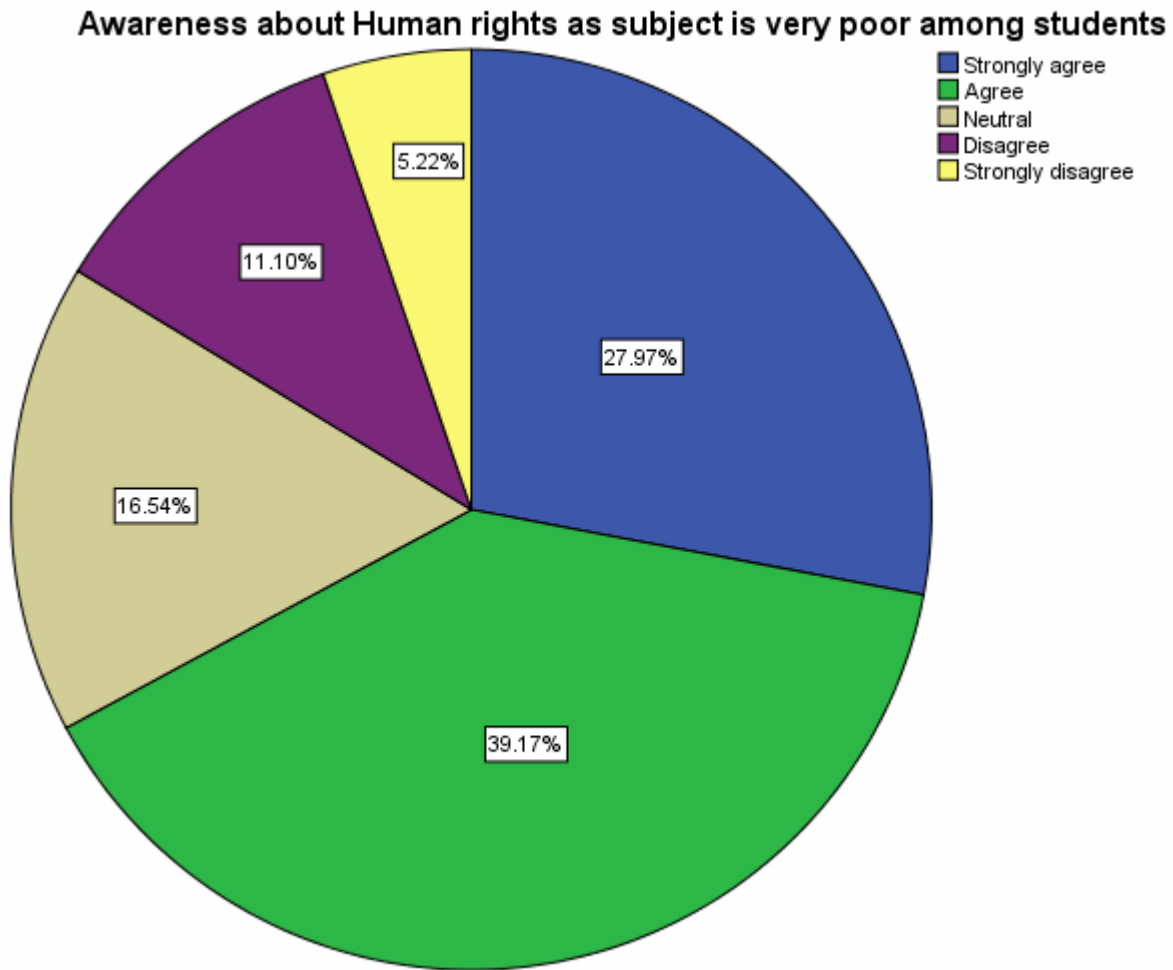
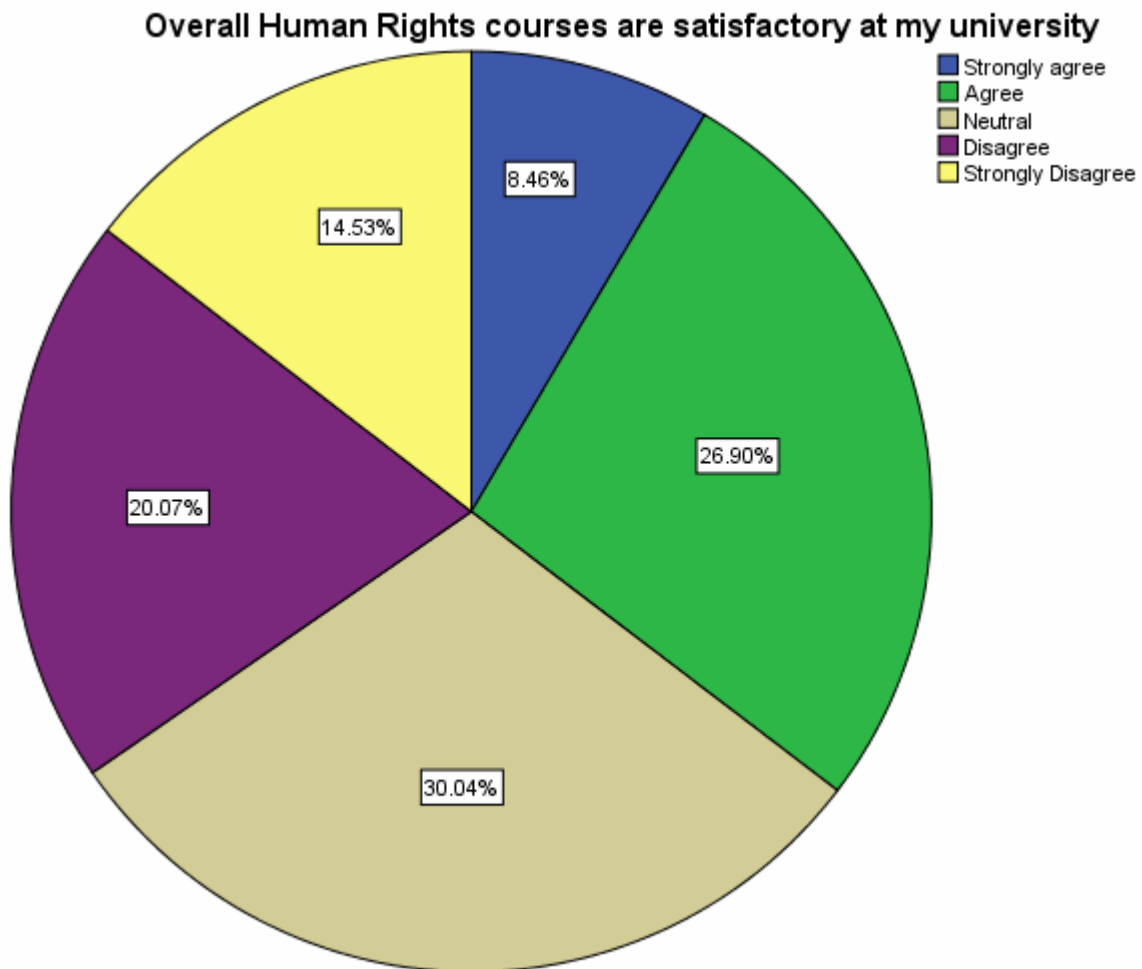


