

Legal Education Institutions in India- Some Concerns

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ABSTRACT

Imparting of high-quality legal education is sine qua non of any legal educational institution. It prepares the students to be an asset to the society contributing positively in its progress and evolution. In view of the constant development in legal landscape due to legislations, courts decisions and societal dynamics, keeping pace with the changes is a significant challenge. Ever evolving laws and regulations directly impact legal practice. The legal professionals, be it the law practitioners, lawyers, judges, academicians, policy makers, law enforcers etc., must adapt to new legal paradigms which require continuous learning. It is critical for any institution imparting law course to be well equipped in all aspects in overcoming these challenges.

Keywords: Legal Education, Educational Institution, Law Enforcers, Policy Makers, Societal Dynamics.

Introduction

All educational institutions are important and play a very significant role in shaping the future of a country and the development of the society. They are the places where one learns, assimilates and understands the various aspects of life, through the subjects which are taught, the settings and environment of the institution and the society where the institution is located. In a Legal educational institution one not only learns various concepts relating to regulation of human behavior in a given society, particularly and generally, but ideally she/he is also expected to develop the skill of articulation, while analyzing the concepts, principles contained in a given enactment and applying them at the same time to a given situation. Law holds a place as one of the noble professions and is expected to be the beacon of social justice and social change. Legal education, while equips one with the basic knowledge of lawyering, it also nurtures individuals who understands the complexities of law, its role in society and are taught the values of justice, ethics and critical thinking. These values extend beyond court rooms and affect every facet of social interaction, influence public policy, human rights and social change. Legal education institutions can have profound impact on the society at large and thus must be well equipped to not only ensure that the law students are proficient in legal principles and doctrines and their application but are also the individuals/citizens with a voice for justice, fairness and the rule of law in its letter and spirit. Some of the recommendations/observations of the Working Group of National Knowledge Commission¹ are worth mentioning in reference to the above to bring out the expectations from Legal education institutions, which are as under-

"Legal education should aim to prepare legal professionals who play a decisive leadership role in meeting these challenges, not only as advocates practicing in courts, but also as legislators, judges, policy makers, public officials and civil society activists as well as legal counsel in the private sector. Legal education should also prepare lawyers to meet the new challenges of working in globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a

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¹ The National Knowledge Commission constituted in 2005

paradigm shift. Original and path breaking legal research is needed to create new legal knowledge and legal ideas will help us.

The working group is of the opinion that the vision of legal education is to ensure justice oriented legal education to contribute the realization of values enshrined in the Constitution of India. Legal education must also inculcate the need to observe the highest standards of professional ethics and a spirit of public service. In order to achieve these goals legal education needs to be broad based, multi-disciplinary, multi-functional and contextual. The phenomenon of globalization provides an important context in relation to which the vision and goals of legal education have to be concretized.

A number of law schools have been offering quality education. However, the most immediate challenge is to improve the quality of legal education in a vast majority of law schools in the country. This task entails a range of measures including reforms in the existing regulatory structure, significant focus on curriculum development keeping in mind contemporary demands for legal services, recruitment of competent and committed faculty, establishing research and training centers, necessary financial support from the State, and creating necessary infrastructure, especially a well-endowed library.

The syllabi of law courses have to be carefully designed¹. Law teaching must be interwoven with related contemporary issues, including international and comparative law perspectives. The curricula and syllabi must be based in a multidisciplinary body of social science and scientific knowledge. Curriculum development should include expanding the domain of optional courses, providing deeper understanding of professional ethics, modernizing clinic courses, mainstreaming legal aid programs and developing innovative pedagogic methods. Legal education must also be socially engaged and sensitize students to issues of social justice².

From the above recommendations/observations it is proposed to appraise the situation related to curriculum and the faculty in the legal educational institutions. Hence, this paper is limited in its scope to the challenges in curriculum/ syllabus structure, its application and also the quantity and availability of quality law teachers.

The Curriculum and Challenges

It is important to note that like any other educational program, in legal education too at least four major dimensions of educational planning and practice should be embraced, viz. the intention of the planners', the procedures adopted for the implementation of those intentions, the actual experiences of the learners resulting from the teacher's direct attempts to carry out the planners' intentions, and the learnings that occur as a by-product of the organization of the curriculum and of the school³. Hence, curriculum can be understood to mean the totality of the experiences the learner has as a result of the provision made⁴.

