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Professor (Dr.) Harpeet Kaur, *Prologue,* 11(1) NLUJ L. REV. 1 (2025)

PROLOGUE

~ *Professor (Dr.) Harpreet Kaur* [*]

Being one of the three largest higher education systems of the world, Indian higher education system must gear up for meeting global standards of not only quality education but providing access to higher education too. The National Education Policy (2020) aimed for improving gross enrolment ratio and bring Indian universities into the top global rankings. Legal Education too is required to match up with global standards and being an integral part of access to justice machinery should take necessary steps in this regard.

A transformative vision for legal education was set in motion by the Hon'ble Prime Minister on April 30, 2022 — a moment that, unbeknownst to many, would spark sweeping changes across the legal landscape. It culminated in the circular issued by Bar Council of India on May 20, 2024, which amounted to a call to action for law schools to evolve with the times and embrace pivotal reforms.

Amid such transformative shifts in legal education, NLUJ Law Review proudly unveils Special Issue 11.1 — a landmark edition featuring visionary perspectives from the Vice Chancellors of esteemed law institutions on *"The Future of Legal Education in India."* This issue provides a

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timely and thought-provoking examination of how legal education in India can embrace progress, and adapt to the dawn of the new era.

The factors that have influenced the shift in legal education majorly include globalisation, multidisciplinary learning, and the enhanced role of technology as a tool of delivery. Particularly, a common recurring theme is the incorporation of technology in the form of artificial intelligence into legal education. This issue aims to furnish discourse on the broad scope of how legal education can evolve with technological developments, and the need to work conjunctively to adapt to a rapidly changing world.

Another common theme explored is the need for an interdisciplinary approach to the study of law. The contributors argue that a legal education system confined to traditional boundaries cannot adequately prepare students for the complexities of contemporary legal issues. By integrating fields such as business, healthcare, technology etc., students can address complex issues emerging from societal challenges.

The emphasis on social justice and the necessity of democratising access to legal education is another recurrent subject. Making legal education more accessible is crucial, in order to give underprivileged groups, the chance to participate in and gain from the legal system.

Furthermore, on the internationalisation of legal education, the contributors have recommended various strategies that Indian law schools can follow, such as altering curriculum to meet with international

expectations while preserving our indigenous legal practices, to match with the tenets of the fast-changing legal world.

Lastly, contributors have also examined ideas on policy and regulatory frameworks by considering the need for the Bar Council Regulations to evolve with the times, with emphasis on practical experience.

This special issue, thus, aims to provide a roadmap in finalising the legal education reform agenda in India. By addressing the need to integrate technology into legal education, achieve social justice and promote multidisciplinary approaches to legal education, the contributors urge for a reimagination of legal education in India.

We extend our deepest gratitude to all the Vice Chancellors who have contributed to this landmark edition, aimed at shaping legal education to be more inclusive, flexible, and future-oriented.

Professor (Dr.) Ranbir Singh, *Access to Justice: Unmet Social Needs and Legal Education,* 11(1) NLUJ L. REV. 4 (2025)

ACCESS TO JUSTICE: UNMET SOCIAL NEEDS AND LEGAL EDUCATION

~ *Professor (Dr.) Ranbir Singh*[*]

ABSTRACT

Legal education has always been instrumental in shaping societies and nurturing leaders, advocates as well as reformers. The pivotal role of the legal profession in securing freedom and advocating justice cannot be ignored. However, the persistent disparity between the promises of social justice and the realities of access to justice remains a pressing concern. While law schools are entrusted with preparing legal professionals, their relevance is often questioned for failing to address the socio-economic inequalities that plague society. Bridging this gap requires a transformative approach that prioritizes inclusivity, social responsibility, and experiential learning.

This article examines the shortcomings of the Indian legal education system in addressing the prevalent issues and emphasises the need to restructure the same, focussing more on access of justice to all. It further highlights the importance of legal aid clinics for both students as well as empowerment of the community. Finally, this article addresses the need to integrate real-world legal issues into academic training in order to tackle these systemic inequalities and underscores the potential of the education system to act as a catalyst for social justice.

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I. INTRODUCTION

Legal education in India, like other countries, forms an important and integral part of the educational system. The Bar has, in all ages and countries, gradually fascinated the ambitious and the adventurous, and it has thrown up or produced, relatively speaking, the largest number of great men in public life and leaders in the battle for freedom. It has been the nursery of great judges, orators, statesmen, and even revolutionaries. The history of our independence movement, if impartially written, will devote more pages to lawyers than to the votaries of any other vocation.

In order for the legal profession and legal education to realise the principles outlined in the Constitution of India and attain social, economic, and political justice, the nation's legal education system ought to have completely changed after independence. Alas! Such change was not undertaken at the appropriate time to support and foster the ideology of social justice outlined in the Constitution. Thus, legal education as well as the legal profession have not been able to fulfil their potential as an effective vehicle of justice.

The entire system is in a state of deep slumber and the much-desired reforms remain in a state of suspended animation, thus leaving us to face the challenging decades ahead. Perhaps, we should constantly remind ourselves of the simple fact that the Indian Republic is the most daring and therefore the most difficult experiment in democracy. In the course of this experiment, the real challenge is largely on legal education and the legal profession, because people see lawyers as 'more equal' than themselves. Indians view lawyers as defenders of their liberties and rights.

The legal profession must fight against exploitation and injustice while also supporting legislative development and reform for the benefit of the underprivileged and impoverished. Lawyers have an immense amount of responsibility since they must contribute to the happiness of the nation's "other people" and mankind in addition to their own pocketbook, which is undoubtedly necessary for their survival.

This is the assumption on which the modern foundation of any legal education has to be built if it has to serve any meaningful objective. A radical change is desired in the present form and content of legal education because:

"*A strong, independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but it's very pluralism and creativeness make it capable of both enormous progress and of debilitating conflicts that can blunt all semblance of order. One role of the lawyer in a common law system is to be a balance wheel, a harmonizer, a reconciler. He must be more than simply a skilled legal mechanic. He must be that but in a larger sense he must also be a legal architect, engineer, builder and, from time to time, an inventor as well.*"[1]

Law schools have to prepare their law students in such a way that they become the 'frontier men' of legal education. On them lies the responsibility to liberate legal education from its limited vision and to prepare them to place their skills at the service of the people. This social push will produce great changes in the life of the common man who stands to benefit from the empowering role of law.

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[1] K. IYER J, THE SOCIAL DIMENSIONS OF LAW AND JUSTICE IN CONTEMPORARY INDIA – THE DYNAMICS OF A NEW JURISPRUDENCES 1 (All India Reporter 1979).

In the present times, there is a need to bring law close to the people so that it is able to appreciate, understand and solve the problems of the child, the women, the downtrodden, the weak, the weakest, and also the underprivileged sections of society. There has to be a radical change not only in thinking of budding lawyers but also in the way they have to look at their profession and implement the law. Unless this is done, unless it is achieved, the goal of social justice will be a far cry. In this direction, the role of law schools becomes important and pivotal.

The goal of legal education should align with the pledge of Nehru, when India got freedom, that is:

"*The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease an inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.*"[2]

But even after 75 years of independence, the poor man stares at the face of mankind and asks why he is invisible to the affluent eye of the law? Should all this not kindle the law teachers' interest and prompt research for improving the plight of the neglected sections of society? All such research and development must be poverty-oriented. It is apt to remind ourselves what Robert F. Kennedy, in his address on Law Duty in Chicago way back in 1964, observed:

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[2] GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 26 (Oxford India Press 1972).

"To the poor man, 'legal' has become a synonym simply for technicalities and obstruction, not for that which is to be respected. The poor man looks upon the law as an enemy, not as a friend. For him the law is always taking something away."

First, we have to make law less complex and more workable. Lawyers have been paid well, to proliferate subtleties and complexities. It is about time we brought our intellectual resources to bear on eliminating some of those intricacies. A wealthy client can pay counsel to unravel – or to create – complex tangle of questions concerning divorce, conflict of laws and full faith and credit in order to straighten out – or cast doubt upon – certain custody and support obligations. It makes no kind of sense to have to go through similarly complex legal mazes to determine whether Mrs. Jones should have been denied social security or Aid to Dependent Children benefits. To put a price tag on justice may be to deny it.

Second, we have to begin asserting rights which the poor have always had in theory – but which they have never been able to assert on their own behalf. Unasserted, unknown, unavailable rights are no rights at all.[3] Law schools, through their teaching, have to strive to attain equality in the true sense – an equality which calls for social justice. If law has to be just; it must serve both the objective and purpose. The function of law has to be for resolution of complex problems in society. Krishna Iyer, J. aptly describes it, *"but we have 'miles to go' and have many 'promises to keep'. I am aware that a revolution through the rule of law, balancing comparative stability with goal-spurred change has a gap between gestation and parturition, but where the whole gamut*

[3] Iyer, *supra* note 1, at 6.

of technology and technologists is not inspired by the shared passion for the people, law – with a heart that weeps for the poor, hands that wipe their tears, and heads that plan remedies for their maladies – may not be within reach. This is the dilemma of Indian law in the context of development and distributive justice".[4]

The present-day crisis of legal education is that, the very existence of the legal education system falls prey to harsh criticism. Legal systems are being challenged and are faced with queries like – Does it bring justice? Does it serve the needs of the people or is it only protecting those who wield political and economic power? Is the law there to protect and promote the class interests of the privileged few?

Again, if we ask, 'What is law?' Lawmen may answer, 'Not justice'. And if we ask, 'What is justice?' radical humanists answer, 'Not law'. This also shows the crisis that grips our times and makes many groups— the angry young, the neglected old, the exploited many, and the thinking few— question, 'What is law if it is not justice? Why is law not dead if it upholds injustice?'. From these basic interrogations flame forth, as from the burning embers of the Old Order, a New Order based on a New Jurisprudence – socially relevant and purposive.[5]

It is no longer acceptable for law schools to silently standby as the masses suffer. In the current socioeconomic climate, they must learn to actively combat the injustices that impoverished people face, to fight for the suffering masses and those in need. In order to transform law into a

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[4] K.IYER, J.LAW, SOCIETY AND COLLECTIVE CONSCIOUSNESS 123 (Allied Publishers 1982).

[5] K.IYER, J, SOME HALF-HIDDEN ASPECTS OF INDIAN SOCIAL JUSTICE 9 (Eastern Book Company 1980).

vehicle for socioeconomic change, law schools must rise to the occasion, accept the task, and devise requisite means and tools.

The students of law now have to know what is poverty of the people? How do people still survive on a single meal or on discarded food? Why do people face the winter with their blood? Why are they still subjected to untouchability and many more social maladies and inequalities? The law schools should wage a war against socio-economic exploitation of the neglected masses.

Ancient India was a great social welfare state that believed in the supreme authority of law. According to the Upanishads, the State originated in the Heavens as a result of a contract. Its objective was to promote security and self-sufficiency of all its members, ensure the satisfaction of all needs, and supply the conveniences of life.[6] Under the Hindu system of law, even a weak man could rule over a stronger one with the help of the law, just as he could with the support of a king. This law is considered synonymous with truth; if a man declares what is true, it is said he declares the law, and if he declares the law, it is said he declares what is true. Both are one and the same. Let modern-day legal education not forget the old heritage and method of law, namely, justice for the weak and poor.

The law schools of today have to awaken and rise to the call of Justice Krishna Iyer: "*The administrative machinery obstructs, obfuscates, and half-heartedly moves, making progressive legislation mere 'teasing illusion' and court justice with its expensive slow-making, over-formalised, and complex processual technology*

[6] Satpath Brahman III, 4.3, 1-2.

tantalizes with 'a promise of unreality'. Social justice, in a sardonic sense, has been a casualty through this silver-jubilee span of years, and a transformation through the law, before a confusion against the law overtakes us, is the counsel of wisdom and statesmanship, and that precisely, is the conscience of the judicare programme of the Legal Aid and Advice Council. We are all on trial and the People are the Judges and the Rulers. Let us awake. For, the watershed of revolution is near. The relevance of Legal Aid to the Weak can be appreciated only in this unorthodox backdrop. It is not charity but right; it is not option but compulsion, it is not non-plan item but basic to the working of all Plans. It is not a government programme but a people's movement. It expresses a new ethos which puts into operation what Jawaharlal Nehru finely underscored at the International Jurists' Meet nearly twenty years ago; the rule of law shall run close to the rule of life. And the rule of life is seen in the city slums, in the squalor of rural life and in the penury that cramps the millions."[7]

This paper deals with the inequality present in society with respect to justice and how certain gaps must be filled in the current system of legal education to bridge such inequalities. Part II of this paper deals with the potential role that law schools can play in bridging the disparity between rich and poor with regards to access to justice. Part III delves into the role that legal service clinics in law school can play with regards to improving the legal education course. Part IV further analyses the useful role played by legal service clinics. The final segment of the paper, Part V, deals with the pressing need to sensitise law students and open their eyes to the realities of societies.

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[7] Iyer, *supra* note 1, at 60.

A. ROLE OF LAW SCHOOLS

The first and foremost task and greatest challenge that law schools are facing is to identify the problems faced by society, especially the underprivileged. They have to identify the poverty and the poor. There are countries in the world where the poor are denied basic human rights-food, shelter and clothes. The starvation deaths in Somalia and parts of other countries of the world are a slur on mankind and a violation of human rights. In the case of the poor, it is the lack of opportunity and a state of helplessness to fight hostile forces, the forces of unlawful and the exploitative elements present in the society. In fact, the poor face the highest order of injustice. The poor, because of their poverty, are put in a situation where they feel that equality and freedom are rights which are solely to be enjoyed by the privileged and the few. The underprivileged who fail to earn their daily living cannot stand up in cases of injustice. These people are robbed of their dignity, freedom and democracy and are reduced to a symbol of exploitation. The law school have to make an honest attempt to find answers to these questions. They have to have adequate knowledge of people and their problems and thereby have to strive hard to solve these problems through the instrumentalities of law.

The fundamental guarantees and social justice have no meaning for the indigent, who is incapable of protecting himself through the courts of law because of the expensive cost of justice. It is in this sense that justice becomes the monopoly of the few, the rich, the affluent and the underprivileged remain with hardly any access to justice. The slogan "*equal justice is lost in the voice of the rich and the poor remains unheard*". Law schools

have to voice the responses of the poor and make the voices of these people, especially the indigent and underprivileged, heard in courts. They must provide them not only access to justice but also justice in the real sense of the word without which the fundamental guarantees and all other rights enshrined in various constitutions which guarantee justice, socio-economic and political rights would be a teasing illusion unable to serve the cause for which they are meant.

It is in this context that the problem of equal access to justice should acquire a place of prominence in the curriculum of law schools. A serious effort must be made to ensure that everyone is able to make full use of the law and its institutions. Law should not function as a commodity that can be bought only by those who can afford it. In situations where individuals are unable to afford legal services due to their disadvantaged position, law schools must step in to assist them and ensure they can equally enjoy the social, economic, and political rights enshrined in the Constitution. The law schools have to dismantle the barriers between the common man and justice by amplifying the scope of their studies in this direction. Though human society is undoubtedly full of inequalities, and it is true that all humans are not equal, society cannot afford to discriminate between the rich and the poor, master and the servant, employer and the employee, landlord and the tenant, landowner and the landless, privileged and underprivileged and the strong and the weak. The natural tendency of the strong to the weak must disappear if the law and legal order are to survive and if the rule of law is to have any real meaning. The toiling masses can no longer be exploited, despite the

fact that numerous welfare laws exist. Unnatural inequalities must be condemned and corrected. Human society will not progress unless such artificial and unjust social arrangements are dismantled, and the barricades they create in society are broken.

B. LEGAL SERVICES (LEGAL AID) CLINICS IN LAW SCHOOLS

Legal services clinics in law schools can go a long way towards improving the content of legal education for law students and preparing them for the practice of law. The programme of student participation in the legal services clinics would typically entail tasks such as interviewing, applications for legal aid, preparing detailed reports on these interviews, research into the legal issues raised, drafting of pleadings and such further pre-trial preparations as the programme may design.

Under appropriate supervision, students can present and defend cases in public court on behalf of indigent clients through legal services programmes in a number of nations, including the United States, Latin America, Zambia, and Indonesia. These programs take students out of the abstractions of lecture halls and textbooks and immerse them in the real-world settings of lawyers, judges, prisoners, police, court clerks, litigants, and the diverse mix of individuals who populate courtrooms worldwide. The students gain exposure to actual cases and the challenges lawyers face in dealing with litigants. They also have the opportunity to develop essential skills such as interviewing and the close analysis of legal problems. By participating in pre-trial preparations, including drafting pleadings and observing the conduct of cases, students become familiar with the intricacies of court procedure and court craft. When interviewing

prisoners seeking legal aid, law students often see the inside of a prison for the first time- an important and sobering experience that is bound to have a humanizing effect on them. In addition, litigation strategy, including the crucial skills of examination and cross-examination of witnesses, the handling of evidence, the skills of oral advocacy – all these come within the scope of their education.

It is true that these practical skills could also be learnt by them when they start practicing, but that would be by a process of trial and error and often at the cost of the litigant. But in a programme of clinical legal education in legal services clinics, these skills are acquired by law students under proper supervision of experienced law teachers and practitioners whose primary task is to educate them. The essence of a clinical education programme lies in client supervision so that the students learn and acquire practical skills in a proper and satisfactory manner. It is preferable for law students to develop the skills required in the legal marketplace and to shape their personal outlook on their role as lawyers while still in law school as this is when they can draw upon the advice and experience of law teachers and practitioners in a relatively quiet and untroubled atmosphere, instead of under the pressures of economic necessity and professional rivalry.[8]

There is no doubt that the participation of young law students in addressing the legal problems of the poor is bound to be rewarding. It will provide law students with a social orientation, helping them appreciate the

[8] MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS, GOV'T. OF INDIA, REPORT ON NATIONAL JURIDICARE: EQUAL JUSTICE, 66, (1977).

social role that law has to fulfil. Law is not merely a tool or a means for earning livelihood, but it is an instrument of social engineering through which the problems of the poor can be resolved. It can also be used to reintegrate the poor, who are otherwise alienated and disoriented from the legal process, back within its fold. The law students who are instructed in 'poverty law' will become better lawyers, more useful to society. The involvement of law students in legal services programs will also broaden the interest of law professors and stimulate increased scholarship in the poor man's problems. Greater attention will be paid to issues that affect the underprivileged segments of society. Law teachers, legal researchers and law students, once harnessed to the process of legal aid, will produce spectacular and substantial results. The creative utilisation of law students in the country will also help reduce the burden on legal service institutions, with their financial and other resource limitations. It is of immense importance that Universities and Law Colleges implement schemes that aid in the conversion of the enthusiasm of law students into a potent resource on behalf of the poor and indigent.[9]

C. LEGAL SERVICES CLINICS CAN PLAY USEFUL ROLE

It has been found, from the experience of student-run legal service clinics in other countries that, given significant and responsible work, which is professionally challenging, students always respond with enthusiasm and with surprising professional competence. In fact, the scope of the quantitative contribution of students to a legal services scheme depends in large part on the extent of the responsibility the

[9] *Id.*

scheme is prepared to place in students' hands. Where students have been permitted to appear in courts under supervision, it has been possible for the scheme to expand the total number of cases it is capable of handling to a significant extent. Even where students are not allowed a right of supervised appearance in court and students work is limited to interviewing, report writing and pre-trial preparations, these activities can provide a professionally challenging experience for students.[10]

D. SENSITISING THE STUDENTS

The students of law in colleges and universities are in the prime of their youth. They are full of energy and this should be properly channelised and used for productive activities. The young man is still full of ideals and also a zeal for social services. Law schools must devise strategies to make the best possible use of this energy as it is the best human resource. Students must be prepared for the responsibilities of the future. They must be made aware of the society; the problems society is faced with and other dogmas and contradictions present in society. The idea, that law students are real social reformers must be nurtured and infused in their minds so that they take the profession of a lawyer not to be a business, but a mission for mitigating the sufferings of billions of people in society.

This has to be the role of the students, so that they can be sensitised about the realities of life even in villages since the vast majority of the population in India and in many more countries of the world live in the villages and the countryside. The law students will appreciate and

[10] *Id.*

understand the magnitude of the problems of the poor only when they go to them, live with them and listen to their vows and share their sorrows and sufferings. Only this will arouse in them a feeling for the neglected people living in abject poverty far from the fruits of modern technologies and life. The experience which they will get will stir their minds and they will be more responsive to the social needs of the underprivileged when they enter their profession. Let us not forget every lawyer owes a debt to the society which he must repay in return through social services. The observations of Smith are very pertinent:

"In all their work, they (Legal Aid Societies) are relieving the bar of a heavy burden by performing for the bar its legal and ethical obligation to see that no one shall suffer injustice through inability, because of poverty, to obtain needed legal advice and assistance. Each case which a legal aid organisation undertakes puts the bar in debt to it, for in the conduct of the case, it is doing the work of the bar for the bar". [11]

The students of law who desire to be future lawyers must be prepared to take on a special role in society. They must be trained and moulded to be good advocates, good judges, good legislators and above all, good human beings so that they are able to:

- Understand not only legal rules but also the socio-economic and political backgrounds in which they were framed;
- Understand judicial, legislative and administrative institutions and their true role in society;

[11] R. SMITH, JUSTICE AND THE POOR 243, (Arno Press 1972).

- Understand a lawyer's skill, which is not restricted to investigating, interviewing, drafting and negotiating, but also extends to helping, counselling and mediating etc;
- Understand the problems of a common man and be concerned about them;
- Understand their duties not only towards their clients, the courts and fellow lawyers, but also to society, especially the underprivileged;
- Understand not only the theory and mechanism of disputes settlement machinery, but also take part in providing access to justice through non-judicial dispute resolution mechanism through legal aid and people's courts;
- Understand law and also come up with suggestions to reform it so that the law is more humane;
- Understand the importance of good legal education programmes like legal aid;
- Understand the importance of imparting training to para-legals for bringing legal awareness in the society;
- Understand the problems of the poor, the deprived and the handicapped, the downtrodden and the under privileged so that, in them, the poor man finds a true friend and a real helper;
- Understand legislation and whenever social legislation is found defective in practice or procedural provisions too tangled, dilatory and expensive, reform can and should be proposed by law schools;

- Understand poverty programmes in the field of law and provide all possible help in them; and
- Understand that peaceful fights in course will siphon off violent fights in the streets.[12]

Chief Justice Stone was right when he said that the character of the Bar is determined by the character of the law schools.[13] The words of Vivekananda run in a similar vein when he held that as long as a majority of the population grappled with hunger and ignorance, every individual who was educated at their expense and turned a blind eye to these impoverished millions would be considered a traitor.[14] Thus, law schools must make constant endeavour to prepare sensitised advocates, who are dedicated servants of humanity and who are, in the words of Justice Krishna Iyer "Development Lawyers".

The search for an alternative educational process is best captured by Paul Freire, Brazilian philosopher and educator, in his book *"Pedagogy of the Oppressed"* where he advocated abandoning the 'educational goad of deposit making'. He wanted it to be replaced with 'problem-posing education in which the learners reflect on their relations with the world'. According to him, deposit making or banking education resists dialogue, treats students as objects, inhibits creativity and this dehumanizes the learner. In the banking approach, the educator's role is to the fill the students by making deposits of information which he considers to

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[12] Dr. Rajesh S. Vyas, *Legal Education in India: Opportunities and Challenges*, 1 INTERNATIONAL JOURNAL OF RESEARCH IN HUMANITIES AND SOCIAL SCIENCES (2013).
[13] Harlan F. Stone, *The Public Influence of the Bar*, 48 HARVARD L. REV. (1934).
[14] RAMAKRISHNA MATH, THUS SPAKE VIVEKANANDA, 1982.

constitute through knowledge. In contrast, problem-posing education bases itself on creativity and stimulates true reflection and action upon reality. *"Problem – posing education enables teachers and students to become subjects of the educational process by overcoming authoritarianism and an alienating intellectualism."*[15]

Vivekananda rightly said, *"the ideal of all education, all training, should be…main-making. Education is not the amount of information that is put into your brain and runs rot there, undigested, all your life. We must have life-building, man-making, character-making assimilation of ideas. If you have assimilated five ideas and make them your life and character, you have more education than any man who has got by heart a whole library. 'The ass carrying its load of sandalwood knows only the weight and not the value of the sandalwood'. If education is identical with information, the libraries are the greater sages in the world, and encyclopaedias are the Rishis. Another thing that we want is the abolition of that system which aims at educating our boys in the same manner is that of the man who battered his ass, being advised that it could thereby be turned into a horse. You see, no one can teach anybody. The teacher spoils everything by thinking that he is teaching. Rig……. Vedanta says that within man is all knowledge – even in a boy it is so – and it requires only an awakening, and that much is the work of a teacher. You cannot teach a child any more than you can grow a plant. All you can do is on the negative side – you can only help. You can take away the obstacles, but knowledge comes out of its own nature. Loosen the soil a little, so that it may come out easily. Put a hedge around it; see that it is not killed by anything, and there your work stops. You cannot do anything else. The rest is a*

[15] PAUL FRIERE, PEDAGOGY OF THE OPPRESSED, 52 (Bloomsbury Publishing USA 2014).

manifestation from within its own nature. So, with the education of a child; a child educates itself."[16]

The controversy in the legal profession regarding the goal of legal education – one section holding it to be strictly concerned with legal practitioners who are experts in litigation-oriented skills – while another section advocating a wider role in which the lawyers is equated with divergent skills, perspectives and tools with a view to make him a policy maker, a law reformer and social engineer. This controversy must cease to exist in the present-day socio-economic structure, the role of the traditional lawyer is outdated and the new role of the lawyers as a social reformer must come to the forefront, so that the system of legal education becomes more reformative and objective through its multi-disciplinary research concerned with the lot of the neglected. Legal education in the present-day scenario must not only become intellectually challenging and professionally competent but also socially more relevant, if it has to command respect and has to provide a just and equitable social order where rule of law will govern the rule of life.

Law Institutes should be committed to upholding the sacred object of the Legal Services Authority Act. The main objective is to sensitise students of law to the problems of the society especially "*we the other people of India*", "the invisibles" who are yet to achieve freedom in free India. These objectives are to be achieved through socially relevant and purposive academic packages of studies which offer Research Project

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[16] Dr. Shweta Smrita Soy*, NEP 2020 In Light of Swami Vivekananda's Educational Philosophy: An Analysis*, 5 INT'L J. FOR MULTIDISCIPLINARY RESEARCH (2023).

writing to the students of law from the first year itself. The idea is to prepare the students, to be alive to the unmet social needs of the society and also to prepare and make them aware of the interface between law, society and life.

Empirical surveys, studies and other programmes help the students in closely interacting with the problems of the poor, old, aged, women, children, etc., so that the students through in-house clinical legal education programmes are opened to the realities of the poor strata in India. The ultimate object being, it would be easy to transform the young minds as a human resource for providing justice, social, economic and political, which is the corner stone of India's constitution. The lawyer of tomorrow trained in the law schools of today has to be an active partner and agent in the speedy dispensation of justice programme launched by the State, through its legal services in the country, if the manifesto of '**Justice to all**' and '**equal access to justice**' is to become a living reality and not only a teasing illusion even after 62 years of India's independence.

II. CONCLUSION

Legal education, like Greek wisdom should not only grow and blossom, but also bear fruits. Legal education has to be a guarantee for better arrangement for the poor for providing access to justice. It has to meet the challenges of tomorrow and it has to be an education by 'objectives', legal education sans objectives will neither serve the students nor the society in the long run. It is the first duty of the law schools to identity the objectives and strive hard to attain those objectives. We can

no longer ignore poverty, pains and sufferings of the weak, downtrodden and the under-privileged. We have to understand their plight and stand by their side. The vast gap has to be bridged through personal, though the task is enormous but the famous Chinese proverb provides the answer;

"Even a journey of thousand
Miles begins with a single step"

Let us take the pledge and abide by what Vivekananda, the great saint of India, who said, 'arise, awake and stop not till the goal is reached.[17] The goal is the man:

Bowed by the weight of centuries he leans
upon his hoe and gazes on the ground
The emptiness of age on his face,
And on his back the burden of the world.[18]

Let every law school come together and make a commitment to help eliminate inequality and build a just community founded on a fair and just social structure. It is true that the quest is laborious, but it is worthwhile in order to restore India to a functioning democracy and to reclaim the "paradise lost" before it is too late.

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[17] Gargi Nandwana, *UPSC Essentials | This Quote Means: 'Arise, awake, and stop not till the goal is reached' by Swami Vivekananda*, THE INDIAN EXPRESS (Jan. 15, 2023), https://indianexpress.com/article/explained/upsc-essentials-this-quote-means-arise-awake-and-stop-not-vivekananda-meaning-8383474/.

[18] Edwin Markhan, *The Man with the Hoe*, POETRY FOUNDATION https://www.poetryfoundation.org/poems/47948/the-man-with-the-hoe.

Ultimately, the aim of teaching is not merely to increase the student's knowledge, but also to teach, develop and enhance transferable personal skills, in oral and written communication and self-presentation, team work analysis and problem solving – all applicable not only in the workplace, but also in everyday life. So, the endeavour of National Law University Delhi is to bring the best lawyer out already present in all our students.

> *"The teacher who walks in the shadow of the temple, among his followers, gives not of his wisdom but rather of his faith and his lovingness. If he is indeed wise, he does not bid you enter the house of his wisdom, but rather leads you to the threshold of your own-mind."*
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> **~ Kahlil Gibran** on **Teaching**.[19]

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[19] Kahlil Gibran, "The Prophet: On Teaching" (2021).

Professor (Dr.) G. S. Bajpai, *The Future of Legal Education in India: Interdisciplinary Approaches to Legal Studies,* 11(1) NLUJ L. REV. 27 (2025)

THE FUTURE OF LEGAL EDUCATION IN INDIA: INTERDISCIPLINARY APPROACHES TO LEGAL STUDIES

~ Professor (Dr.) G. S. Bajpai[*]

ABSTRACT

The prime objective of legal education is to foster justice and equip students with the knowledge and skills necessary to excel in diverse fields within a constantly evolving society. Law, being an interdisciplinary field of study that impacts the standing of the legal profession directly, must therefore, entail high quality education, research, training, and practice in cross-disciplinary fields. As a resilient system of legal education underpins the foundation for a robust legal system, law schools are responsible for providing high-quality, integrative legal education that prepares future legal professionals to effectively cope up with the challenges of emerging areas of law. Over the years, the legal profession has successfully drawn highly qualified and talented individuals. However, the benefits of interdisciplinary approaches have been slow to permeate legal education, creating the need for an adaptive and innovative academic approach to prepare future lawyers to comprehend new and emerging domains. The future of legal education is dynamic and enriching due to its integration with and adoption of interdisciplinary domains that enhance the quality of legal study and efficacy of legal practice.

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I. INTRODUCTION

India can lay claim to the privilege of holding one of the oldest and most advanced legal systems in Asia. Its doctrinal content is detailed, intricate and rich supported by a vast network of judicial institutions and legal professionals; with the legal culture deeply ingrained and widely dispersed among both rural and urban areas. However, while India needs to be taken seriously as a modern legal order, it does not imply that its legal system is in robust health.[1] With the proactive integration of innovative, indispensable, and evolving interdisciplinary approaches, India can gain a deeper understanding of the complexities of its legal framework in a way that enables it to realign its legal system and metamorphose itself into one that is responsive to societal needs, ensuring that justice is both effective and equitable in the face of ongoing national development.

Legal education is a valuable investment that can yield significant benefits for the nation and accelerate the pace of development. A well-structured and socially relevant legal education is pivotal for proper dispensation of justice. Legal education determines the quality of the judiciary and significantly impacts the rule of law, democracy, and socio-economic development of the country.[2] The continuously expanding scope and ambit of law can be attributed to the ever-changing requirements of society. Accordingly, the legal profession and its practice

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[1] OLIVER MENDELSOHN, LAW AND SOCIAL TRANSFORMATION IN INDIA 161 (Oxford University Press 2014).
[2] R. Segal & S.R. Bhosale, *Legal Education in India: Restructuring and Reshaping,* INDIAN BAR REV. 37 (1999).

are undergoing newer permutations and combinations of diverse disciplines interlaced into a single form.

Due to the intersection of interdisciplinary approaches in legal education, today's law professionals have numerous options beyond conventional litigation. Students who are prepared to tackle multi-disciplinary issues will find it easier to deal with emerging facets of law in the future. Law educators, however, typically hold a static conception of law, wherein legal education is imparted through the lecture method that hinges on a systematic presentation and mere verbal analysis of the existing structure of rules and doctrines without being critical of them. There is an acute lack of focus on the policies that underpin these rules and doctrines or on the processes through which the legal system modifies old rules and introduces new ones. While the teaching of foundational legal doctrines is an essential function of law schools, it is not their sole function.

Beyond teaching doctrines and techniques, there is a need for a system of legal training to be designed to help developing lawyers acquire skills that promote multi-disciplinary inquiry and practical understanding of problems. To address the realities of the emerging market, law schools must innovatively develop and revamp a system of legal education that promotes an interdisciplinary approach, to enable future legal professionals to engage in institutional changes and effectively tackle the emerging aspects of law in the future. In this regard, the teaching methodology used shall prove to be of paramount importance. While some faculties are making efforts to adopt more practice-oriented

approaches, most remain primarily lecture-based. National Law Universities emphasise multi-disciplinary inquiry and practical problem-solving, utilising interactive methods like the Socratic Method and case studies.[3] The Socratic Method encourages students to think critically by guiding them through a series of questions.[4] While lectures combined with these methods are effective, there is a need for more frequent and mandatory practical demonstrations, simulation exercises, moot courts, and mock trials. Such approaches foster a better understanding of legal issues, create an environment for students to learn experientially, and foster a creative and supportive learning environment.

Legal education must therefore, aim to provide a justice-oriented outcome that aligns with the values outlined in the Indian Constitution. It must foster a commitment to the highest professional ethics and a dedication to public service. To achieve these objectives, it is important for legal education to be broad-based, multidisciplinary, multifunctional, and contextually relevant. Although several law schools deliver quality education, a significant challenge remains in enhancing the standard of legal education in most institutions nationwide. This involves numerous measures, such as reforming the current regulatory framework, establishing research and training centres, hiring skilled and dedicated faculty, developing curricula that reflect the contemporary demands of the

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[3] KETAN MUKHIJA, SECOND GENERATION REFORMS IN LEGAL EDUCATION AND EMERGING TRENDS IN INDIAN LEGAL EDUCATION ARENA – A TRIBUTE TO PROFESSOR RANBIR SINGH, *in* LEGAL EDUCATION IN INDIA: ESSAYS IN HONOUR OF PROFESSOR RANBIR SINGH 521 (Lokendra Malik & Manish Arora eds., Universal Law Publishing 2014).

[4] SHANA CONNELL NOYES & HENRY S. NOYES, ACING YOUR FIRST YEAR OF LAW SCHOOL 27 (Fred B. Rothman 1999).

profession, and securing necessary financial assistance from the government. Legal education should equip students with both theoretical and practical skills necessary to deal with the diverse and evolving landscape of legal practice.

Furthermore, legal education must be socially engaged. Inculcating this aspect into education would entail introduction of programs which mandatorily introduce students to multifarious interdisciplinary challenges through clinical education, workshops, seminars, and legal aid programs. Faculty should include individuals with interdisciplinary training and direct experience with societal issues to engage with students in order to cultivate that interest and urge within them to learn and be involved with the profession in a manner that helps give-back to the society.[5] It is essential to evaluate and determine what should be taught, how and at what stage it should be taught, to gain better insights into the knowledge and skills lawyers deploy in practice.

The ongoing increase in the division of labour and the flourishing emphasis on nuanced specialisations within the legal profession indicates that law departments cannot serve as the exclusive or even the primary hub of pedagogy. It is crucial to strategically identify what students learn at university but do not apply in practice and what lawyers learn during apprenticeship and on job. Identifying these aspects marks a crucial step in the direction of answering an extremely abstract, yet relevant query: how can we enhance the effectiveness and efficiency of this learning, and

[5] A.R. LAKSHMANAN, LEGAL EDUCATION – ROLE OF THE BAR, LEGAL EDUCATION IN INDIA: ESSAYS IN HONOUR OF PROFESSOR RANBIR SINGH, 35-4 (Lokendra Malik & Manish Arora eds., Universal Law Publishing 2014).

how the cumulative acquisition of human capital impacts lawyers' careers?[6] For many lawyers, practicing law is a collaborative enterprise; therefore, legal education should also equip students for this practice of collaborative work.[7] Indeed, certain aspects of legal education, particularly interdisciplinary approaches, emphasise collaboration as an essential element of the educational journey.

In this article, the author attempts to answer this very question by delving into the concept of interdisciplinary approaches to legal education. In Part II, we trace the history of legal education in India to understand the various influences which gave shaped its developmental trajectory over the years. In Part III, we underscore the need for an interdisciplinary inquiry in the legal education and how it can be valuable for the progress of the profession. In Part IV, the author attempts to analyse how such a holistic and comprehensive approach impacts the skills and capabilities of students as future legal professionals and also refers to various pedagogical theories which endorse the same. Part V unravels the various challenges in the traditional manner of legal education which hinders interdisciplinary enquiry and part VI attempts to define the scope and depth that such interdisciplinary approach much go to in order to equip students for the future. Part VII addresses the possible turn legal

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[6] RICHARD L. ABEL, AN AGENDA FOR RESEARCH ON THE LEGAL PROFESSION AND LEGAL EDUCATION: ONE AMERICAN'S PERSPECTIVE, THE FUTURES OF LEGAL EDUCATION AND THE LEGAL PROFESSION 211 (Hilary Sommerlad et al. eds., Hart Publishing 2015).

[7] MARK TUSHNET, EVALUATING STUDENTS AS PREPARATION FOR THE PRACTICE OF LAW, *in* THE LEGAL SCHOLARSHIP AND EDUCATION 265 (Ashgate 2008).

education can take in future in India to make itself attune itself to interdisciplinarity and Part VIII concludes.

II. ADVANCEMENT OF LEGAL EDUCATION IN INDIA

The formal introduction of legal education in India began in 1857 with the establishment of three Presidency Colleges in Bombay, Calcutta, and Madras, where it was initially combined with social science subjects. By 1859, the significance of legal education was recognised with the inclusion of English legal systems and British laws relevant to India. The first need for reform came in 1885 from Justice Muthuswami Iyer,[8] who emphasised the need for a scientific approach to legal education rather than viewing it merely as an art based on technical rules.

Before the Constitution was adopted in 1950, numerous attempts were made to improve legal education in India, but these efforts were slow to materialise. Both provincial and national developments highlighted the issue, such as the 1935 U.P. Unemployment Committee Report by Hon'ble Sir Tej Bahadur Sapru, which noted that legal education did not hold the significance it deserved and its standards lagged behind other fields.[9] The 1949 Radhakrishnan Commission Report reinforced this view, stating that law colleges lacked esteem both nationally and internationally and that legal scholarship was not

[8] Standing Committee on Personnel Public Grievances, Law and Justice, *Strengthening legal education in view of emerging challenges before the legal profession*, *Joint Parliamentary Committee Report No. 142*, DIGITAL SANSAD, (2024).

[9] INDIA, REPORT OF THE TEJ BAHADUR SAPRU COMMITTEE, REPORT OF THE UNEMPLOYMENT COMMITTEE UNITED PROVINCES, 1935 71 (1936).

advanced.[10] A decade after the publication of the Radhakrishnan Commission Report, legal education had further worsened, with part-time teaching, overcrowded colleges, and inadequate infrastructure contributing to the decline in the status of legal education in the nation.

