



## International Journal of Research Publication and Reviews

Journal homepage: [www.ijrpr.com](http://www.ijrpr.com) ISSN 2582-7421

# The Role of Indian Judiciary is Defining Best Practices in Legal Education

**Vaishnavi E.<sup>1</sup>, Thirshal Mercy. A<sup>2</sup>**

<sup>1</sup>Postgraduate L.L.M., Environmental Energy and Climate Change Law

<sup>2</sup>Postgraduate L.L.M., Environmental Energy and Climate Change Law

### ABSTRACT:

The role of Indian judiciary defining best practices in legal education is important in shaping the future of the country's legal profession. The judiciary plays a crucial role in maintaining the integrity and efficiency of the judiciary and has consistently demonstrated its commitment to ensuring a strong and effective legal education framework. In 2020, the Indian government released India's third educational policy, considered the most ambitious educational policy ever. The purpose of this report is to highlight the various ways in which the Indian Judiciary articulates and defines best practices in legal education. First, the courts are actively involved in setting standards and guidelines for Indian law schools. It has set specific benchmarks and parameters that educational institutions must follow to maintain quality and competence. The judiciary, through important decisions and guidelines, has taken into account issues related to infrastructure, teaching staff, curricula and examinations, thus ensuring that legal education meets the highest standards. Second, the judiciary has a key role in controlling and regulating the activities of law schools and colleges. It has established accreditation and assessment mechanisms to ensure that educational institutions adhere to prescribed standards. This regulatory oversight of the judiciary promotes accountability, transparency and fairness, ultimately improving the quality of legal education in the country. The judiciary recognizes the importance of diversity in the legal profession and has consistently emphasized the need to provide equal opportunities to marginalized sections of society. It supported reservation policies in law schools and colleges, allowing for greater inclusion and representation. This assignment brings out the challenges of the Indian judiciary in shaping the legal education by adopting those changing dimensions in the present Era.

**KEYWORDS:** *Indian judiciary, educational institutions, legal education, best practices, Bar Council, University Grand commission, present Era, National educational policy.*

### INTRODUCTION :

The Indian judiciary plays an important role in defining and shaping the best practice education. As the custodian of justice and the interpreter of laws, the judiciary has the responsibility to ensure that legal education in India. One of the primary ways in which the judiciary contribute to legal education in through its role in accrediting and regulating laws schools and colleges. The Bar Council of India (BCI), which is a statutory body established under the Advocate Act 1961, is responsible for regulating legal education in India. The BCI sets standards for schools, approves syllabus and curricula, and grants recognition to institutions offering legal education. The judiciary, through its pronouncements and intervention, has guided the BCI in information and implementing these standards. Moreover, the judiciary has played a vital role in ensuring that legal education remains accessible to all sections of society. It's has consistently upheld the principles of equality and non – discrimination in the admission process for law schools. Through landmark judgments, the judiciary has championed the cause of reservation and affirmative action to promote diversity and inclusion in legal education.

### RESEARCH PROBLEM:

How the changing dimensions of legal education are being tackled by Indian judiciary and steps by taken.

### REVIEW OF LITERATURE:

#### 1. 184th Report of Law Commission of India.

The 184<sup>th</sup> law commission took up the subject of legal education so motto as the said is fundamental to the very foundation of the Indian judiciary system. In this report on the legal education & professional Training and proposals for Amendments to the Advocate Act. Colleges for prescribing standards of education. The BCI may prescribe standards of legal education in consultation with the universities.

#### 2. Sage journals. Promises and prospects of legal education in India context of the New educational policy by sanjit Kumar Chakraborty and Tushar Krishna. Article ( 2021).

3. An analytical legal study on Challenges of legal education in 21<sup>st</sup> century by Mayank Shekhar. Article (2017)
4. An analytical study on legal education in India context of National Educational policy by Nirmal A. Herma. Article (2021)
5. The young arena litigators. Bar Council of India and its role in development of legal education in India by a hay chandravanshi. Article (2017).

---

#### **AIM:**

1. To provide a centre where scholars might contribute to the understanding of the law and participate in their growth and development .
2. To inculcate students with operative legal rules and to provide them adequate experience.
3. To find out the right road for future development.

---

#### **OBJECTIVE OF THE STUDY:**

1. To find out how legal education works under Indian judiciary.
2. To find out challenges in the legal education in the present Era.

