

# THE EMERGING CHALLENGES AND PROSPECTS OF LEGAL EDUCATION IN INDIA

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## INTRODUCTION

The new global scenario poses unprecedented challenges for the higher education system. The University Grants Commission has appropriately stated that a whole range of skills will be demanded from the Graduates of humanities, Social sciences, Natural sciences and Commerce as well as from the various professional disciplines such as Agriculture, Law, Management, Medicine and Engineering. Responding to these emerging needs, the UGC stated: "The University has a crucial role to play in promoting social change. It must make an impact on the community if it is to retain its legitimacy and gain public support". Concepts of access, equity, relevance and quality can be operationalised only if the system is both effective and efficient. Hence, the management of higher education and the total networking of the system for effective management has become an important issue. The shift can occur only through a systemic approach to change as also the development of its human resource, and networking the system through Information and Communication Technology. All these factors will impel higher education to undergo vast changes in respect of objectives, contents and methods. It will have to bear momentous responsibilities for generating new vistas of knowledge and wisdom, bolder forms of courage and heroism, unprecedented arts of harmony and beauty, and unimaginable skills suited to developing technologies. It will also be required to set more exacting standards of excellence and perfection.

The emergence of new economy, globalization, privatization and deregulation has thrown up new challenges in the field of legal education throughout the world. The revolutionary changes in information and communication technologies require corresponding changes in the legal system. Globalization and the retreat of the state from traditional role have raised new legal issues concerning methods of protection of poor and marginalized section from further impoverishment. The very nature of law and legal institutions are in the midst of paradigm

shift. The expectations of the country and the people from law and legal services in the coming years requires the State to evolve the best strategy to strengthen professional legal education while promoting wider instruction in law as a liberal academic discipline. This requires an appropriate model to achieve supervisory and control mechanism to ensure accountability on the part of professional schools of law in maintaining standards of teaching, research and extension activities. The unmet legal needs of different sections of society, delay and cost in accessing justice, impact of globalization on equality and human rights, vast technological changes especially in information and communication, the relative incapacitation of the state by market domination and the role of professions in justice, peace and development. In bringing forth all these changes law and lawyers play a decisive role of facilitation, moderation and control. It is the nature of and access to institutions and procedures which make justice possible. In structuring the institutions and procedures, particularly in periods of transition, lawyers will have to assist communities, interest groups and governments keeping in mind the requirements of equity, justice and fairness.

Keeping the spirit of qualitative improvement of the institutions of higher education, this is the right time to appreciate the integration of teaching, professional skills and research in 21<sup>st</sup> century to make our system more productive with ample scope for enhancing the skills of employability. Let us accept the following truth with a vision to update our thinking and understanding. Recently the NEP 2020 has given the direction to appreciate the paradigm shift of higher education in 21<sup>st</sup> century for a new and forward looking vision. The policy emphasizes the introduction of holistic and multidisciplinary approach in higher education through Sustainable Development Goals (SDG4). Quality development has the power to increase teachers' knowledge of academic contents and teaching skills. Powerful professional development can transform colleges into places in which all adults and students are deeply engaged in learning and making their lives meaningful. It will focus on planning and implementing professional development that is based upon student needs, driven by the intended results and desired changes in educator knowledge, skills and attitudes, and designed to transform the organization into a learning community.

## **BACKGROUND THINKING**

- The undergraduate Law institutions do not foster the quality education.
- The transaction of curriculum, pedagogy & evaluation is not satisfactory.
- Teachers' professional expertise is not ensured & recognized by law graduates.
- The traditional linear curriculum, existing pedagogy, mechanical evaluation & strong classification systems do not encourage students to learn.
- Pedagogical authority & rigid leadership are probably not being accepted by students.
- Traditional contents limit motivation on the part of both students & teachers.
- More stress on theory than commonsense (practice) leads to unnatural learning environment.
- Transaction of contents & methods is traditional without research & innovation.
- The existing infrastructures and faculties are being under evaluated by students.
- We are confused in our mission to attract students for quality legal education.
- Professional leadership is vacuum & under assessed by state bureaucrats.
- The road has therefore reached dead-end from several perspectives.
- We have to shift our movement to a new path which is challenging with a vision to make legal education more relevant in present.
- It is the right time to accept such challenges with positive mind. This process is called paradigm shift.

