

A Critical Study on Need of Basic Legal Knowledge as a Part of Education to Students in Higher Secondary School

K. BOOBALAN

DEPARTMENT : B.A. LLB (HONS).

SAVEETHA SCHOOL OF LAW

SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCES

SAVEETHA UNIVERSITY in. (SIMATS)

CHENNAI

Dr. Betsy Rajasingh

Assistant Professor

Saveetha School of Law

Saveetha Institute of Medical and Technical Sciences(SIMATS)

Saveetha University.

Chennai-600 077

ABSTRACT:

Legal education has never been at the epicenter of a country's development, right since the time of Independence. While other disciplines gained the attention of the intellectual and political class for the purposes of its surge towards excellence, law remained in the background. Infact, the profession was the choice of the last rank of students who failed to make it to the more sought after professions of engineering or medicine. Thus, the standards of legal education remained abysmally poor and neglected. With the passage of time, however, things improved. The establishment of the Bar Council of India, the emergence of the National Law Schools and Centers for Advanced Legal Studies and the generational experiments conducted therein proved to be milestones in the quality and improvement of legal education in the country. The 80s, 90s and the millennium witnessed this churning and the result is palpable from the birth of brilliant group of young talents who are working in the best law firms and corporates in the country and abroad, as well as joining the Bar to practice the profession. Reportedly, India has the second largest number of lawyers in the world, next only to USA. The number of lawyers in India is estimated to be approximately one million, with the law schools of India graduating another 80,000 each year. The students who take up legal profession appear in the All India Bar Examination on completion of the undergraduate degree program and on being qualified, enroll in the Bar. The age of enrolment is generally 21 years for an advocate, though a person may choose the profession, anytime thereafter. Throughout the long years of practice, maybe ranging over a period of thirty to fifty years or even more, an advocate, at present, need not undergo any further training in terms of knowledge or skill orientation to continue effectively and efficiently in the Bar.

KEYWORDS: legal education , Higher secondary ,children's , students rights , education equality

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I. INTRODUCTION:

The children, who were manifestly disadvantaged by the lack of textbooks, experienced first-hand violations of their human rights. However, someone involved in this case (perhaps a child, a parent or a teacher) had received sufficient legal education to not only be able to identify this injustice but to classify it as discrimination and seek support to challenge it in the domestic courts. Moreover, the vindication of the children's right to equality in education, and the expression of this in a legal precedent, offers the children and adults involved a further practical lesson in, through and for human rights. Breaches of children's rights in schools are happening every day across the world. So too are challenges, legal and otherwise, to these violations. The premise of this article is that for HRE to be truly transformative and achieve its main aim, it must address –rather than neglect– such breaches and violations. HRE must incorporate 'negative' lived experiences of injustice, exclusion or discrimination as a way to build children's capacity and develop the legal knowledge and skills that will enable them to identify and challenge breaches of their own rights and the rights of others. We suggest that there is as much, if not more, to be learnt from ongoing violations of human rights

obligations in schools, and the responses (or lack of them) to the violation of children's rights as there is from positive descriptions of the scope and characteristics of an education that respects human/child rights. We take our inspiration, in part, from the work of Professor Katarina Tomasevski, a formidable human rights defender and the first United Nations Special Rapporteur on the Right to Education. research and practice concentrates on what an education that respects human rights should be, rather than examining what is really happening in many children's lives, it forgoes important learning opportunities for children and has less of a capacity to advance human rights in schools. In view of this, this article focuses on aspects of what we currently know about what should not happen in schools, as opposed to what should. Through an analysis of legal sources and previous literature, it provides an overview of some of the ongoing breaches of children's rights in schools. This is followed by a discussion of the role of law and legal knowledge as a means to transform children's lived experiences within and beyond schools into learning opportunities for HRE. Finally, it concludes with a broader discussion of the role of legal scholarship in the research and practice of HRE. the education law community must also recognize and respond to the increasing demand to justify the value of its work. Every constituency of the education law community including scholars, attorneys, and administrators must increase their efforts to convince others—especially policymakers—that educating school employees about the law is of special importance. To this end, education law scholars should conduct more research that specifically measures the extent of school employees' legal knowledge. Further, the entire education law community should become more politically engaged to persuade policymakers that school leaders and teachers must understand students' and employees' legal rights. Educators with legal knowledge are needed in order to prevent districts from bearing the many costs of legal illiteracy, including, but not limited to, litigation. By increasing research and advocacy, the education law community can document the value of legally literate educators, and in turn, validate the necessity to mandate that teachers and administrators receive school law training. The teacher is the most important element in any educational program. It is the teacher who is mainly responsible for implementation of the educational process at any stage. This shows that it is imperative to invest in the preparation of teachers, so that the future of a nation is secure. The importance of competent teachers to the nation's school system can in no way be overemphasized. The National Curriculum Framework 2005 places demands and expectations on the teacher, which need to be addressed by both initial and continuing teacher education. The purpose of the feasibility study is to see whether it is practically and scientifically feasible to assess what students in higher education know and can do upon graduation within and across these diverse contexts. The feasibility study should demonstrate what is feasible and what could be feasible, what has worked well and what has not, as well as provide lessons and stimulate reflection on how learning outcomes might be most effectively measured in the future.

