

REPORT NO.

142



PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND
JUSTICE

ONE HUNDRED FORTY-SECOND REPORT

ON THE SUBJECT

"STRENGTHENING LEGAL EDUCATION IN VIEW OF
EMERGING CHALLENGES BEFORE THE LEGAL PROFESSION"

(Presented to the Rajya Sabha on 07th February, 2024)

(Laid on the Table of Lok Sabha on 07th February, 2024)



Rajya Sabha Secretariat, New Delhi
February, 2024 / Magha, 1945 (Saka)

E-MAIL: rs-cpers@sansad.nic.in

WEBSITE: <http://sansad.in/rs>

CONTENTS

SR. NO.	TOPIC	PAGE
1	COMPOSITION OF THE COMMITTEE	4
2	INTRODUCTION	6
3	ACRONYMS	8
4	REPORT	
	I. HISTORICAL CONTEXT	10
	II. REGULATING LEGAL EDUCATION IN INDIA	16
	III. CURRICULUM	30
	IV. RESEARCH IN LEGAL EDUCATION	42
	V. TECHNOLOGY WITH RELEVANCE TO LEGAL EDUCATION	49
	VI. EFFECT OF GLOBALIZATION IN LEGAL EDUCATION	52
5	RECOMMENDATIONS/OBSERVATIONS AT A GLANCE	56
6	RELEVANT MINUTES OF THE MEETINGS OF THE COMMITTEE*	64

* will be appended at a later stage

COMPOSITION OF THE COMMITTEE
(Re-constituted w.e.f. 13th September, 2023)

1. Shri Sushil Kumar Modi — *Chairman*

RAJYA SABHA

2. Shrimati Vandana Chavan
3. Shri Mahesh Jethmalani
4. Shri Kanakamedala Ravindra Kumar
5. Shri Sanjay Raut
6. Shri Sukhendu Sekhar Ray
7. Shri K. R. Suresh Reddy
8. Shrimati Darshana Singh
9. Shri Vivek K. Tankha
10. Shri P. Wilson

LOK SABHA

11. Shri Manickam Tagore B.
12. Shri Kalyan Banerjee
13. Shri Pradan Baruah
14. Shri Venkatesh Netha Borlakunta
15. Shri Vinod Chavda
16. Shrimati Veena Devi
17. Shri Jasbir Singh Gill
18. Shri Choudhury Mohan Jatua
19. Shri Raghu Rama Krishna Raju Kanumuru
20. Shri Jyotirmay Singh Mahato
21. Shri Malook Nagar
22. Dr. Ramesh Pokhriyal "Nishank"
23. Shri Suresh Kumar Pujari
24. Shri A. Raja
25. Shri Omprakash Bhupalsingh *alias* Pavan Rajenimbalkar
26. Shri Upendra Singh Rawat
27. Shrimati Sandhya Ray

28. Shri Kuldeep Rai Sharma
29. Shri Mahendra Singh Solanky
30. Shri Rajan Baburao Vichare
31. *Vacant*

SECRETARIAT

Shri P. Narayanan, Director

Smt. Indira Chaturvedi Vaidya

Shri Sunil Tripathi, Under Secretary

Shri Prabhakar Singh, Under Secretary

Smt. Naina Gupta, Assistant Research Officer

INTRODUCTION

I, Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee on its behalf, do hereby present the One Hundred Forty-Second Report on the Subject '**Strengthening Legal Education in view of emerging challenges before the Legal Profession**'.

2. While examining the Subject the Committee held extensive deliberations with the stakeholders and heard the views of following experts/institutions:

- (i) Department of Legal Affairs, Ministry of Law and Justice;
- (ii) Bar Council of India;
- (iii) University Grants Commission;
- (iv) National Assessment and Accreditation Council;
- (v) Professor (Dr.) Usha Tandon, Dean & Head, Faculty of Law, University of Delhi;
- (vi) Professor (Dr.) G. S. Bajpai, Vice-Chancellor, National Law University, Delhi;
- (vii) Professor (Dr.) C. Raj Kumar, Vice-Chancellor, O. P. Jindal Global University;
- (viii) Prof. (Dr.) Faizan Mustafa, Former Vice-Chancellor NALSAR University, Hyderabad;
- (ix) Prof.(Dr.) Ranbir Singh, Founder and former Vice-Chancellor National Law University, Delhi;
- (x) Smt. Mridula Mishra, Former Judge Patna High Court and Vice-Chancellor Chanakya National Law University, Patna;
- (xi) Shri M. Sathyanarayanan, Former Judge High Court of Madras; and
- (xii) Shri R. Balasubramanian, Senior Advocate.

3. The Committee mainly relied upon the following documents/information while examining the subject:-

- (i) Background note on the subject furnished by the Department of Legal Affairs, Ministry of Law & Justice;

- (ii) Presentations and written submission made by the witnesses listed above at para 2 above; and
- (iii) Written submission made by Shri P. Wilson, member of the Committee.

4. The Committee wishes to place on record its gratitude to the Department of Legal Affairs (Ministry of Law & Justice), Government of India for furnishing necessary information/documents and rendering valuable assistance to the Committee in its deliberations.

5. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

6. The Committee considered and adopted the Report in its meeting held on the 6th February, 2024.

New Delhi
07th February, 2024

SUSHIL KUMAR MODI
Chairman,
Department-related Parliamentary Standing
Committee on Personnel Public Grievances
Law and Justice

ACRONYMS

ADR	Alternative Dispute Resolution
AIBE	All India Bar Examination
AICTE	All India Council for Technical Education
AI	Artificial Intelligence
BCI	Bar Council of India
CDC	Curriculum Development Committee / Curriculum Development Centre
CLE	Centres of Legal Education
HECI	Higher Education Commission of India
HEI	Higher Education Institutions
IIULER	India International University of Legal Education and Research
IRAHE	Independent Regulatory Authority for Higher Education
LCI	Law Commission of India
LEI	Legal Education Institutions
LL.B	Bachelor of Law
LL.M	Master of Law
MCI	Medical Education Commission
NAAC	National Assessment and Accreditation Council
NALSAR	National Academy of Legal Studies and Research

NCLER	National Council for Legal Education & Research
NEP	New Education Policy
NKC	National Knowledge Commission
NLS	National Law School
NLU	National Law University
NMC	National Medical Commission
ODR	Online Dispute Resolution
PHD	Doctor of Philosophy
PPP	Public-private partnerships
UGC	University Grants Commission

Chapter –I

HISTORICAL CONTEXT

Introduction¹

1.0 The legal education is fundamental to the very foundation of the legal and judicial system in the country. Legal education is a science which imparts to students the knowledge of certain principles and provisions of law to enable them to enter the legal profession. It equips the students with necessary skills and capabilities to understand the complex process of enactment, enforcement and interpretation of law. Law and legal education are inter-related concepts.

1.2 The main objective of legal education is to impart budding lawyers with vision *inter-alia* to uphold the rule of law and to secure equitable justice to all citizens irrespective of their caste, creed, religion or sex. Legal education in India had its roots in English History as it has been in existence even before the independence. This heritage has had a profound effect on the development of legal education, on the evolution of legal institutions, and on the outlook on law in India.

Origin of Legal Education in India

1.3 The origin of Legal education in India revolves around the Vedic era whereby the concept of Dharma was the source of legal structure. It was merely a self-learning process as there was no trace of formal legal education. In the past the Kings or the ruler used to adjudicate the matters by their own notion of Justice. Sometimes the kings used to appoint senior people to adjudicate the matters who were well acquainted with the concept of Dharma. Dharma stands for natural law, civil and moral law, justice, virtue, merit, duty, morality and quality.²

Vedic Period

1.4 In ancient India, the Vedas were the main source of law, and also were the guiding principles of human behavior and human conduct. They elucidate the early

¹ Background note & <https://ir.ide.go.jp/records/33159>

² <https://hal.science/hal-04188649/document>

conceptual underpinnings of Vedic law which are absolutely central for understanding the emerging legal system as a whole.³

1.5 Legal education during the Vedic period was primarily imparted through an oral tradition. Mainly the sages heard the commands of the God and explained those commands of God to their disciples. Thus, Vedas were also known as the Shrutis. The disciples also remembered these commands and preached them to the common people and these were known as Smritis. Goutama, Buddhayana, Apastambh were some of the well known Smritis and were considered most ancient expositions of law.

1.6 The legal knowledge during this period was embedded in the broader Vedic literature, particularly in texts known as Dharma Shastras. Dharma Shastras are ancient legal and ethical texts that provide guidelines on righteous living, social duties, and legal principles. Some prominent Dharma Shastras include Manu Smriti (Laws of Manu), Yajnavalkya Smriti, and Narada Smriti.

Ancient India

1.7 The Cholas and Chalukyas were two powerful dynasties in ancient India, and both made significant contributions to the development of legal systems during their respective periods.

1.8 The Chola judicial system was the forerunner of the present Indian judicial system. The principle of “All are equal before law” or the present ‘Rule of law’ was pursued in the Chola kingdom. As the product of customs and social training self legislating citizens law had become the guiding factor in the Chola empire. Those self made laws of the citizens of the Chola Empire through ages and on humanitarian grounds had brought in notable changes in the Chola kingdom. The law code was unwritten and judgments were pronounced on traditional basis.⁴

1.9 The Hindu legal system owes much to the Sanskrit work Mitakshara by Vijnaneshwara in the court of Western Chalukya King Vikramaditya VI. Perhaps the greatest work in legal literature, Mitakshara is a commentary on Yajnavalkya

³ <https://hal.science/hal-04188649/document>

⁴ <https://www.jetir.org/papers/JETIR1902C46.pdf>

and is a treatise on law based on earlier writings and has found acceptance in most parts of India.⁵

Medieval India

1.10 After the Hindu rulers, the Indian subcontinent was ruled by the Mughals. Babar Invaded India in 1525 and from that era a sudden change in the judicial system was observed. In this era, law was mainly based on Quran and Hadith. For the first time in India the Mughals established the system of courts by following the formal procedure. The change in the legal system of India mainly during this period gave emergence of legal experts who were known as Vakils. There were Mughal Codes like Fiqh-E-Firoz Shahai and Fatwa-E-Alamgiri which mainly provided for the maintenance of code of conduct of the Vakils.

1.11 The Maratha kingdom founded by Chhatrapati Shivaji was another powerful regional kingdom to arise out of a sustained opposition to Mughal rule.⁶ The judicial system under Shivaji was simple, primitive and crude. The system was founded on ancient Hindu rules. The highest court was 'Hazar Majils' of the court of the king. The Panchayats handled disputes between various parties in the communities and the criminal cases were decided by the village 'Patel'.