Figure 34 Chart showing breakup of responses regarding HRE and awareness levels among students

#### **5.8. Overall assessment of HRE by Students at their Colleges/Universities/Departments**

When asked about the overall assessment, if Human Rights courses are satisfactory at their university, only 8.46 percent of respondents strongly agreed and 26.90 agreed. A large section of respondents i.e.30.04 percent were neutral whereas 20.07 disagreed and 14.53 strongly disagreed with the statement.



*Figure 35 Chart showing breakup of responses regarding an overall assessment of HRE at the college/University level*

Overall it may be seen that students and researchers happen to be a potent resource for the promotion of Human Rights in society. Gender, caste, religion and region emerge as important determinants of HRE in the law schools that were studied in the research. With regard to the question of HRE, students belonging to these segments felt the need for dissemination of HRE slightly differently. They overall seemed to be in agreement that universities and educational institutions have not done enough for the dissemination of HRE and should exhibit a more proactive role in the achievement of such a goal. Students showed interest in enrolling and attending courses with a strong HRE.

Even at the level of doctoral research (M.Phil. level programs are not offered in law departments) there were a good number of dissertations and theses that we looked at where the issue of Human Rights were adequately addressed.

Job Prospects after completing a course on Human Rights definitely add the employability quotient of candidates.



## IV

### Analysis and Discussion

The research takes into consideration a critical perspective on the issue of Human Rights and Human Rights Education in the contemporary global, post human context (Baxi, 1990). The work has tried to maintain a studied relationship with the significance of the UN and the Universal Declaration of Human Rights and has conducted the study in line with more contemporary issues such as women's struggle to feminize the understanding and practice of human rights, the post-modernist critique of the universal idiom of human rights and, most pertinently for the current world scene, it analyzes the impact of globalization on the human rights movement.

Some of the important distinctions that the study makes clear may be listed as follows:

**1. The distinction between the individual and the institutional levels at which HRE apparatus works:**

Through the course of this research, it became apparent that there exists a curious correlation between the individual and institutional perspectives on HRE. In individual conversations, HRE was granted a place of seriousness and prominence and practitioners as well as students exhibited a keen willingness to engage in Human Rights related projects. However, at the level of institution, this keenness appeared much dissipated. The question therefore that needs further probing should be about the precise factors that lead to an impending to the HRE apparatus. The other issues raised in this section should offer us a clue vis-à-vis those factors.

**2. Lack of institutional impetus on segregating Human Rights from other educational processes and programs.**

Institutions, faculty members and students alike exhibit a sense of confusion vis-à-vis the element of Human Rights as present in their courses, areas of specialization, syllabi and the curriculum. At the institutional level, universities which do not run a specialized programme with a strong Human Rights component, exhibited some sort of a mixed attitude towards courses such as Constitutional Law, Gender and Law, Children and Law,

Minorities and Law, Refugees and Law etc. They found it vexing to classify these courses as courses that were related to HRE.

A number of respondents from amongst the faculty members in these institutions said that they had taught such courses and also said that they have not taught any course with a strong Human Rights component. This slippage between courses with a direct element of Human Rights and the ones where Human Rights is present not as visibly is an important point the study wishes to highlight.

