

# **MULTI DIMENSIONAL APPROACH TO THE QUALITY OF LEGAL EDUCATION** **IN INDIA**

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## ***Abstract***

*This paper makes a critical analysis of the quality of legal education in India. It prescribes the various constitutional provisions and laws dealing with legal education in India. It also highlights the leading decisions of various courts in India on legal education. This paper points out the various loopholes in the Indian legal education system. Lastly, this paper gives various recommendations and suggestions to eradicate the problems in the legal education system of India and attempts to stress on the role of various people can play like law students, teachers, Bar council of India, Central and State Government and the Indian Judiciary in making Indian Legal Education system a truly efficient one.*

## **Introduction**

Legal education is a device to teach people about the concepts, philosophies, and principles of law. A compendious contemplation and knowledge about the laws and matters related to it are cardinal to augment to the amelioration of a nation. However, it is very vital for the laws to be altered from time to time to gratify the wants of dynamic society to perustrate the multifarious changes transpiring in civilization and synchronizing the laws in consonance with these permutations. The primordial intention of bestowing legal education is to purvey such personages, who are proficient within the appositeness of laws and may effectuate these crafts within the practice of advocacy, delving in law.

## **Constitutional Provisions relating to Legal Education**

The Constitution of India, 1950 indispensably relegated the culpability of bestowing education to the states by allocating education in List II of the Seventh Schedule. Howbeit, it is forthwith quantum of the process of bequeathing the union and the states concomitant legislative authority. List III subsumes the legal profession, conjointly with the medical and

other vocations. Undeterred, there is no scrupulous Article in Schedule VII of the Indian Constitution pertaining to legal education. Resultantly, the augmented generic facets apropos higher education and admissibility to praxis afore courts are acclimated to superintend legal education desideratum.

Entry 66 of List I of the Seventh Schedule to the Constitution of India pertains to the coordination and determination of standards in higher education institutions. List III Entry 25 is likewise about education and reads as follows: Subject to the rules of List I Entries 63, 64, 65, and 66, education, including technical education, medical education, and universities; vocational and technical training of labor.

List I entries 77 and 78 relate, among other things, the right of people to practice before the Supreme Court and the High Courts. The following are the entries:

- Entry 77- The Supreme Court's constitution, organisation, jurisdiction, and powers (including contempt of court) as well as the fees charged therein; people qualified to practise before the Supreme Court.
- Entry 78- High Courts' constitution, organisation (including vacations), and those entitled to practise before them, except for officers and servants of the High Courts.

## **Problems in Legal Education in India**

### **1. Poor Infrastructure**

A university is a misnomer, which propels under the aegis of their corresponding state governments. What supervenes is a Sisyphean eon of students commencing protests, subsequent with assertions by the dispensation, eliciting in contumaciousness of stipulations, and so forth. Spasmodically, the government merely has commenced these colleges and has floundered to bequeath any infrastructure to these colleges. That state governments commence Universities merely to enthrall their vote bank, gains ground. The Students of the University clamor nothing surmounting their equitable right, a University that endows a conducive milieu for erudition. Such vexations impinge the requisite parameters within the University and forge it arduous for the cognoscenti to even attend classes ordinarily and congenially, notwithstanding the verbatim fact that a tranche of the scholar populace doesn't even have a

vicinity to be ensconced in. Bereft of a scintilla of over 900 law schools within the country, the obsolete infrastructure is the cynosure what stymies in a consequential way. Access to online repository and journals and a utterly functioning bibliotheca with all the linchpin books and more are a modicum of the amenities that are unequivocally climacteric for holistic legal education. The preponderance of the law schools in the country are bereft of the alleged infrastructural amenities and preeminent than that, felicitous classrooms in passably constructed premises, yet another facet that is perpetually unheeded by the law schools which is oppugnant to the extortionate tuition emolument that the authorities levy, concomitant of that the rudimentary level of erudition is forestalled exceedingly.

