



Legal Education System in India: Educating for Justice and Service

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Law is an expression of the will of any government. It is an embodiment of the will of the people and is a manifestation of social and political requirements of every country. Therefore, the study of law is very important for any governmental setup, we need excellent lawyers and good judges to interpret the law and provide legal aid to the citizens. Legal education in the India generally refers to the learning of lawyers before entry into practice in the court of law.

Legal education in India is offered by the traditional universities and the specialized law universities and schools only after completion of an undergraduate degree or as an integrated degree.

Legal education is essentially multi-purpose, multi disciplined education which can develop the human resources and idealism needed to strengthen the legal system. A lawyer, product of such education would be able to contribute to national development and change in much more constructive manner.²

The Law commission of India defines “Legal education as a science which imparts to students knowledge of certain principles and provisions of law to enable them to enter the legal profession.” Law, legal education and development have become inter-related concepts in modern developing countries. The main function of legal education is to produce lawyers with social vision. However, in modern time’s legal education should not only produce lawyers but it should be regarded as a legal instrument for social change.³

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² Meghna Bajpai, Legal Education System in India, available on <http://www.legalserviceindia.com/legal/article-199-legal-education-system-in-india.html> assessed on 15 March 2019

³ Jayaram Swathy, Legal Education System in India, available on <http://www.legalserviceindia.com/legal/article-76-legal-education-system-in-india.html> assessed on 15 March 2019

According to Justice Krishna Iyer, “profession of law is a noble calling and the members of legal profession occupy a very high status. Law is the foundation of every society and it develops law abiding citizens, lawyers, academicians and aspiring judges.

Hence, law, it is said in reviews and statement of objectives of legal education, is a public profession and its practitioners assume responsibilities of public character. Thus, it is said that law’s connection with justice and its role in distributing power and rights, and calling the exercise of each to account, means that its professional practice is more firmly impressed with the claim of the and public interest and services than many other calling. An explicit values dimension in legal education that focus on the relation between law, justice and morality and promotes an ethic of service in professional work.⁴

Therefore, it is responsibilities of law schools that to impress the students that law is closely related to the pursuit of justice with individual and collective responsibilities to place professional skills at the service of justice and fellow citizens.

The most popular system of government in modern times is democracy. The backbone of every democracy is its judicial system. Any judicial system is, infact, connected with legal education, which determines its efficiency and its standard. The bedrock of any judicial system is the imparting right kind of the legal education. It is from the law schools that lawyers and judges emerge. Hence, legal education plays a vital role in the maintenance of rule of law. Advocates are the pillars of justice system. Advocacy is profession but not a business. It is branch of administration of justice and not mere a money making occupation. The history of our own independence movement, if impartially written, will devote more pages to lawyers than to the votaries of any other vocation. After independence, legal education in the country should have undergone for a complete transformation so that the legal education and legal profession could translate the ideals enshrined in the Indian Constitution in to a reality and thereby achieve justice-social, economic and political goals.⁵

Historical Perspectives of Legal Education:

Legal system in India is the natural outcome of its deep roots in ancient Indian traditions. It has existed in India from the dawn of Aryan Civilization. There are different viewpoints with regard to the genesis of legal education in India.⁶

Legal education in India traces its origin to the Ancient period when the kings and princes were given teachings about *Dharma* and *Nyaya*.

⁴ Christopher Gane, Robin Hui Huang, Legal Education in the Global Context: Opportunities and Challenges available on <https://books.google.co.in/books?id=cAckDwAAQBAJ&printsec=frontcover&dq=legal+education+system+in+india&hl=en&sa=X&ved=0ahUKEwiz4rfsuoPhAhWy73MBHQe8CHA4ChDoAQgnMAA#v=onepage&q=legal%20education%20system%20in%20india&f=false> assessed on 15 March 2019

⁵ Sushma Gupta, History of Legal Education, Deep and Deep Publications (P) Ltd. New Delhi.