British India

1.12 In British India the development of legal education mainly took place by establishment of various Charters in different times by the Colonial Government. Adalat system in India formally started in 1772, but development reached to a level during 1833 after establishment of Law commission in India to codify the laws.⁷ The Charter Act, 1833 enacted by the British Parliament, vested for the first-time legislative power in a single authority, namely, the Governor-General in Council⁸ as the said Act provided for the addition of a fourth ordinary Member to the Governor General in Council for India who was to be a legal expert in the making of laws. Lord Macaulay was appointed as the fourth ordinary Member and was

⁵ <https://www.multidisciplinaryjournals.org/assets/archives/2017/vol2issue5/2-5-133-246.pdf>

⁶ <https://ncert.nic.in/ncerts/l/gess110.pdf>

⁷ <https://www.iilsindia.com/blogs/development-of-legal-education-in-india/>

⁸ <https://lawcommissionofindia.nic.in/about-department/early-beginnings/>

entitled to participate in the meetings of the Governor General in Council for making of laws.⁹

Establishment of British Courts

1.13 Prior to the War of Independence of 1857, the occupied area and territories in India were governed by the East India Company under the grant of special charters of the British Parliament. The Company had, from time to time, been granted the power to establish its own courts and make laws not only for the servants of the Company, but also for the inhabitants of India living in Company-occupied areas. By the end of the eighteenth century, Company government in India had established its own courts in all the three presidencies (now called states) of Calcutta, Bombay, and Madras. The law they followed was mainly English. The establishment of the recorders courts and supreme courts in the three presidency towns provided the initial impetus for the advent of professional lawyers. In 1861, these courts were amalgamated into a single high court in each presidency.¹⁰

Development of Law Schools

1.14 Modern legal education in India began with the establishment of the Government Law College at Bombay in 1855. There was increasing need of Indian advocates, thus,¹¹ during the same period and organized along the same lines, schools were started in Calcutta and Madras as well. It was to furnish the law students so that they can help the lower courts and High Courts by enlisting themselves as Vakils or by becoming judicial officers. There was no tradition of legal research and academic legal training.¹² These three universities, set up in the cities of Calcutta, Madras and Bombay, formally introduced legal education as a subject for teaching which marked the beginning of the era of legal education in India.¹³

⁹<https://legislative.gov.in/introduction/#:~:text=The%20Charter%20Act%201833%20which,and%20codification%20of%20Indian%20Laws.>

¹⁰ LEGAL EDUCATION IN INDIA Author(s): Arjun P. Aggarwal (JSTOR)

¹¹ Ibid

¹² http://probono-india.in/Indian-Society/Paper/37_Legal%20Education%20in%20India%20%20Book.pdf

¹³ <http://sarins.org/lectures/legal-education-in-india-past-present-and-future-justice-as-anand/>

1.15 In 1868, in the province of Punjab, the law classes were started by the Anjuman-I-Punjab, which was taken over by the Punjab University in 1870. The duration of the course was 2-years and education was given in two separate classes, one in English and the other in Urdu. It was in 1874 that the foundation for legal education was laid in the former state of Travancore. Vernacular classes in law were held to train the applicants for the posts in the police department. In 1875, a law school was started and judge of the Sadar court was appointed as professor of law in the law school.

1.16 The development of legal education in the 18th century in Bengal significantly affected and characterized the growth and development of the system in other parts of the country.¹⁴ In 1885 Justice Muthuswamy Iyer proposed a necessity of setting up formal colleges for imparting legal education based on scientific method.¹⁵ The number of institutions which taught law gradually increased. In the year 1886-87, there were seventeen law schools with 1673 students. In the year 1896-97, there were thirty four law schools with 3020 students.¹⁶ However, there was no uniform pattern of legal education in the country. Also, the main purpose of university legal education was not to teach law as a science or as a branch of learning, but merely to impart knowledge of certain principles and provisions of law.¹⁷

After Independence

1.17 There was tremendous growth of law colleges during 1947-1960. However, this was not based on any rational planning and Law schools were opened indiscriminately without enough resources. This resulted in law colleges without any infrastructure, viz., building or libraries, full time teachers or facilities for professional training, or even the final sanction from the university concerned.¹⁸ A

¹⁴ <https://core.ac.uk/download/pdf/288451985.pdf>

¹⁵ [https://www.iilsindia.com/blogs/development-of-legal-education-in-india/#:~:text=Adalat%20system%20in%20India%20formally,program%20with%20traditional%20lecture%20met](https://www.iilsindia.com/blogs/development-of-legal-education-in-india/#:~:text=Adalat%20system%20in%20India%20formally,program%20with%20traditional%20lecture%20method.)

¹⁶ Legal Education in India- Arjun p aggarwal

¹⁷ <https://core.ac.uk/download/pdf/288451985.pdf>

¹⁸ <https://core.ac.uk/download/pdf/288451985.pdf>

major development during this period was the coming into operation of the Advocates Act, 1961 which constituted the Bar Council of India (BCI).¹⁹

¹⁹ <https://core.ac.uk/download/pdf/288451985.pdf>

Chapter - II

REGULATING LEGAL EDUCATION IN INDIA

2.0 The main regulatory bodies responsible for maintaining the quality of legal education in India are the University Grants Commission (UGC) and the Bar Council of India (BCI). The UGC is a statutory body that coordinates and determines the standards of higher education in India, including legal education. The BCI is a statutory body established under the Advocates Act, 1961, which has the power to prescribe standards of professional conduct and etiquette for advocates, to exercise disciplinary jurisdiction over the bar, and to set standards for legal education and grant recognition to universities whose degree in law will serve as a qualification for enrolment as an advocate.

2.1 The BCI mainly plays its role in Indian legal education through the Legal Education Committee, which consists of five members of the BCI and five co-opted members to represent the judiciary, the Law ministry, the University Grants Commission and academia. The Legal Education Committee visits and inspects universities/law colleges in the country as part of its statutory function of promoting legal education and laying down standards in consultation with the universities and the state bar councils.

Role of University Grants Commission

2.2 The University Grants Commission is a statutory organization under the Ministry of Education, Government of India, established by an Act of Parliament in 1956 for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities, and for the purpose of performing its functions under this Act. In addition to providing grants to eligible universities and colleges, the Commission also advises the Central and State Governments on the measures which are necessary for the development of Higher Education.²⁰

²⁰ Brief overview of UGC & NAAC

The Advocates Act, 1961 *vis-à-vis* UGC

2.3 The University Grants Commission Act, 1956, enacted under entry 66 of List I of the VII Schedule, does not provide exclusively for maintaining 'standards of legal education'. Further, Entry 25 of List III 'Education, including technical education, medical education and Universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I, vocational and technical training of Labour' read with Entry 65 of List I paves way for an independent statute to be enacted by the Parliament on imparting professional legal education. Thus, under Entry 66 of List I of Schedule VII obligation may also be imposed on the UGC for "coordination and determination of standards in institutions of Higher Education or research and scientific and technical institutions". All these aspects fall outside the jurisdiction of the Advocates Act, 1961, as it seeks to regulate the professional dimension of lawyers rather than legal education. In other words, Advocates Act, 1961, comes into play only after completing the required legal educational qualifications. To recapitulate, the Statement of Objects and Reasons of the Advocates Act, 1961 may be read as under:-

- (1) the establishment of an All India Bar Council and common roll of advocates, and advocate on the common roll having a right to practice in any part of the country and in any Court, including the Supreme Court;
- (2) the integration of the bar into a single class of legal practitioners known as advocates;
- (3) the prescription of a uniform qualification for the admission of persons to be advocates;
- (4) the division of advocates into senior advocates and other advocates based on merit;
- (5) the creation of autonomous Bar Councils, one for the whole of India and one for each State.

2.4 While the Advocates Act empowers the BCI to promote legal education and to lay down the standards of such education in consultation with the universities and state bar councils, the UGC Act, 1956 imposed a mandate on the UGC to take all such measures as they deem fit for the promotion and co-ordination of

university education and for the determination and maintenance of standards of teaching examination and research in universities.

Role of Bar Council of India

2.5 The Bar Council of India, a statutory body under the Advocates Act, 1961 is entrusted with the function of promoting legal education in the country and recognition of Universities whose degree in law shall be a qualification for enrolment as an advocate.²¹

2.6 In this regard Sections 7(1)(h) and (i) of the Advocates Act, 1961 provides as follows:-

“Functions of Bar Council of India.— (1) The functions of the Bar council of India shall be—

...

(h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;

(i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf;

.....”

2.7 In 1962, following BCI orders, all Universities imparting legal education changed over from the two-year to the three-year program in law and revised the

²¹ Background Note

curriculum as prescribed by the BCI. The Bar Council of India further established three supplementary organs to achieve its statutory mandate.²²

(a) **Legal Education Committee-** In order to promote legal education and in order to lay down the standards of such education, the BCI, under the provision of section 10 (2) (b) of the Advocates Act, 1961 has constituted the Legal Education Committee.²³

As per the extant Rules/Regulations, the Legal Education Committee is chaired by a former Judge of Supreme Court. Further, there are 2 sitting Chief Justices of High Courts, 5 noted academicians including 4 Vice-Chancellors of NLU's and premier Govt. Universities and Senior Advocates, apart from 5 members of the Bar Council of India. The Council invites and consults other academicians and jurists to participate in the important meetings relating to policy matters, as required under the Advocates Act, 1961.

(b) **Bar Council of India Trust:** The Bar Council of India also created a public charitable organization, namely, The Bar Council of India Trust in 1974. This trust was created to maintain professional standards and to effect improvements in legal education. In this regard, the Trust intended to establish Law Schools of excellence and to promote legal research

(c) **Directorate of Legal Education:** The Bar Council of India, in 2010 also established a Directorate of Legal Education in 2010.²⁴

2.8 However, the BCI has also faced criticism and challenges in its role as the regulator of legal education. Some of the issues that have been raised are the lack of uniformity and quality in legal education across the country, the inadequacy and inefficiency of the inspection and recognition process, the resistance and non-cooperation from some of the state bar councils and universities, the controversy

²² LEGAL EDUCATION IN INDIA: AN ANALYTICAL STUDY **Article** in International Journal of Humanities and Social Science

²³ Background Note

²⁴ LEGAL EDUCATION IN INDIA: AN ANALYTICAL STUDY **Article** in International Journal of Humanities and Social Science

and litigation over the validity and necessity of the AIBE, and the lack of innovation and reform in the curriculum and pedagogy of legal education.