After India became a Republic, efforts to improve legal education intensified significantly. It was marked by two key developments: a significant increase in students pursuing law and sustained initiatives to enhance legal education standards.[11] There have been numerous Committees, Commissions, Study Groups and Working Papers to address these improvements. The All-India Bar Committee, in 1951, emphasised the necessity of a solid legal education system for a strong legal profession and judiciary. The All-India Bar Committee submitted its comprehensive report on March 30, 1953. This report proposed the establishment of a Bar Council for each state and an All-India Bar Council as the national apex body responsible for regulating the legal profession and overseeing the standards of legal education in India.[12]

In 1958, the First Law Commission of India conducted a comprehensive study on the state of legal education, dedicating a chapter on 'Legal Education' in its Report on 'Reforms of Judicial

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[10] GOV'T OF INDIA, MINISTRY OF EDUCATION, THE REPORT OF THE UNIVERSITY EDUCATION COMMISSION (DEC., 1948 – AUG., 1949) 224 (1962).
[11] LAW COMMISSION OF INDIA, REPORT NO. 184: THE LEGAL EDUCATION & PROFESSIONAL TRAINING AND PROPOSALS FOR AMENDMENTS TO THE ADVOCATES ACT, 1961 AND THE UNIVERSITY GRANTS COMMISSION ACT, 1956, ch. 2 (2002).
[12] *History,* BAR COUNCIL OF INDIA, https://www.barcouncilofindia.org/info/history.

Administration."[13] The Commission identified several deficiencies, including declining standards, the prevalence of part-time teachers and students, overcrowding in law colleges, and issues with instructional quality and exam evaluation. The Commission, by drawing on previous Reports of various Committees, and its own deliberations, recommended that a basic degree in Arts, Science or Commerce be a prerequisite for admission to the law programs. It also proposed a two-year law course after graduation to ensure students gain a solid understanding of legal theory and principles. The Law Commission's Report on legal education included 31 recommendations, notably advocating for an entrance test for law course admissions. This report was later discussed at the All-India Lawyers' Conference in March 1959, where the Committee on Legal Education resolved to establish a three-year law degree program.

The efforts to enhance legal education standards in India were significantly advanced by various universities. In 1962, the Legal Education Committee of Banaras Hindu University implemented major reforms, including a three-year LL.B. course, the introduction of a semester system, and the reorganisation of courses to better align with India's socio-economic context. The Gajendragadkar Committee of Delhi University, in its 1964 report, called for a comprehensive reorganisation of legal education, emphasising that its goal should be to produce not just educated citizens, but also professionals in law. The Committee recommended a three-year law course structured around a semester system, the establishment of a Council for Legal Education, and the

[13] LAW COMMISSION OF INDIA, REPORT NO. 14: REFORM OF JUDICIAL ADMINISTRATION, 520 (1958).

creation of three or four National Law Schools.[14] Additionally, seminars in Rajasthan (1964), and Poona (1972) reiterated these recommendations, particularly the establishment of National Law Schools.

The establishment of the Bar Council of India under the Advocates Act, 1961, aimed to enhance the status of legal education. The Bar Council set qualifications for enrolment to the Bar, requiring graduation in any discipline for admission to the three-year LL.B. or B.L. course while leaving the semester system implementation to individual institutions. In 1982, the Bar Council introduced a five-year composite degree in law following higher secondary education, making it a full-time program that could not be offered part-time. This five-year law course included a focus on social sciences subjects along with English and Legal History courses during the first two years, followed by regular law subjects and practical training. While the three-year law course required 16 courses, the five-year program comprised 21 compulsory courses, 4 practical courses, and 3 optional ones. The Bar Council also permitted universities to offer liberal legal education for various professionals, allowing degrees like the Bachelor of Academic Law ("**B.A.L.**") and Bachelor of General Laws ("**B.G.L.**") through distance education; however, these degrees do not qualify graduates for bar enrolment. Only a limited number of university departments and law colleges offered a two-year LL.M. or M.L. course and few universities had the facilities to offer Ph.D. programs in law.

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[14] Lovely Dasgupta, *Reforming Indian Legal Education: Linking Research and Teaching*, 59. J. LEGAL EDUC. 432, 439 (2010).

The reforms in legal education in India can effectively be seen to have occurred in three phases as outlined by the University Grants Commission's 1992 Report on Curriculum Development in law. The first phase, spanning from 1950 to the mid-1960s, focused on introducing professionalism and Indian legal content into the curriculum, along with appointing full-time teachers. The second phase, from the mid-1960s to the mid-1970s, aimed at curriculum development and enhancing teaching quality, marked by the enactment of the Advocates Act in 1961, which empowered the Bar Council to uphold legal education standards and led to the establishment of a Legal Education Committee. This period also included several national seminars on legal education. The third phase, from the mid-1970s to the late 1980s, culminated in the commencement of the National Law School of India University in 1987 and featured four significant workshops on legal education in 1975-1976, along with a 1981 report by the University Grants Commission on the status of teaching and research in law.[15]

In summary, the Law Commission of India, tasked with reviewing legal education standards, reported its findings, noting that law education at universities failed to adequately prepare graduates for the profession, particularly when compared to the intensive training offered by American law schools. The Commission expressed serious concern over the dismal state of legal education in most Indian institutions and emphasised the need for significant changes to address the evolving political, economic, and social landscape of the nation. It highlighted that lawyers must engage

[15] UNIVERSITY GRANTS COMMISSION, 2 REPORT ON CURRICULUM DEVELOPMENT IN LAW (1992).

with these changes and play diverse roles in society, underscoring the urgency of reforming legal education to establish a strong foundation for future practitioners.

The proliferation of law colleges in India has significantly contributed to the decline in legal education standards. Despite the rapid increase in institutions, neither the Bar Council of India nor the universities have effectively established and enforced high standards. Most colleges relied on traditional teaching methods and had few qualified full-time teachers, making it challenging to maintain uniform standards nationwide. Reforms in the Indian legal education system have been extensively examined since independence, highlighting recurring issues such as curriculum, attendance, entrance exams, teaching methods, and student assessment. Additionally, there is a pressing need for 'socially relevant legal education' to meet the needs of India's socially and economically disadvantaged populations. A significant advancement in Indian legal education occurred with the establishment of the National Law School of India University in Bangalore in 1986, and following its model, other national law schools were created, and many law colleges in India adopted the five-year curriculum. These national law schools have enhanced legal education by introducing academic rigour, interdisciplinary perspectives, and clinical training. However, concerns remain about the quality of other law colleges nationwide. Former Chief Justice of India, K.G. Balakrishnan emphasised that premier institutions should not only

set standards for legal education but also work to improve the broader legal system.[16]

The legal system today in these fast-paced changing times, requires and necessitates the study of law to be a holistic and comprehensive endeavour with a connect to the realities of life rather than a tunnel-like and black-and-white approach to law. The need today is to have an integrated and wide-based approach to issues, which can be effectively inculcated through an interdisciplinary understanding of the subject.

III. CONCEPTUAL FRAMEWORK FOR INTERDISCIPLINARY APPROACHES IN LEGAL STUDIES

The term "interdisciplinary" has gained a largely positive connotation, often used interchangeably with phrases like "innovative research" and "integrated solutions".[17] Interdisciplinarity is often viewed as vital for solving the intricate issues of contemporary society and for driving innovation to new heights.[18] Interdisciplinary studies refer to "*a process of answering questions, solving problems, or addressing topics that are too broad or complex for any single discipline or profession to handle effectively.*"[19] It is not

[16] JANE E. SCHUKOSKE, LEGAL EDUCATION REFORM IN INDIA – DIALOGUE AMONG INDIAN LAW TEACHERS, LEGAL EDUCATION IN INDIA: ESSAYS IN HONOUR OF PROFESSOR RANBIR SINGH, 197-198 (Lokendra Malik & Manish Arora eds., Universal Law Publishing 2014).

[17] JULIE THOMPSON KLEIN, TYPOLOGIES OF INTERDISCIPLINARITY, THE OXFORD HANDBOOK OF INTERDISCIPLINARITY 35 (2nd ed. 2015).

[18] Ruth Muller & Wolfgang Kaltenbrunner, *Re-disciplining Academic Careers? Interdisciplinary Practice and Career Development in a Swedish Environmental Sciences Research Centre*, 57 MINERVA 479, 480 (2019).

[19] JULIE THOMPSON KLEIN & WILLIAM H. NEWELL, ADVANCING INTERDISCIPLINARY STUDIES, HANDBOOK OF THE UNDERGRADUATE CURRICULUM: A COMPREHENSIVE

merely a supplement but is "*complementary to and corrective of the disciplines*".[20] An interdisciplinary approach is better poised to address today's complex issues by fostering a comprehensive understanding through a cross-disciplinary perspective. It focuses on developing boundary-crossing skills such as the ability to shift between perspectives, synthesise knowledge of different disciplines, and cope with complexity of a situation effectively through such a wide approach. While multi-disciplinarity is additive, interdisciplinarity is integrative, transforming knowledge from different fields through synthesis, which is its defining feature.[21] Historically, academic programs have emphasised on specialisation, but there is now a notable shift toward crossing disciplinary boundaries. This change reflects a move away from traditional compartmentalisation towards greater collaboration and cross-fertilisation. Factors driving this shift include the frequent borrowing of tools, methods, concepts, and theories from other disciplines, which reshape conventional notions of knowledge. For instance, textuality, narrative, and interpretation, once confined to literary studies, are now found across various fields, including humanities, social sciences, science studies, and even law and psychiatry.[22] The increasing complexity of reality has made the traditional mono-disciplinary model of law obsolete. Today's societal challenges require complex and integrated approaches across all disciplines. This is particularly true for legal

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GUIDE TO PURPOSES, STRUCTURES, PRACTICES, AND CHANGE 393-395 (Jerry Gaff & James Ratcliff eds., Jossey-Bass 1997).

[20] *Id.*

[21] Elisabeth J. H. Spelt et al., *Teaching and Learning in Interdisciplinary Higher Education: A Systematic Review*, EDUC. PSYCHOL. REV. 365, 366 (2009).

[22] Julie Thompson Klein, *Mapping Interdisciplinary Studies*, Association OF AMERICAN COLLEGES AND UNIVERSITIES (1999).

education and practice, given its crucial role in regulating social phenomena. Moreover, the rapidly evolving labour market is transforming legal services, creating a need for new professional roles that intertwine legal expertise with extra-legal skills. This shift highlights the necessity for a more adaptable and integrated model of legal education focused on risk assessment and conflict prevention.[23]

Legal discipline is closely connected to other academic fields, where what is considered "self-evident knowledge" is always open to challenge. Even when there is consensus about the appropriateness of a legal rule, it requires ongoing debate through the examination of arguments for and against it. If a general consensus on legal interpretations would have ended discussion entirely, the discipline of law would have faded long ago. The focus of legal science lies in exploring the relevant arguments surrounding rules and outcomes, rather than simply identifying the right rule or outcome in a case. While practicing lawyers often aim to eliminate uncertainty, legal scholars strive to question all seemingly certain outcomes.[24] Legal education has evolved over time to better reflect the complexities of the legal profession. In many situations, especially when dealing with intricate legal issues, an interdisciplinary approach has proven valuable by considering various unpredictable factors and by helping gain valuable insight into hitherto unexplored nuances.

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[23] Giorgia Resta, *"So Lonely": Comparative Law and the Quest for Interdisciplinary Legal Education*, 37 INT'L J. SEMIOT L. 1569, 1571 (2024).
[24] JAN M. SMITS, THE MIND AND METHOD OF THE LEGAL ACADEMIC 58 (Edward Elgar 2012).

New approaches to learning are redefining legal education. A key limitation of traditional law training is its failure to address problems in a broad, multidisciplinary context. Law alone does not lead to creative problem-solving, thus, underscoring the importance of other fields. Lawyers often struggle to leverage insights from various disciplines due to their limited understanding, which is a product of their education. Even in adversarial settings, they may overlook valuable input from non-legal professionals and fail to use information from other disciplines effectively.[25] If lawyers focus solely on legal issues, they risk narrowly defining problems as legal challenges. Therefore, to innovate and think "outside the box", it would be conducive for lawyers must adopt a more expansive view of problem-solving that incorporates this interdisciplinary collaboration.

IV. INTERDISCIPLINARY APPROACHES IN LEGAL EDUCATION: THEORIES AND PARADIGMS

We are on the brink of a rapid evolution in our understanding of law, not only technologically, and sociologically but also intellectually. The jurisprudential theory is primed to incorporate the role of lawyers, with various indicators pointing this shift. Beyond mere scientific and philosophical interest, sociological jurisprudence and legal realism lead naturally to an anthropological analysis of lawyering. In our culture, law

[25] Janet Weinstein, *Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 WASH. L. REV. 318, 324-337 (1999).

and legal theory have historically prioritised reason, but the incorporation of an interdisciplinary approach is set to broaden that focus.[26]

A broad education is essential for well-prepared lawyers. Through a rigorous case-based curriculum, law schools effectively cultivate highly trained legal minds. The advancements made by these modern systems often surpass those of older methods. However, they have significant limitations: *first*, they completely disregard the importance of non-legal subjects that are crucial for comprehensive legal training; *second*, they restrict the study of law to a narrow focus on legalistic reasoning derived from court opinions, failing to emphasise on the pragmatic considerations that should inform both judicial decisions and legislative actions. The teaching and application of law have always relied on theoretical principles derived from the law itself, even though the subject matter encompasses all aspects of human interactions and societal contexts. The issue lies in the persistent practice of resolving new cases solely based on past rulings, without considering the practical implications of those decisions on contemporary business or social life. Courts shape common law through countless decisions, each influenced by preceding rulings. However, these rulings often stem more from legalistic reasoning and the nuances of legal theory, rather than a comprehensive understanding of the current societal landscape. Judges rarely consult historians or trained economists to assess whether their decisions align with contemporary trends or the practical implications of the situations before them. As a result, the law and legal

[26] Walter Probert & Louis M. Brown, *Theories and Practices in the Legal Profession*, 19 U. FLA. L. REV. 447 (1966).

professionals tend to frame cases in terms of legal technicalities, rather than drawing from the broader human experience.

The inclusion of broader knowledge is essential for practicing lawyers to better serve the public, and law schools must lead this effort. The teaching of interdisciplinary subjects in the law school, ultimately in a new way to bring out their relation to the law, is thus, a reliable method to provide courts with valuable new resources of legal counsel. Students would benefit greatly from combining courses, gaining meaningful education. They would be equipped to recognise and retain the important connections between subjects, even if instructors do not explicitly highlight them. This comprehensive understanding would allow them to address issues as a whole, something that is unattainable if law schools remain isolated. They would grasp the interconnectedness of these fields and, in their professional careers, would leverage this understanding to create practical resources for courts and legislatures.[27]

The shifts in professional work patterns also are an important factor necessitating changes in legal education. Legal education is influenced by the forces of standardisation, diversification, and fragmentation. Legal sub-disciplines such as contract law, torts, and criminal law are increasingly governed by diverse regulatory systems that have evolved independently yet remain interconnected. Historically, these variations were often suppressed in legal scholarship as classical frameworks sought to maintain a singular view of law. However, with time it became increasingly difficult to contain legal fields within rigid

[27] William Browne Hale, *Theory of Legal Education*, 32 YALE L.J. 353, 362-367 (1922-1923).

definitions, leading to contradictions and anomalies. This fragmentation is mirrored in legal education and theory, raising questions about the distinctiveness of these domains and the existence of a core or canon among them.

Such developments in legal education and legal theory indicate a growing interest among legal scholars and practitioners in incorporating non-legal insights and methodologies. Legal theory has increasingly connected with social theory, feminism, and philosophy, while legal education has evolved to become more interdisciplinary. It now incorporates insights from economics, philosophy, psychology, management, skills training, clinical education, and ethics. Traditional methods and assumptions in legal education have faced critique from advocates of legal ethics, socio-legal studies, critical legal studies, and skills education, including clinical programs. The range of learning and assessment methods has expanded significantly, partly due to new educational theories and advancements in information and communications technology.[28]

The theory of competence-based approaches to education and training emphasises performance with professional or occupational roles, structuring learning around assessment tied to evidence collected in real-world workplaces.[29] This approach contrasts with traditional models by analysing the specific competencies required for job performance. The

[28] Avrom Sherr & David Sugarman, *Theory in Legal Education*, 7 INT'L J. LEGAL PROF. 165, 166-168 (2000).
[29] Evelyn Bergsmann, et. al, *Evaluation of competence-based teaching in higher education: From theory to practice*, 52 EVALUATION AND PROGRAM PLANNING (2015).

Australian Model of competence-based education integrates general professional attributes with contextual considerations, recognising that competence involves a complex interplay of knowledge, skills, and situational understanding. It emphasises reflective practice and professional judgment. The competence-based approaches have significantly influenced professional legal education. In the United States, competency models have been developed, particularly by the School of Law at Antioch and by the American Bar Association's Task Force on Law Schools and the Profession.[30] Their most significant impact has been in the UK, where the law society has utilised these models to establish a framework for the Legal Practice Course, Professional Skills Course, and training contract.[31]

With the growing concern about the readiness of graduates for practice, with varying needs across different legal roles, law schools are influenced by the need to balance academic integrity with practical relevance. The Legal Engineering Model focuses on practical problem-solving and conflict resolution, integrating knowledge from various fields such as business administration, management, and technology. It emphasises that law is just one tool among many for regulating society. In this model, students engage with complex, real-world problems, exploring multiple solutions and making decisions based on legal, normative, and

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[30] H. Russell Cort & Jack L. Sammons, *The Search for Good Lawyering: A Concept and Model of Lawyering Competencies*, 29 CLEV. ST. L. REV. 397 (1980); American Bar Association, *Legal Education and Professional Development – An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (Illinois, American Bar Association 1992).
[31] P. A. Jones, *Theory and Practice in Professional Legal Education*, 7 INT'L J. LEGAL PROF. 239, 241-251 (2000).

practical criteria. Ideally, these programs collaborate closely with legal practitioners to ensure relevance and provide hands-on training.[32]

Interdisciplinary competence is crucial for thriving in academia, enhancing employability, and promoting sustainable development. Interdisciplinary learning closely aligns with constructivist philosophy, drawing from the ideas of Piaget, Dewey, and Vygotsky. It enables students to reconstruct knowledge from foreign disciplines, deconstruct existing concepts, and construct knowledge by innovatively incorporating notions across disciplines. To enhance students' competencies such as knowledge processing, methodology, communication, and personal or interdisciplinary competence, outcomes-based education should follow the principle of constructive alignment, ensuring that learning objectives are clearly defined, assessments measure competency, and activities support these objectives. Effective interdisciplinary teaching involves setting clear interdisciplinary goals and utilising appropriate teaching methods and assessment formats.

Boix Mansilla's pragmatic-constructionist theory highlights four key principles for successful interdisciplinary education: interdisciplinary purpose, disciplinary grounding, leveraging integration, and a critical stance.[33] Interdisciplinary pedagogies, such as interdisciplinary problem-based learning, interdisciplinary service learning, and student-initiated

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[32] Jan M. Smits, *Three Models of Legal Education and a Plea for Differentiation*, 3 CHINA-EU L.J. 55, 60-61 (2014).

[33] V. BOIX MANSILLA, INTERDISCIPLINARY LEARNING: A COGNITIVE-EPISTEMOLOGICAL FOUNDATION *in* OXFORD HANDBOOK OF INTERDISCIPLINARITY 261-275 (R. Frodeman and J. Klein, eds., Oxford University Press 2016).

interdisciplinary projects are effective approaches for inculcating an interdisciplinary approach to legal education and learning.[34]

V. CHALLENGES AND OPPORTUNITIES OF INTERDISCIPLINARY INTEGRATION IN LEGAL STUDIES

In a time when legal professionals often focus on specific practice areas, having a solid grasp of topics outside the conventional scope of law is essential for tackling the complexities posed by different fields. As external disciplines increasingly intersect with the legal realm, adopting a holistic approach to legal education becomes one of the key challenges law schools must diligently address. With the growing intersection of law with other fields, lawyers encounter an expanding range of innovative and complex legal challenges.

Typically, legal education is structured around a singular focus, with professor teaching a course solely from a legal standpoint. If legal education fails to empower students to engage with non-legal concepts, it lacks practical relevance and promotes a narrow understanding of legal issues, resulting in a "*distorted image of the whole*".[35] Legal education must evolve to meet the needs of today's practitioners. Despite the need to prepare law students for complex challenges by mastering concepts beyond traditional legal doctrines, legal educators seem reluctant to revise the curriculum accordingly. The teaching approach in many law schools

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[34] Mirjam Braßler, *Interdisciplinary Teaching and Learning – Theory, Empirical Results, and Practical Implications*, PROCEEDINGS OF ICERI 2020 CONFERENCE (2020).

[35] Kim Diana Connolly, *Elucidating the Elephant: Interdisciplinary Law School Classes,* 11 WASH. U. J. L. & POL'Y 11, 13 (2003).

tends to be quite uniform, characterised by a specific method that fosters a shared experience amongst graduates. This often relies on the belief that the "case method" is the most effective way to teach.

The "case method" involves professors using compilations of cases and employing a Socratic style of discussion, where students are encouraged to identify general rules from case laws and apply them to various scenarios. The case method is viewed as a nearly foolproof approach to training students in the art of legal reasoning. However, the drawback of the case method is that, when used in isolation, it can hinder students' professional development,[36] as they may struggle to apply legal thinking to the complexities of practice and often overlook relevant facts and consequences outside the immediate legal issue.

Law schools struggle to rapidly adjust their curricula to meet the demands of the legal world beyond the classroom. Similarly, graduates often lack an understanding of context and the interconnectedness of various approaches in practice. Traditionally, law schools have focused on teaching students to think like lawyers, emphasising legal reasoning and analytical skills. However, it has become evident that "*thinking like a lawyer*" or "*thinking like a psychologist*" or "*thinking like a social worker*" is insufficient when working in specialised areas of law.[37] An interdisciplinary approach to law enhances a student's understanding of non-legal fields by examining various terminologies, rules, beliefs, and ethical and legal

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[36] Jess M. Krannich et al., *Beyond Thinking Like a Lawyer and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education*, 86 DENV. U. L. REV. 381, 387 (2009).
[37] Anita Weinberg & Carol Harding, *Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come*, 14 WASH. U. J. L. & POL'Y 15, 26 (2004).

constraints within which each profession operates. This knowledge enables effective communication with professionals from other disciplines without requiring a complete mastery of those areas. An interdisciplinary approach in law courses can help graduates recognise the limitations of legal profession and know when to seek collaboration with non-lawyers. It will cultivate a way of thinking that considers issues from multiple and varying viewpoints to explore diverse possibilities. Interdisciplinary thinking fosters a holistic awareness, encouraging a diversity of thought that enables individuals to make connections beyond the immediate information.[38] By facilitating interaction among various professions and integrating different disciplines, this approach yields results that exceed the sum of their individual contributions.

However, engaging in interdisciplinary education is often more time-consuming, costly, and complex than teaching a single discipline. Challenges also stem from the traditional structures of universities and the educational backgrounds of faculty and students. Interdisciplinary legal education necessitates collaboration between students and professors, engaging them in creative, critical, and constructive work that extends beyond the scope of traditional legal education. This approach demands a concerted effort to thoroughly integrate various disciplines in order to effectively design a course.[39] Establishing connections between course content and its law practice implications is a fundamental teaching

[38] *Id.* at 22-23.
[39] Ermanno Napolitano, *Interdisciplinary Team Teaching in Space Legal Education*, 43 J. SPACE L. 223, 223-234 (2019).

strategy.[40] The important and tricky decision however, lies in understanding how far and deep these interconnections need to be drawn and to what extend a holistic overview of other disciplines will help to effectively enhance legal education.

VI. SCOPE OF INTERDISCIPLINARY LEGAL EDUCATION

Much has been discussed regarding the role of 'philosophy' in legal education, often by commentators advocating for law to be taught in conjunction with philosophical concepts. However, there has been less exploration of our philosophy of legal education. This inquiry may be seen as a way of asking: what should the goals of law school be? A defined philosophy influences how law schools view themselves, their role, and their students - shaping what they should know and be able to do, and the type of lawyers and individuals we aspire for them to become in terms of social responsibility and ethical conduct.

The concept of a philosophy of legal education is particularly relevant in curriculum design, especially in deciding whether to prioritise black-letter law in conjunction with interdisciplinary subjects (teaching courses such as contracts, torts, and equity in isolation from context, or teaching them in association with economics, history, conflict resolution and philosophy).[41] Interdisciplinary learning is gaining more recognition

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[40] MICHAEL HUNTER SCHWARTZ ET AL., HOW DO THE BEST LAW TEACHERS ENGAGE STUDENTS IN AND OUT OF THE CLASSROOM?, *in* THE WHAT THE BEST LAW TEACHERS DO 200 (Harvard University Press 2013).

[41] BOBETTE WOLSKI, CONTINUING THE INTERNATIONALISATION DEBATE: PHILOSPHIES OF LEGAL EDUCATION, ISSUES IN CURRICULUM DESIGN AND LESSONS FROM SKILLS INTEGRATION *in* THE INTERNALISATION OF LEGAL EDUCATION: THE

among educators as the demand for 'job-ready' graduates rises. The goal of this approach is to prepare students for collaborative practice by allowing them from various professions to learn together, share knowledge, and understand each other's fields.[42] Legal education should extend beyond a narrow focus on teachers and subject matter; it must prepare students for a variety of roles in the legal profession, not just private practice.[43] The current legal education framework is designed around a combination of traditional methodologies and evolving modern approaches underscoring the relevance of interdisciplinary learning.

Contemporary legal education embraces interdisciplinary approaches that offer hands-on exposure and experience in real-world legal issues that help students and professionals enhance their ability to address complex legal challenges and navigate career paths in diverse fields. Today's law professors come from diverse academic backgrounds, making it common for law schools to recruit faculty trained in non-legal disciplines. With the internationalisation of curriculum and expansion into fields such as environmental law, business management, intellectual property, international affairs, national security, immigration, and healthcare, students now benefit from a rich variety of expertise. This trend is particularly appealing to students at universities offering

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FUTURE PRACTICE OF LAW 72 (William van Caenegem & Mary Hiscock eds., Edward Elgar 2014).

[42] Jemma Venables & Tamara Walsh, *An Interdisciplinary Classroom in Law and Social Work: Can It be Done?* 33 LEGAL EDUC. REV. 1, 3 (2023).

[43] Mary Keyes & Richard Johnstone, *Changing Legal Education: Rhetoric, Reality, and Prospects for the Future*, 26 SYDNEY L. REV. 537, 558 (2004).

combined degrees in law and related professions, as well as to institutions that prioritise interdisciplinary collaboration.[44]

Lawyers' traditional role in their collaborations with non-lawyers is reflected in Ronald Gilson's theory, which suggests that lawyers can capture value from accountants and finance experts by becoming "transaction-cost engineers."[45] In response, several law schools have developed courses and clinics in transactional law. As traditional legal markets shrink, multidisciplinary collaborations are likely to increase, requiring law students to learn how to contribute beyond just providing legal advice and consultancy. Lawyers and law professors envision a future that largely mirrors past practices; meanwhile, there exists a dire need to reshape curricula to emphasise real-world legal practice to prepare students in this evolving landscape. Traditionally, legal practice involves applying established principles to specific cases. In contrast, emerging legal markets may require lawyers to act more like designers who create legal material. Furthermore, legal educators should prioritise the types of legal theory most relevant for preparing students for the future legal market, rather than simply distinguishing between "theory" and "practice". Once relevant theories are identified, law schools need to hire faculty capable of teaching these concepts. This approach involves recruiting educators with non-legal advanced degrees in fields pertinent to legal training. This would allow law schools to offer a wider range of

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[44] John O. Sonsteng et al., *A Legal Education Renaissance: A Practical Approach for the Twenty-first Century*, 34 W. MITCHELL L. REV. 309, 431 (2007).

[45] Ronald J. Gilson, *Value Creation by Business Lawyers: Legal Skills and Asset Pricing*, 94, YALE L. J. 239 (1984), https://scholarship.law.columbia.edu/faculty_scholarship/986.

courses led by experts in specific disciplines, rather than relying solely on those trained in traditional legal science. While maintaining focus on traditional roles like litigation and transactional work, law schools should also consider integrating contemporary theories into clinical and skills courses, possibly through collaboration between practitioners and academicians with advanced qualifications.[46]

Moreover, the law andragogy, which incorporates the Socratic method of dialogue, should harness effective practice to enhance legal education. Law can draw from cognitive psychology literature to establish an evidence-based approach to teaching and learning. This approach should focus on connecting with prior knowledge, improving learning transfer, and implementing practice and feedback strategies. It is essential to promote and value critical thinking while identifying metacognitive barriers to learning. Moreover, encouraging effective retrieval practices will enhance long-term memory, and fostering a growth mind-set will support student development. Emphasising reflection, teaching the skills of question formulation, and practicing engagement in dialogue are also crucial components of the enhanced educational framework.[47]

VII. THE FUTURE OF LEGAL EDUCATION IN INDIA

The examination of legal education in a society offers insights into its legal system, reflecting fundamental attitudes about the nature of law,

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[46] L. E. Ribstein, *Practising Theory: Legal Education for the 21st Century*, 96 IOWA L. REV. 1649, 1676 (2011).

[47] Deborah L. Borman & Catherine Haras, *Something Borrowed: Interdisciplinary Strategies for Legal Education,* 68 J. LEGAL EDUC. 357, 390 (2019).

the role of lawyers, and the operation of the system – both in practice and in its ideal form. Legal education serves as a conduit for transmitting legal culture from one generation to the next, providing a lens through which we can envision the future of that society. What legal professionals are taught and how it is delivered significantly affects their objectives, attitudes, and the manner in which they fulfil their social roles. A legal system functions as a sub-system within a broader social system, while the system of legal education serves as a sub-subsystem of the legal system. The interconnected systems are organically linked, with each part providing meaning to the others. Consequently, a change in any component reverberates throughout the entire framework.[48] The milieu of higher education has increasingly embraced theoretical, multidisciplinary, and research-based approaches. Viewing a law degree as a form of liberal education aligns with this trend.[49] The emphasis on legal education as a cross-disciplinary endeavour, coupled with a commitment to pluralism and the need to move beyond the limitations of the exemption approach to the curriculum, has likely contributed to making legal education a more diverse and intellectually stimulating experience for law students.

Looking towards the future of legal education in India, it will be essential to integrate innovative teaching methodologies, foster an environment that encourages critical thinking and interdisciplinary collaboration, prioritise practical training, develop partnerships with

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[48] John Henry Merryman, *Legal Education There and Here: A Comparison*, 27 STAN. L. REV. 859, 859 (1975).

[49] Andrew Boon & Julian Webb, *Legal Education and Training in England and Wales: Back to the Future?* 58 J. LEGAL EDUC. 79, 115 (2008).

various industries to align curricula with real-world needs and embrace technological advancements. Further, the rise of the internet and digital media has transformed higher education, facilitating significant participation from online learners. Online education has become more interactive and accessible compared to traditional modes. Massive Open Online Courses ("**MOOCs**") have emerged as a major development in online education, breaking time and space constraints, allowing learners to acquire knowledge at their own pace. Designed for unlimited participation, MOOCs are open to anyone without any pre-requisites, typically free, and feature video-based content and online forums wherein participants can enrol regardless of age, gender, location, or educational background. Law professors have developed MOOCs worldwide, incorporating various learning theories to improve online law teaching, offering unique characteristics such as subjectivity and practicality and benefits like ease of learning, resource sharing, and cost savings.[50] Conclusively, the future of legal education in India is likely to evolve significantly hand-in-glove with technology integration, interdisciplinary approaches, practical training focus, internationalisation, regulatory changes, increased competition, and career diversification. As interdisciplinary studies are not only alive and well, but also growing and evolving in new and exciting directions,[51] the future of legal education in India appears promising and transformative that will enhance students' employability and make them more effective problem-solvers.

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[50] Samar Iqbal Bakhshi & Mohammad Amees, *Legal Education through MOOCs: A Study of Select International Online Platforms,* 4 INDIAN J. EDUCATIONAL TECH. 1, 169 (2022).
[51] *Supra* note 12, at 10.

VIII. CONCLUSION

Law schools have both a responsibility and a distinct opportunity to equip a generation of lawyers to approach the law with a dedication to justice and the skills to effectively move towards achieving it. The future of law and legal education in India is shaped by the growing demand for legal professionals who can collaborate from a multidisciplinary perspective with open and diverse thought-processes due to globalisation and complex legal disputes. To address this need, some Indian law schools are offering joint degree programs, aiming to equip students with a broader skill set. There is a pressing need for practical training that not only provides valuable experience but also fosters social responsibility. Despite the growth in law schools, India faces considerable challenges in integrating interdisciplinary approaches into legal education. These include a shortage of trained professionals, minimal faculty engagement in interdisciplinary collaborative efforts, inadequate systematic curriculum structure, and insufficient focus on the development of requisite and relevant skills. Furthermore, there is often limited involvement from interdisciplinary educators, significant variations in the quality of legal education across institutions, resource constraints, and numerous administrative obstacles which hinder legal education from fulfilling its objectives comprehensively. This necessitates further revisions and investment in legal education to strengthen these areas so as to create a more robust, interconnected, informed and relevant legal education system that meet the demands of this rapidly evolving society.

Professor (Dr.) Usha Tandon, *Harnessing Technology for Advancing Legal Education: Spotlighting Clinical Legal Education ("CLE"),* 11(1) NLUJ L. REV. 59 (2025)

HARNESSING TECHNOLOGY FOR ADVANCING LEGAL EDUCATION: SPOTLIGHTING CLINICAL LEGAL EDUCATION (CLE)

~ Professor (Dr.) Usha Tandon[*]

ABSTRACT

*This article delves into the transformative role of technology in reshaping legal education, particularly emphasising on Clinical Legal Education ("**CLE**"). CLE, which bridges academic theory and practical application, is positioned to benefit significantly from advancements ranging from virtual courtrooms, AI-driven research tools, and e-learning platforms. These innovations enhance experiential learning, while also making legal education more accessible and aligned with the evolving demands of the legal profession. Focusing on India's regulatory and institutional framework, the article examines the interplay between CLE and the National Education Policy, 2020, which emphasizes multidisciplinary learning, inclusivity, and digital literacy. It highlights how technology can address gaps in CLE by streamlining case management, improving access to justice through virtual legal aid, and equipping law students.*

While recognizing challenges like resource constraints, ethical concerns, and resistance to change, this article advocates for a balanced integration of technology. It underscores the importance of human-centred teaching methods in fostering critical reasoning, ethical judgment, and empathy among law students. This article envisions a future where

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technology and pedagogy converge to democratize legal education, enhance professional competence, and uphold constitutional ideals of justice and equity.

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I. INTRODUCTION

Over the last three to four decades, the interplay between law and technology has emerged as a major theme in both legal scholarship and practice. The integration of technology with legal education has transformed traditional pedagogical approaches, fostering a more interactive and accessible learning environmental Clinical Legal Education ("**CLE**"), which emphasizes practical hands-on training for law students would greatly benefit from technological advancements. Digital tools such as virtual court simulations, legal research platforms, case management software, and e-learning systems provide students with the opportunity to gain practical skills efficiently.

Technological interventions enhance the capacity of CLE programs to offer real-time case handling, virtual client interactions, and comprehensive legal research. These innovations bridge the gap between theoretical knowledge and professional practice, preparing students to meet the evolving demands of the legal industry. By leveraging technology, CLE programs can democratize access to experiential learning and equip future lawyers with the competency required for a tech-driven legal landscape[1]. Additionally, the use of artificial intelligence, data analytics, and digital collaboration tools help foster critical thinking and ensure that legal education remains just and socially relevant.

[1] Francina Cantatore, *New Frontiers in Clinical Legal Education: Harnessing Technology to Prepare Students for Practice and Facilitate Access to Justice*, 5(1), AUSTL. J. CLINICAL EDUC. (2019).

In light of above, this article endeavours to critically examine the conceptual framework, and substantive content of CLE. It briefly outlines the current regulatory structure governing legal education and highlights exemplary practices that can be adopted by Centres of Legal Education for CLE, drawing upon insights from both international best practices and indigenous initiatives already underway in select Indian legal education centres.

The COVID-19 pandemic brought both challenges and opportunities for the education sector at large. The sector showcased remarkable adaptability in overcoming disruptions through the integration of technological tools. This led to an emergence of a "new normal", characterised by the fusion of technology and pedagogy, which has paved the way for substantial advancements in legal education. This article advocates for the systematic integration of technology to improve the overall quality of legal education and explores its specific applicability to CLE.

This article is organised into eight parts. Following the Introduction, the second and third chapters provide a brief overview of the current regulatory and recommendatory framework governing legal education and CLE in India, as outlined by regulatory authorities such as the Bar Council of India ("**BCI**"), the University Grants Commission ("**UGC**"), and recommendations from Law Commission Reports and other pertinent policy documents including National Education Policy ("**NEP**"), 2020. The fourth chapter delves into the meaning, nature, and

content of CLE, as envisioned in the regulatory framework of BCI Rules. The next two parts examine currently adopted technology-driven practices in India within legal education and assess their transformative potential for enhancing CLE. Last, the article concludes with key observations on how technology should complement and not replace traditional human-cantered teaching methods, underscoring the indispensable role of law teachers in mentoring students in preparing ethical and empathetic lawyers.

II. LEGAL EDUCATION IN INDIA AND ITS REGULATORY FRAMEWORK

Legal education today has become one of the most sought-after fields of education for a large populace of aspiring youth.[2] However, the traditional understanding that legal education is pursued by only aspiring lawyers may not be true in the contemporary context as a substantial number of law graduates are moving beyond just courtroom practice.[3] The growing demand for legal education has spurred widespread calls for improvements in standards of legal education. There have been voices from academia, lawyers, judges and other professionals emphasising the need to improve the standards of legal education in order to meet the ever-growing demands of the profession. There is also a call for

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[2] *1721 Law schools in India; more than twice as many private law colleges than government law colleges: Law Minister*, BAR AND BENCH (Mar. 29, 2022), https://www.barandbench.com/news/lawschools/1721-law-schools-in-india-more-than-twice-as-many-private-law-colleges-than-govt-law-colleges-law-minister.

[3] Rajya Sabha Secretariat*, Key Recommendations/ Observations Contained in 142nd Report on the Subject - Strengthening Legal Education in view of Emerging Challenges before the Legal Profession*, LIVE LAW, https://www.livelaw.in/pdf_upload/142-reportpress-releaseeng-520951.pdf.

mainstreaming and democratising legal education.[4] Furthermore, a need has been felt to transform legal education to suit the changing dimensions of the field due to reasons such as globalisation, technological advancements, emergence of new areas of practice and changing landscape of the profession.[5] It has been pointed out that the high standards of legal education must be maintained from the foundational stages of education in law schools. Further, there is a need to provide refresher courses even for active practitioners.[6] In addition, the goals of social justice, access to justice and ensuring rule of law for impoverished masses of India must be considered as one of the primary policy goals for the State when informing developments in the field of legal education.[7] The standards of legal profession are dependent on the quality of legal education imparted in centres of legal education. Therefore, the standards of legal education and of Bar and Bench are intrinsically connected concerns.[8] Various professionals, academicians, judges and other stakeholders have emphasized on the quality legal education and raising the standards of Bar and Bench to meet the needs of rapidly changing requirements of the country.[9] However, establishing these standards of

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[4] *Id.* at 4.
[5] Law Commission of India, *The Advocates Act, 1961 (Regulation of Legal Profession), Report No. 266*, MINISTRY OF LAW AND JUSTICE, (Mar. 2017), https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081654.pdf.
[6] *Id.*
[7] *Id.*
[8] *Id.* at 5.
[9] *Id.*.

legal education itself has proven to be a difficult task in the past due to involvement of multiple stakeholders.

