

ENHANCING THE STANDARDS OF LEGAL EDUCATION

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Introduction

An educated person has the ability to differentiate between right and wrong. Man becomes “man” through education only. He is what education makes him. Education is now a part of the “human rights dialogue”. Majority of the nations of the world have also accepted their obligation to provide at least free elementary education to their citizens. Each type of education has its own values. Legal education is not an exception to it. Spiritually, it is believed that the life on the earth is regulated by the laws of God or the divinity. It is “rule of law”, that draws the essential difference between human society and animal world. It is the legal education that plays an important role in promoting social justice.¹

Encyclopedia of Education defines legal education as a skill for human knowledge which is universally relevant to the lawyer’s art and which deserves special attention in educational institutions.² Abraham Lincoln once wrote that: “[t]he best mode of obtaining a thorough knowledge of the law’ . . . is very simple, though laborious, and tedious. It is only to get the books, read, and study them carefully Work, work, work, is the main thing”.³

Section 76 of the Indian Penal Code, 1860 provides that ignorance of law is not excused. It means it is expected from every person living in India, that he must possess the knowledge of law. It is duty of state to provide education to all, but state is bound to provide only elementary education and we can’t compel the state for providing legal education to all. Legal education is now has become integral part of nation’s development. Today legal education is provided by law colleges and law universities. Some law colleges and law universities

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¹ Ahmad Tabrez, *Legal Education in Indian Perspective* (2009) available at www.site.technolexindia.com; <http://iplexindia.blogspot.com>.

² 5 THE ENCYCLOPEDIA OF EDUCATION, INDO. AND LIBR. 355 (1971).

³ Abraham Lincoln, *Letter to John M. Brockman*, in COLLECTED WORKS OF ABRAHAM LINCOLN (Roy P. Basler ed., 1953), reprinted in OXFORD DICTIONARY OF AMERICAN LEGAL QUOTATIONS 283 (Fred R. Shapiro ed., Oxford Univ. Press 1993).

are government-aided while majority are self financed. The standard of legal education is a debatable issue. Major changes required in legal education.

Legal Education in India

During the Mughal legal system, the advocates were called as “*vakils*”. While in British India legal profession was started which provided base to today’s legal system. After independence the Advocate Act, 1961 was passed which provides for standard of legal education registration, and professional misconduct by advocates by establishing the Bar Council of India. The Bar Council of India prescribes the minimum curriculum required to be taught in order for an institution to be eligible for the grant of a law degree. The Bar Council also carries on a period supervision of the institutions conferring the degree and evaluates their teaching methodology and curriculum, and having determined that the institution meets the required standards, recognizes the institution and the degree conferred by it.⁴

Legal education is offered as 3 year degree course and 5 year course. Earlier 5 year course was known as B.S.L. LL.B; now it is available as B.A./B.Com/B.Sc./B.B.A./LL.B. Post graduate course i.e., LL.M. is a 2 year degree while recently it has become 1 year programme also. M.Phil. and Ph.D. are the research oriented programmes. NET/SLET/SET examinations are conducted for the eligibility of lectureship in law colleges and legal institutions.

Objects and Scope of Legal Education

The aim of the legal education is-to train the students for the legal profession; to impart the knowledge of law from historical, political, social, economical point of view; how the concept of “law” took birth and how it developed?; what will be the future requirements in the field of law?; what are the roles of judiciary, executive and legislatures?; what are the substantial and procedural laws? etc. Legal education also has to extract the principles underlying the existing legal rules, and provide the students with adequate experience to apply these rules.

Legal education generally has a number of theoretical and practical aims, not all of which are pursued simultaneously. The emphasis placed on various objectives differs from period to period, place to

⁴ *Legal Education in India*, WIKIPEDIA, THE FREE ENCYCLOPEDIA.

place, and even teacher to teacher. One aim is to make the student familiar with legal concepts and institutions, and with characteristic modes of legal reasoning. Students also become acquainted with the processes of making law, settling disputes, and regulating the legal profession, and they must study the structure of government and the organization of courts of law, including the system of appeals and other adjudicating bodies.⁵

The Committee of Legal Education of the Harvard Law School lays emphasis on double purpose of a law school:

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

Mr. Dean Wright of the University of Toronto suggested 3 objectives of a law school:

1. Education in the qualities that should be found in a legal practitioners;
2. Education which would train a man not merely in the work of solving problems of individual clients, but of the society in which he lives; and
3. To act as a centre of research, criticism and contribution to the better understanding of the laws by which societies are held together.