#### **SCOPE OF THE STUDY:**

This scope of this research paper is to find out the challenge faces in legal education and measures to overcome such challenges.

---

#### **LIMITATION OF THE STUDY:**

1. This research will not extend to the advanced factors that has been dealt by Indian judiciary.
2. The study focuses on a specific timeframe and not capturing the entire spectrum of changes and limited access to comprehensive and updated data on legal education reforms.
3. The finding may not be universally applicable considering the unique nature of legal education reforms in India.

#### **HYPOTHESIS :**

The partnership between the Indian judiciary and government in implementation legal education reforms aims to enhance the competency and adaptability of the legal workforce for a more effective judicial system.

---

#### **RESEARCH METHODOLOGY:**

This research paper cannot be confined to one methods of research where it involves a hybrid of various methods of research. This research paper is more of Doctrinal methods of research.

#### **HISTORICAL BACKGROUND OF LEGAL EDUCATION IN INDIA:**

In India, legal education dates back to the Vedic era based on the philosophy of Dharma. Although there is no formal education to impart law, Karma and Dharma were the fundamental grandeur for any living individual. In subjects relating to Karma, training was self-acquired. The King used to either execute justice himself or select Judges and Assessors to do so. The form of Dharma, on the other hand, was eventually replaced once British rule developed in India. The contemporary Indian regime is yet another imperial relic introduced after British rule was established in India. In 1857, three universities were founded in Calcutta, Madras, and Bombay, and they were the first to provide formal legal education by including it in their curricula. A stereotyped scheme of compulsory topic lecture process and the two-year course persisted for over a century, from 1857 to 1957. Indeed, systematic legal education in India commenced in the 1850s to enable law students to serve in the higher and lower courts as advocates or judicial officials. There was no culture of legal research or legal training at the university level. For over a century, the teaching system in legal education was primarily based upon the method known as 'direct instruction'. With the implementation of the Advocates Act of 1961, new rules were framed for yielding legal education in India. The Bar Council of India (BCI) was established in the early 60s; however, it was only in the late 1980s, the deliberations and efforts regarding the expansion and enhancement of legal education in India took place. To pioneer legal education reforms and anchor the transformation of the legal system in India, the first law university of the country, the National Law School of India University, was founded in Bengaluru in 1985. Different techniques, including tutorials, seminars, moot courts, case-based studies, clinical courses, hypothetical problem solving, and court visits, were also used to reinforce teaching methodologies.

#### **ROLE OF INDIAN JUDICIARY IN LEGAL EDUCATION:**

The judiciary has an indispensable role in enacting and interpreting laws. Multitudinous landmark judgments have rigorously affirmed that legal education in India must undergo substantial reformation and be modified regularly. In its landmark decision in Deepak Sibal v. Punjab University, the Supreme Court of India stated that the legal study should be fostered as much as possible without any undue interference. The State and different statutory bodies

are commonly seen controlling legal education in a hostile and discouraging manner. In the Indian Council of Legal Education v. BCI, the BCI's decision to limit entrance into the legal profession to people under the age of 45 was found to be arbitrary and unconstitutional. The Supreme Court of India decided in Bar Council of India v. Aparna Basu Mallick that since obtaining a law degree is required to be enrolled on the bar; the BCI must have the right to regulate the quality of legal education followed by institutions across the country. Attendance in legal classes, tutorials, moot courts, lectures, and other requirements set forth by the BCI must be met before enrolling as an advocate.

#### **IMPACT:**

Diverse legal education:

India has a diverse legal education system with different types of institutions offering legal courses. There are national law universities, state law universities, government law colleges, private colleges, and correspondence courses. This diversity of institutions make it difficult to establish uniform best practices that can be applicable across the board.

Variation in quality:

There is a considerable variation in the quality of legal education offered by different institutions. While some institutions provide high quality education and training, other may have inadequate infrastructure, outdated curriculum, and overburdened faculty. Defining best practices become challenging when there is an inconsistency in the quality of legal education.

Lack of practical training:

Legal education in India predominantly focuses on theoretical knowledge, often lacking practical training. While understanding legal principles and theories is important, it is equally important to develop practical skills, such as legal research, drafting.

#### **CONSTITUTION PROVISION:**

The constitution of India entrusts the regulation of legal education to both the Bar Council of India and University Grants Commission. Entries 66, and 25 of List I and III respectively empower the parliament and state government related to legal education. The Bar Council of India focuses on professional standards, while the UGC teaches appointments, infrastructure support and maintains standard of education.