The quality of legal education being imparted by the centres of legal education may be indicated by the fact that in a recent response by the BCI to a Right to Information reveals that more than fifty percent of candidates, who appeared for All-India Bar Examination, could not qualify the same.[10] Therefore, it is high time to contemplate on the transforming needs of legal education. Further, it is to be noted that legal education and the legal profession are directly concerned with upholding the rule of law and ensuring Justice- social, political and economic as envisioned in the Constitution.[11] In addition, the Directive Principles of the State that seek to ensure equal justice and provide for legal aid have to be kept in mind while transforming the legal education.[12] Moreover, a broad interpretation of the Fundamental Duties enshrined in the Constitution such as abiding and respecting the ideals of the Constitution,[13] rendering national services when required,[14] promoting

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[10] Bhavya Singh, *More Than 50% Candidates Failed AIBE 2023, RTI Reply Reveals*, LIVE LAW (May 20, 2024) https://www.livelaw.in/news-updates/aibe-failure-rate-51-all-india-bar-exam-18-258425?from-login=452647.

[11] INDIA CONST. preamble.

[12] *Id.* Article 39A- Equal Justice and Free Legal Aid: The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

[13] *Id.* Article 51A- It shall be the duty of every citizen of India— (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

[14] *Id.* Clause (d) to defend the country and render national service when called upon to do so.

common brotherhood,[15] developing spirit of humanism and reform,[16] and endeavouring for excellence[17] and collective progress as a nation[18] creates a binding duty in each citizen, including the law students, law teachers, legal practitioners and other professionals in the field of law to render legal aid and ensure legal literacy whenever individuals require such assistance. Therefore, transformation of legal education has to be rooted in the ideas, values, duties and goals envisioned in the Constitution and any discussion on the same has to be embedded, rooted, contextualised as well as visualised within the notions of justice and rule of law.

Whenever advancement of legal education is advocated for, the discussions necessarily touch upon the issues of clinical legal education, justice education[19] and socially relevant legal education.[20] CLE has been advocated for by its proponents as one of the most significant transformations of legal education that is capable of providing solutions to problems prevalent in the legal education system. The Constitution envisaged education as a responsibility of the State, as reflected in its inclusion under List II of the Seventh Schedule. However, a subsequent

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[15] *Id.* Clause (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

[16] *Id.* Clause (h) to develop the scientific temper, humanism and the spirit of inquiry and reform

[17] *Id.* Clause (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;

[18] *Ibid.*

[19] Debasis Poddar, *Justice Education: A Desired Destination of The Menon Model*, 7(1) ASIAN J. OF LEGAL EDUC., 35-45 (2020).

[20] Upendra Baxi, *Notes Towards Socially Relevant Legal Education: Working Paper for the UGC Regional Workshops (1975-77)*, UGC, https://www.ugc.gov.in/oldpdf/pub/report/1.pdf.

amendment has carried the entry to List III, making it a concurrent issue to be dealt by the State legislatures as well as by the Parliament.[21] From the inception of the Constitution, the Union has been given supremacy in matters of higher education, research, scientific and technical education and educational institutions of national importance, professional, vocational or technical training and promotion of special studies or research.[22]

The University Grants Commission Act, 1956 ("**UGC Act**") was enacted by the Parliament exercising powers conferred under the Constitution of India in the Seventh Schedule, List I, Entry 6. The act empowers the UGC to coordinate and determine the standard in institutions for higher education or research and scientific and technical institutions. The standards here, refer to the standards of teaching and examinations in the Universities.[23] The UGC Act was enacted with the view to "…*reform and improvement of University education...*". The preamble of the UGC Act states that it is intended to make provision for co-ordination and determination of standards in universities. The provisions of the UGC Act have also been interpreted to have an overriding effect with respect to regulations dealing with qualifications of teachers and other standards relating to education in universities.[24]

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[21] INDIA CONST. entry 25, list III, sch. VII, amended by *The Constitution (Forty–second Amendment) Act*, 1976, s. 57.
[22] INDIA CONST. entry 64, list I, sch. VII.
[23] *Id* at 6.
[24] *Id.*

While, the UGC prescribes standards of education, acting as a regulatory body dealing with higher education in India[25], the BCI sets standards for legal education as a statutory body empowered to do the same under the Advocates Act, 1961[26]. As far as the role of BCI in regulation of legal education is concerned, its powers have been invoked using various provisions as incorporated in the Advocates Act. It is to be noted that the legislation has been enacted by the Parliament under entries 77 and 78 of the List I of Seventh Schedule of the Constitution of India. These entries primarily deal with the constitution of, organisation of, jurisdiction etc. of the Supreme Court[27] and the High Courts.[28] By exercising powers conferred under the Advocates Act, the Bar Council of India Rules, 1975 ("**Rules**") have been enacted[29] that provide for the constitution of a Legal Education Committee ("**LEC**").[30] The members and co-opted members of LEC are constituted through an election for a prescribed period of four years.[31] The LEC is required to discharge various functions relating to making recommendations on standards of legal education for universities, inspection of universities, recognition or de-recognition of universities etc.[32]

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[25] The University Grants Commission Act, 1956, No. 3, Acts of Parliament, 1956.
[26] The Advocates Act, 1961 §§ 7(1)(h), 10(2)(b) and 49(1)(d), No. 25, Acts of 1961.
[27] INDIA CONST. entry 77.
[28] INDIA CONST. entry 78.
[29] The Bar Council of India Rules, 1975, Chapter III, Rule 6.
[30] *Id.*
[31] *Id.*
[32] *Id.*

The BCI has also framed Rules of Legal Education[33] which provide that the State Bar Council shall enrol only those candidates as advocates who have obtained the required educational qualification of bachelor degree of law[34] only from recognised centres of legal education.[35] These rules detail various aspects of legal education standards including the types of law courses offered,[36] eligibility criteria for admissions,[37] prohibition of enrolling in two regular courses simultaneously,[38] mandates as to the minimum marks for qualifying admission,[39] mandates as to processes and manner of running the integrated course,[40] mandates related to the semester system,[41] minimum infrastructure requirements,[42] and conduct of end semester tests.[43] The rules provide for prohibition on lateral entry and exit of these programs as well.[44]

Along with these regulatory bodies, respective State or Central University as well as the State Governments also play a role in the regulatory matters, primarily through their involvement in providing grants of various types such as land and other financial, technical

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33 The Bar Council of India, Rules of Legal Education, 2008.
34 *Id* at Rule 3.
35 *Id.*
36 *Id.* at Rule 4.
37 *Id.* at Rule 5.
38 *Id.* at Rule 6.
39 *Id.* at Rule 7.
40 *Id.* at Rule 9.
41 *Id.* at Rule 10.
42 *Id* at Rule 11.
43 *Id* at Rule 12.
44 *Id* at Rule 13.

resources. In short, the regulation of legal education and its standards are mandated by at least four distinct authorities.[45]

III. LEGAL EDUCATION, CLINICAL LEGAL EDUCATION AND TECHNOLOGY IN NATIONAL EDUCATION POLICY, 2020

The vision of Central Government for transforming the education system has been incorporated in the New Education Policy, 2020,[46] ("**NEP**"). NEP is envisaged as a policy of education which emphasises on flexibility, multi-disciplinarity, conceptual understanding, creativity and critical thinking, ethics and human & Constitutional values, life skills, use of technology, equity and inclusion, fostering a sense of pride in India's educational heritage to be recognised as a public service in NEP.[47] It is to be noted that NEP has been formulated with the vision of providing equitable and inclusive education, social and economic justice and balancing the local and global requirements of human resources.[48] It has been termed as the most ambitious education policy,[49] and the same requires dogged efforts to be implemented.

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[45] Law Commission of India, *The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act*, 1956 *Report No. 184*, MINISTRY OF LAW AND JUSTICE, 10 (Dec. 2002), https://lawcommissionofindia.nic.in/cat_legal_profession/.

[46] *The New Education Policy*, MINISTRY OF EDUCATION (2020), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

[47] *Id.,* at Introduction 5.

[48] Sairam Bhat & Gayathri Gireesh, *Legal Education and National Education Policy 2020*, https://ceerapub.nls.ac.in/legal-education-and-national-education-policy-2020/.

[49] *Id.*

As for legal education, like medical education, it has been given the autonomy of regulation.[50] However, the legal educational institutions cannot afford to work in silos. There are various provisions in NEP that are uniformly applicable such as provisions relating to transformation of the centres of education into multidisciplinary institutions exercising optimal utilisation of infrastructure and resources. NEP aims to shape legal education keeping in mind global competitiveness and the need to harness technology for justice delivery while reflecting socio-cultural contexts.[51] There is increased emphasis on an evidence-based style of education, legal thinking as well as development and application of jurisprudence.[52] All this has to be incorporated within the philosophy of Constitutional values of Justice - Social, Economic, and Political, with the aim to strengthen and reconstruct democracy, rule of law, and human rights.[53]

It is to be noted that the word 'clinical' does not appear in the NEP anywhere. However, the NEP does make mention of the word 'skill' in various places. NEP envisions a future where machines will take over mundane and unskilled work from humans and therefore, it is important that the education system imparts skills that are growing in demand. NEP states that there will be a greater demand for 'multidisciplinary abilities across the sciences, social sciences, and humanities', life skills, and skills including collaboration, self-initiative, self-direction, self-discipline,

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[50] *Id.*
[51] *Supra* note 47, Part III, para. 20.4.
[52] *Id.*
[53] *Id.*

teamwork, responsibility, citizenship etc.[54] The Policy emphasises on the need for proficiency in language, scientific temper evidence-based thinking, creativity and innovation, sense of aesthetics and art, oral and written communication, health and nutrition, physical education, fitness, wellness, and sports, problem solving and logical reasoning, vocational exposure and skills, digital literacy, coding, and computational thinking, ethical and moral reasoning, knowledge and practice of human and Constitutional values, gender sensitivity, Fundamental Duties, citizenship skills, awareness of India's history, environmental awareness, sanitation and hygiene, current affairs and awareness of critical issues faced by local communities etc.[55] In terms of pedagogy and assessment, NEP emphasises on fostering higher order thinking which emphasises on the application of knowledge to real life scenarios.

The NEP places significant emphasis on experiential learning[56] in all subjects and disciplines.[57] It also emphasises on the idea that assessment tools should be shaped to encourage three forms: 'assessment for learning', 'assessment as learning' and 'assessment of learning'[58]

Thus, it can be said that the NEP appears to be a holistic document with potential for a long-term positive impact on education. Regarding legal education, there are many aspects addressed by NEP which are directly related to its transformation. NEP talks about soft skills

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[54] *Supra* note 45, para. 4.8.
[55] *Supra* note 45, para. 4.23.
[56] *Supra* note 45, Page 3.
[57] *Supra* note 45, Page 11.
[58] *Supra* note 45, Page 12, para. 4.6.

as well as professional skills along with digital literacy and use of technology. Further, the emphasis on experiential learning comes very close to the idea or notion of CLE. Therefore, there is a need for integrating the spirit of NEP in the context of legal education. Today, the landscape of legal education is rapidly changing and hence, legal education can be advanced in alignment with the broader vision of NEP.

It is worth mentioning that BCI has recently issued a circular to all CLEs that contemporary issues relating to block chains, electronic discovery, cyber-security, robotics, Artificial Intelligence and bio-ethics should be integrated in the curriculum of law schools in line with the vision of NEP.[59] *ProBono* (Nyaya Bandhu) and Disha are programmes which are being run by the Central Government[60] involving students enrolled in these centres of legal education to provide legal aid and awareness. Further, the NALSA, SLSA, and DLSA are also mandated to provide legal aid.[61] The same is generally carried out by training Para Legal Volunteers ("**PLVs**") at law schools.

[59] Ministry of Law and Justice, *Circular to all Universities and Centres of Legal Education by Bar Council of India to incorporate subjects such as block chains, electronic discovery, cyber-security, robotics, Artificial Intelligence and bio-ethics etc. in their curricula Comprehensive Law Courses*, Press Information Bureau (Aug. 2, 2024), https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2040667#:~:text=As%20per%20vision%20of%20Hon,in%20their%20curricula.

[60] Department of Justice, https://www.probono-doj.in/meaning-context.html.

[61] The Legal Services Authorities Act, 1987, No. 39, Acts of Parliament, 1987.

IV. MANDATE OF CLINICAL LEGAL EDUCATION FOR LAW SCHOOLS IN INDIA

As discussed above, the BCI is empowered to frame rules under the Advocates Act, 1961 relating to legal education. Exercising its powers under the Act, the BCI framed the rules of legal education in 2008.[62] Schedule II of the Rules provides for academic standards and courses to be included in the three-year law programmes and the five-year integrated law programmes to obtain a degree that qualifies a graduate to enrol at the Bar Council. It is important to note that the Schedule attached to the Rules outlines compulsory papers, optional papers as well as clinical papers to be studied in order to obtain the qualification to be enrolled as an advocate with any State Bar Council. As far as clinical papers are concerned the list includes subjects[63] on (a) Drafting, Pleading and Conveyancing; (b) Professional Ethics and Professional Accounting and Bar and Bench Relationship; (c) Alternative Dispute Resolution; and (d) Moot Courts and Internships.[64] Resultantly, the Law Commission of India in 2002 recommended the introduction of 'clinical legal education' as mandatory subject. The Commission was of the view that Clinical Legal Education will supplement the legal aid system. Further, the report also talks about the problem-solving method along with the clinical legal education.

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[62] *Supra* note 32.
[63] *Supra* note 33, Schedule II, Part II (B).
[64] *Supra* note 22, p. 37.

The nature of the subjects that have been listed as compulsory clinical subjects reveals that all these subjects are primarily linked to the core skills of court craft, practice of law and managing day to day affairs of a legal professional and ensuring that conduct of the professionals is well within the bounds of professional ethics. Drafting, pleading and conveyancing as a subject is concerned with core areas of practice inside and outside the court, professional ethics, accounting and the relationship between Bar and Bench, also relating to the core concerns of organised legal practice inside and outside the courtrooms. The subject on ADR is again an area that has developed as alternative to courtroom dispute settlement yet it is an established area of practice outside the courtroom and touches upon the court craft. Moot courts and internships orient law students about the basic craft of the practice at the very initial stage of practice.

Further, legal aid has been made part of the compulsory courses as a component of Moot Court Exercise and Internship. However, there are other provisions in the Rules which indicate that CLEs are mandatorily required to run Legal Aid Clinics in the campus involving students, especially the senior students.[65] The Rules provide that when inspection of the institution is to be conducted for purposes of accreditation, then a memorandum on legal aid related facilities is required to be prepared by the inspection team.[66] The Rules of accreditation also provide that accreditation related assessments shall assess the "*status of Free Legal Aid*

[65] *Supra* note 33, Schedule III, Rule 11.
[66] *Supra* note 33, Rule 18 and 31.

Centre and legal literacy program run by the Centre of Legal Education".[67] Furthermore, Schedule III of the Rules, dealing with infrastructural issues, also provides for the establishment and running of Legal Aid Clinics. Lastly, the application for accreditation by a CLE has to necessarily provide information of the Legal Aid Clinic incorporated in the Centre.

Additionally, NALSA provides regulations for organizing legal aid activities for communities, including awareness camps, literacy programs etc. Thus, it can be concluded that all CLEs are necessarily required to engage in providing legal aid and such clinics are required to be operated or run by collaborative efforts of practicing advocates, NGOs, law teachers and students.[68] The emphasis on legal aid clinics serve dual purpose. Firstly, it helps the students appreciate real life challenges, issues, concerns and perspectives before entering the profession, and ensure that learning is not limited to theoretical aspects alone, rather, providing them with the opportunity to apply their theoretical learnings in real life under supervision of teachers and advocates working with them in legal aid clinics. It also ensures that professional relationships are built with various stakeholders involved in the legal process including advocates, NGOs, other institutions of government and semi-government authorities etc. Secondly, Legal Aid Clinics are aimed at providing affordable legal assistance to those who need the same under DPSPs and Fundamental Duties under the Constitution of India. Thus, the purpose of CLEs will be served only when students of law are exposed to theoretical and

[67] *Supra* note 33, Schedule VI. Part I (III) (r).
[68] *Supra* note 33, Schedule III, Rule 11.

conceptual understanding and then exposed to the clinical aspects of the field.

Moreover, there is a recognised need for groundbreaking legal research in order to create novel legal knowledge and ideas that can help in meeting challenges faced by the country in the field of legal practice and to meet the ideals and goals of the Constitution.[69] The impetus of legal education has to be in the context of the socio-economic and political landscape of Indian society.[70] Legal education plays a pivotal role in promotion of social justice and enforcing the rule of law.[71]

V. CLINICAL LEGAL EDUCATION AND LAW CLINICS

CLE is imparted and practiced in various forms to serve a dual purpose. On one hand, it educates students of law about the realities of life and the application of theoretical information in real-life situations which adds value and increases the quality of their education, thus helping the students ready to practice as professionals. On the other hand, it helps in providing affordable preliminary legal aid, and basic legal education of rights and duties of various stakeholders, especially those who are from the marginalised sections of society. The most prominent forms of Law Clinics are Street Law Clinics and Consultancy Clinics. Street Law Clinics are being practiced in the law schools of countries like United State of

[69] *Supra* note 4 at 16
[70] *Id.*
[71] *Id.*

America and Scotland.[72] As far as Consultancy Clinics are concerned, these clinics are being run all around the globe on various issues.

Examples of CLE in Australia include externship as well as in-house law clinics in Australian Universities. For example, Monash University Offers externship to institutions which provide legal aid as well as an in-house law clinic.[73] The University of Adelaide also provides CLE through legal aid clinics and community law service,[74] where students assist in drafting various documents such as letters and other drafts along with negotiation and researching on law for meeting the needs of clients. Victoria University also engages in similar activities along with virtual moot courts and moot court competitions.[75]

As far as India is concerned, running a Legal Aid Clinic is one of the important components of a Centre of Legal Education in addition to the mandatory requirements of the CLE subjects as prescribed by the BCI Rules. It is worth mentioning that the initiatives of Campus Law Centre,

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[72] *Law Center's Street Law Clinic Celebrates 40 Years in Operation - Georgetown University*, GEORGE TOWN UNIVERSITY, www.georgetown.edu.; Grimes Richard et al. , *Street Law and Social Justice Education*, in Frank S. Bloch (ed.), *The Global Clinical Movement: Educating Lawyers for Social Justice*, ONLINE EDN, OXFORD ACADEMIC, (1 Jan. 2011). https://doi.org/10.1093/acprof:oso/9780195381146.003.0015.

[73] Castan Centre for Human Rights Law, *Monash University Clinical Legal Education*, MONASH UNIVERSITY, https://www.monash.edu/law/research/centres/castancentre/for-students/careers/careers-guide/field-of-law/clinical-legal-education.

[74] *Clinical Legal Education Program*, UNIVERSITY OF ADELAIDE, https://law.adelaide.edu.au/free-legal-clinics/clinical-legal-education-program.

[75] *Clinical legal education programs*, VICTORIA UNIVERSITY, https://www.vu.edu.au/current-students/your-course/placements-work-integrated-learning/clinical-legal-education-programs.

University of Delhi,[76] in providing legal literacy, legal assistance and legal aid to the community are much older than the systematic launch of legal aid movement in India as part of the curriculum of law schools. A special mention must be made of the efforts of Prof. B.B. Pande in establishing the Beggars Court which have served as an inspiration for a generation of lawyers who later went on to occupy the high echelons of Bar and Bench.

Currently, almost all National Law Universities in India are engaged in providing legal aid to the masses either through the establishment of Legal Aid Clinics or Legal Aid Committees. For instance, National Law University Jodhpur and Gujarat National Law University deliver excellent legal services through their respective Legal Aid & Awareness Committee and Legal Services Committee,[77] without having formally set up Clinics. Currently, in India, there are 1662 law colleges, out of which legal services cells are established in 1095 colleges.[78]

Though, there are various CLEs across India running legal aid clinics, they have not yielded the desired results. In a recent Report[79] by the Supreme Court of India, some of the issues related to CLEs in India

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[76] The author is an alumnus of CLC, University of Delhi and has had the privilege of participating in such programmes.

[77] Legal Aid & Awareness Committee*, Annual Report 2023-24,* NATIONAL LAW UNIVERSITY JODHPUR, https://nlujodhpur.ac.in/public/front/nlu_files/Annual%20Committee%20Report-min.pdf.

[78] Ministry of Law & Justice, Department of Legal Affairs, *Free legal aid by law schools, Unstarred Question No. 3955*, RAJYA SABHA (Apr. 06, 2023), https://legalaffairs.gov.in/sites/default/files/AU3892.pdf.

[79] Centre for Research and Planning, *Legal Aid Through Law Schools: A Report On Working Of Legal Aid Cells In Indi*a, SUPREME COURT OF INDIA, https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/11/2024110665.pdf.

have been highlighted. It points out that there are many law schools in India wherein legal aid cells are not functioning very well. The paucity of lawyers who are required to supervise, lack of funding, overburdened faculties, inadequate infrastructure, insufficient use of technology, absence of specialised cells, lack in diversity, and many other challenges have been listed in the Report.[80]

However, it is important to be noted that despite these challenges there are a few centres of legal education that have contributed significantly to the field of legal aid such as the V.M. Salgaocar College of Law. Further, visionary Professors such as Prof. Upendra Baxi and Prof. Madhav Menon have individually contributed to the causes of legal aid, CLEs and socially relevant education. However, the baton is still required to be taken over by the younger generation of educators to make it socially relevant legal education.

Dr. Rajendra Prasad National Law University ("**RPNLU**"), Prayagraj, is preparing to launch an innovative initiative titled "Cluster Law" through its Legal Aid Clinic. This initiative is being designed to address the legal and socio-economic needs of marginalized and underserved sections of society by offering practically relevant legal education and assistance. The project strategically focuses on three distinct groups**:** a rural community (village), a small-scale industrial sector, and a tribal group. The core objective of 'Cluster Law' is to provide law students with hands-on experience by working on real cases, while

[80] *Id.*

offering services to target groups that might not otherwise have access. By adopting interactive and experiential learning methodologies**,** the project seeks to equip these identified groups with a better understanding of their legal rights, obligations, and mechanisms for seeking justice. This approach emphasizes empowering people through legal literacy and enabling them to access the legal system effectively. To achieve this, RPNLU will deploy a collaborative framework involving law school faculty, PLVs and empanelled legal practitioners etc. These stakeholders will work in tandem to access and address the unique legal issues faced by the identified groups. By prioritizing a hands-on engagement model, 'Cluster Law' will facilitate resolution of grievances either by pursuing remedies in formal law courts or through Alternative Dispute Resolution ("**ADR**") mechanisms such as mediation and arbitration. Another distinctive aspect of "Cluster Law" is its focus on uncovering the untapped potential of participants from the target groups and striving to develop them.

VI. HARNESSING TECHNOLOGY IN LEGAL EDUCATION

Covid-19 adversely affected the education system including legal education as well. Various experiments were carried out in imparting legal education during the pandemic. The technological tools certainly assisted in the mission of education and most of the law schools in India as well as abroad switched to the audio-visual conferencing applications developed for the purposes of online meeting. Zoom, Cisco Webex, Google Meet and many other platforms came handy in imparting education that hitherto had been confined to the homes. However, in the Indian context,

the digital divide, and technological know-how of the educators as well students posed major challenges. These challenges were overcome by most of the CLEs by either providing training or trial-and-error methods. However, today, legal education is utilising the technology at large scale.

Moreover, the role of technology has become increasingly pervasive than simply conducting online lectures. The technology has brought massive changes in the way educational institutions impart education and manage their affairs. Further, the recent development on artificial intelligence also creates opportunities and challenges which are to be explored by the CLEs. Some of the major areas of legal education where technology plays its crucial role are mentioned below:

A. TEACHING AND RESEARCH RESOURCES

Restrictions on movement because of the Covid-19 Lockdown made us realise that lectures can be conducted with the help of various online meeting platform tools such Cisco, Zoom, Google Meet etc. which enable the students and teachers to be part of the class even when they are geographically distant. Legal research platforms like Westlaw, LexisNexis, and open-access sources such as Google Scholar empower students to access legal databases and analyse case laws efficiently. Advanced analytics tools, including predictive algorithms, also provide insights into case outcomes, assisting students in developing strategic approaches.

In addition, the recent Supreme Court judgment of broadcasting the court proceedings[81] also enables the educators and students to have the experience of a court room while sitting in the classroom at a distant place. The broadcasting of the court proceedings of High Courts and Supreme Court enables the law teachers and students to have access to the debates, discussion and arguments going on in matters which are of public importance and having large scale impact. This becomes crucial as there was a time when the court proceedings were reported only through law reports and students of law were required to wait for these reports to be published.

Further, as the courts become increasingly accessible for students and teachers sitting in faraway places, the clinical aspects of the profession, especially the soft skills, Bar and Bench relationship and many other nuanced aspects of court craft have become easily accessible to teachers and students of law which will enable the prospective lawyers to adapt to the environment much easier. It is proposed that the CLEs must come up with modalities relating to incorporation and integration of such resources in the teaching and learning processes. Moreover, legal journalism has also evolved with the changing technology and Online news report portals cum database such as Live Law and Bar & Bench have also transformed the legal journalism with live updates on their website and mobile applications.

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[81] Swapnil Tripathi v. Supreme Court of India, 2018 SCC Online SC 1667; Gursimran Kaur Bakshi, *Supreme Court To Launch Live-Streaming Of Regular Hearings In All Benches*, LIVE LAW (Oct. 18 2024), https://www.livelaw.in/top-stories/supreme-court-to-launch-live-streaming-of-regular-hearings-in-all-benches-272830?fromIpLogin=99940.19921811362.

Now most of the law journals have evolved and they have also developed the online platforms for accessing the cases reported at High Courts and Supreme Court. Most of the renowned publishers of textbooks on law subjects have started publishing the electronic versions of their textbooks. This has made reading and researching much quicker in comparison to the hardbound volumes of the work which are bulky, occupy large space and also require care in terms of binding and protection from pests. It is to be noted that usually the subscription of such database of books and journals are based on local area network. However, the remote access facilities may also be provided to teachers and the students for ease of research. This enables the entire library being available on the Cloud which will certainly improve the quality and time of reading and research.

B. LEARNING MANAGEMENT SOFTWARE AND LEGAL EDUCATION

The use of Learning Management Software ("**LMS**") can also be utilised in transforming the legal education sector. There are various paid and open access versions of LMS available which can be utilised and integrated in teaching and assessment of students. There are various ed-tech companies which are providing customised solutions as per the requirements of specific disciplines. The LMS can be utilised for the purpose of various types of record including attendance, repository of teaching and research resources, assignment announcement and submission of various types such as descriptive nature assignment, live fire

chat sessions, live polling, feedback on the courses etc. Also, multiple-choice questions, gamification of the types of assessments including assessment of, assessment for and assessment as learning. Also, various features of LMS related to assessment and evaluation add to the speed and quality of the evaluation. LMS features provide for setting of rubrics and the evaluation may be done as per those rubrics. This makes the entire process of evaluation much more transparent and democratic in addition to making it assessable in real time for all students.

As far as the use of the LMS in legal education is concerned, the same may be utilised for the purposes of sharing of judgments and other materials and gradually preparing a repository of such materials. Further, as law courses require conceptual understanding of various words and special vocabulary, the same may be created gradually as a ready reckoner of any specific course, paper or subject. In addition, the requirement of assessment, especially objective type questions can also be met if the LMS is utilised to its full potential. Furthermore, the requirements of maintaining a diary of internship, its evaluation, daily reporting of the same to the supervisor can be performed with the help of LMS which is considered necessary to be ensured in CLEs.

C. INTEGRATION OF ARTIFICIAL INTELLIGENCE IN TEACHING, EVALUATION AND RESEARCH

About a decade ago, research and teaching was dependent on the books and availability of journals for which, the waiting period was usually long. Also, sharing of the research results, publications etc. was also a tedious task due to the requirement of supply through postal methods.

Today, the internet has eliminated these hurdles of accessibility, law teachers and students are not dependent on material in the physical form alone. Today, the internet provides massive legal literature and other interdisciplinary research materials. Gradually, the perception is building that 'Google Baba' is taking the place of teachers and teachers are losing their relevance. Though, this position may not be absolutely correct, yet, the role of the teachers in the classroom is drastically changing due to the increasing accessibility of resources through the internet for a student. The teachers have to focus more on the analytical and interdisciplinary approach of teaching and building the character of the students rather than emphasising on rote learning or memorization of facts.

The recent developments in the field of machine learning and artificial intelligence have vastly affected research and writing skills. Developments in the field of AI have had a massive impact on teaching, research and assessment techniques. The recent controversy at Jindal Global Law School ("**JGLS**"),[82] is one of the examples of these challenges that is now being faced by the educational institutions in assessment techniques and grading mechanisms. However, AI may not be discarded as irrelevant to legal education system just yet. The recent experiments of drafting deeds, prediction of outcomes in cases, case summaries, case

[82] *Student goes to court after OP Jindal Global Law School fails him over 'AI-generated' answers*, TIMES OF INDIA (No. 7, 2024), https://timesofindia.indiatimes.com/technology/tech-news/student-goes-to-court-after-op-jindal-global-law-school-fails-him-over-ai-generated-answers/articleshow/114949856.cms.

analyses are some of the examples of fast research outputs that AI can aid in.

Beyond this, there are many AI platforms that help in creating visually appealing power point presentations, small videos based on text commands and other appealing audio-visual outputs that make teaching and learning in the classrooms much more attractive and appealing in contrast with the last decade. These tools can especially be utilised for the case law method of teaching where the facts of the case can be converted in to small video clips and interesting PPTs.

VII. HARNESSING TECHNOLOGY IN CLINICAL LEGAL EDUCATION

As stated earlier, Clinical Legal Education represents a transformative approach to teaching law, focusing on experiential learning by integrating practical legal work with academic theory. The application of technology to CLE holds immense potential to enhance learning outcomes, improve accessibility, and streamline legal services. Technology enriches CLE by providing access to diverse learning resources and scenarios. Students can engage with real-world legal problems, develop critical thinking skills, and gain hands-on experience without being constrained by traditional classroom settings. Online platforms ensure that legal education is accessible to students and clients irrespective of their physical location. This inclusivity is particularly beneficial for underserved populations, enabling clinics to offer pro bono services widely. Automation and digital tools reduce administrative

burdens, allowing clinics to handle more cases with limited resources. For instance, automated document assembly tools like HotDocs[83] can streamline repetitive tasks such as drafting wills or contracts. Analytics tools provide valuable insights into the performance of clinics and students.

As per BCI prescribed CLE papers, teaching a paper on ADR can greatly benefit from the use of technology, as it provides interactive, engagement, and accessible methods to enhance learning. Role-Playing Software like ODR Simulation Platforms[84] or apps designed for negotiation exercises allow students to practice ADR scenarios in real-time**.** Learning Management System Platforms like Moodle, Blackboard, or Google Classroom can organize course content, host assignments, and track student progress. Since the paper on ADR is skills-based subject, therefore, mere skills of the software will not be of much help and therefore core skills of client counselling, negotiations, and soft skills related to the same along with taking notes of client conferences needs special attention. Such conferences, however, may take place with the help of online meeting platforms. Therefore, apart from the basic usage of computer for taking notes, most of the subjects remain to be focussed on core skills of human interaction, taking notes and converting the same into legal documents, where technology has a very minimal role, though

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[83] *HotDocs Corporation Announces Ground-Breaking Cloud Technology for Lawyers*, HOTDOCS NEWS, https://hotdocs.com/press/hotdocs-corporation-announces-ground-breaking-cloud-technology-lawyers/.

[84] *ODR platforms & Apps*, ODR EUROPE, https://www.odreurope.com/odr-services/odr-platforms-apps.

artificial intelligence can certainly be exploited in preparing notes and strategy of litigation.

Teaching the paper on Drafting, Pleadings, and Conveyancing can significantly enrich the use of technology to make learning processes practical, interactive, and align them with real-world legal practices. Online Databases Platforms like Westlaw, LexisNexis, SCC Online, and Manupatra can help students research case laws, statutes, and precedents relevant to drafting pleadings. Students can be taught to analyze past court pleadings and conveyance documents from these databases. Students may be introduced legal drafting software tools like MS Word with legal templates or specialized software such as *Legito* or *HotDocs*, which automate drafting of legal documents.[85] AI-powered tools for case preparation like CaseText or ROSS AI can demonstrate how technology can assist in drafting pleadings with relevant legal arguments. Students can use E-signing platforms like DocuSign or Adobe Sign for drafting and executing agreements or deeds electronically.[86] Students can be encouraged to know how AI is used in legal tech to identify clauses and summarize agreements.

Teaching Professional Ethics through technology can make the subjects more interactive, relatable, and impactful, helping students grasp the nuances of ethical behaviour in the legal profession. Videos or

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[85] *Affordable legal document automation software that puts time back in your day*, CLIO DRAFT, https://www.lawyaw.com/.

[86] *How AI can help lawyers write legal documents more efficiently, including drafting case briefs and reviewing contracts*, BLOOMBERG LAW, https://pro.bloomberglaw.com/insights/technology/ai-tools-for-legal-writing/#how-is-ai-being-used-in-legal-writing.

documentaries on landmark cases involving ethical breaches, e.g., lawyer misconduct, client confidentiality breaches, or conflicts of interest can be shared with the students. Podcasts and Webinars where legal experts discuss real-world ethical challenges in law practice can be recommended. Appropriate usage of artificial intelligence, its opportunities and challenges in the practice of law can be integrated in the curriculum of Professional Ethics. The issue of plagiarism should also be given due attention in light of recent developments in the field of artificial intelligence. It is to be remembered that the objective of CLE in India is inclusive yet dynamic, egalitarian yet, progressive, which is in conformity with the constitutional values, goals and duties. Clinical Education, Justice Education and Socially Relevant Education advocates for the same thing from different perspectives.[87] This argument is made in the line with the advocacy being a noble profession and the Advocates Act and various judgments emphasising that the advocates are the officers of the court and income of the advocates are incidental to the profession. The same is being reiterated by the curriculum of law schools through the paper of 'Professional Ethics'.[88]

Coming to law clinics, virtual Legal Aid Clinics can be of significant use; wherever necessary, through video conferencing, email

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[87] Frank S. Bloch, *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press 2011).

[88] FRANK S BLOCH AND N. R. MADHAVA MENON, *The Global Clinical Movement*, *in* THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch ed., OXFORD ACADEMIC 2011), https://doi.org/10.1093/acprof:oso/9780195381146.003.0018.

correspondence, and secure client portals, students can conduct interviews, gather evidence, and provide legal advice, all within a digital environment. Tools like Microsoft Teams, Zoom, and dedicated legal practice software such as Clio or MyCase have made this feasible. Harvard Law School's Access to Justice Lab,[89] uses technology to streamline legal processes and provide affordable legal solutions. It integrates research, technology, and clinical work, allowing students to experiment with innovative tools and methods. Southwestern Law School's Immigration Law Clinic leverages virtual platforms to assist clients with immigration issues. Using video conferencing and secure digital document management, the clinic ensures efficiency and accessibility for clients who cannot attend in person. Several National Law Universities in India like NLSIU Bangalore, NLU Delhi, and NALSAR Hyderabad have integrated technology in their Legal Aid Clinics**.** These clinics use online platforms to provide free legal consultations to underprivileged communities. Students gain hands-on experience while addressing real legal issues remotely. Tools like Google Forms, online mapping, and statistical software help law students analyse data related to local community issues. Students learn to integrate technology with legal practice while contributing to evidence-based policy recommendations. Students use these tools for case analysis and document drafting during legal aid work. Students gain experience with advanced legal technologies, preparing them for modern legal practice.

[89] *Access to Justice Lab*, HARVARD LAW SCHOOL, https://a2jlab.org.

Platforms like *SWAYAM* and Coursera host specialized courses in public interest law and clinical legal methods. Law schools encourage students to participate in these programs, often integrating them into clinical training. Initiatives like *Nyaya Bandhu* (launched by the Ministry of Law and Justice) connect pro bono lawyers with clients through a mobile app. Law students are trained to assist in case preparation, offering them real-world exposure. Law students engage with actual legal issues while supporting public interest lawyering, enhancing their practical training.

Simulation-based learning enhances student preparation for real-world scenarios. Tools like LawBite and VR-enabled courtroom simulations immerse students in virtual environments where they can practice courtroom proceedings, negotiation techniques, and client interactions. Efficient case management is crucial for clinical programs. Digital platforms streamline the management of client records, case documents, and deadlines. Tools such as LegalServer or ClinicCases are tailored for legal clinics, offering features like document storage, workflow automation, and analytics for performance evaluation.

As per the reports of the Government, India has achieved internet connectivity in ninety five percent of the villages under the Bharat Net Project.[90] Overall there are more than ninety-five crore internet users in

[90]Ministry of Communications, *Universal Connectivity and Digital India initiatives reaching to all areas, including tier-2/3 cities and villages As of April 2024, 95.15% villages having access to internet with 3G/4G mobile connectivity Total internet subscribers increased from 251.59 million as of March 2014 to 954.40 million in March 2024 Government is taking various technology-led startups and innovation schemes like TIDE 2.0, GENESIS, CoEs and NGIS*, PRESS INFORMATION BUREAU (Aug. 02, 2024)

India. These numbers clearly indicate that the internet penetration has reached to the remote areas. These facilities provide opportunities to the law schools to setup online legal aid clinics and reach the masses. Special role of the students who can speak in vernacular and local language becomes crucial in setting up and providing legal aid to the masses without the hassle to travel and expenses associated with it. Therefore, attempts may be made to establish online legal aid clinic with the help of the local administration at a village level; NGOs may help in preparing and setting up the systems and assisting the masses. The same setup may also be utilised for legal literacy programmes as well.

VIII. CHALLENGES IN IMPLEMENTING TECHNOLOGY IN CLE

Implementing technology in clinical legal education presents several challenges, as well. Cost and resource constraints are significant barriers, as are the challenges associated with acquisition and maintenance software, hardware, and training resources often requires substantial financial investment, which many institutions cannot afford.[91] Handling sensitive client information digitally raises concerns about data security and privacy. Technological barriers also persist for students and clients who lack access to reliable internet, modern devices, or the necessary digital skills to navigate these platforms effectively. Resistance to change

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https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2040566.

[91] M.L. Rhodes *Technological Innovation in Legal Education: Challenges and Opportunities*, J. OF LEGAL EDUC. 45 (2020); J.S. Mann, *Challenges of Information Technology in Promoting Legal Education and Research: A Critical Analysis* (Aug. 2021), https://www.researchgate.net/publication/354200336_Challenges_of_Information_Technology_in_Promoting_Legal_Education_and_Research_A_Critical_Analysis.

among faculty and professionals accustomed to traditional teaching methods can further slow technological adoption, requiring targeted training and demonstrable benefits to shift attitudes. Ethical consideration, such as the risk of bias and lack of transparency in AI-powered legal tools, adds another layer of complexity, demanding careful oversight and responsible use, especially in educational settings.