According to Legally India, “The Bar Council of India (BCI) affiliated 92 new law colleges in nine months last year, consistent with the law ministry’s 2014-2015 annual report, that number is almost double the number of latest colleges admitted within the entire 2012-13 year”<sup>1</sup> These institutions are reckoned as the "profit-making industry" it's to those thronged classes that the part-time pedagogue purports his instruction, and ergo the attendance he dictums are by dint of the anxiety of the epigone to possess his attendance gaged when the lecturer adverts the roll.

## 2. Outdated course & curriculum

Legal Education in veneration of pragmatic exposure has accredited students with ideational study. Albeit for the stint of the modules, and the appendage of some substratal subjects, there has not been contrivance in the legal education scenario subsequent to these years. Heft of law schools acquiesce to the antediluvian and traditional pedagogy of teaching conglomerating the institute retardate behind appertaining to modern teaching expedients and pedagogy. By administrative cack-handedness, deteriorating eccentricity of the teaching personnel, the wonted sense of preposterousness, and insouciance towards the scholars for a scintilla times now have annihilated the students’ education. Projects submission to keep abreast with the trend that students ought to be accrued good grades which are colossally grisly copy-pasted plagiarized submissions. The exculpation is that this helps the scholars to acquire jobs and descry LLM seats in antipodal academia dexterously. Undeterred by gargantuan confers and humungous confabs, it flunks to proffer any sententious incessant education. Moving on to the arduousness of curriculum, there subsists a drag pertaining to the curriculum ratified by BCI and not being purveyed congruously at the ambit of

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<sup>1</sup> Chairman, Bar Council of India, [Reform of Legal Education in India](http://www.barcouncilofindia.org/wpcontent/uploads/2010/07/LegalEducationReformRecommendations.pdf), <http://www.barcouncilofindia.org/wpcontent/uploads/2010/07/LegalEducationReformRecommendations.pdf>

universities. BCI has indexed 21 requisite papers and a slew of discretionary papers, but the genesis of the conspectus is remitted to the universities which unabatingly engenders discrepant and varied curricula in the country but the law that is being consummated in the country is concordant. As a denouement of that, there isn't a derisory reliable prosaic of lawyers being wrought within the country which enkindles a lopsided burgeoning of the law in India. The appraisal should quintessentially be prepense to check the obligatory with a congruous proportion, but what fetches up looming is that the exam is remotely unadorned and facile which tardily stagnates the quality of propensity to critically fathom quandaries of the subject to solely a desultory and a rudimentary level.

- **Internships:**

Internships under lawyers, legal firms, and omnifarious other organizations augment the postulated slant and bestow an entirely disparate percipience of the vocation. Students are perpetually flummoxed between litigation and the corporate sphere and it's best clinched by effecting internships in twain the areas to solicitate an eliter cognizance of their arbitration vis-à-vis their latent. Legal Internships ought to be incorporated as a rationale scrap of academia owing to the fact that they assist to burgeon in their corresponding firmaments, for instance, the divergent ways in which a lawyer abets in the process of arbitration: as an advocate, as a judge, and as office counselor edifying his punter "what the law is" -that is, how dinkum or putative cases would conceivably be pellucid if they were arraigned. Lawyers and law firms intrinsically raffle by recruiting student's fledged out of law schools so to corroborate their raffle the student should conglomerate skills and erudition to apprehend how it pursuits on the ground level and not exclusively in enchiridions.

- **Moot courts:**

Moot court cognizance is exigent to accouter practical comprehension to law students. Impediments of embroilment in moot courts vamoose a trickle of people blisteringly far abaft the curve. Myriad colleges do not have a guided artifice for fostering their moot court arrays.

- **Lack of Research Skill**

A further snag in the legal education in India is the paucity of researchers in law and the dearth of due corroboration research and promulgations in the prevalent law schools. Research can bequeath pronouncedly towards amelioration in teaching and, more preeminently, addressing copious quagmires anent law and justice. Within the innards of

the world's premier law schools, he/ she will decry that there is leviathan forcibleness on research and publications flanked by academics. The bar exam appraisals turn out shoddier every year. Legally, India reports that "37% of these who took the All India bar exam in January 2012 failed it, and over 70% of retakers failed" and this number is getting worse every year despite the fact that the exam is an open book exam<sup>2</sup> This paints downright a direful picture of the legal vocation and the totality of these will be traced back to accreditation of the academies and spasmodic perustrations to tarry a check on them.