Lord Denning in his address to the Society of Public Teachers of Law expressed 3 purposes of legal education:

1. To show how legal rules have developed, the reasons underlying them, and the nexus between legal and social history;
2. To extract the principles underlying the existing legal rules; and
3. To point the right road for future development.⁶

Legal study promotes accuracy of the expression, facility in arguments and skill in interpreting the written words, as well as some understanding of social values. Law acts as the cementing material of

⁵ *The Aims of Legal Education*, available at <http://www.britannica.com/EBchecked/topic/334873/legal-profession>.

⁶ Priya Ravi, *Legal Education and Its Aims*, available at www.legalservicesindia.com.

society and an essential medium of social change. A well administered and socially relevant legal education is a sine qua non for a proper dispensation of justice. Giving legal education a human face would create cultured law abiding citizens who are able to serve as professionals and not merely as business men.⁷

The most important object of the legal education institutions now a day is, to provide legal aid facilities to poor and needy. Legal institutes specially law colleges, are in much better place to carry out such activities. Such institutes can literally go door to door to spread the legal awareness. The working force they have is well acquainted with the legal language as well as local dialects. They can very effectively communicate with the needy people, and can convince them. Organizing legal aid camps in remote areas is difficult job due to lack of interest of common man in the subject. People need motivation to attend such camps. This job requires a high level of spirit, which can be achieved if the work force is itself a part of the population served. Hence, law colleges with local work force can very effectively deliver this function.

Never since independence has legal education received the attention it receives today from society, government and the private corporate sector. This has resulted in better infrastructure, greater private participation and increased investment, though yet inadequate for quality legal education. While attempting to meet the challenges of the marketplace and globalization, the focus of the curriculum at the National Law Schools is reportedly geared to the private corporate sector, supplying trained graduates for corporate jobs, legal and managerial. The original objectives of setting up National Law Schools were to supply well-trained lawyers to the trial and appellate bar as well as for judicial service so that access to justice is enlarged, and the quality of justice for the common man is improved and strengthened.⁸

An era has dawned where specialization, computerization, electronic media, internet, consumerism, foreign investments, mergers and take-over, insurances etc., are becoming the order of the day. There is, therefore, need for experts in legal drafting as well as lawyers and judges having deep knowledge of the specialized fields of electronics,

⁷ See *supra* note 1.

⁸ N.R. Madhava Menon, *The Transformation of Indian Legal Education A Blue Paper*, HARVARD LAW SCHOOL PROGRAM ON THE LEGAL PROFESSION (2012).

computers, information technology, banking, taxation, investment, environment, and others.⁹

Conclusion and Suggestions

Enhancement scope of legal education is crucial for better future of the legal profession, and ultimately of the nation. Following are some suggestions to improve the quality of legal education:

The job of the legal education is not only to create lawyers but also to produce good social leaders. The leaders, who can understand the socio-legal challenges of the society, will have the ability to solve them. It is the fundamental duty of every citizen to be abided by the Constitution of India, 1950. Hence legal education must encourage the students to uphold the values of the Constitution of India.

Legal education institutions must compulsorily have a free legal aid centre in the premises where poor and needy can obtain free legal aid or advice. This will inculcate among the student value of free legal aid.

Compulsory attendance of the students in the legal aid programme organized by the college, legal services authorities or by any non government organizations (NGOs). They should also be bound to attend the *Lok Adalats*, so that they can understand the importance of settlement of dispute by compromise.

Mahatma Gandhi, “the Father of the Nation”, quoted: “Justice that love gives is a surrender; justice that law gives is a punishment”. He has given great thoughts regarding better legal system. His thoughts should be a compulsory subject in both the stream of law courses.

Majority legal educational institutions are self-financed. Government is providing grant-in-aid to medical, engineering, art, science and commerce etc., colleges, but not all to law colleges. In Maharashtra, from the year 1996 government has started to providing grants to law colleges as per the direction of the Supreme Court of India. Suddenly in the year 1999, it changed its policy and introduced the concept of “permanent non-grant basis”. This should be avoided, and regular grants should be given to legal education institutions.

The conventional class room teaching should not be the sole method of teaching. Now a day the case reports are available online on

⁹ S.P. Mehrotra, J., *Re-Inventing Legal Education: Challenges and Opportunities*.

various websites. Soft copies of all back volumes of different reporters are provided. Hence, the legal educational institutions have to adopt new technologies while providing legal education. Internet facilities to all law students, as well online subscriptions of various reports and websites should be provided.

Advocate needs better skill of communication. Hence law students shall be required to do case studies; attend chamber of a lawyer; visit the court regularly; do client interviewing and counseling sessions; and participate in debate, mock trial and moot court competitions. Senior practicing lawyers should be called for teaching of procedural laws. Like National Law School, Bangalore in each state National Law School should be established. Law faculty should be encouraged to undertake research activities for better outcomes in the field of law. Regular discussions on the latest development of law, amendments, socio-legal issues have to be made.

