National Education Policy 2020 and Legal Education in India: Transforming legal education!

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Abstract

Development of every nation requires robust education system in the country. Upgraded education structure is mandate in meeting the existing and future challenges and to keep the face on technological advances. The National Education Policy (NEP) is one such mandate. It provides a new frame work for transformation of education sector right from primary education to higher education, vocational, professional and technical education. NEP also encourages involvement of internal bases e- learning's and other new methodologies. As the policy is student centric, it aims equity, affordability, accountability, quality education, holistic and research-oriented development. The authors have tried to depict and overview of NEP 2020 in the light of legal education. The strength and weakness of the policy in relation to legal education and evaluation of implementation strategies for its success need to be evaluated. The expectations from state government, Bar Council of India, UGC and all kind of universities involved in the imparting of legal education in the light of NEP will be discussed by the authors. The challenge lies in the implementation itself wherein the NEP do not provide for the particular procedure to be followed by the state universities in meeting the aims under Educational Policy of 2020 but general guidelines and overall framework. The authors have tried to understand the current discourses going with reference to the NEP and legal education, analyze its various pertinent issues, and finally proposing a model for its implementation along with few important recommendations and suggestions which will help academia and researchers in future.

Keywords: NEP 2020, Professional Course, Indian education system, BCI, UGC, HEI's, Internationalization

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1. Introduction

India is a largest democratic country in the world. In this country the right to education has travelled from generality to mandate. Before 42nd amendment "Education "was a state subject matter and only the state was having a right to enact a law. As the progressive development of every country depends upon its education system, subject matter of education was also included in concurrent list by 42 amendments and now even the union government can enact a law on education. In order to raise the literacy ratio and for strengthen the educational values 86th amendment was given consent in 2002 and right to education became fundamental right covered in part III of the constitution adding new article 'Article 21A' Under article 21 i.e. Right to life and personal liberty. By virtue of this insertion right to education has become unified of right to life. Supreme Court on Mohini Jain [2] and Unnikrishan[3] has contributed in enactment of Right to Education Act 2009. The draw backs of Education Policies of 1968 and 1986 and changing needs of society, necessity of emergent reforms has motivated the government to come up with the NEP 2020 after a lapse of 34 years.

In the background, SDG's fourth goal - seeks to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030. 2&3 (GOI, 2017a, b). As major reforms will be required to fulfill the above agenda, reconstruction and transformation of entire education system is being aimed under NEP making it inclusive for all the concerned stakeholders. India aims to provide highest-quality education for all learners regardless of any type of discrimination. NEP's vision 4. (NEP 2020) to create an quality education system which makes India into a global knowledge superpower. To come up with curriculum and pedagogy contributing more sense towards fundamental duties and constitutional values, inculcating a proud of being Indian in thoughts, spirit, intellectual and deeds and lastly to develop knowledge, skills values and disposition supporting human rights, sustainable development, living and global wellbeing. This policy has been framed keeping in mind the ancient heritage and eternal Indian Knowledge. Opting for multidisciplinary approach can bridge the rich legacies of world heritage under one umbrella.

It seems to the authors, NEP being a light but tight policy attracts certain challenges too in its implementation towards legal education. Under NEP, BCI regulating UG courses and UGC regulation PG courses has come up with few differences in imparting legal education among learners. NEP concentrates on preserving the constitutional values whereas the rules of BCI focusses on having its core subjects other than constitutional law in PG courses. As per the BCI rules certain clinical papers (para legal and court management) which are utmost importance to UG courses has been a part of PG curriculum. Abolition of one-year PG program by BCI which is not in consonance with new NEP rules. No recognition in India of LLM degree obtained from foreign universities is not in conformity with the globalization of education as aimed under NEP. Establishment of National Assessment center (PRAKH), Another major challenge is creating an infrastructure in order to cater the needs of NEP across all HEI's imparting legal education.