## **CHALLENGES OF LEGAL EDUCATION IN INDIA**

The University Grants Commission (UGC) and the Bar Council of India (BCI) are the two main regulatory bodies responsible for maintaining the quality of legal education in India. However, the quality of legal education in India has been a matter of concern for a long time, with issues such as inadequate infrastructure, lack of qualified faculty, and poor quality of teaching cited as major problems. The following challenges are to be considered while formulating strategies to sustain the quality of higher education as a whole and legal education in particular.

- Indian brand doctors, lawyers, teachers, engineers and other skilled professionals will be the demanding human resources of the globe.

- It would be a lost opportunity if we do not take advantage of this demand in 21<sup>st</sup> Century.
- It is a challenge for higher education to prepare productive human resources with international standard.
- New global scenario poses unprecedented challenges for the legal education system in India.
- The University Grants Commission has appropriately stated that a whole range of skills will be demanded from the graduates of humanities, social sciences, natural sciences and commerce, as well as from the various professional disciplines such as agriculture, law, management, medicine & engineering.
- Concepts of access, equity, relevance and quality can be operationalised only if the system is both effective and efficient.
- The management of legal education and the total networking of the system for effective management has become an important challenge before Bar Council of India in collaboration with UGC.
- The shift can occur only through a systemic approach to change as also the development of its human resource, and networking the system through information and communication technology.
- We have to set more exacting standards of excellence and perfection. Is it not a challenge?
- We have to encourage and support the forces and developments relating to the learning society and to the theme of the empowerment of learners, particularly young people.
- Methods of teaching through lectures will have to subordinate to the methods that will lay stress on self-study, personal consultation between teachers and pupils, and dynamic sessions of seminars, workshops and virtual court room.

## **STRATEGIES**

The purpose of legal education is to prepare quality legal professionals for emerging areas of law to protect our constitutional rights and obligations. We have to shift our movement to a new path which is challenging with a vision to make education more relevant in present.

## SHIFTING TRENDS OF NEW PARADIGM

- From teaching to learning
- From theory to practice
- From teacher centre to student centre
- From single degree to integrated degrees
- Multiple entry and exit –One year certificate ,two yrs diploma and three years degree
- From stand alone professional college to existing general colleges
- From face to face teaching to online teaching
- From local standard to national and global standard
- From inter discipline to multi disciplines
- From marking to grading system/choice based credit system.
- From local management to global management

The following emerging areas are to be considered while framing curriculum for legal education.

## EMERGING AREAS OF LEGAL EDUCATION IN 21<sup>ST</sup> CENTURY

<ul style="list-style-type: none"><li>• Artificial Intelligence Law</li><li>• Business Administrative Law</li><li>• Family Law</li><li>• Law of contracts</li><li>• Constitutional Law</li><li>• Property Law</li><li>• Taxation Law</li><li>• Cyber Security Law</li></ul>	<ul style="list-style-type: none"><li>• Company Law</li><li>• Administrative Law</li><li>• Civil Law</li><li>• Criminal Law</li><li>• Corporate Law</li><li>• Cyber crime Law</li><li>• Intellectual Property Rights</li><li>• Court Management software</li></ul>
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The following table presents the existing course structure and proposed Certificate/Diploma courses for empowering students in legal education.

