International Seminar
on
"Legal Education and Human Rights in the United Kingdom and India"

Attendees include
Academicians, Advocates, Researchers and Students in the field of Law

March 6 - 2012
Auditorium, Symbiosis Law School, Sector-62, Block-A, Plot No- 47/48, Noida- 201301

ORGANIZED BY SYMBIOSIS LAW SCHOOL, NOIDA
IN ASSOCIATION WITH NORTHBURIA UNIVERSITY, UK
INTERNATIONAL SEMINAR REPORT

"LEGAL EDUCATION AND HUMAN RIGHTS IN THE UNITED KINGDOM AND INDIA"

ORGANIZED BY

SYMBIOSIS LAW SCHOOL, NOIDA

IN ASSOCIATION WITH

NORTHUMBRIA LAW SCHOOL, UNITED KINGDOM

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SPRINGER E BOOKS
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INTRODUCTION

Ignorance of law and its attendant evils in the society have caused tremendous chaos around the world and the escalation of crime has defied control mechanisms. The breaches and contraventions are widespread both within and across borders. Consequently, the legal profession and needs of law school graduates have changed quite rapidly in recent times. These changes have placed, and will continue to place, increasing demands on legal education within law schools. Legal education is undergoing a phase of development and growth around the world and has the capacity to bring about a change in the perception, attitudes, skills and sense of responsibilities, which the lawyers are expected to assume once they complete their professional education.

THE PROGRAM

Symbiosis Law School (SLS) NOIDA, a premier law school in India, is a constituent of Symbiosis International University, Pune (SIU). SIU was set up in the year 2002 and has grown to be recognized as a premier Institute for higher Education both within and outside India. SIU is committed to excellence in research and teaching and is leaving no stone unturned to grab every opportunity in this field.
Guided by a mission to create innovative knowledge, expand limits of human understanding, and contribute towards creating a range of societal benefits, SLS-NOIDA in collaboration with the School of Law, Northumbria University, organized an International Seminar on "Legal Education and Human Rights in the United Kingdom and India" on March 6, 2012. The seminar presented an opportunity to facilitate & share experiences of leading Academicians, Advocates and Researchers on the current issues in the field of Legal Education and Human Rights in the United Kingdom and India. Issues that were explored within the framework of the Seminar included: General Clinical Pedagogy; Legal Education and Human Rights; Criminal Justice and Human Rights; Social Justice and Legal Education System in India. The afore mentioned issues were discussed by the eminent speakers with-in the context of practical issues and problems in the legal profession.

Eminent speakers at the Seminar included Dr. Kevin Kerrigan, Dean, School of Law, Northumbria University who also is Editor of the International Journal of Clinical Legal Education; Mr. Russell Hewitson, Principal Lecturer in Law and Director of International Development and Dr. Gitanjali N. Gill, Senior Lecturer, Northumbria University, Dr. S C Raina, Professor, Faculty of Law, University of Delhi, Mrs. Aditi Chaudhary, Delhi Judicial Academy, Dr. Madhukar Sharma, Assistant Professor, Symbiosis Law School, NOIDA and Dr. Mohd. Salim, Associate Professor, Symbiosis Law School, NOIDA.
Although a short half day event, the seminar witnessed wide participation from leading law schools in the country. The participants included students and members of faculty from West Bengal National University of Juridical Sciences (Kolkata) Campus Law Centre, University of Delhi (Delhi), School of Law, Christ University (Bangalore), Hidayatullah National Law University (Chhattisgarh), Ram Manohar National Law University (Lucknow) including students from the host Institute, Symbiosis Law School, Symbiosis International University, Pune.

INAUGURAL SESSION
The program began with honoring the distinguished guests with presentation of mementoes and fresh flowers, followed by a welcome address by Dr C. J Rawandale, Director, Symbiosis Law School, NOIDA. Prof. Shailja Saxena, Assistant Professor, SLS, NOIDA invited the Director to the dais, and addressed him as the ‘face’ of SLS, NOIDA, the Director, in his humble suavity, credited the students at SLS, NOIDA for making him the ‘face’ of the Law School.