II. OBJECTIVES :

- To study about the education standard of higher secondary schools
- To study about the UGC laws relating to Higher Secondary Schools
- To study about the need of basic knowledge to students in higher secondary schools

III. METHODOLOGY:

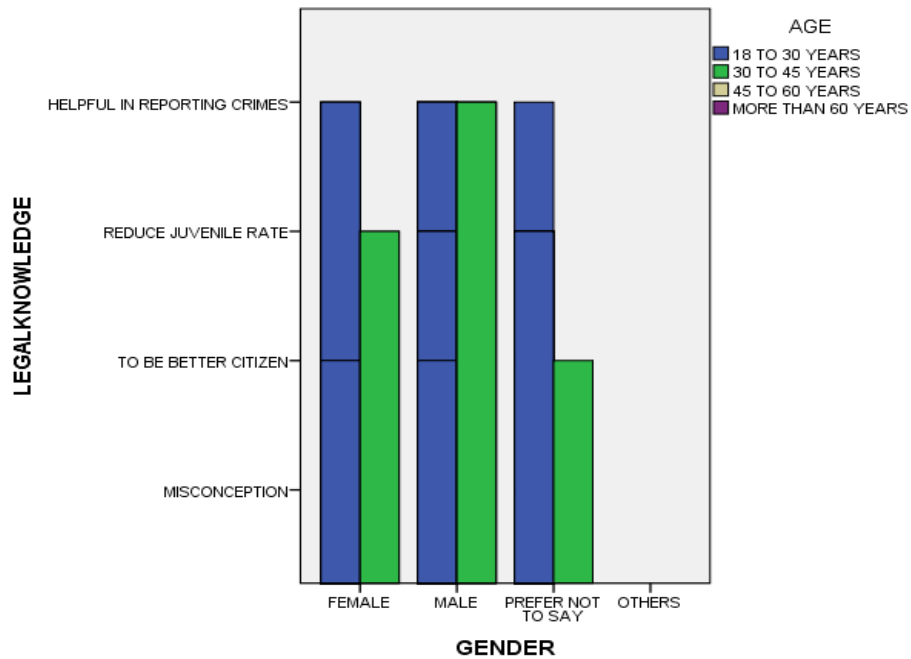
The Research method followed here is empirical research. A total of 63 samples have been taken out of which is taken through the convenient sampling. The sample Frame taken to research in an online platform by the way of sending questions to respondents. The independent variable taken here is Age and gender. The dependent variables are legal knowledge in higher secondary, privileges of legal knowledge, What all the law subjects can be taught to students in school

IV. REVIEW OF LITERATURE :

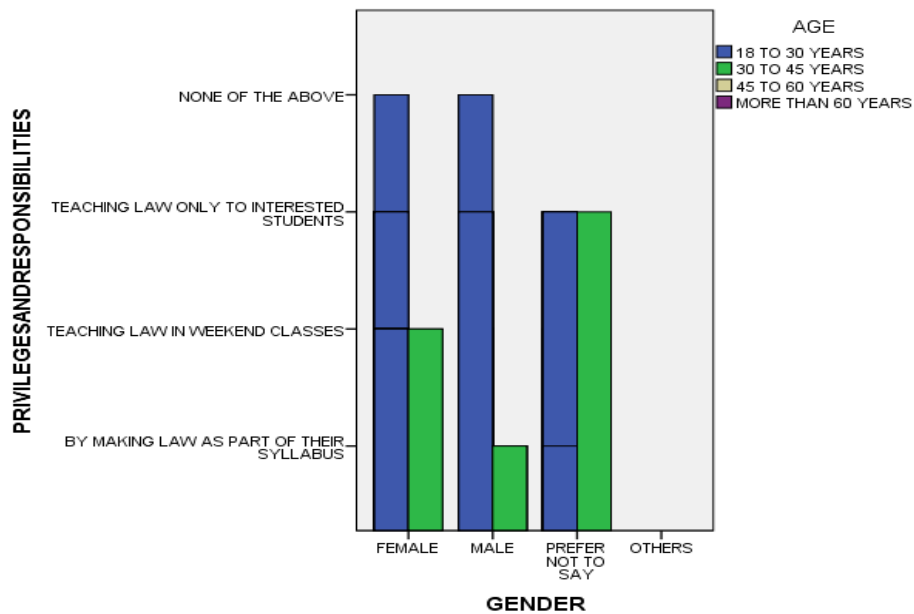
1. Laird Hunter, in *Reading the Legal World* suggests the following ideal operational definition of legal literacy. "People using the legal system must be able to guide themselves through a process that they understand and, at appropriate places along the way, Recognise they have legal right or responsibility
2. Rau (1960) deals with all the relevant debates and discussions that took place on the floor of the Constituent Assembly of India demanding the adoption of fundamental rights in the present Constitution
3. Seervai (1976) deals with the subject of personal liberty in full detail. However, it is devoted to legal interpretation purely from the legal point of view.
4. Pylee (1977) discusses the main factors responsible for incorporation of Fundamental Rights in the Indian Constitution. Starting from Constituent Assembly debates, it refers to various judgments of Indian Courts.
5. Schimmel & Fischer (1977) discusses the ways parents can learn more about the law and ways that legal literacy can be improved throughout the country. It examines a wide range of constitutional, statutory, and common law rights that parents can assert on behalf of their children.

