

LEGAL EDUCATION AND ITS CONTEMPORARY ISSUES

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I. ABSTRACT:

Education is a vital instrument and an influential medium which brings enormous changes in the society and legal education is a type of mainstream education which involves the study of law. Legal education plays a vital role in bringing a powerful change out in the society. Legal education focuses on the individual development and society as well and focuses to make the rule of law strong. This paper focuses on the legal education and the contemporary issues associated with the legal education. This paper covers topics such as the legal educational system in India, Constitutional provisions of legal education, regulating bodies, Disadvantages in Legal education, Reforms that can be brought in legal education in India.

II. KEYWORDS: LEGAL EDUCATION, BAR COUNCIL, LAW, LEGAL INSTITUTIONS, REFORMS.

III. INTRODUCTION:

Law is a decisive instrument which has the highest potential to bring change and restructuring in the society and provides justice to the people. The primary is to main peace and order in the society and protect the right and freedoms of the citizens. The legal education has various objectives such as research objectives, administrative, socialization and lot more. The legal education and the legal aid go hand in hand as state's duty and does not come under the government's charity. The legal education's main aim is to make the law students equip the law students with theory of law, its philosophy, and its functions. The legal education also aims at producing legislators, judges, policy makers, and person involving in social service. The legal education is the basis of an effective legal profession that is the basis of a well organized and a sound judicial system. The Indian legal profession and the legal education as well has not developed a fully operated approaches to the legal problems and the legal order. The legal education acts as a foundation for the peaceful society and thus the legal education of the people is a sine qua none. The law commission of India defines legal

education as a science which imparts to students' knowledge of certain principles and provisions of law and thus enable them to enter the legal profession.

The legal education committee in Harvard law school lays emphasis on the double purpose of a law school

- 1) To train men for the legal profession
- 2) To provide a centre where scholars might contribute to an understanding of law and government and participate creatively in their growth and improvement.

IV. LEGAL EDUCATIONAL SYSTEM IN INDIA:

In India the legal education has its traces from the ancient period, during the Mughal period the legal representative(vakils) we came into existence, then during the British era a 3 year course was offered. The first law university was set up in India in the year of 1985 in Bangalore named as National Law School of India University. After 2008 National law universities CLAT was brought in for the purpose of admission in an unified manner fir the students. In India, the legal education is monitored and governed by the Bar Council of India. It works as government, private and government aided

institutions. Law colleges usually offers 3 years LLB, 5 years integrated course such as B.A.LL.B OR B.A.LL.B (hons) and LL.M courses. And recently the university grants commission has approved for a 1-year LL.M course. The number of colleges providing the legal education has increased intensely. The dangerous bane when it comes to legal education is that some colleges themselves recognized as law colleges and give free degrees to the students without proper education and examination. Section 7 of the advocates act the important function of bar council is to promote the legal education. There are totally 10 National Law universities in India which are opened to the development of the students with par with the foreign students. The bar council of India and university grant commission acts as an sunshade for the standards of the legal education and profession.

V. DISADVANTAGES OF INDIAN LEGAL EDUCATION:

The main disadvantage of legal education in India is the easy entry, which happens because mostly the legal institutions are run by the businessman and industrialists. And secondly the law school follow the old age teaching method and institutions does not concentrate to bring upon students with the legal knowledge practically rather they try to impose them theoretically to get minimum passing requirements. Thirdly the syllabus which does not get revised regularly and there is no uniformity in the syllabus between the universities. The teaching methodology and learning method is totally different between the institutions. The other major problem for the law schools is the placement. Students can be placed in corporate offices or can be sent as in-house counsels or legal advisors, but that lacks in many institutions to place the students like other professional courses or departments does. The last problem of law students is that the pay they get after their degree which does not satisfy the essentials of the individuals themselves. In the latest QS world university ranking for law many Asian universities has

marked their rank but None of the Indian Institutions has attained any rank in the 300 institutions which indirectly states that the Indian law universities has to go a long way to attain international recognition. The other major lacking in the Indian law schools is that the lack of quality of research and publications. Many law institutions has not made the research and publications a mandatory one to the students. There are no separate law universities in all the states to govern the legal institutions. At present most of the legal institutions are affiliated to the universities which already concentrates on the arts, science, and commerce. And as most of the legal institutions use traditional methods of teaching in the classrooms, students does not get attracted towards the legal education. The major lacking in the law students is the practical knowledge which many institutions failed to provide and instead they insist upon the theoretical knowledge on advocacy.

