



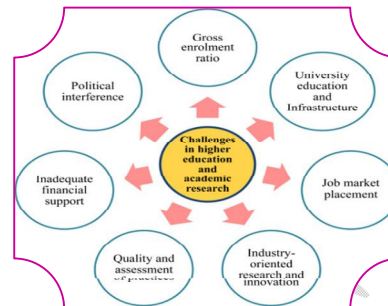
EMPIRICAL RESEARCH IN INDIA AND INNOVATIVE CHANGES TO STRENGTHEN THE LEGAL AND HIGHER EDUCATION— A HOLISTIC PERSPECTIVE

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ABSTRACT

In the historical period of India Mahatma Jyotirao Phule has emphasized on the education system i.e. All human beings must have equal rights and equal opportunities for education. Without education there is no progress for the human mankind.

विद्येविना मती गेली | मतीविना नीती गेली ||
नीतीविना गती गेली | गतिविना वित्त गेले ||
वित्तविना शूद्र खचले | इतके अनर्थ एका अविद्येने केले ||

In the above lines Mahatma Jyotirao Phule has told the importance of education that if there is no education for humankind then we will lack behind in memory, morality, finance, caste & social justice.

KEYWORDS: historical period, equal rights and equal opportunities for education.

INTRODUCTION

Auguste Comte (1797-1857) argued that idea pass through three different stages, theological, philosophical and scientific. He defined the difference as the first rooted in assumption, the second in critical thinking and third in positive observation.¹

The higher education flourished mainly at Nalanda, Takshashila University, Ujjain and Vikramshila Universities where in the subjects taught were Buddhism, Law and Medicine. Takshashila Specialized in study of medicine, while Ujjain laid emphasis on Astronomy. Nalanda being the biggest centre, handled all branches of knowledge.²

Nalanda was a Buddhist centre of learning founded in Bihar. India around the 5th century conferred academic degrees titles to its graduates, while also offering post graduate courses. It is one of first great universities in recorded history.³

Vikramshila University was another important centre of Buddhist Learning in India.⁴ Buddhism also introduced the monastic system of education. Where as Buddha's Monastery in Nepal were also first in learning science and medicine. In the 3rd century BC Buddhism received a great impetus under India's most celebrated ruler Ashoka.⁵

ORIGIN OF RESEARCH IN INDIA :

In the 7th century A. D. Kumaril Bhatt developed methods of Research for discovering, creating and improving knowledge. He defined in the typical aphoristic style the steps one must follow in research. These steps are common to both social as well as physical sciences. The aphorism is as under.

Vishayo Vishaaschaiva purvapaksha stathotaram |
Niranayaishchi panchang shashtradhikarana smritam.⁶

It can be summarized as follows:

First step was doubt / identification of a problem. Second step was review of existing literature or establishing of the ground for conducting research or defining grounds why research had become imperative. The researcher has to propose purvapaksha or the arguments against the propositions. Then following of uttarpaksha or offer answers to each of the grounds raised in the earlier proposition. Result has to be a synthesis or the final decision.

Ancient Indians defined knowledge of two types. Aparavidya (Lower knowledge) and Para vidya (higher knowledge). Basically lower knowledge constitutes all human knowledge acquired through books or experiments. Even the Vedas fall in this category. Para vidya, is the knowledge which seeks to know the truth of existence from within. We are the only people in the world who developed a logical method of reasoning called vitanda. Secondly the development of sastras or researched knowledge this was called rational knowledge, Gautam Buddha thoughts and perception are directly related towards rational knowledge for the ultimate acceptance of universal truth.⁷

Research is the innate function of all human minds the purpose of research is to help humanity by creating tools of collecting quality information and revealing some aspects of the unknown.⁸ Rosmini philosophical writings beginning with Nuorosaggio sull origine delle idee, 3 vol (1830) The origin of ideas and its main thinking is concept of ideal beings which is a reflection of god in human mankind.⁹ Education is the most potent mechanism for the advancement of human beings. Education being a social process, inevitably occurs in a social matrix the norms of society should therefore set the aims of education.