6. Jain (1978) has devoted his energies in explaining the legal interpretation of various provisions of the Indian Constitution.
7. Lewis (1979) demonstrates the role the guarantee of due process can play in ensuring that vital interests in public education not be lost through erroneous assessments of a student's proficiency in basic skills, and describes the limits constitutional and statutory guarantees of equal educational opportunity place on the use of competency testing.
8. Pandey (1988) throws light upon the institutional framework of the Indian Government. It gives legal interpretation of rights guaranteed in the 'Fundamental Rights'.
9. Drier (1990) discusses normative ethics or the application of ethical principles in judging the rightness or wrongness of actions.
10. Sharma (1990) provides an empirical and analytical study of social perception of the context and extent of personal liberty in the light of recent judicial policy of liberal interpretation.
11. Chitkar (1993) analyses the role of Lok Adalat (People's Courts) in the existing system. He briefly explains how Lok Adalats are useful to the poor people of our country.
12. Agarwal (1994) explains the characteristic features of our judiciary. In this work he points out all the features of judiciary and how people should make benefit from the existing system.
13. Knupfer (1995) designed and produced different educational modules, including; child development, family issues-separation and attachment; family based treatment strategies; legal issues and court procedures.
14. Diwan & Diwan (1996) explains the legal protections available to our children. He mentions the areas of exploitations and the legal activities that can be taken to protect children from such exploitations.
15. Sharma (2009) observes Rule of Law constitutes heart and soul of constitutionalism and democracy in absence of Rule of Law, the notion of democracy as well as of constitutionalism become sheer elusion.
16. Kashyap (1978) attempts to clarify the meaning, scope and ramifications of the concept of human rights in India and the role that parliament has played in safeguarding them.
17. Batra (1979) explains how, on the one hand, human rights are proclaimed to be inviolable and on the other hand, human beings seeking such rights are tortured, maimed, disembowelled, killed and even burnt alive.
18. Agarwal (1979) says, each country is entitled to develop its own forms and methods for the realization of civil, political, economic, social and cultural rights.
19. Ramcharan (1979) collected essays reviewing the progress of human rights in the 30 years following the adoption of the Universal Declaration of Human Rights in 1948 and making suggestions for further development.
20. Shukla (1982) elaborates the various provisions of the Indian Constitution relating to Fundamental Rights. He rely more importance upon court decisions ignoring the social aspect of the problem.
21. Agarwal (1983) examines international standards for the protection of human rights and then compares them with that of Indian standards. In this regard, he throws light upon how there is a difference of theme and reality.
22. Mishra (1985) studied the judicial behaviour as an integral part of the political process in India.
23. Agarwal (1986) deals with various draconian laws relating to preventive detention at the Centre and State level, which are useful to watch the role of ruling political elite in implementation of human rights
24. Gladding (1990) examines the use of poetry and metaphor in promoting the human rights of silent thought. Being creative, it is a means of Communication Bridge. It promotes hope by alerting perception.
25. Vandenberg (1990) in his book 'Education as a Human Right' develops and presents a theory of the curriculum and pedagogy for common, general education.