### 3. Scarcity of Skilled Law Teachers

When it comes to distributing knowledge and educating the perplexed mind of a student teachers are adhered at the topmost stature. If teachers are incapable to strongly educate then the entire system becomes erroneous at the very threshold. It is the teacher's responsibility to create an environment conducive for students to learn. Additionally, one can say that there's 'teacher crisis' that's rife as the number of persons who would aim to be an academician in the future is fewer principally because the remuneration proposed to a law teacher isn't gratifying. Huge persons opt to work in Government offices or elsewhere whilst attending the institutions and choose law with an objective to advance their prospects in service by acquiring a law degree. On the contrary the teachers submit that the university and law schools are unable to cater the deserving incentives and remuneration. If we aim to calibrate the tutorial standard of an educator fundamentally by the years gone into becoming one, then law teachers carry a further two or three years' experience and irrespective of that, they're held at an equivalent stature as other teaching faculty which has an implication that means that those extra years are worth nothing and that they are all equivalent when it relates to teaching. This specific attitude adopted by the universities disincentives the teachers. Hence, it is necessary to address certain specific areas of concern in small-town law colleges which have almost no full-time faculty, almost no effort at teaching, and little evidence of a desire for change. It is needless to mention here that the legal education in the State is not being given any importance, which is required to be given to such education and as a consequence, the teachers teaching in private law colleges in the State, are serving in such colleges on

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<sup>2</sup> Kian Ganz, CLAT: A filter that needs replacing [via Mint]<https://www.legallyindia.com/pre-law/clat-replacing-the-filter-20150616-6128>

receiving meagre amount as salary as such colleges are not in a position to engage expert faculties, who can give much better legal education to the students of such colleges.<sup>3</sup>

#### 4. Lack of analytical skill among students

It is found that the students do not take an initiative to teach each other much law either discussing informally or at any place of study. The general level of English ability is so low that the meaningful use of the case or discussion method in English isn't feasible. In part, this attests to the substantial nature of the issues already mentioned. The Constitution is written in English and proceedings in the High Courts and the Supreme Court are conducted in English. It is almost impossible for people to find out legal analysis during a language during which they will neither think nor express themselves.

#### 5. Entrance Examination and Faulty Evaluation

The colleges only take the highest merit on board. Statistics say, only 3% of the law aspirants get into the universities proposed and implemented by Bar Council of India. Institutional lapses and inefficiencies fail to suits basic standards of transparency and therefore the norms underlying the *RTI Act. Dutt v. Convener CLAT 2015 UG Exam.*, W.P (Lodging) No. 1784 of 2015 to set up an expert panel/committee to study the various objections to the erroneous questions and answer keys in the CLAT 2015 paper. CLAT exams also suffer from severe discrepancies in terms of allocation of seats, the release of merit lists, mal-administration, and inefficient management and serious policy inconsistencies, each of which has been detailed. Such, actions constitute a serious violation of the sacrosanct rights guaranteed under the Constitution of India to various prospective law students, *including the right to guard against arbitrary actions of the state (under Article 14) and the right to education and other connected rights within the ambit of Article 21 of the Constitution*<sup>4</sup>.

##### (1) Comparison between LSAT & CLAT

*Arbitrary and inefficient implementation of the Common Law Admission Test.* actions are an indirect, *violation of the fundamental rights guaranteed under Article 14 and Article 21* to all students who sit for these exams, hoping to enter the hallowed halls of legal learning<sup>5</sup> Not being able to constitute an expert committee in time, and there

<sup>3</sup> Governing Body, Gangadhar Mohapatra Law College v. UGC and Ors, W.P(C) No. 6755 of 2012

