

REPORT of NATIONAL SUMMIT “LAW & LEGAL EDUCATION: NECTAR-2011”

A two-day National Summit on “LAW & LEGAL EDUCATION: NECTAR-2011” was organized by Akola Law College, Akola on 26-27 March 2011. The objective of the summit was to deliberate upon the prevailing situation in the field of law and legal education in the country. The dawn of the 21st century has brought new hopes and aspirations in its wake. Due to the changing concepts in the world economy, newer and newer issues are coming to the fore. The concept of “Human Rights” is being viewed from newer and bigger dimensions. The Constitution of India is being reinterpreted in the light of new emerging issues and the concept of “Human Rights” is being redefined. Live-in relationship, gay marriages and the present reservation policy based on caste are hotly debated issues, particularly in the backdrop of Indian culture. Should constitutional reforms be brought about to deal with all these issues? Should the concepts of “Liberty” and “Personal Freedom” be redefined? These are the basic questions which need to be addressed to without further loss of time. In respect of various aspects of legal education in the country, a time has come to seriously consider the problems dogging the field and completely overhaul the system to make it world class. When we talk about attaining excellence and raising the quality of education, we cannot remain complacent in the 21st Century, the knowledge century, with the age-old, outdated education system. It is high time that we sit down and implement measures to make it up-to-date. All these topics were the subject-matter of the summit and were discussed and deliberated upon at great length by the academia, researchers, members of the Bar and the Bench, teachers and students.

The Summit was inaugurated amongst great fan-fare by Hon’ble Mr. Justice V. S. Sirpurkar, Judge, Supreme Court of India. Hon’ble Shri Vallabhdasji Mohta, Former Chief Justice, Orissa High Court was the guest of honour. Prin. Mrs. Ratna Chandak, convener of the summit, welcomed the guests. Shri Vilas Deshpande, Secretary, AES welcomed the chief guest with a bouquet. Dr. S. C. Bhandari, the chief co-ordinator, spoke about the theme and objectives of the summit. Mr. Sirpurkar advised the present generation of students to lay emphasis on research along with the study of law. He also praised the organizers for organizing the national summit and which offers an opportunity for the churning of thoughts. He further said that such churning would certainly bring out the “Nectar” to the benefit of all. On this occasion, the meritorious students of the college Ms. Parita Shah and Ms. Monali Ingole, were felicitated at the hands of the chief guest for securing the first and the fifth position in the merit list of Amravati University. They were awarded a cash prizes of Rs. 5,000 each. Justice Mohta extended his

best wishes on the occasion. The merit students were presented by Prof. P. D. Mandaogane, President, Akola Education Society.

The first theme session was on the topic, “Dispensing Speedy, Economic and Trustworthy Justice: The Role of ADR Measures in this respect”. The session was chaired by Hon’ble Shri V. A. Mohta, former chief justice, Orissa High Court, who also delivered the key-note address. Justice Mohta emphasized the need of ADR measures in the present times, particularly in Indian conditions. He explained at length that ADR measures are very suitable in Indian conditions. He said that the litigants are tired of time-consuming justice delivery system and the high cost involved in getting justice. People are gradually losing faith in the system. Therefore, it is often observed that the sufferers, instead of knocking at the doors of the court for justice, staying away from the courts and in many cases find their own ways to settle the disputes, often taking law into their hands. He lamented on the role of practising lawyers in popularizing ADR measures, who are quite apprehensive about losing their practice in the traditional set-up and consequently income. He assured the legal practitioners that these apprehensions were baseless. As a matter of fact, the lawyers will gain to stand in terms of increased clientele and income if they adopt ADR measures. In this session, Dr. Manisha Bakal of N. G. Goenka Law College, Prof. M. Naga Jyothi of Telangan University, Nizamabad, Prof. Umesh Udapure of N.M.D. College, Gondia, and Adv. S. S. Kulkarni, Member of Akola Bar presented their papers. Prin. Mrs. Ratna Chandak, Akola Law College, explained the role of mediation in through PPP.

During the second theme session, three important topics were discussed-

- i. Problems & perils of aided and un-aided college;
- ii. Need to frame a common syllabi all over the country; and
- iii. Should law education be under the control and supervision of multiple bodies?

The session was chaired by Dr. Nazir Ali Quadari, Principal, R.R. College of Law, Washim. During his key-note address, Dr. Quadari made several important suggestions. He said that there must be representation of teachers in adequate numbers in the BCI for the purpose of framing syllabus and prescribing rules for maintaining standard of legal education system. He also suggested that the law practitioners be appointed in sufficient number for the purpose of providing practical training to students. During this session, the house adopted the following resolutions unanimously.