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[2] 1992 AIR 1858, 1992 SCR (3) 658, Bench: Kuldip Singh (J), DATE OF JUDGMENT30/07/1992

[3] 1993 AIR 2178, 1993 SCR (1) 594, Sharma, L.M. (Cj), Pandian, S.R. (J), Jeevan Reddy, B.P. (J), Mohan, S. (J), Bharucha S.P. (J), DATE OF JUDGMENT04/02/1993

In the above background, the authors have tried to understand the current discourses going on relating to legal education with reference to the NEP and analyze its various pertinent issues including the challenges, shortcoming for its implementation, and finally proposing a model for its implementation along with few important recommendations and suggestions which will help academia and researchers in future.

2. Objectives of the Paper

- To understand in detail, the various perspectives, its challenges and important deliberations relating to NEP and legal education.
- To propose a model for NEP execution in HEI's
- To provide with the recommendations and suggestions for implementation in HEIs.

3. Literature Review

Education is supremely considered as an act which goes beyond the building, transmission & assimilation of knowledge. It further creates a climate for innumerable opportunities to reform the power structures. Social relationships are developed through the thinking processes between individuals.

Linkage between all streams of education, legal education and human development has many facets and one of the prominent one emphasizes on human development. 1. (Gurpur, S., & Rautdesai, R. (2014).

Authors are of firm belief that multi-disciplinary approach in education would be surely helpful for achieving the goals of NEP which aims at holistic development and provides wider employment opportunities.

Needless to say innovation, resistance and conformity have been the hallmarks of legal education. (1) Acknowledgement of the same have been affirmed by other scholars and experts whereby legal literacy and legal rights forming part of legal education are considered essential for human development.

The onus of bringing this transformation through NEP in a systematic and synchronized manner has been primarily bestowed upon multiple bodies inclusive of MHRD, both the governments (Centre & state), Ministry of education, Departments of Education, Boards, National Testing Agency, the regulatory bodies of school and higher education (with specific reference to BCI and UGC) and Higher Educational Institutions(HEI'S).They need to come up with a workable plan, its timelines and a plan for review.(NEP 2020).

Further, HEIs as centers for brining innovation plays an important part in constructing knowledge economies as viewed by Glenn 9 .(Glenn, 2008). New   knowledge in this way can be helpful in achieving social, cultural, economic and technological transformations 10. (Ghilic-Micu et al., 2011). Another important element of NEP speaks of   use of advanced technology in education. Further, it emphasizes on improving the teaching-learning and evaluation process. Additionally, high knowledge of   technical skills, its knowhow, will become a must have for everyone in the field of higher education.

The role of ICT has also been widely accepted in achieving one of the important goal of Sustainable Development Goal (SDG) which very well focusses on inclusive and equitable quality education United Nations (2015).

Implementation of the government initiatives from different perspectives like student recruitment where in exchange & collaboration will be instrumental in internationalization of higher education and extending financial support to Indian students in seeking education abroad, reservation of seats for overseas students in Indian institutions will promote the education in the spirit of NEP 2020 globally. 7 (Khare. 2021)

NEP focusses in achieving internal quality and international credibility of Indian higher education system. Programs like connect to India, encouraging international marketing campaigns, easy visa process, starting single window information services (procedural simplifications) improvising internal quality & international credibility.

The newly introduced mandates for quality accreditation and assessment globally, curricular reforms, qualifications framework, adoption of new education techniques, Massive open online courses (MOOCs) leads towards internationalization of higher education. Inter government collaborations and systematic partnerships, mutual acknowledgement of degrees, credit based system and evaluation for validation of degrees from various countries are the added features in NEP.

Emphasis on knowledge creation & sharing It is also now actively engaging in sharing knowledge on global issues like energy crisis, food security, biopharma environmental degradation, health and livelihood. Recently, foreign research centers like Harvard India Research Centre and Cambridge India Centre have been introduced in India.7

At the institution level, responsibility of carrying out Internationalization of Higher Education tasks is given to a separate office with active involvement of all stakeholders, from the top leadership to faculty, administrative staff and students.

In order to achieve the objectives of NEP, institutional level practices wherein active participation of all stakeholders (teaching and non-teaching staff members, leaders and students) is utmost required. The participation right from making of institutional policy towards internationalization, its financial sustainability, understanding its challenges and its advantages.

Looking at the major perspectives of NEP in relation to the literature available with regard to higher education researchers are drawing inferences in relation to legal as it is an integral part of Higher education. The authors are of the view that the discussion of NEP successful implementation will be revolving around these key areas:

- Higher education internationalization
- Improvement in quality of education
- Program mobility
- Policy and Programmatic approaches

They are of view that following these key aspects will only lead to sustainable development goals as per the given timelines in NEP.