V. ANALYSIS AND DISCUSSION:

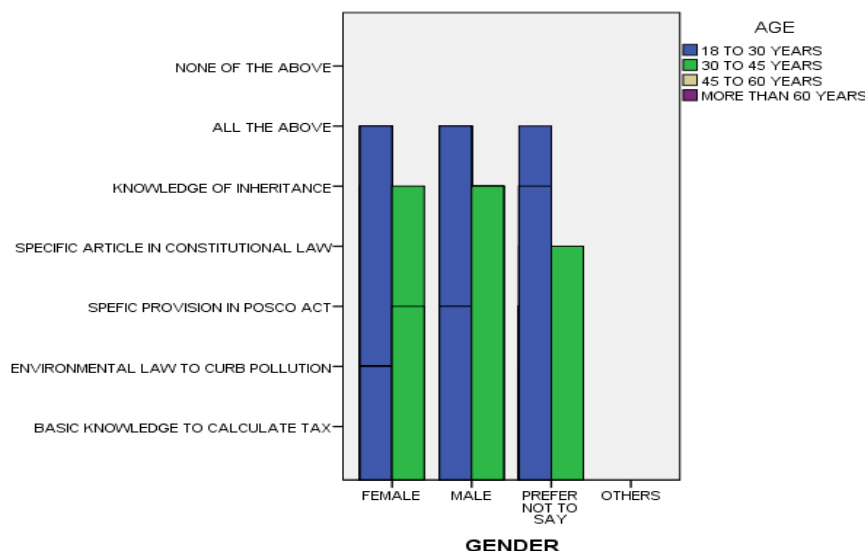


Legend. The Fig.1, shows about the gender pertaining to age group and their opinion on legal knowledge in higher secondary



Legend. The Fig.2, shows about the gender pertaining to age group and their opinion on privileges and responsibility on basic legal education

What all the law subjects can be taught to students in school?



Legend. The Fig.3, shows about the gender pertaining to age group and their opinion on what are the law subjects can be taught in higher secondary

VI. RESULT:

In Fig.1, there were no response from the age group of 45 to 60 and above 60 from all gender category , and the standard opinion from the age group of 18 to 30 and all three gender category states that if providing basic legal knowledge to all students in higher secondary school education it would helping in reporting the crimes happened in the society and to age group from 35-40 male says that the providing of basic legal knowledge to students It would helping to report the crime scenes and female says that if the student get legal knowledge rate of juvenile crime will be reduce

In Fig.2,there were no response from the age group of 45 to 60 and above 60 from all gender category, the standard opinion of all gender category from the age group of 18 to 30 says that there were no responsibilities on the side of students to occur basic legal knowledge

In Fig.3, there were no response from the age group of 45 to 60 and above 60 from all gender category, the standard opinion of all gender category form the age group of 18 to 30 says that the basic right of the students and basic thing in law could be teach in higher secondary school education and in 30 to 45 age group the all gender category says that the right to inheritance should be teach in school education.

VII. Discussion:

From the survey, the Fig.1, shows that gender and age distribution which pertains the why we basic legal knowledge in school education .there were no response from the age group of 45 to 60 and above 60 from all gender category, and the standard opinion about basic legal knowledge in higher secondary school education like positive comments like it will helping the students to reporting the crimes which are happened in society .and to reduce the juvenile acts in this society.

From the survey, the Fig.2., shows that gender and age distribution which pertains privileges and responsibilities towards the students. there were no response from the age group of 45 to 60 and above 60 from all gender category.the standard opinion of privileges and responsibilities Alf students towards the basic legal knowledge in school education

From the survey, the Fig.3, shows that gender and age distribution which pertains what are the subjects of law can teach in school education . there were no response from the age group of 45 to 60 and above 60 from all gender category and their standard opinion from the age group 18 to 30 says that the laws which can be teach in school education like fundamental right of students free education , equity, equal rights of education and in the age 30 to 45 says that right to inheritance must be teach in school education.

VIII. CONCLUSION:

Future trends are difficult to discern, but it seems probable that legal education will become more international and virtual in character with law libraries possibly disappearing altogether as technology and online legal resources are more common, not only among law students but also members of the wider public. It may be predicted that legal education will become increasingly 'common,' and in at least three distinct ways. First, within jurisdictions, following current regulatory reform of the legal services market that blurs both inter- and intraprofessional boundaries, elements of advocacy and ethics training might be shared by trainee solicitors and barristers that eventually may lead to a complete fusion of vocational training and, in England and Wales, a merger of the LPC and BVC. Secondly, at federal and transnational levels, we are likely to witness greater convergence in the structures if not substance of legal educational frameworks so that, within Europe, North America, and Australasia, common approaches and prescriptions are adopted that mean legal standards and qualifications shift from state to regional, if not global, levels. Where one has trained is no longer going to be so closely tied to where one practices law as 'common training' among like-minded jurisdictions disregards geography. Finally, if current outreach initiatives meet with any success, legal education will become far more common in the sense of 'ordinary,' no longer the exclusive preserve of a closed professional elite or the middle classes, but an ever more inclusive and empowering experience that truly serves the legal needs of ordinary citizens.

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