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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

LEGAL EDUCATION SCENARIO IN INDIA

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1. LEGAL EDUCATION: AN OVERVIEW

Legal education occupies a key place in a country like India where there is rule of law. It equips students with necessary skills and capabilities to understand the complex process of enactment, enforcement and interpretation of law with a view to secure equitable justice to all citizens irrespective of their caste, creed, religion or sex. A social consciousness of the significance of law to the people is an attribute of a ripening civilization. As the content and quality of legal education have a direct bearing on the legal profession, a sound and pragmatic legal education policy is a sine qua non for prestige and performance of the legal profession. The concern to make legal education more modern and contemporary and to make it socially relevant and humanistic for the teacher and the taught has always guided the discourse on law teaching and research in India.

Legal education in India had its roots in English History. This heritage has had a profound effect on the development of legal education, on the evolution of legal institutions, and on the outlook on law in India. No Indian institution, excepting perhaps the field of literature, bears so close a tie to corresponding English institution, as does the law. The structure of Indian law is erected on the foundations of the English common law. At present, legal education is governed by two national bodies: the Bar Council of India (BCI) and the University Grants Commission (UGC).

2. HISTORY OF LEGAL EDUCATION SYSTEM IN INDIA

2.1 Pre Independence Period: India is a journey over ridge and furrow. For the most part, the value of the systematic study of fundamental principles was recognized. In 1868, in the province of Punjab, the law classes were started by the Anjuman-I-Punjab, which was taken over by the Punjab University in 1870. The duration of the course was 2-years and education was given in two separate classes, one in English and the other in Urdu. Neither any test for admission nor any examination was held, as the college certificate possessed no value for

the purpose of admission to the Bar. The Punjab Chief Court held its own examination for pleaders and admission to the Bar. In 1873 rules were framed by the Senate of Punjab University requiring the passing of entrance examination as a condition precedent for admission to the law classes. The following year the Chief Court assigned the task of holding the pleaders examination to the Punjab University College. The course of study, as before, extended to 2- years. Success in the first examination classified the candidate for mukhtarship and success in the second examination qualified him for pleadership of the Subordinate courts. Pleader of 5-years standing was admitted to the Bar of the Chief Court. From 1885 to 1906 the course of instruction extended to three years. In 1887 passing of the intermediate examination was made prerequisite for admission to the law classes and graduate examination for admission to the licentiate in law examination. The attendance requirement was also laid down. The candidates were, however, permitted to pursue law and arts studies simultaneously. It was in 1874 that the foundation for legal education was laid in the former State of Travancore. Vernacular classes in law were held to train the applicants for the posts in the police department. In 1875, a law school was started and judge of the Sadar court was appointed as professor of law in the law school.

The year 1885 is significant in the promotion of legal education and research in India. It was in 1885 that Allahabad University was established. The Punjab University had come into being in 1882. The colleges imparting legal education in the North Western Provinces and Punjab ceased to be affiliated with Calcutta University. The first law college of the state was Raja Lakshmi Law College, started in 1939 by some prominent lawyers. This Institution then imparted legal education to candidates passing the intermediate examination. The LL.B. course was of 3 years duration for those passing intermediate and 2 years' duration for graduates. The Government of Mysore established the second law college, Government Law College, at Bangalore, in 1948. In the wake of independence of the country, new colleges began to spring up in different parts of the state.

During his tenure as Vice-Chancellor of the Delhi University, a distinguished Jurist and educational pioneer Sir Maurice Gwyer started 3- year Honours degree course in law in the university leading to the degree of Bachelor of Civil Law 1923. This 3-year B.C.L. degree course operated in the law faculty of the Delhi University since 1947 alongside with a 2-year L.L.B. degree course. With the ushering in of the new 3-year L.L.B. degree course,

admissions to the B.C.L. course were automatically stopped.²⁷⁴ In 1966 when LL.B. became a 3-year course, the Faculty of law introduced the semester system, dividing 3-years of LL.B course into 6 bi-annual semesters.

2.2 State of Legal Education during 1947-1960 : There was tremendous growth of law colleges in this period. However, this was not based on any rational planning or on the availability of even the minimum resources. Law schools were opened indiscriminately without enough resources. This resulted in law colleges without an infrastructure, viz., building or libraries, full time teachers or facilities for professional training, or even the final sanction from the university concerned.

