

## **REFORMING INDIA'S LEGAL EDUCATION: THE WAY AHEAD**

- Vishwam Jindal

Developments have brought paradigm shifts in almost every walk of life from political to economic to social to cultural. Paradigm shifts have in turn posed major challenges and provided greater opportunities not only to economic players but to professionals as well. Globalisation has increased professional workforce in India and this hold true for legal profession as well. A lawyer's work is no longer limited to filing suits or preparing documents or passing judgements. This has posed a serious question on our legal education system and whether this system can compete with global standards.

However, these developments no doubt bring greater challenges but are also accompanied by new emerging opportunities for law, legal profession and legal education as law cuts across all walks of life, be it political, economic or cultural aspect of each society and equally that of global community. To meet these challenges law requires not only new kind of normative legal regimes responding to these challenges and opportunities but also a legal profession equipped with knowledge information and skills which can draw advantages for society including examining and if convinced by if convinced by bringing a synergy between global and national perspectives. No doubt it is easy said difficult done, because questions of growth vs. development, science vs. morality, rising poverty in certain sectors vs. rising affluence and so on are the questions that have emerged and to respond to these questions requires newer kinds of skills and larger pool of knowledge, it also calls for an approach that is built upon compassion, fairness and emotions. Infact it should be our objective how to make legal education reflective and responsive to these challenges and opportunities.

### **GLOBALISATION AND LEGAL EDUCATION**

The phenomenon of Globalization has been instrumental in lowering the barriers for movement of goods and services across borders. Concomitant with this development the advances in the field of Information and Communication Technology have almost obviated physical distance as an inhibitor of global interaction. These developments have encouraged good businesses to expand their production and markets in the global arena. As businesses seek to grow globally through mergers, acquisitions or setting up of subsidiaries, they require savvy lawyers who understand the nuances of law in the context of globalization. The establishment of a global footprint also entails careful safeguarding of intellectual property and trade secrets. This places a demand on lawyers to be intimately aware of the

technological concepts and developments. Thus, in the age of Globalization the role of a lawyer is evolving from a traditional distant legal advisor to that of an active business advisor and negotiator. This evolution poses an important challenge to Legal Education Systems across the world and is highly pertinent for the rapidly evolving society of India.

The approaches of American Law schools have primarily focussed on two aspects of International Law: International Law as applicable to business and International Human Rights Law. These approaches have been determined by their relevance to their business and political thought process. In order for us to draw an indigenized strategy based on the study of their approaches requires us to contemplate on our business strengths and political beliefs.

In India the role of a lawyer and the purpose of the legal education were both narrowly constricted until the last few decades. The country's legal education system was originally envisaged with the objective of producing lawyers for courts.<sup>1</sup> However considering how times have changed, this objective has become a complete negation of what law and legal education stands for in today's era. There is an ever-increasing demand on the profession locally as well as globally. Now one regularly encounters new kinds of interests, pressures and stakeholders demanding newer kinds of services, advice and opinions.

To meet these challenges and to successfully convert them into opportunities one needs new kinds of professionals in the legal system. No doubt, this is an added responsibility for the institutes and universities creating these professionals. It is the combined responsibility for the entire legal education system. And so whether or not the Indian legal education system can cope with these challenges and harness them into opportunities needs to be examined.

The Indian legal profession is perhaps among the largest in the world, second only to US. However in terms of ratio of lawyers to the size of the country's population, there is still much to be achieved. The setting up of the National Law Universities in Bangalore was a step forward in this direction. It brought hopes and positive results in making legal education more qualitatively and professionally attractive for young minds. A dozen other universities were established to replicate the success.

However, merely establishing such universities is no guarantee to success. It is significant to note that these law schools have only been able to produce a few good quality lawyers, which was something the traditional system could boast of despite structural inferiority. Chief

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<sup>1</sup> Mool Chand Sharma, "An Ever Changing Battle of Writs", TIMES OF INDIA HIGHER EDUCATION, 2009, p. 137.

Justice A.M.Ahmadi pointed out in one of his lecture, "I think we have waited long enough to repair the cracks of the Legal Education system of this country and it is high time that we rise from our arm chairs and start the repair work in right earnest."<sup>2</sup> The reforms in Legal Education system have been long overdue.