IX. CONCLUSION AND SUGGESTIONS

The integration of technology into legal education, particularly in clinical legal education, offers transformative advantages by enhancing efficiency and practical learning opportunities. Advanced tools like AI-powered research databases and document automation streamline case preparation and analysis, allowing students to focus on developing critical thinking and advocacy skills. The use of technology into clinical legal education offers unparalleled opportunities for enhancing the learning experience, improving access to justice, and preparing students for the evolving legal regime. Virtual platforms enable students to simulate real-world legal scenarios, fostering experiential learning while reaching underserved communities through online legal aid. Though challenges such as cost, security, and resistance to change exist; the proactive measures, including training, and ethical guidelines can mitigate these issues. By embracing innovation, legal educators can ensure that future generations of lawyers are equipped with the skills and knowledge necessary to cope up with an increasingly digital world.

Last, but not the least, technology should serve to supplement, rather than supplant, traditional, human-centred pedagogical approaches, as the guidance, mentorship, and contextual expertise offered by seasoned law teachers is irreplaceable in nurturing critical reasoning and empathy in aspiring lawyers. While technological tools can enhance efficiency and provide innovative learning experiences, the depth of understanding and values imparted through human interaction remain central to shaping well-rounded law graduates and scholars.

Professor (Dr.) V.K. Ahuja & Harshita Gupta, *The Future of Legal Education in India in the Era of AI,* 11(1) NLUJ L. REV. 97 (2025)

THE FUTURE OF LEGAL EDUCATION IN INDIA IN THE ERA OF AI

~Professor (Dr.) V.K. Ahuja & Ms. Harshita Gupta[*]

ABSTRACT

The year 2022 was significant, not only because the world started returning to normal after the pandemic, but also because of the launch of Open AI. With AI becoming a part of our lives and deep learning helping us become more pro-efficient day-by-day, concerns about the diminishing difference between what is human creation and AI creation is growing. The legal profession and education are also facing the same concern. Academic integrity is central to any educational institution and AI seems to threaten the same. In the face of such a challenge, it is imperative to ponder over the present and the future of legal education in the era of AI. This paper tries to do the same by adopting an empirical approach to gauge the manner and degree of AI use in assessments by students. Thereafter, the paper looks at various developments in the Indian as well as the international legal industry to highlight that integrating AI into the current system and practices is the need of the hour. Lastly, the paper offers some suggestions on how Indian law schools can navigate through the era of AI.

Keywords: *Artificial intelligence, legal education, academic integrity, plagiarism*

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I. INTRODUCTION

The digital revolution has brought the world closer and played an instrumental role in increasing access to information. It has also helped us in making our daily tasks much easier and efficient. However, as technology grows, a number of concerns also erupt. Concerns such as certain jobs becoming obsolete loom large.

The digital disruption has left no walk of human life untouched. Law as a field of study and practice has also benefited from the same. However, it is facing its share of concerns as well. With Artificial Intelligence ("**AI**") disrupting human perceptions of real and artificial, the legal field which is heavily dependent on academic writing faces pertinent challenges. As teachers and students engaged in learning the nuances of the law, we face the challenge of how to keep academic integrity intact while simultaneously drawing the due benefits from AI.[1]

The reason behind such anxiety about AI is that apart from merely summarizing or paraphrasing provided information – Generative Artificial Intelligence ("**Gen AI**") can create something entirely new, drawing from the wealth of information easily available on the internet. This has naturally caused a significant alarm in the academic circle since the harm this creates can be many. The resultant material often does not attribute its original sources; this is because establishing reverse causation from output-to-input in Gen AI from heaps of training data is largely

[1] Marjan Ajevski, et al., *ChatGPT and the future of legal education and practice*, 57(3) THE LAW TEACHER, 352-364 (2023).

technologically unfeasible. Moreover, Gen AI also produces false information, known as hallucinations which can perpetuate incorrect research.[2] Gen AI also perpetuates biases in its training data which will have an impact on the output as well.

Lastly, there is no way to ensure attribution is mandated right now to AI-produced work when used by researchers.[3] Even though limited success can be seen with its detection and comparability to human work, owing to the perpetually self-learning nature of AI – the underlying concern demands immediate scrutiny.

Another question is that since AI Tools ("**AIT**") are capable of doing a number of tasks that a legal practitioner does (like drafting, making case briefs, and legal research) with the probability of reaching human-like efficiency what should be taught to students to make them stay relevant in the age of AI?

Additionally, the availability of AIT for public use along with the growth of startups offering specialized AITs to cater to the needs of students has created a precarious situation. It is noteworthy that such AITs are available in two versions. One version is the openly accessible version (this can be used without payment of a subscription fee). The other version is a paid version which offers more nuanced services in comparison to the openly available software. This brings before us the issue of the digital divide, wherein students who are financially equipped

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[2]Aras Bozkurt, *GenAI et al.: Cocreation, Authorship, Ownership, Academic Ethics and Integrity in a Time of Generative AI*, 16(1) OPEN PRAXIS 1 (2024).

[3] Elias Neocleous & Co LLC, *Utilising AI in legal education: A case study*, LEXOLOGY (Sep. 20, 2024), https://www.lexology.com/library/detail.aspx?g=218459ac-1585-403a-a289-dead1bbf46af.

can use these services for academic purposes (both assignments and assessments) but students who are not so financially secure and digitally aware lag behind as AIT is not taught or allowed by academic institutions.

These concerns and questions require an immediate enquiry. Such an enquiry cannot be, however, through a purely doctrinal perspective. Since the problem is of a practical nature, we need to use empirical evidence to study various scenarios and find some common linkages which in turn will help us in getting closer to the questions posed above.

The authors propose a threefold empirical study to fully understand the issues around academic integrity concerns raised by AI, especially in the context of assessment. The first study would involve the testing of various AI tools to generate legal content and asking teachers and students about the nature of its origin. This is important to gauge the effectiveness of AI detection software currently being used to assess student assignments. The second study would be based on a questionnaire circulated among students, soliciting their responses about the extent and kind of AI use in their academic assignments. In this paper, we shall also discuss some insights offered by faculty members to understand the use of AI in law schools. The results of these two studies along with the observations made by faculty at law schools would then be analysed to suggest suitable changes that are required to be made to the Indian legal education system and the incorporation of AI into legal education.

This article consists of three parts including the introduction. The second part of the article will discuss and analyse the responses gathered

from faculties and students, and the third part will draw insights from the second part and offer some suggestions and conclusions.

II. LAW SCHOOLS AND AI

The recent news about a university failing a student citing the use of AI has culminated into a lawsuit challenging the allegation about the use of AI.[4] This suit though is a private civil lawsuit; it raises some pertinent questions about the veracity of AI checking tools currently used by Indian law schools and the vacuum of academic policies on AI use.

While several articles have pointed out that AI checking tools are insufficient, prominent companies working on AI, such as OpenAI have reportedly put the development of their AI detection software on the shelves.[5] This thus diminishes the hope of a technological solution to secure academic integrity in the near future.

The authors, for the purposes of understanding the use of AI by law students, surveyed students and faculty members. In this survey, two Google forms were circulated. The first form consisted of two paragraphs that were to be read and assessed for the use of AI by both students and faculty. With each paragraph, the authors attached the respective Turnitin report. The Turnitin report for one paragraph showed 9% plagiarism, and

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[4] Muskaan Sharma, *Law student sues Jindal Global Law School for failing him over '88% AI-generated' exam answers*, HINDUSTAN TIMES (Nov. 4, 2024), https://www.hindustantimes.com/trending/law-student-sues-jindal-global-law-school-for-failing-him-over-88-ai-generated-exam-answers-101730721011828.html.

[5] Jason Nelson, *OpenAI Quietly Shuts Down Its AI Detection Tool*, EMERGE (Jul. 25, 2023), https://decrypt.co/149826/openai-quietly-shutters-its-ai-detection-tool.

for the other paragraph, it showed no plagiarism. No AI detection was made by the Turnitin report.

The responses received on this form show that both technological and human assessment to detect AI use are insufficient. A number of participants said that there was AI use, while others answered in negative. Many participants were unsure about whether AI was used or not. However, on the contrary, both paragraphs were generated with the help of AI. The first paragraph was generated by giving a prompt and the second paragraph was generated through three prompts which helped in modifying the resultant paragraphs.

The second survey conducted by the authors focused on understanding how law students are using AI in their academic lives. This questionnaire consisted of ten questions. The first question was on the use of AI. A large chunk answered in the affirmative (over 95%). The next question was on the kind of work they used it for. A majority of them use AI for projects, courtroom exercises (written submission), and making notes (66%), followed by only using it for project submission (30.2%) and lastly, making notes (3.8%). The third question asked about the effectiveness of the use of AI in various tasks. The response highlighted that the use of AI in projects was more effective when compared to the use of making memorials for courtroom exercises and notes. The fourth question pertained to how AI was used. The response suggests that the use of AI both for paraphrasing already available information to avoid plagiarism detection and the use of AI to generate new texts was more or less equal. As per the results of the survey, Turnitin is an insufficient tool

for AI detection. (71.4% of the responses said that the Turnitin report detected only some AI use, whereas a meagre share of 12.5% said Turnitin detected the use of AI totally while 16.1% of the responses said no detection of AI by Turnitin).

The succeeding questions asked students about the frequency of incidents of AI detection by faculty members. Surprisingly, the results of the survey show that multiple times the faculty members were unable to detect AI even with the help of the Turnitin Report (46.4%). However, it is also important to note that some students said that faculty members were able to detect AI use with the help of Turnitin Report (42.9%). A minuscule percentage (10.7%) of responses suggested the detection of AI without the use of the Turnitin Report.

The next set of questions asked students whether the use of AI be permitted in law schools and whether a course on the effective use of AI to enhance the quality of work be administered. For the first question, 64.3% of students answered positively. While 26.8% were uncertain about it, 8.9% said that it should not be allowed. In response to the second question, 87.5% of students agreed that they wanted a course in AI, 7.1% expressed uncertainty and 5.4% said it was not required.

These surveys lend weight to the anxiety prevailing over the overuse of AI and its ability to camouflage with human-created works. This also tells us about the pervasiveness of AI use in assignments by law students. Another important insight is that some forms of assessments are more prone to AI use, and such use might not be subsequently detected resulting in students getting an undue advantage. It is also noteworthy that

students wish to integrate learning the use of AI with the law school curriculum.

However, to fully comprehend the issue of AI use in academic assessment in law school, one needs to understand the perspective of the faculty as well. For this, the authors took opinions on this issue from some faculty members. Firstly, it was noticed that very few faculty members used AI in teaching. Some teachers did use AI for enhancing grammar; however, there was no AI used for making courtroom exercises or any other activity. When asked about the veracity of the Turnitin Report in the context of AI detection, teachers admitted that it lacks accuracy. They, however, pointed out that when AI is used (for example, in project submission), the content itself makes it evident that AI is used by the student. This is in stark contrast to our survey where both students and teachers erred in saying that the paragraphs were not AI-generated and the claim made by students that their use of AI remained undetected. This certainly reveals a gap in our current understanding of the potential of AI and its implications for academic assessment. Some teachers also pointed to the need to have concrete AI policies, assessing students through practical work et cetera. However, most teachers continue to remain sceptical about allowing the use of AI in assignments. Despite this scepticism, teachers agree that AI has taken deep roots in the legal education system and has the potential to change the administration of legal education as we know it.

All these observations, opinions, and insights direct us to delve deeper into the future of legal education in India. At the outset, it would

be beneficial to point out that AI has not only impacted the education sector, but has also impacted the professional world. In the legal arena, there are several AI chatbots available to answer legal queries, do paperwork, documentation, et cetera.[6] The Supreme Court of India too is using AI.[7] An Indian judge took the opinion of AI tools in real cases. (It should be noted that the opinion rendered by AI had no bearing on the outcome of the case).[8] Magic Circle firm, Allen & Overy Shearman has partnered with an AI startup and has recently launched an AI-powered negotiation tool.[9] In India, Cyril Amarchand Mangaldas is also using AI software to improve its efficiency across practice areas.[10] Soon other firms are bound to follow the same. Additionally, law schools across the globe are integrating AI education into their curriculum. In a survey conducted by the American Bar Association, many universities are teaching about how to leverage AI and are updating or considering updating academic integrity policies.[11] Yale Law School has started a course "*Artificial Intelligence, the legal profession and the legal procedure*" to equip its students with

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[6] LAW BOT PRO, https://lawbotpro.com/; *NyayGuru: India's First Legal AI Chatbot*, NYAYGURU, https://nyayguru.com/; *LAWFYI'S Legal Aid: Your AI Legal Guide for Indian Laws*, LAWFYI.IO, https://lawfyi.io/introducing-lawfyi-chatbot-your-ai-legal-guide-for-indian-laws/.

[7] *Supreme Court confirms use of AI in legal research and translation,* THE HINDU (Aug. 12, 2024), https://www.thehindu.com/sci-tech/technology/supreme-court-confirms-use-of-ai-in-legal-research-and-translation/article68515713.ece.

[8] Aman Gupta, *This Indian court has used ChatGPT on a criminal case*, LIVEMINT (Mar. 29, 2023), https://www.livemint.com/news/india/this-indian-court-has-used-chatgpt-on-a-criminal-case-11679977632552.html.

[9] *Allen & Overy rolls out AI contract negotiation tool in challenge to Legal Industry*, FINANCIAL TIMES, https://www.ft.com/content/f1aff4d0-b2c5-4266-aa0a-604ef14894bb.

[10] *Legal Technology & Alternative Legal Services*, CYRIL AMARCHAND MANGALDAS, https://www.cyrilshroff.com/legaltech-als/.

[11] Daniella Braff, *ABA's artificial intelligence task force releases law school survey*, ABA JOURNAL (Jun. 25, 2024), https://www.abajournal.com/web/article/artificial-intelligence-is-taking-over-law-schools.

knowledge in the age of AI.[12] Similarly, King's College London has conducted activities to help its students learn more about effectively putting prompts to get better results, amongst other things.[13] In a highly globalized and competitive world, Indian law schools cannot isolate themselves from the benefits offered by AI. These developments point out the need for Indian law schools to tread the path of AI. This, however, needs to be done cautiously, taking into account various ethical issues and concerns concerning the biases of the AIT in an already culturally rich but sensitive society to not widen the existing fault lines.

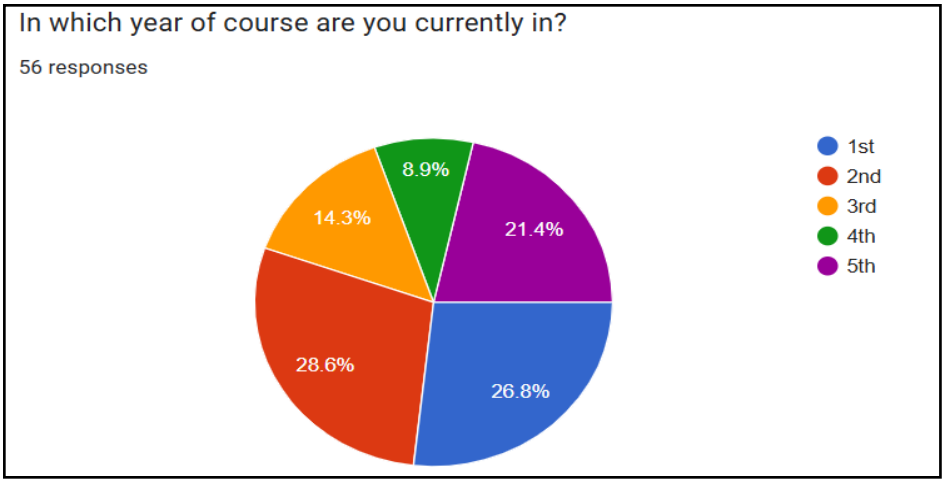


Figure 1: Responses to Survey

[12] *AI and the Possibilities for the Legal Profession – and Legal Education*, YALE LAW SCHOOL (May 3, 2023), https://law.yale.edu/yls-today/news/ai-and-possibilities-legal-profession-and-legal-education

[13] Dr Anat Keller & Cari Hyde-Vaamonde, *Testing the Frontier – Generative AI in Legal Education and beyond*, KING'S COLLEGE LONDON, https://www.kcl.ac.uk/research/testing-the-frontier-generative-ai-in-legal-education-and-beyond

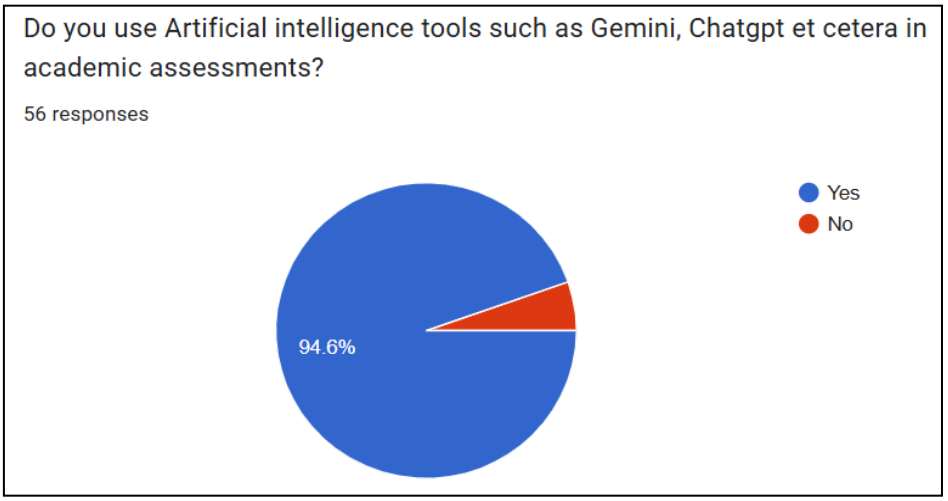


Figure 2: Responses to Survey

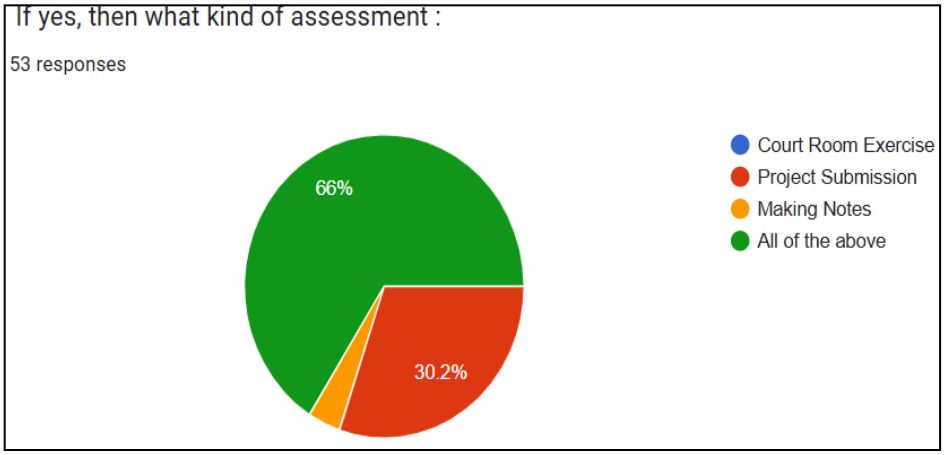


Figure 3: Responses to Survey

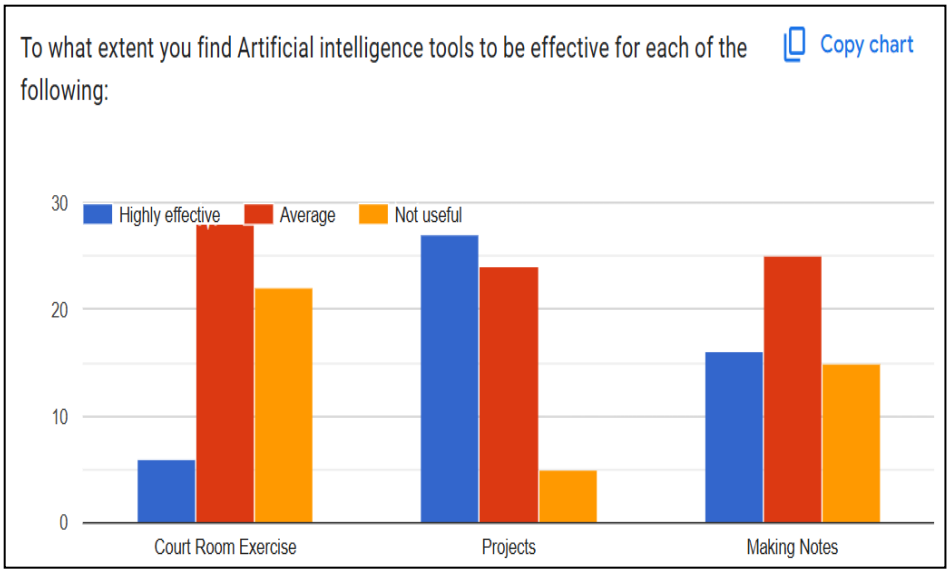


Figure 4: Responses to Survey

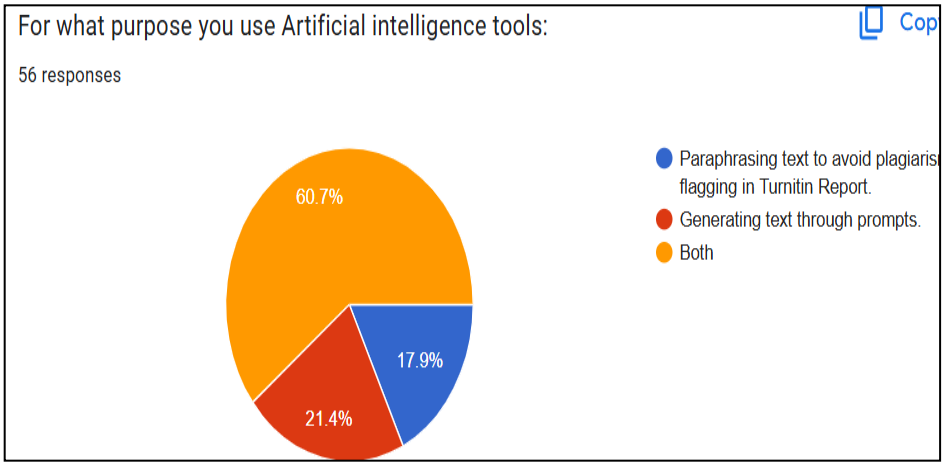


Figure 5: Responses to Survey

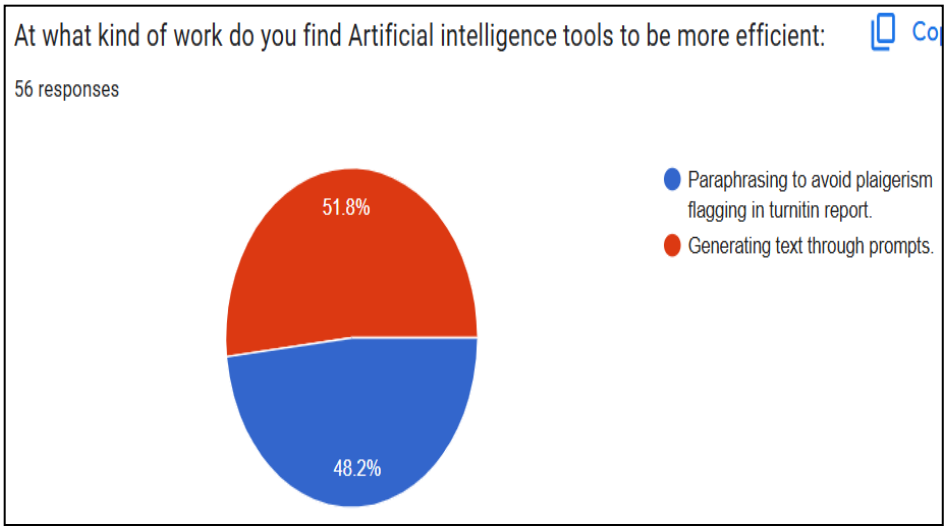


Figure 6: Responses to Survey

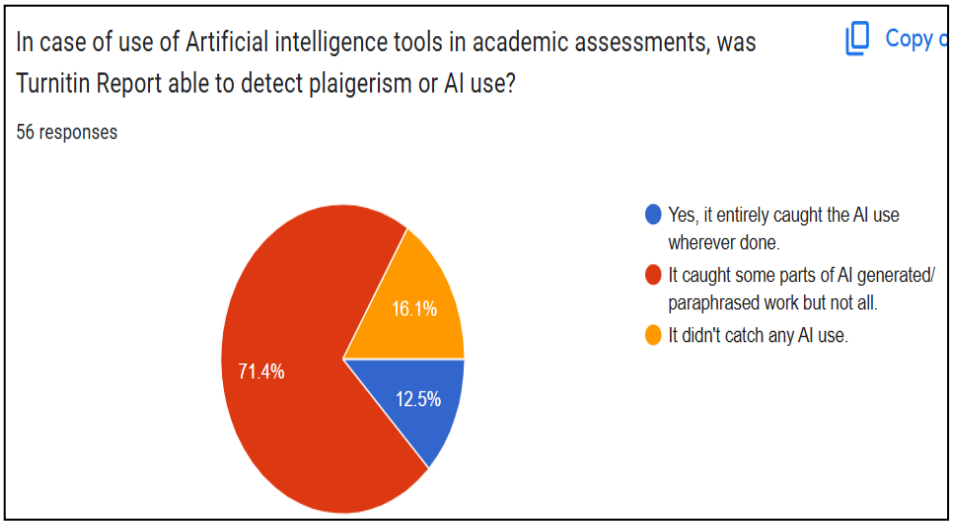


Figure 7: Responses to Survey

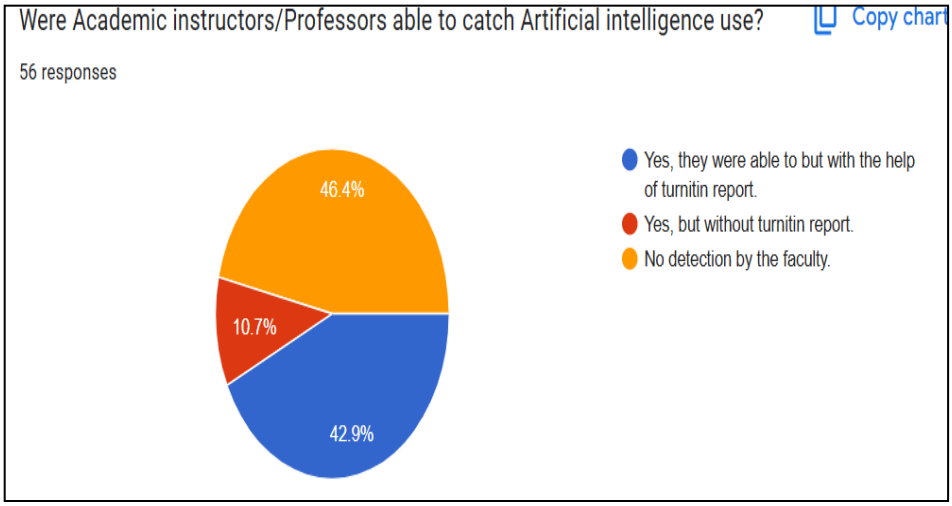


Figure 8: Responses to Survey

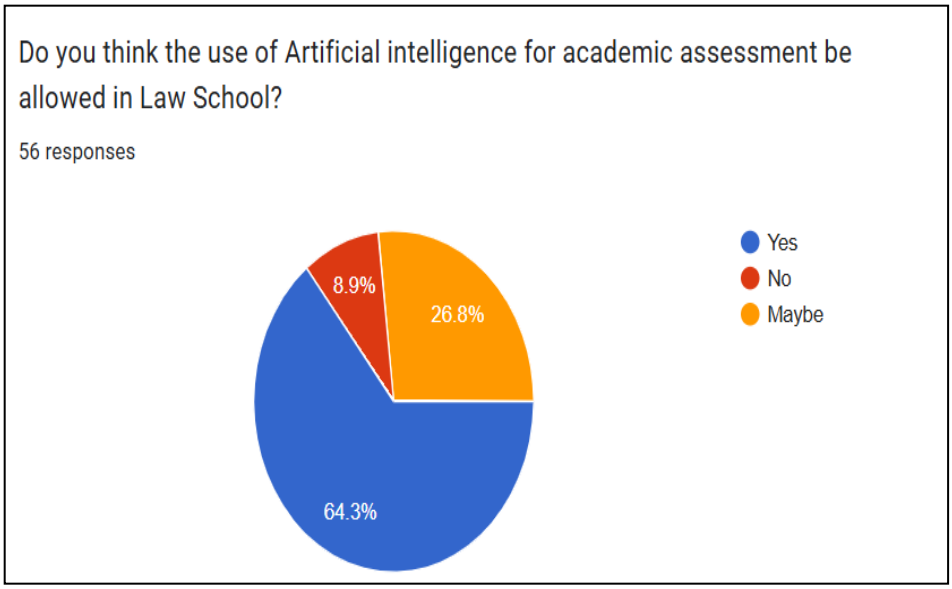


Figure 9: Responses to Survey

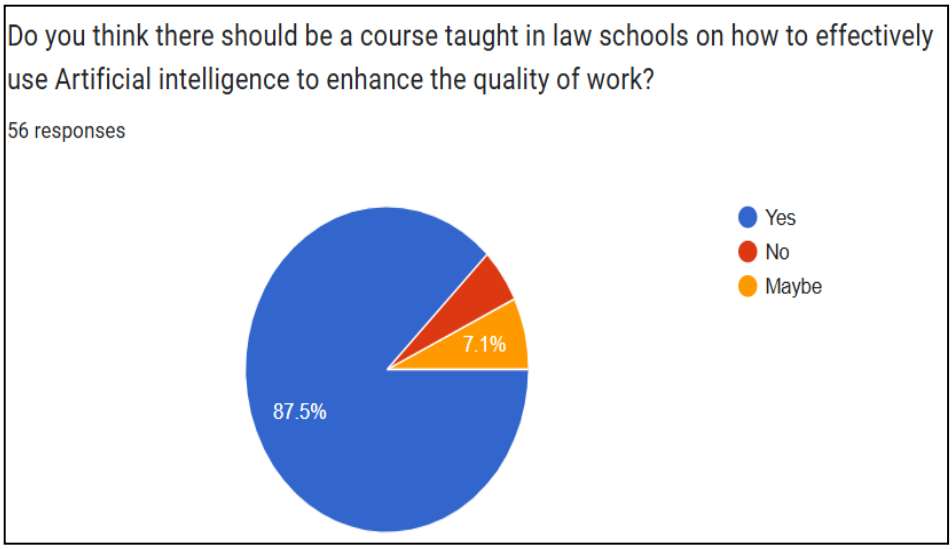


Figure 10: Responses to Survey

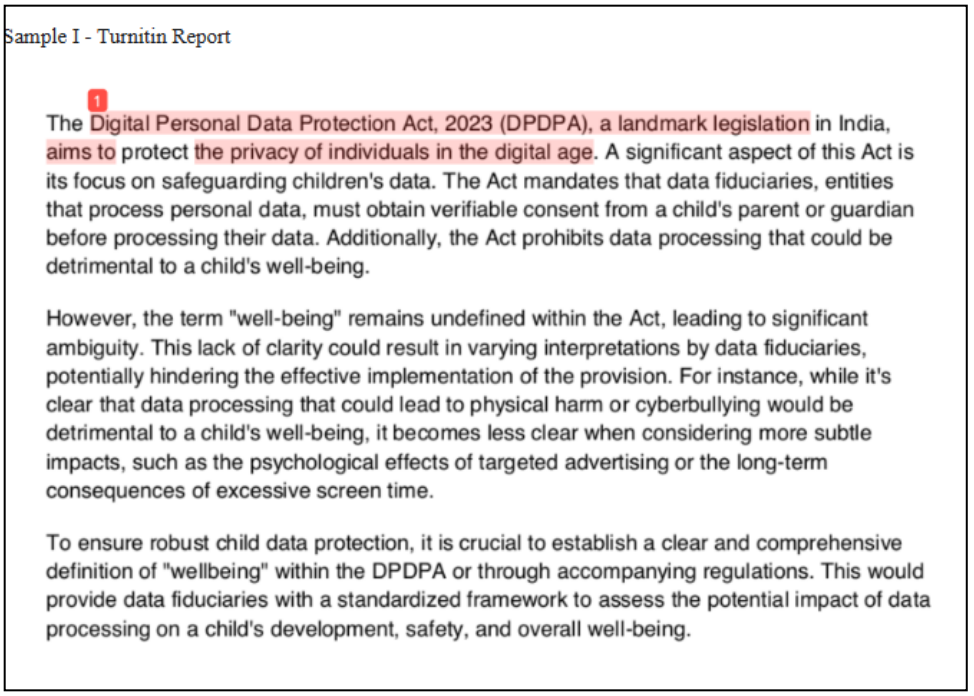
Sample I

The Digital Personal Data Protection Act, 2023 (DPDPA), a landmark legislation in India, aims to protect the privacy of individuals in the digital age. A significant aspect of this Act is its focus on safeguarding children's data. The Act mandates that data fiduciaries, entities that process personal data, must obtain verifiable consent from a child's parent or guardian before processing their data. Additionally, the Act prohibits data processing that could be detrimental to a child's well-being.

However, the term "well-being" remains undefined within the Act, leading to significant ambiguity. This lack of clarity could result in varying interpretations by data fiduciaries, potentially hindering the effective implementation of the provision. For instance, while it's clear that data processing that could lead to physical harm or cyberbullying would be detrimental to a child's well-being, it becomes less clear when considering more subtle impacts, such as the psychological effects of targeted advertising or the long-term consequences of excessive screen time.

To ensure robust child data protection, it is crucial to establish a clear and comprehensive definition of "wellbeing" within the DPDPA or through accompanying regulations. This would provide data fiduciaries with a standardized framework to assess the potential impact of data processing on a child's development, safety, and overall well-being.

Figure 11: Sample I Survey

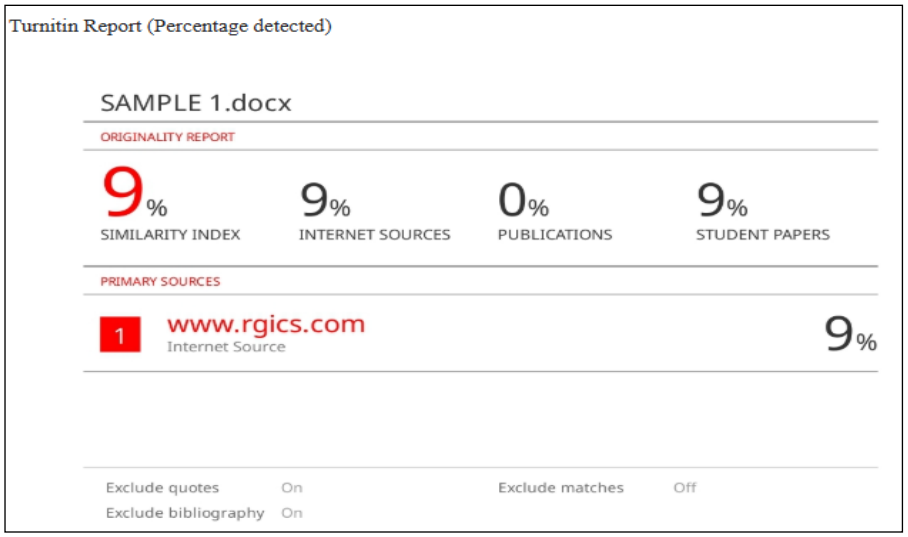

Sample I - Turnitin Report

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Figure 12: Sample I Survey – Turnitin Report


Turnitin Report (Percentage detected)

SAMPLE 1.docx

ORIGINALITY REPORT

9%	9%	0%	9%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	www.rgics.com Internet Source	9%

Exclude quotes	On	Exclude matches	Off
Exclude bibliography	On		

Figure 13: Sample I Turnitin Report – Percentage

Sample II

The accused, a victim of prolonged domestic abuse, acted under the influence of Battered Woman Syndrome (BWS), significantly impacting her mental state and capacity to act rationally. This condition, coupled with the legal doctrine of grave and sudden provocation, provides a compelling defence to the charges against her. The accused's actions were not premeditated but rather a desperate response to a situation that had escalated over time. The cumulative effect of the abuse, characterised by physical violence, emotional manipulation, and threats, created a state of constant fear and anxiety. This heightened emotional state, as recognised in cases like **Sudhakaran v. State of Kerala**, significantly impaired the accused's ability to reason and act with deliberation.

Furthermore, the history of abuse, as highlighted in **Budhi Singh v. State of Himachal Pradesh**, can be considered a form of continuous provocation. The repeated exposure to violence and threats eroded the accused's sense of safety and security, culminating in a moment of extreme desperation established in **Manju Lakra v. State of Assam**, individuals suffering from BWS often experience a heightened sense of fear and a diminished capacity for self-preservation. In the present case, the accused's actions were a direct response to the abusive behaviour of her partner.

Figure 14: Sample II Survey

Sample II - Turnitin Report

The accused, a victim of prolonged domestic abuse, acted under the influence of Battered Woman Syndrome (BWS), significantly impacting her mental state and capacity to act rationally. This condition, coupled with the legal doctrine of grave and sudden provocation, provides a compelling defence to the charges against her. The accused's actions were not premeditated but rather a desperate response to a situation that had escalated over time. The cumulative effect of the abuse, characterised by physical violence, emotional manipulation, and threats, created a state of constant fear and anxiety. This heightened emotional state, as recognised in cases like **Sudhakaran v. State of Kerala**, significantly impaired the accused's ability to reason and act with deliberation.