RESEARCH FUNDING IN INDIA :

India has various funding agencies that are striving to promote research in emerging areas like Humanities, social sciences Indian Council of Social Science Research (ICSSR) etc.

International Recognition of Higher Education :

The right to education is clearly acknowledged in the United Nations Universal Declaration of Human Rights (UDHR) adopted in 1948.¹⁰

Historical Developments in Higher Education A Chronological Exploration :

A. Dr. Radhakrishnan University Education commission 1948-49.

After the independence, Government of India constituted the University education commission on Nov. 1948-1949 under the chairmanship of Dr. Radhakrishnan to examine the quality of University education and to suggest improvements thereon. The commission submitted its report in August 1949. According to one of the recommendations of this commission, the University Grants commission was to set up to look after university education in the country.

B. The University Grants Commission Act 1956 :

It was passed with a view to co-ordinate and determine standards in the University, from here began the new era in the Higher education of the country. The commission in 1970 set up the Legal education committee.

C. Dr. D. S. Kothari Commission 1964 :

In 1964 the Government of India appointed an Education commission under the chairmanship of Dr. D. S. Kothari to advise the Government on the policy of education. The commission submitted its report in 1966. The report indicated the guidelines for formulation of a national policy on education. In July 1968 the

Government of India declared its national policy on Education to promote education amongst Indian people. The policy covers elementary education to colleges in both rural and urban India.

(I) SOCIAL RESEARCH IN INDIA : AN OVERVIEW

The Research have several dimensions in India very few I like quote in this context.

1. Research is a process of learning.
2. Research is a for public where as higher education is for private persons.
3. Research is a matter of outcome where as higher education in matter of process.
4. Research is a by product where learning is intended.
5. Research is a closed activity where as higher education is open to all.
6. Research is necessary but not sufficient ingredient for higher education.
7. Research is directly related to academic community and is indirectly related to higher education.

A) The role of Indian Council of Social Science Research in the emergence of socio-legal research.

To promote research in social sciences in the country, Indian Council of Social Science Research (ICSSR) was established in the year 1969. The academic lawyers have frequently been exhorted by their own brethren as also by social scientist to adopt an interdisciplinary approach for interchange of ideas, perspectives and methods that the fellowship of learning will arise. Efforts should be made to establish socio-legal research and working ties with such professional research organizations as are available in the field of law, especially the Indian Law institute. Renaissance of Juristic thought and research is bound to occur once law and legal process are related meaningful to the task of national and social development.

The Universities are not just a repositories of knowledge but have social responsibility to develop the understanding and expertise that bear on the major contemporary social issues and to ensure that the big questions are not appropriated by a single discipline. Law and society are not divisible as water-tight compartment. They are interlinked.

The utility of socio-legal research in use full in different ways.

- ❖ Formulating new theories
- ❖ Clue to decision making
- ❖ Framing new laws
- ❖ Finding root causes of crime with differential behavior among different tribes and races.
- ❖ Broad basic social reforms
- ❖ Knowledge that widens the outlook of legislators, executives and judiciary.

B) Research as a tool of Empowerment :

The main aim of research is to find out the truth which is hidden and which has not been discovered as yet. It means research purifies human life. It improves its quality. It is search for knowledge. Research is the voyage of discovery. It is a reliable tool for progress of knowledge. The researcher needs self-confidence. For designing the research work, good planning and proper execution are required. Research inculcates scientific, philosophical, and deductive and inductive thinking and its promotes the development of logical habits of critical thinking and organization

C) Scenario of Indian Research in Higher Education :

Research in the Universities and scientific institutions are funded by University Grants Commission (UGC) New Delhi, Council for Scientific and Industrial Research (CSIR), as well as other premier institutions like BARC, TIFR, NPL, ISS, Directorate of Science and Technology, DRDO, IITS, IIMS, etc. in India.

