



## Legal Education in India Needs a New Shape

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**Abstract:** Education in Law enables the citizens learning their rights and duties. A society enlightened by Law can be most effective in shaping the nation and putting a check on abuses and misuses of Laws. It can lay the foundations of a nation whose citizens love Justice, believe in Lawful co-existence for all members of society. India needs a strong legal profession for both constructive and mitigative professional management. It also requires competitive Lawyers to bear the responsibility of public administration. Legal education equipped Law students for filling different roles in the society and discharging various Law jobs, like policy makers, administrators, Lawyers, Law teachers, industrial entrepreneurs etc. In the changed scenario, the additional roles envisaged for an advocate are that of policy planner, business advisor, negotiator among the interest groups. The way the profession is organized today also requires change to let a more rational distribution of work and to promote standards of efficiency and accountability. Law as a profession in 21<sup>st</sup> Century with its expanding globalization has ceased to be a traditional profession. Globalization has far reaching ramifications on the legal professions. It has also increased the pace and complexity of law practice. Globalization brought about a revolution in international trade with increasing participation and involvement of countries and greater access to domestic economies.

**Key Word:** - Policy Maker, Administrators, Law Teachers, Industrial Entrepreneur, Accountability, Globalisation, Arbitrator, Bar Council of India.

### Introduction:

Education in Law enables the citizens learning their rights and duties. A society enlightened by Law can be most effective in shaping the Nations and putting a check on abuses a misuse of Laws. It can lay the foundations of a nation whose citizens love justice and lawful co-existence for all members of society. They can be effective in delivery of social justice if they are put into action by the professionals well versed and well instructed in Law. Therefore the justification for legal education is not only for those who wish to make the Law their profession but also for those who

wish to be responsible and enlightened citizens of a free nation.

Legal education corresponds and should be tuned with social, economic and political needs of the society. Legal Education is the basis of an efficient legal profession which is the basis of a well organized and sound judicial system. It has rightly been observed that a sound system of the administration of justice should possess three ingredients, namely a well planned body of Laws based on wise concepts of Social Justice, a judicial hierarchy comprised of Bench and Bar, learned in Law and inspired by high principles of professionals conduct and



existence of a suitable generation to ensure fair trial.

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

#### **Significance of Legal Education:-**

In a modern civilized, democratic and political state like India, it is the Law of the Laws- the Constitution of India which has conferred freedom on us and right to live with human dignity and conscience.

Legal Education is a process which equips the future Lawyers, Judges, administrators, counselors and Legal Scientists to fashion and refashion ways of peaceful and ordered attainment of ideas of human governance on the one hand and democracy on the other. The main goal of legal education is training for the profession. It includes the community objectives. It provides the framework of intellectual enquiry into contemporary problems. In broader sense legal education aims at social change with zeal to promote social justice to see that justice is not denied to any citizen by reason of economic or any other disabilities.

According to Lord Denning, the purposes of Legal Education are: Firstly to show how legal rules have developed the reasons underlying them and the nexus between legal and social history. Secondly to extract the principles underlying the existing rules, and finally to point the right road for future development.

The truth is that legal education is a lifelong process that requires joint effort by the Law Colleges and Universities, the bar and individual hard work of the Law students with each having primary responsibility for the different aspects of the education process. The true aim and objective of legal education is to:-

- (i) Prepare a proficient Lawyer who is well grounded in legal doctrine and legal analysis.
- (ii) The Lawyer must understand not only the legal rules but their social, political, economic, historical and philosophical background in essence and put the rules into context.
- (iii) The lawyer must be master of legal theory as such e.g. interviewing, fact investigation, counseling etc.
- (iv) The Lawyer understands judicial, administrative and legislative process and procedures.
- (v) The Lawyer must understand the theoretical foundations of various legal doctrines.
- (vi) The Lawyer must be able to communicate effectively both orally and in writing.
- (vii) The Lawyer must understand and act with an awareness of the profession, ethics, including the objection to clients, society, courts and other Lawyers.
- (viii) He must know both the theory and mechanism of the way in which disputes are avoided and alternative or non judicial dispute resolution mechanism
- (ix) He must have a working knowledge of human nature and empathy for people with the problems and is committed to the work ethics and self imposed high standards in the performance of professional obligations.



The primary objective of Legal education is to prepare an advocate well equipped in his profession who can argue more flexibly and innovatively within the confines marked out by the Law and one who is aware or conversant with opinions about current and traditional legal philosophy and legal education and this will only be possible

- (1) If Law Colleges and Law faculties impart education in the qualities that should be found in a legal practitioner.
- (2) Train the lawyer not merely in solving the problems of individual clients but of the society in which he lives.
- (3) Act as a centre of research and education
- (4) Contribute to the better understanding of the Laws by which societies are held together.

#### **History of Legal Education in India:- Ancient Period:-**

In ancient times there was legal education not like today's legal educational system established in Colleges and Universities all over India. The Legal Education was in Brahmanic form or Koranic form. The advocates in ancient India used to perform their duties in the form of agents of the party. The true commentary of Legal education is contained in Sanskrit and texts are commentaries or sutras, Smritis Nirbandhas.

#### **Medieval Period:-**

During the Muslim era very little was known about the operation of Legal Profession in India. During the shift from Mughal Legal System, the advocates were regarded as, 'Vakils' too followed suit,

though they mostly continued their earlier role as client representatives.

During Aurangzeb's Reign, Wakils (Vakils) were the employers of the Govt. to represent its Govts. Interest. It may also be safely added here that there were some very specialized legal practitioners in Mughal India.

