



ORIGINAL RESEARCH PAPER

Law

SCENARIO ON LEGAL EDUCATION IN INDIA

KEY WORDS: Advocate Act-1961 – Bar Council of India – Globalization – Legal Education – U.G.C.

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ABSTRACT

Indian higher education system is continuous educational system, which is governed by University Grant Commission (U.G.C.), Government of India. The effect of globalization on Higher education is always implied, and U.G.C. always makes changes for the betterment of higher education system in India. Naturally, we need some raising academic standard, infrastructure, research, better career opportunities and promoting better legal education advancement for betterment of higher education specially for Legal Education. Legal education in India, basic need to serve society as advocate. Advocacy is the social service hence it is called the profession not business. Bar Council of India is the foundation stone for the Legal Education in India with reference to Legal Education Rules – 2008 and Inspection Manual, 2010. Through this paper researcher evaluated the Legal Education in India.

INTRODUCTION

“The study of laws, on condition they are good laws, is unrivalled in its ability to improve students”.

– PLATO

Higher education in India is the third largest in the world, next to China and USA. However we frame some special institutes like IITs, IIMs, NLU& IISc. In the Constitution of India we transmitted Education from State list to Concurrent list from the 42nd Amendment 1976. Now Central and State both are functioning for betterment of education system in India, and specially Central coordinates and governs the Higher and Technical education, school education is the responsibility of the State. As per the Data of AISHE 2018-19¹ :-

- There are 993 Universities, 39931 Colleges and 10725 Stand Alone Institutions listed on AISHE web portal and out of them 962 Universities, 38179 Colleges and 9190 Stand Alone Institutions have responded during the survey. 298 Universities are affiliating i.e. having Colleges.
- There are 548 General, 142 Technical, 63 Agriculture & Allied, 58 Medical, 23 Law, 13 Sanskrit and 9 Language Universities and rest 106 Universities are of other categories.
- The students enrolled in Law stream are 3.98 lakh out of which 2.64 lakh are males.
- As regard to gender distribution, it is seen that among major sectors, Agriculture, Engineering, Law and Physical Education sectors have lowest female participation.
- Box 19: Enrolment in important Programmes at Under Graduate Level in Regular mode of L.L.B.-Bachelor of Law or Laws : 2014-15:283231 2015-16:300716 2016-17:205402 2017-18:338716 2018-19:362493
- Table 2: Specialisation-wise Number of Universities (based on actual response) Law : 23 (All India)
- Table 4a: Specialisation-wise Number of College (based on actual response) Law : 589 (All India)

THE MAIN POLICY MAKING AGENCY FOR HIGHER EDUCATION IN INDIA:

1. MHRD
2. UGC
3. Councils.
4. State Education Department.
5. State Agencies.

Education is the movement from darkness to lightness. Education in Law enables the citizens learning their rights and duties. Since, the law is an enterprise which rules the people from cradle to the grave, Legal Education is important for every responsible citizen of a free nation. In a democratic country like India, where the rule of law prevails, Legal

Education is *sine qua non* for everyone.

Legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities all addressed to the creation and maintenance of a just society. It provides occasions for articulation of theories of a just society and teaches us that articulation must be grounded in historical realities so that the truth of the working of the legal order is brought to the forefront. It is a subject of great importance in view of its dynamic role in molding and envisioning the legal system of the country-thus being instrumental in the accomplishment of the cherished objectives of justice, liberty, equality and fraternity of a sovereign, socialist, secular, democratic republic.