3.1 Transforming education system in India – its problems & challenges

Major problems in existing Higher Education system in India and need of transformation in different areas are the need of an hour, to bring the desired changes in NEP 2020. Some of the major problem includes:

- A fragmented higher educational ecosystem;

- Less importance given to cognitive skills and learning outcomes;
- Less flexibility given to leaners in choosing disciplines and specialization;
- Limited access to affordable education provided by few educational institutions imparting education in local language and lack of teachers in rural areas;
- Insufficient mechanisms for merit-based career progression for faculties;
- Lesser emphasis on research and funding in the universities;
- Ineffective governance, leadership of HEIs and regulatory system;
- Increasing number of universities results in poor standards of higher
- The Bar Council of India to regulate the 3 years and 5 years LLB programme and UGC to regulated the LLM programme. The limited tenure of BCI body is one of the hurdles in implementation of policy decision taken by BCI.

Desired transformation through National Educational Policy 2020

NEP 2020 suggests the Education to be with less content, more learning, develop critical thinking and problem solving, promoting creative and multidisciplinary approach, innovative practices. Pedagogy to be experiential, holistic, integrated, inquiry-driven, discovery-oriented, learner-centric, discussion-oriented, flexible, and enjoyable. Inclusive curriculum which includes arts, crafts, humanities, games, sports and fitness, languages, literature, culture, and values, in addition to science and mathematics, for overall development of learners.

NEP runs in IV Parts: School Education, Higher Education, Other Key Areas of Focus and making it happens (Implementation Agencies) and 27 chapters. This policy purpose is to transform education structure, its regulation and governance. NEP emphasis on development of the creative potential of each individual. This policy further promotes state expenditure on education.(17) The policy is based on certain fundamental principles which includes:

- Recognizing, identifying, and fostering the unique capabilities of students and promoting holistic development.
- Achieving Foundational Literacy and Numeracy by all students by Grade 3.;
- Prominence on conceptual understanding.;
- Encouraging creativity and critical thinking
- Education to promote ethics, human and Constitutional values.
- Education to promote multilingualism
- Focus on life skills
- Regular formative assessment;
- Use of Information communication technology, removing language hurdles & admitting more Divyang students;
- Diversity and local context to be included in curriculum,
- synergy in curriculum
- teacher's recruitment, their professional development and service conditions;
- Regulatory framework for effective educational system with the help of audit and public disclosure;
- Promoting research for holistic development;

- Review of progress and regular assessment by educational experts;

Apart from the guidelines mentioned above, the authors enlist the following to be discussed in detail as part of the **ongoing discourses in this area.**

3.2 Higher education in India and Internationalization – New Education policy

IoHE in India can be understood in   two aspects: domestic as well as

foreign. The youth Demographics of India is estimated to reach 400 million by 2030, (GOI, 2017a, b), globally India is being seen as one of the promising centers in the global market of Higher Education 5(Budget Speech, 2019). Apart from this India ranks 2nd in relation to having graduate talent pipeline in International market. This approach has led India to look forward for more Internationalization of higher education to meet the common aspirations of growing Indian middle class studying abroad. India looks at this as a potential way to additional revenue generation.

One of the Sunrise sectors in India by 2025 will be higher education. IoHE emphasizes on meeting the demand supply gap with the following objectives:

 (1) Leverage its demographic potential,

 (2) Enhance its international outlook,

(3) Reform India's Higher Education Enterprise brand and image

 (4)   India is having potential to lead as a regional leader in International education.6. (Khare, 2014).

Providing equitable and affordable opportunities for all (Socio-Economically Disadvantaged Groups (SEDGs), geographical identities (such as students from villages, small towns, and aspirational districts), disabilities and migrants, low income households, disadvantaged youth (NEP 2020) and technical, vocational and tertiary education, including higher education & professional education has been given prominence under NEP.

