

Imparting Quality Legal Education in India: Issues & Challenges, Solutions

¹Dr.M. R. Sreenivasa Murthy, ²Dr.K. Syamala

^{1,2} Associate Professor, National University of Study and Research in Law (NUSRL), Ranchi.

Email: ¹meenigam@gmail.com, ²k.syamala@nusrlranchi.ac.in

Abstract: Prof.(Dr.) N.R.Madhava Menon brought in the revolutionary reforms in the legal education by establishing National Law Universities. The increasing international standards and market demands, raised various issues and challenges ranging from financial crunch to the quality faculty, curriculum etc., for the NLUs in providing quality legal education. The NLUs being State Universities established through State Legislations had to look to the State for financial support, which miserably for some NLUs is literally bare minimum. Increasing questions about quality infrastructure obviously affected the quality of education in NLUs. Further, increasing competition from private universities, which are rich in infrastructure, could overcome NLUs in imparting quality education. The article focuses on the issues such as granting of 'Institute of National Repute' status to the NLUs and be declared as Central Universities through National Law Universities Bill, 2016. The article also focused on the establishment of National Academy of Law Teachers (NALT) for developing quality faculty and curriculum by incorporating the relevant provision in the National Law Universities Bill, 2016.

Key Words: Quality legal education, National Law Universities, National Law Universities Bill, 2016, National Academy of Law Teachers, financial crunch

1. INTRODUCTION:

From 1960s to till date, legal education in India witnessed drastic reforms, which transformed the legal profession. The Advocates Act, 1961 empowered Bar Council of India (BCI) to regulate the legal education by brining uniformity in standards across the nation. As part of standardization of legal education, BCI introduced three years LL.B. programme, for those who completed their basic graduation in any stream of Arts, Science, Commerce, Humanities etc.,

The increasing prospects of legal education, encouraged the private law colleges, affiliated to the Universities. The teachers are permitted to pursue both teaching and profession and to facilitate employees and business people in pursuing legal education; evening colleges and part-time courses were offered. Compulsory one-year apprenticeship after LL.B., course was introduced to obtain license to join legal profession.

Amid criticism concerning degradation of the quality of legal education, BCI introduced five years integrated B.A. LL.B., course for the students who completed higher secondary school education i.e., 12th standard or Intermediate. Though there was persisting criticism with regard to quality of legal education, the legal education expanded largely.

Establishment of National Law School of India University (NLSIU) at Bangalore in 1986 changed the face of legal education. NLSIU Bangalore introduced innovative pedagogy, adopted revolutionary methods of teaching-learning process, introduced research projects, compulsory internships, developed industry-academic interface by way of seminars, guest lectures, workshops, conferences etc., The teachers are trained by inviting Professors from internationally reputed institutions such as Harvard, Yale etc.,

The meritorious students from all over India were admitted to NLSIU, Bangalore and were nurtured with all kinds of skills required to compete at the global level. The NLSIU, Bangalore was appreciated as 'Harvard of the East' and as an Institution of Excellence in legal education.

After successful experiment of NLSIU, Bangalore, the Committee appointed by the Chief Justices' Conference on Legal Education and Training, 1993 and the All India Law Ministers' Conference, 1995 resolved to set up one National Law University in each State. Accordingly, NALSAR Hyderabad, NLIU, Bhopal were established in the year 1998, followed by the establishment of WBNUJS, Kolkata, NLU Jodhpur and GNLU, Gandhinagar, Gujarat. Currently, there are National Law Universities in all States, contributing for the enhancement of quality of legal education. The students are admitted to NLUs through All India Common Law Admission Test (CLAT), introduced pursuant to directions of the Hon'ble Supreme Court of India in *Varun Bhagat v. Union of India & Ors* W.P. (C) No.68 of 2006.

The NLUs developed the competency to provide quality legal professionals to cater to the needs of the modern legal profession. The expanding placement opportunities attracted young generation to pursue law as professional education. The growing demand encouraged private institutions to start five years law course. The increasing number of law graduates, rapidly filled the gap in the profession.

