

## **LEGAL EDUCATION IN INDIA**

A quality Education is today's need as it is the development of intellectual skills and knowledge which will equip learners to fulfil the needs of professionals, decision makers and trainers. The story of education in India is a paradox. Twenty percent of Indian gets a fairly decent education, and in a nation of 1.2 billion, this is huge number and helps to explain why India has become the back office of the world. Government schools have failed in India, and this is why one-third of Indians children attend private schools. The Government has implicitly recognized its failure and requires that a fourth of the seats in all private schools be reserved for the poor, whose fees are subsidized by the Government. Education is the most crucial investment and an essential element in human resource development. It has always been accorded an honoured place in every economy. It implies ability of the people to read, write and understand. It has the fundamental aspects of imparting knowledge, wisdom and culture. It helps in drawing out the latent potentials and talents of an individual. A well-defined educational system holds the key to economic growth, social transformation and modernisational integration of a country. It develops manpower for different segments of the economy and is the substrate on which innovation, research and development flourish. Thus, education helps the country in achieving social, political and economic goals on national and international levels. It also strongly influences improvement in health, hygiene, demographic profile, productivity and quality of life. Eradication of illiteracy has been one of the major national concerns of the Government of India since independence.

Under the Constitution of India, initially, education was a State subject, that is, it was the exclusive responsibility of the States. But, the 42nd Amendment Act of 1976, shifted it from the 'State list' to the 'Concurrent List'. This step gave both Central and State Governments jurisdiction over it concurrently. While the role and responsibility of the States in education remained largely unchanged, the Central Government accepted a larger responsibility of reinforcing the national and integrated character of education, maintaining quality and standards for all areas including those of the teaching profession, as well as studying and monitoring of the educational requirements of the country. In other words, it aimed at promoting excellence at all levels of the educational pyramid by developing efficient manpower base, catering to the needs of research and advanced study as well as looking after the international aspects of education.

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### **Significance of Legal Education**

'Law is the cement of society and an essential medium of change'. The significance of legal education in a democratic society cannot be over-emphasized. Knowledge of law increases one understands of public affairs. Its study promotes accuracy of the expression, facility in arguments and skill in interpreting the written words, as well as some understanding of social values. It is pivotal duty of everyone to know the law. ***Ignorance of law is not innocence but a sin which cannot be excused.*** Thus, legal education is imperative not only to produce good lawyers but also to create cultured law abiding citizens, who are inculcated with concepts of human values and human rights. We must have a legal education which can fulfil the need of the society and country as well. We are no longer laissez-faire but a welfare State and in welfare society law plays a very important role in every affair of human being.

Law serves as an important instrument to achieve socio-economic development. Today law is not viewed merely as an instrument of social control but also an instrument of social change. The aim of legal education should be not only to produce good lawyers but also create cultured, law abiding citizens who are inculcated with concepts of human values and human rights who can serve humanity in various capacities such as, administrators, law teachers, jurists, judges, and industrial entrepreneurs etc. As far as creation of good advocates and solicitors is concerned, the legal education should aim at equipping them with legal techniques and professional skills.

Legal profession is objectively in the position of producing Statesmen. This is due to two reasons

(1) Lawyers belong to an independent profession. They are not subordinate to the government or to anyone else.

(2) They are directly in contact with society in its entirety as they have to deal with all kinds of problems of people from all sections of society, unlike say, doctors who are confined to technical problems. Hence lawyers are the people who are most conversant with the problems of society as a whole.

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.

The quality and standard of legal education acquired at the law school is reflected through the standard of Bar and Bench and consequently affects the legal system. The primary focus of law schools should be to identify the various skills that define a lawyer and then train and equip its students with requirements of the field of law.

### **Improving Legal Education in India:**

Dr. Radhakrishnan lamented, "our colleges of law do not hold a place of high esteem either at home or abroad, nor has law become an area of profound scholarship and enlightened research". But this trend is slowly changing colours with more and more bright and talented students being attracted to the legal profession.

