

A LEG UP FOR LEGAL EDUCATION IN INDIA: SHEDDING THE SHEEPSKIN**Dr Navya Gupta**

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“To mound the nation to the pinnacle of best administration of justice we need to educate and makeover the best lawyers”.

ABSTRACT:

Education plays a crucial role in fostering social change. As a potent instrument and powerful medium, it has the potential to bring about positive transformations in society by nurturing the physical, intellectual and spiritual aspects of individuals. Education empowers individuals with the ability to comprehend and contemplate knowledge and processes, enabling them to act responsibly. One particular branch of education, legal education, focuses on the study of law. It cultivates the skills to utilize, analyse and critique the law as a member of the legal community. Legal education places emphasis not only on individual freedoms but also on societal development, solidarity and the strengthening of the rule of law. The advancement of high-quality legal education is essential for producing competent legal practitioners. This paper aims to analyse the emerging challenges and prospects of legal education in the Indian context.

Keywords- legal Education, Social change and development

INTRODUCTION-

In the contemporary world, the roles of advocates have experienced considerable transformations with reference to a number of factors affecting our society. With the expansion of multinational companies, the increasing significance of international trade interactions and the deepening inter reliance among states in international dealings have given rise to the demand for legal professionals who possess a global mindset while operating within local contexts. Legal education involves a wide spectrum of understanding and expertise of law, legal principles and legal system as well as development of essential skills to practice law effectively. Legal education prepares individuals to become lawyers, judges, legal consultants, legal scholars and legal advisors. Legal education contributes both for the social control and social change as well. It takes the role in shaping the persons into civilized and law-abiding individuals who are thoroughly acquainted with human rights and values. This awareness emerges as an important ingredient for societal transformation.¹ By imparting education on legal rights, issues, principles and responsibilities, legal education warrants individuals to empower individuals to know and navigate the legal system. It authorizes them with the understanding and expertise which is essential to endorse law and collaborate with the society. With this process, legal education serves as an instrument for social control, advocating adherence with laws and regulations which sustain order and stability. In India legal education usually refers to imparting education, knowledge and providing training accompanied by seminars, tutorials, moot courts and case presentations pertaining to legal provisions and legal system. It enrolls students converting them into lawyers before progressing to practice. Legal education in India is proffered at varying stages being offered by government and private universities, distinguished law colleges and schools leading to acquire an undergraduate degree or such similar integrated degree. In India the legal education and profession relied upon the standards and regulations set by the Bar Council of India (BCI), a regulatory body designated under the section 4 of Advocates Act, 1961.² All legal education imparted by various institutions must take prerequisite approval from the Bar Council of India and should comply to the laws and preserve the professional standards. The Act grants authority

¹ S. Sethiya, “*Legal Education: A Need for Steamlining*”, 1 AIR (Journal) 1, (2008).

² Abhishek Aanand, *Legal Education in India: Problems and Challenges*, www.legalservicesindia.com.

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to BCI to establish guidelines for legal education standards and recognize legal education for the purpose of enrolling persons as law professionals.³

In India, traditional legal education is offered as three-year graduate degree program commonly known as Bachelor of Laws (LL.B) or B.L. (Bachelor of Law). Specific changes in the structure of scheme of legal education have been made since then. The eligibility criteria for students aspiring these courses should possess a bachelor degree from a recognized college/ institute. Then after successful accomplishment of three years course a degree of LL.B. / B.L. was granted.

Nevertheless, in response to the recommendation of the Law Commission of India and growing demand for amendment, the Bar Council of India took the initiative to start professional law institutes/colleges/universities distinctively for legal education. By establishing these distinctive institutions, the main goal was to pay attention on the efforts to improve the quality of legal education throughout the country. This came into being in 1985 and immediately after that the very first law university was initiated in then named Bangalore which was known as “National Law School of India University (NLSIU)”. These type of law schools introduced five- year integrated course (both pass course and honours course including other graduation course with different nomenclature) besides the traditional courses. Subsequently other law universities were installed in line namely “National Law Institute University in Bhopal in 1997 followed by NALSAR University in 1998, The National Law University in Jodhpur in 2001, The West Bengal National University of Juridical Sciences followed by KIIT Law School in Bhubaneswar in 2007”. The only difference in the eligibility criteria in integrated courses was the student must possess nominally plus two degree from recognized board whereas in LL.B degree the student must possess any bachelor degree from recognized university from India. Both types of qualified law graduates can enrol themselves with BCI⁴ and can practice in India. The qualified lawyers can also attain two-year postgraduation degree (LL.M) from UGC⁵ approved universities. But in 2012 UGC sanctioned one-year LL.M degree which was notified in 2013.

