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REVITALIZING LEGAL EDUCATION IN INDIA: FOSTERING EXCELLENCE AND PHILANTHROPY

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Abstract

Education plays a pivotal role in facilitating societal transformation. It catalyzes unleashing the inherent potential residing within individuals, encompassing their physical, intellectual, and emotional dimensions. By equipping individuals with the capacity to understand, analyze, and adapt to information and experiences, education empowers them to navigate the world meaningfully. Its primary objective is to eradicate ignorance by imparting knowledge, enabling individuals to understand various subjects and phenomena comprehensively. Legal education is significant in shaping lawyers who serve as social engineers and contribute to the nation's development. In an interconnected world, law schools encounter challenges such as heightened foreign competition and diminishing state involvement. However, globalization also presents avenues for reevaluating higher education systems, providing opportunities to establish global universities through international collaborations and programs. This article explores critical issues in the Indian legal field, including the backlog of cases, lack of access to justice, judicial activism, inefficient court procedures, quality of legal education, lack of continuing legal education, and gender disparity. Existing case laws are cited to support the analysis of each issue. The backlog of cases burdens the judiciary and delays justice, while the lack of access to justice disproportionately affects marginalized communities. Judicial activism, though necessary, must be balanced to prevent judicial overreach. More efficient court procedures contribute to delays, and legal education often needs more practical training and an up-to-date curriculum. Continuing legal education is underdeveloped, and gender disparity persists in the legal field. The article concludes by emphasizing the need for collaborative efforts among stakeholders, such as the government, judiciary, legal institutions, and legal professionals, to address these challenges.

Keywords: India, Law, Legal System, Education, Judiciary, Social, Justice

Introduction

In present-day developing societies that aspire to establish social welfare states and strive to enhance the socio-economic well-being of their people through peaceful means, the notions of law, legal education, and development have become intricately linked. This holds for our own country as well. In a developing nation, legal education must foster the development of lawyers with a strong sense of social responsibility. In today's world,

irrespective of their field of work, whether administration, commerce, or industry, having a fundamental grasp of the law has become indispensable. Each individual is responsible for being well-informed about their rights and obligations, as ignorance of the law is not considered a valid excuse. Every citizen must possess a fundamental understanding of the country's legal framework. Consequently, legal education assumes a crucial role in producing law-abiding citizens, significantly emphasizing

the development of legal education. Across India, numerous institutions provide legal education, ranging from prominent colleges in major cities like Delhi and Kolkata to Law Colleges in smaller districts. The Indian legal field is critical to the nation's democratic framework. It plays a crucial role in upholding the rule of law, protecting citizens' rights, and maintaining social justice. However, like any system, it faces various challenges that hinder its effectiveness.

Looking at the objectives of the legal education system in India, the main objectives of the Legal System in India are:

1. Objectives related to socialization.

One of legal education aims to enhance individuals' understanding and awareness of the local and global environment, enabling them to comprehend the societal challenges they face. Additionally, legal education seeks to shape values and attitudes, contributing to the socialization process.

2. Objectives related to human resources development

Legal education is crucial in equipping individuals with the necessary skills and knowledge to fulfill their societal responsibilities. It aims to develop a competent workforce capable of effectively addressing the needs and demands of society.

3. Objectives related to expanding opportunities

Legal education creates opportunities and facilitates social mobility, particularly among historically disadvantaged or marginalized groups. It aims to bridge the gaps and promote inclusivity in society.

4. Objectives related to research

Legal education institutions are encouraged to conduct research that contributes to education and society. The focus is on generating valuable insights and knowledge to inform and improve educational practices.

5. Objectives related to administration

Administrative objectives in legal education encompass effective planning, governance, and management of educational institutions. This includes implementing efficient budgeting, sound management practices, and comprehensive program assessments.

Moving further from the objectives, the weaknesses of the Indian Legal Education System are prominent too. The course content for legal education programs is determined by universities per guidelines provided by the Bar Council of India. These courses promote legal education and establish standards for such education in consultation with Indian universities offering such programs. The Bar Council of India's Rules²⁶ outlines the mandatory and optional subjects for the LLB program. Part I comprises six compulsory subjects as stated in Rule (9) (1), while Part II includes 21 subjects listed in Rule 9 (2) as compulsory. Rule 9(3) presents 15 optional subjects from which students must select three.