Over the years, there has been a considerable degeneration of academic standards within these law departments with little scope for innovation in the design of courses, development of appropriate teaching modules, formulation of research agenda including undertaking of research projects, and also the promotion of advocacy in lawyering. The departments also suffered from lack of independence and institutional autonomy, as they were within the university system whose priorities did not always match. As a result, the ability to attract talented students with a passionate commitment to study law in all its ramifications dramatically reduced culminating in institutionalized mediocrity in law faculties across the country. There is no doubt that the establishment of the national law schools starting with the National Law School of India University (NLSIU) in Bangalore followed by some other places successfully challenged this institutionalised mediocrity and succeeded in attracting talented students to the study of law. In fact, the study of law has received better attention among high school leavers in the country with the introduction of five-year integrated programmes.

But where these schools face significant challenges is in attracting faculty members who are top researchers in the field of law and can combine sound teaching methods with established track records of research. The lack of researchers in law and absence of due emphasis on research and publications in the existing law schools have led to the absence of an intellectually vibrant environment.

Research can contribute significantly towards improvement in teaching and, more importantly, addressing numerous challenges relating to law and justice. If one were to look at the faculty profile of the world's top law schools, one will find that there is great emphasis on research and publications among academics. Besides teaching, they contribute in significant ways by initiating and developing research projects in cutting edge areas, by professional contributions to international organisations, law firms and corporations, and by playing an important role in government policy formulation and promoting civil society activism. Law schools and academics in India need to go a long way in developing an institutional culture that promotes and encourages research that has the capacity to foster many positive changes in society at large.

### **Change in Curriculum**

The emphasis from traditional laws to contemporary subjects has to be addressed and taught in legal education. In fact the conventional role of a lawyer is changing from resolving disputes within the Court room to that of a policy planner, business advisor, mediator, law reformer etc. The lawyer has to interact with other professions on an equal footing and must be able to relate to scientific and technical knowledge. The law curriculum for the future must provide an integrated knowledge of bio-diversity, bio-technology, information and technology, environmental sciences, ocean and marine sciences, public health and other related subjects. Then alone, the unmet legal needs of different sections of society and the impact of globalisation can be addressed to and the students will be equipped to contribute to the society when they leave the portals of their alma mater. In order to do so, the institutions must be given a free hand in choosing the subject so that the students are able to conduct research work in their respective fields. The Bar Council of India must perform only a supervisory role in equipping and funding the libraries.

### **Hiring good teachers and researchers:**

There is a need to fundamentally re-examine the context of legal education in the country. The present system does not sufficiently recognise the key problem with regard to legal education — lack of faculty members who are good teachers as well as sound researchers. There is need to identify talent among young lawyers so that they can be encouraged to consider academia as a career option. There is no doubt that poor financial incentives discourage many young and brilliant lawyers from considering a career in academia. It is important to address this issue as well. But there could be other factors where improvements and changes are feasible: such as career development opportunities within the law schools; development of research infrastructure including the resources to organise and participate in national and international conferences, and undertake serious research; a harmonious environment that fosters mutual respect; governance of the law schools in a transparent fashion; and, above all, faith in the leadership of the institution that excellence will not only be promoted as a general policy, but affirmative efforts will be taken to encourage and support excellence.

### **Effect of Globalization and Free Trade:**

Globalisation and the changing dimensions of the Indian economy and policy have thrown up new challenges of governance. Rule of law in all its dimensions remains the single most important challenge the country is facing. The criminal and civil justice systems are under severe stress. The role of law schools in imparting legal education and developing lawyers who are rational thinkers and social engineers is central to the future of legal education and the development of a knowledge economy in India. This can be done only if the law schools are able to attract some of the best and the brightest lawyers to make a lifelong commitment to teaching, learning, and research so that they are able to inspire generations of students to work towards establishing a rule of law society in India.

### **Concluding Discussion**

Education reforms currently planned or implemental throughout the world need to include deeper and more comprehensive analysis of what and how schools and leaders should do in order to contribute to the development of Indian economic system of the countries. The emergence of the network society and knowledge based economics appear to be a powerful justification for education reforms in developed countries.

Living in and working for a world of innovations requires fundamentally different attitudes, knowledge and skills from the citizens. Technological adaptation and innovation have been the main drivers of economic growth in developed countries since the world war 2nd and are proving to be important factors also in many developing countries. Successful economic complete on the basis of high values, not only low cost. High value is best guaranteed by well trained and educated personnel and flexible lifelong learning opportunities for all citizens. The most frequently presented general idea for increasing Indian economic development is to equip people with the skills and attitudes success in an increasingly knowledge based economy.