With the initiation of five- year integrated law courses and installation of National Law Schools and institutions legal education has become categorically more popular in last two decades. Currently in India there exists around 21 National Law Universities and about 1500 law colleges both government and private universities. The law minister Veerapa Moily stated that the curriculum needs to be regulated and upgraded.

Challenges in Legal Education in India

In India legal education is encountering a large number of challenges over the past few years. Several challenges which are commonly associated with legal education include obsolete syllabi which are ignoring the current and emerging legal developments which are essential for legal practice; deficient facilities in the form of obsolete libraries, limited access to technology, and inadequate physical resources which can hamper the students’ capability to carry out research, access internet facilities, and involve in experiential learning opportunities; lack of experiential training which can give rise to a gap between theoretical knowledge and real-world legal practice ignoring the legal clinics, internships and simulations; and access to legal education is restricted to students from disadvantaged communities who can be deprived of knowledge and awareness about their rights and legal issues. The changing scenario has given rise to new adversities in legal practice globally. The legal experts need to be accustomed to new economy, manipulate cross-country interchange programs, and comprehend the presumptions of privatization and liberation of legal frameworks which are found missing.⁶ A tie-up with legal professionals

³ Bharti, “*Legal Education- Some Critical Issues*”, 1999.

⁴ Bar Council of India, a regulatory body constituted under Section 4 of Advocates Act, 1961

⁵ University Grants Commission (UGC) became a statutory body of the Government of India by an Act of Parliament in 1956.

⁶ Halsbury’s law, “*Global Legal Education in India: Opportunities and Challenges*”, April, 2009.

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and industry experts can enhance the skills of students to be successful in the progressing scenario. Every state should render guidance and support to validate that legal education makes an equilibrium between academics and legal training. Installing accreditation bodies or regulatory authorities to evaluate law schools for quality assurance in teaching, research and training is of prime priority.

Although legal education in India has made significant progress, there are indeed measures that can be considered for further upliftment in its standard and effectiveness. The Supreme Court of India has laid emphasis on the need for a comprehensive overhaul of the legal education system in the country. Identifying various concerns that affect the quality of legal education and profession, a bench constituting Sanjay Kishan Kaul J. and M. M. Sundresh J.⁷ has recommended a range of reforms that should be considered by the BCI. These reforms involve different aspects including the standards set by various law colleges and institutes and employment of law graduates. The court also regretted the standards set by various law universities/schools/institutes, mentioned that in order to make it more significant, the exam process can be kept to test the analytical thinking rather than cramming provisions. Skill and knowledge of a practitioner of law in a better manner, not necessarily based on a rote ability, but on an analytical thinking process.” The bench also gave reference of Viswanathan’s proposition that in United Kingdom, the law entrance tests are formulated on a “Miller Pyramid Scheme”⁸ bases where all aspects including reading, writing, verbal expression and communication skills are evaluated as per their Bar entrance.

According to “Miller Pyramid Scheme of Assessment” while assessment methods of written and oral tests are effective in evaluating the first two stages of “knows and knows how”, it is true that these stages alone may not fully reflect the application of knowledge in applied aspects. The practical application of knowledge in a professional setting like in legal practice requires additional assessment approaches that go beyond traditional testing methods. By integrating these alternative assessment tools into the evaluation process, it becomes possible to assess the application of knowledge and gain a more comprehensive understanding of an individual’s readiness for professional legal practice. These approaches provide a more authentic assessment of skills, decision making abilities and the practical application of legal knowledge in real-world scenarios. To assess legal competence, the significance of stages 3 and 4 becomes more pronounced, yet it also presents greater challenges. Stage 3, “shows how”, is evaluated through practical examinations and observed in moot courts. However, stage 4, “does”, can only be assessed by observing the person in real-world settings. In essence, this stage measures the actual performance. These approaches provide a more accurate and reliable measure of legal competence, ensuring that individuals possess the necessary skills and potentialities to effectively practice law in professional environments.

⁷ Utkarsh Anand, “Legal Education Needs Full Revamp: Supreme Court”, Hindustan Times, March, 18, 2022.

⁸ Miller GE. “The assessment of clinical skills/competence/performance”. Academic Medicine 1990; 65: S63-S67.



