



Changing dimensions of legal education in India

Niranjana A

Advocate, Madras High court, Chennai, Tamil Nadu, India

Abstract

Legal Education is one of the important fields in education because it produces lawyers, judges, legal academicians, legal activist, etc. The lawyers are considered as the backbone of our society. They are considered as Social engineers who strive hard for the development of the society at large. They are the protectors of Our Indian Constitutions. Thus it is significant to bring reforms in the legal education system. The legal education in India is not the same as it was 50 years back. It has undergone a lot of changes. The dimensions of learning the law has also altogether changed. This paper tries to trace those legal educational reforms. It also tries to find out how the legal education system has changed in the recent times.

Keywords: law students, legal education, national law universities, reforms in legal education

Introduction

The Indian Legal education has reformed from its early roots as a professional practice of law in the court of law to a self-governing discipline of law that fulfils a broader range of social, economic and educational goals and aspirations^[1]. Legal education has undergone vivid transformation in the recent times. In today's world law is not limited only to lawyers its scope has been extended to various allied fields like Chartered Accountant, Company Secretary Etc. Basic understanding of law is however a must for every citizen. Every citizen of our country needs to know law to carry out their routine and ordinary things in life. Law is felt in every sphere of human life. This calls for the need to change in the quality, content and complexion of legal education in India. The legal education has undergone various changes since independence and also their objective with which it was imparted has also been changed. Let us discuss about such changing dimensions of legal education in India in this article.

Concept of Legal Education in India

Legal education is the education acquired by the individuals to become legal Professionals or practitioners or to simply use their law degree to some end, either related to law (such as politics or academic) or business etc. Legal education is both professional and liberal unlike other professional education like medicine and engineering. Legal education is multi-disciplinary in nature. It should aim at promoting Justice to the people rather than just resolving disputes and improving the relationship. The study of law to be meaningful should be relating to the current societal needs that is, the study must meet the changing needs of the society such that it is able to solve the current issues or disputes. Legal education is basically a multi-disciplinary, multi-purpose education which promotes the development of human resources and also enhances the future of legal system in India. A lawyer, who is a product of such education, would be able to contribute to national development and social change in a much more constructive manner^[2]. Historically legal education was not given much importance in India. Usually students after completing their

under-graduation in some subject they join the law departments of the universities. And there they were taught as three-year programs resulting in the award of an LLB degree. Only after the establishment of national law schools this practice was changed and it was successful in attracting students to the study of law.

Development of Legal Education in India

Prior to independence, legal education in India was limited only to a few schools in the country. It is only after India got independence and the evolution of the doctrine of rule of law that legal education gained its importance in India^[3]. The Preamble to the Constitution of India provide us the ideals of social, economic and political justice but these could be achieved only if we have well trained professionals to deal with those new challenges that the field of law throws to us. It is in this light legal education system was given a priority when it came to governmental policy, as it is impossible to deliver justice without a legally trained person. Only after a few years of independence the actual need to reform the structure and pattern of legal education in the country was felt. Only in the late 90s, law was looked upon as a tool for catering to the socioeconomic needs of the country^[4].

Legal Education Reforms in India

In India, reforms in the legal education can be divided into three different periods or generation. They are the First generation reforms, Second generation reforms and the Third generation reforms.

The First Generation Reforms (1948–1985)

1. University Education Commission Report (1948-1949)

The first development towards the reconstruction of legal education system post-independence was the appointment of the University Education Commission under the Chairmanship of Dr. Sarvapalli Radhakrishnan. It was set up "to report on Indian University Education and suggest improvements and extensions that may be desirable to suit present and future requirements of the country".^[5] The

Commission emphasized the role of legal education in India and also discussed about the state of legal education in the country. The findings of the commission said that the condition in law schools is generally very bad. It was identified from the authorities that only some of the law colleges are satisfactory other colleges were not up to the level ^[6].

2. Report on Reform of Judicial Administration (1958)

In 1958, the Law Commission of India in its 14th Report on Reform of Judicial Administration highlighted the importance of legal education system in India. The Commission while analyzing the state of legal education in India stressed the fact that it has been 10 years since the publication of the Radhakrishnan Commission but the position regarding the legal education system had only deteriorated and there was no improvement ^[7].

