CHAPTER 7
Conclusions and Suggestions

7.1 Conclusion

In this concluding chapter, hypothesis of research work has been thoroughly analyzed and certain valid conclusions are extracted on the basis of the research study. The present study help us to understand the actual role-played by the Bar Council of India, Universities, UGC, Law Schools, different authorities etc. in the process of imparting Legal Education in India. Keeping the limitations of the study in mind, we tried to bring out some useful findings, which would help Authorities and policy makers to adopt some measures in the implementation of the various schemes in the future.

Article 41 of the Constitution of India directs the state to ensure the people within the limit of its economic capacity and development:

(a) Employment
(b) Education
(c) Public Assistance

In the land mark Judgment of Mohini Jain vs. State of Karnataka\(^1\) the Supreme Court held that the right to education flows directly from right to life under Article 21. In the case of State of Maharastra vs. ManuhbaiBagajiVashi\(^2\) the Supreme Court held that Article 21 read with Article 39-A casts a duty on the state to offered grants in aid to recognized private law colleges. While declaring right to Primary education as a

\(^1\) (1992)3 SC 666.
fundamental right in the case of *Unni Krishnan vs. State of A.P*\(^3\) the Supreme Court observed in Para 148:

> “The right to education means that a citizen has a right to call upon the state to provide educational facilities to them within the limits of its economic capacity and development. The apprehension that the reading of the right to education in article 21 of the Constitution of India would enable each and every citizen of this country to approach the courts to compel the state to provide an individual such education as he chooses is therefore unfounded”.

Legal Education has an important role to play in the establishment of law abiding society. Law schools have to promote social engineering. Indian society is facing serious problems relating to administration of Justice because of extraordinary delay in Justice delivery system, Governance crises, Poverty and Corruption.

In the present research work while analyzing and scrutinizing the reports submitted by the different committees constituted by the government to enhance the level and standard of legal education in India, we found that the legal education in India needs a thorough revamping and modernization. It should be to meet over growing demands of society and should be thoroughly equipped to accommodate the complexities of the different situations. There is almost complete unanimity of opinion in the country that legal education needs to be improved in view of globalization.

Analyzing the present statutory laws to upgrade legal education in India we found that the Bar Council of India, the University Grants Commission, Universities and Central and State Government should take upon themselves the immense responsibility of upgrading the quality of law schools in our country. Justice A.M. Ahmadi rightly expressed his views in the present position of legal education in India as follows,

> “we have waited long enough to repair the cracks in the legal education system of this country and it is high time that we rise from arm-chairs and start the repairs work in right earnest to rise and act to update the legal education to meet the present day challenges and keep the same in order”.

\(^3\) AIR 1993 SC 2178.
The research work concludes that our present generation is not getting sufficient and effective legal education. There is lack of adequate mechanism that has to be placed by the government to improve legal education in India.

In most law courses all that students are required to do is to attend classes and prepare for exams. The courses are also very general in nature and are not specialized courses. When the students come into Practice at first they may be disoriented by the high level of specialization that is required. It is appropriate that some amount of specialization be made compulsory so that students can be prepared to deal with it. The focus on Practical courses such as these courses may also allow the development of different skills especially legal research and using the law appropriately. This process forces students to re-examine the law that they have learnt and to use that law. This allows active Participation and involvement of students, as they cannot be mere passive receivers of knowledge.

The course has certain goals i.e. developing depth knowledge in a particular area, critiquing the law etc. The tasks assigned to students could also vary from demonstration of skills of lawyering, to drafting briefs and framing petitions so that students could be asked to write arguments on the basis of the trial held in class or do a critique of the legislation dealt with. Legal ethics could also be taught in this manner. This method of teaching can be adopted to enhance the teaching of Practical courses which are prescribed by the bar council.

It is not just that the juridical legitimization of power marks the disciplinary operation of techniques of case analysis and problem solving upon the ‘active’ student learner. Rather, it is also the case that the disciplining effects of this legal method actually help to perpetuate the juridical representation of law as an expression of the rational, neutral and coherent exercise of power.