The legal profession raised its peak, but the quality slowly started degrading. Approximately from 2015, the placement opportunities of the students of NLUs caught into dilemma, due to the increasing production of law graduates. The increasing competition for placement demanded higher skills with quality education in the law graduates.

The new NLUs, established through State Legislations suffered fund crunch and infrastructural issues. The non-availability of competent and committed faculty or increasing migration of NLU faculty to the private institutions, which provide attracting pay packages impacted the teaching-learning pedagogy in NLUs. The private institutions also suffered quality crisis, due to the lack of efficient leadership and standards.

Degrading quality standards in the legal education became the concern of the stakeholders of the legal education. Several conferences and studies were conducted to address the issue of degrading quality of legal education. The Law Commission of India, National Knowledge Commission, NLSIU Bangalore, NALSAR Hyderabad, NLU Delhi and other institutions of national repute conducted studies and suggested various ways and means to uplift the quality of legal education.

Despite of all the efforts, still the quality of legal education in NLUs is plagued with different problems, and the quality of legal education in mushrooming private institutions further deteriorated. This article attempts to examine the common issues and challenges faced by NLUs and other institutions imparting legal education and to provide suggestions.

2. THE COMMON ISSUES & CHALLENGES FACED BY NLUS AND OTHER INSTITUTIONS IMPARTING LEGAL EDUCATION:

- *Crunch of good teachers*
- *Review of course curriculums or syllabi*
- *Innovative teaching-learning pedagogy*
- *Quality Research & Development*
- *Technology and connectivity*
- *Career opportunities and placements*
- *Financial crunch in developing infrastructure*

In the *Conference of Vice Chancellors of National Law Universities on Legal Education Reforms*, held on 1-2 September 2018 at ILI, New Delhi, Hon'ble Mr. Justice Deepak Mishra, the then Chief Justice of Supreme Court of India in his inaugural speech highlighted the crunch of well-qualified and talented faculty members who can nurture, guide and educate the young and vibrant students of modern legal education. The requirement of introducing new teaching methodologies such as debates, collaborative teaching, learning through technology and exposing students to real-life situations were highlighted as immediate need of reforms. Sense of practicality in teaching law papers has been mentioned by the Lordship as an important reform to update the teaching-learning methodology.

The institutions can deliver quality education, when quality infrastructure in terms of smart classrooms, good library, residential facilities and seminar halls and auditorium are provided. For NLUs, reluctance of respective State Governments, which are the major source of fund generation, became the major issue. IIMs and IITs, which are centers of excellence for Management studies and Engineering studies, receive Ministry of Human Resource Development (MHRD) funds, and NLUs had to look to the State Governments for funds.

With regard to the financial crunch suffered by majority of the NLUs, Professor Madhava Menon in his speech in the *Conference of Vice Chancellors of National Law Universities on Legal Education Reforms*, held on 1-2 September 2018 at ILI, New Delhi, mentioned that these institutions require excellent infrastructure and facilities and reasonable resources to attract the cream of the talent.

Apart from fund crunch, the NLUs and other institutions suffered hardships in maintaining quality teaching-learning process. Industry-academic interface, quality research connecting with contemporary issues, producing quality research projects and reports, innovative curriculums and ICT based teaching-learning process etc., also are the issues raised while debating on the quality of legal education.

In nutshell, Professor N.R. Madhava Menon pointed out the following loopholes in the present legal education:

- *Lack of focus on legal education and legal writing*
- *Lack of study on the impact of globalization on legal education*
- *Inadequate negotiation skills in the budding lawyers*
- *Lack of constitutional approach in analyzing the societal problems*
- *Lack of in-depth study of Constitutional Law*
- *Lack of practical approach in the teaching-learning pedagogy*
- *Lack of focus on postgraduate and doctoral studies*
- *Lack of ability to overcome fund crunch*

3. PROPOSED SOLUTIONS:

- *Need for establishing National Academy of Law Teachers (NALT)*
- *Need for the declaring NLUs as Institutions of National Importance*
- *Need for establishing network of Institutions imparting Legal Education both at national level and State Level*