3. Establishment of The Bar Council of India (BCI)

In the light of these developments, the Parliament debated on the issue of reforms in legal education system and finally passed The Advocates Act, 1961, which set up the Bar Council of India (BCI). Through the enactment The Bar Council of India was given the authority to “promote legal education in India and also to impose standards of such education by consulting with the Universities imparting legal education and the state Bar Councils” ^[8]. The Bar Council shall have the power to recognize institutions where the degree of law could be imparted, which would enable the graduates for qualifying as advocates. In addition to this, to maintain standards in legal education, the Bar council can also conduct visits and inspection in the institutions imparting legal education ^[9]. BCI is also required to make rules for maintaining the standards of legal education that are to be followed by universities throughout India. ^[10] Thus, BCI was one of the main regulatory bodies in the legal education system. The other important body was the University Grants Commission (UGC) ^[11].

The Second Generation Reforms

Even after the introduction of the regulatory bodies to have a check on the legal education system the result remained unsatisfactory. BCI tried many times to reform the laws such that it meets the changing needs of the society but it failed because the legal education was taught only in the multidisciplinary universities and those were under the control of UGC. Due to these shortcomings BCI was not able to do its functions effectively ^[12]. This falling standards of legal education led to the second generation of reforms in legal education.

1. Establishment of National Law School of India University, Bangalore (1986)

In 1984, on the recommendations of Legal Education Committee the Bar Council of India took some crucial steps to make legal education more attractive for selecting it as a successful career by young school leaving students. It started a 5 year integrated course for the students who have just passed their higher secondary school education. Prior to that, only in medical and engineering courses students can join directly completing their school education. This made people to choose law as a career option. BCI prescribed the rules and regulations for admissions and also other aspects of teaching like the curriculum, different teaching methods

etc which need to be followed in strict compliance by the law schools and this move was a breakthrough in the regime of legal education ^[13]. The National Law School of India University, Bangalore (NLSIU) was the first National Law School set up with a 5 year integrated course in the country. Due to the success of the NLSIU the BCI introduced the concept of National Law Schools under its mandate in the Advocates Act, 1961. The BCI thus had a direct control over the functioning of these National Law schools. These law schools were in later point of time developed as Universities which solely imparted legal education. ^[14] One of the major breakthrough in the Indian legal education system is the establishment of National Law Universities in India for the purpose of granting quality legal education in our country ^[15]. Presently, there are fifteen National Law Universities in India. These NLU's offer a standardized legal education to nearly 2000 students annually ^[16]. However, there were drawbacks in these National Law Universities too. With the increasing in number of the National Law Universities again the question of the quality of education provided in these new National Law Universities arose. There were many lacunas like the infrastructure facilities, lack of support from governments to these new NLU's when compared to the other well established NLU's. Thus it was difficult to cope up with the standards of the established NLU's.

Third Generation Reforms (21st Century)

India entering the World Trade Organisation and adopting policies of economic liberalization in the 1990s brought about various legislative changes in the new millennium not only in the economy but also in the regulatory framework of human resource development thus it had effects on the legal education system also. It is in this context that the Ministry of Law and Justice notified the "third generation" reforms in legal education. In this third generation reforms, there were an array of changes proposed to the regulatory framework. The reforms proposed included granting additional grants and aid to the law colleges and universities, introduction of new national law schools in different states and establishing government funding agencies for advance research and training in law.

1. Establishment of Private Law Schools

The 21st century saw a greater interest of students in learning law. There was an increase in demand for admissions in the National Law Universities. Thus private parties started investing in these law schools and surprisingly they also contributed in the development of the legal education. Private universities like Jindal University Alliance University and Symbiosis University are continuously striving in improving the quality of legal education in India. Gradually the number of private universities started increasing and again there led the question of quality of legal education. Due to this mushrooming increase in these private institutions the importance of legal education and its ethics has gone down. Thus BCI brought a regulation that all the affiliated colleges and private universities to get Affiliation or recognition of their degrees by BCI, they had to comply with the Legal Education Rules, 2008.