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1. Please Read the turnitin report of Sample II (No Artificial intelligence was detected)

Figure 15: Sample II Survey – Turnitin Report

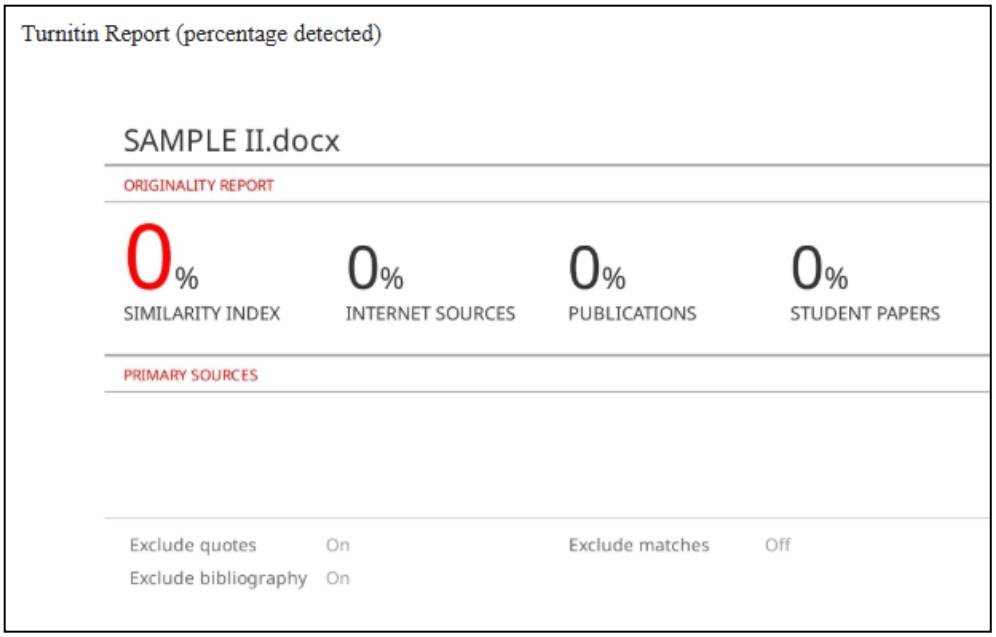


Figure 16: Sample II Survey Turnitin Report – Percentage

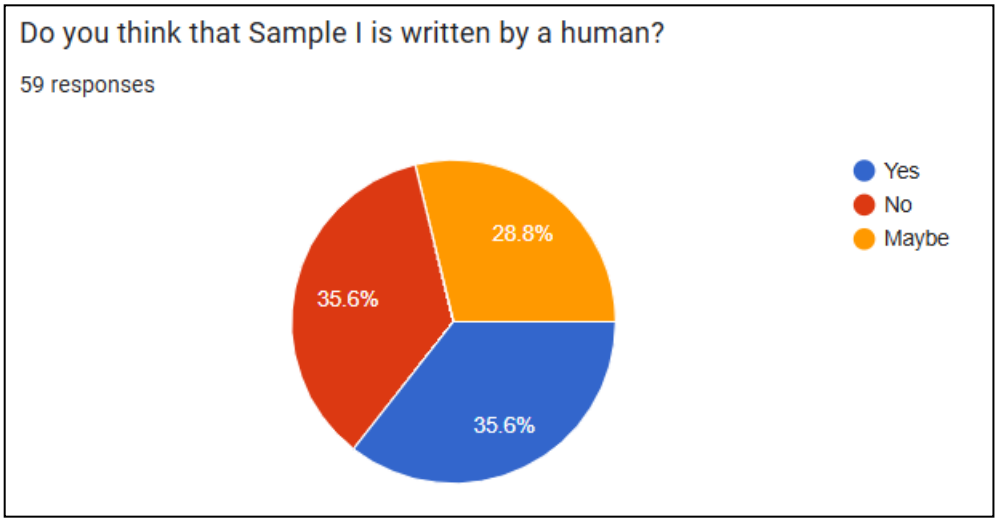


Figure 17: Responses to Survey Sample I

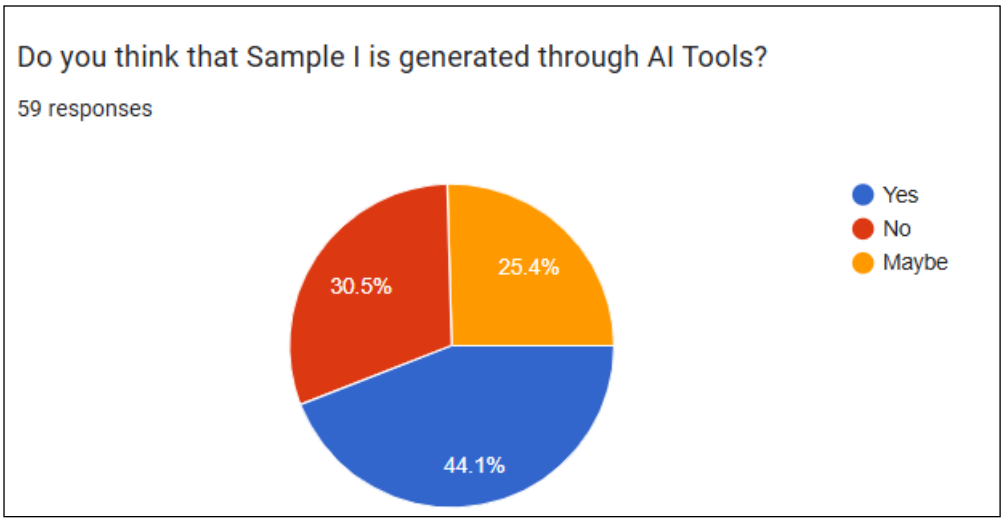


Figure 18: Responses to Survey Sample I

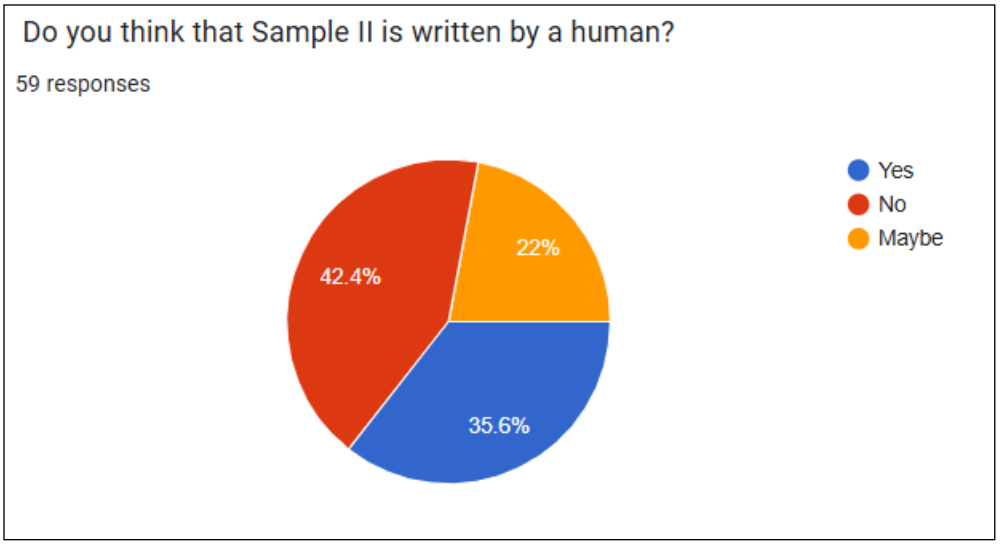


Figure 19: Responses to Survey Sample II

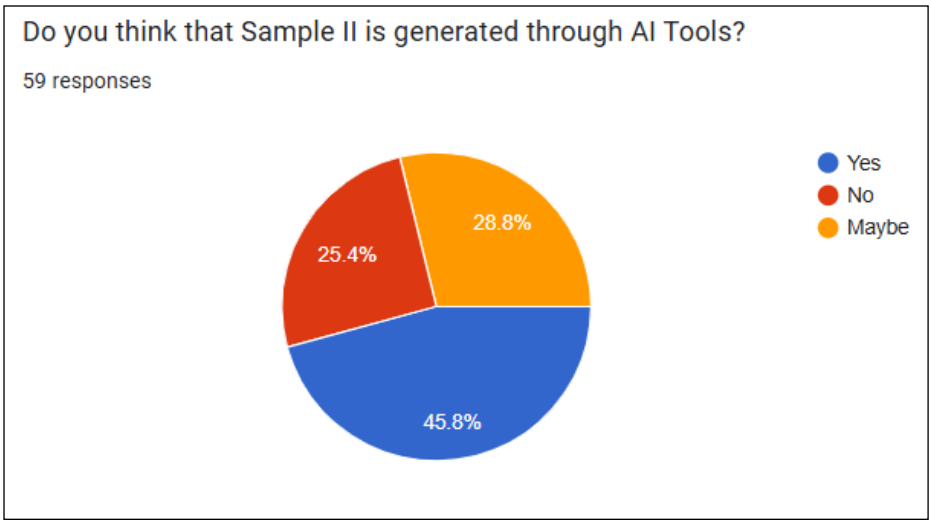


Figure 20: Responses to Survey Sample II

III. SUGGESTIONS AND CONCLUSION

Presently, the Bar Council of India ("**BCI**") regulates legal education across the country. It has made a recommendation to law schools in India to integrate emerging areas of law, including AI, into their curriculum.[14] However, the recommendation seems to be more tilted towards teaching about the intersection of AI with various aspects of the law such as intellectual property rights, data privacy, health law and so forth. Therefore, the current requirement is to constitute a committee comprising experts from both the legal and technological sectors and legal professionals to deliberate on the issue of the use of AI in legal education and give recommendations on how Indian law universities can adapt to this change. Additionally, this committee must be tasked with drafting a

[14] BCID-0468-2024 (LE Circular-06/2024)-Comprehensive Implementation of Legal Education Reforms, Mandatory Guidelines, Norms & Rules of Legal Education, BCI (May 20, 2024), https://www.barcouncilofindia.org/info/comprehens-ku2hwr.

Model AI Policy on Academic Integrity, which can be tweaked and adopted by law schools in India as per their needs. A fixed time period should be given to the universities to comply with the recommendations and adopt a policy. Timely audits should also be made to ensure that universities update their curriculum and policies in accordance with the latest technological advancements.

Furthermore, law schools must constitute an internal committee comprising both students and teachers to discuss new developments in AI and change their assessment policies accordingly. Besides this, collaboration between law schools, AI startups and institutions administering computer science engineering courses should be encouraged. This will ensure that teachers and students participate in the development of responsible and ethical AITs. Such participation would also enhance the quality of outcomes because of the synergy between legal and technical knowledge. Law schools should also encourage courses in intersectionality and its impact on justice delivery in the age of AI. This will help in addressing issues of bias in AIT and prevent the perpetuation of existing inequalities.

In order to compete at a global level, Indian law universities should consistently engage with premier international legal education institutions on issues related to AI. This will ensure that our pace is equal if not more in terms of technological advancement.

India stands at a crucial juncture of the AI Revolution wherein the steps taken now will decide its future. It is imperative that we adapt to the change and nurture legal minds in the best possible manner.

Professor (Dr.) K.V.S. Sarma, *Cultivating Legal Expertise in Law Students for a Globalised Economy,* 11(1) NLUJ L. REV. 121 (2025)

CULTIVATING LEGAL EXPERTISE IN LAW STUDENTS FOR A GLOBALISED ECONOMY

~ Professor (Dr.) K.V.S. Sarma[*]

ABSTRACT

This article discusses the evolving landscape of legal education in India and the role of globalisation in this change. First, it traces the historical roots of legal education from ancient Indian practices based on Dharma to the establishment of formal law schools in the colonial and post-colonial eras. Second, it highlights the significant impact of globalisation on legal education and the need for integration of international legal standards and modern curricula such as international arbitration, cross-border transactions, and transnational law. The pressing need for law graduates to inculcate skills in transnational law has been highlighted by analysing curriculums of leading international universities. Third, it explores the role of World Trade Organization in influencing global frameworks that shape professional practices, by pushing countries to open its legal market to foreign law firms and professionals. This shift has created a demand for Indian lawyers to be well-versed in international trade law, cross-border transactions, and global legal practices. Last, it highlights the reforms needed in legal education such as modernizing curricula, promoting interdisciplinary and clinical learning, improving faculty quality, and integrating technology guidelines such as guidelines for the use of artificial intelligence. It suggests working on inclusiveness in

[*] Professor (Dr.) K.V.S. Sarma is the Vice Chancellor, National Law University and Judicial Academy, Assam.

legal education system to ensure equal access for students from diverse backgrounds. The article concludes by emphasizing the need for continuous reform in India's legal education system to ensure it remains competitive and relevant in a globalized world.

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I. INTRODUCTION

Ignoretia Juris Non Excusat, which means, ignorance of the law of the land is no excuse. It is a foundational principle highlighting the necessity of legal education in society. Thus, in order to uphold justice, it is imperative to cultivate individuals who are well-versed in law. Legal education becomes essential for societal harmony and governance. We have seen the Indian legal education system evolving overtime from ancient practices rooted in Dharma to the establishment of law schools and universities. This shows the importance of nurturing legal professionals that cater to the rights of individuals. In today's interconnected world, the significance of legal education extends far beyond borders. As India's legal profession grapples with the challenges of globalisation, it is imperative to adapt and thrive in a competitive, technology-driven global landscape. By integrating principles of justice, governance, and societal harmony rooted in ancient Indian traditions with contemporary global legal frameworks, we can cultivate a generation of legal professionals equipped to address the complexities of modern society.

Arthur T. Vanderbilt, a towering figure in American legal education, emphasized that the integrity of lawyers is inseparable from the integrity of legal education. He believed that the ethical foundation of the legal profession begins with the rigour and values instilled during one's

formative educational years.[1] Thus, the administration of justice in the modern global village is intertwined with the lawyer's training and foundational principles taught durin§g their legal education.

This article discusses these aspects by, in the first part, tracing the historical roots of legal education in India where the evolution from Vedic practices to structured modern institutions is discussed. In the second part, the transitions and effects is discussed where the impact of Globalisation on Indian Legal Education is seen. In the third part, the implications of this 'Globalised world' on the legal profession are addressed and how India must adapt to international standards is discussed. The fourth part explores the role of the World Trade Organization on Indian Education. Considering the interconnectedness because of Globalisation, it is imperative to note how these global phenomena have shaped modern Indian Legal institutions. Hence, the fifth part discusses the emerging need to evolve and meet the international standards of a Globalised economy. The article thereafter concludes by reinstating the need to bring suitable changes within the Indian legal education system.

A. LAW AND THE SCOPE OF LEGAL EDUCATION.

The state is nothing but a society of men established for the maintenance of peace and justice. Taylor, a British jurist observed, "*A herd*

[1] Arthur T. Vanderbilt, *The Five Functions of the Lawyer: Service to Clients and the Public*, 40 ABA J. 31 (1954).

of wolves is quieter and more at one than so many men unless they all had one reason in them or one power over them".[2] The reason or power is nothing but law.

Based on Salmond's understanding, "Law" is defined as a "*body of rules recognised and enforced by courts in the administration of justice*".[3] The division of laws is typically done by putting them into two main categories: public law and private law. Public law governs the powers of the state and outlines the relationships between the state and its citizens. On the other hand, private law deals with the relationships between individuals. Private law is further divided into substantive law, which defines individual rights and obligations, and procedural law (or adjectival law), which establishes the processes for seeking legal remedies. Legal professionals are expected to have knowledge of all these aspects to effectively administer justice in the courts.

Justice means to give every man his due. To administer justice the people in the country should be trained in law. The object of education is not just to make person a literate but to acquire rational thinking. Education enhances knowledge and self-sufficiency.[4] Hence, legal education is important and should not be ignored.

In particular, we need to understand the scope of legal education. This is described as a specialized skill or body of knowledge that is important for the practice of law and merits, specifically focused on these

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[2] PROFESSOR JEREMY TAYLOR, THE WHOLE WORKS OF THE RIGHT REV. JEREMY TAYLOR VOLUME XIII 306 (Nabu Press 2010).
[3] SIR JOHN WILLIAM SALMOND, JURISPRUDENCE: OR, THE THEORY OF THE LAW 13 (Stevens & Haynes, 2nd ed. 1907).
[4] Martin Luther King, Jr., *The purpose of education*, THE MAROON TIGER (Jan.–Feb.1947).

aspects within educational institutions.[5] The prerequisites for practicing law effectively are rigorous researching skills coupled with high-quality education. As a field of human science, legal education plays a vital role in shaping a fair society, and presence of well-trained legal professionals is necessary to achieve this. The robustness of the legal system decides the progress of the society and the advancement of the civilization itself is closely tied to the strength of this system.[6] This strength takes a long course of history to be built in an enduring manner.

B. EVOLUTION OF LEGAL EDUCATION IN INDIA: ORIGIN AND EARLY FOUNDATIONS.

The origin of legal education in India has evolved over time from ancient practices to the present law colleges, law schools and the Departments of Law in the Universities. Notedly, during the Vedic age as well provisions were there for legal education. Legal institutions in India were constituted on the basis of the concept of *'Dharma'*. The sources of Hindu Law are *vedas, smritis* and *srutis*. *Smritikars* were considered to be the great jurists. There was no formal legal education and kings and rulers used to adjudicate matters based on the basis of their common sense. It was merely a self-learning process.

The foundation of legal education in India can be traced back to the *Dharmasutras*. They were composed during the 800 to 200 BC and

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[5] . Nissha, *Legal Education and Research Methodology- An Analysis*, 12 INT'L J. SCI. & RES. 152, 152-156 (Feb. 2023).

[6] Mary Ann Glendon, William P. Alford & Geoffrey Sawer, *legal profession*, ENCYCLOPAEDIA BRITANNICA (Dec. 25, 2024), https://www.britannica.com/topic/legal-profession.

were deeply rooted in the principles of *Dharma*.[7] These texts governed not just the civil law, but also the criminal law and administered justice according to the religious and moral codes.

They were written in prose form, wherein there were numerous verses. They are called with the name of the author. There are five main *Sutras* referred, namely: i) *Gautama* ii) *Vishnu* iii) *Vasishta* iv) *Baudhayan* iv) *Apastamba*.[8] The very basis of these religious texts is their faith and moral principles, where they also govern the social conduct of the society in accordance with the religious scriptures. As part of their religious duty Hindu kings were administering and enforcing the justice i.e., both civil and criminal. There are three divisions in the Dharma *Sastras* with reference to administration of justice. These three divisions are: i) *Aachara* –including the religious observances and theories so formed ii) *Vyavahar* – this mainly pertains to the development of civil law iii) *Prayaschitta* – mainly includes discussion about penance and expiation. When talking about the most prominent *Dharmasastras*, we see these are: *Manusmriti*, *Yajnavalkya Smriti*; iii) *Narada Smriti*. The religious textbook of the Hindu Religion is the 'Laws of Manu" or the "Institutions of Manu" and on the basis of this book the Rulers used to administer justice. It is the translation work on the basis of '*Manusmriti*'. In the olden days to settle legal disputes the judges used to adopt Mediation, Negotiation and

[7] JUSTICE M. RAMA JOIS, LEGAL AND CONSTITUTIONAL HISTORY OF INDIA: ANCIENT LEGAL, JUDICIAL AND CONSTITUTIONAL SYSTEM 579 (Universal Law Publishing Co., 1984).
[8] *Id.*

Arbitration techniques. The concept of Dharma consists of two connected elements namely religion and law.[9]

As India transitioned into the Mogul Period, the administration of justice continued to evolve. During this era, the Mogul Rule started with Babar in 1525. Mogul Rule continued till the British took control of the administration of India by defeating Moguls. During the Mogul period emperor was administering justice. Two key legal codes were introduced by Mogul Kings: the *Figh-e-Firoz Shahai* for civil matters and the *Fatwa-e-Alamgiri* for criminal justice, both overseen by the emperor. This laid the groundwork for legal systems that would later become more formalized.[10]

Post this, the advent of the British period marked a significant shift in the legal landscape as well as legal education. In 1600 the British came to India to do trade through East India Company, a Joint Stock Company. The company came into existence by passing a Royal Charter in the British Parliament. For regulating the legal profession in India, the British passed the 'Regulating Act, 1773' in the British Parliament.[11] The Act empowered only the British to practice legal profession by enrolling as Attorneys or Advocates to practice in the Supreme Court of India. The Supreme Court was created in Fort William in Bengal by issuing a Charter in 1774.[12] Indians were not entitled to practice in the Supreme Court. In the Supreme Court of Madras and the Supreme Court of Bombay Indians were not entitled to practice.

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[9] *Id.*
[10] M. Athar Ali, *Towards an interpretation of the Mughal Empire*, 1 JOURNAL OF THE ROYAL ASIATIC SOCIETY OF GREAT BRITAIN & IRELAND 38 (1978).
[11] JOIS, *supra* note 7.
[12] *Id.*

The Bengal Regulation VII of 1793 marked the first formalization of the legal profession for the company's courts, permitting the appointment of *Vakils* or native pleaders in the civil courts of Bengal, Bihar, and Orissa.[13] This period saw the creation of courts such as the Supreme Courts of Calcutta, Madras, and Bombay, though Indian practitioners were initially excluded. Gradually, however, Indians were permitted to practice law, and legal education began to formalize.

These early developments in legal education set the stage for the modern legal institutions that would arise in post-colonial India. As the country moved towards independence, efforts to structure legal education gained momentum.

C. LEGAL EDUCATION IN PRE-GLOBALISED INDIA

At one time, education in India was closely connected to religion. Three Universities were established in the year 1857 in Presidency Towns such as Madras, Bombay and Calcutta. In the year 1862 three Supreme Courts were established in Madras, Bombay and Calcutta. During this period three kinds of practitioners namely Advocates, attorneys and *Vakils* were in existence. Advocates were the Barristers of England or Ireland but the *Vakils* were Indian Practitioners.[14] Post this, the passage of the Indian Universities Act of 1904 further enhanced higher education by establishing several universities and colleges.

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[13] Suresh Chandra Ghosh, *The Genesis of Curzon's University Reform: 1899*, 26(4) MINERVA 463 (1988).

[14] ABHINAV CHANDRACHUD, "Introduction", AN INDEPENDENT, COLONIAL JUDICIARY: A HISTORY OF THE BOMBAY HIGH COURT DURING THE BRITISH RAJ, 1862–1947 (Oxford University Press 2015).

Indian Universities Act, 1904, given based on the recommendation of the Raleigh Commission. Many universities and colleges were created under this Act in India.[15] Higher education provides skills and knowledge to persons coming from different backgrounds to thrive in modern society. Higher education provides an exchange of knowledge and research. Poor infrastructure and lack of financial support are the main drawbacks to higher education in India.

Based on this Act, there were two kinds of legal practitioners that were abolished namely the *Vakils* and Pleaders, and under the Act, a new title is given to the legal professionals called 'Advocates'. Under the Act, the Government could make Rules to regulate the legal profession[16]

In the post-colonial era, after attaining independence, rule of law became a fundamental doctrine. Prominence was given to not just legal profession but also legal education and administration of justice. The Central Government constituted an Education Commission called the Dr. Radhakrishnan Commission under the Chairmanship of Dr. S. Radhakrishnan. He lamented that "*our colleges of law do not hold a place of high esteem either at home or abroad, nor has law become an area of profound scholarship and enlightened research.*"[17] Lawyers' main object is to protect the interest of their clients. It is a profession that a persons want to do legal profession first he should acquire knowledge in law and once they enter into a profession, they should apply the law in their legal profession. His duty is

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[15] Mare Galanter, *An Incomplete Bibliography of the Indian Legal Profession*, 3(2-3) L. & SOCIETY REV. 445 (1969).
[16] Samuel W. Schmitthener, *A Sketch of the Development of the Legal Profession in India*, 3(2-3) LAW & SOCIETY REVIEW 337(1968).
[17] M. Jagannadha Rao, *Plea for State Law Universities and Other Reforms in Legal Education*, 6(1) NATIONAL L. SCHOOL J. (1994).

to advise his clients with reference to legal issues they face. Legislature makes the laws. Advocates apply the laws made by the legislature and the courts interpret the law based on the arguments placed by the Advocates on behalf of their clients. Once the courts interpret the law, it also becomes law and should be followed by lower courts in future cases.

As legal education gained prominence in the post-colonial period, it became necessary to regulate and standardize the profession, leading to the development of professional governing bodies and modern institutions.

D. MODERN REFORMS AND PROFESSIONALISATION OF LEGAL EDUCATION: LEGAL PROFESSION AND ALL INDIAN BAR COMMITTEE

All India Bar Committee was constituted under the Chairmanship of Justice S. R. Das in the year 1951. The committee recommended to the Central Government to establish All India Bar Council and State Bar Councils. The power was given to the Bar Council of India for enrolment, suspension or the removal of Advocates to the Bar Council. It abolished the posts of pleaders, *vakils* and *mukhtars*. Fifth Law Commission of India in its fourteenth Report also made a similar recommendation. Shri M.C. Setalvad who headed the 14th Law Commission in its report on 'Reforms of Judicial Administration' in 1958 while assessing the standards of legal education obtained in the country said, "*In the period of about ten years which*

has elapsed since the publication of Radhakrishnan Commission, the position in regard to legal education in this country has, it appears, definitely deteriorated."[18]

Before 1950, 'education' was in Central List. In the year 1959, 'education' was placed in the 'concurrent list'. As a result, all professional courses were also placed in the 'concurrent list'.

The Parliament, in exercise of its legislative power under Entry 66 of List I enacted the University Grants Commission Act, 1956 to bring reforms in the University education. To bring reforms in higher education, in the exercise of its legislative powers under Entry 66 of List I, the Parliament enacted the University Grants Commission Act, 1956.[19]

Advocates Act, 1961 was enacted in the Indian Parliament by virtue of its powers under entries 77 and 78 of List I of the Constitution of India.[20] By virtue of its powers as per entries 77 and 78 of List I of the Constitution of India the Indian Parliament enacted the Advocates Act, 1961 to regulate the legal profession in India[21].

Bar Council of India Rules were passed under the Advocates Act, of 1961. These Rules prescribed a curriculum for imparting legal education throughout India. The Advocates Act, 1961 under section 4 of the Act created the Bar Council of India, a Statutory Body to regulate legal education and the legal profession.[22] Bar Council of India created three

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[18] LAW COMMISSION OF INDIA, REPORT NO. 14: REFORM OF JUDICIAL ADMINISTRATION (1958).
[19] The University Grants Commission Act, 1956, No. 3, Acts of Parliament, 1956 (India).
[20] The Advocates Act, 1961, No. 25, Acts of Parliament, 1961 (India).
[21] Heba Shams, *Law in the Context of Globalisation: A Framework of Analysis*, 35 INT'L L. 1589 (2001).
[22] The Advocates Act, 1961, § 4, No. 25, Acts of Parliament, 1961 (India).

more committees and they are i) Legal Education Committee; ii) Bar Council of India Trust; iii) Directorate of Legal Education. In addition to the above Committees, BCI has various other committees. They are i) Executive Committee; ii) Disciplinary Committee; iii) Advocates Welfare Association; iv) Legal Aid Committee; v) Building Committee; vi) Rules Committee. The Central Government created the All-India Bar Committee under the Chairmanship who is a judge of the Supreme Court of India. The Committee recommended the establishment of State Bar Council for each State. It also recommended to the Central Government to create All India Council at the National Level as the Apex Body for regulating the legal profession.[23]

Initially, the Indian Universities offered two-year degree programs following the completion of higher secondary education. However, in 1962, the BCI issued an order directing all universities to implement three-year degree courses following the completion of the undergraduate course.[24]

E. CREATION OF NATIONAL LAW UNIVERSITIES IN INDIA

To suggest reforms in Legal Education Hon'ble Chief Justice of India constituted a three-member committee under the Chairmanship of Hon'ble Sri Justice A. M. Ahmadi and it is the result of the resolution

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[23] Samriddhi Thakar, *What are the Powers of the Bar Council to make rules*?, LAW INSIDER (Sept. 21, 2021), https://lawinsider.in/columns/what-are-the-powers-of-the-bar-council-to-make-rules.

[24] Krushna Chandra Jena, *Role of Bar Councils and Universities For Promoting Legal Education In India*, 44(4) J. INDIAN L. INST. 555 (2002).

passed in the Chief Justices' conference in 1993 at Bhubaneswar.[25] The Curriculum Development Committee was created by the Bar Council of India to identify the loopholes in the present education system and to suggest reforms in the legal education. On the basis of the recommendations of the above Committees, the Bar Council of India introduced 'the Five-Year Integrated Law Course'. UGC also gave approval for introducing Five Year Integrated Law Degree Course. The National Law School of India University was established on an experimental basis and it started five five-year courses in India first time. The success of the National Law School of India University has given encouragement to the Governments for the establishment of other National Law Schools on similar pattern. At present, there are twenty-six National Law Universities participating in Common Law Admission Test ("**CLAT**") in India.[26] In the year 1994, the Bar Council of India introduced a one-year training rule after graduation as per the recommendations of the Ahmadi Committee.[27] But it was struck down by the Supreme Court in *V. Sudheer v. Bar Council of India* on 15th March, 1999.

Having traced the origins and development of legal education in India, we will now move to the next phase and now we will try to understand how these historical foundations interact with contemporary global forces and changes. The following section explores globalisation that has broken down geographical and economic boundaries, fostering

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[25] Justice A. M. Ahmadi, *Repairing the Cracks in Legal Education*, 1 SCC J. 3 (1993).
[26] *Participating Universities for CLAT 2025*, CONSORTIUM OF NATIONAL LAW UNIVERSITIES, https://consortiumofnlus.ac.in/clat-2025/participating_universities.html.
[27] Archana K., *Practicability of Clinical Legal Education in India – An Overview*, 4(26) J. EDUC. & PRAC. 157 (2013).

international collaboration and competition. As the world becomes increasingly interconnected, globalisation has created new opportunities and challenges for India's legal education system.

II. GLOBALISATION

A. DEFINITION

'Globalisation' is defined as "*how trade and technology have made the world into a more connected and interdependent place*." It means the exchange of goods and services at the international level. It promotes interaction between the people residing in different parts of the world. Because of globalisation, business activities expand worldwide. This is the result of technological development and socio-economic and political developments. Globalisation results in knowledge, services and goods spread throughout the world. Free imports and exports are the result of globalisation. Lower prices and higher standards of living are the result of globalisation. Increasing wealth concentration and cultural homogeneity are the result of globalisation. Some of the advantages of globalisation are that it has increased international trade between countries, improved the status of underdeveloped countries. Simultaneously, it has also increased the cultural relations among countries. The positive effects of globalisation are economic advancement and the reduction in poverty, the creation of jobs, greater access to technology, cultural diversity and tolerance, the emergence of new social movements and greater transparency. There are three kinds of globalisation and they are i)

economic globalisation; ii) cultural globalisation; iii) political globalisation.[28]

B. IMPACT OF GLOBALISATION ON INDIAN EDUCATION AND INDIAN LEGAL EDUCATION

Globalisation has introduced numerous challenges to the future of legal education in India; however, at the same time it has created a unique opportunity to reform the status quo. Questioning and upgrading the existing system is a necessary step for attaining full progress. From the production of simple goods to the production of advanced technologies, every industry in India has been impacted by globalisation. In such circumstances, the legal education and legal profession cannot remain untouched.[29]

As per Martin Luther King Jr., *"The function of education is to teach one to think intensively and to think critically. Intelligence plus character that is the goal of true education."*[30] This philosophy becomes relevant in the context of globalisation, which has opened new avenues for those pursuing legal education in India. The global expansion of Indian businesses has led to a rise in opportunities for legal professionals in areas such as transnational law, international commercial arbitration, and cross-border transactions. With Indian businesses expanding their presence overseas, global law firms are eager to provide counsel on foreign law and international legal matters. As a result, if international firms are allowed to establish a

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[28] Simon Chesterman, *The Globalisation of Legal Education,* SING. J. OF LEGAL STUDIES 58 (2008).
[29] King, *supra* note 4.
[30] *Id.*

presence in India, they will likely be staffed and managed by Indian lawyers. This will lead to creation of significant employment opportunities within the country.

C. GLOBALISATION AND THE INDIAN LEGAL EDUCATION SYSTEM

R. Buckminister Fuller once observed, *"You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete"*. This specifically holds true for India's legal education system where, as noted by David E. Van Zandt, India's legal education system was initially designed and made to make lawyers for predominantly for courtroom practice. However, in today's globalized world, this model and this focus is no longer sufficient. Legal experts have agreed that while the creation of National Law Universities ("**NLU**") has been a positive progressive step, it alone does not address the issues that exist deeper in the system. A comprehensive approach that focuses on reformation is necessary to elevate the system to international standard of legal education by making rigorous changes. Over the last three decades, legal education in India has transformed immensely. This was largely driven by the forces of globalisation. The liberalization of trade and business has created the need for legal professionals who are equipped not only with knowledge of domestic laws but also with expertise in international legal frameworks. The Central Government of India recognized this need. Hence, it has allowed 100% Foreign Direct Investment ("**FDI**") in the education sector through the automatic route. This policy shift reflects India's commitment to integrate global standards into its educational institutions. When it

comes to countries like India, it is important to keep pace with globalisation. This necessitates the adoption of a global curriculum and standardized legal education. There has to be a shift in focus from a purely national perspective to a more global one. Law schools and NLUs increasingly prioritize the teaching and research of international law alongside Indian law. Thus, there are now training programs designed to provide students with the skills and knowledge necessary to navigate both domestic and international legal systems. This helps them prepare for careers that demand cross-border expertise.

Furthermore, the reform agenda should include not only curriculum enhancement but also faculty development. This requires heavy investment in research, and collaboration with international institutions. By doing so, India's legal education system can evolve and produce lawyers who are not only proficient in their craft but also capable of shaping the future of law in a global context.

Owing to globalisation, educational institutions and legal practices in India have also begun leaving their footprints outside the national boundary. The next section of this article explains globalisation in relation to the World Trade Organization ("**WTO**") and considers how such a global institution has reframed the legal landscape of India. Understanding the role of WTO will provide an insight into the macrocosm that globalisation implies for India's legal education and profession.

III. GLOBALISATION AND WORLD TRADE ORGANIZATION

On January 1, 1995, the WTO was established with 85 founding member countries, including India. The WTO's General Agreement on Trade in Services ("**GATS**") comprises six parts, 29 articles, and eight annexes, imposing various obligations on its signatories. These rules mandate that all member countries must adhere to WTO regulations, including ensuring market access and national treatment to other member states. India would be obligated under GATS to allow foreign lawyers and law firms to enter the country. [31] As international trade and investment continue to expand, knowledge of the functioning of international institutions like the WTO is becoming crucial. Technological advancements and globalisation have dramatically changed life today, and legal practices are not different. For example, judgments of constitutional courts can be readily accessed online, thus encouraging greater transparency.

India has nearly six lakh lawyers, and the country realizes that high-quality legal education is essential for raising the quality of the profession as a whole. The process of globalisation is inevitable, and lawyers in all places must update their skills continuously to keep up with the changing world. Law universities in developed countries have already responded to these global shifts by updating their curricula to better prepare legal professionals for the demands of a globalized world.

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[31] John A. Barrett, *International Legal Education in U.S. Law Schools: Plenty of Offerings, But Too Few Students*, 31 INT'L L. 845 (1997).

Technological progress has caused an evolutionary change in teaching and the practice of law. As Peter Martin aptly noted, *"the pace and contours of change vary from place to place, but nearly everywhere, the impact of digital information and communication on law-related functions seems both breathtakingly rapid and inexorable"*. This digital transformation has not only accelerated the dissemination of legal information but also reshaped how legal services are delivered and how law is taught across the globe. [32]

In response to these challenges, law universities must adopt more innovative and imaginative degree programs to equip future legal professionals with the skills necessary to navigate the complexities of a globalized and digitally driven world. However, despite the clear need for curriculum modernization, significant barriers persist. One of the most pressing challenges is the retention of highly skilled law faculty. Most universities are unable to offer competitive salaries and research opportunities, thus pushing out good educators from those institutions, especially if the university in question is poorly funded. This scarcity of quality faculty impacts the quality of legal education, thus preventing the schools from competing globally with new trends in practice.

In addition, financial limitations can also restrain investments in adequate technological infrastructure, research resources, and student support in order to create an educational system responsive to the expectations of globalisation. Consequently, law schools in India, as well

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[32] Peter W. Martin, *Reducing the Cost and Improving the Quality of Course Materials Technology*, CONFERENCE OF THE COMMONWEALTH LEGAL EDUCATION ASSOCIATION, (December 1998), https://ecommons.cornell.edu/server/api/core/bitstreams/18bdfa05-8fb3-49fc-b298-0e8e3b37dcfb/content.

as other developing nations, are caught between the rock of curricular reform, on the one hand, and lack of human and financial resources to execute these reforms. This underscores the call to invest more in legal education and to focus on institutional building to support high-quality teaching and research in the digital world.

To deal with the challenges of globalisation, law universities in India have to rethink their traditional models of pedagogy and offer more creative and holistic programs of degree. While there is much talk about the restructuring of curricula, lack of adequate funding and retaining quality faculty are significant obstacles to modernization. Still, these should not be reasons to hold back on necessary change. Two approaches that can significantly improve legal education in India in this regard are: clinical legal education and interdisciplinary learning.

A. CLINICAL LEARNING

One way through which legal education can be modernized is by fully integrating clinical legal education into the curriculum rather than relying solely on internships. Clinical legal education provides students with real-world experience and allows them to work on actual cases under the supervision professionals who undertake this on a daily basis. This helps bridge the gap between theoretical knowledge and practical application. For example, Yale Law School has a clinical program that enables students to participate in various clinics including the Lowenstein International Human Rights Clinic and the Environmental Protection

Clinic.[33] These clinics allow students to address pressing legal challenges ranging from human rights violations to environmental law issues. They also have the Health Justice Practicum that allows students to gain hands-on experience by working on health law cases and focusing on issues such as access to healthcare and justice for marginalized populations.[34] Such programs give students direct experience with the legal system and helping them to develop essential practical skills that are often not fully covered through internships. Another example can be Harvard Law School curriculum. It has set the standard with its extensive offering of clinical legal education for its students to gain direct experience through 23 clinics hosted in-house that range from the Cyber Law Clinic, Animal Law & Policy Clinic to Health Law and Policy Clinic. One such course offered to students from multiple disciplines at Harvard Law School is "Justice" taught by Michael Sandel.[35] The course delves into extensive philosophical and ethical questions and allows students to examine critically legal principles both in social context. The programs of the clinics tie clinical placements with academic courses so that there are real-world legal practices with classroom learning. Harvard emphasizes clinical work as an integral component of its curriculum, so students can fulfil pro bono hours and work on important advocacy on behalf of others. In

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[33] *Clinical Courses/Experiential Learning, Courses*, YALE LAW SCHOOL, https://law.yale.edu/studying-law-yale/areas-interest/international-law/curriculum#heading-32289214.

[34] *Law & Economics, Areas of Study*, YALE LAW SCHOOL, https://law.yale.edu/studying-law-yale/areas-study/law-economics.

[35] Justice, Michel J. Sandel, Anne T. and Robert M. Bass Professor of Government, HARVARD UNIVERSITY, https://scholar.harvard.edu/sandel/justice.

India, attempts towards interdisciplinary learning have recently arisen. Promoting Interdisciplinary Learning

Interdisciplinary learning has become an essential part of a modern legal professional's toolkit: navigating issues that involve economics, policy, technology, and much more. Leaders in institutions, such as Harvard and Yale, have established various models for cross-disciplinary collaboration.

Harvard, for instance, has developed robust inter-disciplinary programs with its J.D. /M.B.A. offerings, allowing students to integrate business and law together.[36] The Program on Negotiation is a cross-school initiative with Harvard Business School in which law students, business students, and scholars come together to explore more complex negotiation strategies across industries. Harvard has also revamped the curriculum to include courses on problem-solving, regulation, and international law, giving students an understanding of the nature of modern legal practice.[37]

Yale also fosters interdisciplinary learning through programs such as the Law, Economics, and Organization Workshop, which allows students to study legal issues from an economic perspective. This is complemented by joint-degree programs and courses that merge law with environmental studies, economics, and political science.

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[36] HLS News Staff, *Interdisciplinary collaborations on the rise*, HARVARD LAW TODAY (Jan. 28, 2013), https://hls.harvard.edu/today/interdisciplinary-collaborations-on-the-rise/.
[37] Elaine McArdle, *A Curriculum of New Realities*, HARVARD LAW BULLETIN (Sep. 2, 2008), https://hls.harvard.edu/today/a-curriculum-of-new-realities/, September 1, 2008.

In India, introducing interdisciplinary programs that combine law with subjects like economics, technology, and public policy would better prepare law students for international legal challenges. Interdisciplinary learning can be fostered by promoting collaborations between law schools and experts in other fields. For example, the law schools of India could collaborate with the IITs (Indian Institutes of Technology) for technology law courses or with NIFT (National Institute of Fashion Technology) for intellectual property courses in relation to fashion and design. Such collaborations can introduce law students to real-world problems involving data privacy and cybersecurity, from patent law in biotechnology to the fashion industry.

