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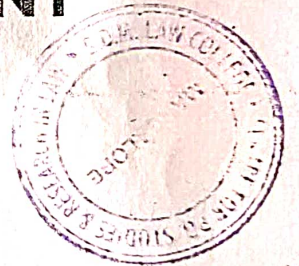
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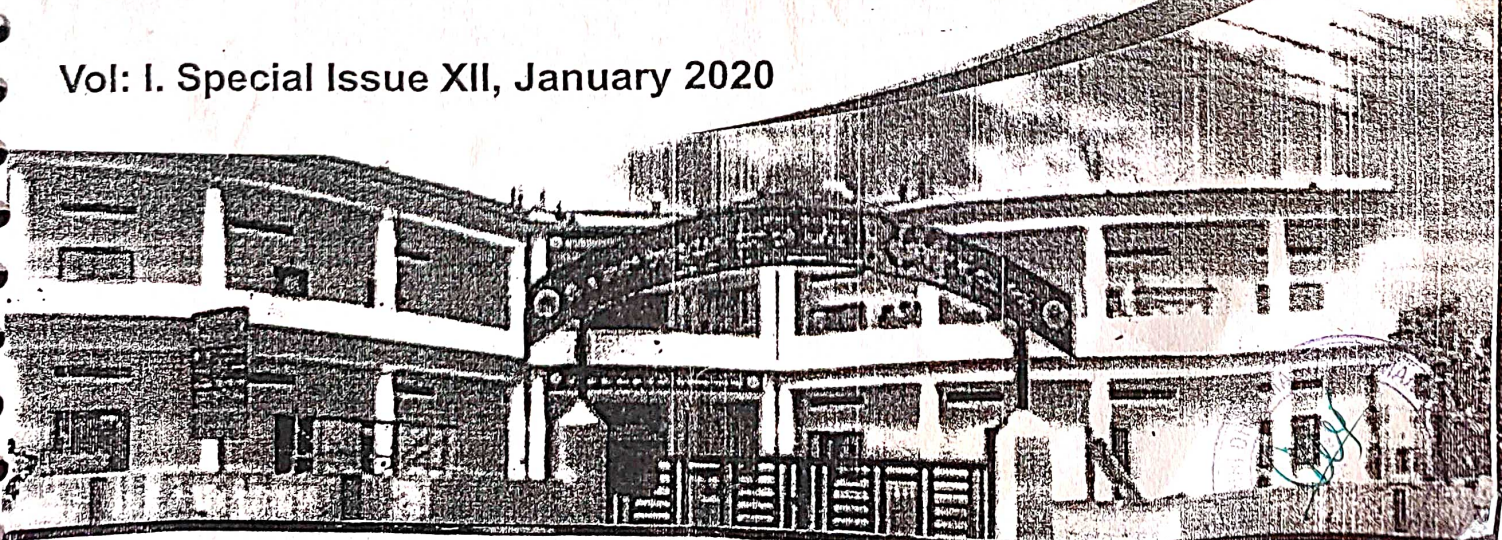


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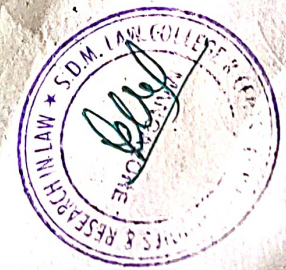




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# Asia Pacific Journal of Research

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## AN ANALYSIS OF THE DEVELOPMENT AND CHANGING DIMENSIONS OF LEGAL EDUCATION IN INDIA

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### ABSTRACT

Legal education is also one of the fastest growing educational sectors in India. Earlier the legal education was pursued in traditional manner and after completion of degree in law legal practice was the motive. But reforms in the area of legal education started with the enactment of Indian Advocates Act 1961 wherein maintenance of uniform standard was mandated. The Bar Council of India maintains other procedures relating to legal education. The legal research also got prominence and teaching pedagogy in law also changed a lot. Teaching and learning developed with deductive and inductive system. Practical exposure in teaching also enhanced. Even in legal education, scientific method of imparting education was adopted. As a result development in legal education, private universities emerged and they are striving to improve the quality of legal education in India. Job and placement opportunities for law graduates also expanded and new openings are found. As a new development we can find interdisciplinary study in law, wherein other disciplines are studied as a part of legal education. There is increasing demand from corporate sector for legal education and education institutions are striving to meet the demands of the day.

Keywords: Legal Education, Universities and Law Schools, Teaching pedagogy.

### INTRODUCTION

Legal education in India refers to the education provided for those budding lawyers aspiring for legal profession. One should complete legal education to practice in the Court of Law. Legal education is offered at different levels by the traditional Universities and the specialised Law Universities and Law Schools only after completion of an undergraduate degree or an integrated degree. But now the students are enthusiastic to learn law and pursue their career as lawyers or jurists, if not in any other corporate sector where legal fraternity are needed. Legal education has powerful bond with business and commerce. Those who completed commerce education are the main centre of attraction in law course as they can achieve Chartered Accountant and Company Secretary Exams easily. They can become excellent corporate lawyers and advisors in the field of law and commerce.