2. Introduction of New Subjects and Honours Courses

Due to globalization and liberalisation there were changing demands of the legal market at the national and global level. There was also various development in the field of science and technology in this new era. With the emergence of these technologies there came a need for introducing new subjects in law like Intellectual Property Rights Law, Cyber Law, ADR, Human Rights etc. The private universities along with the NLU also emphasized on specialized learning. Many institutions have opted to design the under-graduate course so as to offer a specialised training in law customised to suit the interest of each student. Thus, a student today has the option of completing his bachelor studies in law, with an honours in a particular branch of law of his choice (for example constitutional law or business law). This grants the young law graduates an advantage to compete with other law graduates when he enters to his profession after finishing his studies.

3. Common Law Admissions Test, All India Bar Examination etc

Now for admissions in the National Law Schools all over India the CLAT score is mandatory. At the same time for an advocate to practice in courts he must clear the AIBE. Only after that he will be provided with the Certificate of Practice.

4. Innovative Methods of Teaching

Various law schools all over India have adopted innovative ways of teaching rather than the traditional lecture method. Moot courts, live simulation of cases and activity based learning have become the main form of learning thus converting the process of learning more interesting and captivating.

5. Emphasis on Other Co-Curricular Activities Like Moot Courts, Model United Nations (Mun), Meets, Seminars, Workshops Etc.

Law schools both national and private are now showing more interest in conducting National and International level moot court competitions and also for conducting the MUN. Seminars and workshops are conducted which will benefit both the students and teachers in understanding the subject better.

6. Internships

Internships have been made compulsory in various law schools as a part of their curriculum during the course of study. This practice has encouraged the students in learning the subjects and it is helpful for them for practical application of the subjects they learn. This also leads to the better understanding of the subjects by the students.

7. Foreign Exchange Programs and The Influence of Foreign-Educated Lawyers

Collaboration with foreign universities and exchange agreements are being organized by various universities under which students are provided with opportunities to learn in different environments through credit transfer arrangements. These are also a remarkable feature in many of the universities. There are large number of students who got such opportunity to spend a part of their course in universities abroad. There are also various steps taken by universities to conduct special lectures, seminars

and workshops by Foreign educated lawyers and research scholars.

8. Choice Based Credit System

The introduction of choice based credit system by the UGC in which the students can choose their subject of interest and they can get specialized in it. This was introduced to keep the curriculum in pace with the liberalization and globalization in education. CBCS also allows the students to opt for one part of the course in one institute and the other part in other institute.

9. Other Reforms

The National Knowledge Commission has given various recommendation in 2005 for the law schools to get involved in legal aid, human rights and experiential education. The spread of awareness in the legal publications, law reporting and also legal awareness.

Future Reforms in Indian Legal Education

1. The Bill on National Commission on Higher Education and Research will aim to bring back the university autonomy and thus allow experimentation and competition in individual institutions itself. This will probably result in academic excellence at least in some of the law schools in India.
2. The Foreign Educational Service Providers' Bill may encourage the setting up of Foreign Universities to set up their campuses in India or enter into twinning arrangements for the purposes of transferring the resources among themselves that is exchange of information and resources programs.
3. The National Accreditation Regulatory Authority Bill will tend to enforce minimum standards and help reduce the exploitation while promoting the good institutions to constantly strive for academic excellence.
4. The establishment of a network of advanced centres of legal research and training as recommended by the National Knowledge Commission. It will help to address the lack of quality research and promote a research culture in existing law schools.

Conclusion

The legal education in India has undergone a very big transformation since independence. From the above paragraphs it is very clear that the dimension with which it was started has slowly changed. Legal education was first imparted with an intention to help the lawyers and judges to solve the disputes in a justifiable manner. The emergence of globalization and other technological developments there has been increase in the scope of legal education. Owing to which people started to choose law as their career. Law schools are now providing law graduates for corporate and managerial jobs. Corporate opportunities have proved to be an attractive and more comfortable for most of the law graduates. The profession is also becoming corporatized in urban centers as it attracts the poor law graduates by giving attractive salary packages. The corporate also demands for the more bright students to help them out. There are various new professional opportunities for law graduates who are ready to contribute their expertise. For example in Company Secretary, a person who is a law graduate is given preference over the other. Thus the dimension of legal

education is changing day by day with the change in the needs of the society.

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