In his address, the director, Dr. C.J. Rawandale, expressed his heartiest gratitude to his guests from Northumbria University, UK; the special guests from the University of Delhi Judicial Academy for taking their time to grace the occasion with their benign presence. In his welcome address the director stressed on the importance of law schools catering to change in society, as also the demands that need a response from the law probationers and students. A Symbiosis International University Video was played as the audience settled down and thereafter the formal sessions followed as per program.
The first presentation in the initial session was made by Dr. Kevin Kerrigan, Dean, School of Law, Northumbria University. The title for the presentation was “Students as human rights advocates: Clinical legal education in the field of law”, went on to relate with the students pursuing legal education among the audience. The eminent guests at Symbiosis struck the chord of similarity between SLS, NOIDA and School of Law, Northumbria University, saying that the integration of legal education and legal practice finds prominence in both the institutions.
Clinical Legal Education, according to the speaker is ‘Learning through participation in real or realistic legal interactions coupled with reflection on this experience’.

The aspect of clinical legal education takes the form of observation, simulated legal experiences. At live clinics, students at Northumbria University interview the clients just like a lawyer would do. It is practical legal research, that goes on to provide the required solution for their clients. The students therein indulge in mediating and even educating their clients about the law. Appearance of students at various tribunals on behalf of clients further enriches their legal knowledge. The motivation that pushes the students at the live clinic (student law offices) is the fact that they have their own clients; that they are responsible for another persons’ fate. The speaker, in this way reiterated the popular adage that ‘one must test the waters before entering.’

SPEAKER 2: MR. RUSSELL HEWITSON, PRINCIPAL LECTURER, SCHOOL OF LAW, NORTHUMBRIA UNIVERSITY

“TEACHING LEGAL ETHICS”

The Seminar gained further momentum with the presentation by Mr. Russel Hewitson, Principal Lecturer, School of Law, Northumbria University, he is also the Director of International Development. The presentation was titled “Teaching Legal Ethics”. Application of legal ethics finds presence in areas such as the conflict of interest, confidential communication, advertising, fees, criminal cases and globalization.

Legal ethics, according to the speaker can be taught by discussing real life situations. The possibility of several answers to the same problem always pervades, but the catch lies in arriving at morally appropriate solution. The speaker went on to bring forth the dilemma before lawyers - where the lawyer does not tell the court about the client’s previous
convictions or rather tell the court about the previous convictions with a purpose of not misleading the court. The paper was summed up by reiterating the significance of professional rules of conduct, the theme of the session was to identify the need for striking a balance between professional and legal ethics.

**INTERACTIVE Q & A SESSION**

The end of the presentation was followed by an extremely participative question and answer session wherein a plethora of questions were posed to the speakers. A question on the dilemma between professional and moral ethics was addressed by both the speakers, concluding that these ethics must be considered in integrity with each other.
The first speaker for the second session was Dr. S.C. Raina, Professor, Delhi University and he spoke on the topic “Legal Education with regard to Human Rights and Criminal Justice”. Dr. Raina spoke about legal education in India. He emphasized on the increasing dimension of the scope of legal education in India. Later his presentation went on to include the state of criminal justice system in India, he discussed various case laws pertaining to various issues like Right to speedy trial and protection of an arrested person’s dignity. He also spoke about Public Interest Litigation (PIL) and the role it
has to play in ensuring human rights. Among other things, He also discussed about the revised concept of standing (Locus Standi) and its function in attaining criminal justice. Overall it showed the position of human/ constitutional rights within the Indian legal system.

SPEAKER 2: MRS. ADITI CHAUDHARY, DELHI JUDICIAL ACADEMY

“SECURING HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM”

Mrs. Aditi Chaudhary beautifully discussed the case of “Securing Human Rights through the criminal Justice system”. She explained the subject by citing historical cases in law and discussing issues in every day practice.