Sixty five years of postcolonial Indian legal education have merely ‘modestly developed traditions of legal scholarship’. This is so because law teachers of yesteryear and also ‘specialist’ colleagues in other allied social science and humanities disciplines have by and large failed in building a research project in law with distinctly exegetically dismally doctrinal, content merely ‘commentaries’ which ‘merely chart the movement...
of doctrinal legal trends across various fields’ rendered ‘teaching and learning law’ a ‘self-referential enterprise in the interpretation of rules’; Indian Legal scholarship, on this view of it, remains overwhelmingly. As a result, legal education in Indian has not been successful in going beyond meeting minimal requirement of producing ‘legal technicians’ for a range of legal markets. Overall, ‘legal education in India’ has been unable to respond holistically and meaningfully to contemporary challenges.

In any further pursuit of ‘enculturing law’ we may perhaps want to rather anxiously revisit our distinctively very own ways of structuring pedagogy violence. This by no means an easy terrain but then no talk concerning ‘enculturing law’ remains worth the self-naming outside the violence of the founding myths and lived realities. Some ways of imagining the tasks of doing histories of legal education in India as well as the globalizing the Global South and the future histories of ‘enculturing law’ may still carry message of hope in all their constitutive ambiguity.

There is neither harmonious co-ordination nor effective determination of standards in law schools because of multiple controls. The present inspection and accreditation processes do not ensure quality assessment or transparency. The composition of Legal Education Committee should be so changed so as to adequately provide representation to eminent law teachers, law scholars and educationists. Some of the teaching techniques have already been dealt with earlier. Law teachers do need exposure to some better teaching techniques help build their capabilities.

The National Law Universities should come forward to provide continuing education and training to the teachers both in pedagogic skills and research techniques. Academic staff college experiments are not yielding good results. Legal scholarship from the profession should be encouraged by using their expertise in law education both clinical and court centric. Attendance and continuing assessment of students should from part of the examination system and the ranking. The universities must develop the law curriculum taking into consideration the fast moving developments in Science and Technology, Management Corporate Accountability and Alternative Dispute Redressal Mechanism. The traditional universities should give as much
freedom as possible to the law faculties to introduce the changes in the curriculum without losing much time.

The law faculties in the universities should play an important role in introducing new courses and implement them immediately. The traditional universities must come forward to revitalize the practical training programme and to introduce clinicallegal programme and effectively monitor the implementation of these measures by introducing credit for active participation in the programme. Bar Councils must come forward to play a significant role in streamlining the practical training and clinical legal education in Law College while granting recognition to their affiliation. The universities must also ensure quality legal education by restricting the quantity.

India needs a strong legal profession for both constructive and mitigates professional management. It also requires competent lawyers to bear the responsibility of public administration. A good quantitative and qualitative legal education programme can give the country at least 8 to 10 thousand competitive lawyers to meet the challenges of the new economic order as well as new challenges in the areas of constitutional and criminal law in the next 4 to 5 years. Only such a competitive legal profession can protect the country’s need for financial restructuring.

Legal education is an investment which if wisely made will produce most beneficial results for the nation and accelerate the pace of development. Of late the role of lawyer in a common law system is more than a skilled legal mechanic; he acts as a harmonizer and a reconciler. The legal education granted at the law schools should be aligned to the conventional and contemporary needs of the legal profession.

From the various provision of the Advocates Act 1961, it is quite clear that the Act speaks about the legal profession and professional conduct or misconduct of Advocates but not about the improvement of legal education and the service conditions of law teachers in the country. Mostly the role of the UGC as the funding Agency, and the BCI and Universities as the administering and affiliation granting authorities is very significant and hence they are relevant for discussion. The Bar Council, Universities and College Managements must rethink and make a realistic assessment as to whether
we are thoroughly retrograde or whether there are many chances, however remote, in bringing reform in legal education.