<sup>4</sup> [Entry to NLU: SC to examine plea alleging flaws in CLAT.](https://economictimes.indiatimes.com/news/politics-and-nation/entry-to-nlus-sc-to-examine-plea-alleging-flaws-in-clat/articleshow/48812208.cms?from=mdr)  
<https://economictimes.indiatimes.com/news/politics-and-nation/entry-to-nlus-sc-to-examine-plea-alleging-flaws-in-clat/articleshow/48812208.cms?from=mdr>

<sup>5</sup> [Apratim Chatterjee, CLAT may get a permanent body; Shamnad Basheer files PIL in SC.](https://law.careers360.com/news/clat-may-get-permanent-body-shamnad-basheer-files-pil-in-sc-120923)  
<https://law.careers360.com/news/clat-may-get-permanent-body-shamnad-basheer-files-pil-in-sc-120923>

was no grievance redressal mechanism under the present CLAT structure. It is submitted that the CLAT committees, as well as the participating law colleges', are well aware of the fact that given the short window between the announcement of CLAT results and final admissions at specialised law universities, the courts' hands are tied, since it may not wish to disrupt admissions.

#### **6. No practical approach towards law**

The majority of the college curriculum is built on theory, which students find uninteresting. Most private universities teach primarily theoretical subjects including the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, Code of Civil Procedure, 1908, Indian Evidence Act, 1872 and the Constitution of India, 1950. Students cannot be expected to excel in later stages if they have been taught in a way that only piques their curiosity. Furthermore, professors' internal assessments (which account for a large portion of the overall percentage) are based on the theory supplied to the subject professor.

#### **7. Degradation of the word 'Hons.' (Honors)**

Many universities that provide a five-year legal curriculum with a 'honours' degree, such as B.B.A. LLB (Hons.), B.Com LLB (Hons.), and so on, do not allow students to take on a substantive subject of their choice or write a dissertation during their last year of study. This inhibits individuals from pursuing higher education since they are unable to identify their area of interest.

#### **8. Placement issues**

Typically, students finish their placement with a lawyer, a non-profit organisation, or a corporation. Law students are supposed to learn how to read and maintain case files, conduct legal research, create legal documents, and conduct client interviews and counselling. Students must keep a diary of their visits to lawyer's chambers and courts, detailing the tasks they completed and the proceedings they witnessed. Their learning from placement is reflected in their journals and preparation for mock trial and moot court. Legal and clinic training, class-based lectures and simulations, and external placement are some of the approaches used at law schools to provide practical training.

## 9. Non involvement in International programs and experience

Indian law schools and universities must think outside the box and give students the best international programmes available. Most law schools do not send their students to summer or semester abroad programmes that might improve their skillset and assist them in the future. Law schools must provide the necessary facilities to enable students to participate in such international programmes as those offered by numerous foreign colleges.

## 10. Role Of Bar Council of India

The Advocates Act 1981 marked a very significant development in the area of Legal Education by setting up the Bar council of India. Under the Act, the Bar Council enjoys very significant functions in relation to legal education. Under Section 7 CW of the Advocates Act, one of the most important functions of the Bar Council of India is to promote legal education and to lay down standards of such education in consultation with the Universities in India and the State Bar Councils. Under Section 7 (i), the Bar Council of India is also empowered to recognize Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect universities. Section 49 (d) empowers Bar Council to make rules prescribing, the standards of legal education to be observed by Universities for that purpose. The Advocate Act thus conferred regulatory powers on the Bar Council of India vis-a-vis the Legal Education. The Bar Council has thus got powerful leverage in its hands to influence the quality, content, and standards of legal education in the country. The Bar council exercises its influence on legal education from a vocational point of view because only such law degrees as are recognized by the Bar Council shall be a sufficient qualification for admission to the profession. The Bar Council has used its power and prescribed the subjects of study which a L.L.B course must contain, some of their subjects are elective and some are compulsory. Thus the Bar Council of India is playing a very important role in imparting quality legal education. **V.Sudeer v. Bar Council of India**<sup>6</sup>, AIR 1999 SC 1167 It is necessary to note that in the light of experience of various Courts in which advocates are practising since the time the Advocates Act has come into force, the Law Commission of India and other expert bodies that were entrusted with the task of suggesting improvements in the standards of legal education and legal practitioners felt it necessary to provide for compulsory training to young advocates entering the portals of the

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<sup>6</sup> AIR 1999 SC 1167



Court rooms. Training under senior advocates with a view to equip them with Court craft and to make them future efficient officers of the Court became a felt need and there cannot be any dispute on this aspect.