SPEAKER 3: DR. MADHUKAR SHARMA, ASSISTANT PROFESSOR, SYMBIOSIS LAW SCHOOL, NOIDA

“RIGHTS OF A GIRL CHILD IN INDIA & ITS AMBIT IN LEGAL EDUCATION”

The third presentation by Dr. Madhukar Sharma, Assistant Professor, Symbiosis Law School, NOIDA discussed “Rights of a Girl Child in India & its Ambit in Legal Education” The speaker comprehended the issue of human rights as a multi-disciplinary issue wherein societal, economic, demographic and legal aspects work in cohesion. The issue of ‘rights of a girl child is the most sensitive issue when we talk about ‘human rights’. 
It was brought forth that because of her age & sex, the girl child requires the protective umbrella of her parents, family and society for her growth & development. Hence, one of the paramount obligations of the State is to attend to her to make her feel a complete citizen of this country once she grows up. This paper was inspired by the meaning of ‘rights’ as given by Dworkin. The theorist said that ‘right’ is not a ‘right to liberty to do something or anything’, but ‘it’ is to have ‘equality’, i.e., ‘equal status. In this light, the speaker, reminded the audience that the Indian legal system recognizes both ‘right to freedom’ and ‘right to equality’ within the Statutory and executive provisions for the protection of the girl child.

**SPEAKER 4: DR. MOHD. SALIM, ASSOCIATE PROFESSOR, SYMBIOSIS LAW SCHOOL, NOIDA**

**“TRADE AND HUMAN RIGHTS IN INDIA”**

The last seminar presentation was by Dr. Mohd. Salim, Associate Professor, Symbiosis Law School, NOIDA on the topic “Trade and Human Rights in India”. Dr. Salim comprehended trade rights as a human right which is capitalistic in nature. With this regard, the speaker clarified that here ‘capitalism’ does not refer to capitalism of the west, rather the established capitalism within or outside the domestic sphere. Some parts of capitalism always existed in India. International Regime of UDHR, various UN treatises and documents go on to emphasize trade as an essential human right.

Dr. Salim noted that prescriptions of good governance are discriminatorily-and viciously-addressed only to states and communities outside the core Euro-Atlantic states. The "spirit" is human rights vision; the "realities" are furnished by the headlong and heedless processes of globalization that are creating in their wake cruel logics of social exclusion and enduring communities of misfortune.
INTERACTIVE Q & A SESSION

The end of the second session was followed by an extremely participative question and answer session wherein a plethora of questions were posed to the speakers. A question on the dilemma between professional and moral ethics was addressed by both the speakers, concluding that these ethics must be considered in integrity with each other.

Another question by a Symbiosis Law School, NOIDA student was a query to know how a lawyer should go about a case when he has already formed a judgment about the client before taking up the case? The eminent speakers responded by saying that the lawyer must continue to zeally protect his client until the client confesses his guilt.

The next question was a young students’ dilemma in deciding to take up cases low on merit. The speaker responded by saying one must remember that it is the prosecution which has the burden to prove that the accused is guilty. The onus to prove innocence does not lie on the defendant. The failure of the State comes into picture if the prosecution is incompetent in any manner.

The last questioner for the session asked what a practicing advocate must do if he knows that the opponent is using inappropriate methods. The speaker professed that the ideal act in such a situation shall be to report to the authority. Here the concept of ‘self policing’ comes up and is a duty resting on every member of the legal fraternity.
Prof. Shailja Saxena extended a Vote of thanks on behalf of the Symbiosis family to our speakers, guests and delegates. She noted that the Intellectual discourse was extremely enlightening. Distinguished guests from Northumbria University encouraged and suggested the young learners to follow the right approach to integrate law and legal practice – observe, have a simulated experience at law school, be a part of legal literacy projects, go for internships and have in house lice clients. Speakers in the second session discussed burning practical issues from the human rights perspective specifically with in the Indian Scenario.

The International Seminar was widely appreciated by the speakers and audience alike. Dispersal of the session was preceded by the SLS IT Team’s prompt display of the seminar overview in the form of an interesting short movie.
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