It is clear that law teaching is not merely a methodology but technology. A law teacher is an innovator. By and large teaching methods have been influenced by Anglo-American system. It is submitted that there is no single law teaching method that can help in promoting all the objectives of modern legal education, the teacher has to use not only different techniques within the classroom but also outside it. A judicious synthesis / suitable mix of teaching methods requiring great creative effort, spread over a considerable period of time is the need of the hour at this critical juncture.

It is found that one of the inadequacies inter alia, in the existing system of legal education is uninspiring method of teaching. It is in this context, in India, the University Grants Commission’s attempt on Faculty Improvement Programmes including the Academic staff college exercises for the teachers have to be appreciated. Promotion of the teacher is linked up to the compulsory participation in continuing Education Programmes. In the field of the law, it has become imperative all the more because of the falling standards of legal education in the colleges and University departments and the rising tide of legislation in various fields. It is laudable that for all-round development of teaching faculty. It is impossible to dominate the funding by the Government for the existing and new Universities and Colleges in any context, since education is the only means of building the assets of the nation.

The state should allow the Universities to develop self-sufficient courses and charge the required fee, it should also provide for sufficient scholarship to take care of students. It should provide enough opportunity not to deny the education because of lack of money. The National Law Schools and Private Colleges should develop their own Scholarship Programmes to help of students.

Legal education is a process of ‘learning through doing’ which certainly requires Particle training. It enables the law students to learn by doing him the practice of law. Hence, there is a need to understand the importance of Practical legal education and to implement programmes or schemes for improving the Practical training imparted
at the law Colleges. It will help in improvement of the quality of legal education and will be more meaningful to both the students and the society.

After observing the whole scenario of legal education in India, the researcher come to the conclusion that if in real sense legal education has to be improved in India, the BCI along with UGC has to arrange funding for the good quality of legal education, present statutory laws for the regulation and promotion legal education in India should be upgraded, further the legal education in India needs a thorough revamping and modernization. Then only the legal education in India will be able to coup with the challenges before it. So legal education should be practical oriented, employment oriented because it is now the era of globalization and liberalization. Above all the most important thing is that the primary objective of legal education or in general any education is to build a cohesive and enlightened society and in that sense it is necessary that the lawyers play an role as they are well equipped with the laws and that could be done by imparting education to law student to produce lawyers and not the degree holders. One should not forget this truth that “Lawyers are not only the officers of the courts but also they are Social Engineers and also Social Physicians”.

7.2 Suggestions

Improved Physical Infrastructure and Financial Resources:

- The law schools in India have to recognize that there is a need for creating sound physical infrastructure. There should be more funds for this and for developing research projects and other initiatives to encourage faculty members. Generally, the infrastructure of the national law schools is better than what exists in the law departments of traditional universities. Improvement in infrastructure should be across the board, including in universities which still produce most of the law graduates. University campuses should be places that can inspire students and the faculty so that they are involved in reflecting upon the various problems that confront in the society. Academic freedom to think
and contribute cannot be ensured if universities lack the necessary physical infrastructure and financial resources.

Regarding Institutional Reforms:

- **Uniform admission procedures for all the recognized law schools in the country**: A uniform admission procedure for admission to all recognized law schools in the country is proposed to ensure a minimum quality of students obtaining legal education, and to ensure that the study of law is seen as a serious exercise, and the dignity of the legal profession is sustained and enhanced. There should be compulsory entrance exams for LL.B. courses like P.M.T (Pre Medical Test), PE.T (Pre Engineering Test).

- **Revised list of requirements for accreditation of law schools**: UGC and BCI to introduce a system of Accreditation of law colleges. Section 7 (1) (h) should be amended to enable Bar Council of India to promote excellence in legal education for the purpose of accreditation system. A failure to meet these minimum standards would result in a loss of accreditation, and degrees awarded by such law schools that lose accreditation would not be recognized by the Bar Council.

- **Benchmarking and quality evaluation of law schools**: The Bar Council should implements a system of benchmarking and evaluating the quality and standards of law schools across the country. The measures used to evaluate law schools will include factors such as: the preference shown by candidates for admission to a law school in the uniform admission procedure for admission highlighted above; the success rate of graduates from a law school in the All India Bar Examination; the quality and extent of infrastructure and resources available at a law school; and the number of publications by faculty from a law school in peer-reviewed publications.