In order to make learning student centric achieve the NEP goals, it is important to focus on below mentioned areas:

➤ simplification of procedure relation to Visa, admission, scholarship. Benefit of scholarship and fee waivers to be given to the students coming from undeveloped countries,

➤ faculty and student exchange programs between National and International universities,

➤ internationalization of curriculum,

➤ Establishment of National Education institutes abroad

➤ Allowing Overseas Universities to establish their branches in India

➤ Partnership with foreign Universities and joint programs

➤ Cultural exchange programs in Universities.etc.

3.3 Program mobility

NEP provides mobility to the learners to have the ability to choose their streams and subjects, and thereby choose their own careers in life according to their talents and interests. As per the policy, there is no hard division among major streams, curricular and extra-curricular activities, vocational and traditional academic fields, etc. and provide required flexibility to the learners. It may consider moving towards a semester or any other system that leads to quicker ways for course completion and practical learning. In order to achieve the abovementioned goals, it is a necessity for the state to come up with different pedagogies

which results in International compatibility, focuses on creation and sharing of knowledge, increasing employability etc.

Multidisciplinary and a holistic education across the sciences, social sciences, arts, humanities, including sports ensuring unity and integrity of all knowledge. All professional education will be an integral part of the higher education system.

3.4 Quality of Education

One of the most important tenets of NEP 2020 emphasizes on multi-lingualism and multi-disciplinary, giving importance to vocational courses, use of more and more ICT (Information Communication and Technology). Participation of all the sectors of the society. Learning from early childhood. Though multilingual approach encourages accessibility of education for everyone, but successful implementation can be seen as dream at present. Multi lingualism will pose a major challenge for aspiring lawyers in implementation of legal education in court practices, at higher judiciary or getting more opportunity of employment outside the state or at national or international level. Access to quality education is basic right of every child; substantial investment in a strong, vibrant public education system and encouragement and facilitation of true philanthropic private and community participation."

3.5 Financial support and Infrastructure development   to achieve NEP Goals

The first one refers to government initiatives scholarships, partial or full fee waivers, coming up with initial budgets, discount on tuition fees and other processes to be simplified for the students both domestic & foreign.

Government initiatives for establishment of more national law universities and encouraging public and private partnership among educational institutions of high ranking and partnership, national & international institutions, to encourage exchange programs among students and faculties, partnership between professional bodies & educational bodies for encouraging clinical expertise in the field. The opportunity for the new learners to participate in government and public sector with an aim to inculcate the constitutional values in the youth which ultimately would result in more employability, new startups and economic growth of the country.

Private universities need to more focus on connecting rural India with the global by following the basic tenets of NEP. Establishment of clinical centers apart from the traditional ones.

Further, recruitment of teachers from different disciplines in the educational institutions and also promote development of advanced ICT. Language labs, various clinics, inclusion of language software's are very much required to achieve the SDG (sustainable development goal) providing for inclusive and equitable quality education and lifelong learning opportunities for all.

3.6 National /International Marketing campaign for NEP

International /National Marketing campaigns include virtual & live opportunities of experiencing national & international campuses. Government of India sponsored program, connect to India focusing on interaction and cultural experience to undergraduate students globally is one of such marketing campaigns to achieve the aims of NEP. The universities should to revamp its curriculum with the subjects associated rich art, culture, heritage,

historical values and interaction with greater communities through participation and involvement all. In addition to the above, use of AI and other technologies to be made an integral part of the curriculum. In order to promote NEP at a global level the government have organized seminars, conferences, workshops, intellectual meets to attract foreign students for enrollment in domestic courses. 8 (Khare,2021)

Similar efforts to be undertaken at the national level for increasing the student enrollment in all courses. Partnerships with the private sector and public sector, National & International universities is an important tool of Internationalization.

3.7 Prominence given to Research under NEP 2020

As research is essential to improve the process of teaching learning in higher education. The focus has been shifted giving more importance to research under present NEP 2020.Use of ICT in education has facilitated the research process and has helped the educational institutions to not only focus on the quality of education, but also getting these institutions established as hub of knowledge creation. In order to fulfill this objective, institutions would require to provide more financial incentives to be given for bringing in innovativeness and creativity. This will enhance the intellectual capital. Increased use of ICT in the entire two and half years of pandemic has been very much useful for both the learners and the teachers. It has come out as new pedagogy for education delivery and also helps in exploring more avenues, widening the scope of research in their area/discipline. 11. (Menon, S., & Suresh, M. 2022). Researcher needs to understand the technical aspects of emerging technology (for example technologies related to Augmented reality, Robotics, Artificial intelligence and Big data etc). The knowledge of research design and methods of research to help them understand the research problems in a more effective manner. Students have been incentives to enroll for online courses on Swayam for encouraging more and more use of ICT. This will not only bring in quality in education as the courses on the portal has been made by world class educators but also it will be accessible for everyone which brings the learners under one platform getting quality education.