2.3 State of Legal Education at Present : Upon the suggestion by the Law Commission of India and also given the prevailing cry for reform the Bar Council of India instituted upon an experiment in terms of establishing specialized law universities solely devoted to legal education and thus to raise the academic standards of legal profession in India. This decision was taken somewhere in 1985 and thereafter the first law University in India was set up in Bangalore which was named as the National Law School of India University (popularly 'NLS'). These law universities were meant to offer a multi-disciplinary and integrated approach to legal education. It was therefore for the first time that a law degree other than LL.B. or B.L. was granted in India. NLS offered a five years law course upon the successful completion of which an integrated degree with the title of "B.A.,LL.B. (Honours)" would be granted.

Thereafter other law universities were set up, all offering five years integrated law degree with different nomenclature. The next in line was National Law Institute University set up in Bhopal in 1997. It was followed by NALSAR university of law set up in 1998. The National Law University, Jodhpur offered for the first time in 2001 the integrated law degree of "B.B.A, LL.B. (Honours)" which was preceded by the West Bengal National University of Juridical Sciences offering the "B.Sc., LL.B. (Honours)" degree. KIIT Law School, Bhubaneswar became the first law school in India in 2007 to start integrated law in three different streams and honours specialisation; i.e. BA/BBA/B.Sc. LLB (Honours).

However, despite these specialized law universities, the traditional three year degree continues to be offered in India by other institutions and are equally recognized as eligible qualifications for practicing law in India. Another essential difference that remains is that while the eligibility qualification for the three year law degree is that the applicant must already be a holder of a Bachelor's degree, for being eligible for the five years integrated law degree, the applicant must have successfully completed Class XII from a recognized Boards of Education in India.

Both the holders of the three year degree and of the five year integrated degree are eligible for enrollment with the Bar Council of India upon the fulfillment of eligibility conditions and upon enrollment, may appear before any court in India.

3. AIMS OF LEGAL EDUCATION IN INDIA

Legal education in India generally refers to the education of lawyers before entry into practice. Legal education in India is offered at different levels by the traditional universities and the specialised law universities and schools only after completion of an undergraduate degree or as an integrated degree.

Legal Education in India is regulated by the Bar Council of India, a statutory body established under the section 4 of Advocates Act 1961. Any institution imparting legal education in India must be approved by the Bar Council of India. Aims of legal literacy are as follows-

- 3.1 To provide a center where scholars can contribute to understanding the law and contribute to its growth and improvement;**
- 3.2 To instill in students organizational legal rules and to provide them with sufficient experience in applying certain laws;**
- 3.3 To train legal professional students;**
- 3.4 To educate the students in solving the problems of the individual client and in solving the problems of the society in which he lives;**

3.5 Pointing the right course for future development.

3.6 Thus, legal education should aim at furnishing skills and competence, for creation and maintenance of just society.

4. CONSTITUTIONAL POSITION REGARDING THE SCENARIO OF LEGAL EDUCATION IN INDIA

The Constitution of India basically laid down the duty of imparting education to the states by putting the matter pertaining to education under List II of the seventh schedule. But now this part has been dealt with under the Concurrent List in which powers had been simultaneously attributed between Union and the States. It is with reference to Entries 66, 77 and 78 of List I that the Parliament has enacted laws for the regulation of legal education in India.

The regulation is partaken by the two statutory bodies constituted by the sovereign bodies with reference to dealing with the matter of legal education.

These are the Bar Council of India which is concerned with the standards of the legal profession and the other is University Grant Commission which acts as an umbrella for all the institutions of higher education. Thus, the Constitution of India constituted a uniform judicial system that regulates uniformity in the legal profession. The government of India formed the All India Bar Committee to supervise the standards of legal education in India and also to implement the recommendations suggested by the Law Commission of India.

4.1 Role of Bar Council of India (BCI): The Advocate Act, 1961 which was passed by the Parliament of India by virtue of the powers entrusted under List I of the Constitution of India.[6] Under the Advocates Act an apex body namely the Bar Council of India was constituted to promote legal education and to lay down the standards of such education and scenario in consultation with the University Grant Commission. Thus, the Bar Council of India is empowered to prescribe the minimum qualification and to prescribe the other standards of legal education to be observed by such universities. The Supreme Court in the

case of Bar Council of Uttar Pradesh v. State of Uttar Pradesh observed the importance of legal education and scenario observed that the responsibility of the Bar Council of India is not limited to the professional standards alone but also extends to the regulatory character and legal education as well. With the assistance of the Legal Education Committee, Bar Council of India Trust and Directorate of Legal Education, the Bar Council of India has taken major steps in the field of legal education such as follows:

4.1.1 National Law University and Deemed University status is being set up.

4.1.2 The publication of standard textbooks in all branches of law was started.

4.1.3 Training for young lawyers started being provided.

4.1.4 To improve the legal scenario, a scheme of legal aid clinics also started.

4.2 Role of University Grant Commission (UGC): In order to maintain and raise standards of legal education the UGC in consultation with the universities or other bodies concerned, takes all such steps as it may think fit for the promotion and co-ordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities. To this end it shall allocate and disburse, grants to universities established or incorporated by or under a Central Act for the maintenance and development of such universities or for any other general or specified purpose; it may allocate and disburse, out of the fund of the Commission, such grants to other universities as it may deem necessary for the development of such universities or for any general or specified purpose; it may allocated disburse out of the fund of the Commission, such grants to institutions deemed to be Universities in pursuance of a declaration made by the Central Government; recommend to any university the measures necessary for the improvement of university education and advise the university upon the action to be taken for the purpose of implementing such recommendation; etc. B As far as legal education, the UGC is concerned with the As far as legal education, the UGC is concerned with the terms and conditions of the appointment of teachers as well as providing necessary fund support for infrastructure, and maintaining uniformity of standards of education. The Role of the BCI is limited only to LL.B. and its rule making power is confined only to professional legal education, the

liberal legal education is left to be managed by the UGC which is also responsible for the LL.M. curriculum and teaching. While LL.M. is the basic qualification for law teaching, LL.B. degree is required for enrolment as an Advocate.

4.3 Emerging Trend of Legal Scenario in India: Emerging Legal Scenario includes the profession which is practiced in courts, law research, law teaching and in administration in different branches where law plays a role which postulates and requires the use of legal knowledge and skill . Legal education stands for the enhancement of human sensibility and injects a new sense of protecting human liberty and equality before the law. The quality and standard of legal education acquired at the university are reflected through the standard of the Bar and Bench and consequently affect the legal system. Ignorance of the law is not innocence but a sin which cannot be excused.

Thus, the emerging trend in the legal scenario is not only imperative to produce good lawyers but also to create cultured law-abiding lawyers who are inculcated with the concept of human values, dignity, ethics and morality. The significance of legal education in a democratic society cannot be over-emphasised with other instruments. Knowledge of law increases as one understands the public affair. The study of law promotes accuracy of the expression and arguments as well as skill in interpretations of the written words with those of social values. It is the pivotal duty of everyone to know the law. Ignorance of the law is not innocence but a sin which cannot be excused in any way.

4.4 Role of Supreme Court for Emerging the Legal Scenario: The Supreme Court also contributed a lot in the way of emerging the legal scenario in India. The Supreme Court in the landmark judgement in the case of Deepak Sibal v. State of Punjab held that the study of law should be encouraged as far as possible without any unreasonable intervention. The Supreme Court has realized the importance of legal knowledge and tried to impress upon the state to appreciate the same. In another case of Gopalkrishna chatrath v. Bar Council of India, the Supreme Court observed the importance of legal scenario in the following words:

“Right to education which is available to the person for educating himself would not be at par with others. The act of denying any education whether legal or any education would be violative against the equality clause under Article 14. Education be it legal education or any other everyone is entitled to have it.”

5. IMPORTANCE OF LEGAL EDUCATION

Legal education is a broad concept. It includes the profession which is practiced in court of law, law teaching, law research and administration in different branches where law plays a pivotal role. It injects a sense of equality before law. The standard of bar and bench is the reflection of the quality and standard of the legal education acquired at the law school. Knowledge of law increases, if one understands the affairs of the state. The importance of legal education cannot be over-emphasized in a democratic society. It is necessary duty of everyone to know the law. Ignorance of law cannot be excused. Thus, legal education not only produces efficient lawyers but also creates law abiding citizens with human values and rights.

6. FACTORS INFLUENCING LEGAL EDUCATION IN INDIA

Legal education is influenced by a multitude of factors. They are as follows-

- 6.1 Governmental policy;**
- 6.2 Bar council of India;**
- 6.3 University grants commission;**
- 6.4 Affiliating universities;**
- 6.5 Private governing body of law colleges;**
- 6.6 National litigation policy;**
- 6.7 Developments in legal profession and legal system;**
- 6.8 The developments in other fields of education.**

7. LEGAL EDUCATIONAL INSTITUTIONS

Over the past ten years, private universities have taken a significant part in studying how legal education has changed. They work in the area of legal education and make an effort to raise the standard of legal instruction in India. National Law Schools, on the other hand, placed a strong emphasis on specialised education.