The Rules of Legal Education, 2008

2.9 The Bar Council of India has framed Rules under Part-IV of the BCI Rules, 2008 to maintain and raise the standard of legal education of the University and Colleges imparting legal education. The Rules are quite specific about the minimum requirements *vis-à-vis* infrastructure, minimum library requirement as books and library are very essence of legal education and provides for requirement of qualified core faculty to impart legal education.

2.10 The Rules as per the policy of the Government provides for imparting legal education in English and/or in full or in part instruction in any language apart from English and allows students to appear in semester exam in any regional language other than English.²⁵

Curriculum Development Committee (CDC)

2.11 The Bar Council of India, in 2010, also formed its first Curriculum Development Committee (CDC) for the purpose of facilitating Universities and Institutions to formulate the course design in various courses in Law and other allied subjects. The Committee has emphasized the faculty autonomy in designing and conducting the courses in the University²⁶

All India Bar Exam

2.12 All India Bar Examination (AIBE) has been introduced by the Bar Council of India with effect from year 2010 which requires the law graduates to clear it within two years of enrolment in order to further continue in practice. The exam is held in 11 regional languages including English as per the policy of the Government, to promote and make accessible law and practice to maximum

²⁵ Background Note

²⁶ LEGAL EDUCATION IN INDIA: AN ANALYTICAL STUDY Article *in* International Journal of Humanities and Social Science

regions of the country and to make it convenient for those who practice in regional languages.²⁷

2.13 While the BCI continued to regulate legal education throughout the 1970s and 1980s, the UGC, established through the University Grants Commission Act, 1956 (UGC Act), too had a say in legal education by virtue of section 12 of the UGC Act, which authorized UGC to take steps for the ‘promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in universities’. While the BCI continued to set standards of legal education, UGC norms validated the degree programmes offered in the law colleges of the country²⁸

Curriculum Development Centre (CDC)

2.14 The UGC, in 1990 constituted a Curriculum Development Centre (CDC) with Professor Upendra Baxi as Chairman, for designing new curriculum in law with a view to promote human resources development. The CDC recognized three main challenges facing legal education: modernization of syllabi in order to make it socially relevant, multi-disciplinary enrichment of law curricula and corresponding pedagogic modifications. The CDC prepared a detailed curriculum and syllabi for a number of courses .²⁹

National Assessment and Accreditation Council (NAAC)

2.15 National Assessment and Accreditation Council (NAAC) was established by the UGC in September 1994 at Bangalore for evaluating the performance of the Universities and Colleges in the Country. NAAC's mandate includes the task of performance evaluation, assessment and accreditation of universities and colleges in the country. The philosophy of NAAC is based on objective and continuous improvement rather than being punitive or judgmental, so that all institutions of

²⁷ Background Note

²⁸ Law and Regulations on Legal Education in India Before, During and After COVID-19 with a Post-COVID-19 Manifesto, S.G. Sreejith1

²⁹ LEGAL EDUCATION IN INDIA: AN ANALYTICAL STUDY Article *in* International Journal of Humanities and Social Science

higher learning are empowered to maximize their resources, opportunities and capabilities.³⁰

Consultation Committee of UGC and BCI

2.16 Law Commission in its 184th Report analyses at length the quality of consultation envisaged between BCI and the Universities under Section 7(1)(h) of the Advocates Act, 1961. The Report notes that the responsibility of BCI in ensuring ‘...standards of legal education...’, and that of UGC in ensuring ‘...standards of education...’ are, in fact, not in conflict with each other, but have to be harmoniously construed. Section 7(1)(h), in providing for consultation between BCI and UGC, advances the proposition that both the statutory bodies share common goals vis-à-vis regulation of professional legal education.

2.17 The Report stipulates that the requirement of Section 7(1)(f) is, in fact, ‘effective consultation’ between BCI and the Universities, thereby increasing the involvement of the members of academia in regulating legal education. There are, obviously, practical and logistical difficulties in BCI consulting the huge number of Universities and other institutions imparting legal education. The LCI Report, therefore, recommends that instead of requiring ‘effective consultation’ with each University, the Advocates Act should instead be suitably amended to enable BCI to consult a representative body, which body, in turn, should be constituted by UGC, thus ensuring that both BCI and UGC remain equal partners in regulating legal education.³¹

2.18 Thus, there is the conjoint responsibility which BCI and UGC share towards the regulation of the standards of legal education. It is the consultative relationship between BCI and UGC which forms the backbone of regulation of legal education standards in India.

2.19 Further, the Supreme Court of India has played a vital role in the functioning of Legal Education in India through its interventions time to time as the functions of BCI as well as the UGC have always remained under the scrutiny of an apex court. The Hon‘ble Supreme Court has prevented BCI for ultravires acts and

³⁰ Brief overview of UGC & NAAC

³¹ UGC background note

directed UGC to use its power for the maintenance of the uniformity of the standards.³²

Views of witness deposing before the Committee on the role of BCI to regulate legal education

2.20 During the course of deliberation on the subject the Committee heard the views of many stakeholders including noted academic institutions, academicians and experts in the field of legal education. The opinion of some of them on the issue of role of BCI in regulating legal education in India is as under:

Prof. C. Raj Kumar, Vice Chancellor, O.P. Jindal Global University

2.21 The Bar Council of India should consider establishing the National Council for Legal Education & Research (NCLER) with adequate representation from all stakeholders in legal education and the legal profession. Such a council could be chaired by the Chief Justice of India with the BCI Chairman as its member-secretary. The council should have all stakeholders, including legal academia, judges, lawyers from both the litigating and corporate bar as well as academics from humanities and social sciences.

Prof. G. S. Bajpai, Vice Chancellor, National Law University, Delhi

2.22 Currently, Bar Council of India is the only regulatory body overseeing legal education in the country. UGC has a role in governance of Higher Education Institutes; however its role remains unclear. This leaves a large gap and uncertainty in regulation of legal education especially in relation to Post Graduate Courses and Doctoral Studies. There is a strong need for a single autonomous regulatory body, with representation from all states; overseeing legal education at all levels can go a long way in the qualitative improvement of legal education in India. A single regulatory body can be helpful for following reasons:

- (i) Single regulator would be flexible and responsive to emerging challenges and allows scope for innovation and experiments in Legal Education.

³² LEGAL EDUCATION IN INDIA: AN ANALYTICAL STUDY **Article in** International Journal of Humanities and Social Science

- (ii) It will be easy for a single regulator to identify the new and effective parameters to undertake continuous evaluations of the law schools across the country and the courses offered.
- (iii) It will help in avoiding one size fits all approaches towards the legal education system, which fails to tackle emerging issues effectively.
- (iv) It is also an essential requirement for implementation of NEP which envisages legal education in regional languages. Developing qualitative course content in regional languages is a primary requirement for implementation of NEP and that can be realized only through a single regulatory body with regional representations.

Prof. Ranbir Singh, Former Vice Chancellor, NALSAR Hyderabad, NLU Delhi

2.23 Redefining the role of the Bar Council of India (BCI) and granting it more powers is a topic that can be debated and considered from different perspectives. Some points of consideration are:

2.24 Enhancing Professional Standards: Granting more powers to the BCI can enable it to enforce stricter professional standards within the legal profession. This can include setting higher educational requirements for aspiring lawyers, conducting regular assessments or examinations to ensure competence, and implementing a robust system for quality enhancement. By having more authority, the BCI can play a crucial role in maintaining the integrity and quality of the legal profession.

2.25 Uniformity in Legal Education: The BCI can be empowered to establish and enforce uniform standards for legal education across the country. This can help ensure consistency in curriculum, teaching methodologies, and infrastructure in law schools. By setting rigorous standards and monitoring compliance, the BCI can contribute to raising the overall quality of legal education and promoting a level playing field for students across different institutions.

Prof. Faizan Mustafa, Former Vice Chancellor NALSAR Hyderabad

2.26 The BCI powers should only extend to regulating that aspect of legal education that is intrinsically connected with the practice of law at the Bar. Some of the regulatory functions that are presently being performed by the BCI, and which do not relate directly to practice at the Bar should be devolved to another authority. This authority should ideally be a standing committee on legal education under the proposed Higher Education Commission or be a separate commission like MCI or Medical Education Commission.

University Grant Commission

2.27 Law Commission in its 184th Report analyses at length the quality of consultation envisaged between BCI and the Universities under Section 7(1)(h) of the Advocates Act, 1961. The Report notes that the responsibility of BCI in ensuring ‘...standards of legal education...’, and that of UGC in ensuring ‘...standards of education...’ are, in fact, not in conflict with each other, but have to be harmoniously construed. Section 7(1)(h), in providing for consultation between BCI and UGC, advances the proposition that both the statutory bodies share common goals vis-à-vis regulation of professional legal education. The Report stipulates that the requirement of Section 7(1)(f) is, in fact, ‘effective consultation’ between BCI and the Universities, thereby increasing the involvement of the members of academia in regulating legal education. There are, obviously, practical and logistical difficulties in BCI consulting the huge number of Universities and other institutions imparting legal education. The LCI Report, therefore, recommends that instead of requiring ‘effective consultation’ with each University, the Advocates Act should instead be suitably amended to enable BCI to consult a representative body, which body, in turn, should be constituted by UGC, thus ensuring that both BCI and UGC remain equal partners in regulating legal education. Accordingly, National Council for Legal Education and Research to be established under Higher Education Commission of India (HECI).

Hon'ble Justice Smt. Mridula Mishra (Retd.)

2.28 The Bar Council is Regulatory Body, which has too many functions. An empowered Autonomous Committee of Academicians, Chief Justices, Eminent Lawyers, and renounced persons in the field of law, be established, known as

National Council for Legal Educations & Research to bring objectivity into system to close down at least 500 mediocre, dubious and sub-standard law collages.

Department of Legal Affairs, Ministry of Law & Justice, Government of India

2.29 During their deposition before the Committee the Law Secretary had put forth following issues with regard to the regulatory framework in India for bringing more reforms in legal education:-

- i. It is felt that the Advocate Act, 1961 was enacted decades ago and is not keeping pace with time. Various bottlenecks have crept into the system, resulting in inefficient delivery of quality legal services and the same is also linked to legal education.
- ii. Restructuring and revamping of the regulatory system of legal education needs to be undertaken.
- iii. A flexible and dynamic legislative framework underlining legal education is essential to meet the new and emerging challenges.
- iv. The provisions of the Advocates Act, 1961 require a relook on the lines of the National Medical Commission Act, 2019 (NMC) so that National Council for Legal Education may be constituted to advise and monitor the Directorates of Legal Education in the States. At present the legal education committee of the BCI consists of a Chairman, 25 members and 10 special invitees. This is far more than what is prescribed in the Advocates Act, 1961.
- v. An umbrella legislation to declare all the National Law Universities as institutes of public importance.
- vi. The National Council for Legal Education to decide courses/programmes of law courses at levels of LL.B, LL.M and Ph.D.