Figure (Miller Pyramid Scheme)

Shedding the Sheepskin

The Supreme Court has recently raised questions regarding the structure and role of legal education. The court has engaged in a critical analysis of the education system, aiming to address various concerns and pave the way for necessary reforms. This scrutiny reflects a growing recognition of the need to ensure an inclusive, relevant and high standard education for everyone. As mentioned earlier, as per BCI data, about 1500 law colleges/institutes/schools are there in the country and approximately 1.7 million registered lawyers and around 80,000 to 1,00,000 new law graduates are there.

In short, this is an outcome of sheepskin effect. The sheepskin effect may be considered as hypothesis that acquires a degree that would result in higher income for a person than the same quantity of studying without resulting in a certificate course.

India is home to world's largest populations of the working age, and one report highlights a startling fact that less than 20 percent of all graduating engineers are employable. This figure for law graduates will be still dismal keeping in view of the supreme court's observations.

We need to revamp not only the selecting process, and the curricula but also the distribution of certificates or degrees. People often choose different education and career paths, and many times these don't match and getting a degree may not equip them with skills that are relevant to the job in hand leading to disillusionment and failure. At present after acquiring a degree one feels competent but success requires continuous learning and acquiring skills throughout the career, The modes of acquisition of these skills may differ-self learning environments, on the job and professional and structured learning and development programs in the work place.

So shedding the sheepskin and making some calibration of the skills and knowledge after end of any program rather than giving uniform degrees may be more useful.

The importance of enhancing the principles of legal education in India has been emphasized, with a clear recognition that improvement requires the BCI to adopt a more rigorous approach. This entails tightening the examination process, implementing stricter controls at the entry level, and ensuring ongoing monitoring of law colleges to verify a consistent and high standard of education. Addressing the need for a comprehensive and gradual overhaul of present legal education system, it is crucial to establish a strong association between effective

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self-governance and curricular reforms. This approach will ensure that legal education aligns with the skills and demands of the scenario, rather than being constrained by traditional methods. It becomes essential to transform the present method of assessment keeping in mind the future requirements.

This calls for a comprehensive phased overhaul of the existing legal education system, such an overhaul will only be possible if good self-governance connects with curricular reforms making way on the skills and demands of the workplace and not stuck in some historical legacy. It must be rooted in the present with an eye on the future.

Legal education became an integral part of curriculum only when the Bar Council of India (BCI) introduced four practical papers in the late 1990s. However, a closer examination of clinical legal education today suggests that it is merely an extension of classroom teaching and lacks practical application. Therefore, it is crucial to include clinical legal education in all specializations within the legal field. By linking clinical legal education with the Legal Services Authorities and courts, it can significantly contribute to the implementation of Article 39 A, Article 8 of the Universal Declaration of Human Rights and Section 4(k) of the Legal Services Authorities Act.⁹ In response to the Supreme Court's order on June 29, 2009 and October 6, 2009 in case of Bar Council of India v. Bonnie FOI Law college & Ors.,¹⁰ a three –member committee was formed to reform legal education. This committee has discussed various challenges pertaining to knowledge and skills in legal education. While theoretical instruction can impart knowledge, practical skills are best acquired through observation and participation, which can be facilitated through continuous legal education.

The committee has submitted its report to the Bar Council of India, highlighting major issues facing legal education in India such as:

- 1) Expertise and the ability of the Bar Council of India to address the changing demands of legal education in India and reform the legal education system to meet contemporary requirements, including advancements in Information Technology, Biology and Science.
- 2) Insufficient funding in a crucial area like legal education, which hampers infrastructural development, adequate payment to faculty members, and fulfilment of technical requirements necessary for quality legal education.
- 3) Loopholes in the inspection and recognition process of law colleges by the Bar Council of India, necessitating the establishment a separate accreditation or rating system for legal institutions.

The following measures can be implemented by the BCI to strengthen the standards of legal education:

1. **Rigorous Examination**-The BCI should establish more rigorous examinations that thoroughly assess the knowledge, skills, and competencies of aspiring lawyers. These examinations should encompass both theoretical and practical components to ensure a comprehensive evaluation.
2. **Stricter Entry- level controls**: The BCI should enforce stricter controls at the entry level, ensuring that only deserving candidates who meet the requisite standards are allowed to enrol in law schools. This includes evaluating academic qualifications, conducting entrance examinations, and considering other relevant criteria to assess the aptitude and potential of prospective students.
3. **Ongoing Monitoring of law colleges**: the BCI should adopt a system of continuous monitoring and evaluation of law colleges to ensure adherence to the prescribed standards of legal education. This can involve regular inspections, assessments of infrastructure and faculty, and the enforcement of quality benchmarks to maintain consistency and accountability in legal education.