VI. ROLE OF BAR COUNCIL:

The advocates act, 1961 was passed by the parliament under list I of the constitution of India, under the advocates act the bar council of India was formed to promote the legal education along with the university grant commission.

In the case of *Bar council of Uttar Pradesh V. State of Uttar Pradesh*¹⁴, the Hon'ble court observed that the responsibility of bar council of India is not limited to the professional standards alone but also extends to the legal education as well.

Bar council of India under the advocates act, 1961, has given powers to prescribe the minimum qualifications for the students to get admission in the law courses in any of the recognized universities.

Under section 10(2) (b) of the advocates act, 1961 the bar council of India formed and established the legal education committee. The

¹⁴ *Bar council of Uttar Pradesh V. State of Uttar Pradesh* 1973 AIR 231, 1973 SCR (2)1073

main motive of establishing the committee is for promotion of the legal education.

The bar council of India also started the bar council of India trust in the year of 1974 and this trust was created to maintain the professional standards and to bring in improvements in the legal education.

Directorate of legal education has been formed by the Bar council of India for the purpose of organizing, running, conducting, holding and maintaining and continuing legal education, teachers training, seminar and workshops, legal research and assignments given by the bar councils.

VII. ROLE OF SUPREME COURT:

The Hon'ble Supreme Court in the case of **Deepak Sibal V. State of Punjab**¹⁵ held that the legal studies should be encouraged without any sort of intervention. The Hon'ble Supreme Court also insisted the state to encourage the same.

Also, In the case of **Gopalkrishna Chatrath V. Bar council of India**¹⁶, the Hon'ble Supreme Court observed that the right to education which is available to an individual for educating himself should not be par with others. Education, be it legal education or any other education everyone is entitled to have it. In the case of **Indian Council of legal aid and advice Vs. Bar council of India**¹⁷ the decision of the Bar council of India was struck down by the Hon'ble Supreme Court which restrains a person above the age of 45 to enroll as an advocate to the state bar council.

VIII. REFORMS THAT CAN BROUGHT IN LEGAL EDUCATION:

During every academic year students can be taken to court visits, prison visits, conduct moot court competitions, give practical training, drafting and all these can be made as an compulsory routine to the students who take the legal education. The Bar council of India or

the states should take the necessary steps to improve the legal education in our country by imposing various changes and reformations towards the legal institutions. Students who opt for legal education in an institution should be provided with a decent access to the legal dictionary, journals, and legal books and other general reference materials at a moderate cost. The duration of courses and the extrance exam at the bar is the only major reform made in the legal education since the time of Independence, which fails to produce students who can do justice to the legal profession. Clinical or practical legal education has to be provided in the legal institutions rather than imposing the usual academical education. Legal education is not an one time education, the legal professionals need to be updated ad educated on a regular basis to provide justice, so not only the students but also the teaching professionals in the law schools, legal researchers, court officials all should be given or taken updates.

IX. GLOBALIZATION AND LEGAL EDUCATION IN INDIA:

The growing globalization has thrown up many challenges to the legal profession and thus it has become a challenge to have the legal studies within the territorial boundaries of the legal system. Many national law universities are brought in as the part of institutional development has made our students equalized with the foreign students in the global setup. The globalization has raised lot of new legal issues for the protection of poor and marginalized section of people.

X. CONCLUSION:

In India, the legal education has failed to respond to the contemporary challenges being raised. And the legal educational system in India has not yet prepared to face the raising challenges of the globalization. When compared to the other field of education such as science, engineering and medicine the legal education has failed to equalize it with the growing technological advancements and other social developments. The legal education

¹⁵ Deepak Sibal V. State of Punjab 1989 AIR 903, 1989 SCR (1) 689

¹⁶ Gopalkrishna Chatrath V. Bar council of India, AIR 2001 PH 41

¹⁷ Indian Council of legal aid and advice Vs. Bar council of India 1995 AIR 691, 1995 SCC (1) 732

in most of the institutions still has the focus on the theoretical lectures which does not attract students towards and remains as an important reason for students restricting themselves to other courses. Mostly the legal institutions focus either to the preparation of legal professional or workers for corporates or MNC's. Though there are various committees for making reforms in the legal education there has not been any remarkable change in the legal education in India. The law students should not only aim to get graduated but also should know and participate in programs like lok Adalat, legal aid, legal literacy, and para-legal training. Legal education should be provided based on the social and justice oriented. Law and legal education and its development has become an inter-related in the modern world. The legal professors, judges, professional lawyers also trying to play a vital role to strengthen in India by promoting legal education and research in law.

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