Students, similarly at the UG, PG and the Doctoral levels were unclear about whether their courses, dissertations and theses had a strong element of HR or not. In such a scenario, an exact estimation of the dissemination aspect of HRE became difficult to carry out. Whether such segregation is helpful or not is a question that pedagogical research should aim at answering.

#### **4. Seminars and Conferences:**

In a daylong seminar on Human Rights that was organized by one of the sampled institutions, it was seen that most participants who presented papers and took part in the discussions spoke in very serious terms about issues of Human Rights violations and the need for the strengthening of HRE. These events, said many respondents, are routine affairs and at best serve to provide the organizing institution with good publicity in the academic circles. The dual aspect of such events being important for HRE and their routine, ritual character was another significant finding. Keeping in mind the institutional investment of financial and other resources, it was difficult to say something very certain about the exact goals that such events achieve.

#### **5. Community Outreach Programs:**

Legal Aid Camps, Prison Visits, Environment Protection activities such as plantation drives and cleanliness campaigns were some of the most common institutional activities organized by these universities. In some cases, innovative ideas were also being implemented. The research team participated in a jail visit that was organized by one of the sampled departments. It was seen after a focused group discussion with the students after the trip was over that were immensely sensitive to the plight of prisoners and were

extremely eager to work for the human rights of prisoners. They made earnest pleas for such trips to be organized more frequently. As has been discussed, it was seen that for the departments, arranging for such field visits was not always possible owing to a number of infrastructural and logical reasons.

In each of such events, the quotient of HRE came to the fore in interesting ways. Detailed group discussions were held with faculty members and students wherein the issues of Human Rights in the contemporary world and the issue of HRE in particular were conducted. Detailed, informal interviews with faculty who participated and presented papers in seminars also revealed interesting facets of the relationship between individual and institutional level attitudes and approaches.

#### **6. Individual Career Options and Institutional Impetus.**

Respondents who presented in these seminars necessarily did not see any scope for their individual, direct participation in the cause of HRE. Rather, such participation in a seminar where the speaker presented a paper in the slotted time of not more than five to ten minutes in each case, it remains to be seen whether the respondents saw their participation as being contributory to the cause of HRE in any way. Rather the more important, subtle elements of such participation may be ascribed to such factors as UGC mandated API scores and social networking.

#### **7. Record Keeping and Efficient Stock Taking Mechanisms.**

Practically all the educational institutions that were contacted personally, telephonically or through email, did not provide the research team with the required information very readily. This reluctance to part with information about HRE related activities may be accounted for by citing various reasons:

- a.** That institutions were overworked and their staff does not have the time to respond to queries of such kind as ours. This may be owing to the fact that a number of research projects which are ongoing in many institutions flood these institutions with questionnaires and requests for data. This situation may be considered akin to certain villages in and around educational institutions in certain parts of the country where people are so accustomed to research and sample surveys that they hardly care to respond to questions and if they decide to do so, their responses are of a tailor made kind.

- b.** The reluctance could be due to a lack of interest in the academic processes undertaken by other institutions. A Dean from one of the universities wrote back to us saying that the resources of her university could not be directed to conducting research for us. The element of institutional cooperation was found missing. The dissemination of HRE may in such a case be thought of as being operative from stand alone institutions without the element of inter-institutional cooperation.
- c.** Most importantly, it may be argued that educational institutions lack the necessary manpower and bureaucratic procedures whereby they can maintain data and manage records. In cases where the educational institution published seminar proceedings or detailed annual reports, the data was relatively easier to gather. In the other cases, authorities did not really have access to concrete facts and records and relied on individual memory to answer the questions.

## **8. Government and Private Institutions:**

Another significant aspect of the research findings is the difference that is seen between attitudes of Government and Private institutions towards HRE. This difference is a complicated one to theoretically analyze. In many respects private institutions are more than willing to initiate and work on HRE projects but exhibit a subtle unwillingness regarding the actual carrying out of such projects owing to a number of constraints of which financial ones are the most visible. At the same time that they exhibit such willingness, they are also hesitant to openly talk about their faculty, academic programs partly due to a sense of insecurity regarding their modes of operation, appointment of faculty, salary structures being exposed.

Government institutions on the other hand exhibit a sort of confidence and therefore remain oblivious to queries of the kind that the project presented before them. Data and information from them was equally difficult to get as the division of labour among the workforce was extremely vague.

# Conclusion and Recommendations

To sum up the findings of this research, it may conveniently be said that at the philosophical and theoretical levels, individuals and institutions alike grant the issue of Human Rights due consideration. It is an issue that is talked about in extremely serious terms. Appropriate space in syllabi and extra curricular activities seems to be granted to HRE. Record keeping with regard to the specific details of HRE related events however was found to be very poor and was therefore the major obstacle that the research team faced.

Promotion of Human Rights related issues gets tied to the promotion of the institution. At the same time that syllabi accord space to Human Rights, they remain vague about the specific elements of HRE that they should make clear in order to give away to teachers and students a signal that the element of Human Rights is quite central to that course. In the absence of such clarity, Human Rights merely becomes an appendage to a course and therefore its psychological impact gets dampened. Institutions find it difficult to state clearly if their courses have a strong component of Human Rights or not. There was lack of a structured curriculum and standardized courses. There was an inability of educational institutions in making Human Rights Education attractive and interesting.