#### **PRESENT STATES OF LEGAL EDUCATION:**

While a lot is currently being discussed about the state of legal education in India, with reports from National Knowledge Commission, Law Commission of India, Legal Education Committee of the Bar Council of India, University Grants Committee Special Committee on legal education, expert committee appointed by Supreme court and some state governments coming out in quick succession and a conference around tables on legal education is being hosted by different departments of the central government, It is necessary to draw a sketch of the existing legal education framework in India. In India, general regulation of legal education is coming under two bodies Bar Council of India (BCI) and University Grants Commission (UGC). After the enactment of Advocates Act, 1961, Bar Council of India became the apex body for the entire legal profession. Section 7(1) of BCI is to recognize universities whose degree in law shall be a qualification for enrolment as an advocate. The 184th Report of the Law Commission of India had examined the provisions of Advocates Act, 1961 and UGC Act, 1956 regarding regulation of legal education and suggested the following harmonious interpretation of these apparently conflicting provisions. In fact the First National consultative conference of heads of legal institutions has observed that the regulatory structure of legal education is currently flawed and needs careful reconsideration. A typical law college has four masters minimum: the university to which it is affiliated, the state government, the University Grants Commission and the Bar Council of India. The different priorities of the regulators often make it difficult to specify proper curriculum and management control suitable to bring these colleges to any efficient academic or organizational level.

#### **LEGAL EDUCATION -TODAY :**

Around 3 lakh students join legal education every year, around 50 thousand students are aspiring to go for good quality legal education annually, Around 70-75 thousand students pass every year with a law degree, Around 30-35 thousand students join the Bar, currently there are 15 lakh registered advocates in different bars in India. Day by day even the competition is rising to a great extent and hence there is need for UGC to make sure the curriculum is not compromised in quality and the UGC has greater role to play.

#### **SUGGESTIONS:**

1. Integrated Curriculum Promote an intertwined class that combines theoretical knowledge with practical chops. This should include a balance between substantial law, procedural law, legal exploration, legal jotting, advocacy, and ethics.
2. Clinical Legal Education Emphasize the significance of practical training by enforcing clinical legal education programs. These programs would give law scholars with openings to work on real cases, engage in legal exploration, drafting, and advocacy under the supervision of educated interpreters.
3. Practical Training and externships Encourage law seminaries to establish strong hook-ups with law enterprises, legal aid associations, and courts to give practical training and externship openings. This would expose scholars to different areas of law and develop their professional chops.
4. Continuing Legal Education Promote lifelong literacy by making continuing legal education obligatory for legal professionals. This would enable them to keep abreast of the rearmost developments in law and enhance their practical chops throughout their careers.

5. Ethics and Professionalism Incorporate ethics and professionalism courses to inculcate a strong sense of ethics, integrity, and professionalism among law scholars. This would ensure that unborn legal professionals uphold the loftiest norms of integrity and maintain public trust in the bar.

6. Research and Publication Encourage law scholars and faculty members to engage in legal exploration and scholarly publication. This would contribute to the development of legal doctrines and promote critical thinking among scholars.

---

## CONCLUSION:

In conclusion, the part of the Indian bar in defining stylish practices in legal education is pivotal and poignant. The bar plays a vital part in ensuring that legal education meets the norms and prepares unborn attorneys and judges for their places and liabilities. The bar influences legal education through colourful means. One significant dimension is the interpretation and explanation of the law. By furnishing well-reasoned judgments and setting precedents, the bar helps shape legal education and attendant the understanding and operation of laws. Another important aspect is the bar's part in laying down guidelines and norms for legal education institutions. Through corner judgments and directions, the bar ensures that law seminaries and sodalities have acceptable structure, faculty, and class to give quality legal education. The bar also acts as a guardian of legal ethics and professionalism. By maintaining strict norms of conduct for attorneys and judges, the bar promotes integrity, fairness, and justice in legal education. It encourages the inculcation of ethical values and professional responsibility among law scholars, preparing them to uphold the loftiest norms of the legal profession. In summary, the Indian bar plays a vital part in defining stylish practices in legal education.

## REFERENCE :

---

<http://legalbites.in>

<http://www.legalservices.com>

<http://journals.sagepub.com/doi/full>

<http://www.clearias.com>

<http://www.researchgate.net>

<http://www.thelegalquotient.com>