⁶ Ibid

Then in the Mughal Period, the concept of legal representatives of people or vakils came into existence. In the colonial era, the right to act as counsel was granted only to the British or the Irish. In the post – Independence era legal education has been traditionally offered as a three years graduate degree. However, the structure has been changed since 1987. Law degrees in India are granted and conferred in terms of the Advocates Act, 1961, which is a statute regulating the aspect of legal education and also regulation of the conduct of legal profession.⁷

Modern Perspectives of Legal Education:

A University can be set up only through a legislation passed by Parliament or a State Legislature. Alternately, UGC can confer ‘deemed university’ status to an institution to confer degrees. Colleges are either affiliated to a University. Professional courses & degrees of colleges and also needs to be recognized by their respective statutory body. In case of legal education, it is Bar Council of India.⁸

Laws for the regulation of professional legal education in India are made by the parliament of India with reference to entry 66, 67 & 78 of List I (Constitution of India), which includes two regulatory bodies: ☐ The Bar Council of India (BCI) as an height body regulating the standards of the legal profession (U.P. vs. State of U.P., 1973), and; ☐ The University Grants Commission as an umbrella organization for all institutions of higher education. All the issue relating to admissions, practice, ethics & standards are addressed by BCI in consonance with State Bar Councils. The powers of BCI are also envisaged under Advocates Act, 1961 under Section 7.⁹

Section 49(d) of the Act enables Rules to be framed by the Bar Council of India in regard to the standards of legal education to be observed by the universities in India and the inspection of universities for the purpose. The Bar Council of India enacted its Rules in 1965 to deal with the standards of legal education and recognition of degrees in law for admission as advocates. **Rule 21 of the Bar Council of India Rules, 1965** provides that the Bar Council of India may issue directions from time to time for maintenance of standards of legal education and the university/college is required to follow the same. Schedule I to the Rules enumerates as many as 21 directions which the Bar Council of India is authorized to give to the universities/colleges. **Rule 8 of Chapter III of the Bar Council Rules** dealing with the Legal Education Committee, enables the Committee (a) to make its recommendations to the Council for laying down the standards of legal education for the universities, (b) to visit and inspect universities and report to the Council, and (c), to recommend to the Council for recognition of any

⁷ The Present Scenario of Legal Education System in India, Available on <https://blog.ipleaders.in/legal-education/> Assessed on 14 March 2019

⁸ Amit K Kashyap, Professional Legal Education in India: Challenges and the Way Forward, available on Educational Quest: An Int. J. of Education and Applied Social Sciences Vol. 7 | Issue 3 | December 2016.

⁹ Ibid.

degree in law of any university under Section 24(1)(c)(iii) of the Act. The Committee is also authorized to recommend the discontinuance of any recognition already granted by the Council.¹⁰

The present law has to meet the requirements of the society, which is entering into 21st century. Law has to deal with the problems of diverse magnitudes and a student of law and an advocate has to be trained in professional skills to meet the challenges of globalization and universalisation of law. With the advent of multi nationals in India, the task of lawyers would be highly technical and an imperative need would arise to have competent lawyers who would be trained in the right culture of legal education¹¹.

Legal education is a broad and comprehensive concept. It includes not merely the profession which is practiced in courts but also cover law teaching, law research, administration in different branches where law plays a role and infact commercial and industrial employments and all other activities which postulate and require the use of legal knowledge and skill. In the sphere of legal education- a lawyer, a product of such education would be able to contribute to national development and social change in much more constructive manner¹².

The study in law most certainly does not end with graduation from law school, but continues throughout the lawyer's career. A large number of lawyers perceive critical gaps between what they are taught in law schools and the skills they need in the workplace, and appropriate technologies are not being used to help close this gap. There is a recognized need worldwide, that in order to ensure a thriving legal profession within a justice system, it is essential that a programme of continuing legal education is in place. Given the deep impact globalization has had on our lives and the legal profession, there is a greater need for continuing legal education for active practitioners, legal professionals and jurists.¹³

Conclusion: The changes in legal education and legal profession have been long overdue. Amongst all the professions of the world, the Legal Profession is called the dignified Profession. The Law is tool which, through its rules and regulations, maintains order and peace in the society and without it the society would plunder into chaos. The Legal Practitioners act as the keepers and protectors of this very law.

¹⁰ Available on <http://sarins.org/lectures/legal-education-in-india-past-present-and-future-justice-as-anand/#:~:text=The%20concept%20of%20legal%20education,in%20matters%20connected%20with%20Dharma.&text=along%20with%20law%20studies>. Assessed on 10 November 2020

¹¹ Sushma Gupta, History of Legal Education, Deep and Deep Publication (P) Ltd. 2006

¹² Ibid

¹³ Legal Education – A Global Perspective available on https://highcourtchd.gov.in/sub_pages/top_menu/about/events_files/GlobalSpeech.pdf assessed on 12 November 2020.