Some students said that even teachers of HR related subjects prefer to have a casual approach towards Human Rights related issues. They felt that there is only ‘teaching’ but no training. They felt that Human Rights Education badly needs to be tied up with field experience because nobody understands the significance of Human Rights unless a violation occurs. Most of the Universities teach Human Rights as a subject in the very last semester of third year of the five year LL.B. course thereby considerably reducing the interest of students as well as of teachers.

Libraries were reasonably well equipped with resources on Human Rights. Research Dissertations (wherever available for observation) laid sufficient focus on HRE related themes.

Community outreach programs were not conducted as frequently and follow-up action did not seem satisfactory. Institutions did not seem to take stock of their HRE related activities. Only rough estimates were provided. There existed a severe lack of coordination among

various agencies and institutions such as Panchayats, State Commissions, United Nations, NGOs and national level agencies such as NHRC. Also there was a lack of coordination among these educational institutions themselves.

Records of activities related to HRE were not maintained under clear heads. Segregating HRE from other issues such as Legal Aid therefore became difficult. An element of regional variation was seen in the sample. States such as Punjab, Delhi and UP seemed to be more aware of HR related issues. Himachal Pradesh for instance seemed relatively less aware of these Human Rights related issues and hence impetus on HRE was not as strong in that state.

Academic competence of faculty and problems in higher education emerged as crucial factors in determining the quality of HRE. Constant flux among faculty members proves detrimental to the cause of HRE. Follow-up action suffers because of such movement of teachers. Despite these constraints, a strong level of awareness about HR was perceptible. Students exhibited appreciable command over connections between various themes across courses. However, as a specific course that they did, Human Rights were not very easily identified.

A good number of these professionals in the sample had expertise or prior experience of teaching/researching Human Rights. An overwhelming number of respondents expressed a keen willingness to design and teach courses with a strong HR content. These responses have to be read together with students' attitudes and perceptions regarding the job prospects of HRE and the 'easy' nature of the subject. The prevalent narrative of HR being an 'easy' subject gets tied to the 'status' of the course and places it in an interesting relationship with other courses such as IPR, Cyber Laws and International Laws. Teachers do not seem to have a clear idea about the specific content that gets or should get included in their courses. Themes such as rights of minorities, gender issues, rights of refugees etc. often got missed out while accounting for the experience of having designed and taught HRE related courses. HRE suffers from the very same problems that ail higher educational institutions- adhocism, lack of adequate amenities and job security etc. are a crucial factor in determining the quality of HRE.

Academicians tended to place HRE as a sub-theme of the legal educational apparatus and therefore did not consider it a foundational course. Lack of awareness among faculty about contemporary issues and their global dimensions was also a factor that appeared in some cases.

Human Rights courses are taught using age-old, traditional methods. A few law schools did in fact experiment with innovative ideas with very good results. The way Human Rights as a subject is treated can also be culled out from the pattern of question papers of Human Rights across India. They are intricately theoretical and founded in rote-learning methodology.

Job prospects after completing Human Rights courses were average. Compared to a placement in an international law firm, HR related jobs wherever available do not pay very well. Openings in the Government sector and agencies such as United Nations are very few. NGOs are an important site of creating HR related jobs but salary in these organizations turned out to be a major issue. These NGOs are therefore merely a stop-over for pass-outs. There was a glaring gap between curricula and the expectations of the Industry/organizations.

Majority of the Law Schools offer HR as an optional course which students don't prefer to opt for. Students do not get adequate field experience as it happens to be either an optional course or is supposedly covered under other course heads.

Nodal agencies were found missing for the purposes of stock taking and evaluation of progress made in the area of Human Rights awareness. A tie-up between law schools, local agencies, other law schools, state Human Rights Commissions, NGOs and central accounting agencies seemed very much required.

### **Recommendations:**

Based on the findings discussed above, the study has the following recommendations to make:

- 1.A Common Action Plan (CAP) to be drafted by all concerned Agencies for a successful follow up of HRE related activities.
- 2.More courses with a component of Human Rights must be introduced at institutional levels. Elements of human rights should be clearly identified which can be incorporated in the different main / core law exam papers in different years of study.
- 3.Course content must be designed as per industry requirements so that practitioners could be absorbed appropriately.
- 4.NHRC of State Agencies must provide financial support to NGOs to disseminate HRE.

**5.** Community contact programs at panchayat level must be introduced and followed up more rigorously.

**6.** Universities/Colleges/Institutions must play a more active role in dissemination of HRE. The human rights books available in the library may be electronically uploaded and shared with other NLUs / law universities/colleges for widespread knowledge sharing. Also, as part of the outreach on human rights, report suggests a model break up of select institutions which must necessarily be visited by the law students as part of their course.

**7.** The dissertation of M.Phil /Ph.D. students may be uploaded on the institutions's website, if otherwise not barred procedurally.

**8.** There must be either half yearly or yearly reporting of all HRE activities being conducted at various levels to a zonal center such as the state human rights commissions.

**9.** Proper records must be maintained and feedback/review system must be instituted at the institutional levels.

**10.** More projects like this at larger scale must be commissioned across the country specially in states like J&K, North East states, which happen to be zones of conflict.