2.30 Accordingly, the Government has recommended following suggestions in this regard:

- i. A dedicated and detailed study of legal education system and legal profession prevailing in developed countries like UK, USA, Japan, France, Germany etc. may be carried out and necessary changes in our legal education system and legal profession may be brought, keeping into

consideration the socio-economic and ethics of our country. For this purpose a team of legal experts may be constituted to give its report in a time bound manner after study of legal education system and profession in leading foreign jurisdictions.

- ii. Thereafter, a new legislation in place of the Advocates Act, 1961 may be brought on the lines of the National Medical Commission Act, 2019 (NMC), keeping in view the fact that the Advocates Act, 1961 was enacted decades ago and is not keeping pace with the time.
- iii. A flexible and robust legislative framework on the subject of legal education and legal profession can only enable law students and legal professionals to compete at global level.

Recommendations of the National Knowledge Commission

2.31 The National Knowledge Commission (NKC) under the Chairmanship of Shri Sam Pitroda submitted its report on 15.10.2007 on the issues related to knowledge concepts, recognition of legal education as an important constituent of professional education.

2.32 The NKC recommended for setting up of a new regulatory mechanism under the Independent Regulatory Authority for Higher Education (IRAHE), vested with powers to deal with all aspects of legal education and whose decisions are binding on the institutions teaching law and on the Union and State Governments.

2.33 The NKC had further stated that at the time of enactment of the Advocates Act, 1961, it was envisaged that legal education would only produce lawyers for the courts and accordingly the BCI had been entrusted with the limited role of promoting legal education and laying down minimum standards of legal education required for students who 'are entitled to practice'. In the last fifty years, and particularly after, liberalization in 1991, the entire concept of legal education has changed considerably. Today, legal education has to meet not only, the requirements of the Bar but also the emerging needs of trade, commerce, industry and IT, in the context of growing globalisation of the profession. In light of the changed scenario in last fifty years and the existing gaps and deficiencies in overall quality, it is clear that the BCI neither has the power under the Advocates Act, 1961 nor the expertise to meet the new challenges both domestically and

internationally. It is, therefore, necessary to constitute a new regulatory mechanism with a vision consisting of social and international goals, to comprehensively deal with all aspects of legal education. The BCI would however continue to exercise its powers to recommend minimum standards required for practice in the courts. Further, the BCI would continue to enjoy its powers of discipline so far as the members of the Bar are concerned.

Deliberations and recommendations of the Committee

2.34 The Advocates Act, 1961 was enacted with a limited view of legal education producing only lawyers for courts. However, over the years legal education has not remained confined to a limited role of producing lawyers only. Today law graduates pursue a range of career beyond the courtroom practice. So, the Legal curriculum in education institutions needs to be designed in a manner that enables the development of skills required for pursuing diverse legal professions and not just courtroom practice. Thus there is no sense in the BCI having regulatory powers over the entire spectrum of legal education. Further, the BCI has neither power not expertise to meet the challenges of the ever changing globalized world. This view has also been expounded by the National Knowledge Commission. Also there is a near unanimity amongst all the expert witnesses who appeared before the Committee, on this particular issue.

2.35 Accordingly, the Committee recommends that the BCI's powers to regulate legal education should be limited to the extent of acquiring basic eligibility for practicing at the Bar. For other regulatory functions related to higher education in Law i.e. Post graduation and above, which are presently being performed by the BCI, and which are not related directly to practice at the Bar should be entrusted to an independent Authority, the National Council for Legal Education and Research to be established under the proposed Higher Education Commission of India.

2.36 Many of the stakeholders have also raised serious concern about the manner in which the BCI has used the power to inspect law colleges and granting them recognition which has led to a reckless proliferation of substandard law colleges in the country. Accordingly, the Committee is of the

view that while granting recognition to new colleges due consideration should be given to quality over quantity. It is imperative for the BCI to take urgent and effective measures to curb the proliferation of substandard law colleges in India and to ensure the quality and excellence of legal education and profession in the country.

Reservation policies in all Universities and Colleges including National Law Universities.

2.37 The Committee observed that the National Law Universities situated across the country are not properly implementing reservations for SC/ST/OBC's while admitting the Students in UG and PG courses especially with regard to All India Seats. One of the Committee members, Shri P. Wilson has also been writing letters to all the Chancellors of the National Law Universities highlighting this issue and requesting implementation of reservations in All India Seats, as per Government of India policy.

2.38 The Committee feels that reservation policies in student admissions and faculty recruitment must be rigorously followed to encourage participation from disadvantaged communities by all Universities, colleges and educational institutions, as per the policy of Government of India. The Committee recommends that the Bar Council of India should oversee the implementation of reservations in the Universities including the National Law Universities, colleges and other law institutions and consider withdrawing their recognition, if they fail to adhere to.

Chapter-III

CURRICULUM

Introduction

3.0 The Bar Council of India informed the Committee that the Curriculum is designed to provide practical experience and understanding of legal procedures through compulsory clinical education in areas like Drafting, Pleading and Conveyance, Professional Ethics, Alternative Dispute Resolution (ADR), Moot Court, and Internship. Practical visits to police stations, courts, women cells, and jails are encouraged to facilitate hands-on learning. Recently, the Bar Council of India has made Mediation a compulsory subject, aiming to enhance ADR techniques and encourage qualified advocates to resolve disputes at the grassroots level, thereby addressing the issue of pending cases. The syllabus and norms for legal education are established in consultation with universities, and the government policy allows for imparting legal education in English or any regional language.

3.1 The Bar Council also organizes seminars and workshops with eminent jurists and publishes journals like the Indian Bar Review to foster interest and knowledge in the legal community. Enforcement of these rules ensures that law graduates are well-prepared with professional skills, contributing to the advancement of the legal profession in India.

3.2 The Committee was informed by the UGC that Legal education in India is offered in 4 broad formats:

- **3-year LLB:** Allows graduates from any stream to pursue a law degree and become a lawyer.
- **5-year LLB (Integrated Course):** Enables students to pursue a both a degree of law and graduation in an integrated course of 5 years from the same college
- **LLM (Master in law):** A two year program, available for law graduates, it exponentially expands professional prospects

- **Ph.D. in law:** Available to post-graduate law students, it enables them to specialize in any stream of law and opens opportunities beyond litigation or judicial exam preparation.

Regulation of Curriculum

3.3 The BCI often prescribes a core curriculum and subjects that must be taught in law schools as per UGC guidelines, while universities may have their own academic autonomy to design and modify their courses as universities are autonomous bodies governed by their respective Acts.

3.4 In general, curriculum under different programmes is offered by universities after obtaining due approvals of their statutory authorities and councils and respective regulatory authorities, wherever applicable. Conflicts can arise when universities deviate from the BCI's guidelines or introduce additional subjects or variations in the curriculum. BCI also informed that it faces various challenges in regulating legal education, primarily due to the division of responsibilities between the Council and the universities/state governments. One major difficulty is the hiring of qualified faculties in many law schools, leading to a need for improving the availability of LL.M. degree holders who can teach LL.B. courses.

Recommendation

3.5 The Committee feels that the existing colleges and universities across the country adopt different curriculum and syllabus as prescribed by the affiliating Universities. This creates unevenness among the law students who pass out from different colleges and Universities. The Committee, therefore, recommends that the role of BCI should be redefined and the uniform curriculum should be laid by the Bar Council of India for undergraduate courses in all the law colleges/ Universities. For Post graduation and above, the uniform curriculum should be laid by an independent Authority as recommended by the Committee.

REVISION OF LL.B AND LL.M COURSES

3.6 The BCI informed the Committee that it has taken many steps from time to time to revise the curriculum. The Bar Council of India may, from time to time, appoint Curriculum Development Committee (CDC) to design various courses in both liberal discipline and law. The CDC in designing such courses take into account the Report on various subjects submitted to UGC or AICTE by its Curriculum Design Committees. Universities are free to use the CDC Report of UGC/AICTE. Legal education curriculum has been restructured by the Bar Council of India to become globally competitive, adopting best practices and embracing new technologies for wider access to justice and timely delivery of justice.

3.7 The Committee was however, apprised by various stakeholders that the current law curriculum in the form of one-size-fits-all model is woefully inadequate for building institutional capacities for the development of an enlightened and efficient judicial system. The revision of LL.B (Bachelor of Laws) and LL.M (Master of Laws) courses can be beneficial to ensure that legal education remains relevant, up-to-date, and meets the evolving needs of the legal profession. Emphasis could be laid on imparting essential judicial skills through courses on judicial process, juridical studies, judicial ethics, statutory interpretation and judging. Thus, the Committee received various suggestions for revising the present courses which are as follows:

- **Integration of Interdisciplinary Subjects**

The legal field intersects with various disciplines such as technology, economics, public policy, and environmental studies. Revising the courses to include interdisciplinary subjects can provide students with a broader perspective and equip them with knowledge and skills needed to address complex legal issues in a multidisciplinary manner.

- **Integration of Technology and Legal Research Skills**

Technology has transformed the legal profession, and legal education should reflect this reality. The revision of courses can include training in legal research using online databases, electronic case management systems, and emerging legal technologies. This can equip students with the skills needed to navigate digital landscape.

- **Practical Skills Training**

Traditional legal education has often faced criticism for its heavy emphasis on theoretical concepts, leaving students ill-prepared for the practical challenges they will face in their legal careers. To address this gap between theory and practice, it is essential to enhance practical training and provide experiential learning opportunities. A fifty per cent component of legal education should include practical training, such as moot courts

Practical training is crucial for law students to develop essential legal skills, including legal research, writing, negotiation, and advocacy. By engaging in hands-on experiences, students can bridge the gap between theory and practice, gaining a deeper understanding of the legal profession. Practical training also helps students in developing self-confidence, ethical awareness, and the ability to handle real-world legal challenges.

- **Apprenticeship and payment of Stipends during internship**

There should be one-year mandatory apprenticeship before enrollment as advocates. The Advocates Act, 1961 may also need to be revisited in consultation with Universities, senior members of the Bar and Bench to consider re-introducing one-year mandatory apprenticeship.

The law students who undergo internships with the seniors should be paid with stipends in order to encourage the students and also to take care of their logistic expenses during internship. Bar council can request the Advocates community to be liberal to these young law students.