### RESEARCH OBJECTIVES

The main objectives of the study are as follows:

- To know about the status of legal education in India in various periods
- To analyse the development of legal education.
- To study the changing dimensions of legal education and its collaboration with other disciplines especially commerce.

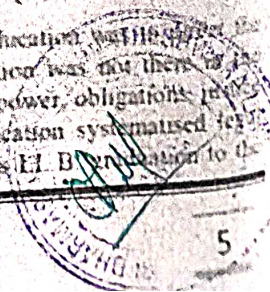
### RESEARCH METHODOLOGY

The study has been made through secondary data collected such as journals, magazines, periodicals, news paper articles, books and from online database.

### FINDING OF THE STUDY

#### History of Legal Education

Historically, legal education did not receive any serious priority or attention in India. The goal of education was to train the people to follow righteousness and not to violate dharma or basic mannerism. Formal legal education was not there at the beginning but, education also included certain legal concepts like, right, duty, immunities, exercises of power, obligations, etc. During the British rule and after independence, various Committees and Commissions on education system raised their voice for legal education. The Departments of law Universities used to impart legal education and award three years LL B qualification to the





students. With the establishment of National Law Schools this unevenness was challenged and it was successful in attracting students to the study of law.

#### Legal Education in Ancient India

The concept of legal education in India goes back to the Vedic age. Following law and doing good deeds are the parts of Dharma. In matters connected with Dharma, training was self-acquired one. It is difficult to draw a distinction between secular law and religious ordinances in ancient India. Vedas were original source of law and Smritis announced the message of Vedas. Dharmashastrakaras like Gauthama, Apasthamba, Haritha, etc were considered and accepted to be the ancient exponents of law. Smritikaras like Manu, Yajnavalkya, Brihaspathi, Parashara, Vyasa along with Nibandhakaras were the real guardians of law. Kings were also considered as law makers in ancient times. They used to deliver justice based on certain prevailing precedents, if not based on Raja Dharma. Even though kings were not formulated law or legislations, they were the authority to decide the disputes and provide justice. Sadachara, custom, nyaya or yukthi were the base of legal processes in ancient India. K P Jaiswal is also of the view that legal practitioners existed in ancient India. By citing Manu Smriti, Jaiswal clarifies that, professional lawyers were already in existence in the time of Manu Code. Even though there was no clear-cut mention about presence of formal legal profession in ancient India, Dr. P.V. Kane never rejected the presence of legal profession in ancient India. Dr. P.V. Kane in his book the 'History of Dharmashastras' mentioned that, persons well-versed in law of Smritis and the procedure of the Courts were appointed to represent the party and place his case before the Court. Dr. Kane also made comments that the rules of Sukra made a clear approach to the modern institution of the Bar and the fees prescribed by Sukra are similar to those allowed by the Bombay Regulation II of 1827 and by Schedule II to the Bombay Pleaders Act 1920. By referring Asahayas commentary on writup of Narada, Sir Ashutosh Mukherjee; the Judge of Kolkata High Court draws the conclusion that, the legal profession existed in the Seventh Century of the Christian era. Even the Buddhist books narrates that the profession of lawyer existed in the first century before the Christian Era. They were known as sellers of law or traders of law.

#### Legal Education During Muslim Period

During the Mughal rule, Mohammedan law was made applicable while deciding the disputes. During Muslim period there was wide gap between theory and practice in the matter of judicial system. In theory, the sovereign was the fountain head of justice and used to deliver judgements by deciding disputes. But in reality, the jurisdiction of the state system of justice was very much restricted. Religious and Communal Courts used to look in to matters of communal issues.

During Mughal period village panchayats were deciding disputes in villages. If parties were not satisfied by the decisions given by the village panchayat, then they used to approach the Government Court of the Quazi by appeal. During this period King used to hold court in the Am Khas or Hall of Common Audience. The complaints were received and disputes were settled by looking in to the evidence and by examination of witnesses. There were Vakils during Mughal period who were acting as representatives of the parties in dispute.

#### Legal Education in British India

During British rule, Regulating Act of 1773 passed, which empowered to enrol Advocates and Attorneys-at-law to the Supreme Court. Through a Charter issued in 1774 the Supreme Court was established in Fort William in Bengal. But the Indian Lawyers were not allowed to appear in the Courts. The High Courts were established in three presidency towns, Bombay, Chennai and Kolkata in 1861. Even Sadar Diwani Adalath and Sadar Nizamath Adalath were functioning as deciding authorities of disputes on civil and criminal matters. Formal Legal education in India came in to existence with the establishment of professorship of law at Government Ephistone College in 1855. There were several Commissions and Committees like University Commission, Kolkata University Commission, Bombay Legal Education Committee, Rajasthan Legal Education Committee etc., referred legal education matters to the Law Commission.