In context of legal education, it is the Bar Council of India which, empowered by the Advocates Act, 1961⁵ to promote legal education and lay down standards of legal education, regulates the course structure and has listed the subjects⁶ which a law student must read and clear and to keep pace with the ever-evolving area of law, adds subjects from time to time⁷. The first Curriculum Development Committee (CDC) of the Bar Council of India submitted its report in on 15th February 2010⁸. Constituted for the purposes of facilitating Universities and Institutions to formulate the course design in various courses in Law, it highlighted the faculty sovereignty in designing and successfully running those courses in the University. While encouraging planning and designing of courses as stipulated in the Education Rules, it unequivocally stated that the Bar Council of India does not have any intention to interfere with independence of the Faculty. It maintained that the CDC provides a suggested outline as recommended benchmark standard, which a University may consider while finalizing its curriculum design. It was hoped that a standardized structure and curriculum design throughout the country shall also provide for mobility of student community from one part of the country to another encouraging more national integration.

¹ Para 2.2.4, Report of the Working Group on Legal Education, National Knowledge Commission, India

² Key Reform Proposals of National Knowledge Commission, India, October 15, 2007

³ The Curriculum: Theory and Practice By A V Kelly, p. 13

⁴ Ibid

⁵ Section 7, The Advocates Act, 1961

⁶ Schedule II, Bar Council of India, Part IV Rules of Legal Education, 2008

⁷ Press Information Bureau, government of India, Ministry of Law and Justice Circular dated 02. 08.2024; Circular 465/2024 dated 24.01.2024 and as recently as Letter No. 8917 dated 13.12.2025

⁸ BCI:D: /33/2011 DLE Dated 16.08.2011

Thus, as before¹, the Detailed syllabi and regular curriculum/syllabus updating including the assessment to identify the areas which may be outdated or are inadequately covered is still left to be carried out by the institutions offering the law course. Such an endeavor involves a systematic review of course materials and teaching methods.

However, barring some of the universities and institutions, mostly the pattern and composition of the law course is limited to the understanding of the basic concepts of the subject with reference to an enactment under study and the study of the landmark judgements pronounced by the highest court of law. Understanding, logic and recognition of the principle behind an enactment rarely finds its place in the discourses or discussions in the classrooms. Thus, the textual understanding of the subject/enactment takes precedence over the spirit of the enactment. The learner invariably finds it difficult to make the necessary connection with that aspect of the law which has the ability to imbibe the ethical value attached to it.

Further, undeniably, in legal education, there is a difference between theoretical knowledge and the practical demands of the legal profession and thus the curriculum must include the experiential learning options for the learners. With experiential learning opportunities, students demonstrate higher levels of satisfaction and are better prepared for real world legal challenges. It is also expected to enhance critical thinking and adaptability of the students to the modern legal complexities². Collaborations with the local bodies like District Legal Services Authorities, law enforcement institutions and senior legal practitioners and experts can prove to be valuable as their insights can provide a real-world perspective on the required skills and knowledge that are most relevant in today's legal landscape, thereby impacting the law students positively. The Clinical subjects form part of the curriculum and Clinical Legal Education has been defined, "to mean and include a course on skill learning used in actual court practice and in any judicial proceedings, in reality, virtual or through simulations including any course on alternative dispute resolution skills and technique concerning negotiation, conciliation, mediation and arbitration, run by the Bar Council of India and/or any State Bar Council, and/or University Law School/Faculty/Department with the assistance senior legal professionals from Bar and Bench"³. However, as of now, there is no standardized procedure in practice to achieve the above collaborations.

For upholding the "Rule of Law", law educational institutions play an important role as these institutions shape the future of legal professionals, including lawyers, judges, paralegals and legal professionals. Legal education equips individuals with the ability to protect rights and liberties and enables them to advocate for justice, fairness and protect human rights. At times working as a catalyst for social change and reform, legal education empowers students to become advocates for change and contribute to the development of laws and policies. Sound legal education teaches the principles and mechanisms of conflict resolution including negotiation and mediation skills. The legal professionals facilitate business transactions and ensure contract enforcement. Often engaging in community service, their pro bono work can positively impact under privileged instilling social responsibility in return. Thus, the curriculum must include the components which not only focuses on the above factors but also enhances these qualities in the law students.

As a curriculum is the total experience of the learner throughout the course of study undertaken by her/him, it is necessary that the legal educational institution must be well equipped with adequate infrastructure to facilitate the learner with the desired outcome. Devoid of such an arrangement the learner will not be able to appreciate the course so undertaken to the maximum satisfaction of all the stakeholders. The aspect of minimum infrastructure required in an institution to impart legal education can be well addressed in separate research to be undertaken in future.