- **Standardization of the academic calendar**: A lack of parity amongst academic calendars followed by various law schools creates impediments to the implementation of uniform change measures, and causes difficulties for students on various fronts, such as in participating in an exchange programme between law schools. The Bar Council should publish an academic calendar setting out
broad dates that all law schools must follow, setting out such details as the date of commencement of the academic year; alignment of semester dates in law schools; dates for examination; and dates for the release of results and awarding of provisional and final degrees.

Suggestions for Teachers:

- **Hiring Good Teachers and Researchers:** The present system does not sufficiently recognize the key problem with regard to legal education - there is lack of faculty members, good teachers and sound researcher. There should be proper emphasis on regular teaching and hence required number of experience and efficient full time teachers in the law colleges and universities must be appointed. Appointed teachers must be according to the latest norms laid down by the BCI in consultation with the UGC for all the colleges situated in rural as well as urban areas. 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.

- **Establishment of the National Academy for Law Teaching and Continuing Legal Education:** In order to upgrade the skills of existing members of the faculty in law schools, BCI intends to establish a national level advanced training institute for training teachers in specialized fields so that novel methods of pedagogy can be implemented and importantly, a minimum base level for teaching quality in legal education is established.

- **Other Factors:** 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 organize 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.
Reforms in Content and Structure:

- **Five-year dual-degree LL.B. programmes to be made the norm; three year LL.B. programmes to focus on specialised areas of law:** Moving forward, only five-year, dual-degree LL.B. programmes would be recognized by the Bar Council. BCI will continue to encourage three-year LL.B courses for specialized areas such as Intellectual Property Rights, which are undertaken by post-graduates. Along with the LL.B. Programmes, it is also important to strengthen the current LL.M. degree that is awarded by various law schools across the country, especially in light of the fact that the LL.M. degree is often a stepping-stone to legal academia.

- **Balance between doctrinal and vocational education:** The Bar Council of India recognizes the dual role that a legal education must play, that is, a mixture of a doctrinal education in law as well as a vocational education, which is critical in the context of the nation’s needs and reality. A balance between doctrinal and vocational education at law schools should be emphasized, with an immediate exercise in imparting practical skills. With the aim of allowing for both, greater interdisciplinary and multidisciplinary approaches to the study of law, as well as a wider choice of specialization for law students, practical oriented syllabus should be designed for law students so that they should understand the skills of advocacy.

- **Up to date curriculum:** Curriculum is the sum total of all the experiences and activities in which the students and teachers are involved to achieve the very object of legal education. The Bar Council of India should prescribe a curriculum that recognizes the value of teaching law as a subject that is intrinsically linked to society, as also the necessity to impart technical skills to new entrants to the profession. The list of subjects prescribed for the All India Bar Examination (which is based on the subjects that are prescribed under the Bar Council of India Rules) may at this stage serve as an indicator of some subjects of study that would form part of this curriculum; further subjects would be prescribed as a part of the curriculum, keeping in mind the requirements of a
holistic legal education, as well as the needs of the country’s society and economy.

- The aspect of Social Justice and inclusive growth of legal education should be adequately taken care while formulating Plans and programmes for internalization of Legal Education.

- The inclusion of mediation in the curriculum of the law teaching institutions enriches clinical legal education. It should be a co-curricular activity of the law students. Mediation helps the law student to develop their skills before entering the profession. Curricular diversity may help in shoring up the lawyer’s faith in law. Law Schools may be recognized as Mediation centers and Law Teachers as Mediators and statutory recognition may be given to them, there by alter the profile of interwoven a new textile of legal education and justice delivery system.

- Arbitration Centers should be established in every law colleges and ADR training must be introduced for law student and lawyers. Short-term training, certificate, diploma courses on ADR to be introduced on a massive scale all over the country, for purpose of section 89 of Civil Procedure Code.