A. Need for establishing National Academy of Law Teachers (NALT)

The NLUs from the beginning, suffered with the crunch of teachers who are trained in modern teaching-learning pedagogy. NLSIU, Bangalore invested time and efforts to nurture and develop faculty cadre through faculty exchange programmes with the international institutions, conducting regular faculty develop programmes and with continuous guidance of Professors of international repute. The founding faculty of NLSIU, Bangalore migrated to other NLUs and trained the next generation teachers. The next generation teachers adopted the modern teaching culture and supported the NLUs and private institutions in grasping the vision of NLSIU, Bangalore. The limited number of next generation teachers trained in NLUs working style, couldn't transpire the legal education in new NLUs and private institutions.

The NLUs also couldn't produce quality postgraduate students, due several reasons. The students who were joining the postgraduate programmes ran by NLUs were filled with those who weren't exposed to the modern legal education system. The increasing demand of law graduates for quality legal education, required NLUs to invest all their resources in nurturing them and post graduates were given lesser attention. This resulted into the dearth of quality teaching cadre to cater to the needs of the mushrooming institutions.

Further, the Indian Universities require UGC NET or Ph.D as a basic qualification for the appointment of teachers. The UGC NET requires the applicants to undergo two years post graduation programme. The duration of the foreign LL.M. degrees are nine months. The students who pursued post graduation in foreign universities had to complete their Ph.D for being engaged in the Indian Universities. This disparity in the duration of the post graduation courses of India and abroad affected the inflow of quality teaching in NLUs and other institutions.

To overcome the problem, UGC experimented by introducing one year LL.M. programme. Many Universities adopted the same, but the experiment suffered defects. The students who are the major consumers of the post graduation courses in NLUs and other institutions imparting modern legal education, are from traditional education background and within one year span of LL.M. programme, excelling in modern teaching and research methods became a practical failure for them. Loaded with subjects and dissertation work in one-year span, the post graduation course became an extended LL.B. Hons programme.

Leaving apart the challenges faced with regard to the quality legal education at postgraduate level, the NLUs and other institutions that were in dire need of faculty engaged the post graduation holders as teachers. Every qualified teacher is not a competent teacher. In a given situation of dearth of competent teachers, like NLSIU Bangalore, the institution had to put efforts to train and nurture them.

To train the teachers, UGC established staff colleges, which conducts orientation programmes, refresher courses and other programmes. The UGC staff college courses are meant for regular training of teachers of all disciplines and do not possess the capacity to provide need based training for law teachers of modern legal education.

NLU, Delhi took initiative to establish National Law Teachers Academy (NLTA) to improve quality of teaching and research in Law and other Social Sciences. The purpose of NLTA is to promote and protect teaching-learning methodology for the purposes of training/grooming faculty members for the quality teaching, research and curriculum development across the nation. NLTA is organizing orientation, refresher and capacity building programmes for teachers on law and social sciences courses involving professionals/experts from India and abroad.

Like NLU, Delhi, the consortium of National Law Universities, which are the centers of excellence in legal education, shall take the responsibility of nurturing next generation teachers who are the backbone of the success of modern legal education. Like National Judicial Academy (NJA), there shall be a National Academy of Law Teachers (NALT), an autonomous body, funded by UGC & BCI. The NALT shall have a Director & staff appointed by the Executive body of the NALT shall have a representation from the Supreme Court of India, UGC, BCI, jurists from the bar and internationally reputed academicians from Foreign Universities and Indian Universities. The NALT shall conduct orientation programmes, refresher courses etc., to the teachers of all institutions imparting legal education. The NALT shall develop innovative teaching-learning pedagogies and support the Institutions imparting legal education in enhancing the quality of teaching.