**11.** Establishment of Human Rights cell across big corporate houses and HR must be systematically included in CSR regulations. Under the Corporate Social Responsibility (CSR) by the corporations, human rights education may be suggested to be incorporated as an eligibility criterion for jobs.

**12.** There has to be a formal arrangement that law schools must make whereby a distinction between HRE related activities is made from other aspects of legal training.

**13.** Complete, compulsory courses on Human Rights instead of optional ones have to be designed and introduced in departments where they do not exist already.

**14.** It has to be reiterated that tie-ups have to be devised at various levels:

- a.** Between local institutions and community- with panchayats, Municipal corporations etc. for data as well as for follow ups.
- b.** There has to be a constant monitoring of these programmes and tie-ups by a nodal agency.



**15.** A significant investment has to be made in the publication of more periodicals and work needs to be done on increasing the presence of Human Rights Education related issues on the Internet. A special website dedicated to such a cause should be a great step.

**16.** Private Universities need to have Human Rights Cell with proper reporting to an agency such as UGC or NHRC. An HR Cell may be recommended to be set up in all NLUs/Universities with Law and Political Science Departments in order to give due importance and focus to this discipline.

**17.** In the National Law Universities and the twenty six State Human Rights Commissions, a joint MoU for cooperation on HR related issues for holding of workshops, conducting joint research and other extension activities is recommended.

**18.** Based on the findings of the present research study, the report may like to suggest further course of action and road ahead including a Phase-II research project on clearly focused areas identified in the present study.

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# Appendix

## Tools for Data Collection Used in the Research:

### QUESTIONNAIRE I

#### BASIC INFORMATION ABOUT THE LAW UNIVERSITY/COLLEGE/DEPARTMENT (TO BE FILLED IN BY THE FIELD INVESTIGATOR- ONE FORM TO BE FILLED UP PER INSTITUTION)

##### 1. General Information

1.1 Name of the Institution \_\_\_\_\_

1.2 Year of Establishment

1.3 Whether run by the Government/Private?

1.4 Official Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

##### 2. Details about Academic Courses

2.1 Total Number of Law-Related Academic Courses (Full Time + Part Time) Run by the  
University:

2.2 Details of these courses to be provided in the following table:

S.No.	Name of the Course	Duration	Whether Full Time/Part Time?	Year of Launch	Number of Teaching Hours Per Week	Sanctioned Intake of Students	Tuition Fees	Whether the course has a strong Human Rights Component <sup>4</sup>	Total Number of Faculty Members Involved

<sup>4</sup> Either of these criteria may be used to determine if the course has a strong Human Rights component- a. if Human Rights happen to be the central focus of the course. b. if maximum number of hours out of the total number of teaching hours are devoted to the subject of Human Rights or c. where The Protection of Human Rights Act, 1993 is a compulsory part of the course syllabus.


### 3. Details About Faculty Members

3.1 Total Strength of Faculty: \_\_\_\_\_

Permanently Employed: \_\_\_\_\_

Contractual: \_\_\_\_\_

Males: \_\_\_\_\_

Females: \_\_\_\_\_

3.2 Total Number of Faculty members with a specialization in Human Rights or related areas:

\_\_\_\_\_

Permanently Employed: \_\_\_\_\_

Contractual: \_\_\_\_\_

Males: \_\_\_\_\_

Females: \_\_\_\_\_

### 4. Details About Research Programmes

4.1 In Case, the University runs a Research Programme, the total number of Doctoral Theses

**already** awarded since the inception of the programme: \_\_\_\_\_

a. Number of Dissertations already awarded which have a strong component of Human Rights: \_\_\_\_\_

b. Number of candidates **currently** enrolled for the Research Programme: \_\_\_\_\_

i) Number of research students currently enrolled whose area of research has a strong component of Human Rights: \_\_\_\_\_

## 5. Details About Academic/Training Events

5.1 Has the University organized special *in-house* events such as Special Lectures/Workshops/Seminars/Colloquia/Symposia etc. in the past

(Yes/No)? \_\_\_\_\_

a. If yes, provide details in the following table

S.No.	Name of the Event	Date and Venue	Name of the Sponsors and Organizers	Number of Participants	Whether Human Rights happened to be one of the central themes of the event? (Yes/No)	Nature of the Proceedings (Paper Presentation/ Discussion/Debate/Special Lecture etc.)	Proceedings Published? (Yes/No)	Rough estimation of the budget	Level of the Programme (National/Regional /International)

5.2 Has the University organized special events such as Training Camps/Legal Aid Clinics/Social Awareness Programs in the past where members of the larger community were involved? (Yes/No) \_\_\_\_\_

a. If Yes, Provide Details in the following Table:



<b>S.No.</b>	<b>Name of the Event</b>	<b>Date and Venue</b>	<b>Name of the Sponsors (If Any) and Organisers</b>	<b>Number of Participants (Approximate)</b>	<b>Whether Human Rights happened to be one of the central themes of the event? (Yes/No)</b>	<b>Nature of Community Participation (Active/Passive)</b>	<b>Proceedings Published? (Yes/No)</b>	<b>Rough estimation of the budget</b>	<b>Level of the Programme (National/Regional/International)</b>