3.8 Proposed Model in NEP Implementation
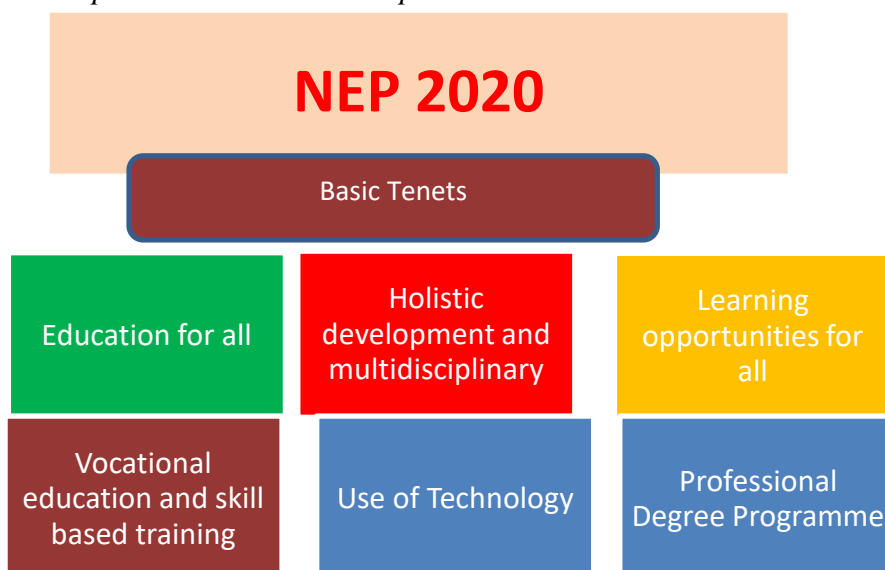
National Education Policy 2020

Internationalization of education

Simplification of procedure - Global norms of education and entreance exam procedure for foriegn

 Universities to be made more learner friendly.

Faculty & student exchange programs

internationalization of curriculum,

Establishment of National Educational institutes abroad

Allowing Overseas Universities to establish their branches in India

Partnership with foreign Universities & joint programs

Cultural exchange programs in Universities

Recuitment of teachers & experts from diverse fields

Establidshment of language labs offering foriegn languages

Promoting foriegn interships & work visa with education

More scholarship & fee waiver

International marketing campaign

Inclusion & Mobility

Multidisciplinary degrees

Multilingualism

Equity

Inclusion of ethics & Constitutional values

Equal opportunities to SEDG

Easy entry and Exit

Credit transfer

Appointment of teachers

Employability

International compatibity

 Education for quality & Holistic education

Research & Use of ICT Tools

knowledge of emergency technologies

incentives to enroll foronline courses

opportunites to learn from global experts

ICT to facilitate the research and teaching learning process

incentives for creativity

more research funds for minor and major research projects

cobolaration with foreign research scholars

advanced ICT training program

establishment of knolwedge reporisitories

focus on quality and impactful research

impactful research workshops

Infrastructuress

establishment of NLUs and central universities

public private partnership

 partnership among national and international institutions

connect with rular India

establishment of clinical centers

4. Recommendations

The recommendations for successful implementation of NEP 2020 are as follows:

➢ Implementation of the policy with the abovementioned model as proposed by the authors

➢ Ensure collaboration of policymakers, educationists and corporate leaders for successful implementation of NEP 2020.

➢ The estimated benefits of NEP should be measured at all levels

➢ Establishment of helpline for meeting national and international education related enquiries.

➢ Continuous check on progressive implementation of NEP objectives and timely feedback

➢ Involvement of stakeholders, consultation and review at all levels

➢ BCI (Bar council of India) and UGC (University Grants commission) regulating legal education, its constitution, policies & its tenure needs to be reviewed.