⁹ Act No. 39 OF 1987

¹⁰ (2017) 11 SCC 188(1)

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4. **Faculty Development Programs:** the BCI should encourage and support faculty development programs to enhance the quality of teaching in law colleges. Providing training, resources and opportunities for professional growth can help faculty members stay updated with evolving legal trends and pedagogical practices, ultimately benefiting the students.
5. **Collaboration with Legal Industry:** The BCI should foster closer collaboration between law colleges and the legal industry. Establishing partnerships, internships, and mentorship programs with law firms, legal practitioners, and organizations can bridge the gap between academic education and practical legal skills, ensuring that students receive exposure to real- world legal scenarios.
6. **Transparency and Accountability:** The BCI should prioritize transparency and accountability in the functioning of law colleges. This includes ensuring that law colleges maintain accurate records, comply with regulatory requirements and provide relevant information to prospective students and stakeholders.

Some Key Areas That Have Been Questioned by the Supreme Court Include:

1. **Access to Education-** the court has emphasized the importance of equitable access to education for all segments of society, including marginalized communities, economically disadvantaged individuals, and persons with disabilities. It has stressed the need to remove barriers and ensure that education is not only available but also the need to remove barriers and ensure that education is not only available but also accessible and affordable to all.
2. **Quality of education-** The Supreme Court has expressed concerns regarding thr quality of education being imparted across various levels, from primary to higher education. It has highlighted the importance of ensuring that educational institutions maintain high standards of teaching, infrastructure, and faculty qualifications to deliver quality education.
3. **Curriculum Relevance:** The court has questioned the relevance of the existing curriculum, urging the incorporation of contemporary knowledge and skills that align with the evolving needs of society and workforce. It has emphasized the need for a curriculum that fosters critical thinking, creativity, problem-solving, and practical application of knowledge.
4. **Affordability and commercialization:** The court has examined issues related to the commercialization of education and the rising costs of education. It has emphasized the need to strike a balance between affordability and maintaining educational standards, ensuring that education remains accessible without compromising quality.
5. **Pedagogical Methods:** The court has called for a re-evaluation of pedagogical methods to promote active learning, student engagement, and holistic development. It has emphasized the importance of experimental learning, practical training and the use of innovative teaching techniques to enhance the learning experience.
6. **Regulatory Framework-**The Supreme Court has also examined the regulatory framework governing educational institutions, including the role and functioning of regulatory bodies. It has sought to ensure transparency, accountability, and effective oversight to safeguard the interests of students and uphold the integrity of the education system.

Through its questioning and scrutiny, the Supreme Court aims to stimulate meaningful dialogue and reforms that address the challenges and shortcomings of the education system. The court's interventions seek to promote an education system that is inclusive, equitable, of high quality, and responsive to the needs of a rapidly changing society.

There is a pressing need to introduce new teaching methodologies in legal education to foster a more practical approach. Engaging students in debates, adopting collaborative teaching methods, leveraging technology for learning, and exposing law students to real-life situations are effective ways to achieve this goal.

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By incorporating debates into the curriculum, students can enhance their critical thinking and argumentative skills while engaging in intellectual discourse. Collaborative teaching methods encourage teamwork, communication, and problem-solving abilities, preparing students for the collaborative nature of the legal profession.

The integration of technology in legal education can greatly benefit students. Modern technology can facilitate informal communication among students and faculty, enabling more effective feedback mechanisms and promoting autonomous learning. Online platforms, virtual classrooms, and interactive learning tools can enhance student engagement and provide access to a wide range of resources.

Justice Ranjan Gogoi rightly highlighted the importance of recognizing and empowering teachers in the legal education system. Teachers play a crucial role in shaping the future leaders of the legal profession, both in terms of Bar and the Bench. Adequate recognition and support for teachers are essential to equip them with the necessary knowledge, skills and motivation to effectively prepare students for the challenges they will face domestically and internationally.

By embracing new teaching methodologies, leveraging technology, and providing support to the teaching community, legal education can become more dynamic, practical and responsive to the evolving needs of the legal profession. This will ensure that future legal professionals are well-equipped to meet the challenges of a rapidly changing legal landscape and contribute effectively to the Bar and the Bench.