- **Incorporating Moot Court Competitions**

Moot court competitions which are already a part of BCI Legal Education Rules provide an excellent platform for students to apply legal theory in a simulated courtroom setting. By participating in these competitions, students gain invaluable experience in legal research, oral advocacy, and critical thinking. Moot courts can enhance students' ability to construct persuasive legal arguments and effectively communicate complex legal concepts.

- **Promoting Clinical Legal Education**

Emphasis and support in practical training programs by UGC in the establishment of legal aid clinics to develop essential legal skills in students can also bridge the gap between theory and practice. Clinical legal education enables the learners to connect with the community and understand ground realities through field work. Clinical programs within law schools offer students an immersive learning experience, allowing them to work directly with clients under the supervision of faculty members. These programs give students the chance to engage in real legal cases, conduct research, draft legal documents, and represent clients in court.

Clinical programs provide students with a unique opportunity to apply legal theory to real cases, bridging the gap between classroom learning and professional practice. It enhances practical skills, cultivate professionalism and ethical responsibility. All Universities imparting Legal Education must conduct such programs. Through these programs, students can gain confidence, and understand the ethical responsibilities inherent in the legal profession.

The National Law School Legal Services Clinic in Bangalore, India, stands as a remarkable example of the positive impact of clinical legal education. This clinic offers legal services to underserved populations, providing law students with an immersive learning experience. Under the supervision of experienced faculty and practitioners, students handle real cases, advocate for clients, and work towards resolving legal issues. This practical exposure equips students with the skills and empathy needed to be effective legal

professionals. The clinic has witnessed the transformative impact of practical experience on law students. Through the programs being imparted there, students learn to bridge the gap between theory and practice, develop a strong sense of social responsibility, and contribute meaningfully to the cause of justice."

Expanding opportunities for clinical legal education is paramount for the holistic development of law students and the legal profession. By offering hands-on experience and fostering practical skills, clinical programs enable students to apply legal principles in real-world settings. This immersive learning experience enhances their understanding of the law, promotes inclusivity, and contributes to the delivery of justice.

Through successful initiatives like the National Law School Legal Services Clinic, we can witness the transformative power of clinical legal education and advocate for its integration into legal curricula worldwide. BCI informed the Committee that it will urge and ensure that all Universities mandatorily engage in such clinical Legal Education as it's already covered under BCI Legal Educational Rules.

- **Thrust on ADR Methods in Legal Education**

Alternative Dispute Resolution (ADR) and Clinical Legal Education share overlapping goals of advancing social justice. Teaching and practicing ADR and clinical legal education are crucial to the development of a social justice consciousness in law students and to the preparation of competent and ethical law graduates. The clinical programs that teach and practice ADR can inform, improve, and reform not only legal education, but also over time the practice of law and the legal profession as well, thereby furthering the social justice goals of the global clinical movement. There has been an increasing thrust on ADR methods in legal education due to their growing significance in the legal profession. Some reasons why ADR methods are being emphasized in legal education:

- These methods provide quicker, cost-effective, and less adversarial ways of resolving disputes., students are exposed to practical skills that are directly
- By emphasizing ADR in legal education, future lawyers can contribute to reducing court congestion and increasing access to justice.
- ADR encourages students to understand and integrate insights from different disciplines, broadening their perspectives and fostering a more comprehensive approach to dispute resolution.
- ADR equips students with the necessary advocacy skills specific to these methods they effectively represent their clients' interests while maintaining a problem-solving approach and respecting the principles of fairness and equity.

Recommendations:

3.8 The Committee feels that as the legal landscape continues to evolve at a rapid pace, it has become imperative that legal education keeps pace with these changes. Comprehensive curriculum reform is necessary to ensure that future lawyers are well-prepared to address emerging legal challenges. The curriculum must develop all aspects and capabilities of learners; and make education more well-rounded, useful, and fulfilling to the learner. It should enable learners to be ethical, rational, compassionate and prepare them for a gainful and fulfilling employment. There has to be innovative approaches towards curriculum development and course structuring that will provide a sharper and specialized focus towards training and capacity building for the future juridical officers.

3.9 The Committee recommends that topics such as Law and Medicine, Sports Law, Energy Law, Tech Law/Cyber Law, Commercial & Investment Arbitrations, Securities Law, Telecom laws, banking laws must not only be included but must be given mandatory status as the interdisciplinary subjects are the need of the hour. Government and Universities should work in tandem with BCI to ensure the comprehensive inclusion of the emerging areas in the curriculum of undergraduate courses. For Post graduation and above,

independent body with experts from different fields shall ensure the inclusion of these emerging areas in the curriculum.

3.10 The Committee further recommends that the Universities should work with BCI to incorporate more of practical training programs like moot court competitions, where students can apply legal theory in a simulated courtroom setting, enhancing oral advocacy and critical thinking skills. BCI's Legal Education Rules must be adhered to by all Universities to ensure that clinical programs are introduced, providing students with immersive experiences to work directly with clients, conduct research, draft legal documents, and represent clients under faculty supervision.

3.11 The Committee recommends that for every academic year, the undergraduate law student should mandatorily go for a two months apprenticeship for getting enrolled as an advocate. Thus the Advocates Act, 1961 may be revisited in this regard in consultation with Universities, senior members of the Bar and Bench. The Committee also recommends that the law students who undergo internships with the seniors should be paid with stipends to encourage them and also to take care of their logistic expenses during internship.

3.12 The Committee also recommends that a joint committee of senior academicians and practitioners at the Bar and the Bench should be constituted to review the curriculum periodically. By implementing these changes, law graduates will be better equipped to tackle the legal challenges of the 21st century, serve their clients effectively, and contribute to the development of the legal profession.

3.13 The Committee also feels that Government support is crucial in allocating resources and funding for practical training programs, ensuring that students have access to diverse and enriching experiences. Government funding should also be provided for specialized courses in legal tech, e-discovery, and ODR.

Structural and Financial issues

3.14 Financing the infrastructural needs of law universities is essential to provide students with a conducive learning environment and to facilitate high-quality legal education. The Committee was suggested the following for financing the needs of law universities:

Government funding: Governments at the national, state, and local levels can allocate budgetary resources specifically for the development and maintenance of law universities' infrastructure. Governments can increase funding for the construction of new buildings, renovation of existing facilities, and procurement of necessary equipment and technology. Additionally, governments can provide grants or subsidies to cover operational expenses and maintenance costs.

Public-private partnerships (PPPs): Law universities can explore partnerships with private entities to finance infrastructure projects. PPPs can involve private investment in the construction, renovation, or management of university infrastructure in exchange for long-term revenue-sharing agreements or other mutually beneficial arrangements. This approach can help leverage private sector expertise and resources to meet infrastructure needs.

Alumni contributions: Alumni of law universities can play a significant role in financing infrastructure. Establishing strong alumni networks and engaging alumni in fundraising campaigns can generate financial support for infrastructure development projects. Alumni can be approached for donations, sponsorships, and contributions to specific infrastructure initiatives. Alumni involvement can also extend to providing expertise and networking opportunities for career development and internship programs.

Corporate sponsorships and partnerships: Law universities can seek corporate sponsorships or enter into partnerships with businesses and organizations that have an interest in legal education. Corporations can provide financial support for infrastructure projects, scholarships, research grants, or endowed professorships in exchange for visibility, recruitment opportunities, and collaborative initiatives with the university. Such partnerships can be mutually beneficial and help bridge the gap between academia and the legal industry.

Philanthropic foundations and grants: Law universities can explore philanthropic foundations and grants that support educational institutions. Various foundations and organizations provide grants, scholarships, and funding for infrastructure development in higher education. Law universities can identify and apply for grants that specifically focus on infrastructure improvements and align with the mission and values of the university.

Student fees and tuition: Law universities can allocate a portion of student fees and tuition towards infrastructure development and maintenance. It is important to strike a balance between affordable education and ensuring adequate resources for infrastructure. Clear communication with students about the utilization of their fees for infrastructure improvements can help generate support for such initiatives.

Research funding and grants: Law universities can actively pursue research funding and grants from governmental agencies, research organizations, and funding bodies. These funds can be utilized not only for research projects but also for infrastructure development related to research facilities, libraries, and technology infrastructure.

Crowdfunding and community support: Law universities can explore crowdfunding platforms and community engagement initiatives to raise funds for infrastructure development. These platforms allow individuals, alumni, and the public to contribute small or large amounts towards specific infrastructure projects. Engaging the local community and garnering their support for the university's infrastructure needs can also be a valuable source of funding.

Recommendation

3.15 The Committee feels that it is important for law universities to have a strategic and comprehensive approach to financing infrastructure needs, combining multiple funding sources, and prioritizing projects based on immediate needs and long-term goals. Effective financial planning, collaboration with stakeholders, and transparent utilization of funds are crucial for successful infrastructure development in law universities. The

government can consider providing financial support and allocating necessary resources, if needed/requested for the academy.

NAAC Accreditation:

3.16 Accreditation is recognition for institutions acknowledging their standards of Quality achievement or maintenance. This recognition pays way to obtain appreciations (fiscal and non-fiscal) from different organizations and amongst the stake-holders. It is feasible to implement accreditation in the context of Law colleges and Law Universities. Law colleges approach NAAC for Accreditation. The Legal Education Institutions (LEI) like any other Higher Education Institutions (HEI) registers in NAAC portal. When metrics for accreditation of LEI focuses on the process, procedures, outcomes and achievements of LEI in their specific domain, the accreditation is more pertinent.

3.17 There are three Law Universities, and twenty Law colleges holding valid accreditation. Though NAAC accredits the institution, the accreditation comes with validity. The validity of accreditation is usually 5 years, beyond which accreditation expires.

Difficulties and limitations faced by law institutes, law colleges, and law universities during site inspections for NAAC accreditation:

3.18 The Committee was informed that NAAC levies profession institution's fee for Legal Education Institutions as well. While a normal college is being charged with Rs.2,00,000/- as assessment fee, law college is being charged with Rs. 6,00,000/-as assessment fee since it is a professional institution.

3.19 As the present accreditation system is robust with data driven approach, institutions that were not in habit of record keeping, faces the issue to supplement or establish their claims of quality. This is a generic problem with all institutions approaching for accreditation and more an issue with Legal Education Institutions.

3.20 There are persisting hesitation amongst legal Education institutions to volunteer to NAAC accreditation process mainly due to lack of awareness about

the process and lack of obligation, motivation or incentives to accredited law colleges.

Challenges faced by NAAC when accrediting law institutes, law colleges, or law universities:

3.21 NAAC apprised the Committee that with the present work flow, there is no specific challenge in accrediting Law College or University. But, with the thought of making accreditation mandatory for Legal Education Institutions there needs to be more number of awareness programs about NAAC accreditation amongst Legal Education Institutions and more Assessors needs to be inducted in the system for accreditation.