In 2000, the University Grants Commission (UGC) established a Curriculum Development Committee, which developed a new UGC Model Curriculum²⁷. This model curriculum was distributed to individual universities to revise their law curricula. Despite efforts and recommendations to enhance the professional skills of Indian law graduates, the presence of foreign and international institutions poses a potential challenge. The following are some of the significant weaknesses in our legal education system:

1. Outdated syllabus and curriculum

There is a pressing need for a curriculum overhaul, as the current law school curriculum has been criticized for failing to address critical issues in today's legal landscape. Law schools are faced with conflicting demands for curriculum reform. Many private law schools

²⁶ "Rules on professional standards « The Bar Council of India." *The Bar Council of India*

²⁷ "CURRICULUM DEVELOPMENT COMMITTEE." UGC

offer limited or no elective studies, focusing primarily on a core curriculum that needs to be updated. Introducing new and contemporary subjects becomes challenging as it may require sacrificing essential topics. Moreover, despite most institutions and law schools adopting a five-year degree program, the curriculum must follow a three-year course syllabus. Emerging law schools, especially private institutions, concentrate solely on Indian law-related teaching and research.

2. Assessment of examinations

The actual effectiveness of any curriculum can only be evaluated through rigorous examinations that discourage misconduct. Examination questions should be analytical, requiring students to apply the law rather than simply

3. Pursuit of excellence

The quality of education law schools provides is a significant concern. Factors such as admission processes, curriculum design, examination methods, and faculty qualifications all contribute to the overall quality of legal education. However, the quality of education varies significantly between National Law Universities and other law schools, with most private law schools being average. Relying solely on a few exceptional colleges would be a mistake, as they alone cannot raise educational standards.

4. Research and Learning

Research and learning are crucial aspects of legal education, fostering knowledge creation and dissemination. Faculty members should encourage students to research, produce original work and discourage plagiarism. Plagiarism adversely affects the quality of academic writing. The lackadaisical approach of teachers in reviewing projects often leads to the submission of plagiarized work. Additionally, professors frequently award top grades to all students, regardless of the quality or

completion of their assigned projects, which undermines the efforts of diligent students.

5. Varying standards among law schools

While India boasts reputable National Law Universities, several private law colleges must provide sufficient education to grant degrees. This disparity affects the quality of graduates from different law schools, leading to significant variations in their capabilities and preparedness. As a result, a significant divide has emerged between elite educational institutions and the rest of the institutions, with notable discrepancies in student learning outcomes and overall development.

6. Lack of practical approach

Most law school curricula heavily emphasize theoretical aspects, which students find unengaging. The focus on theoretical subjects, such as the Indian Penal Code, Code of Criminal Procedure, Code of Civil Procedure, Indian Evidence Act, and the Constitution of India, without practical application, can hinder students' later stages of learning. Internal assessments conducted by professors, which carry significant weight in overall grades, are often based solely on theory.

7. Medium of instruction

Several private institutions conduct legal education in regional languages, admitting candidates from specific states without practical English communication skills. However, most legal materials, including statutes, cases, and law texts, are predominantly available in English. The insufficient availability of textbooks in regional languages further exacerbates the problem, leaving students with inadequate subject knowledge and communication skills required for the legal profession.

These challenges call for comprehensive reforms in legal education to address outdated curricula, enhance teaching methodologies, promote practical learning, maintain high examination standards, and bridge the gaps in educational quality among law schools.

Further discussing the challenges, the emergence of the new economy, globalization, privatization, and deregulation has presented new challenges for legal education worldwide. The legal system must adapt to the significant advancements in information and communication technology. Globalization and the shifting role of the state have raised novel legal issues regarding protecting vulnerable populations from deepening poverty. The very essence of law and legal institutions is undergoing a transformative shift. The challenges the Indian Legal Field faces are:

1. Backlog of Cases:

One of the most pressing challenges in the Indian legal system is the overwhelming backlog of cases. The judiciary is burdened with numerous pending cases, causing delays and denial of justice. The case of *Maneka Gandhi v. Union of India (1978)*²⁸ highlighted the importance of speedy justice, stating that the right to a fair trial also includes the right to a speedy trial.