B. Need for the declaring NLUs as Institutions of National Importance

The National Law Universities of India Bill, 2016 (Bill No.249 of 2016) was introduced in Lok Sabha by Prof. (Dr.) Sugata Bose, M.P. The objective of the bill is *to establish, incorporate and declare certain law universities to be law universities of national importance and to provide for matters connected therewith or incidental thereto.*

Section 6 of the Bill, 2016 provides the objectives of the Universities:

- a. *To provide multi-disciplinary education in legal studies, keeping in view the demands of global economy and the needs of the domestic society;*
- b. *To evolve and impart comprehensive legal education at all levels to achieve excellence;*
- c. *To organize advanced studies and promote research in all branches of law;*
- d. *To disseminate legal knowledge, legal processes and their role in national development by organizing lectures, seminars, symposia, workshops and conferences;*
- e. *To promote cultural, legal and ethical values with a view to promote and foster the rule of law and objectives enshrined in the Constitution of India;*
- f. *To improve the ability to analyze and present for the benefit of the public, contemporary issues of public concern and their legal implications;*
- g. *To liaise with institutions of higher learning and research in India and abroad;*
- h. *To publish periodicals, treatises, study books, reports, journals and other literature on all subjects relating to law;*
- i. *To hold examinations and confer degrees and other academic distinctions;*
- j. *To promote legal awareness in the community for achieving social and economic justice for all;*
- k. *To undertake studies and training projects relating to law, legislation and judicial institutions;*
- l. *To promote inter-disciplinary study of law in relation to management, technology, international co-operation and development*
- m. *To develop in the students and research scholars a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practices, law reforms and other such matters; to make law and legal processes efficient instruments of social development;*
- n. *To assist and provide advice to the Central and the State Governments on matters pertaining to law, legislation and judicial institutions; and*
- o. *To do all such things as are incidental, necessary and conducive to the attainment of all or any of the objectives of the Universities.*

Section 32 of the Bill, 2016 provides that, ‘*For the purpose of enabling the Universities to discharge their functions efficiently under this Act, the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to every University in each financial year such sums of money and in such manner as it may think fit*’.

In the Statement of Objects and Reasons, the Bill 2016 provides the following four main reasons for the success of NLUs:

- Autonomous status
- Five-year integrated law programmes
- Intensive curriculums
- Involvement of legal luminaries

Established under the State legislations with different administrative setups, the sufferings of NLUs are multifold. All the issues and concerns expressed by Prof. Madhava Menon in his speech (quoted above) are addressed in the Bill, 2016. The declaration of NLUs as Institutes of National Importance will resolve the problems of fund crunch. Further, it sets a common goal and vision for all NLUs and brings harmony in the course curriculums and teaching-learning pedagogy. The grant of the status, ‘Institutions of National Repute’ to NLUs will improve the infrastructure and further the quality of legal education. The NLUs can coordinate at the State level with other institutes and develop a network to contribute in the improving of the quality of legal education across the State and in turn across the country under the direct guidance of National Council defined under Section 13 of the Bill, 2016 and the supervisory guidance of BCI/UGC/Supreme Court of India.

The NLUs shall be mandatorily obligated for faculty & student exchange programmes with the institutions imparting legal education within the State; conduct State level workshops for faculty development under the guidance of the National Academy of Law Teachers (NALT); conduct collaborative research activities etc., In this way, the quality legal education can be extended not only to those who enroll into NLUs but also those who enrolled into traditional universities, private universities etc., NLUs shall also assist State Bar Councils in quality audit of the institutions situated within the State.

The networking with other institutions will also create an opportunity to the NLU teachers who work in isolation. The healthy regular exchange of knowledge and research among law teachers within the State will definitely result into the enhancement of quality. The State level network of institutions also will enhance the scope of supporting State in conducting research studies over the contemporary social issues, policy reviews etc.,

In the proposed structure, NLUs will act only as facilitator and coordinator of the State level network of institutions imparting legal education. The intention is not to interfere into the affairs of the State institutions, but to develop interactions on frequent basis and to conduct collaborative academic and research activities to support the State for better administration.

4. CONCLUSION:

The challenges to impart quality legal education are many, and require innovative solutions. The objective of the solutions proposed are two fold, one developing NLUs as Centers of Excellence by enriching the infrastructure and academic quality; second expanding the quality of legal education beyond NLUs, i.e., to the students enrolled into other institutions. Enriching NLUs will enrich only 2500 approx. law students, but enriching all institutions imparting legal education in India will enrich the legal profession of India.