Recommendation

3.22 The Committee feels that NAAC shall re-look the rule of levying Rs. 6,00,000/-as assessment fee to Legal Education Institutions. NAAC shall also hold more frequent and wider awareness programs and hand holding exercises that shall address the hesitation amongst legal Education institutions to volunteer for NAAC accreditation. Policy level decisions are required for making accreditation obligatory and motivations and incentives needs to be designed.

Chapter IV

RESEARCH IN LEGAL EDUCATION

Importance of Research in Legal Education

4.0 Legal education plays a crucial role in preparing future lawyers to meet the evolving challenges of the legal profession. To ensure the competence and social engagement of legal professionals, it is essential to embrace research and innovation within legal education institutions. Research serves as the cornerstone of knowledge acquisition and understanding in the legal field. By fostering a culture of exploration, supporting faculty research, and creating opportunities for students to engage in legal research, law students can develop several essential skills and attributes, including:

a. **Critical Thinking:** Research challenges students to critically analyze legal concepts, statutes, and precedents, fostering their ability to identify underlying issues, assess arguments, and propose innovative solutions.

b. **Analytical Abilities:** Through research, students learn to navigate vast amounts of legal information, interpret complex texts, and synthesize diverse viewpoints, honing their analytical skills essential for effective legal analysis and reasoning.

c. **Contribution to Legal Development:** Research allows students to delve deep into legal scholarship, enabling them to explore emerging legal trends, evaluate the impact of recent case law, and propose novel legal theories. Such contributions help shape the development of the law and push the boundaries of legal knowledge.

4.1 There is tremendous significance of research and innovation in legal education as research-based legal education empowers students to become active contributors to the legal discourse. It equips them with the skills necessary to dissect complex legal problems, analyze precedents, and propose innovative solutions, ensuring their readiness for the challenges of the legal profession.³³

³³ BCI on Legal Education, July, 2023. (page 41-42, 65)

Research in the field of Legal Education

4.2 The Committee during its deliberation on the subject was informed that there is a lack of field-oriented legal research in our country. Legal institutions are not able to maintain standards, either in terms of teaching or facilities or infrastructure or research. Out of the 1700 law schools, there are a very few law schools which are serious research institutions and where keen interest is shown in research in the field of legal education. Majority of the law faculty in the law schools in India do not have the competence, abilities, interest and inclination to make serious and significant contributions to teaching or research.

4.3 The Committee was further informed that adequate financial assistance is not given to Centres of Legal Education (CLE) due to which students are attracted to foreign universities for higher legal education and for enhancing their knowledge.³⁴ Funding to legal intuitions is less as compared to other technical and management institutes i.e. IITs and IIMs respectively.

Role of BCI

4.4 The BCI also informed the Committee that National Law Schools (NLS) and Institutions like IIULER, Goa are institutions dedicated exclusively to legal education and research. NLUs and IIULER often offer a more specialized and updated curriculum that reflects contemporary legal trends and challenges. They may have a stronger emphasis on experiential learning, research, and practical skills. They have better infrastructure and facilities, including modern classrooms, libraries, research centres, moot courtrooms, and other resources that contribute to a conducive learning environment.

4.5 However, regular Law Colleges are conventional institutions that offer law programs as part of their broader curriculum. They may not be exclusively focused on legal education and might offer a range of other courses. Regular law colleges may offer a more traditional curriculum and may not be as adaptable to rapid changes in the legal field. Regular law colleges may have varying levels of

³⁴ Brief Note on Legal Education by DEPARTMENT OF LEGAL AFFAIRS (Page 7)

infrastructure and facilities, and some may face limitations in providing state-of-the-art amenities.

4.6 The BCI apprised the Committee that it encourages faculty and students to engage in legal research and it has further resolved to conduct workshops and seminars to raise awareness among Universities about the transformative impact of research-oriented legal education. BCI also provides guidelines for revising and updating the curriculum for law colleges to align it more closely with the changing legal landscape. Law schools are requested by BCI to introduce legal tech courses to provide students with a deep understanding of the technological tools used in the legal industry.

4.7 The BCI further informed that it faces certain problems due to the matters related to the standard of teaching, Ph.D and research in legal education being under the purview of UGC, universities, or the Department of Higher Education, Ministry of Education. The BCI, thus informed that it needs support from the government and universities, to establish research grants and publication opportunities to incentivize law teachers to engage in scholarly activities and contribute to legal research. Further, it requires the cooperation from the government and universities to allocate dedicated research funding and resources to support faculty research initiatives in legal education institutions.³⁵

Role of UGC

4.8 The University Grants Commission Act 1956 imposes a mandate on the UGC to take all such steps as they think fit "for the promotion and co-ordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities".

4.9 It was informed to the Committee that in NEP-2020, there is mention of Higher Education Commission of India (HECI) with four verticals. UGC desires that there should be one more vertical of National Council for Legal Education and

³⁵Bci on legal education, August.

Research to be established under Higher Education Commission of India which may be a small setup to coordinate the entire legal education.

4.10 It was also informed that the current state of infrastructure for conducting research, education, and the law system is mixed. There are some law universities and colleges that have excellent infrastructure, but there are also many that do not. The government has been working to improve the infrastructure for legal education, but more needs to be done.

Emerging Areas of Specialization

4.11 Law, which was once considered to be a conservative and traditional profession, has transformed into a dynamic and innovative field. One of the biggest changes that have taken place is the diversification of the legal profession as it has transformed into a dynamic and innovative field, with emerging areas of specialization. Emerging areas in legal education reflect the evolving demands of the global legal landscape. Cyber Law, Intellectual Property Law, Sports Law, Environmental Law and International Law are some of the merging areas of specialization.³⁶

- The Committee also received the following view points from the stakeholders during its meetings:

4.12 There is a need to make legal academia more appealing, which includes financial incentives, career development opportunities, research infrastructure and a more harmonious ecosystem. There is a need to develop research capacities in our law schools.

4.13 A National Council for Legal Education and Research (NCLER) as an autonomous body needs to be established within the BCI, which is well-represented by eminent academicians of law in addition to members representing the Bar, law firms, think-tanks, policy-institutes, and the government.

³⁶ <https://srmuniversity.ac.in/blog/best-law-university-in-north-india/>

4.14 There is a requirement to have an apex body for guiding the research and other areas of innovation in legal field like Indian Council of Social Sciences and Research.

4.15 There is a need to redefine the role of the Bar Council of India as it needs to look into the standardisation of the degrees being provided. There is also a need to strengthen the curriculum and reform the Bar examination in order to improve the writing and research skills of the students.

4.16 There is a need to improve the infrastructure and the culture of research as infrastructure in the colleges and universities is not sufficient for conducting research.

4.17 There is a need to develop programmes for enhancing communication and research skills for lawyers and students through systematic and organized training at State level institutions of excellence. Trainers along with the faculty have to be trained for which Faculty development programmes are a must.

4.18 Assessment of the merits of the teachers and the methodologies relating to standards of teaching. Ph.D., and research in legal education should not only fall under the purview of the UGC but the Bar Council also must be made a part of the coordination, so that research in legal education improves by leaps and bounds.

Recommendations:

4.19 The Committee feels that there is a need to prioritize and promote research in the field of legal education in India to improve the quality of legal knowledge and education for students and professionals. The Union and State Governments as well as the Universities should lay stress on the research works in the field of legal education and encourage law graduates to pursue higher education and knowledge in India rather than seeking education abroad.

4.20 The Committee further feels that there is a need to recruit world class global faculty who are top researchers in the field of law and can combine

sound teaching methods with established track records of research. For this, it is imperative that we need to make legal academia an appealing career option for bright young lawyers through financial incentives, career development opportunities within the law schools.

4.21 The Committee recommends that the Government and Universities should collaborate with the Bar Council of India (BCI) to allocate dedicated research funding and resources to support faculty research initiatives in legal education institutions. BCI can provide guidelines and recommendations to Universities regarding the incorporation of research activities in the legal curriculum of undergraduate courses. By fostering cooperation between the Government, Universities, and the BCI, legal education institutions can effectively strengthen their research and innovation endeavors. For Post graduation and above, an independent body as already recommended by the Committee shall lay guidelines regarding the incorporation of research activities in the curriculum.

4.22 The Committee observes that the Law schools in India majorly follow the traditional approach of theoretical learning while only a select few National Law Universities possess the requisite physical infrastructure for conducting research. With the demand of more adaptive lawyers, that too in an ever more digitized legal industry, a hands-on approach to such infrastructure and financial assistance in lieu of the same is much needed. The introduction of proper research facilities, as well as specialized infrastructure for conducting training and workshops, is a need as it inculcates the necessary skills to ace the changing legal field. Digital libraries and online research tools are increasingly becoming the need in order to keep up with changes in the field.

4.23 The Committee feels that there is a need to develop programmes for enhancing communication and research skills for lawyers and students through systematic and organized training at State level institutions of excellence.

4.24 The Committee feels that as legal practice becomes more interconnected and complex, legal education must adapt to prepare students for emerging challenges and opportunities. There is a pressing need to provide young law graduates with market-oriented and socially relevant legal education. Even though ‘traditional’ legal fields like criminal law, family law and law of contract continue to remain popular to this day, contemporary important fields like arbitration, mediation, space law, trade law, intellectual property law, energy law, bankruptcy law, corporate law, media law, cyber law and sports law have emerged as significant areas in recent years. Thus, it is important to develop expertise in the newer areas of law, while ensuring that law graduates are properly sensitized towards the morals and ethics, which are badly needed in the legal profession today. There is a need to have theme-oriented research centres on the lines of such centres in other institutions in India and abroad.³⁷

³⁷ Delhi university Note

Chapter –V

TECHNOLOGY WITH RELEVANCE TO LEGAL EDUCATION

Introduction

5.0 The rise of technology has transformed nearly every aspect of our lives, from the way we communicate to the way we work. The legal education is no exception. Technology has changed the future of legal education in many ways. The advent of technological innovations has opened new avenues for legal education, empowering law students and faculty with tools and platforms that enhance the learning experience manifold. The technological transformation of legal education, including computer-based, interactive, and online modes of instruction, represents one of the most dramatic technological revolutions in history.

5.1 Online learning is the most crucial significant change in the future of legal education as it has enabled students to access lectures, case studies, and legal databases from anywhere, at any time. Webinars, podcasts, and e-learning modules have also fostered engagement and knowledge sharing apart from making legal education more inclusive. Moreover, this education system aims to ensure that teaching opportunities are available to all people equally within a single educational framework.