Quality and Quantity of Faculty

At the heart of any educational institution is a well-qualified, responsible faculty who realize the degree of responsibility for their own professional work⁴. The quantity and quality of faculty have a direct impact on the quality of education provided in an educational institution. The strength of faculty is indicative of an institution's capacity, capability, consistency and commitment to impart education and the knowledge. Expertise, skill and dedication of the faculty members is essential for the nurturing and growth

¹ University Grants Commission, Curriculum Development committee (Law) Report, 2001

² Faculty Perspectives on the Need for Curriculum Reform in Legal Education | kslr.org.uk

³ Bar Council of India Legal Education (Post-Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education), Rules, 2020

⁴ Op. Cit. at 5

of the institution as well as for the benefit of the students. However, it is an open secret that the legal educational institutions, including the well-established National Law Universities, suffer from acute shortage of teaching faculty¹. The dearth of the regular/permanent faculty and dependency on the ad-hoc arrangements² leaves little room for coherence in the academic environment of the legal institution. Law is dynamic by its very nature and in a legal education institution, where each subject demands specialization, lack of adequate number of faculty members leaves an institution high and dry. The public legal education institutions are dependent on the government for creation of adequate number of posts for the faculty and thereafter for the appointment on the respective posts and the private legal educational institutions are dependent on the management for the same, who have their own interests to care for. Retention of a quality faculty too poses a challenge when the faculty is underpaid.

According to norms laid down by the Bar Council of India³, the minimum requirement is one teacher on forty students. If the said norm is complied with, at least the institutions will have sufficient number of teachers to take care of the curricular of an undergraduate course in law. Hopefully the efforts of Bar Council of India, which has been striving to uphold and elevate the standards of legal education⁴, will eventually bear fruits.

The updating of the subject knowledge is crucial in legal arena and the non-availability of the research support in the institutions is one of the factors in the decrease in the quality of law teachers. Then again, the paucity of law teachers results in assigning more subjects to be taken up by one faculty member. As the legal institutions lack the basic infrastructure for the faculties to carry out research, it becomes difficult for the faculty to members to employ any other pedagogy but to depend on the one by which they themselves have learnt⁵. A need has been felt for standardization and improvement of teaching methodology for which Bar Council of India is proposing to introduce Faculty improvement and Teachers Training program⁶. In the present scenario, employing facilitator-led learning, emphasizing self-directed, experience based, problem-solving approaches with internal motivation, recognizing learners' existing knowledge by the law teacher is a distant dream. It again is invariably stated that unless a legal education institution has good, dedicated and competent teachers, it is difficult to get good students. Reading material which constitutes an important part of teaching is generally prescribed in the syllabus of a subject by the university in the form of suggested reading by prescribing some of the books which are reference books. The paucity of law teachers and lack of self-motivation results in an overburdened faculty members finding it difficult to update the subjects assigned to them and/or develop the reading materials related to their subject.

Conclusion

The importance of improvement in legal education system in India is the need of the hour. Some of the suggestions given hereafter may be useful in taking a step towards betterment of present legal education system in India. To achieve the holistic results universities will have to ensure that they lay down a curriculum which includes study of comparative jurisdictions and provides optional study in related fields, viz. sociology, psychology, political science etc. Employing multiple methods of instruction and best practices using the services of lawyers, judges and social activists⁷ in imparting the legal education will bring home to the students' various practical aspects of law. The case law must be discussed as a practical application of law and should not be limited to sharing only the principles of law laid down therein. To emphasize the practical aspect of learning of law, exam papers must contain a fixed percentage of application based practical problem, wherever not already adopted. A good faculty is the foundation stone on which total edifice of legal education stands. Thus, it is only when the importance of this factor is realized by the concerned authorities and the conditions on the field change for the better that we can hope to see gradual improvement in the legal education system in India.



¹ Faculty composition in National Law Universities-Examining contractual and regular appointments by Aush Jaiswal and Sudhanshu Pratap, September 2023

² National Law University (NLU) Jodhpur v Prashant Mehta & Ors. SLP 13762-13764/2019

³ Bar Council of India, Legal Education Rules, 2008

⁴ BCI:D:469/2024 (LE/Cr. 007) dated 21.05.2024

⁵ Reforming the Law School Curriculum from Top Down By R. Michael Cassidy, Jornal of Legal Education, Vol. 64, No. 3 (February 2015)

⁶ Op. Cit at 13

⁷ Training in Legal Education: Some Comparative Insights From Indian and American Experience, By Prof. N.R. Madhav Menon, Journal of the Indian Law Institute, Vol. 49, No. 3 (July-September 2007)