While adopting innovative clinical and interdisciplinary learning approaches is crucial, it is equally important to focus on improving professional pathways and legal aid structures that shape the legal profession in India. This brings us to the next section of this article that discusses about legal aid clinics in India.

IV. ENHANCING THE INVOLVEMENT OF LAW STUDENTS IN LEGAL AID

Active involvement of law students in legal aid clinics is a key activity for creating effective and socially responsible legal professionals. Legal aid clinics provide the students with hands-on experience outside the classroom walls, allowing them to learn the actual implications of law on the marginalized communities. A comprehensive survey conducted by the Supreme Court of India in 2024 looked into the relevance of law

school-based legal aid cells. The survey result showed that among 83 legal aid cells, there were only a few, which were actually providing appropriate legal representation or assistance to the clients, while many were merely conducting legal awareness camps and workshops.[38]

One crucial issue of underutilization of legal aid cells has, arisen from lack of funding, lack of infrastructure, and overburdened faculty and student volunteers. Many law schools also lack specialized legal aid cells which limits the scope of services that can be offered to those in need. It further calls for strong institutional support through proper funding of legal aid cells and involvement of qualified legal practitioners in supervising students in an effective manner. This would improve the quality of services rendered but would also ensure that students receive proper mentorship and professional guidance to handle complex legal issues.[39]

Secondly, the lack of academic credit or formal recognition for students participating in legal aid activities is still a significant deterrent. In fact, only a fraction of law schools offers academic incentives for students involved in legal aid, and many students participate in these activities merely out of personal interest or community service. The Supreme Court report indicates that legal aid work integrated into the formal curriculum

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[38] LEGAL AID THROUGH LAW SCHOOLS: A REPORT ON WORKING OF LEGAL AID CELLS IN INDIA, CENTRE FOR RESEARCH AND PLANNING, SUPREME COURT OF INDIA (Nov. 5, 2024).

[39] A. Nagarathna & Rhea Roy Mammen, *Legal Academia and Legal Aid Clinics: The Two Invisible Pillars for Dispute Resolution*, 12(1) CHRIST UNIVERSITY LAW JOURNAL 33 (2023).

would give academic credit and may encourage more students to participate more actively in these programs.

Thirdly, it should be added that collaboration with NGOs, Legal Service Authorities and Community Groups will require law schools. This is yet another critical area as it seems that although many law schools have entered collaborations with the external players, such relations are only occasional and devoid of infrastructure to ensure its sustainability. Building Stronger Networks between Law Schools, and Local Legal Aid Bodies with the Community Organization will really broaden the outreach of legal aid services to ensure that marginalized populations receive consistent legal assistance.[40]

Fourthly, it is imperative to make legal aid clinics have a more significant impact through providing law students with the resources to deal with complex cases. This would include technology use in clinics, streamlined case management, and enough resources for research and documentation. An environment that provides law students with opportunities for substantive legal work can therefore make legal aid clinics vibrant centers of legal education and social justice.[41] In conclusion, an expansive role for law students in legal aid requires systemic reforms dealing with funding, infrastructure, supervision, and academic recognition. As legal aid becomes core business for the law schools, they

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[40] Rajesh Ranjan, *Engage law students to improve legal aid*, DECCAN HERALD (Jun. 6, 2023), https://www.deccanherald.com/opinion/engage-law-students-to-improve-legal-aid-1225181.html.

[41] B.B. Pande, *Moral and Ethical Issues Confronting Students' Legal Aid Clinics in the Outreach of Legal Services to the Resources-Less and the Poor*, 1(1) J. OF NATIONAL L. UNI., DELHI 43 (2013).

will be in a position to produce graduates well-versed in theory of law but also empowered with the practical challenges of the justice delivery system.

As we continue with our study of reforms in legal education, it becomes imperative to address the place of artificial intelligence in the practice of law and an inclusive environment. These are, thus, reforms on the foundations of a legal education system that is at the same time modern, inclusive, and responsive to changes from technological advancements.

V. BUILDING AN INCLUSIVE AND FUTURE-READY LEGAL EDUCATION SYSTEM

A. POLICY FOR AI USAGE IN LEGAL EDUCATION

The rise of AI has significant implications for the legal field, and law schools must have clear policies on its use in academic settings. In fact, institutions like the University of Chicago have already started to incorporate AI tools into their curricula and provide guidelines for responsible use.[42] These policies generally fall into three categories: prohibiting AI use entirely, permitting its use with prior permission, or requiring citation when AI tools are used. For instance, the University of Chicago allows students to use AI tools such as ChatGPT for specific assignments but requires that AI-generated content be properly cited. This

[42] *AI at UChicago Now: How Faculty Use AI and How You Can Use PhoenixAI*, THE UNIVERSITY OF CHICAGO LIBRARY NEWS (Oct. 14, 2024), https://www.lib.uchicago.edu/about/news/ai-at-uchicago-now-how-faculty-use-ai-and-how-you-can-use-phoenixai/.

is for emphasizing on academic integrity while acknowledging AI's potential to enhance learning.

Law schools should ensure that AI policies promote critical thinking and discourage shortcuts. This can be achieved by incorporating assignments that require creative thought, using AI as a brainstorming tool, and authentic assessments that require iterative work from students. Thus, setting clear expectations and guidelines for the use of AI is important and through this law schools can help students navigate the complexity of AI while maintaining academic rigour.

B. MAKING LAW SCHOOLS MORE INCLUSIVE

Inclusion within law schools is also not just about increasing the diversity but also making sure all students, regardless of backgrounds, have resources and supports for success. NALSAR's Accessibility Program models an example of an inclusive model of law education. It does so by providing reduced fees and more governmental financial aid to students from more economically disadvantaged backgrounds. That would level the playing field and talented students would then be able to pursue education in law without regard for their financial situation.[43]

Also, law schools need to resonate with the problems faced by the minority communities and specifically the LGBTQ+ student populations

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[43] Jelsyana Chacko, *NALSAR launches Accessibility Lab to meet needs of students with disabilities*, BAR AND BENCH (Jul. 29, 2022), https://www.barandbench.com/news/lawschools/nalsar-extends-its-efforts-in-diversity-equity-and-inclusion-with-launch-of-accessibility-lab#:~:text=Law%20Schools%20News-,NALSAR%20launches%20Accessibility%20Lab%20to%20meet%20needs%20of%20students%20with,impairment%20and%20low%20hearing%20disability.

so that their settings can be as friendly and as enabling as possible. There has to be data related to problems such as mental health, discrimination, and a lack of representation. This can only be done by an adequate support system like counseling services, LGBTQ+-friendly policies, and active groups inside the institution.

C. ECONOMICALLY VIABLE STUDENT AND FACULTY EXCHANGE PROGRAMS

Exchanges of students and faculty also form a part of this modern framework of legal education with global exposure. However, these exchange programs are typically very costly. To ensure that such exposure is widely possible, law schools should form alliances with other international institutions and governments to ensure that affordable exchanges are possible. This might be done in collaboration with universities that have financial grants or low-cost travel and living for those participating in the exchange. Such programs allow students and faculty to engage with global legal systems, which enhance their education and promote international collaboration.

The next section highlights the impact of globalisation on the legal profession, pointing to how global trends have transformed skills demanded by legal professionals and how legal practice also comes to evolve in response to international demands.

VI. IMPACT OF GLOBALISATION ON LEGAL PROFESSION

Drastic changes are taking place in the legal profession due to globalisation. Globalisation has made much change in the legal profession.

Changes have not only influenced the curriculum of legal education but also transformed the practice of law in courts. Competent legal professionals are urgently needed to deal with issues of law emanating from globalisation, particularly those about international requirements and the needs of multinational corporations. In this regard, legal education must prepare lawyers for this global knowledge economy, such that they are provided with relevant and contemporary knowledge.[44]

India has striven for significant integration of the country's legal profession in the international space, where it permitted foreign lawyers and law firms to enter the country. Because of this, most of the Indian law firms ventured into the international market with multiple branches in several countries. The Legal Process Outsourcing too has further helped to upgrade India's legal services.

A. CHALLENGES FACED BY THE LEGAL PROFESSIONS IN THE ERA OF GLOBALISATION IN INDIA

Presently, corporate lawyers work for foreign and indigenous companies in India. A lot of them are doing work within the legal departments of multinational corporations. This increasing globalisation of the legal profession is driving the growth of the industry, and many lawyers are being called on to handle complex, high-profile cases involving securities, project finance, mergers and acquisitions, and initial public offerings. Leading Indian law firms have opened branches in the USA, UK, Australia, and Canada. The Indian lawyer now has to be well

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[44] Taruna Solanki, *Impact of Globalisation on Indian legal education system: An analytical study*, 5(3) INT'L J. L. 1, 1-5 (2019).

equipped in legal research skills if they are to compete in developed countries. While the Indian government has allowed foreign lawyers and law firms to open branches in India, the Supreme Court has limited the ability of foreign lawyers to practice law in India. Foreign lawyers are permitted to provide legal consultancy services to Indian clients by flying in for consultations. As a result of the establishment of numerous multinational companies in India, there is a growing need for highly skilled, well-trained lawyers to compete with their international counterparts. The Indian legal system needs to adapt to meet global demands.

In 2011, Harvard Law School's Center on the Legal Profession initiated the Globalisation, Lawyers, and Emerging Economies research project to consider how globalisation is changing the legal services market in places like Brazil, India, and China. This report also looks at the ways in which globalisation is shaping the political economy and the legal services markets.[45] It's in this context that there is a need for specialist expertise with specific knowledge about international law as far as Indian law students are concerned. Legal experts must develop an understanding of global legal systems. In common parlance, the globalisation of law means the extension of one single legal order to all nations. Thus, it would be on the basis of a unanimous global legal framework that certain rules could be agreed to be followed worldwide. As globalisation advances, legislative powers become more concentrated in states that comply with

[45] Dhananjaya Y. Chandrachud, *The Future of the Indian Legal Profession*, THE PRACTICE (2018), https://clp.law.harvard.edu/knowledge-hub/magazine/issues/indian-legal-profession/.

international obligations, and economic analysis plays a crucial role in evaluating the efficiency and fairness of legal rules and institutions. International law has thus globalized, leading to an increasing number of complex legal disputes between companies as they expand their business beyond local markets to international territories. This has created more competition and led to the need for a legal framework that regulates commercial disputes, cross-border transactions, and intellectual property rights. Thus, the "globalisation of law" refers to the extent to which legal rules, norms, and standards are respected and obeyed by states and other actors in international relations. Economic globalisation has facilitated greater integration among nations through trade agreements, driving the need for legal systems to support these developments. The Indian legal system continues to evolve in response to the socio-economic changes brought about by globalisation. In this context, globalisation strengthens international relations and connects economies, politics, and societies through advancements in transportation, technology, and international cooperation. Globalisation also gives businesses competitive advantages by lowering operational costs and, hence, raising productivity services and consumer access. Of the characteristics of economic globalisation is the increase in capital flow, the growth of international companies, and a stronger integration into the world business cycle. The communications as well as transportation innovations are also critical factors. Some of the driving forces for economic globalisation include containerization, technological innovations, economies of scale, and differences in tax

systems, reduced protectionism, and the growth strategies of multinational corporations.[46]

Law students need to acquire specialized knowledge and expertise in order to enter into the legal profession in India, particularly in the era of globalisation. With regard to the environment that this system of study will expose these young Indians to, law schools must draw lessons from Ivy League institutions, such as Harvard Law School, Yale Law School, and Columbia Law School. These institutions place huge emphasis on global legal frameworks, specifically on economic analysis of law and specialization in international law.

For example, Harvard Law School has specialized tracks such as the *International Economic Law and Global Governance*.[47] This prepares the students for the complexities of global trade, intellectual property law, and cross-border dispute resolution. The focus of such a program is to train students to look at legal issues from an economic perspective while focusing on how laws impact global business practices, trade agreements, and international disputes. Yale also includes *Economic Analysis of Law* in its curriculum where they test the economic principles of efficiency against legal structures and their effectiveness [48]

In India, such specialized modules in the curriculum would prepare students to deal with the increasing complexities of legal issues in

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[46] Donald O. Omagu, *State*, POLITICS, AND GLOBALISATION, 21 J. OF THE HISTORICAL SOCIETY OF NIGERIA 70 (2012).
[47] *Global Governance, Courses*, HARVARD LAW SCHOOL, https://hls.harvard.edu/courses/global-governance/.
[48] Martha T. McCluskey, Frank Pasquale & Jennifer Taub, *Law and Economics: Contemporary Approaches*, 35 YALE L. & POL'Y REV. 297 (2016).

a globalized world. Economic analysis has become an essential tool in legal reasoning and for understanding how legal rules affect market competition, intellectual property rights, and multinational corporate operations. As companies increasingly expand globally, Indian law schools must also offer programs focusing on International Business Transactions, Cross-Border Dispute Resolution, and International Arbitration. Law schools should provide specialized courses that include International Trade Law, Human Rights Law, and Environmental Law, which have become essential in managing global problems. Ivy League schools have also implemented exchange programs with international institutions to help students gain firsthand exposure to global legal practices. Such programs allow students to experience the legal systems of different countries such that they can build a global. Indian law schools should consider establishing similar exchange programs, particularly with institutions that offer specialized training in areas like international business law, digital privacy, and environmental governance.

VII. CONCLUSION

In conclusion, this article outlines the transformative effect that globalisation has had on India's legal education and profession. From old roots to new institutions, an evolution of legal education does reflect the need for unending reform to meet globally accepted standards. As industry in India is reshaped by globalisation, so must legal systems be transformed through creating innovative curricula, improving faculty and infrastructure, and preparing legal professionals to function well both in domestic and international circumstances. To remain relevant and

competitive in a globalized world, India needs to update its system of legal education, accept cross-border collaboration, and enable lawyers to acquire competencies relevant to a technology-driven, highly interconnected future.

It is necessary to suit the legal systems prevailing in all countries in the world which are operating globally so that all countries in the world should arrive to an acceptable legal structure for all the countries participating. Constantly there should be transformation in the legal education and legal profession the reason being it has a direct impact on the social, political and business environment of the world. Competent Advocates are required today and they should be trained in the right legal education system. Changes should be made in the Indian education system and legal system according to global needs. There is a need to produce legal professionals who are dedicated, hardworking, committed to work, having good listening and analytical skills. Law universities must change according to the realities of the changing legal environment. The universities should look beyond the traditional view of international law as a discrete subject. To effectively deal with future challenges, law universities need to address two main issues and they are the retention of highly trained teachers and the availability of standard teaching materials.

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Professor (Dr.) Nirmal Kanti Chakrabarti, *Law and the Justice System vs. 21st Century Technology: Are We Evolving?* 11(1) NLUJ L. REV. 158 (2025)

LAW AND THE JUSTICE SYSTEM VS. 21ST CENTURY TECHNOLOGY: ARE WE EVOLVING?

~ Professor (Dr.) Nirmal Kanti Chakrabarti[*]

ABSTRACT

Efforts to integrate modern technology in the Indian justice system have been initiated since the early 2000s, founded upon the holy-grail that is the "National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary". The first two phases of this project are already complete, with the third phase having been initiated in 2023. The end of the first two phases was marked by peak success, with the creation of a national database of pending and disposed cases, hardware and software support for digital connectivity across all courts in the nation, even the subordinate courts, and facilitating digital connectivity across courts and other relevant institutions such as jails. However, there remain glaring gaps, in terms of low adoption of such technologies by trial courts, lack of skilled manpower, and accessibility issues. Thus, at the juncture of Phase III, it is now time to learn from the earlier mistakes, and ensure that the available cutting-edge technology is incorporated and utilized to the fullest extent by the Indian justice system.

Keywords: *Technology and justice, digital courts, AI and law.*

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I. INTRODUCTION

In the last few decades, the growth of technology has been unimaginable and unpredicted. Modern day electronic gadgets such as smartphones work on more complex technology, than the computers used even for first the manned mission to the moon in 1969.[1] As scientific innovations and technology keep permeating across all arenas of life, they have brought tremendous changes in almost all disciplines, including the social sciences. The objective of this paper is to highlight the implications of these changes in the current law and justice system in India and consequently, the transformation or adaptation in accordance in response to the same.

It has been globally recognized that a paradigm shift towards digitization of the legal system is required to ensure and enhance its efficiency.[2] The significance of digital tools to improve justice sector efficiency, transparency and access to justice, has been identified by the United Nations.[3] To aid the nations in integrating digital components to their justice system at different development levels, the United Nations Development Programme ("**UNDP**") has published a toolkit titled *"E-*

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[1] Graham Kendall, *Your Mobile Phone vs. Apollo 11's Guidance Computer,* REAL CLEAR SCIENCE (Jul. 2, 2019), https://www.realclearscience.com/articles/2019/07/02/your_mobile_phone_vs_apollo_11s_guidance_computer111026.html.

[2] Hafiz Gaffar, *Implications of Digitalization and AI in the Justice System: A Glance at the Socio-Legal Angle,* 10(3) INT'L J. OF L.: "LAW & WORLD" 154, 155 (2024).

[3] UNDP, *Digitalization and E-justice*, https://www.undp.org/rolhr/justice/digitalization-and-e-justice.

Justice: Digital Transformation to Close the Justice Gap".[4] The move towards a digitized justice system hastened during the pandemic, as it restricted access to justice for the people. The World Bank recorded that during 2020 and 2021, several nations ranging from high-income to low-income levels, had adopted reforms to facilitate a digitized justice system.[5]

Technological innovations have revolutionised almost every aspect of the legal discipline, from legal research to communication. Particularly in the Indian context, the integration of technology into the justice system is well on the way to revamp the system overall. The development of this phenomenon can be broadly divided into two eras. The two decades between 2000-2019 mostly saw developments with respect to infrastructure and digitization of case records and judgements etc., while from 2020 onwards; the focus has shifted towards connectivity and automation.[6]

Against this backdrop, this paper analyses the integration of the Indian justice system with modern technology and its impacts. The first section highlights the progress made during 2000-2019, and how that paved the way for future development and integration. The second section explores the exponential changes brought about to the system by the 2020's technological innovations, and the future pathway. Ultimately,

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[4] UNDP, *E-Justice: Digital Transformation to Close the Justice Gap*, (2022), https://www.undp.org/publications/e-justice-digital-transformation-close-justice-gap.
[5] Raman Maroz, Oleksandra Popova & Santiago Satizábal Acosta, *Digitizing Court Systems: Benefits and Limitations*, (World Bank, Global Indicators Briefs No. 25., 2024).
[6] Akshat Khetan, *Digital Courts: Future of The Indian Legal System*, LIVE LAW (Oct. 17, 2023), https://www.livelaw.in/law-firms/law-firm-articles-/virtual-hearing-e-courts-project-digital-preservation-standard-operating-procedure-internet-and-mobile-association-of-india-240329.

the paper explores the gap areas where the existing technology is not utilised to its full potential, thereby creating accessibility and efficiency issues even in the current system. It concludes by providing recommendations and ways forward to cure the issues identified.

II. THE FOUNDATION ERA

Taking cue from its global peers, India has not remained far behind in the race for a digital justice system. In fact, the wheels have been turning since long back, as the 'National Policy and Action Plan for Implementation of Information and Communication Technology' ("**Action Plan**") in the Indian Judiciary was enacted as early as 2005,[7] which helped contextualise the E-Courts Mission Mode Project ("**Project**").[8] It can be considered as the first formal step by the Indian government and judiciary to mark the beginning of the digitalisation revolution, even though initiatives regarding computerisation have been in place since the 1990s. This early stage of digitization included efforts to have case and court data accessible online, including statute laws and cases, to be used by advocates, officers and the public.[9] Measures were also undertaken to maintain a digital court archive for each court, and to establish digital and interconnected legal libraries.

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[7] E-Committee, *National Policy and Action Plan for Implementation of Information and Communication Technology (**"ICT"**) in the Indian Judiciary*, SUPREME COURT OF INDIA (Aug. 1, 2005), https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/05/2020053162.pdf.

[8] E-Committee, *Brief Overview of E-Courts Project*, SUPREME COURT OF INDIA, https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/.

[9] *Id.*

The Project was segregated into three distinct phases. In Phase I *(2007-2015)*, infrastructural support actions would be undertaken, such as ensuring adequate hardware and software support for courts and judges. Phase II, sought to ensure cohesion and coordination among the courts and other stakeholders through modes such as interconnectivity, video conferencing, and connected legal libraries. Phase III would witness digitisation of filing, execution, and other such administrative activities in all existing and newly established courts.[10] The entire process is mostly overseen by the E-Committee, which is the apex body constituted by the Government of India to formulate and implement the Action Plan.[11]

While the Action Plan did not provide any dedicated timeline for implementation of these phases beyond Phase I, which was supposed to be completed within two years after it began in 2007, there has been slow but steady progress in this regard. Phase I involved the computerization of district and taluka courts as well as training of the officers and staff to ensure a citizen-centric model of the judicial system.[12] Till March 2014, Phase I had almost achieved the target set for it previously, by facilitating 13,227 district and lower courts with computerisation infrastructure, while the target was of 14,249.[13] At this stage, there was also an increased

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[10] *Id.*

[11] E-Committee, *E-Courts Mission Mode Project*, SUPREME COURT OF INDIA, https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/ (last visited Oct 23, 2024)..

[12] *Id.*; Urvashi Aneja, *Review of the E-Courts Project*, ASHANK DESAI CENTRE FOR POLICY STUDIES, IIT BOMBAY (2022), https://www.cps.iitb.ac.in/review-of-the-e-courts-project/ (last visited Oct 23, 2024).

[13] *Evaluation Study of eCourts Integrated Mission Mode Project*, NATIONAL COUNCIL OF APPLIED ECONOMIC RESEARCH(2015), https://www.ncaer.org/wp-

awareness spread within the judicial system about the same and other associated activities. However, the infrastructure set up was not consistent across different courts, and even in courtrooms with 99% available infrastructure, there was a lack of operational efficiency due to connectivity issues and non-availability of skilled and trained officers.[14]

Phase I was extended till and completed in 2015, post which, Phase II was launched.[15] During Phase II, by virtue of innovation and easy access to more robust technology, there had been exponential progress. The idea was that the hardware and infrastructure procured in Phase I, would be amalgamated with adequate software and put to operation in Phase II. The aim was to bring to surface the computerisation and connectivity to the court rooms, out of the bounds of the dedicated computer rooms. At this stage, the problems in Phase I, such as unreliable electricity and internet connectivity were recognized and sought to be remedied by modes such as Uninterrupted Power Supply ("**UPS**"), proper electrical wiring and cabling, and internet connectivity from two different service providers. The importance of training for staff and officers was also emphasized,[16] to reduce the inefficiencies in handling and maintaining the system.

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content/uploads/2022/09/1460107526Report-of-Evaluation-eCourts-1.pdf; Ministry of Law and Justice, *E-Courts Project for online hearing*, PRESS INFORMATION BUREAU ("**PIB**") (Mar. 16, 2023), https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1907546 (last visited Dec 13, 2024).

[14] *Id.*

[15] *Id.*

[16] E-Committee, *supra* note 7.

In furtherance of the goal of fostering connectivity during Phase II, all the court complexes, jails, and other similar institutions were targeted to be connected via video conferencing for better evidence management and fast and efficient disposal of sensitive cases.[17] During this phase, atleast one video conferencing equipment was supplied across all district and subordinate courts. Video conferencing was reported to be enabled at 3240 courts and 1272 jails.[18] This technology saw a massive upsurge during the pandemic, as more than 2 crore cases were heard by the district and subordinate courts, 78 lakh by the High Courts, and nearly 5 lakh by the Supreme Court.[19] To ensure transparency, live-streaming of the cases involving Constitutional matters and issues of national importance was allowed by the Supreme Court in 2018, a practice which has become the norm since then.[20]

During this period, centralised storage and access of data on cloud-based servers was also introduced.[21] This led to digitization of records. Even though digitization was not initially considered as a part of the objectives of Phase II, as the need arose, a Digital Preservation Standard Operating Procedure ("**SOP**") was published by the e-

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[17] Centre for Research and Planning, *State of the Judiciary: A Report on Infrastructure, Budgeting, Human Resources, and ICT,* SUPREME COURT OF INDIA 136 (Nov. 2023) https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/misc/state_of_the_judiciary.pdf.

[18] Ministry of Law and Justice, *Digitization of Courts*, PIB (Mar. 2, 2023), https://www.pib.gov.in/PressReleasePage.aspx?PRID=1896034.

[19] Department of Justice, *Video Conferencing*, MINISTRY OF LAW AND JUSTICE, https://doj.gov.in/video-conferencing/.

[20] Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639.

[21] E-Committee, *supra* note 11; Brief overview of E-courts project, *supra* note 8.

Committee in 2022.[22] The SOP provided detailed guidelines for digitization of court records as well as methods for scanning and storage for easy access and retrieval. The SOP identified that at that point, among the documents available across 21 High Courts in India, only 5.9% had been digitized, and thus, were readily accessible.[23] It also computed the rather extensive storage requirements for this data, as well as modalities of making it available across the nation via cloud-based mechanisms.

The e-Courts National Portal, ecourts.gov.in ("**Portal**"), was established as a platform to enable the courts to provide case-related information such as case status, cause lists, and case documents electronically. It was launched towards the end of Phase I and was brought to fruition during Phase II.[24] This centralized portal has dedicated sections for different levels of the judiciary, including *taluka*, district, High Courts and the Supreme Court. The aim is to update the data in real-time, to ensure that accurate information reaches the stakeholders. Currently, the portal houses data for more than 7 Crore pending and disposed cases.[25] The portal integrated disabled-friendly technology and also made information available in local languages. This was done with the intent to facilitate ease of access to the platform for the lawyers and the litigants.

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[22] E-Committee, *Digital Preservation Standard Operating Procedure*, SUPREME COURT OF INDIA (Sept. 24, 2022), https://cdnbbsr.s3waas.gov.in/s3ec020afa92fc0f8a9cf051bf2961b06a/uploads/2023/04/2023040932.pdf.

[23] *Id.*

[24] Ministry of Law and Justice, *E-Courts Mission Project*, PIB (Aug. 5, 2022), https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1848737.

[25] Brief Overview of E-courts Project, *supra* note 8.

However, in spite of the seemingly tremendous success of Phase II, there remain some faults. While for Phase I, the problem was localized to a lack of connectivity or training, this time, it was multifaceted. Even though most courts were enabled with the infrastructure required for digitization, during the process, it was often found that crucial data such as statute names, case type, and final orders were not available.[26] To add to this, different courts were practising different methods for numbering and categorizing cases, which resulted in further discrepancies in records. A 2020 study by the National Institute of Public Finance and Policy cautioned that blind reliance on the data available on the portal may lead to false pictures and misguided politics.[27]

Apart from inconsistencies in recording data, the second crucial issue in Phase II is the inaccessibility of information for people with disability.[28] To ensure the utility of the portal and other platforms, the digitally available documents must be practically accessible lawyers, litigants, and officials with special needs. For example, a person with hearing or speech difficulties has no support of sign language interpretation or closed captioning for virtual courtrooms. The judiciary has already recognized such practical barriers and has been vocal against the same. The Delhi High Court had previously ordered case-related documents to be made available in braille to a litigant who was visually

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[26] Aneja, *supra* note 11.

[27] Devendra Damle & Tushar Anand, *Problems with the E-Courts Data*, (7 NIPFP Working Paper No. 314/2020, 2020), https://www.nipfp.org.in/media/medialibrary/2020/07/WP_314__2020.pdf.

[28] *The Whole Legal System is not yet Available to Blind Lawyers, Litigants,* INDIA LEGAL (Dec. 31, 2020), https://indialegallive.com/special-story/legal-system-blind-lawyers-interview-santosh-kumar-rungta/.

impaired.[29] The incumbent Chief Justice of India back then, Justice DY Chandrachud, had imparted strict orders to the High Courts to create accessible digital infrastructure to ensure convenience and equal participation for the lawyers and litigants with disabilities.[30] It was also instructed that there must be an institutionalised system that would allow filings to be translated to accessible formats, which would include audio captchas and tagging of digital documents.[31] To facilitate accessibility in the Supreme Court, further, the Chief Justice of India at the time also enlisted the assistance of Senior Advocate SK Rungta, the first visually challenged lawyer to be designated as a senior.[32] Moreover, the e-Committee has also published a Standard Operating Procedure for Preparing Accessible Court Documents in 2022.[33] However, all of these measures are yet to be implemented in most courts and digital platforms.

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[29] Shivam Soni v. State (NCT of Delhi), (2022) 2 HCC (Del) 403, para. 11; *Give court papers in Braille to visually impaired: Delhi HC*, THE TIMES OF INDIA, (Apr. 10, 2022), https://timesofindia.indiatimes.com/city/delhi/give-court-papers-in-braille-to-visually-impaired-delhi-hc/articleshow/90757444.cms.; *Provide Court Documents in Braille to Visually Impaired Litigants: HC*, THE HINDU (Apr. 11), https://www.thehindu.com/news/cities/Delhi/provide-court-documentsin-brailleto-visually-impaired-litigants-hc/article65308826.ece.

[30] *E-Courts Must Be Accessible to Specially Abled: Justice Chandrachud Tells Chief Justices of High Courts*, LIVE LAW (Jan. 23, 2021), https://www.livelaw.in/top-stories/ecourts-accessible-to-specially-abled-disabled-justice-chandrachud-high-courts-chief-justices-167555..

[31] *Need to Create Accessible Infrastructure for Lawyers, Litigants with Disabilities: Justice DY Chandrachud to High Courts*, THE NEW INDIAN EXPRESS, (Dec. 23, 2020), https://www.newindianexpress.com/nation/2020/Dec/23/need-to-create-accessible-infrastructure-for-lawyers-litigants-with-disabilities-justice-dy-chandr-2240070.html.

[32] Utkarsh Anand, *CJI Enlists Aid of Visually Impaired Lawyer to Boost Inclusivity in Court*, HINDUSTAN TIMES, (Nov. 24, 2022), https://www.hindustantimes.com/india-news/cji-enlists-aid-of-visually-impaired-lawyer-to-boost-inclusivity-in-court-101669313975542.html.

[33] E-Committee, Working Group on Digital Preservation, *Standard Operating Procedure for Preparing Accessible Court Documents*, Supreme Court of India (Nov. 29, 2022),

III. THE AUTOMATION WAVE

The Law Commission of India had submitted its 268th Report wherein they had recommended, *inter-alia*, the need for introducing a new technology in the nature of a central intelligence database and electronic tagging.[34] This would enable all information from the FIRs and the like, to all details about an offender, to remain available in the technical architecture of the *"Crime and Criminal Tracking Network and Systems"* ("**CCTNS**") scheme. It can further also be improved and adapted for better utilization of existing crime as well as criminal history. The report has recommended the use of electronic tagging, electronic monitoring, improvisation and adaptation of the CCTNS.[35]

Currently, India does not have facilities like intelligent databases and electronic tagging, thereby ushering in the role of private companies and start-ups with the said know-how. In an instance, Staqu, a tech-start up, assisted the Rajasthan police in resolving more than 1100 cases using such data and artificial intelligence.[36] Such models are already in use in other countries like New Zealand.[37]

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https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2022/1/2022112949.pdf.

[34] Law Commission of India, *Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail, Report No. 268,* MINISTRY OF LAW AND JUSTICE (May 2017), https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081637-1.pdf.

[35] *Id.*

[36] *Staqu turns profitable after 1100 police cases*, BUSINESS INSIDER INDIA(June 20, 2019), https://www.businessinsider.in/staqu-turns-profitable-after-1100-police-cases-and-one-funding-round/articleshow/69871636.cms.

[37] Law Commission, *supra* note 34, at 99; *Courts and Pre-Sentencing*, N.Z. DEP'T OF CORR. (2017), http://www.corrections.govt.nz.

We are now at a crossroad, wherein we can devise a definitive legal framework and harness this technology to not only give a greater chance of reformation to the accused but also minimize overcrowding in scarce jails. With all its ups and downs, the Indian justice system has moved through the first two phases and is now at the beginning of Phase III. The start of Phase III of the project was officially approved by the Union Cabinet in 2023, with an initial timeline of four years.[38] The Action Plan had initially proposed facilities such as a digital inventory of files, digital signature, computerised filing, etc. under this phase.[39] However, the exponential progress of technology had enabled all such measures to be already integrated under Phase II; which means that Phase III must move beyond what was originally proposed.

The vision document of Phase III has identified it as a 'digital court's project', which identifies the move from digital documentation and filing to a holistic digital justice system.[40] The idea is not to "*merely digitise paper-based processes*", but to "*transform processes for a digital environment*".[41] In this way, it goes beyond simple access to information and documents, but rather, towards transforming the overall justice system. The new era of the legal system seeks to enable effective pleading and fair adjudication by inculcating technology, including video and audio mechanisms.[42] It also focuses towards a 'smart system', where automated data-driven decisions

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[38] Department of Justice, *Phase-III*, MINISTRY OF LAW AND JUSTICE, https://doj.gov.in/Phase-iii/ (last visited Oct 23, 2024).
[39] E-Committee, *supra* note 7.
[40] E-Committee, *Digital Courts Vision & Roadmap: E-Courts Project Phase III*, SUPREME COURT OF INDIA (2022).
[41] *Id.*
[42] *Id.*

would be made for scheduling and prioritisation of cases, as according to the capacity of judges and other stakeholders.

In this vision document, it has been recognized that the primary issue for Phase I and Phase II was caused by separate and scattered initiatives, and for Phase III to be successful, a holistic ecosystem approach must be adopted. Instead of trying to devise solutions to the existing problems, Phase III seeks to create an environment of inclusivity of both public and private stakeholders for creating solutions. Considering, the range of different needs of the citizens and other entities, along with the over-arching technological evolution, the document emphasized that dispute resolution must "*not just remain as a sovereign function, but evolve as a service*".[43] The services to be implemented during this Phase have been identified as digital repositories, disability friendly documentation, intelligent scheduling, and digital case management systems, e-filing; live streaming of courtrooms, transcriptions, helpdesk services, connected and interoperable criminal justice system, and virtual courts.[44] By the end of this phase, litigants and lawyers should be able to file, plead, and reach the resolution of a case without once stepping foot inside the courtroom.

Quite a few of these measures have already been implemented. The websites and mobile applications see millions of daily users. Automated emails and SMSs regarding important case-related information are in place for several courts. In order to support various kinds of

[43] *Id.*
[44] *Id.*

payments in the justice system, the e-Pay portal has been created as a consolidated access point. The e-Filing system, also widely implemented, provides support for drafting and submission of pleadings, recording oaths, and e-signatures. The e-courts portal is regularly updated in almost near-time manner regarding case status and documentation.[45]

It is true that Phase III aims to counter the root causes behind the problems faced in Phases I and II. It is still in nascent stages, and it is too early to speak of its successes and failures. However, what stands-out, is the absence of focus on the need to integrate Artificial Intelligence ("**AI**") into the system or the lack of faith in AI in the justice process. Though the plan for Phase III mentions implementing a smart system for scheduling cases, we know that modern AI is capable of much more. A great example of this would be the Correctional Offender Management Profiling for Alternative Solutions ("**COMPAS**") which helps the judges in the United States of America suggest rehabilitation mechanisms based on the criminal history, social and economic background, and mental health of the offender.[46]

The potential of AI has been recognized by the former Chief Justice of India, Justice S.A. Bobde, who proposed the introduction of AI in the justice system to reduce pendency of cases.[47] Some AI tools are

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[45] E-Committee, , *E-Courts: Digital Transformation in Indian Judiciary*, SUPREME COURT OF INDIA, (Nov. 28, 2023), https://ecourts.gov.in/ebook/mobile/index.html.

[46] Tim Brennan & William Dieterich, *Correctional Offender Management Profiles for Alternative Sanctions (COMPAS)*, *in* HANDBOOK OF RECIDIVISM RISK/NEEDS ASSESSMENT TOOLS 49 (2017).

[47] Promila Dhar, *India: Role of Artificial Intelligence in Justice Delivery System*, WARWICK LEGAL NETWORK (Sep. 6, 2023), https://www.warwicklegal.com/news/627/india-role-of-artificial-intelligence-in-justice-delivery-system.

already being used in India, examples being: *Supreme Court Vidhik Anuvaad Software* ("**SUVAS**") for translating legal documents, Supreme Court Portal for Assistance in Court Efficiency ("**SUPACE**") for legal research, etc.[48] At such a juncture, the silence of the Phase III vision document on AI is somewhat concerning.

IV. PEERING AT THE FUTURE

India's journey of integrating modern technology into its judicial system has been a long one, made even more difficult by the diverse needs of its courtrooms and stakeholders at different levels and regions. The continuous development of technology has, at the same time, made this task both easier and more difficult. While the goals previously set have become more easily achievable due to such innovations, the ultimate goal has moved further and further. Initially, Phase III of the plan involved simpler measures such as information availability and digital signatures the target is now to create virtual courts across the nation.[49]

Learning from the mistakes of Phases I and II, it is time to look beyond conventional measures and explore all that modern technology has to offer and implement the same in Phase III. Innovations such as AI would be crucial in dealing with the efficiency and pendency-related issues of the judiciary. The recorded data for 2024 showcases that around 84,000 cases are pending before the Supreme Court, 60 lakh cases before the

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[48] Ministry of Law and Justice, *Lok Sabha Starred Question No 147*, DIGITAL SANSAD (Dec. 16, 2022), https://sansad.in/getFile/loksabhaquestions/annex/1710/AS147.pdf?source=pqals.

[49] E-Committee, *supra* note 7; E-Committee, *supra* note 30.

High Courts, and 4.5 crore cases before subordinate courts.[50] These staggering figures of pendency before the judiciary highlight the extent and urgency of the problem.

The idea here is not to replace human judgment with AI but to facilitate and enhance human action. As discussed before, AI tools such as SUPACE and SUVAS are already in use in the Supreme Court for tasks such as legal research or translation.[51] The next logical step in this regard would be predictive justice,[52] where AI models would analyse historical case data, background information of the litigants, and support the judges' decision-making regarding case outcomes. By this amalgamation of human and artificial intelligence, it is possible to bring a new era of revolution in the Indian justice system.

A. TECHNOLOGICAL ADVANCEMENT AND HUMAN RIGHTS ISSUES

The Universal Declaration of Human Rights recognised the inherent dignity and equal rights of all human beings.[53] Given the affirmation of the 'Digital Computer' by the General Assembly in 1939, we may assume this as the beginning of the Digital Era. This affirmation also propounded upon the idea that those rights held by people offline, must also be simultaneously protected for people online along with

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[50] National Council of Applied Economic Research, *supra* note 12.
[51] Ministry of Law and Justice, *supra* note 38.
[52] Bhisma Khanna, *Predictive Justice: Using AI for Justice*, CENTRE FOR PUBLIC POLICY RESEARCH (May 2021), https://www.cppr.in/wp-content/uploads/2021/05/PREDICTIVE-JUSTICE-USING-AI-FOR-JUSTICE-2.pdf.
[53] G.A. Res 217 (III) A, The Universal Declaration of Human Rights (Dec. 10, 1948).

respect the rights of privacy along with other rights in digital communications. Thus, the question may be raised, *"Does the notion of 'normative equivalence,' between 'offline' and the 'online' afford effective protection of human rights in the digital age?"* For example - Do the advantages of E-courts and video-conference in e-courts give opportunities to all to watch or experience technological advancement? Is there any extraordinary social impact on the interest of the human condition? Is it resulting into a new violation of the right to access to justice by the people online *vis-à-vis* offline?