5.2 Furthermore, technology has facilitated experiential learning through simulated courtroom environments and virtual internships whereby students develop practical skills in a controlled yet realistic setting. AI-powered tools, like legal research platforms, chatbots, virtual assistants and contract analysis software, significantly expedite time-consuming tasks.

5.3 However, this integration of law and technology has also highlighted concerns like the digital divide, infrastructure gaps, data privacy, and the need for effective regulatory frameworks. As technology continues to shape the legal landscape, it is important for law schools to prepare students to navigate these complex legal and ethical issues that arise in this rapidly evolving field.

5.4 The Committee during its deliberation on the subject was informed that the legal profession has experienced a significant transformation due to technological advancements, necessitating the integration of technology-focused courses into law school curricula.

5.5 However, many law schools have not been able to keep pace with the changing legal landscape and advancements in technology, resulting in a gap between theoretical knowledge and practical skills. As a result, law schools must adapt their curricula to include courses that familiarize students with emerging technologies. This integration will enable students to leverage legal research databases, case management software, and other cutting-edge tools that streamline legal processes and improve efficiency.

Recommendations

5.6 The Committee feels that onslaught of technological innovation and globalization of the society and education has made the scene quite complicated for the legal education deliveries in India. It is important that law schools address the impact of technology on the legal profession more broadly which includes exploring the legal and ethical implications of emerging technologies, such as blockchain and smart contracts, and understanding how these technologies are changing the way legal services are provided.

5.7 The Committee recommends that Law graduates must be made more conversant with emerging technologies like Artificial Intelligence (AI), block chain and other IT related tools, which in the years ahead, will certainly have a bearing on how law is practiced. Thus, it is important to develop expertise in the newer areas of law.

5.8 The Committee during its deliberation on the subject was also informed that the Bar Council of India has introduced all subjects like Block- Chains, technology, Electronic-Discovery, Cyber-Security, Robotic, Artificial Intelligence and Bio-Ethics in its Model Law School India International University of Legal Education and Research, Goa as part of their degree, certificate and diploma

courses and shall further ensure that all Law Universities also include the same courses from the next academic calendar, if they have already not done so.

5.9 It has already planned to guide law schools in integrating technology-focused courses, focusing on AI, blockchain, and automation which will enhance faculty understanding, collaborate with legal professionals, and offer practical training, internships, and online dispute resolution courses. However, Government funding should be provided for specialized courses in legal tech, e-discovery, and ODR.

Recommendations

5.10 The Committee recommends that BCI can establish guidelines and recommendations for integrating technology-focused courses such as legal tech, e-discovery, and online dispute resolution, into law school curricula of undergraduate courses. For Post graduation and above, an independent body with experts from different fields shall establish guidelines for integrating technology-focused courses. By incorporating technology-focused courses, law schools can ensure that their students are well-prepared to leverage emerging technologies, streamline legal processes, and provide innovative solutions to their clients. This comprehensive approach will empower law graduates to adapt, excel, and make a significant impact in the evolving practice of law. BCI and the independent body can also establish a review and evaluation mechanism to assess the effectiveness of technology-focused courses and make necessary improvements based on feedback from students, faculty, and legal professionals for undergraduate and postgraduate courses respectively.

5.11 Government funding and grants can be provided to law schools that actively promote technology integration and offer specialized courses in legal tech, e-discovery, and online dispute resolution. Thus, the Committee feels that collaborative efforts from legal educators, practitioners, and policymakers are needed to ensure that legal education in India meets the needs of society and the legal profession.

Chapter -VI

EFFECT OF GLOBALIZATION IN LEGAL EDUCATION

6.0 In our interconnected world, the impact of globalization on the legal profession cannot be overstated. Globalization has had a significant impact on legal education, bringing about several changes and opportunities. Lawyers today are increasingly required to navigate the complexities of international law and cross-border legal issues. To effectively address this need, legal education must evolve and equip aspiring lawyers with a deep understanding of international perspectives.

6.1 Internationalization of legal curriculum: Globalization has led to an increased emphasis on international and comparative law in legal education. Law schools have recognized the need to incorporate courses that cover transnational legal issues, international human rights, international trade law, and other areas of global importance. This broadens students' understanding of the law and prepares them to navigate the complexities of the global legal landscape.

6.2 Exchange programs and study abroad opportunities: Globalization has facilitated the establishment of exchange programs and study abroad opportunities for law students. These programs enable students to spend a semester or a year studying at a foreign law school, immersing themselves in a different legal system and culture. Such experiences enhance students' cross-cultural understanding, language skills, and ability to work in diverse and international environments.

6.3 Collaboration and research partnerships: Globalization has fostered collaboration and research partnerships between law schools across different countries. Faculty members can engage in joint research projects, conferences, and publications, contributing to the advancement of legal scholarship. These collaborations promote the exchange of ideas, methodologies, and best practices in legal education and research.

6.4 Technology-enabled learning: Globalization has facilitated the use of technology in legal education. Online platforms, virtual classrooms, and digital

resources enable law schools to deliver courses and engage with students from different parts of the world. This enhances access to legal education and promotes global connectivity among students and faculty.

6.5 Professional networking and career opportunities: Globalization has expanded career opportunities for law graduates. Legal professionals can work in international law firms, multinational corporations, international organizations, and government agencies that deal with cross-border legal issues. Globalization has created a demand for legal professionals with expertise in international law and the ability to work in diverse legal environments.

6.6 Exposure to diverse legal systems and perspectives: Globalization exposes law students to diverse legal systems and perspectives. They learn to appreciate different legal traditions, cultural norms, and approaches to law. This exposure fosters a broader understanding of legal issues, enhances critical thinking, and promotes adaptability in a globalized legal profession.

6.7 Mobility of legal professionals: Globalization has facilitated the mobility of legal professionals across borders. Lawyers can pursue opportunities to work in different countries, representing clients in international transactions, cross-border disputes, and multinational legal matters. This mobility requires a comprehensive understanding of legal systems and the ability to navigate complex international legal frameworks.

6.8 Ethical challenges and cultural sensitivity: Globalization brings ethical challenges that legal education must address. Students need to be educated on the ethical implications of operating in a globalized legal environment, including issues of cultural sensitivity, diversity, and social responsibility. Law schools can incorporate courses and discussions that explore these ethical dimensions to prepare students for the realities of a global legal practice.³⁸

6.9 While globalization has brought numerous benefits to legal education, it also presents challenges such as the need to ensure cultural sensitivity, maintain regulatory standards, and address inequalities in access to legal education. The

³⁸ Prof. Ranbir Singh

most challenging task is to strike a proper balance to ensure that students are taught a fair mix of courses that give them knowledge and training in Indian law, but at the same time prepare them for facing the challenges of globalization, whereby domestic legal mechanisms interact with both international and foreign legal systems. Law schools need to adapt their curricula, teaching methodologies, and institutional frameworks to meet the demands of globalization and prepare students for the evolving global legal landscape. There is also a need for having a global and diverse focus in hiring faculty for Indian law schools.

- The Committee during its deliberation on the subject was informed that Legal education curriculum has been restructured by the Bar Council of India to become globally competitive, adopting best practices and embracing new technologies for wider access to justice and timely delivery of justice.

6.10 One crucial step towards achieving this goal is the incorporation of international law courses into the curriculum. Topics such as international trade law, international human rights law, and international arbitration can provide students with a solid foundation for handling global legal challenges. Hague Academy of International Law offers valuable resources, and BCI plans to establish a similar academy in India.

6.11 The Committee during its deliberation on the subject was suggested that, to truly succeed in a globalized legal environment, lawyers must possess a strong command of both English and legal English. English serves as the lingua franca of international legal communication and a lawyer's ability to navigate and articulate legal concepts in English is essential. Therefore, legal education should emphasize the development of language skills, particularly in the context of international law. This includes enhancing students' proficiency in legal English, enabling them to draft international legal agreements, engage in cross-border negotiations, and effectively communicate with clients and colleagues from different jurisdictions.

6.12 As the world becomes increasingly interconnected, lawyers must adapt to the demands of a globalized legal environment. By incorporating international law courses, promoting international exchange programs, and encouraging exposure to different legal systems, legal education can equip aspiring lawyers with the necessary skills and perspectives to thrive in this new era.

Recommendation:

6.13 The Committee feels that with India's increasing role in global context there is a need to produce legal luminaries who can advise for protecting India's interest as well as ensure fair, just and reasonable dealing in the international sphere. Legal education need to be upgraded and enhanced to prepare young lawyers for global challenges. There is need to have a global curriculum, global faculty, global degrees, and global interaction.

6.14 The Committee recommends that law courses should cater to the needs of present-day cross-border issues. Introduction to different legal cultures, private international law, Sustainable Development are some of the special courses which need to be made essential in course curriculum.

6.15 The Committee further recommends that both Student exchange and faculty exchange programmes with Indian and Foreign institutions should be encouraged to gain perspectives of other legal systems and fields. To encourage participation in international exchange programs, the BCI and the government can offer scholarships and grants to financially support the students who wish to engage in global legal education. The government, universities, and the BCI should also continuously evaluate the effectiveness of international law courses and exchange programs to make necessary improvements and ensure their relevance in a changing global landscape.