RECOMMENDATIONS-

- 1) It is essential to implement the recommendations of the National Knowledge commission to establish a standing committee on legal education. This committee can oversee and guide the development and improvement of legal education in the country.
- 2) Attention should be drawn to the lack of representation of jurists from an academic background in the appointment of judges to the Supreme Court. Steps should be taken to ensure that deserving candidates with academic expertise are considered for judicial appointments.
- 3) Embracing technology is crucial, not only in the judiciary but also in legal education. There should be a focus on integrating technology into legal education, including the use of forensic science in evidence. This will enhance the practicality and effectiveness of legal education.
- 4) Regular combined conferences and seminars involving judges, advocates, VCs, directors, deans and faculty members should be organized. These events provide a platform for knowledge sharing, collaboration and discussions on important legal issues.
- 5) Urgent steps should be taken to regulate the high application fees of the Common Law Admission Test (CLAT) exam and address the high fee structure of National Law Universities (NLUs). The high costs act as deterrents, particularly for rural populations, preventing them from accessing Prestigious NLUs. Ensuring affordability and accessibility to legal education is crucial for promoting inclusivity.
- 6) Language should not be the sole criterion for success in the legal profession. While fluency in English is important, other languages should also be given recognition. Senior advocates should regularly visit and deliver lectures in law colleges to provide practical insights and guidance to students. Moreover, there should be stronger focus on LL.M. and Ph.D. programs to enhance the quality of research in legal education.
- 7) Address the lack of diversity in the legal profession and promote equality in salaries. Efforts should be made to ensure equal opportunities for individuals from diverse backgrounds and communities. Promoting inclusivity and diversity in the legal profession will lead to more representative and equitable system.
- 8) Establishing a full-fledged court within the premises of law schools would provide students with the opportunity to learn courtroom ethics and professional skills. Additionally, having legal aid clinics and

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mediation centres on campus would enable students to gain practical experience in alternative lawyering skills.

- 9) Sensitize students towards social justice by incorporating it into the curriculum and utilizing internship opportunities for students regarding their internship experiences.
- 10) Support the establishment of a national academy for the training of law teachers. Providing specialized training and professional development opportunities for law teachers will enhance the quality of legal education.
- 11) Consider removing the Indian Legal education system from the exclusive control of the Bar Council of India to allow for greater autonomy and flexibility in implementing reforms.
- 12) Give greater emphasis to the study of globalization and internationalization of law in legal education. This will prepare law students to navigate the complexities of a globalized legal landscape.
- 13) Implement the recommendations of the National Knowledge Commission report to enhance the overall quality and effectiveness of legal education.

Implementing these suggestions will contribute to the enhancements of legal education, promote inclusivity, and address various challenges faced by the legal profession in India.

CONCLUSION-

The future of legal education in India will witness a radical transformation, not only in the content but also in the methods employed to impart knowledge. The law school model that was established after India gained independence has made significant contributions to the development of legal education in the country, demonstrating a strong commitment to enhancing the existing legal infrastructure. These law schools have proactively implemented critical changes in their syllabi and structures to cater to the evolving needs of the new generation of lawyers.

In order to keep pace with the current developments and meet the demands of the future, it is essential for us to prepare ourselves effectively. The improvement of legal education through model law schools marked the second generation of reforms. However, the next phase of reform, the third generation, necessitates the internationalization of legal education.

Internationalization of legal education entails incorporating global perspectives, best practices and cross-cultural exposure into the curriculum. This approach will equip law students with a broader understanding of legal systems beyond national boundaries, preparing them to navigate the complexities of an interconnected world. It will also foster the development of global competencies and facilitate collaboration and knowledge-sharing among legal professionals from different jurisdictions.

The internationalization of legal education can be achieved through various means, such as promoting student and faculty exchanges with renowned international institutions, establishing collaborative research programs, offering courses with an international focus, and integrating comparative law studies into the curriculum. Embracing technology and online learning platforms can also facilitate cross-border interactions and enable students to access resources and expertise from around the world.

By embracing the third generation reform of internationalizing legal education, India can ensure that its legal practitioners are well-prepared to address the challenges of a globalized legal landscape. This transformation will not only benefit law students and legal professionals but will also contribute to the overall development of the Indian legal system and its integration with the international legal community.