2. Lack of Access to Justice:

Access to justice remains a significant challenge, particularly for marginalized communities and economically weaker sections. The case of *Hussainara Khatoon v. State of Bihar (1979)*²⁹ brought attention to the issue of undertrial prisoners languishing in jails for extended periods without trial. It emphasized the need to provide legal aid to the poor and marginalized to ensure equal access to justice.

3. Judicial Activism vs. Judicial Overreach:

While judicial activism is essential for safeguarding citizens' rights, excessive judicial overreach can undermine the separation of powers. The case of *Kesavananda Bharati v. State of Kerala (1973)*³⁰ established the principle of basic structure, limiting the Parliament's power to amend the Constitution. However,

there have been instances where the judiciary has been criticized for overstepping its boundaries.

4. Inefficient Court Procedures:

Procedural delays, cumbersome documentation, and ancient practices often plague the Indian legal system. The case of *Salem Advocate Bar Association v. Union of India (2005)*³¹ emphasized the need for court reforms to streamline procedures and reduce delays. It called for technological advancements, such as e-filing and video conferencing, to improve efficiency.

5. Quality of Legal Education:

The Indian legal education system faces several challenges, including an outdated curriculum, lack of practical training, and limited faculty resources. The case of *P. V. Indiresan v. Union of India (2011)*³² discussed the reservation and highlighted the need for comprehensive legal education encompassing theoretical knowledge and practical skills. It stressed the importance of legal clinics, internships, and moot court competitions to bridge the gap between theory and practice.

6. Lack of Continuing Legal Education:

Continuing Legal Education (CLE) is crucial for legal professionals to stay updated with the evolving legal landscape. However, in India, the culture of CLE is still nascent. The case of *Bar Council of India v. Bonnie FOI Law College*³³ emphasized the need for mandatory CLE programs to enhance the competence of lawyers and ensure the delivery of quality legal services.

7. Gender Disparity in the Legal Field:

Gender disparity remains a significant issue in the Indian legal field, with women underrepresented in higher judicial positions and senior legal roles. The case of *Vishaka v.*

²⁸ *Maneka Gandhi vs Union Of India* on 25 January, 1978

²⁹ *Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar, ...* on 9 March, 1979

³⁰ *Kesavananda Bharati ... vs State Of Kerala And Anr* on 24 April, 1973

³¹ *Salem Advocate Bar ... vs Union Of India* on 2 August, 2005

³² *P.V.Indiresan vs Union Of India & Ors* on 18 August, 2011

³³ *Bar Council Of India vs Bonnie Foi Law College .* on 18 March, 2016

State of Rajasthan (1997)³⁴ recognized sexual harassment at workplaces and mandated guidelines to create a safe working environment. However, despite progress, gender parity is yet to be achieved.

Apart from these, the Indian Legal Education System also faces various challenges such as:

1. The presence of foreign universities and legal practitioners in India

The presence of foreign universities and legal practitioners in India has presented a significant challenge to legal education. It raises the question of why students would choose to study in Indian law schools when they can obtain foreign degrees at a comparable cost. Likewise, international experts would have access to legal professionals within India. Our objective should be to produce lawyers who possess exceptional skills and are highly sought-after when they venture abroad. As international corporations establish their presence in India, there will be a demand for lawyers with expertise that matches the best in the world.

2. The commercialization of legal education

The commercialization of legal education has led to a surge in the number of law colleges, damaging India's global standing in the field of legal education. Unfortunately, this expansion has not contributed to improving academic standards, including the caliber of faculty and students, or promoting research activities. Instead, many institutions have transformed into substandard commercial ventures, compromising the overall quality of legal education.