NLUs shall contribute to this revolutionary change by coordinating with Bar Council of India and State Bar Councils who are responsible for maintaining standards of legal education. In developing model curriculums, training teachers in modern teaching-learning pedagogies, undertaking research activities, NLUs shall lead, coordinate and support the Institutions. National Councils at the Central level shall coordinate with UGC & BCI at National level and formulate policies and models and train the NLUs and other recognized institutions at NALT. NLUs and other recognized institutions shall carry those policies and models to the State institutions for revolutionizing the standards of education at State level.

The integration of academy and profession to produce 'ready lawyers' to the bar is not an easy task. The NALT and National Council proposed under Bill, 2016 shall support institutions imparting legal education in molding their course curriculums to include contemporary social issues, participate in the policy framing, legal and policy audit etc., Efforts shall be made for continuous reengineering of teaching methods, pedagogy, research activities by merging with international demands, national needs is an another area to focus.

Legislating the National Law Universities of India Bill, 2016 is one of the best solutions. The objectives of the Bill, 2016 is exactly in line with the dreams of all the academicians and jurists who contributed their lives in carving the quality legal education in India. Degradation of the standards of legal education is degrading his efforts in globalizing the legal profession. The solutions proposed are intended to bring the positive change as aspired by the 'Father of Modern Legal Education', Professor N.R.Madhava Menon, who spent his life in reforming legal education till his last breadth.

REFERENCES:

1. The National Law Universities of India Bill, 2016
2. Cristina D. Lockwood (2013): Improving Learning in the Law School Classroom by Encouraging Students to Form Communities of Practice. *Clinical Law Review* 20:95 (2013) 95 – 135, available at <http://jciprod01\productn\N\NYC\20-1\NYC105.txt> (accessed on 28.12. 2019)
3. Final Report of the 3-Member Committee on Reform of Legal Education, in the matter of *Bar Council of India v. Bonnie FOI Law College & Ors* Special Leave Petition (No.) 22337 of 2008 in pursuant to orders of the Supreme Court dated June 29, 2009 and October 6, 2009 and as approved by the Bar Council of India vide Resolution dated October 24, 2009. Available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf> (accessed on 1.1.2020)
4. Harry W. Arthurs (2014): The Future of Legal Education: Three Visions and a Prediction. *Alberta Law Review* 51 (2014): 705-716
5. Lakshminath.A, 'Legal Education, Research and Pedagogy – Ideological Perceptions', *Journal of the Indian Law Institute* 50:4 (2018): 606 – 628.
6. Madhava Menon N.R., 'The Transformation of Indian Legal Education' - A Blue Paper, Harvard Law School Program on the Legal Profession, 2012, available at [https://clp.law.harvard.edu/assets/Menon Blue Paper.pdf](https://clp.law.harvard.edu/assets/Menon%20Blue%20Paper.pdf) (accessed on 3.01.2020)
7. Reforms of Legal Education in India: Note on Proposed Directions for Reform, Chairman, Bar Council of India, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/07/LegalEducationReformRecommendations.pdf> (accessed on 4.01.2020)
8. Upasana Das Gupta (2019): The Paradox of Elite Law Schools in India – A Comparison with Canadian Legal Education, *Hors-série (décembre 2019) Revue québécoise de droit international*, 147–164, available at <https://www.sqdi.org/wp-content/uploads/147-164-The-Paradox-of-Elite-Law-Schools-in-India%E2%80%94A-Comparison-with-Canadian-Legal-Education-.pdf> (accessed on 05.01.2020)
9. 184th Law Commission of India Report on 'The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956, December 2002
10. A Study to Create Evidence-based Proposals for Reform of Legal Education in India – Suggestions for Reforms at the National Law Universities Set-Up through State Legislations, NALSAR, Hyderabad, available at <https://doj.gov.in/sites/default/files/Final%20Report%20%20NALSAR%20.pdf> (accessed on 31.12.2019)