### COURSE STRUCTURE

3 yrs Degree LL.B	5 years LL.B after class 12th	Proposed Certificate /Diploma	Master Degree	Research Degree
B.A. LL.B, B.Sc LL.B B.Com LL.B	B.A LL.B B.Sc. LL.B B.Com LL.B BBA.LL.B BCA. LL.B B.Tec. LL.B	Artificial Intelligence Law Family Law Property Law Taxation Law Cyber Security Law Corporate Law Cyber crime Law Court Management Software Court language and Drafting	2yrs LL.M	Doctorate in Law/Judicial science

### QUALITY MANAGEMENT

In order to look into the different aspects of quality of higher education institutions, it is essential to understand the systems approach to education. The notion of a system is a theoretical abstraction, and can be defined as an organized unitary whole composed of a set of interdependent, interrelated and interacting synergetic elements or sub-systems and delineated by identifiable boundaries from its environmental supra-system. Accordingly the components/sub-systems (which are independent themselves) in an integrated/holistic manner form the system. Thus, the whole is not just a sum total of the sub-systems, but a holistic representation of all the characteristics. What the whole can do/represent, the sub-system cannot. To translate this in the educational context, the educational institutions exhibit the behaviour of an open system, which has an environment that *inputs* some form of energy to the system, which undergoes *transformation* to give some *outputs* into the environment. Thus, we can consider that higher education institutes have an input sub-system, a transformation sub-

system and an output sub-system. This approach is applicable to all general and professional higher education institutions in India including legal education.

## QUALITY ASSURANCE PARAMETERS

### A SYSTEM APPROACH

Quality input parameters	Quality process parameters	Quality product parameters
<p><b>Human Resources</b></p> <ul style="list-style-type: none"> <li>• Students/Learners</li> <li>• Teachers</li> <li>• Supporting staff</li> </ul> <p><b>Physical Resources</b></p> <ul style="list-style-type: none"> <li>• Infrastructure</li> <li>• Finance</li> </ul>	<p><b>Teaching Learning Strategies</b></p> <ul style="list-style-type: none"> <li>• Both offline and online</li> <li>• Integration of knowledge and skills</li> <li>• Student –teacher empowerment</li> <li>• Management of learning opportunities</li> <li>• Self study habits</li> <li>• From practice to theory</li> <li>• Teaching appropriate skills for research and employment</li> <li>• Importance of multidisciplinary subjects.</li> <li>• Integrated professional subjects.</li> <li>• Career guidance and placement</li> <li>• Global standard with national spirit</li> </ul>	<ul style="list-style-type: none"> <li>• Employable graduates</li> <li>• Fitness for decent jobs</li> <li>• Entrepreneurship</li> <li>• Quality of research and publications</li> </ul>

### SKILL- BASED INTERNSHIP

Legal education must blend with skill-based learning as per the views of Prof. N.R. Madhava Menon who is considered as the father of legal education. The recent NEP 2020 also strongly emphasized the five years LLB into 4+1 year course. Four years of law school education and one year of compulsory internship, either in the Industry, litigation, or any other field, including but not restricted to Judicial clerkship, working with political parties, media houses, NGOs, Human Rights Commission etc. It is suggested that the law degree must be awarded based on

the 4+1 rule. Such internships must be credit based, with a 60% 40% evaluation pattern. [60% with the law school and 40% with the internship institution/individual] Also, after three years, unless it is integrated, Law schools must amend their regulations to provide for exit in case the students want to receive only the Graduate degree.

## **ONLINE LEARNING AND DIGITAL INFRASTRUCTURE**

Online teaching tools will increase the accessibility of law universities to a wider audience. The law universities should overcome the digital divide and adopt the best technology to cater to the needs of students. Innovations are required in legal education and it is surely not restricted to Science or Engineering. National Education Policy 2020 is a farsighted vision statement wherein law universities can imbibe the important aspects; bring about a constructive change in pedagogy, one that is aligned with the needs of the changing times to emerge as Centre of Excellence.

## **CAREER GUIDANCE AND PLACEMENT SERVICES**

All legal education institutions should have a career guidance and placement cell to provide career opportunities and jobs to law graduates. The following table presents the top recruiters for various job positions.

<b>TOP RECRUITERS</b>	<b>JOB POSITIONS</b>
Bar Council of India (BCI), Law firms, Multinational companies, Public sector and private sector banks, Government Departments, Corporate sectors and Legal process outsourcing.	Advocate, Legal advisor , Solicitor, Legal Manager , Law officer and Lecturer