➢ The 3 years and 5 years' law courses will be regulated by the BCI and LLM programme will be under the regulation of UGC as earlier and no changes has been made in this respect.

➢ Establishment of supportive infrastructure.

➢ Equal participation of Central and state government.

5. Conclusion

 For the continuous benefit of NEP 2020, the authors believe in the implementation of highly ambitious policy in the true spirit   for general public. It is important to focus on the above recommendations and ongoing discourses wherein the understanding of policy by all stakeholders at all levels is highly required.   According to the NEP 2020 the legal education must ensure socio-cultural contexts. Legal Universities should be multidisciplinary. Institutions providing legal education should work seamlessly and in integrated manner. Equal prominence to be given to vocational education and skill building. Global competitiveness, use of best practices and advanced technology in education is the need of an hour. The contribution of all the stakeholders should ensure to meet the high ideals of NEP 2020.

 Being part of Symbiosis International (Deemed University), one of the pioneers in Internationalization of higher education in India and is widely known for higher education in multiple disciplines. Since half a decade, Symbiosis has been the flag bearer in the field of higher education aiming globalization. Needless to say the kind of expertise SIU is having in preparing the young minds at par with the global requiments.it would be right to say that since last fifty years' university has been continuously working on delivering   courses and curriculum with regard to latest guiding principles of NEP 2020.

References

1. Gurpur, S., & Rautdesai, R. (2014). Revisiting legal education for human development: Best practices in South Asia. Procedia-Social and Behavioral Sciences, 157, 254-265.

2. GOI (2017a), AISHE 20, All India Survey on Higher Education Final Report 2017-18, MHRD, GOI,

3. GOI (2017b), "CSO, MOSPI 'Youth in India 2017'", MOSPI, New Delhi, available at: http://mospi.nic.in/

4. NEP (2020), New Education Policy 2020, Ministry of Human Resource Development, GOI, New   Delhi,   available   at: https://www.mhrd.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0. pdf.p39.

5. Budget (2019-2020), "Speech of Nirmala Sitharaman minister of finance", available at: https://www. indiabudget.gov.in/doc/Budget_Speech.pdf (accessed 5 July 2019).

6. Khare, M. (2014), "Ideological shift in Indian higher education internationalization", International

   Higher Education, No. 78: Special Issue, The Boston College Centre for International Higher Education (CIHE).

7. Khare, M. (2021). Trends and strategies towards internationalisation of higher education in India. International Journal of Comparative Education and Development

8. Khare, M. (2018b), "Making india a sought-after destination for higher education", in Rumbley, L.E. and Hans, D.V. (Eds), Innovative and Inclusive Internationalization, CIHE Perspectives, No. 11, WES and the Boston College Centre for International Higher Education, MA.

9. Glenn, M. (2008), The Future of Higher Education: How Technology Will Shape Learning, The New

   Media Consortium, Austin, TX, available at: https://www.learntechlib.org/p/182088/ (accessed 1

   March 2022).

10. Ghilic-Micu, B., Mircea, M. and Stoica, M. (2011), "Knowledge based economy– technological

    perspective: implications and solutions for agility improvement and innovation achievement in higher education", Amfiteatru Economic Journal, Vol. 13 No. 30, pp. 404-419.

11. Menon, S., & Suresh, M. (2022). Enablers of technology agility in higher education. The International Journal of Information and Learning Technology.

12. IoE: The government's scheme to create a new class of universities with the eminence status was rolled out by the Ministry of Human Resource Development in 2017.

13. Gale, L., Bhushan, P., Eidnani, S., Graham, L., Harrison, M., McKay-Brown, L., ... & Sivashunmugam, C. (2022). Overcoming barriers to inclusion in education in India: A scoping review. Social Sciences & Humanities Open, 5(1), 100237.

14. Gupta, A. (2008). International trends and private higher education in India. International Journal of Educational Management.

15. sites/default/files/publication_reports/Youth_in_India-2017.pdf.

16. http://aishe.nic.in/aishe/reports.

17. https://vikaspedia.in/education/policies-and-schemes/national-education-policy-2020