### **Recommendations**

1. The curriculum should be so arranged as to give the student that understanding in such broad terms that he will be able to perceive and relate to one another the various facets of the lawyer's work. Standard of legal education is a yardstick to measure the Rule of law which is the foundation of modern democracy.<sup>7</sup>
2. All the institutions which impart legal education in the country should be severed from their current universities and be permitted to function as academically autonomous institutions, with a governing council of its own, constituted by the teaching the staff of the institutions and such other members as the respective State Governments decide. The financial control can vest either within the respective government of autonomous bodies, as appropriate, but there should be a representative of government also as state Bar Council within the administration of every legal education institution.
3. Appointment of full time permanent faculties. The faculty should study carefully what branches of law are most important today and arrange the curriculum so as to impart the knowledge most needed.
4. The Indian LLB 3-year program must be made more rigorous and full-time On par with the JD or Juris Doctor program of American and Canadian law schools,
5. The Bar Council of India must consider establishing the National Council for Legal Education & Research, with adequate representation from all stakeholders in legal education and the legal profession. The council should have all stakeholders, including legal academia, judges, lawyers from both the litigating and company bar and also academics from humanities and social sciences.<sup>8</sup> The role of Bar council in standardising the legal education is very important and it has to constantly watch and regulate functioning of law colleges and revise the curriculum as and when necessary. To keep pace with globalisation, the curriculum of

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<sup>7</sup> Vandana Kandari v. University of Delhi, W.P(C) No. 8302 of 2009

<sup>8</sup> Bajpaimaghna, Legal Education System in India, <http://www.legalserviceindia.com/legal/article-199-legal-education-system-in-india.html>

legal education requires to be constantly reviewed to suit the present day situation in such a way that talented students are attracted to law colleges.<sup>9</sup>

6. Institutions should include “call for papers” in the curriculum which promotes legal writing on various contemporary or discussed issues, in order to be able to evaluate a student’s understanding of recent issues related to the legal working and its processes.

7. An enhanced focus on professional exposure through internships and engaging in the law student’s learning in his/her internships is very important.

8. Regular debates and moot courts should be included in the course curriculum as it brings proficiency and demonstrates the way of argumentation, which is an essential quality of a lawyer.

9. The law universities should arrange for guest lectures by eminent legal luminaries in the legal field as it accelerates the motivation of scholars and helps them to be aware of the hard realities of law.

10. All law schools should have substantial infrastructure consisting of sufficient classrooms, moot court halls and a well-equipped library containing access to vital legal databases all over the world.

#### **11. The negative impact of stratification of colleges has to be remedied**

The detrimental effects of college stratification must be addressed. The legal faculty of central universities established by Parliament serves as the university’s law school. The majority of state institutions are affiliating universities with private law schools. Most of these connected colleges have institutionalised mediocrity and lowered academic standards. Many lack appropriate and qualified faculty, as well as law libraries with e-resources and a consistent schedule of lectures and exams.

#### **12. Phasing out colleges that provide fake law degree**

The phasing out of many current colleges must be finished as soon as possible. The Madras High Court ruled in 2017 that 85 percent of law schools must close, even though the number of law schools has increased from 800 in 2000 to 1,500 in 2019. The sale of fake law degrees would be reduced if at least 500 mediocre profit shops were closed.

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<sup>9</sup> M. Santosh Antony Vareed v. The Registrar, W.P(C) No. 14877 of 2009

### **13. Replication of unique aspect of legal education in the United States**

The unique characteristic of legal education in the US with its collaboration between law firms, corporations, non-governmental organizations, legal assistance centres, think tanks, government agencies, and intergovernmental organizations must be replicated in India.