Many institutions have decided to completely abandon the lecture method of instruction in favour of more engaging and creative learning techniques. Moot courts are a common practice in Indian

law schools, which has made legal education more practical and behavioural than merely learning the letter of the law.

The importance of extracurricular activities like seminars, workshops, and other events has now been integrated into the curriculum. The requirement for internships during the study period has been changed to mandatory. On-campus hiring has become a standard practice at the majority of law schools.

8. CHALLENGES TO LEGAL EDUCATION IN INDIA

There are several challenges associated with legal education in India, including:

- 8.1 Quality of Teaching:** Many law schools in India have been criticized for having poor quality of teaching, with inadequate resources and infrastructure, and a lack of well-trained and motivated faculty.
- 8.2 Curriculum:** The legal curriculum in India has been criticized for being outdated and not reflective of the changing legal and social landscape.
- 8.3 Access to Legal Education:** Legal education in India is expensive and out of reach for many people from lower socioeconomic backgrounds, which can limit diversity in the legal profession.
- 8.4 Employment Opportunities:** Despite a large number of law graduates, there are limited employment opportunities in the legal sector, which can lead to a surplus of unemployed or underemployed graduates.
- 8.5 Professionalism:** There have been concerns about the lack of professionalism and ethics among some lawyers in India, which can negatively impact the legal profession and the administration of justice.

8.6 Legal Aid and Access to Justice: India's legal aid system is underfunded and overburdened, which can make it difficult for people from marginalized communities to access justice.

8.7 Research and Innovation: There is a lack of focus on research and innovation in legal education in India, which can limit the development of new ideas and approaches to legal issues.

9. SUGGESTIONS FOR IMPROVEMENT FOR LEGAL EDUCATION IN INDIA

There are suggested measures for improvement for legal education in India, including:

9.1 Giving greater emphasis on practicality: The law is supreme, and it must be confronted with boldness, certainty, and no hesitation. It necessitates exceptional reading, thinking, and speaking abilities. These elements could be incorporated into the course through regular debates and discussions. Moot court (mock practice) develops competency and exhibits the manner of argumentation, which is an important quality for a lawyer to possess.

9.2 Increase professional exposure: The emphasis in legal classes should be on practical learning rather than on theoretical study. Professionalism is attained by increasing one's knowledge of the law and legal processes. Knowing how much law one understands from books isn't as important as knowing how that law is applied. It is critical to place a greater emphasis on professional experience through internships and engaging in the law student's learning throughout his or her internships.

9.3 Collaboration with foreign law universities: Knowledge has no bounds. Law is a subject that necessitates an ever-increasing amount of learning. Collaboration with international law schools to gain access to their law reports, case laws, research papers, and other materials can help to improve this proficiency. Law schools such as NLSIU Bangalore, NALSAR Hyderabad, and NLU Delhi, among others, have collaborated on teaching, research, and offering world-class legal education, and the results have been positive.

9.4 Faculty and guest lecturers: Teachers are critical in developing the finest lawyers from good students. Teaching law is a difficult task that necessitates a broad understanding of the legal realm in the country and around the world, and every law school must supply well-qualified professors as an infrastructural facility. Guest lectures by famous persons in the legal and related sectors should be included in the course curriculum since they assist students to understand the harsh realities of law and increase their motivation.

There is a severe issue with law teachers, or a lack thereof. Only by closing the significant financial disparity between bar leaders and teachers can law teaching attract new brains. Those under special remuneration schemes, in turn, must be bound by appropriate legal instruments to teach for a minimum period. A pilot programme must develop a new remuneration structure that includes more public-private collaborations, greater autonomy, and favourable financial terms.

9.5 Development of law libraries: Law libraries are under-resourced and under-resourced. Each law school must be connected to the best global sources of knowledge using the most up-to-date technology research tools. For maximal ground impact in urban and rural India, a library cess levied only on senior attorneys across the country must be operationalized for law libraries.

9.6 Connecting internships and post-degree placements: Internships and post-degree placements must be stitched together into a national scheme – now, placements are haphazard, with no structure in place to match applicants and hosts. Some students, especially those with connections, have it easy, while others, who are more gifted but less prominent, fall by the wayside.

10. Conclusion

Legal literacy in India is going through a very exciting phase. Though India has the largest population of lawyers in the world, there is a need for eminent lawyers.

The opportunities for bright law graduates are massive and the new generation of law schools has a major role to improve the standards of legal education in India.

Hence, the scenario of legalLegal Education In India education is becoming more and more specialized as was envisioned by the well-wishers of the legal profession.

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