6. Any upcoming Events where the issue of Human Rights is likely to be a central theme of discussion/action?

## Questionnaire II

### Attitudes and Perceptions of Institutional Heads and Faculty Members with regard to Preservation and Dissemination of education about Human Rights

(To be filled in by the Academic Heads (All the Vice Chancellors/Deans/Professors in-charge/Heads of Department and by at-least half of the total number of Faculty Members presently employed)

#### 1. Basic Details

1.1 Name of the Respondent: \_\_\_\_\_

1.2 Date of Birth: \_\_\_\_\_

1.3 Educational Qualification: \_\_\_\_\_

1.4 Official Designation: \_\_\_\_\_

1.5 Religion: \_\_\_\_\_

1.6 Category: \_\_\_\_\_

1.7 Contact Details:

a. Phone: \_\_\_\_\_

b. Email: \_\_\_\_\_

#### 2. Details of Teaching Experience

2.1. Years of Teaching Experience: \_\_\_\_\_

2.2. Details of Courses Taught (List Maximum Five that You Consider Important ):

a.

b.

c.

d.

e.

2.3 Have you ever taught (or are currently teaching) a course that has a strong Human Rights Component? \_\_\_\_\_

- a. If Yes, since when? \_\_\_\_\_
- b. If No, given a chance, would you be interested in designing/teaching such a course?

\_\_\_\_\_

- i. If Yes, which of the following reasons would be the most applicable

(Rank the top five reasons from the list below):

- Human Rights is an easy subject to teach
- Experience of teaching Human Rights Courses matters for one's career chances
- There is a strong need for the dissemination and preservation of information and knowledge about Human Rights
- The subject attracts bright students who end up finding good jobs
- Human Rights is the most important component of legal education in India
- I personally like the subject a lot
- There isn't any specific reason that I would like to state.

- ii. If No, which of the following reasons would be the most applicable

(Rank the top five reasons from the list below):

- It is a quite a boring subject to teach
- Experience of teaching Human Rights Courses does not help in enhancing one's career chances
- The subject does not have a wide scope
- The subject attracts mediocre students only who do not end up finding good jobs
- Human Rights is not a very important component of legal education in India
- I don't think there is a very strong need for the dissemination and preservation of information and knowledge about Human Rights.
- There isn't any specific reason that I would like to state.

### **3. Details About Participation in Academic/Training Events**

1.1 Have you ever participated in an event (Curricular or Extra Curricular) where Human Rights happened to be at least one of the Central themes of activity? (Yes/No) \_\_\_\_\_

- a. If Yes, Please provide details in each case:

- i. Seminar /Workshop
- ii. Training Camp

- iii. Community Outreach Programs such as Legal Aid Clinics
- iv. Any Other

**4. Attitudes and Perceptions with regard to Human Rights Education**

4.1 In your opinion, what are the important objectives that such events achieve? (Rank five best options)

- a. University syllabi and classroom teaching alone cannot sufficiently raise awareness about Human Rights in the society and therefore these events are much needed
- b. These programs are a welcome break from the regular routine of University schedule
- c. These events are good occasions for academicians to interact with the larger academic world and larger society
- d. These events are mere formality and do not really achieve much
- e. These events look good on the academic calendar of an educational institution
- f. Through these programs institutions get good publicity in the local press

4.2 In terms of achieving their stated objectives, these programs turn out to be:

- a. Extremely Successful
- b. Moderately Successful
- c. Slightly Successful
- d. Quite a Failure
- e. Complete Failure
- f. Can't Say

Please state briefly your reasons for the choice:

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4.3 If you consider these programs to be even slightly successful, which of the following options would be the best applicable: (Rank Top Three)

- a. These programs enhance the knowledge of Human Rights among the organisers
- b. These programs change the outlook towards Human Rights issues amongst the participants
- c. These programs foster a feeling of fraternity and enhance cohesion in society
- d. These programs help in empowering the weaker sections of society
- e. These programs do not really achieve much. They are lip service for the larger cause of Human Rights
- f. These programs are merely routine and most of the times serve a ceremonial, ritualistic function.

## **5. Employability**

5.1 Do these Courses/Programs enhance the employability of Students/Trainees? (Yes/No)

\_\_\_\_\_

a. If Yes, please tick the approximate percentage of students/trainees who end up finding jobs after the completion of the said courses:

- i. 0-20%
- ii. 21-40%
- iii. 41-60%
- iv. 61-80%
- v. 81-100%

5.2 Rate the following employers on a scale of 1 to 5 for their availability to absorb students and trainees passing out of Human Rights Courses. (5 means very high chances of employment and 1 means very low or nil chances):

- i. Government Sector
- ii. United Nations

- iii. Human Rights Commissions
- iv. University/College
- v. Private Sector
- vi. Non-Governmental Organizations
- vii. Corporate Sector
- viii. Others (Please Mention Name and Rating)

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6. Overall how do you evaluate the status of Human Rights education in the country in general and in your University/College in particular?
- a. Universities and educational institutions have done much more than what they could have in this regard
  - b. Universities have played exactly the role that they should played in this regard
  - c. Universities have not done enough. They need to be more active and responsible
  - d. Central and State Governments need to be generous with funding so that these programs may be better executed
  - e. Integration in society has definitely been achieved because of these programs
  - f. More Human Rights Courses must be introduced across University syllabi
  - g. There is no need to add more courses and release more funds. One must focus and strengthen the things that already exist.