Thus, three generations of digital human rights are developing which go beyond the normative equivalency paradigm. The first generation of digital human rights involves reinterpreting existing human rights to align with the evolving conditions of the digital age. An example of first-generation digital human rights is the right to privacy. Traditionally, this meant protection from physical intrusion or unwarranted searches. In the digital age, it extends to safeguarding personal data online, such as ensuring social media platforms or governments don't misuse users' data without consent. The second generation entails the development of new digital rights in the cyberspace, protecting online needs and interests which were not covered in traditional human rights. The third generation of human rights involves attempts to designate new right holders and duty holders. The concept of digital personality directly places appropriate legal obligations on private technological companies.

B. ARE WE EVOLVING TO DELIVER JUSTICE THROUGH TECHNOLOGY?

Globally, it is widely accepted that algorithms should not be applied in the criminal justice system due to concerns about their use and the automated decision-making systems in sensitive areas such as policing, sentencing, bail decisions, and parole evaluations. The Wisconsin Supreme Court, in *State v. Looms (2016)*[54], the court held that judges may refer to an algorithmic recidivism assessment program, but it should serve as only one factor in their final decision. Algorithm assessment must not replace the judge's discretion. Even the European Union, under Article 22 of the General Data Protection Regulation ("**GDPR**") in 2016[55], provides that individuals should not be subject to decisions based solely on automated processing. However, in matters of administration of justice, especially correctional administration, all the developed countries already adopted technology in the probation system and rehabilitation of prisoners. The Union Law Minister launched the 'Mission Mode Programme for Reduction of Pendency of Arrears in Courts' ("**Programme**") in 2011.[56] The programme sought to resolve 40% of the cases currently pending in subordinate courts nationwide within the next six months. Technology had also been adopted for more than a decade to reduce the huge pendency of cases in at all levels of Courts. Despite these efforts, as of 30th September 2010, a total of 2.8 crore cases were pending in

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[54] *State v. Loomis*, 881 N.W.2d 749 (Wis. 2016.).
[55] The EU GDPR, EU 2016/679, Apr. 27, 2016, art. 22.
[56] Press Trust of India, *Minister Launches Mission Mode in State*, THE INDIAN EXPRESS, (July 3, 2011), https://indianexpress.com/article/cities/ahmedabad/minister-launches-mission-mode-in-state/.

subordinate courts and 42 lakhs in High Courts.[57] Over the past decade pendency has risen by 148% in the Supreme Court, 53% in High Courts and 36% in subordinate courts.[58] In 2024, the total number of pending cases across all levels in India exceeded 51 million, with more than 87% of these cases still pending in the District Courts. Approximately 9% of these cases have been pending for over a decade, while an additional 24% have been pending for more than 5 years.[59]

The pendency of cases across Indian courts has increased by 38% in the last decade. The 'Access to Justice Reports' of UNDP & Ministry of Justice Project Report, revealed that in India less than 1% of the population approaches the court for litigation every year. Therefore, our constitutional promise of 'social justice' is still far away. In spite of the adoption of technology in the justice system question remains: Who benefits? Are we progressing? Are we evolving? Or circling back to the observation made hundred years ago by the novelist, who wrote 'Bande Mataram', and described the courts as a place for rich people's mockery.[60]

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[57] PRS Legislative Research, *Vital Stats: Pendency of Cases in the Judiciary*, PRS (July 25, 2018), https://prsindia.org/billtrack/prs-products/vital-stats-on-pendency-of-cases-in-the-judiciary.
[58] *Id.*
[59] *Id.*
[60] BANKIM CHANDRA CHATTOPADHYAYA, ANANDAMATHA (1882).

Professor (Dr.) Indrajit Dube & Dr. S Elika Assumi, *Cultivating Versatility in Legal Education: Comprehensive Institutional Development Initiatives*, 11(1) NLUJ L. REV. 178 (2024)

CULTIVATING VERSATILITY IN LEGAL EDUCATION: COMPREHENSIVE INSTITUTIONAL DEVELOPMENT INITIATIVES

~ Professor (Dr.) Indrajit Dube & Dr. S. Elika Assumi[*]

ABSTRACT

As the field of law transitions from traditional rights-based frameworks to governance-focused approaches, legal education must undergo transformative shifts. This paper argues for a reimagined model of legal training centred on adaptability, integrating interdisciplinary curricula, participatory governance, and digital tools to prepare graduates for complex governance roles and global challenges. Emphasising three key areas, the proposed model calls for broadening curricula to encompass cross-functional subjects—such as technology, environmental law, and international relations—thereby equipping students with the skills needed for policy and compliance roles. Additionally, it highlights the importance of participatory governance in law schools, advocating for collaborative decision-making processes that incorporate diverse perspectives and foster a culture of inclusivity and accountability. Finally, integrating digital tools, such as virtual classrooms and policy simulations, enriches learning experiences and prepares students for the digital-first legal landscape. This paper concludes that a governance-based model, prioritising interdisciplinary learning and ethical adaptability, positions law schools to

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develop practitioners ready to lead and adapt within varied governance contexts, meeting the demands of a globalised, digitally integrated world.

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I. INTRODUCTION: THE NEED FOR VERSATILITY IN LEGAL EDUCATION

The landscape of legal practice is undergoing a profound transformation driven by rapid technological advancements, necessitating a significant shift in the pedagogical approaches adopted by law schools. Traditional models of legal education, which have historically emphasised doctrinal knowledge and advocacy skills, are increasingly inadequate in preparing graduates for the complexities of contemporary legal environments. Integrating exponential technologies such as artificial intelligence ("**AI**"), blockchain, and machine learning into legal practice has rendered these tools supplementary and essential to effectively deliver legal services.[1] For instance, predictive algorithms[2] are now instrumental in enhancing legal research and informing litigation strategies, while blockchain technology facilitates the automation of business transactions through smart contracts.[3] As these technologies automate routine legal

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[1] David Cowan, *Book Review of Richard Susskind, Online Courts and the Future of Justice*, 18(2) CAN. J.L. & TECH. 303 (2020); Colin Rule, *Review of Online Courts and the Future of Justice by Richard Susskind (Oxford University Press, 2019)*, 11(2) INT'L. J. COURT ADM. 10 (2020); RICHARD SUSSKIND, ONLINE COURTS AND THE FUTURE OF JUSTICE (Oxford University Press 2019).

[2] S. DEAKIN AND CHRISTOPHER MARKOU, IS LAW COMPUTABLE? CRITICAL PERSPECTIVES ON LAW AND ARTIFICIAL INTELLIGENCE, (Bloomsbury Publishing 2020); Daryl Lim*, Predictive Analytics,* 51 LOY. U. CHI. L.J. 161 (2019).

[3] Rosa Maria Garcia-Teruel, *Legal Challenges and Opportunities of Blockchain Technology in the Real Estate Sector*, 12(2) J. PROP. PLAN. & ENVTL. L. 129, 129–45 (2020); Daniel Martin Katz, Michael Bommarito & Josh Blackman, *A General Approach for Predicting the Behaviour of the Supreme Court of the United States*, 12(4) PLOS ONE (2017); Nada Madaoui, *The Impact of Artificial Intelligence on Legal Systems: Challenges and Opportunities*, 1 PROBLEMS OF LEGALITY 285, 285–303 (2024); Alan Murray et al., *Contracting in the Smart Era: The Implications of Blockchain and Decentralized Autonomous Organizations for Contracting and Corporate Governance*, 33(1) ACADEMY MGMT. PERSP. 88, 88–104 (2019).

tasks, the role of legal professionals is evolving from traditional advocacy to a more nuanced function centred on systemic governance. This shift entails a focus on managing institutional frameworks, designing regulatory protocols, and advising policymakers on these innovations' ethical and technological challenges.[4] Consequently, the legal profession is moving away from a rights-based model, which prioritises individual protections, towards a governance-based framework that emphasises collaborative problem-solving across various sectors. Legal practitioners are now required to engage with intricate governance structures that demand skills in policy design, stakeholder negotiation, and continuous adaptation to changing circumstances.[5]

In light of these developments, law schools must respond proactively by reformulating their curricula to cultivate interdisciplinary learning, technical proficiency, and critical thinking skills among students. This educational approach is vital to ensure that graduates are equipped to navigate and address the multifaceted global challenges of our time, including climate governance and data privacy regulation.[6] In this context, law schools can better prepare their students for successful careers in an

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[4] Amy Bullows, *How Technology Is Changing the Legal Sector*, 55 THE LAW TEACHER 258 (2021); R. F. Weber, *Will the Legal Singularity Hollow Out Law's Normative Core?* 97 MICH. TECH. L. REV. (2020).

[5] LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW (Simon & Schuster 2019); M. Bailes, President-Elect, Law Council of Australia, Speech at Australian Young Lawyers' Conference, Sydney: The Law and Legal Technology – Our Changing Work Practices (Oct. 20, 2017).

[6] Debbie Garingan & Anna Pickard, *Artificial Intelligence in Legal Practice: Exploring Theoretical Frameworks for Algorithmic Literacy in the Legal Information Profession*, 21 LEGAL INFO. MGMT. 97 (2021).

increasingly complex and interconnected world by fostering a versatile legal education that embraces these emerging realities.

This article presents a governance-based approach to transforming legal education, aimed at addressing the evolving challenges of the legal profession. Part I introduces the shift from a rights-based legal vocation to a governance-focused model, emphasizing the need for law schools to adopt interdisciplinary curricula, participatory governance, and digital tools to prepare students for governance-centric roles. Part II examines the evolving purpose of legal education, tracing how it has moved from a moral and justice-oriented framework to a more specialized and socio-economic model. Part III discusses the significant transformations in legal education, highlighting the integration of globalisation, technology, and professional specialization into the curriculum. Part four proposes reimagining legal education through governance-based frameworks, advocating for participatory and inclusive approaches that equip students with both theoretical and practical skills. Finally, part five outlines the dimensions for institutional development, detailing the role of lifelong learning, industry collaboration, technological integration, and structural reforms in preparing graduates for globalized and technologically advanced governance landscapes.

I. PURPOSE OF LEGAL EDUCATION

Early legal education focused on universal questions of law, morality, and justice before these elements were separated and some discarded. Consequently, early legalists didn't distinguish between law and

morality and considered other professions and disciplines. Over time, legal training has steadily displaced legal education, shrinking the boundaries of legal thought and causing legal minds to become more introverted and focused on technical rules rather than fundamental values.[7] Medieval European universities focused on Roman law, Canon law, and international law — the *ius commune* — which facilitated trade between commercial classes.[8] This socially minded model, however, saw a shift towards an economic focus over time.

Lately, modern legal education has shifted towards an increased focus on social science and general knowledge. Interdisciplinary courses combining legal education with other fields have become more common, including law and economics, law and literature, law and psychology, and law and philosophy. One result of this development has been to drive treatise writing from law schools. Some legal academics view this new scholarship as "amateur social science".[9] For instance, the evolution of Australian law faculties from "trade schools" to liberal law schools demonstrates the development of a socio-economic approach.[10] Law schools have offered more electives, allowing students to choose courses that examine legal institutions in social and theoretical contexts, as well as

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[7] Eric T. Kim, *Who's Learning What? Toward Participatory Legal Pedagogy*, 43 HARV. C.R.-C.L. L. REV. 633 (2008).
[8] *Id.*
[9] James R. Maxeiner, *American Law Schools as a Model for Japanese Legal Education? A Preliminary Question from a Comparative Perspective*, 24 KANSAI U. REV. L. & POL. 37 (2003).
[10] Christine Parker & Andrew Goldsmith, *Failed Sociologists in the Marketplace: Law Schools in Australia*, 25 J.L. & SOC'Y. 33 (1998).

courses that examine the law in more detail.[11] This model continues to evolve as legal education responds to the changing needs of the legal profession. For instance, law firms now expect students to be technologically savvy and to have teamwork and communication skills.[12]

II. SHIFTS IN LEGAL EDUCATION

The contemporary landscape of legal education is experiencing a significant transformation towards a differentiated model, with particular emphasis on 'legal computics'. This evolution is driven by several interconnected factors that warrant detailed examination. The increasing internationalisation of legal practice brought about by globalisation and technological advancement, has fundamentally altered the requirements for contemporary legal education.[13] This transformation manifests through cross-border legal practice, which necessitates the integration of international legal frameworks, understanding diverse legal systems, and developing cultural competencies. Technological integration has become paramount, with the adoption of artificial intelligence in legal research,

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[11] M Chesterman & D Weisbrot, *Legal Scholarship in Australia*, 50 MOD. L. REV. 709, 710 (1987); Sampford, Charles; Charles Sampford & David Wood, *Legal Theory and Legal Education—The Next Step*, 1 LEGAL EDUC. REV. 107 (1989); Richard Johnstone, *Rethinking the Teaching of Law*, 3 LEGAL EDUC. REV. 17 (1992).

[12] Lillian Corbin & Lisa Bugden, *Online Teaching: The Importance of Pedagogy, Place, and Presence in Legal Education*, 28 LEGAL EDUC. REV. 1 (2018); Lisa Bugden, Philippa Redmond & Jennifer Greaney, *Online Collaboration as a Pedagogical Approach to Learning and Teaching Undergraduate Legal Education*, 52 LAW TEACHER 85 (2018).

[13] Lisa Bugden, Philippa Redmond & Jennifer Greaney, *Online Collaboration as a Pedagogical Approach to Learning and Teaching Undergraduate Legal Education*, 52 LAW TEACHER 85 (2018).

implementation of blockchain technology in contract management, and data analytics for legal prediction.[14]

This shift from polycentric to monocentric modes of education represents a fundamental restructuring of legal education delivery.[15] This transition encompasses the standardisation of legal education through unified curriculum frameworks, consistent assessment methodologies, and harmonised learning outcomes. Centralised entry pathways have emerged, featuring standardised admission criteria, unified professional qualification requirements, and coordinated professional development programmes. Professional re-engineering, driven by the proliferation of large law firms and evolving regulatory frameworks, has precipitated significant changes in legal education.[16] Large law firms have influenced the landscape through specialisation requirements, team-based practice models, and corporate client service orientation. Such regulatory evolution has also resulted in enhanced compliance requirements, ethical practice frameworks, and professional conduct standards.[17]

The ongoing debate regarding the appropriate balance between professional training and academic education influences curriculum development. While some scholars advocate for an incidental approach to

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[14] Robert F. Weber, *Will the Legal Singularity Hollow Out Law's Normative Core?*, 97 MICH. TECH. L. REV. (2020).
[15] Eric T. Kim, *Who's Learning What? Toward Participatory Legal Pedagogy*, 43 HARV. C.R.-C.L. L. REV. 633 (2008).
[16] C. Parker & A. Goldsmith, *'Failed Sociologists' in the Market Place: Law Schools in Australia*, 25 J. L. & SOC. 33 (1998).
[17] Lillian Corbin & Lisa Bugden, *Online Teaching: The Importance of Pedagogy, Place, and Presence in Legal Education*, 28 LEGAL EDUC. REV. 1,16 (2018).

professional training, others emphasise its central importance.[18] Professional skill development encompasses practical legal skills, business acumen, and client relationship management, whereas the academic foundation focuses on theoretical understanding, critical thinking capabilities, and research competencies. Legal educators shoulder the burden of guiding future practitioners towards an ethical and fair legal practice.[19] This responsibility manifests through ethical leadership, encompassing professional integrity development, moral reasoning capacity, and social justice awareness. Professional guidance includes career pathway navigation, professional identity formation, and mentorship programmes.

Posner challenged the notion of law's autonomy in his article titled 'The Decline of Law as an Autonomous Discipline, 1962-1987,'[20] by asking the provocative question – *"What defines the discipline of law, and can it truly be considered autonomous?"* Schlag expressed similar doubts, likening the study of law to phrenology in a vivid analogy.[21] These elements collectively contribute to a comprehensive framework for modern legal education that balances traditional values with contemporary demands. The success of this educational model depends on its ability to integrate these diverse components whilst maintaining a focus on fundamental

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[18] James R. Maxeiner, *American Law Schools as a Model for Japanese Legal Education? A Preliminary Question from a Comparative Perspective*, 24 KANSAI U. REV. L. & POL. 37 (2003).
[19] Richard Johnstone, *Rethinking the Teaching of Law*, 3(1) LEGAL EDUC. REV. 17 (1992).
[20] Richard A. Posner, *The Decline of Law as an Autonomous Discipline: 1962–1987*, 100 HARV. L. REV. 761, 778–79 (1987).
[21] Peter Schlag, *Law and Phrenology*, 110 HARV. L. REV. 877 (1996).

principles of justice and professional responsibility.[22] Thus, legal education has shifted from a holistic view of law, morality, and justice to a more specialised and technologically driven approach, reflecting broader societal changes.

Early legal education once explored universal questions, linking rules with broader themes of morality and justice. Over time, however, this holistic approach narrowed, with legal thought increasingly focused on technical rules and processes. With globalisation and technology reshaping the landscape, legal education is gravitating towards an American model centred around the Juris Doctor ("**JD**") degree. This shift is influenced by three key factors: globalisation, the transition from *polycentric to monocentric models* (where educational authority becomes centralised rather than distributed among multiple institutions), and the *re-professionalisation of the legal field* (emphasising standardisation and specialisation in legal careers). While the American JD model offers a more direct route to licensure, critics argue that it's streamlined, commercially focused approach limits access to legal education and restricts pathways for those interested in public law. This focus on a singular, centralised path may also limit perspectives on human rights and access to justice, leading to a concentration of elite, commercially oriented lawyers. For instance, a monocentric model often sidelines smaller, locally-based institutions that could address regional legal needs, narrowing the diversity of legal perspectives available. These changes raise

[22] Charles Sampford & David Wood, *Legal Theory and Legal Education – The Next Step*, 1(1) LEGAL EDUC. REV. 107 (1989).

important questions about how legal education can best prepare future lawyers to navigate the complexities of a globalised, technologically advanced world and ensure diverse, equitable representation within the profession.

III. REIMAGINING LEGAL EDUCATION

The evolution of legal education is increasingly reflecting broader societal movements towards governance-based frameworks that prioritise public participation, shared accountability, and sustainability.[23] This shift is informed by the theoretical contributions of scholars such as Jürgen Habermas and Colin Mayer, whose ideas provide a foundation for understanding the role of law in contemporary society. Habermas's theory of communicative action underscores the necessity of inclusive dialogue in forming legal frameworks, advocating for collaborative decision-making processes that contrast traditional, rigid legal formalism.[24] This perspective aligns with governance-based models that seek to engage diverse stakeholders in the legal process, thereby enhancing the legitimacy and effectiveness of legal outcomes.[25]

Similarly, Mayer's focus on corporate purpose as a catalyst for societal value reflects a significant transition in legal education from a

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[23] E. van Bemmelen van Gent, *Legal Education: A New Paradigm*, 2 BYNKERSHOEK L. REV. 2 (2012).

[24] JÜRGEN HABERMAS, THE THEORY OF COMMUNICATIVE ACTION, VOL. 1: REASON AND THE RATIONALIZATION OF SOCIETY (Beacon Press 1984).

[25] PAUL MAHARG, TRANSFORMING LEGAL EDUCATION: LEARNING AND TEACHING THE LAW IN THE EARLY TWENTY-FIRST CENTURY (Ashgate Publishing 2007); Craig Newbery-Jones, *Trying to Do the Right Thing: Experiential Learning, E-Learning, and Employability Skills in Modern Legal Education*, 6 EUR. J.L. & TECH. (2015); David I. C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 3 (2015).

purely doctrinal approach to one that emphasises socially engaged practice.[26] This shift encourages students to perceive law not merely as a static collection of rules but as a dynamic instrument for institutional change. Governance-based education fosters an understanding of law as a tool for addressing systemic challenges, which is particularly evident in courses that tackle pressing issues such as environmental law, public health governance, and digital ethics.[27] For instance, environmental law courses are increasingly designed to immerse students in policy simulations that require them to navigate the complexities of balancing economic interests with sustainability objectives.[28] Such experiential learning opportunities not only enhance students' understanding of legal principles but also cultivate their ability to think critically about the implications of legal decisions on society and the environment. In the realm of public health law, students engage with the regulatory intricacies involved in pandemic responses, illustrating how governance frameworks

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[26] Colin Mayer, *The Future of the Corporation and the Economics of Purpose*, 58 J. MGMT. STUD. 887 (2021); Colin Mayer, *The Governance of Corporate Purpose*, (ECGI L. Working Paper No. 609, 2021); Colin Mayer, *Reflections on Corporate Purpose and Performance*, 20 EUR. MGMT. REV. 719 (2023).

[27] Rose Voyvodic & Mary Medcalf, *Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance of Windsor*, 14 WASH. U. J.L. & POL'Y. 101 (2004); Jean De Groof, *Legal Framework for Freedom of Education*, 1 BALANCING FREEDOM, AUTONOMY AND ACCOUNTABILITY IN EDUCATION25, 25–61 (C. L. Glenn & J. De Groof eds., Wolf Legal Publishers 2012); David L. Borman & Christine Haras, *Something Borrowed: Interdisciplinary Strategies for Legal Education*, 68 J. LEGAL EDUC. 357 (2019); Rajashree K., Chiranjeevi Singai & S. Augustine Shimray, *Advancements in Legal Education in India: Challenges and Opportunities for Interdisciplinary Research*, 8 ASIAN J. LEGAL EDUC. 66 (2021); Giuseppe Resta, *'So Lonely': Comparative Law and the Quest for Interdisciplinary Legal Education*, 37 INT'L J. SEMIOTICS L. 1569 (2024).

[28] John C. Dernbach, *The Essential and the Growing Role of Legal Education in Achieving Sustainability*, 60 J. LEGAL EDUC. 489 (2011); Nicole Graham, T*his Is Not a Thing: Land, Sustainability, and Legal Education*, 26 J. ENVTL. L. 395 (2014).

can be leveraged to promote resilience and adaptability in the face of crises.[29]

Experiential learning is central to this transformative approach, bridging the gap between theoretical knowledge and practical application. Clinical programmes emphasising policy advocacy and community engagement empower students to apply their legal skills in real-world contexts, fostering a sense of empathy and civic responsibility. These programmes exemplify a governance-based approach by encouraging students to devise solutions that address immediate community needs and align with long-term policy objectives, thereby reinforcing the interconnectedness of legal practice and societal well-being.

The reimagining of legal education towards governance-oriented models is not merely an academic exercise; it is a necessary response to the evolving demands of society. By embracing governance-based frameworks that prioritise public participation and accountability, law schools can better prepare their graduates to navigate and influence the complex legal landscapes of the future.

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[29] Branka Činčurak Erceg, Anamaria Đanić Čeko & Elena Jerković, *Environmental Law and Cross-Cutting Challenges in Legal Education: Sharing Developments in Croatia*, *in* MODERNISING EUROPEAN LEGAL EDUCATION (Oliver J. Gstrein et al. eds., Springer 2023); Ilze Jēkabsone & Līga Ratniece, *Integrating Sustainability into the Curriculum of Legal Education in Latvia: An Insight into the Main Issues*, 25 J. TCHR. EDUC. SUSTAINABILITY 60 (2024); Angela Balan, *Examining the Ethical and Sustainability Challenges of Legal Education's AI Revolution*, 1 INT'L J. LEGAL PROF. 26 (2024); Marta Poto & Eleanor Murray, *Achieving a Common Future for All Through Sustainability-Conscious Legal Education and Research Methods*, 24 GLOBAL JURIST 157 (2024).

IV. DIMENSIONS FOR INSTITUTIONAL DEVELOPMENT IN LEGAL EDUCATION

Law schools must implement models prioritising participatory governance and adaptive learning to effectively institutionalise governance-based education. Michael Mintrom's theory of policy entrepreneurship posits that educational institutions should function as hubs for innovation, creating environments where students, faculty, and external stakeholders can collaboratively address public challenges.[30] This necessitates the establishment of transparent governance structures that facilitate inclusive decision-making regarding curricula, research priorities, and partnerships, thereby ensuring that educational offerings align with the evolving needs of society.

A. EMBRACING LIFELONG LEARNING

In addition to participatory governance, law schools must adopt lifelong learning frameworks to keep pace with the rapidly changing legal landscape. The regulatory environment is subject to swift transformations driven by technological advancements and policy reforms, making continuous education a critical component of legal training.[31] Law schools can respond to this need by offering micro-credentials and executive education programmes in emerging fields such as AI governance and

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[30] Michael A. Mintrom & Paul Norman, *Policy Entrepreneurship and Policy Change*, 37 POL'Y STUD. J. 649 (2009); Michael A. Mintrom, POLICY ENTREPRENEURS AND DYNAMIC CHANGE (Cambridge Univ. Press 2019).

[31] S. Hammer et al., *Legal Educators' Perceptions of Lifelong Learning: Conceptualisation and Practice*, 31 INT'L J. LIFELONG EDUC. 187, 187-201 (2012); A. Babacan & H. Babacan, Repositioning Lifelong Learning in Legal Education, 20 WIDENING PARTICIPATION & LIFELONG LEARNING 122, 122-148 (2018); Isaac Maymaysky, *Finding Happiness in the Law: Lifelong Learning as a Path to Meaning and Purpose*, 63(1) SANTA CLARA L. REV. 65 (2023).

blockchain regulation. These initiatives will help graduates maintain professional relevance and adaptability throughout their careers.

B. COLLABORATION WITH INDUSTRY AND GOVERNMENT

Collaboration with industry and government partners is essential for successfully implementing governance-based education. Joint research projects and externships with regulatory bodies provide students with invaluable hands-on experience navigating complex governance frameworks. For instance, students who work alongside financial regulators can participate in designing compliance protocols for fintech companies, thereby gaining practical insights into the operation of law within institutional contexts.[32] Such collaborations enhance students' understanding of legal principles and prepare them to effectively engage with the multifaceted challenges of modern legal practice. The institutional development of legal education must focus on participatory governance, adaptive learning, and collaborative partnerships. By embracing these dimensions, law schools can cultivate a new generation of legal professionals equipped to address the pressing challenges of our time.

As legal frameworks evolve, integrating practical skills in legal technology and governance is becoming increasingly essential for law students. To prepare future legal practitioners, law schools must embed

[32] Michael A. Mintrom & Paul Norman, *Policy Entrepreneurship and Policy Change*, 37 POL'Y STUD. J. 649 (2009); MICHAEL A. MINTROM, DEBASHISH MAURYA & A. J. HE, POLICY ENTREPRENEURSHIP: AN ASIAN PERSPECTIVE (Routledge 2021).

technology and experiential learning into their curricula.[33] This approach enhances students' proficiency in contemporary legal tools and equips them with the necessary skills to navigate complex governance challenges.[34]

C. EMBEDDING TECHNOLOGY IN LEGAL EDUCATION

i. Integration of AI Tools

Law schools should incorporate AI-powered legal research tools, such as Lex Machina, which streamline case analysis and improve research efficiency.[35] These tools enable students to engage with data-driven insights, fostering a deeper understanding of legal precedents and case law.

ii. Utilisation of Blockchain Platforms

Blockchain technology offers innovative solutions for contract management and verification. By familiarising students with platforms like Kira Systems, which automates contract review, law schools can reduce the administrative burden on future legal practitioners, allowing them to focus on strategic governance tasks.[36]

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[33] P. Maharg & A. Nair, *Too Many Laws, Too Few Examples: Regulation, Technology, Law, and Legal Education*, BILETA CONFERENCE HANDBOOK (2012); J. Ching, P. Maharg & J. Webb, *Legal Education and Training Review (LETR): Literature Review*, (2013), http://works.bepress.com/paul-maharg/83/.

[34] Malcolm Smith, *Technology Law in Legal Education: Recognising the Importance of the Field*, 32 LEGAL EDUC. REV. 19 (2022).

[35] Paul Maharg & Elaine Nicol, *Simulation and Technology in Legal Education: A Systematic Review and Future Research Programme*, LEGAL EDUCATION: SIMULATION IN THEORY AND PRACTICE 17-42 (Richard Grimes, Edwina Phillips & Caroline Strevens eds., Ashgate Publ'g 2014).

[36] John Flood & Lachlan Robb, *Professions and Expertise: How Machine Learning and Blockchain Are Redesigning the Landscape of Professional Knowledge and Organization*, 73 U. MIAMI

iii. Online Dispute Resolution Systems

The rise of online dispute resolution ("**ODR**") systems allows law students to learn about alternative dispute resolution methods. Integrating ODR into the curriculum prepares students for a digital-first legal landscape, enhancing their adaptability and problem-solving skills.[37]

D. EXPERIENTIAL LEARNING INITIATIVES

Experiential learning constitutes an essential foundation for embedding practical governance skills within law students, allowing them to gain competencies that are otherwise challenging to acquire through traditional lecture-based education alone.[38] Legal clinics, which integrate hands-on activities across various governance domains, offer students direct exposure to real-life scenarios, cultivating indispensable skills in contemporary legal practice.

L. REV. 443 (2019); David Goldsworthy, *The Future of Legal Education in the 21st Century*, 41 ADELAIDE L. REV. 243 (2020); John M. Green, *Legaltech and the Future of Startup Lawyering*, MAPPING LEGAL INNOVATION 161 (Antoine Masson & Gavin Robinson eds., 2021); Konstantinos Demertzis, Konstantinos Rantos, Loukas Magafas, Charalambos Skianis & Lazaros Iliadis, *A Secure and Privacy-Preserving Blockchain-Based XAI-Justice System*, 14 INFO. 477 (2023); Julian Webb, *Information Technology & the Future of Legal Education: A Provocation*, 1 L. & HUM. DIGNITY TECH. AGE 72 (2019).

[37] Jeremy Goldberg, *Online Alternative Dispute Resolution and Why Law Schools Should Prepare Future Lawyers for the Online Forum*, 14 PEPP. DISP. RES. L.J. 1 (2014); Dana L. O'Leary, *"Smart" Lawyering: Integrating Technology Competence into the Legal Practice Curriculum*, 19 U.N.H L. REV. 197 (2021); Orna Rabinovich-Einy, *The Past, Present, and Future of Online Dispute Resolution*, 74 CURRENT LEGAL PROBS. 125 (2021).

[38] Francina Cantatore, *Boosting Law Graduate Employability: Using Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects*, 25 LEGAL EDUC. REV. 147 (2015); Richard Grimes, *Experiential Learning and Legal Education: The Role of Clinic in UK Law Schools*, KEY DIRECTIONS IN LEGAL EDUCATION (Emma Jones & Fiona Cownie eds., 2020).

E. LEGAL CLINICS AND GOVERNANCE EDUCATION

Legal clinics specialising in environmental governance, human rights advocacy, and policy design effectively bridge theoretical knowledge with practical application. These clinics allow students to work on live cases, providing an immersive experience that nurtures practical problem-solving abilities and builds confidence in managing the intricacies of real-world legal challenges. Students encounter the unpredictability and nuances that typify governance issues through their involvement, learning to adapt legal frameworks to diverse contexts and address dynamic governance concerns. This approach underscores the critical link between practical experience and the successful application of legal skills within governance-focused career paths.

F. STAKEHOLDER ENGAGEMENT IN LEGAL CLINICS

In addition to fostering problem-solving skills, legal clinics offer invaluable opportunities for students to engage with various stakeholders, including government officials, non-governmental organisations, community representatives, and private sector actors. Such interactions provide insights into the complexities of negotiating policy solutions that consider and balance diverse and often competing interests. Engaging directly with these stakeholders allows students to practise and refine the negotiation and advocacy skills essential for effective governance roles as they learn to mediate and facilitate consensus among parties with differing priorities and goals.[39] These experiences are instrumental in preparing law

[39] Roger L. Jones Jr., *Integrating Experiential Learning into the Law School Curriculum*, 7 ELON L. REV. 43 (2015); Michael E. Reuter & Jeff Ingham, *The Practice Value of Experiential Legal*

students for governance-based careers, equipping them with the technical skills and the interpersonal acumen required to navigate complex socio-political landscapes.

G. SIMULATED LEARNING ENVIRONMENTS IN LEGAL EDUCATION

Simulated learning environments, such as virtual moot courts and policy simulations, serve as vital components in the experiential learning framework for law students. These immersive, technology-driven platforms extend students' theoretical knowledge by providing practical, hands-on experiences that mirror the complexities of real-world governance challenges. Virtual moot courts are particularly instrumental in honing students' abilities to engage in regulatory negotiations and develop policy frameworks within a structured, risk-free environment. These simulations allow students to practice essential legal skills, such as drafting arguments, delivering oral submissions, and working collaboratively within a simulated judicial or regulatory setting. For instance, students may navigate regulatory issues in international trade or address the intricacies of data privacy laws. By engaging with these nuanced governance challenges, students gain critical exposure to global regulatory frameworks, preparing them for complex legal practices in international

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Education: An Examination of Enrollment Patterns, Course Intensity, and Career Relevance, 22 CLINICAL L. REV. 181 (2015); Lisa A. Henry, *Community Legal Clinics and Clinical Education in the COVID Era: Resilience, Innovation, and Gaps*, 72 U.N.B L.J. 114 (2021); Victor D. Quintanilla et. al., *Experiential Education and Access-to-Justice Within U.S. Law Schools: Designing and Evaluating an Access-to-Justice Service Learning Program Within the First-Year Curriculum*, 7 IND. J. L. & SOC. EQUAL. 88 (2019); Lucy Bleasedale et. al., *Law Clinics: What, Why and How?*, THE CLINICAL LEGAL EDUCATION HANDBOOK 7 (Lucy Thomas & Natalie Johnson eds., 2020).

contexts.[40] Virtual moot courts also enable students to test different legal strategies, fostering adaptability and a deeper understanding of judicial processes in diverse regulatory environments.

Additionally, policy simulations further strengthen students' abilities to apply theoretical knowledge within realistic governance scenarios. In these simulations, students tackle challenges that require balancing policy objectives, legal frameworks, and societal impacts. By engaging in simulated policy-making processes, students explore the complexities of legislative development, assessing the broader implications of legal decisions on communities and industries. This experience allows them to build a comprehensive understanding of governance processes, from analysing policy needs to evaluating outcomes and impacts on various stakeholders.[41] Policy simulations encourage students to think

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[40] Joanne Yule, Judith McNamara & Margaret Thomas, *Mooting and Technology: To What Extent Does Using Technology Improve the Mooting Experience for Students?*, 20 LEGAL EDUC. REV. 137 (2010); Jane Ng, *Innovating with the Pedagogy-Space-Technology (PST) Framework: The Online Moot Court*, 18 INT'L. J. LEARNING SOC. CONTEXTS 52 (2015); Sijie Ouyang & Ping Nai, *Exploring Intelligent Higher Education of Law: Moot Court Based on VR and AI Technology*, *in* PROCEEDINGS OF THE 2019 INTERNATIONAL CONFERENCE ON PEDAGOGY, COMMUNICATION AND SOCIOLOGY 166 (2019); Miriam Rossner, David Tait & Meghan McCurdy, *Justice Reimagined: Challenges and Opportunities with Implementing Virtual Courts*, 33 CURRENT ISSUES CRIM. JUST. 94 (2021); Hao Li & Jian Xu, *The Application of Virtual Simulation Technology in Law Teaching Practice*, in EMERGING TECHNOLOGIES FOR EDUCATION 27 (Weiguo Jia ed., 2021); Yu Liang et al., *Towards a VR Moot Court for Law Students in Enhancing Practice Experience*, *in* PROCEEDINGS OF THE 9TH INTERNATIONAL CONFERENCE ON VIRTUAL REALITY ("**ICVR**") 493 (2023); Hong Zhang, *Construction of Digital Moot Court Teaching Practice Platform for Law Major*, 2021 4TH INTERNATIONAL CONFERENCE ON INFORMATION SYSTEMS AND COMPUTER AIDED EDUCATION ("**ICISCAE 2021**") 189 (2021).

[41] Michael I. Luger, *Balancing Pedagogy*, *in* THINKING LIKE A POLICY ANALYST 213 (Iris Geva-May ed., 2005); Amanda M. Robinson & Mallory Goodridge, *Objective Assessment of Pedagogical Effectiveness and the Human Rights Foreign Policy Simulation Game*, 17 J. POL. SCI. EDUC. 213 (2019); Tiffany Falconer & Zachary MacDonald, *Policy Writing Simulations:*

critically about the responsibilities and consequences of legal interventions and appreciate the socio-political dimensions of governance work.

The fusion of technology and experiential learning methods is essential for equipping students with the practical skills required in contemporary legal practice. Legal education institutions that integrate simulated learning environments cultivate a learning ecosystem where students develop technical skills in legal technology and substantive knowledge in governance. By immersing students in these controlled yet realistic scenarios, law schools enable them to acquire increasingly valued competencies in the legal profession, including adaptability, problem-solving, and a deep understanding of policy impacts on society. This approach positions future lawyers to meet the evolving demands of a more entwined profession with complex global governance issues and technological advancements.

H. COMPARATIVE AND GLOBALISED LEGAL EDUCATION

Legal education must evolve to prepare students for cross-border governance roles in an increasingly globalised world. This necessitates a curriculum that covers domestic laws and exposes students to diverse legal systems and regulatory frameworks.[42] Comparative law courses are crucial

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Pedagogy, Learning Objectives, and Experiential Learning in the Canadian History Classroom, 45 TEACHING HIST. J. METHODS 18 (2020); Elise F. Kammerer & Benjamin Higashi, *Simulations Research in Political Science Pedagogy: Where is Everyone?*, 17 J. POL. SCI. EDUC. (Supp. 1) 142 (2021); Bruno Dente & Gianluca Vecchi, *Teaching Public Policy by Interactive Pedagogy*, *in* HANDBOOK OF TEACHING PUBLIC POLICY (2024).

[42] Simon Chesterman, *The Globalisation of Legal Education*, SING. J. LEGAL STUD. 58 (2009); PAUL MAHARG, TRANSFORMING LEGAL EDUCATION: LEARNING AND TEACHING THE LAW IN THE EARLY TWENTY-FIRST CENTURY (2007); N. Ahmad, *Adapting Indian Legal Education to the Demands of a Globalising World*, 10 GER. L.J. 847 (2009); Ole Hammerslev,

in fostering cultural competence and regulatory fluency among students. Students learn how jurisdictions approach similar legal issues by studying various legal systems. For example, courses focused on EU data privacy laws, particularly the General Data Protection Regulation ("**GDPR**"), equip students with the skills to navigate the complexities of cross-border compliance. This includes understanding the significant differences between the GDPR and the United States' sectoral privacy framework, which is characterised by a more fragmented approach to data protection.[43]

I. COLLABORATIVE PROGRAMMES AND CROSS-CULTURAL EXCHANGE

Collaborative programmes between law schools across different jurisdictions further enrich governance-based education by promoting cross-cultural exchange and expanding students' understanding of diverse governance models. These partnerships often involve joint courses, exchange programmes, and comparative study projects, enabling students to engage with various governance structures and regulatory practices. Exposure to different legal systems broadens students' perspectives, encouraging them to think critically about the adaptability and limitations

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Globalisation and Education: Reconfigurations in Location, Scale, Form and Content, 2 LAWYERS IN 21ST CENTURY SOCIETIES 161 (Richard L. Abel, Hilary Sommerlad, Ole Hammerslev & Ulrike Schultz eds., 2022).