In order to make Indian legal education relevant to the changes brought by the phenomenon of Globalization, reforms proposed need to be on two fundamental axes:

1. Development of curriculum which works in synergy with the flourishing IT and IT-enabled services industry
2. Development of curriculum which allows us to work towards promoting a more equitable regime of Globalization

The first axes can be addressed by following approaches similar to those followed by the American universities i.e. development of Joint-Degree programs which include Engineering and Law or Biotechnology and Law. We should consider establishing Centres of excellence for researching IP protection and associated challenges for the Indian IT industry.

The second axes can be addressed by encouraging exchange programs at student and faculty level with other emerging economies like Brazil, South Africa, Turkey and other under-developed countries in the African and Asian subcontinent. These would give us a firsthand experience of challenges faced by nations due to the current framework of Globalization which has been designed by First world countries in order to primarily protect and benefit their economies. These recommendations are also echoed by the National Knowledge Commission-2005 in its report on reform of the legal education system in India:

1. The development of contemporary curriculum, which is integrated with other
2. the curricula and syllabi must be based in a multi disciplinary body of social science and scientific knowledge
3. Curriculum development should include modernizing clinic courses
4. With the advent of globalization, it has become increasingly important to include international and comparative law perspectives

Lastly the most important recommendation is for the change in the stance of Bar Council of India on the regulatory barriers it has erected towards the cross-border trade in legal services

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<sup>2</sup> Dyutimoy Mukherjee, "Law Schools and Legal Education in India"

and legal education. Globalization is an irreversible process and as the juggernaut rolls the economic pressures will force the barriers to come down. Competition from lawyers abroad might just be right catalyst which will trigger the reaction which leads to meaningful reform in this sector.

## **CONCLUSION**

Unlike in the past and in most cases even presently when legal education is considered and imparted as a single isolated branch of professional knowledge and training, if the challenges and opportunities emerging from today's scenario have to be met then legal education necessarily has to take multidisciplinary, multi experienced and multi acted approach. No doubt it is a great call, but it is crucial if legal education has to produce competent and for so it is important for them to learn about knowledge say such as: economics, politics, life science, biotechnology etc. A competent lawyer would need to relate and use such information and knowledge and disciplines and as to how these are influencing the law, how can law be used by these disciplines to their and humanity's advantage, how can law be applied and argued to resolve many contentions, conflicts and issues that emerging new knowledge in different branches are bringing along. This new kind of lawyering and legal education would necessarily demand from learners and Practitioners to know not only local legal normative legal regimes but also to acquire knowledge of different systems with comparative perspective. If today's and future lawyers do not understand the underpinnings of developments which though may occur in one geographic territory, but have global or regional impact, such a lawyer would be badly wanting in a fastly growing and globally competitive legal profession, particularly when GATS and other such global arrangements are aiming at providing character to profession and lawyering. If we do not respond or ignore these challenges, we will soon find Western and European legal professions taking over the best potential and minds from Indian legal profession by hiring their acumen at much lower costs. We do not want to build a case of imaginary ghost taking away spirit of Indian legal profession, we are simply narrating the likelihood of such scene enacted if we do not awake or refuse to live in illusions. The best way to reform, invigorate and revolutionise legal education is to shun policy of isolated approach and adopt multi-disciplinary and multi-experience approach to law learning and lawyering.

Legal education must aim at preparing legal professionals who will play decisive leadership roles, not only as advocates practising in courts, but also as academics, legislators, judges, policy makers, public officials, civil society activists as well as legal counsel in the private

sector, maintaining the highest standards of professional ethics. Legal education should also prepare professionals equipped to meet the new challenges and dimensions of internationalization, where the nature and organization of law and legal practice are undergoing a paradigm shift.

However, to achieve all this, a law student needs commitment, dedication, habit of working hard and enjoying the same, an enquiring and challenging mind. However, which other discipline does not require all these above mentioned traits? In addition to above what makes a lawyer distinct is the art of listening, analysing, assimilating and above all imagining ideas and creating new structural thoughts.

A lawyer must have a focused approach but that does not mean a narrow approach. A lawyer must know as much of history, literature and art and music as he should know about IPC, CrPC, because it appears that law is a greater challenge than even physics or chemistry because in physics or chemistry you have a define sub stratum but not in law. Agreed law is a normative discipline but who informs and provides content to these norms- it is only life's experience which is constantly and consistently in the process of change that shapes these norms. Hence taking wider and holistic view of life's experience is a key to a prospective lawyer.

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