#### **British India Period:-**

The introduction of Legal education in its true perspective was made possible by the Britishers in the second half of 19<sup>th</sup> century. It is quite interesting to note here that the first professorship of Law was established in Bombay at Government Eliphinstone College in the Year 1855. After that so many Law Colleges, Law schools and Law facilities were established in India for the spread of Legal Education.

#### **Modern Legal System:-**

The modern legal system was developed in India from British Period. The Federal Courts were established in Calcutta, Bombay, Madras respectively in the Year 1774, 1823, 1801. Thereafter the Bengal Regulation Act of 1793 which recognized Legal Profession in India. The legal practitioners Act 1846 was introduced which allowed the people of any nationality or religion to act as pleader. Subsequently the legal practitioners Act, 1853, the legal practitioners Act 1879 were introduced to recognize the legal profession.

In India, legal education has been traditionally offered as a three ear graduate degree. However, the structure has been changed since 1987. Actually after Independence, in the Year 1951, the All India Bar Committee was constituted



under the chairmanship of Justice S.R. Das and its report recommended the establishment of an All India Bar Council and State Bar Councils.

The Law Commission of India, 1958 observed that there has been considerable deterioration of standards of Legal Education in India and it has put forward many recommendations with a view to improve the standard of legal education in India.

Consequent upon the report of the "All India Bar Committee" the Central Govt. enacted the Advocate Act, 1961 which for the first time stipulated the professional Legal education in such a manner that it has made dignified and an honoured profession. Accordingly Bar Council of India has framed the rules prescribing the standard of legal education so as to revolutionize the methods of teaching and examinations at the Law Schools and to set the Law Schools on the road for achieving the dream of International excellence.

#### **Governance & Implication of Legal Education:-**

The present Law Course and legal education is governed by Bar Council of India Rules and Advocates Act, 1961. The relevant provisions are set forth in detail below:

#### **Role of Bar Council of India:-**

The Bar Council of India plays an important role in the development of Legal education. According to Section 7(1) (h) of the Advocate Act the function of Bar Council of India shall be to promote Legal Education and lay down standards of such education in consultation with the Universities of India imparting such

education. Bar Council of India prescribes the minimum curriculum required to be taught in order for an institution to be eligible for grant of Law degree. The Bar Council also carries on a period of supervision of the institution conferring the degree and evaluates their teaching methodology and curriculum and having determined that the institution meets the required standards recognizes the institution and the degree conferred by it.

However upon the suggestion by **The Law Commission of India** and also given the prevailing cry for reform the Bar Council of India instituted upon the experiment in terms of establishing specialized Law Universities devoted to legal education and thus raise the academic standards of legal profession in India. This decision was taken 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 multidisciplinary and integrated approach to legal education. For the first time 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. Legal luminaries like Prof. N.R. Madhava Menon, N.L. Mitra conceived of a novel idea of National Law Schools to be set up with financial assistance of state Govt. but retaining autonomy in all other respects.

Thereafter other Law Universities were set up, all offering five years integrated Law Degree with different nomenclature. The National Law University was set up in Bhopal in 1997. It was followed by NALSAR University in 1998. The National Law University



Jodhpur offered for the first time in 2001 and West Bengal National University of Juridical Science, Gujarat National Law University Gandhinagar then KIIT Law School Bhubaneswar became the first Law School in India in 2007 to start integrated Law in three different streams and honours.

Despite these specialized Law Universities, the traditional three year degree continues to be offered in India by other institutions and is equally recognized as eligible qualification for practicing Law in India.

#### **Skills training in legal education:-**

Legal education should be more skill oriented method of instruction like :

- (a) Talk and Chalk Tradition
- (b) PPT Presentation and Access of Internet.
- (c) The Case Method
- (d) Skill Orientation
- (e) Clinical Legal Education
- (f) Moot Court participation
- (g) Lok Adalat

#### **Suggested Remedies:-**

- (1) The Mushroom growth of Law Colleges without infrastructure and basic facilities should be stopped.
- (2) There should be provision of Moot Court Rooms, Mock Trails etc. duly equipped with gadgets.
- (3) The programme of study should be so designed as to be whole time study for preparing them to practice of Law Courts.
- (4) There is dire need to reorient the existing the Law libraries with special efforts to make them research oriented.
- (5) The success of legal education depends mainly on efficient teaching

staff, libraries, Law reports, syllabus for law students, research facilities etc.

- (6) Legal work shops should be organized with the help of senior judges and the advocates that the Law students are acquitted with the practical aspect of Law.
- (7) These are a dire need to import skill in arguments as the legal profession is mostly based on arguments, evaluation.
- (8) Exposure, practical training in chambers of Senior Lawyers and the Law Courts at least for a period of six months is badly needed for students.

#### **Conclusion:-**

Legal education serves the function of preparing the Law Students to practise Law, provides a hope for self employment and honourable place in society. It provides confidence to become judges, business executives, join in commercial and govt. departments. The entire subject of legal education must be reviewed from the larger prospective of demands of modern welfare state. A welfare state best functions with informed citizen's conscious of their rights and obligation and with competent lawyers as defenders of human dignity and freedom.

A modernized legal education oriented is to maximization of constitutional philosophy, values and process must itself endowed with assisting new partner of human resource development. Globalization has increased the mobility of lawyers with right skill and experiences. Many lawyers are practicing in off shore Law Firms in Major financial Sectors of the world. We too, domestic Lawyers can move to Law firms located here and litigation lawyers



can move sideways to non litigation arbitration.

In my consider view lawyer should have a good command of written and spoken language and should be able to present an issue in a clear and precise manner. A few thoughts to consider for those who wish to join the profession-

- (i) Restore the lost glory of profession.
- (ii) Self discipline.
- (iii) Memorise, mordenise and march ahead.
- (iv) Develop second line/ next generation social service and charity.
- (v) Develop in legal awareness & legal aid prorammes.

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