- Several countries permit senior Law students, under proper supervision, to conduct cases of the simpler type and the American Bar Association has made a model rules on legal practice by law students. More than 20 states and the District of Columbia have passed legislation permitting law students some form of supervised practice. There is no reason why in India the government does not permit the student legal aid works on experimental basis including representation in court.

**Measures to improve Pedagogy and Methods of Teaching:**

- **New technologies to be used in legal education:** These would include not only measures such as the use of presentations in the classroom, but would also embrace web-based technologies that allow for collaboration and discussion amidst faculty and students across the country. This would also allow for the sharing of resources, and enabling access to resources for students and faculty who may not otherwise be able to access them. Faculty would be required to
publish the syllabus they propose to follow, along with prescribed texts and resources for students, so that there may be peer review and discussion on the same.

- **Use of contemporary teaching techniques and adoption of the Outcomes Model:** The Bar Council will encourage the use of teaching techniques employed at the best law schools across the world, such as the problem-posing method, and the adoption of the outcomes model in order to embellish language, computer, and public speaking skills, would been courage. Emphasis would also be laid on the outcomes model, so as to:
  - Identify the desired outcomes from legal education, in terms of knowledge, skills, and professional attributes;
  - Ensure curriculum design that is in line with the identified outcomes desired, and enables the achievement of those outcomes;
  - Ensure that students are aware of these desired outcomes, and what is expected from them in the duration of their study;
  - Provide for continuous feedback to students, and guidance on how they may achieve progress in the direction of the desired outcomes; and
  - Ensure that evaluation methods are accurate in measuring student proficiency in the context of the outcomes articulated.

- **Continuous education and skill upgrades for faculty:** Institutes / initiatives for the continuous education / training of law faculty will be established to ensure that faculty is aware of, and trained in, contemporary teaching techniques.

- **Standards for faculty evaluation:** A balance between the values accorded to research and peer-reviewed publication, and the quality of teaching in class, when evaluating faculty in law would be emphasized. The Bar Council would release guidelines for faculty evaluation, including measures such as the number of publications, as well as student feedback. Steps would also be taken to ensure effective measures are put in place against plagiarism. These parameters would be used not only to measure faculty quality and performance, but would also be a part of the factors evaluated when accrediting law schools.
• It is high time the Governmental Authorities both at the Center and the State includes some important Legal topics in secondary school curriculum. Professional Education is transformed to public Education by creating awareness about various Acts. The subject on various legislations will have to be introduced at secondary and higher education level such as SSC, Intermediate, and Degree Courses and at all levels of education. The syllabus should consist of Indian Constitution, Family Law, Criminal Law, Law relating to Women, Right to Information Act, Consumer Protection Act.

**Measures to Improve Fair Examination and Evaluation System**

• **Fair Examination**: - Examination is the soul of education. It is one of the most important aspects of effective education. Malpractices in like mass copying, Xeroxing of question papers and distribution of answers etc., are one of main blocks in the qualitative progress of legal education. Few states have also legislation like “Anti Copying Act”, but there is no check on unfair means in the examination. Strict implementation of law should enforce by the govt. machinery or by the university authority.

• **Evaluation System**: - The present evaluation system is poor in quality and unreliable in nature most of the examiners seldom read answer scripts, only they just count the pages and put the marks. There is no check or control over this kind of evaluation .Rule of Minimum time period should be given by the universities for the valuation of one Bundle.

• A portion of examination questions should be problem based and case oriented so that the students are compelled to go through the standard books and law journals. And this kind of paper design will be a pressure on the faculty to cover all the chapters thus ensuring regular classes.

• It is suggested that the ‘problem method’ be introduced in the examination system to an extent of about 75% in each paper, apart from 25% for theory. The students should obtain a separate minimum number of marks for the theory and a separate minimum in the problem part of the examination. This will enable the students to apply their mind seriously to every subject. This will also eliminate
malpractices like copying or seeking help of invigilators. Attendance to classes is also bound to improve.