### **14. Collaboration with foreign law universities**

Knowledge has no bounds. Law is a subject that necessitates an ever-increasing amount of learning. Collaboration with international law schools to gain access to their law reports, case laws, research papers, and other materials can help to improve this proficiency. Law schools such as NLSIU Bangalore, NALSAR Hyderabad, and NLU Delhi, among others, have collaborated on teaching, research, and offering world-class legal education, and the results have been positive.

### **15. Connecting internships and post-degree placements**

Internships and post-degree placements must be stitched together into a national scheme – now, placements are haphazard, with no structure in place to match applicants and hosts. Some students, especially those with connections, have it easy, while others, who are more gifted but less prominent, fall by the wayside.

### **Recommendations in the case of M. Santhosh Antony Vareed v. The Registrar**

The following suggestions are made regarding quality law education and the Government and Bar Council of India may take note of the suggestions:

- e) Appointment of competent full time professors/lecturers is to be made.
- h) Standardising legal education, in keeping pace with globalisation and new trends and challenges in the field by updating the syllabus is essential.
- i) Jurists like Judges of Supreme Court, High Court, Senior Advocates, Academicians have to be involved in legal education by involving them in making syllabus and to contribute by way of lectures, seminars workshop etc.

j) Ethical and moral values have to be taught as subjects and have to be inculcated in their minds, as they are necessary and essential for legal profession inevitably.

k) Law students have to be involved in field study like court visit, social services, Legal Workshop so that they could interact with masses.

l) Police officials can also be associated with legal education by inviting them to give lectures on investigation and prosecution in criminal cases. The interaction between police and law students prevent or bring down the clashes between the lawyers and police in future.

## Conclusion

Ideally all law colleges must be accredited as this is able to change consistent inspections of the standard of the academia, infrastructural facilities and therefore the treatment and conduct of scholars' vis-à-vis the college. National Knowledge Commission (NKC) in its report has argued that law institutions are far from desired standards. It has argued for a system that classifies colleges on the idea of facilities, courses, subjects, faculty, infrastructure, etc. and for termination of law schools with below-average standards.<sup>10</sup> BCI has, within the 2008 rules on legal education, provided for an accreditation system/performance scoring system by its Legal Education Committee on a voluntary basis. Improvement of legal education is sort of intricately related to BCI and its efforts. Hence, it is concluded that the whole system encapsulating legal education needs an overhaul and a scientific transformation of the teaching faculty, the curriculum, the infrastructure, and therefore the management of new law schools. To cope up with the long run necessities it's necessary to facilitate quality legal education and values so the students are in a position to adapt, learn and provide back to the community thereby maintaining and raising the standard at the same time.

In a democratic polity, to possess a correct system governed by rule of law, should be the major concern of the State. Article 39 A mandates that the State shall provide free legal aid by suitable legislation and ensure that opportunities for securing justice aren't denied to any citizen by reason of economic or other disabilities. The above words occurring in Article 39A are of very wide importance. Legal aid is required in many forms and at various stages, for obtaining guidance, for resolving disputes in courts, tribunals, or other authorities. It has manifold facets<sup>11</sup> The need for a continuing and well organized legal education, is absolutely essential reckoning the new trends in the world order, to meet the ever-growing challenges.

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<sup>10</sup> Reform of Legal Education in India; by BCI; <http://www.barcouncilofindia.org/wp-content/uploads/2010/07/LegalEducationReformRecommendations.pdf>

<sup>11</sup> Legal Services Authority Act, 1987

The legal education should be ready to meet the ever-growing demands of the society and will be thoroughly equipped to cater to the complexities of various situations. Specialization in several branches of the law is important. The requirement is of such an excellent dimension, that sizeable or vast number of dedicated persons should be properly trained in several branches of law, per annum by providing or rendering competent and proper legal education. This is possible as long as an adequate number of law colleges with proper infrastructure including expertise law teachers and staff are established to affect things in an appropriate manner. It cannot admit of doubt that, lately there's a fall within the standard of legal education.