1. A central law university in every state should be established and all the law colleges in the state should be brought under their control in order to bring uniformity of syllabi and standard.
2. Legal practitioners should be made eligible for appointment as lecturers in the law colleges for imparting practical training to students.

3. There should be proper coordination between the UGC and the BCI in framing rules regarding qualifications of law teachers and other related matters.

Dr. S. C. Bhandari stated that privatization of education is the order of the day since the government alone cannot cope up with the huge task of education to the masses. Therefore, private educational institutions should be encouraged and should be funded by the govt. He also suggested that “Special Educational Zones” on the lines of “Special Economic Zones”, as suggested by Shri Kiran Kartik of NASSCOM, be developed by providing land and other facilities to promote education. He also said that the present unemployed young generation with a PG, B+ degree but without NET/SET, who are working on clock hour basis, should be absorbed on regular basis by creating a separate cadre for them with a lower pay band.

Dr. Anjali Hastak, Principal, S.P. Law College, Chandrapur said that special attention should be given to teach practical oriented subjects by appointing practising lawyers. She further said that the global standards in the legal education should be taken into consideration while framing policies.

Adv. Ujwal Deshpande, Member, Bombay High Court Bar, in his presentation, disapproved the interference of the BCI in field of legal education. He opined that it is wrong for the BCI to trespass the powers given to it by the Bar Council of India Act and encroach in the field of legal education by framing rules and regulations.

Dr. Aparna Panchabhai, faculty member, Dr. Babasaheb Ambedkar College of Law, Nagpur advocated the cause of framing of common syllabi for law students. Faizan Anees Ahmed, a student of Akola Law College, pointed out various reasons for the shortage of teaching faculty in law and also suggested measures to overcome it. He said that the law teaching field truly deserves the teachers with profound knowledge and immense confidence. He suggested that there should be a special training course for law teachers.

Other paper presenters include Adv. Ajit Patkhedkar, Prof. Yogesh Koinkar, Prof. Shruti Kulkarni, Prof. Monica Sharma, Dr. Mrs. Vibha Mahajani of Nagpur and Dr. Aparajita Mohanty, faculty member, Symboisis Law School, Pune.

The role of law students in creating legal awareness was highlighted by Prof. Ms. I. Rama Sundari, MRVRGR Law College, Vizianagaram, Prof. Vipin Jaswante, Bhartiya Mahavidyalaya, Amravati, Prof. Yogesh Samdurkar, Shri Shivaji College, Amravati and Prof. N. R. Tatte, Bhartiya Mahavidyalaya, Amravati.

In the fourth theme session, the topics which came under discussion were-

1. Judicial Accountability of Judges and Social Acceptability of Lawyers, and
2. Should refresher courses be introduced for the practising lawyers?

The session was chaired by the Principal District & Sessions Judge of Akola, Hon'ble Shri Gunjotiwari and co-chaired by senior advocate of Akola Bar Shri Munna Khan. In this session, senior advocate Shrinivas Khot explained the concept of judicial accountability in a lucid manner by citing many cases. Dr. Roopali Sharma, College of Law, IPS Academy, Indore said that the judicial accountability of the judges depended upon the nature of every case. She said that a judge should decide the case according to the rules of the applicable law. She further said that the judges are responsible for maintaining the dignity of the court. About lawyers, she said that a lawyer should prepare the case of his client carefully. A lawyer's duty is towards the court as well as towards the client. Prof. Nilanchala Sethy, Lingraj Law College, Berhampur, Odisha said that in our nation, the judges are held in high esteem and revered as super humans. But she cited several cases where people failed to get justice and, therefore, was losing faith in the judiciary. She emphasized the need to make judiciary accountable as it is the guardian of law. A lawyer is also a part of the same machinery. Others who presented papers in the session were Prof. Suresh Santani and Ms. Tejshree Khot.

In the last theme session, the following topics were deliberated upon-

- A. Constitutional reforms with reference to: Honour Killings; Live-in relations; and Gay marriages, in the backdrop of Indian culture and tradition.
2. Is it time –
 - A. to revise the Reservation Policy?
 - B. to implement reservation for women?