3. Financial Resources and Physical Infrastructure

The significance of establishing robust physical infrastructure and research initiatives and fostering faculty development must be recognized by law schools in India. While

national law schools tend to have better infrastructure than traditional university legal departments, there is room for improvement across all institutions, including universities. Motivating and educating law graduates to engage in critical thinking regarding societal issues is crucial. Academic freedom to think and contribute can only be ensured if adequate physical infrastructure and financial resources are available to universities.

4. Promotion of philanthropic efforts in the field of legal education

In the field of legal education, philanthropic efforts are rare, and most initiatives are either state-sponsored projects or commercial ventures with subpar academic standards. To promote high-quality legal education and research in the country, it is imperative to encourage philanthropy. Unfortunately, the proportion of philanthropic contributions to total higher education spending has declined in recent years. All stakeholders, including law schools, the legal profession, law firms, companies, and the judiciary, must actively support charitable projects in legal teaching and research.

5. Research Aptitude and Qualified Professors

Another crucial aspect is the presence of qualified professors and researchers in law schools, especially for clinical legal education. However, due to insufficient incentives, there needs to be more interest among talented individuals to pursue a teaching career in law. Many who do enter academia eventually migrate to more financially rewarding sectors. Attracting and retaining talented educators and researchers is paramount to addressing this issue and enhancing legal education.

This is just the crux of the issues. There are many more issues that the Legal System in India and the Legal Education System in India face.

The Indian legal field and legal education system face many urgent challenges.

³⁴ Vishaka & Ors vs State Of Rajasthan & Ors on 13 August, 1997

Addressing the backlog of cases, improving access to justice, ensuring the efficiency of court procedures, and enhancing the quality of legal education are crucial steps. Additionally, promoting gender equality in the legal field and fostering a culture of continuing legal education will contribute to a more robust and effective legal system. It is imperative for all stakeholders, including the government, judiciary, legal institutions, and legal professionals, to work collaboratively to address these issues.

To overcome the backlog of cases, the judiciary must adopt innovative measures such as case management techniques, alternative dispute resolution mechanisms, and increased judicial infrastructure. Additionally, the use of technology can streamline processes, and automate more accessible access to case information.

Improving access to justice requires a multi-faceted approach. Legal aid programs should be strengthened and expanded to ensure that the economically disadvantaged have equal access to legal representation. Public awareness campaigns and legal literacy programs can empower citizens to understand their rights and navigate the legal system more effectively.

Efforts should be made to strike a balance between judicial activism and judicial overreach. While the judiciary must step in to protect constitutional rights and ensure justice, it is crucial to respect the boundaries defined by the Constitution and democratic principles. Regular discussions and open dialogue between the judiciary, executive, and legislative branches are essential to maintaining this balance.

Court procedures must be modernized and streamlined to reduce delays and enhance efficiency. Implementing electronic case management systems, digitizing court records, and video conferencing for hearings can expedite the process. Training programs for

judges, lawyers, and court staff on efficient case management can also improve productivity.

Legal education must be revamped to meet the evolving needs of the legal profession. The curriculum should include practical training, clinical programs, and internships to equip law students with hands-on experience. Emphasizing legal research, drafting, and advocacy skills will prepare students for legal practice challenges. Adequate faculty resources, including experienced practitioner training, be recruited to ensure quality education.

Continuing Legal Education (CLE) programs should be mandatory for lawyers to keep them updated on legal developments and enhance their professional skills. Bar associations and legal institutions should actively organize regular CLE programs, workshops, and conferences. Collaboration between the legal profession and academia can create a culture of lifelong learning and professional growth.

Gender disparity in the legal field requires focused efforts to promote equality and inclusivity. Measures such as mentorship programs, gender sensitization training, and reservation of seats in higher judiciary positions can address the underrepresentation of women. Encouraging work-life balance and providing support systems for women legal professionals can create a conducive environment for their career advancement.

In conclusion, the Indian legal field and legal education system face numerous challenges that impede their effectiveness. By addressing the backlog of cases, improving access to justice, streamlining court procedures, enhancing legal education, promoting continuing legal education, and ensuring gender equality, India can build a more robust and more efficient legal system. It is a collective responsibility to work towards these goals and uphold the principles of justice, fairness, and the rule of law

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