6.16 By implementing these strategies and fostering cooperation between the government, universities, and the BCI, legal education can successfully equip aspiring lawyers with the international perspectives, language skills, and cultural sensitivity needed to thrive in an interconnected world. Through these efforts, the legal profession can contribute effectively to global legal challenges and promote justice on an international scale.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

REGULATING LEGAL EDUCATION IN INDIA

1. The Advocates Act, 1961 was enacted with a limited view of legal education producing only lawyers for courts. However, over the years legal education has not remained confined to a limited role of producing lawyers only. Today law graduates pursue a range of career beyond the courtroom practice. So, the Legal curriculum in education institutions needs to be designed in a manner that enables the development of skills required for pursuing diverse legal professions and not just courtroom practice. Thus there is no sense in the BCI having regulatory powers over the entire spectrum of legal education. Further, the BCI has neither power not expertise to meet the challenges of the ever changing globalized world. This view has also been expounded by the National Knowledge Commission. Also there is a near unanimity amongst all the expert witnesses who appeared before the Committee, on this particular issue. (Para 2.34)

2. Accordingly, the Committee recommends that the BCI's powers to regulate legal education should be limited to the extent of acquiring basic eligibility for practicing at the Bar. For other regulatory functions related to higher education in Law i.e. Post graduation and above, which are presently being performed by the BCI, and which are not related directly to practice at the Bar should be entrusted to an independent Authority, the National Council for Legal Education and Research to be established under the proposed Higher Education Commission of India. (Para 2.35)

3. Many of the stakeholders have also raised serious concern about the manner in which the BCI has used the power to inspect law colleges and granting them recognition which has led to a reckless proliferation of substandard law colleges in the country. Accordingly, the Committee is of the view that while granting recognition to new colleges due consideration should be given to quality over quantity. It is imperative for the BCI to take urgent and effective measures to curb the proliferation of substandard law colleges in India and to ensure the quality and excellence of legal education and profession in the country. (Para 2.36)

4. The Committee feels that reservation policies in student admissions and faculty recruitment must be rigorously followed to encourage participation from disadvantaged communities by all Universities, colleges and educational institutions, as per the policy of Government of India. The Committee recommends that the Bar Council of India should oversee the implementation of reservations in the Universities including the National Law Universities, colleges and other law institutions and consider withdrawing their recognition, if they fail to adhere to. (Para 2.38)

CURRICULUM

5. The Committee feels that the existing colleges and universities across the country adopt different curriculum and syllabus as prescribed by the affiliating Universities. This creates unevenness among the law students who pass out from different colleges and Universities. The Committee, therefore, recommends that the role of BCI should be redefined and the uniform curriculum should be laid by the Bar Council of India for undergraduate courses in all the law colleges/ Universities. For Post graduation and above, the uniform curriculum should be laid by an independent Authority as recommended by the Committee. (Para 3.5)

6. The Committee feels that as the legal landscape continues to evolve at a rapid pace, it has become imperative that legal education keeps pace with these changes. Comprehensive curriculum reform is necessary to ensure that future lawyers are well-prepared to address emerging legal challenges. The curriculum must develop all aspects and capabilities of learners; and make education more well-rounded, useful, and fulfilling to the learner. It should enable learners to be ethical, rational, compassionate and prepare them for a gainful and fulfilling employment. There has to be innovative approaches towards curriculum development and course structuring that will provide a sharper and specialized focus towards training and capacity building for the future juridical officers. (Para 3.8)

7. The Committee recommends that topics such as Law and Medicine, Sports Law, Energy Law, Tech Law/Cyber Law, Commercial & Investment Arbitrations, Securities Law, Telecom laws, banking laws must not only be

included but must be given mandatory status as the interdisciplinary subjects are the need of the hour. Government and Universities should work in tandem with BCI to ensure the comprehensive inclusion of the emerging areas in the curriculum of undergraduate courses. For Post graduation and above, independent body with experts from different fields shall ensure the inclusion of these emerging areas in the curriculum.(Para 3.9)

8. The Committee further recommends that the Universities should work with BCI to incorporate more of practical training programs like moot court competitions, where students can apply legal theory in a simulated courtroom setting, enhancing oral advocacy and critical thinking skills. BCI's Legal Education Rules must be adhered to by all Universities to ensure that clinical programs are introduced, providing students with immersive experiences to work directly with clients, conduct research, draft legal documents, and represent clients under faculty supervision. (Para 3.10)

9. The Committee recommends that for every academic year, the undergraduate law student should mandatorily go for a two months apprenticeship for getting enrolled as an advocate. Thus the Advocates Act, 1961 may be revisited in this regard in consultation with Universities, senior members of the Bar and Bench. The Committee also recommends that the law students who undergo internships with the seniors should be paid with stipends to encourage them and also to take care of their logistic expenses during internship. (Para 3.11)

10. The Committee also recommends that a joint committee of senior academicians and practitioners at the Bar and the Bench should be constituted to review the curriculum periodically. By implementing these changes, law graduates will be better equipped to tackle the legal challenges of the 21st century, serve their clients effectively, and contribute to the development of the legal profession. (Para 3.12)

11. The Committee also feels that Government support is crucial in allocating resources and funding for practical training programs, ensuring that students have access to diverse and enriching experiences. Government

funding should also be provided for specialized courses in legal tech, e-discovery, and ODR. (Para 3.13)

12. The Committee feels that it is important for law universities to have a strategic and comprehensive approach to financing infrastructure needs, combining multiple funding sources, and prioritizing projects based on immediate needs and long-term goals. Effective financial planning, collaboration with stakeholders, and transparent utilization of funds are crucial for successful infrastructure development in law universities. The government can consider providing financial support and allocating necessary resources, if needed/requested for the academy. (Para 3.15)

13. The Committee feels that NAAC shall re-look the rule of levying Rs. 6,00,000/-as assessment fee to Legal Education Institutions. NAAC shall also hold more frequent and wider awareness programs and hand holding exercises that shall address the hesitation amongst legal Education institutions to volunteer for NAAC accreditation. Policy level decisions are required for making accreditation obligatory and motivations and incentives needs to be designed. (Para 3.22)

RESEARCH IN LEGAL EDUCATION

14. The Committee feels that there is a need to prioritize and promote research in the field of legal education in India to improve the quality of legal knowledge and education for students and professionals. The Union and State Governments as well as the Universities should lay stress on the research works in the field of legal education and encourage law graduates to pursue higher education and knowledge in India rather than seeking education abroad. (Para 4.19)

15. The Committee further feels that there is a need to recruit world class global faculty who are top researchers in the field of law and can combine sound teaching methods with established track records of research. For this, it is imperative that we need to make legal academia an appealing career option

for bright young lawyers through financial incentives, career development opportunities within the law schools. (Para 4.20)

16. The Committee recommends that the Government and Universities should collaborate with the Bar Council of India (BCI) to allocate dedicated research funding and resources to support faculty research initiatives in legal education institutions. BCI can provide guidelines and recommendations to Universities regarding the incorporation of research activities in the legal curriculum of undergraduate courses. By fostering cooperation between the Government, Universities, and the BCI, legal education institutions can effectively strengthen their research and innovation endeavors. For Post graduation and above, an independent body as already recommended by the Committee shall lay guidelines regarding the incorporation of research activities in the curriculum.(Para 4.21)

17. The Committee observes that the Law schools in India majorly follow the traditional approach of theoretical learning while only a select few National Law Universities possess the requisite physical infrastructure for conducting research. With the demand of more adaptive lawyers, that too in an ever more digitized legal industry, a hands-on approach to such infrastructure and financial assistance in lieu of the same is much needed. The introduction of proper research facilities, as well as specialized infrastructure for conducting training and workshops, is a need as it inculcates the necessary skills to ace the changing legal field. Digital libraries and online research tools are increasingly becoming the need in order to keep up with changes in the field. (Para 4.22)

18. The Committee feels that there is a need to develop programmes for enhancing communication and research skills for lawyers and students through systematic and organized training at State level institutions of excellence. (Para 4.23)

19. The Committee feels that as legal practice becomes more interconnected and complex, legal education must adapt to prepare students for emerging challenges and opportunities. There is a pressing need to provide young law

graduates with market-oriented and socially relevant legal education. Even though ‘traditional’ legal fields like criminal law, family law and law of contract continue to remain popular to this day, contemporary important fields like arbitration, mediation, space law, trade law, intellectual property law, energy law, bankruptcy law, corporate law, media law, cyber law and sports law have emerged as significant areas in recent years. Thus, it is important to develop expertise in the newer areas of law, while ensuring that law graduates are properly sensitized towards the morals and ethics, which are badly needed in the legal profession today. There is a need to have theme-oriented research centres on the lines of such centres in other institutions in India and abroad.³⁹ (Para 4.24)

TECHNOLOGY WITH RELEVANCE TO LEGAL EDUCATION

20. The Committee feels that onslaught of technological innovation and globalization of the society and education has made the scene quite complicated for the legal education deliveries in India. It is important that law schools address the impact of technology on the legal profession more broadly which includes exploring the legal and ethical implications of emerging technologies, such as blockchain and smart contracts, and understanding how these technologies are changing the way legal services are provided. (Para 5.6)

21. The Committee recommends that Law graduates must be made more conversant with emerging technologies like Artificial Intelligence (AI), block chain and other IT related tools, which in the years ahead, will certainly have a bearing on how law is practiced. Thus, it is important to develop expertise in the newer areas of law. (Para 5.7)

22. The Committee recommends that BCI can establish guidelines and recommendations for integrating technology-focused courses such as legal tech, e-discovery, and online dispute resolution, into law school curricula of undergraduate courses. For Post graduation and above, an independent body with experts from different fields shall establish guidelines for integrating technology-focused courses. By incorporating technology-focused courses, law schools can ensure that their students are well-prepared to leverage emerging

³⁹ Delhi university Note

technologies, streamline legal processes, and provide innovative solutions to their clients. This comprehensive approach will empower law graduates to adapt, excel, and make a significant impact in the evolving practice of law. BCI and the independent body can also establish a review and evaluation mechanism to assess the effectiveness of technology-focused courses and make necessary improvements based on feedback from students, faculty, and legal professionals for undergraduate and postgraduate courses respectively. (Para 5.10)

23. Government funding and grants can be provided to law schools that actively promote technology integration and offer specialized courses in legal tech, e-discovery, and online dispute resolution. Thus, the Committee feels that collaborative efforts from legal educators, practitioners, and policymakers are needed to ensure that legal education in India meets the needs of society and the legal profession. (Para 5.11)

EFFECT OF GLOBALIZATION IN LEGAL EDUCATION

24. The Committee feels that with India's increasing role in global context there is a need to produce legal luminaries who can advise for protecting India's interest as well as ensure fair, just and reasonable dealing in the international sphere. Legal education need to be upgraded and enhanced to prepare young lawyers for global challenges. There is need to have a global curriculum, global faculty, global degrees, and global interaction. (Para 6.13)

25. The Committee recommends that law courses should cater to the needs of present-day cross-border issues. Introduction to different legal cultures, private international law, Sustainable Development are some of the special courses which need to be made essential in course curriculum. (Para 6.14)

26. The Committee further recommends that both Student exchange and faculty exchange programmes with Indian and Foreign institutions should be encouraged to gain perspectives of other legal systems and fields. To encourage participation in international exchange programs, the BCI and the government can offer scholarships and grants to financially support the students who wish to engage in global legal education. The government,

universities, and the BCI should also continuously evaluate the effectiveness of international law courses and exchange programs to make necessary improvements and ensure their relevance in a changing global landscape. (Para6.15)

27. By implementing these strategies and fostering cooperation between the government, universities, and the BCI, legal education can successfully equip aspiring lawyers with the international perspectives, language skills, and cultural sensitivity needed to thrive in an interconnected world. Through these efforts, the legal profession can contribute effectively to global legal challenges and promote justice on an international scale. (Para 6.16)

MINUTES*

*to be appended at a later stage.