There are suggestions recommended by the Law Commission in 1958 for improvement of legal education like graduation is mandatory to pursue legal education and the law schools should teach the principles of law and it's the Bar Council which should take up the task of practical and procedural aspects of law. Teachers must be the full timers and even students should come to study on full time basis. Along with lecture method, they need to get education through seminars, moot courts, case methods, presentations etc. The institutions which impart legal education must be affiliated to the University and they have to get recognition from the Bar Council of India. Those who secured diploma course in law cannot be made eligible to practice law in the Courts.

#### Reforms and Developments in Legal Education

With the enactment of the Indian Advocates Act 1961, early reforms in the area of legal education started and the main aim of the Advocates Act was to integrate legal education across the country under a uniform standard to be monitored by the various State Bar Councils and the Bar Council of India. Along with various reforms, legal education developed in India. At present budding lawyers are also participating in legal awareness and legal aid programmes which are added advantage to them for their future career as well as it helps the society at large.

#### Role of Bar Council of India

The establishment of the Bar Council of India (BCI) led for the development in the field of legal education in India. Under the Advocates Act 1961, the BCI and other State Bar Councils are established. Section 7(1)(h) of Advocates Act 1961 depicts the significant function of BCI in relation to promote legal education and to lay down the standards of such education in consultation



The Universities in India imparting such education. The BCI under section 49(d) of the Advocates Act 1961, can make rules prescribing the standards of legal education to be observed by the Universities in India. It also formulates rules for the inspection of Universities for the same purpose. The uniform three years LL.B. course has been established in the year 1967 as per the directions of BCI. Later in 1982, as another progressive step in Legal Education, the BCI established five years integrated LL.B. course. After completion of Pre-University education, students can be admitted to this course. In this course pre-law subjects will be taught for two years. For the study, twenty-one compulsory law papers and four practical papers were fixed by the BCI.

**Role of University Grants Commission**

The responsibility with regard to legal education lies with University Grant Commission (UGC) which can play a pivotal role by taking proper provisions for adequate funding, creation of senior posts and other required means. The Commission has helped the University of Rajasthan to organise a seminar on legal education at Kasauli in 1964 and also set up Legal Education Committee in 1970. The UGC also organised four regional workshops on legal education especially at Madras, Chandigarh, Bonga and Patna. It also helped the law faculties by creating posts of professors, readers, grants for libraries, providing fellowships for researchers etc. As per the UGC norms, those who completed full-time LL.M. can only become faculty of law. But those who appointed as faculty of law after 2009, should have basic qualification of NET or SLET to get eligibility to teach law.

**Role of Universities**

Several Universities formulated committees for the purpose to take some initiative to improve legal education in India. In 1962 Banaras Hindu University formulated a legal education committee under the chairmanship of then chief justice of India, Hon'ble Justice B P Sinha. The three years Law Degree course has been initiated by this Committee raised the standard of legal education and contributed for the improvement of legal education. Even Mahajan's Committee of Punjab University, Gajendragadkar Committee of Delhi University and Sinha Committee of Kerala University have made suggestions for the improvement of legal education. In the 20<sup>th</sup> century, legal education started getting prominence and intake for law course started increasing. Over the last two decades even the private parties have played a significant role in pioneering the changes in legal education. The changes brought forth by these players in legal education are mainly in organisation, management, content and delivery.

**Changing Dimensions of Legal Education**

The legal education sector in India is one of the fastest growing educational sectors in India. Former Chief Justice A M Ahmad once said that we have waited for a long period of time to see the change to happen in legal education system in India, but it's the time to work for the same and strive for its development and change. It's known fact that any education starts from study or teaching and learning process. Teaching inside class rooms is a common method as it is present in all other education system. But teaching outside the classroom has become a developing trend even in legal education. The Moot courts, live simulation of cases, legal drafting, client counselling methods and activity-based learning have become the main form of learning. Thus, legal education also converted the process of learning as more interesting and captivating one. Internships during the period of study are now a mandatory requirement. The students have to undergo internships during vacation in any of the offices relating to law in one or other way. On-campus recruitments have also become a common feature of law schools. Most of the reputed institutions have reduced lecture method of teaching and opted for more innovative and interactive methods of learning. The areas like project financing, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contract corporate governance, investment law etc. are flourishing and getting more prominence. Research and publication also play a major role in present legal education.

**CONCLUSION**

Now, there is intermingling of different disciplines together to formulate a course. The law course can be studied with Commerce and Management subjects in their pre-law stage and it will formulate a combination of B.Com LL.B., BBA LL.B. etc. Business law, Commercial law, Law of contract, trade law also became significant at present as commerce subject has more influence on law. So, legal education and profession plays significant role in moulding the society and it's a cherishing field for the law graduates in India.

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