7. As a Head of the Institution/Faculty Member/Course Co-ordinator what special steps do you take to monitor the quality of these courses?

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- 8.** As an expert in the area of Human Rights, kindly express your opinion about the future of such courses and their utility.

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- 9.** What in your opinion are the problems that an educational institution such as yours face in the event of organizing such programmes?

- 1.
- 2.
- 3.

8.1. What are your suggestions in this regard?

- 1.
- 2.
- 3.

- 10.** What is your overall assessment of the role of your University in the preservation and dissemination of knowledge and information about Human Rights?

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- 11.** Any other information that you might think will prove useful for this research?

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### **Questionnaire III**

#### **Attitudes and Perceptions of Students with regard to Preservation and Dissemination of Education about Human Rights**

**(To be filled in by at-least half of the total number of students presently enrolled)**

##### **1. Basic Details**

1.1 Name of the Respondent: \_\_\_\_\_

1.2 Educational Qualification: \_\_\_\_\_

1.3 Category : General ( ) SC ( ) ST ( ) DA ( )

1.4 Religion :

1.5 Contact Details:

a. Phone: \_\_\_\_\_

b. Email: \_\_\_\_\_

##### **2. Details of Education**

2.1 Have you ever attended a course that has a strong Human Rights Component?

\_\_\_\_\_

a. If Yes, since when? \_\_\_\_\_

b. If No, given a chance, would you be interested in opting for such a course? \_\_\_\_\_

i. If Yes, which of the following reasons would be the most applicable

(Rank the top five reasons from the list below):

- Human Rights is an easy subject to learn
- Experience of studying Human Rights Courses matters for one's career chances
- There is a strong need for the dissemination and preservation of information and knowledge about Human Rights
- The subject attracts bright students who end up finding good jobs
- Human Rights is the most important component of legal education in India
- I personally like the subject a lot
- There isn't any specific reason that I would like to state.

ii. If No, which of the following reasons would be the most applicable

(Rank the top five reasons from the list below):



- It is a quite a boring subject to study
- Experience of teaching Human Rights Courses does not help in enhancing one's career chances
- The subject does not have a wide scope
- The subject attracts mediocre students only who do not end up finding good jobs
- Human Rights is not a very important component of legal education in India
- I don't think there is a very strong need for the dissemination and preservation of information and knowledge about Human Rights.
- There isn't any specific reason that I would like to state.

### **3. Details About Participation in Academic/Training Events**

1.1 Have you ever participated in an event (Curricular or Extra Curricular) where Human Rights happened to be at least one of the Central themes of activity? (Yes/No) \_\_\_\_\_

a. If Yes, Please provide details in each case:

- i. Seminar /Workshop
- ii. Training Camp
- iii. Community Outreach Programs such as Legal Aid Clinics
- iv. Any Other

### **4. Attitudes and Perceptions with regard to Human Rights Education**

4.1 In your opinion, what are the important objectives that such events achieve? (Rank five best options)

- a. University syllabi and classroom teaching alone cannot sufficiently raise awareness about Human Rights in the society and therefore these events are much needed
- b. These programs are a welcome break from the regular routine of University schedule

- c. These events are good occasions for students to interact with the larger academic world and larger society
- d. These events are mere formality and do not really achieve much
- e. These events look good on the academic calendar of an educational institution
- f. Through these programs institutions get good publicity in the local press

4.2 In terms of achieving their stated objectives, these programs turn out to be:

- a. Extremely Successful
- b. Moderately Successful
- c. Slightly Successful
- d. Quite a Failure
- e. Complete Failure
- f. Can't Say

Please state briefly your reasons for the choice:

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4.3 If you consider these programs to be even slightly successful, which of the following options would be the best applicable: (Rank Top Three)

- a. These programs enhance the knowledge of Human Rights among the students
- b. These programs change the outlook towards Human Rights issues amongst the participants
- c. These programs foster a feeling of fraternity and enhance cohesion in society
- d. These programs help in empowering the weaker sections of society
- e. These programs do not really achieve much. They are lip service for the larger cause of Human Rights

- f. These programs are merely routine and most of the times serve a ceremonial, ritualistic function.

## 5. Employability

5.1 Do these Courses/Programs enhance the employability of Students/Trainees? (Yes/No)

\_\_\_\_\_

a. If Yes, please tick the approximate percentage of students/trainees who you think end up finding jobs after the completion of the said courses:

- i. 0-20%
- ii. 21-40%
- iii. 41-60%
- iv. 61-80%
- v. 81-100%

5.2 Rate the following employers on a scale of 1 to 5 for their availability to absorb students and trainees passing out of Human Rights Courses. (5 means very high chances of employment and 1 means very low or nil chances):

- i. Government Sector
- ii. United Nations
- iii. Human Rights Commissions
- iv. University/College
- v. Private Sector
- vi. Non-Governmental Organizations
- vii. Corporate Sector
- viii. Others (Please Mention Name and Rating)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Overall how do you evaluate the status of Human Rights education in the country in general and in your University/College in particular?
- a. Universities and educational institutions have done much more than what they could have in this regard
  - b. Universities have played exactly the role that they should played in this regard
  - c. Universities have not done enough. They need to be more active and responsible
  - d. Central and State Governments need to be generous with funding so that these programs may be better executed
  - e. Integration in society has definitely been achieved because of these programs
  - f. More Human Rights Courses must be introduced across University syllabi
  - g. There is no need to add more courses and release more funds. One must focus and strengthen the things that already exist.