The session was chaired by Hon'ble Ms. Aruna Farsawani, Judge, Family Court, Akola and co-chaired by Prin. Mrs. Anshumalika Shrivastav, Vinayak Vidhi Mahavidyalaya, Amravati. This was a very lively session in which maximum delegates took part. Dr. Jetling Yellosa, Head of the dept. of law, Telangana University, Nizamabad dealt with the topic of live-in relationship. He clarified that it is an age-old practice. Many couples find it convenient to live together without entering into the bond of marriage. It is more popular in the U.S. where people want to avoid divorce. The vital question that arises out of such relationship is regarding the legal rights and obligations and children born out of such relationship. These are very delicate issues and need to be handled carefully. Prof. Ms. Kalpana Jawale, PG Dept. of Law, Amravati University, aptly dealt with the legal provisions regarding maintenance for live-in partner, legitimacy of the child born out of a live-in relationship and inheritance rights. She further

clarified that the hon'ble Supreme Court has validated such a relationship. Dr. Shubhada Pednekar and Prof. Mrs. Shilpa Dharmadhikari, Symboisis Law School, Pune, pointed towards the legal dilemma in recognizing the live-in relationship. They said that in India marriage has a legal, religious and social recognition. They expressed concern over the declining values due to intellectual revolution. Ishan Zahoor and Miss Shafaq, Sem. VI students of Jamia Milia Islamia, New Delhi, in their studied presentation, advocated the acceptance of live-in relationship. They argued that live-in relationship is not unethical and is based on the foundation of personal freedom and liberty.

Dr. I. Shobha Rani, Dept. of Law, Telangana University, Nizamabad stated that no separate law to tackle with the problem of honour killing exists in the country. It is necessary to take this problem seriously and curb it by enacting a separate special law. Miss Disha Chandak and Miss Sneha Zanwar, students of Akola Law College, said that honour killings come within the ambit of human rights. Ishan and Shafaq described "honour killings" as "horror killings". Dr. Mugdha Phadke, a medical doctor and a student of law, in her power-point presentation presented the international scenario of honour killing as an epidemic spread "across the culture and across the religion". She emphasized the need to weed it out. Adv. Tejaswini Lahane suggested the need of law reforms to deal with the issue.

On the issue of gay marriages or same-sex marriages, Ishan and Shafaq were quite frank in bringing it to the notice of the house that discussion about homosexuality has been a taboo in India. They said that the people should come out of their closets and accept the fact that homosexuality is not a 'hoax' but as normal a thing as 'heterosexuality'. Prof. Mrs. Rakhi Jaiswal of Akola Law College was all against 'gay marriages'. She said that it is an unnatural thing and people, in the name of liberty may demand to marry with animals too!

The question of revising the reservation policies was also discussed. Most of the delegates, which included Prof. Pravin Khodke of K. L. Mahavidyalaya, Amravati, Prof. Vipin Jaswante of Bhartiya Mahavidyalaya, Amravati, Dr. Suchita Gandhi from Main Hospital, Akola, Nitin Mahalle and Gitesh Mehta of Akola Law College were all unanimous in saying that it is the right time to revise the reservation policy. They said that reservations should be based on the economic status rather than the caste. Reservations based on caste system has created a rift between different sections of the society and proving to be harmful for social harmony and cohesion. They also said that nobody is taking seriously the issue of reservation for women and it is being highly politicized. They said that if the politicians are really concerned about the empowerment of women, they should be given proper representation in the parliament through reservation.

The interactive guest lecture session by Hon'ble Shri Devdutt Dharmadhikari, former Supreme Court Judge and former Chairman, M. P. Human Rights Commission, Bhopal, proved to be the most popular sessions of all. The topic of his presentation was, "Human Rights in the 21st Century". Justice Dharmadhikari said that most of the fundamental rights are related, directly or indirectly, with human rights. He said that the provisions of the Constitution must be read in the light of protection and preservation of human rights. He opined that the 21st century is going to be the century of "human rights" because it touches every aspect of human life: social, economic, religious and political.

The valedictory session was chaired by senior lawyer of Akola Bar, Adv. B. K. Gandhi. Hon'ble Dr. Mohan Khedkar, Vice Chancellor, SGB Amravati University, Amravati was the chief guest. Present on the dais were Prof Mandaogane, Shri Vilas Deshpande, Prin. Ratna G. Chandak and Dr. S. C. Bhandari. Dr. Khedkar, in his valedictory speech, said India has a distinct culture which must be treasured and preserved at all cost irrespective of law and legal provisions. Adv. Gandhi lauded the efforts of Akola Law College in hosting the national level conference in a well organized manner. The names of the best paper presenters were announced by Dr. Bhandari. Ishan and Shafaq from the students' category, Dr. Mugdha Phadke from the researchers' category for her power-point presentation, Dr. Mrs. Pednekar from the teachers' category for submitting the best research paper and Miss Monali Ingole for best oral presentation, were awarded trophies at the hands of the chief guest.

The Summit ended with "*Pasaydan*" of Sant Gyaneshwar rendered by Mrs. Bhavana Kulkarni. The Summit proved to be highly successful in view of the spontaneous response and enthusiastic participation by the delegates from all over the country.