• ROLE OF BAR COUNCIL OF INDIA

The Advocates Act, 1961 was passed by the Parliament of India by virtue of powers under List I of the Constitution of India. Under this Act, an apex body, namely, the Bar Council of India was constituted at national level. This Act required the BCI to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education. In furtherance of section 49 of Advocates Act, 1961, the BCI framed Bar Council of India Rules, 1965 wherein chapter- IV exclusively deals with minimum standards of legal education. These rules were amended from time to time to improve the standards of legal education in India. Thus, under the Advocates Act, 1961, that BCI is empowered to prescribe the minimum qualifications required for a student to get admission to a course leading to a degree in law in any recognized University and to prescribe the standards of legal education to be observed by such Universities

It has been held by the Supreme Court in the matter of Bar Council of U.P. v State of U.P.²³ that the Advocates Act, 1961, under Section 4 of which the Bar Council of India (BCI) has been constituted, is an enactment made pursuant to Entries 77 and 78 of Schedule VII i.e. it is with respect to the subject matter of ‘persons entitled to practice...’ BCI is envisaged as the apex professional body for regulating and enforcing the standards to be observed by members of the Bar. In consonance with the various State Bar Councils, BCI is responsible for all matters relating and incidental to admission, practice, ethics, privileges, regulations, discipline and improvement of the profession.

However, the responsibility of BCI is not limited to professional standards alone, but extends to a regulatory character vis-à-vis legal education as well. The significance of the role played by BCI vis-à-vis legal education was noted as early as in 1958 by the 14th Report of the Law Commission of

India headed by the great jurist and first Attorney General for India, Shri M.C. Setalvad. Anticipating the introduction of an All-India Bar Council, which ultimately took the shape of the Bar Council of India, the Law Commission observed as follows, 14th Report Law Commission of India, 1958, p.520.

“One of the main subjects to which the All-India Bar Committee of 1953 gave its attention was the formation of a unified Indian Bar. The Committee had made detailed and practical recommendations which envisaged a common roll of advocates for the whole country with liberty to practice in all parts of the country. It considered the qualifications for admission to the common roll of advocates and recognized the need for co-ordination between the professional bodies which would impart practical instruction in law, hold examinations in it and thus regulate admission to the Bar and the Universities which would deal with the academic side of legal education. For achieving this end, it is suggested that the All-India Bar Council which was to consist of representatives of the various State Bar Councils should have a Legal Education Committee of twelve persons. The Committee was to consist of two judges, five persons to be elected by the All-India Bar Council and five other persons from the Universities co-opted by these seven members.”

CONCLUSION :-

Legal Education in India has unable to respond historically and meaningfully to contemporary challenges. It is obvious that except the duration of the courses and entry level examination for the bar, there has not been innovation in legal education since independence. The focus of the legal education has remained confined either to the preparation of legal professional or servant from corporate and MNCs. Despite of various committees for the reform in the legal education and their muffled suggestions, there has not been any remarkable change in the scenario of the legal education in India. Indian Legal education system is not yet prepared to face the challenges of the globalizations. Compared to other filed of knowledge viz. science, engineering, medical and management, the legal institutions have failed in pacing with the modern technological advancement and social development. Even for creating a man power for bar and bench, the present system of legal education has failed in providing the content of practical exposure. The studies only have a theoretical focus with an old age lecture method with chalk and duster only. All the attempts of so called reform appear to be lacking in long term vision and carried on without the grass-root detailing. The directions provided seem to be with hallucination.

*In the last analysis, the law is what the lawyer are,
And the law and the lawyers are what the law schools make them.*

- Felix Frankfurter

REFERENCES :-

1. Arjun P Aggarwal ,LEGALEDUCATION IN INDIA,, Vol. 12, No.2 (1959),
2. <http://aishe.nic.in/aishe/home>
3. https://en.wikipedia.org/wiki/Legal_education_in_India
4. <http://www.legalserviceindia.com/legal/article-76-legal-education-in-india.html>
5. <http://www.barcouncilofindia.org/about/legal-education/>
6. https://www.researchgate.net/publication/228242784_Legal_Education_in_Indian_Perspective
7. https://shodhganga.inflibnet.ac.in/bitstream/10603/148922/5/05_chapter%203.pdf
8. <https://www.orfonline.org/expert-speak/why-major-overhaul-needed-india-legal-education-assessment-system-46064/>