7. As a student what special steps do you expect to be taken to improve the quality of these courses?

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8. As a student of Human Rights, kindly express your assessment about the future of such courses and their utility.

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9. What in your opinion are the problems that an educational institution such as yours face in the event of organizing such programmes?

- 1.
- 2.
- 3.

8.1. What are your suggestions in this regard?

- 1.
- 2.
- 3.

**10.** What is your overall assessment of the role of your University in the preservation and dissemination of knowledge and information about Human Rights?

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**11.** Any other information that you might think will prove useful for this research?

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**Questionnaire III (Converted into an online form owing to sample size of students and the need to conveniently disseminate the form for collecting responses.)**

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Dear Respondent,

The following questionnaire is a part of the study entitled —Challenges for Protection, Dissemination and Promotion of Human Rights Education (HRE) Through Law Schools: A Study of North India. Your responses are highly valuable for this project. Kindly go through the different parts of the questionnaire carefully and provide your responses. Further, the information provided by you will be kept confidential and your identity will not be revealed to anyone in any form. The said information will be used solely for academic purpose.

**1. According to your understanding of the various courses on human rights component in various academic non-academic courses please mark your response in range of 1-5, where 1- strongly agree, 2 agree, 3 neutrals, 4 disagree, 5 strongly Disagree**

A	Human rights is an easy subject to learn 1            2            3            4            5
B	There is strong need to disseminate and preserve the knowledge & information about human rights 1            2            3            4            5
C	Experience of Human Rights courses matter for one's career choices/ growth 1            2            3            4            5
D	Knowledge about the subject helps students to find a better job 1            2            3            4            5
E	Human rights education is the most important part of legal education in India 1            2            3            4            5
F	I personally like the subject 1            2            3            4            5

**2. According to your experience in HRE with reference to Seminar, workshops class room teaching etc. please provide the response on a scale of 1 to 5 where 1- strongly agree, 2 agree, 3 neutrals, 4 disagree, 5 strongly Disagree**

A	University syllabi and classroom teaching alone are sufficient to raise awareness about human rights in society 1            2            3            4            5
B	Programs like seminars workshops are very much needed in society to provide Human rights education 1            2            3            4            5
C	These programs are a welcome break from routine university schedule 1            2            3            4            5
D	These events provide students an exposure to larger academic world and society at large 1            2            3            4            5
E	These events are used as merely publicity tools by institutions and hence leading to wastage of resources 1            2            3            4            5

**3. In terms of the Objectives of these programs i.e. seminars / workshops, training camps, community outreach such as legal aid, provide the responses on a scale of 1 to 5, where 1- strongly agree, 2 agree,3 neutrals,4 disagree, 5 strongly Disagree**

A	These programs help in enhancing the knowledge of human rights among students 1            2            3            4            5
B	These programs help in changing the outlook towards Human right issues among the participants 1            2            3            4            5
C	These programs foster a feeling of fraternity and enhance cohesion in society 1            2            3            4            5
D	These programs help in empowering the weaker section of the society 1            2            3            4            5
E	These programs are merely lip service 1            2            3            4            5
F	These programs are part of routine and hence serves ceremonial and ritualistic function 1            2            3            4            5
G	These programs, most of the time fails to achieve what they intend to 1            2            3            4            5

**4. Based on kind of education being provided to you please mark the response on a scale of 1 to 5, where 1- strongly agree, 2 agree,3 neutrals,4 disagree, 5 strongly Disagree**

A	These courses enhance the employability of students/ practitioners 1            2            3            4            5
B	Relatively, those students who opt for these courses related to HR find jobs easily 1            2            3            4            5
C	There is plenty of scope of jobs in different sectors (Govt. private, UN, NGO, s etc.) 1            2            3            4            5

**5. Based on kind of education being provided at colleges/ universities please mark your response on a scale of 1 to 5, where 1- strongly agree, 2 agree,3 neutrals,4 disagree, 5 strongly Disagree**

A	Universities and colleges has done much more than what they could have done 1            2            3            4            5
B	Universities need to be more active / responsible 1            2            3            4            5
C	There is shortage of funding to colleges/ universities from center/ state govt. for the promotion of HR 1            2            3            4            5
D	There is strong need to introduce new courses at university/college level 1            2            3            4            5
E	There is a need to improve quality as well as quantity of events (seminar, workshops etc.) at colleges / university 1            2            3            4            5
F	The future of human rights education in India/ globally is very bright 1            2            3            4            5
G	Awareness about the Human rights as subject is very poor among students 1            2            3            4            5
H	Overall human rights course at my university are satisfactory 1            2            3            4            5

**Basic Details**

Name of the Respondent	
Educational Qualification	
Religion	
Caste	
Contact details (Phone/ email)	

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