Plagiarism :

Broadly speaking, plagiarism is any copyright infringement. It is in the infamous company of unfair means such as piracy, data fabrication, ghost writing, proxy writing, research recycling, literary theft,

industrial design and Trademarks copying and other frauds in research writing and artistic and industrial creation.

Impact of Plagiarism on Quality of Research :

Plagiarism can take many forms. Many software programmes such as Turnitin, Viper, Grammarly has been developed to check the menace of plagiarism.

D) The Maharashtra Public universities Act,2016 (Mah.Act No VI of 2017)

Under Section 59 There will be a Board of Research to cultivate ,promote and strengthen research activities in university departments ,colleges and recognized institutes.²⁷

Under section 60 the board of research has various powers , such as to advice

To encourage the teachers, to publish research journal, to allot research budget, to identify problems and issues related to a region, to work on long term policies and also to central research laboratories etc

Under Section 78 There shall be a council to be called as Maharashtra state Rashtriya Uchhatar Shikshan Abhiyan Council (RUSA).

E) National Knowledge Commission :

It emphasized the need for original and path breaking legal research to create new legal knowledge and ideas that will meet the new challenges in a manner responsive to the needs of the country and ideals and goals of our constitution.

(II) INNOVATIVE CHANGES TO STRENGTHEN THE HIGHER EDUCATION :

There must be multidisciplinary approach of Research. The Higher education in India in facing a challenge of funding and since research and higher education are complementary to each other. Financing researchers is a serious issue. In 1835 we have accepted the British higher education system as it is therefore we made great loss to the country. It is very much necessary to introduce new subjects. The private sector ignored the development in Higher education.

Merits of Research :

The research can be very positive when hypothesis is properly framed.

1. Proposed solutions or explanations are called hypothesis, therefore a hypothesis should be empirically testable.
2. Qualitative research is need of the hour from our younger generation for nation building.
3. Research inculcates Scientific, Philosophical, Deductive and Inductive thinking which promotes the development of logical habits of critical thinking and organization.
4. Holistic view of knowledge would demand a regulatory system which treats the entire education activities in a holistic manner.

Demerits of Research :

1. Indian youngsters want job very quickly to earn their livelihoods. They have no enough time for a doctorate degree.
2. Currently, a mere 0.88% of India's GDP is spent on research and development which is very low.
3. Use of e-journals is deterrent in the library due to less fund on subscribing journals.
4. Copying and manipulation of Research data is very common in the country.

SUGGESTIONS :

1. Autonomy shall be given to the Universities.
2. Promote academic collaboration with Universities and colleges outside the state and country by various Memorandum of understanding.

3. Ensure good governance through transparency, and to pursue quality.
4. Device Mechanisms for social audit processes and public feed back on its performance.
5. There must be Innovative universities by building interdisciplinary studies and strong research, and teaching among institutions.
6. China has highest research papers published more than 1,50,000 per year where as India has less then 50,000 research papers published per year. The India must compile more and more research papers so as to enhance the research work and there after inculcate the habit of research towards the people for the progress of India.
7. It is necessary that all thesis, monographs, symposium's, conferences are maintained and updated in common library which is to be situated in New Delhi under the assistance of University Grants Commission New Delhi, therefore we can get all knowledge under one roof.
8. Quality research performance must be link with promotions.

CONCLUSION :

In Ashoka Kumar Thakur V/s Union of India and others 2010(4) SCR1 Supreme Court held that, India has suffered in the past because of severe under investment in higher education. The large investment is needed in higher education

China prioritized education in its budget. In India , we dream of 07% of our budget for education, but are stuck at 04% while China allotted 20% of its GDP to its educational system. We need to spend 25% GDP on education. Education is for life not for mere living..

There must be quality research work in all the legal institutions of India. The innovation must be stressed on Human resource for India. The greatest desire of every human being is to give good education to his or her child.

Justice Holmes say, the life of law has not been in logic it has been in experience. Hence in our life we experience the day today important activity i.e. research and higher education. Youth has a tremendous capacity in them therefore the youth must enter the higher education and research through different avenues.

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