[43] SIMONE RAGONE & GUIDO SMORTO, COMPARATIVE LAW: A VERY SHORT INTRODUCTION (2023); Diana Kapiszewski, Daniel Groen & Kristin Newman, *Constitutionalism with Adjectives: Conceptual Innovation in the Comparative Study of Law*, 49 LAW AND SOC. ENQUIRY 178 (2024); Fernando P. Shecaira, *Legal Scholarship as a Source of Law*, LEGAL SCHOLARSHIP AS A SOURCE OF LAW 43 (2024); James Gordley, *Comparative Law and Legal Education*, 75 TUL. L. REV. 1003, 1007 (2001).

of their domestic legal frameworks.[44] Such interactions cultivate a broader awareness of global legal issues, equipping students to approach governance challenges with an appreciation for cultural diversity and the nuances of legal pluralism.[45] Through these cross-cultural exchanges, students develop the skills to collaborate effectively with international partners, an increasingly vital competence in multinational legal practice.

J. GOVERNANCE-BASED EDUCATION

Governance-based education prioritises the contextual adaptation of legal frameworks over the direct transplantation of foreign legal models. This approach emphasises the importance of modifying regulatory frameworks to align with local conditions, ensuring that governance solutions are functionally effective and culturally congruent. In contrast to simply importing external legal standards, governance-based education teaches students to consider the unique socio-cultural, economic, and political dynamics of the jurisdictions in which they operate. Such adaptability is crucial in an increasingly globalised world where legal solutions must not only comply with international standards but also resonate meaningfully with local customs and practices.[46]This

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[44] CHRISTOPHE JAMIN & WILLIAM VAN CAENEGEM, THE INTERNATIONALISATION OF LEGAL EDUCATION: GENERAL REPORT FOR THE VIENNA CONGRESS OF THE INTERNATIONAL ACADEMY OF COMPARATIVE LAW, 20–26 (2016); T. D. Atkins, *#Fortheculture: Generation Z and the Future of Legal Education*, 26 MICH. J. RACE & L. 115 (2020); Ming Li, *Adapting Legal Education for the Changing Landscape of Regional Emerging Economies: A Dynamic Framework for Law Majors*, J. KNOWLEDGE ECON. (2023).

[45] RICHARD SUSSKIND, LAW'S FUTURE, IN THE FUTURE OF LAW: FACING THE CHALLENGES OF INFORMATION TECHNOLOGY (Oxford 1998; Online ed., Oxford Academic Oct. 31, 2023); LUCA SILIQUINI-CINELLI & THOMAS GIDDENS, EDS., BIOPOLITICS AND STRUCTURE IN LEGAL EDUCATION (1st ed. 2023).

[46] Michał Kuziemski & Gianluca Misuraca, *AI Governance in the Public Sector: Three Tales from the Frontiers of Automated Decision-Making in Democratic Settings*, 44 TELECOMM. POL'Y

context-sensitive approach to legal education fosters an understanding of law as a tool for governance that must be nuanced and responsive to specific community needs, enhancing legal interventions' overall efficacy and sustainability.

K. INCORPORATING INCLUSION AND PLURALISM IN LEGAL EDUCATION

In response to contemporary governance frameworks that emphasise inclusive and participatory decision-making, it is crucial for law schools to integrate principles of inclusion and pluralism within both their governance structures and curricula. In actively promoting pluralism, legal education can better equip students to engage with diverse communities and their distinctive legal needs, fostering a legal profession that values inclusivity and representation. Embracing a pluralistic approach within legal education helps cultivate empathy, cross-cultural competence, and an appreciation for the varied legal traditions that inform modern governance, ensuring that future lawyers are adept at navigating and supporting diversity in legal practice.[47]

(2020); Prashant Bhaskar, C. K. Tiwari & Anand Joshi, *Blockchain in Education Management: Present and Future Applications*, 18 INTERACTIVE TECH. & SMART EDUC. 1 (2021); Jin Ho Choi, Kristin E. Hickman, Amy B. Monahan & Daniel Schwarcz, *ChatGPT Goes to Law School*, 71 J. LEGAL EDUC. 387 (2022); Bendik Bygstad, Eirik Øvrelid, Sten Ludvigsen & Marianne Dæhlen, *From Dual Digitalization to Digital Learning Space: Exploring the Digital Transformation of Higher Education*, 182 COMPUTERS & EDUC. (2022).

[47] Jonathan Mawere, *Decolonising Legal Education in South Africa: Review of African Indigenous Law in the Curriculum*, 14 PRETORIA STUDENT L. REV. 31 (2020); Oscar J. Salinas, *Secondary Courses Taught by Secondary Faculty: (Personal) Call to Fully Integrate Skills Faculty and Skills Courses into the Law School Curriculum Ahead of the NextGenBar Exam*, 107 MINN. L. REV. 2663 (2023); Etienne Toussaint, *The Purpose of Legal Education* (Mar. 4, 2023), 111 CAL. L. REV. 1 (2023).

L. IMPORTANCE OF DIVERSE PERSPECTIVES

Incorporating perspectives from indigenous law, feminist legal theory, and non-Western traditions is foundational to developing a well-rounded understanding of governance systems. These perspectives enrich the legal curriculum and prepare students to address the complex legal issues encountered by different communities, particularly those historically marginalised or operating under alternative governance frameworks.[48] Indigenous legal traditions, for example, provide valuable insights into community-centred governance and restorative justice practices, highlighting approaches that are collaborative and often focus on healing rather than punishment. Such practices are increasingly recognised as effective in supporting social cohesion and are relevant in contemporary legal systems aiming to address underlying causes of conflict. Similarly, feminist legal theory challenges traditional power structures within the law, advocating for gender equity and inclusivity in legal frameworks. By questioning long-standing norms and power imbalances, feminist theory prompts students to consider how legal structures impact individuals differently based on gender and to advocate for laws that promote equality and justice across all genders.

Furthermore, non-Western legal traditions offer alternative approaches to conflict resolution and social justice, which are especially pertinent in a globalised legal landscape. Many non-Western traditions

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[48] H.B.A. Sani, *State Law and Legal Pluralism: Towards an Appraisal*, 52 J. LEGAL PLURALISM & UNOFFICIAL L. 82 (2020); Brian Z. Tamanaha, *Legal Pluralism Across the Global South: Colonial Origins and Contemporary Consequences*, 53(2) J. LEG. PLUR. & UNOFFICIAL L.; RICHARD SANDBERG, SUBVERSIVE LEGAL HISTORY: A MANIFESTO FOR THE FUTURE OF LEGAL EDUCATION (1st ed. 2021).

emphasise reconciliation and mediation over adversarial litigation, reflecting values of community harmony and sustainable solutions to disputes.[49] Understanding these diverse legal traditions broadens students' perspectives, equipping them to approach legal issues with sensitivity and creativity. This inclusive and pluralistic curriculum encourages law students to think critically about how different legal approaches can coexist, offering culturally attuned solutions to governance challenges in both domestic and international contexts.

M. THE ROLE OF INCLUSIVE LEGAL EDUCATION IN GOVERNANCE

Integrating inclusion and pluralism into legal education not only prepares students for a more culturally and socially responsive legal profession but also aligns with the broader objectives of governance in an increasingly diverse and interconnected world. By embracing diverse perspectives, legal education institutions can cultivate a new generation of legal practitioners capable of advocating for inclusive policies and developing legal frameworks that address the needs of all societal segments. This inclusive approach to legal education not only supports the professional development of students but also strengthens the

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[49] C.M. Shields & K.A. Hesbol, *Transformative Leadership Approaches to Inclusion, Equity, and Social Justice*, 30 J. SCH. LEADERSHIP 3 (2020); Peter S. Berman, *Understanding Global Legal Pluralism: From Local to Global, from Descriptive to Normative*, THE OXFORD HANDBOOK OF GLOBAL LEGAL PLURALISM 1 (M. J. Abuzaid & H. S. Glover eds., 2020); E. Lodi, L. Perrella, G.L. Lepri, M.L. Scarpa & P. Patrizi, *Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review*, 19 INT'L J. ENVTL. RESEARCH & PUB. HEALTH 96 (2022); L.-A. Thio, *Pluralism, Minority Protection, and Communitarianism in Singapore: An Alternative Model to Actor-Based Agency*, *in* MINORITY RIGHTS AND SOCIAL CHANGE (K. Topidi & E. Relaño Pastor eds., 2024).

capacity of the legal profession to contribute meaningfully to equitable governance.

N. STRUCTURAL REFORMS FOR INCLUSION

Achieving genuine inclusion within legal education requires policy adjustments and substantial structural reforms. Such reforms are crucial in creating a truly diverse and inclusive academic environment that goes beyond tokenistic representation to ensure meaningful participation. To this end, law schools must introduce initiatives like scholarships, mentorship programmes, and community outreach efforts aimed explicitly at attracting and supporting students from marginalised backgrounds. These measures help cultivate a diverse student body, ensuring all voices are represented, respected, and valued within the academic community.[50]

O. MENTORSHIP PROGRAMMES

Mentorship programmes that connect students from marginalised backgrounds with experienced legal professionals or alumni can provide critical guidance, networking opportunities, and career support. Mentors serve as role models, offering insights into navigating the challenges of legal education and the professional landscape. These relationships enhance students' educational experiences and empower them to envision successful legal careers, fostering a sense of belonging and resilience within the institution. Effective mentorship can particularly impact first-

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[50] Faiza Bhabha, *Towards a Pedagogy of Diversity in Legal Education*, 52 OSGOODE HALL L.J. 59 (2014); A.M. Boles, *Seeking Inclusion from the Inside Out: Towards a Paradigm of Culturally Proficient Legal Education*, 11 CHARLESTON L. REV. 209 (2017); T.D. Atkins, #*Fortheculture: Generation Z and the Future of Legal Education*, 26 MICH. J. RACE & L. 115 (2020); L. Herrera & L.G. Trubek, *The Emerging Legal Architecture for Social Justice*, 44 N.Y.U. REV. L. & SOC. CHANGE 355 (2020).

generation law students or those from historically underrepresented communities.

P. OUTREACH INITIATIVES

Outreach initiatives to schools and communities that may not traditionally consider a legal career can be transformative in broadening access to legal education. Proactive engagement with these communities through informational sessions, workshops, and career guidance programmes can raise awareness about the opportunities within the legal field. By demystifying the pathways to law school and creating a supportive entry process, outreach efforts can encourage a more diverse applicant pool, expanding access to legal education for those who may lack exposure to the profession or perceive it as inaccessible.

Q. PARTICIPATORY GOVERNANCE MODELS

Structural reforms must extend beyond admissions and financial support to include changes in governance that reflect a commitment to inclusion. Participatory governance models in legal education institutions can create an environment of shared responsibility, inclusivity, and accountability. These models involve students, faculty, and community stakeholders in decision-making processes, fostering a more democratic institutional culture responsive to all constituents' needs and perspectives.[51] This collaborative approach to governance encourages

[51] E. T. Kim, *Who's learning what? Toward participatory legal pedagogy*, 43(2) HARV. C.R.-C.L.L. REV. 633-638(2008); J. Salmi & A. D'Addio, *Policies for achieving inclusion in higher education*, 5(1) POLICY REV. HIGHER EDUC. 47–72 (2020); A. I. Tsaoussi, *Using soft skills courses to inspire law teachers: a new methodology for a more humanistic legal education*, 54(1) Law Teacher 1 (2019).

transparency and cultivates a sense of ownership among students, empowering them to contribute actively to shaping the policies and practices of their educational institutions.

Including diverse voices in the governance of law schools can better address the needs of underrepresented students, ensuring that institutional policies and practices reflect a genuine commitment to inclusivity. Furthermore, participatory governance provides valuable experiential learning for students, preparing them to engage in governance and policy-making within their future legal careers.

Incorporating inclusion and pluralism into the core structure of legal education is essential for equipping future legal practitioners to engage with the complexities of an increasingly diverse society. Law schools can cultivate an environment that upholds inclusivity and pluralism by embracing a multiplicity of perspectives, implementing structural reforms such as scholarships, mentorship, and outreach programmes, and fostering participatory governance models. This approach not only enriches the educational experience but also prepares students to practice law in a way that respects and values the diversity of the communities they will serve.[52]

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[52] Elizabeth Mertz, Wairimu Njogu & Susan Gooding, *What Difference Does Difference Make? The Challenge for Legal Education*, 48 J. LEGAL EDUC. 1 (1998); Simon Rigby, Damien Toohey, Louise Toohey & Danielle McNamara, *Legal Education for Non-Lawyers as "Legal First Aid": A Participatory Inquiry into Law for Social Work Students*, 34 LEGAL EDUC. REV. 25 (2024); Zachary E. Shapiro, et al., *The Scholarly and Pedagogical Benefits of the Legal Laboratory: Lessons from the Consortium for the Advanced Study of Brain Injury at Yale Law School*, 51 J.L. MED. & ETHICS 672 (2023).

R. EMPHASISING INTERDISCIPLINARY COLLABORATION

Interdisciplinary collaboration plays a pivotal role in transformative legal education by allowing students to integrate knowledge from diverse fields, thus enhancing their capacity to address complex legal issues. As governance increasingly intersects with areas such as political science, economics, and sociology, legal professionals must possess a broad understanding of these fields to effectively interpret and navigate multi-dimensional challenges. Working alongside peers from various disciplines enables law students to appreciate the socio-economic and political contexts underpinning governance issues and consider legal solutions responsive to these broader dynamics.[53]

Such interdisciplinary approaches cultivate cross-functional competencies that are especially relevant for roles in policy advising, compliance, and public administration, where an understanding of governance systems and regulatory environments is crucial. These collaborative learning experiences foster a mindset that values multi-perspective analysis, which is critical for shaping well-rounded professionals who can adapt their legal expertise to diverse, real-world situations.[54]

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[53] Arpita Sengupta & Debarati Rakshit, *Modernization of Legal Education in India: The Interdisciplinary Approach to Education*, 2 ASIAN J. LEGAL EDUC. 57 (2015); Wolfgang Schäfke et al., *Socialisation to Interdisciplinary Legal Education: An Empirical Assessment*, 52 LAW TEACHER 273 (2018); Yang Liu, *From Interdisciplinary Approach to Interdisciplines: The New Liberal Arts Development Road of Legal Education*, 19 FRONTIERS L. CHINA 191 (2024).

[54] Jan L. Ammons & Susan K. Mills, *Course-Embedded Assessments for Evaluating Cross-Functional Integration and Improving the Teaching-Learning Process*, 20 ISSUES IN ACCT. EDUC. 1 (2005); Ibrahim M. Abdul Ghani Azmi, *Challenges for Legal Education in the Era of I.R.4.0.*,

S. ETHICAL LEADERSHIP AND CONTINUOUS LEARNING

Ethical leadership stands as a core tenet of transformative legal education. In an era marked by complex moral and ethical dilemmas within governance, legal education must go beyond technical proficiency to cultivate a sense of ethical responsibility among students. Embedding ethics within the curriculum encourages future legal professionals to evaluate the implications of their decisions on broader society, fostering a commitment to justice, equity, and accountability.[55]

Law schools can facilitate this by incorporating case studies on ethical dilemmas, creating forums for ethical debate, and offering experiential learning opportunities where students grapple with real-world scenarios that test their values and decision-making processes. Such an emphasis on ethical leadership prepares students to engage in governance roles with integrity and a clear moral compass, qualities that are indispensable in fostering public trust in legal and governance institutions.

Adopting governance-based models in legal education that champion interdisciplinary collaboration, ethical leadership, and continuous learning is essential for shaping transformative institutions. In a learning environment that values ethical integrity, embraces

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11 UUM J. LEGAL STUD. 27 (2020); Terrence Mottershead & Silvia Magliozzi, *Can Competencies Drive Change in the Legal Profession?*, 11 U. ST. THOMAS L.J. 51 (2013).

[55] Donald J. Polden, *Educating Law Students for Leadership Roles and Responsibilities*, 39 U. TOL. L. REV. 353 (2007); Deborah L. Rhode, *Legal Ethics in Legal Education*, 16 CLINICAL L. REV. 43 (2009); Susan L. Brooks & Robert G. Madden, *Epistemology and Ethics in Relationship-Centered Legal Education and Practice*, 56 N.Y.L SHC. L. REV. 331 (2011); Romeo P. Peña, *Legal Awareness and Perceived Ethical Leadership of Educational Administrators in State Universities and Colleges (SUCs) in Region 3*, 6 INT'L J. ACCT. INFO SCI. & LEADERSHIP (2013); Ann C. Dzuranin, Rebecca T. Shortridge & Patricia A. Smith, *Building Ethical Leaders: A Way to Integrate and Assess Ethics Education*, 115 J. BUS. ETHICS 101 (2013).

interdisciplinary insights, and prioritises ongoing professional development, law schools can cultivate graduates who are prepared to meet the dynamic needs of the legal profession and contribute positively to governance. This multi-dimensional approach to legal education supports the creation of a new generation of legal professionals who are not only skilled in legal principles but are also equipped with the critical, ethical, and adaptive capacities necessary to address the complexities of modern governance landscapes.

T. PARTNERSHIPS WITH REGULATORY BODIES AND INDUSTRY LEADERS

Forging partnerships with regulatory bodies and industry leaders is a foundational component in advancing transformative legal education, as it provides students with the critical exposure needed to bridge theoretical learning and practical application. These collaborations can manifest through internships, guest lectures, and joint research projects, each offering unique opportunities for students to engage directly with professionals and gain first-hand experience of governance in action. For example, internships with regulatory agencies allow students to observe and participate in policy formulation, compliance monitoring, and enforcement activities. Likewise, guest lectures from seasoned professionals introduce students to the latest developments and challenges in their fields, facilitating an enriched understanding of the complex landscape of governance.[56]

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[56] Angela AuCoin, Gordon L. Porter & Kate Baker-Korotkov, *New Brunswick's Journey to Inclusive Education*, 49 PROSPECTS 313 (2020); Tifani D. Atkins, *#ForTheCulture: Generation*

Joint research initiatives between academia and industry further strengthen this collaborative model, enabling students and faculty to engage in applied research that addresses current regulatory challenges and policy issues. Through these initiatives, students can witness how theoretical governance principles operate within organisational constraints and cultural contexts, gaining insights that are crucial for governance-based roles. This real-world engagement fosters skills in critical analysis, strategic problem-solving, and adaptive thinking, equipping students to function effectively within professional regulatory environments and complex governance structures.

U. THE ROLE OF DIGITAL INFRASTRUCTURE

Integrating digital infrastructure within legal education supports and expands transformative learning models. Virtual classrooms, online policy simulations, and collaborative research platforms provide the technological foundation for a global, interactive learning experience. These tools facilitate cross-border and interdisciplinary engagement, allowing students to collaborate with peers, practitioners, and academics worldwide.[57] For instance, online policy simulations present students with

and the Future of Legal Education, 26 MICH J. RACE & L. 115 (2020); Enis Elezi & Christopher Bamber, *Experiential Examination of Higher Education Partnerships in the UK: A Knowledge Management Perspective*, 26 J. KNOWLEDGE MGMT. 232 (2022); Jasim J. Waham, Ahmad Asfahani & Rahma A. Ulfa, *International Collaboration in Higher Education: Challenges and Opportunities in a Globalized World*, 1 EDUJAVARE: INT'L. J. EDUC. RES. 49 (2023); Andrew S. Gutierrez, Joseph Fox & Jennifer Clifton, *The Significance of Partnerships to Future University Missions: A Systematic Literature Review*, INNOVATIONS EDUC. & TEACHING INT'L 1 (2024); Aysha R. Memon & Sadiyah Jivraj, *Trust, Courage and Silence: Carving Out Decolonial Spaces in Higher Education Through Student–Staff Partnerships*, DECOLONISATION AND THE LAW SCHOOL 7 (2024).

[57] Satish Nambisan, Kalle Lyytinen & Youngjin Yoo, *Digital Innovation: Towards a Transdisciplinary Perspective*, *in* HANDBOOK OF DIGITAL INNOVATION 2 (2020); Xueling

realistic governance scenarios in which they must develop strategies, negotiate stakeholder interests, and implement policy solutions. These simulations mirror the complexities of real-world regulatory environments, giving students invaluable practical experience in navigating legal, ethical, and procedural dimensions of governance. This digital approach not only expands access to diverse perspectives but also cultivates essential skills in communication, diplomacy, and technological fluency—competencies increasingly critical in a globalised governance context.

Collaborative research platforms further enhance the digital learning experience by providing shared spaces where students, faculty, and industry professionals can co-create knowledge and contribute to projects that tackle pressing governance challenges. Such platforms encourage interdisciplinary research and offer law students the opportunity to contribute meaningfully to current policy debates, preparing them for future roles in law, policy-making, and international governance.

Transformative legal education necessitates a holistic model that incorporates interdisciplinary collaboration, ethical leadership, continuous learning, and robust partnerships with regulatory bodies and industry

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Mao, *Promoting Infrastructure Development through Experimental Learning in Law School Curriculum using Deep Learning Techniques to Improve Academic Performance*, 20 COMPUTER AIDED DESIGN & APP. 274 (2023); Amna A. Rana, Farheen Zulfiqar & Shahid Masud, *The Legal and Regulatory Framework for Cryptocurrency and Fintech in Pakistan: Challenges and Policy Recommendations*, 2 UCP J.L. & LEGAL EDUC. 1 (2023); Mohd Huda, *Between Accessibility and Adaptability of Digital Platform: Investigating Learners' Perspectives on Digital Learning Infrastructure*, 14 HIGHER EDUC. SKILLS & WORK-BASED LEARNING 1 (2023).

stakeholders. By embedding these elements within the educational experience, law schools can cultivate graduates who are not only well-versed in legal principles but are also adept at addressing the demands of governance within diverse, real-world settings. Leveraging digital infrastructure is also vital, as it enables dynamic learning environments that facilitate collaboration, expand access to global perspectives, and prepare students for the complex digital realities of contemporary governance. Through these multifaceted approaches, law schools can ensure that their graduates are equipped with the knowledge, practical experience, and adaptive skills necessary to thrive and contribute to the evolving landscape of governance.[58]

V. CONCLUSION: THE WAY FORWARD – INSTITUTIONALISING VERSATILITY IN LEGAL EDUCATION

The transition from a rights-based to a governance-based framework in law calls for a transformative shift in legal education. Law schools must institutionalise versatility by rethinking curricula, reshaping governance models, and forming strategic partnerships that emphasise interdisciplinary collaboration and ethical leadership. As the legal profession evolves, educational institutions must adapt to equip graduates with the knowledge of legal systems and the skills needed to address the interconnected challenges of global governance.

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[58] Gerald P. Lopez, *Transform Don't Just Tinker with Legal Education*, 23 CLINICAL L. REV. 471 (2017); Geo Quinot, *Transformative Legal Education*, 129 S. AFRICA L.J. 411-413 (2012); Maha Alenezi, *Digital Learning and Digital Institution in Higher Education*, 13 EDUC. SCI. 88 (2023).

Law schools should broaden their curricula to cover interdisciplinary fields that reflect the complexity of contemporary governance to foster a versatile education. Technology, environmental law, and international relations courses are essential for preparing students for a globalised professional landscape. Additionally, adopting participatory governance structures that engage students, faculty, and community stakeholders supports inclusive, accountable decision-making, ensuring a diversity of perspectives shapes legal education.[59]

Digital innovation is pivotal in creating dynamic learning environments that facilitate collaboration and remote engagement. Technologies such as virtual classrooms, policy simulations, and collaborative research platforms allow students to connect with peers and experts globally, enhancing their understanding of diverse governance frameworks. Integrating these digital tools supports flexible learning and prepares students for the technological advancements that increasingly define legal practice.[60]

By implementing these curricular and structural reforms, law schools play a crucial role in shaping future governance systems that are transparent, equitable, and accountable. Graduates with the skills to

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[59] Angela AuCoin, Gordon L. Porter & Kate Baker-Korotkov, *New Brunswick's Journey to Inclusive Education*, 49 PROSPECTS 313 (2020); Tifani D. Atkins, *#ForTheCulture: Generation and the Future of Legal Education*, 26 MICH J. RACE & L. 115 (2020).

[60] Satish Nambisan, Kalle Lyytinen & Youngjin Yoo, *Digital Innovation: Towards a Transdisciplinary Perspective*, *in* HANDBOOK OF DIGITAL INNOVATION 2 (2020); Xueling Mao, *Promoting Infrastructure Development through Experimental Learning in Law School Curriculum using Deep Learning Techniques to Improve Academic Performance*, 20 COMPUTER AIDED DESIGN & APP. 274 (2023); Amna A. Rana, Farheen Zulfiqar & Shahid Masud, *The Legal and Regulatory Framework for Cryptocurrency and Fintech in Pakistan: Challenges and Policy Recommendations*, 2 UCP J.L. & LEGAL EDUC. 1 (2023).

navigate complex governance environments will be valuable assets in roles such as policy advising, compliance, and diverse legal practices. Ultimately, the future of legal education lies in embracing a governance-based model that prioritises adaptability, interdisciplinary learning, and ethical leadership. Reinforcing lifelong learning, law schools ensure that graduates are equipped to continually evolve and address the multifaceted challenges of the modern world. Through these advancements, law schools uphold their significance in developing robust governance frameworks that can respond effectively to global challenges, affirming their role as essential contributors to accountable and responsive governance systems.

Professor (Dr.) Ashok R Patil & Dr. Rabindra Kumar Pathak, *"Upskilling" as an Essential for Future Legal Practitioners,* 11(1) NLUJ L. REV. 217 (2025)

"UPSKILLING" AS AN ESSENTIAL FOR FUTURE LEGAL PRACTITIONERS

*~ Professor. (Dr.) Ashok R Patil & Dr. Rabindra Kumar Pathak**

ABSTRACT

In recent times, the legal landscape has undergone a gradual transformation to adeptly navigate increasingly complex societal realities. Legal practitioners, fundamental for the just functioning of society, must adapt to new societal and technological challenges that pose unprecedented legal problems. This article underscores the urgent and inevitable need for upskilling of legal professionals, to bridge the gap between traditional expertise and emerging legal issues. As contemporary problems demand contemporary solutions, age-old foundations should be strengthened and novel innovative tools and techniques must be harnessed.

This article begins by examining the evolving role of legal practitioners, highlighting the shift from traditional court-room advocacy to diverse legal tasks that extend beyond court rooms. It then explores the growing importance of 'T-Shaped lawyers' who combine rich legal knowledge with interdisciplinary expertise in areas such as artificial intelligence and technology. Furthermore, the article concludes by touching upon and highlighting certain selected facets of 'upskilling' such as use of artificial intelligence, legal research, contractual analysis, linguistic skills and commercial awareness, which are imperative tools for survival in the modern-day legal sphere.

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I. INTRODUCTION

The evolving nature of law and legal profession requires rethinking so that the future of law and its practice do not go out of sync with a world in transition. Legal practitioners are an important part of any legal system. They keep the law and the legal system responsive and alive. They have to deal with diverse problems of life and law. If they change, the change will be reflected in the legal profession.

In this day and age, legal practitioners are at the cusp of a major change owing to the changing social and technological landscape. In the recent past, the hitherto unknown and unthinkable legal problems and challenges have engaged the legal thinking like never before. The legal profession in the contemporary times is undergoing a paradigm shift, and there is a pressing need for deliberation. There is a widening-rift between the existing legal expertise and the expertise needed to deal with new legal problems. The legal practitioners have a tedious task of dealing with cases for which they have received no formal education or training in their formative years of legal education and practice.

In the future, to deal with the demands of a new world, legal practitioners will have to take refuge in "upskilling" which will be their tool for survival and being relevant. The present paper seeks to explore some of the important aspects of "upskilling". There are few important aspects of upskilling that deserve reflection and attention so that, in the times to come, legal practitioners are capable of helping people get justice at every level of justice delivery system.

II. 'LEGAL PRACTITIONER' AND 'PRACTICE OF LAW'

Legal practitioners occupy a primal place in the realm of 'practice of law', which is an important aspect of justice delivery system. They are well-conversant with the art of advocacy which Lord Simon regarded as an *art* of persuasion whereas Harvey believed it to be a *method* of persuasion, "*a method which relies primarily on words*".[1] However, there is more to advocacy and practice of law, especially when seen in view of the gradual growth of legal profession and the role played by the legal practitioners. They need to be skilful not only in the context of skills of advocacy *within* the courtroom, but more importantly *outside* it. Brandeis acknowledged, though in American context, that the *"lawyer has become largely a part of the business world…by far the greater part of the work done by lawyers is done not in court at all, but in advising men in important matters, and mainly in business affairs.*"[2] Though the statement was made more than a century ago in the context of American legal practice, it reflects the transition in legal practice elsewhere as well. Similar trends were perceptible even in India after independence, and more so in the preceding few decades.

In the past, newer forms of law-jobs, have emerged which do not require practicing before the court and are primarily concerned with out-of-court working of legal professionals. It is more than an 'appeal to reason'[3] and an advocate is more than a mere *"priest in the Temple of Justice"*.[4]

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[1] C P HARVEY, THE ADVOCATE'S DEVIL 2 (Stevens & Sons Limited 1958).
[2] Louis D. Brandeis, *The Opportunity in the Law*, 39 AM. L. REV. 555 (1905).
[3] *Id.* at 5.
[4] JUDGE PARRY, THE SEVEN LAMPS OF ADVOCACY 13 (Adelphi Terrace 1923)

Textually speaking, under the Advocates Act, advocates and legal practitioners are defined differently. Under section 2(a), the word advocate is defined as *"an advocate entered in any roll under the provisions of the Act"* whereas under section 2(i) a legal practitioner is defined as *"an advocate or vakil of any high court, a pleader, mukhtar or a revenue agent"*.[5] When the Advocates Act, 1961 was enacted, it intended to "*amend and consolidate the law relating to legal practitioners*".

"Practice of law" has undergone a sea of change as the legal profession has gradually become more demanding and diverse. The sphere of law has become wider, compared to what it was in 1961, a time when practice of law was focused primarily upon "court practice". Julius Stone, writing way back in 1966, could notice the transition in the making when he wrote that unremitting growth in volume, complexity of legal regulations, and associated activities had expanded the functions, opportunities of lawyers, and increased the knowledge, skills demanded of them.[6]

With the passage of time, legal profession has broken through its confines and is no longer limited to working as an advocate in a court of law; but there are many newer avenues and areas where a law graduate may use his or her law degree. With the legal practice shifting to comparatively new areas, a lawyer is required to engage with the *"endless web of statutes, regulation and common law",*[7] and it *"accentuates the tendency to*

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[5]Advocates Act, 1961, § 2(a) & 2(i), No. 25 Acts of Parliament 1956.
[6] JULIUS STONE, SOCIAL DIMENSIONS OF LAW AND JUSTICE 57(Universal Law Publishing 1999).
[7] *Id.*

lawyer-specialization and to the division of labour of so-called "law-factories."[8] Bar Council of India Rules of Legal Education defines 'practice of law' thus:[9]

"Practice of law" means and includes (a) practising before the Court, Tribunal, Authority, Regulator, Administrative Body or Officer and any Quasi-Judicial and Administrative Body, (b) giving legal advice either individually or from a law firm either orally or in writing, (c) giving legal advice to any government, international body or representing any international dispute resolution bodies including International Court of Justice, (d) engaged in Legal Drafting and participating in any Legal Proceedings and (e) representing in Arbitration Proceedings or any other ADR approved by law."

Statutorily speaking, a legal practitioner engages with some, but not all areas and aspects of "practice of law" which, as aforementioned, encompasses many other broad and diverse areas. A legal practitioner, therefore, is to be understood in the context of *"practicing before the court"*, and it refers to a person who practises before the "court". Legal Practitioners (Women) Act, 1923 recognised the rights of women to practise as "legal practitioners." Section 3 of the Act inter alia provided that *"no woman shall, by reason only of her sex, be disqualified from being admitted or enrolled as a legal practitioner or from practising as such; and any such rule or order which is repugnant to the provisions of this Act shall, to the extent of such repugnancy, be void."*[10] The lexical of meaning of a "legal practitioner" is one who

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[8] *Id*; Harwell Wells, *All Lawyers are Somewhat Suspect: Adolf A. Berle and the Modern Legal Profession*, 42 SEATTLE U. L.R. 641 (2019).

[9] Rules of Legal Education, 2008 Rule 2 (xx), Bar Council of India.

[10] Prachi Bhardwaj, *The Story of Three Women and Their Fight to Make "Women in Law" a Reality in India*, SCC TIMES, https://www.scconline.com/blog/post/2020/10/11/the-story-of-three-women-and-their-fight-to-make-women-in-law-a-reality-in-india/ (Last accessed on 26.10.2024).

practises law as compared to a 'legal professional' who may be in the "practice of law" but may not be *practising* it before a court of law. Legal professional is a wider term and subsumes under its different categories of works requiring professional legal education and skills as is evinced by the above-quoted definition of "practice of law". All said, a legal practitioner is nonetheless required to be prepared and alert to new developments in law, life and technology.

III. NEED FOR T-SHAPED LAWYERS

The idea of a T-shaped lawyer,[11] originates from the concept of a T-shaped professional, characterised by having "depth of knowledge" in their chosen area and a "breadth of knowledge" across other disciplines that are tangentially connected to their chosen area of expertise. Likewise, a T-shaped lawyer, the vertical bar symbolising profound knowledge and the horizontal bar symbolising generalized knowledge, not only has an expertise in law but also possesses an understanding of technology, artificial intelligence, design thinking and data analytics.[12] It goes without saying that the increasing use of technology and the evolving nature of legal services necessitate a new approach to ensure that the lawyers meet client demands for faster, affordable, and improved services. [13]

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[11] ELAINE MAK, THE T-SHAPED LAWYER AND BEYOND: RETHINKING LEGAL PROFESSIONALISM AND LEGAL EDUCATION FOR CONTEMPORARY SOCIETIES (Eleven International Publishing 2017).

[12] Alyson Carrel, *Legal Intelligence Through Artificial Intelligence Requires Emotional Intelligence: A New Competency Model for the 21st Century Legal Professional*, 35 GA. ST. U. L. REV. 1153 (2019).

[13] *Id.* at 1166.

Moreover, it is important that there is an extension of legal and non-legal knowledge of the lawyer to include leadership and soft skills.[14] According to Custers, this encompasses areas like project management, planning, finance, and HR, which are valuable for managing or working in law firms. Additionally, emotional intelligence is often highlighted as a key attribute, along with technological proficiency in areas such as programming, artificial intelligence, design thinking, and statistics.[15]

Therefore, there is a growing need for T-shaped lawyers for a twenty-first century legal profession, an idea that suits the complexity of the emerging societal and legal landscape. As per Alyson Carrel, such a lawyer must excel in legal expertise, utilize technologies such as artificial intelligence, and possess emotional intelligence required to adapt to the evolving landscape and deliver unique value in an era of growing reliance on technology for legal services.[16]

IV. UPSKILLING OF LEGAL PRACTITIONER IN A NEW WORLD

It is, thus, pertinent that upskilling of legal practitioners is undertaken as a stepping stone towards ensuring a bar and bench that would be well-equipped to meet the challenges of a newer world pervaded by hitherto unknown technological innovations, Artificial Intelligence ("**AI**"), demands of a *new* global order and increasing relevance of space law, to mention a few. These challenges will be more than a mere addendum to the *existing* challenges and problems that law has to deal with

[14] Bart Custers, *A fair trial in complex technology cases: Why Courts and Judges need a Basic Understanding of Complex Technologies*, 52 COMPUTER L. & SEC. R. 5 (2024).
[15] *Id.*
[16] Carell, *supra note. 12.*

day in, day out. These challenges will not just be confined to the upper echelons of judicial process; its impacts will be felt down to the lower strata of judicial hierarchy as well. Some of the new developments such as the advent of AI may well act as a boon for increasing the efficiency of the bar and the bench. Therefore, it is important that there is a concerted effort aimed at bringing about a holistic change at every level of judicial system, and a legal practitioner cannot remain untouched from these changes. They will have to adapt to the need of the changing times, and 'upskilling' of legal practitioners will be pivotal to transforming the functioning of the justice delivery system. Lexically speaking, upskilling implies enhancing skills leading to acquiring of new capabilities, and legal upskilling involves acquiring new skills based on AI or digital skill or understanding of new technology such as blockchain. Therefore, upskilling required for new-age lawyers as also for future lawyers may be deliberated upon under the following heads:[17]

A. ADVENT OF ARTIFICIAL INTELLIGENCE

AI, "*a distinct subfield of computer science*",[18] is premised on the idea and belief that human thinking can be systematised and may be given a structured form. Although AI has no universally accepted meaning, it is an

[17] See generally, Mari Sako, Matthias Qian, and Jacopo Attolini, *Future of Professional Work: Evidence from Legal Jobs in Britain and the United States*, 9 J. PROFESSIONS & ORG. 143 (2022). *See also* Susan Swaim Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795 (2012).

[18] Edwina L. Rissland, *Artificial Intelligence and Law: Stepping Stones to a Model of Legal Reasoning*, 99 YALE L.J. 1957-1981(1990).

idea having its roots in distant past.[19] It was in 1748 that the idea found its germinal existence in Julien Offray de La Mettrie's work *L'Homme Machine*, and one may look back at the concept of Laplace Demon as a precursor to AI. It basically implied that the universe works like a "mechanical machine" and the human mind and intelligence works likewise. Philosophical roots of AI may also be traced back to ancient Indian, Chinese and Greek philosophers' technique of formal reasoning.[20]

As neurons in the brain transmit information between the main brain and other parts of the body facilitating communication, "artificial neurons" facilitate the working of AI. The "input" to these artificial neurons is in the form of real numbers, each input carrying a "weight" corresponding to a "synapse", which is a point at which the electrical signal moves from one nerve cell to another. [21] AI may thus be described as the science of making machines do things that would require intelligence if done by men and may be found in machines that can carry out tasks which normally require human attributes like pattern recognition, learning from experience, decision-making, and problem-solving.[22]

It is this ability to learn from experience and the ability of decision-making and problem solving that become instrumental in law, legal research and legal practice.[23] AI can assist in various tasks related to

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[19] Uday Shankar & Shubham Pandey, *Balancing the Scales of Justice Through Artificial Intelligence*, 63 J. INDIAN L. INST. 190 (2021).
[20] Patrick Krauss, *What is Artificial Intelligence?*, ARTIFICIAL INTELLIGENCE AND BRAIN RESEARCH (Patrick Krauss ed., Springer 2024).
[21] *Id.*
[22] *Id.* at 107-112; David Bolter, *Artificial Intelligence*, 113 ANTICIPATIONS 1(1984).
[23] Farooq Ahmad Mir, *An Exploratory Analysis of Law and Artificial Intelligence Interface in India*, 66 J. INDIAN L. INST. 28 (2024).

'practice of law' in different ways, both from the perspectives of legal practitioners and judges. Hon'ble Justice Manmohan of the Delhi High Court, while highlighting the same, observed that AI ought to be harnessed to improve efficiency in Alternate Dispute Resolution and justice delivery processes, offering deeper insights, and achieving a level of precision that was previously unattainable. He also highlighted the high efficacy of Large Language Models in quickly analysing, comparing, and summarising documents.[24] The transition to AI will resemble the earlier adoption of technology by lawyers, enhancing efficiency while preserving the foundational skills of the legal profession. [25] Recently, the Supreme Court of India has adopted the use of AI for the purpose of translation of judicial documents and for legal research. Moreover, for transcribing the oral arguments, the Court has started making use of AI.[26] Sooner than later, the use of and reliance upon AI will percolate down from the Bench

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[24] Nupur Tapliyal, *Supreme Court To Implement AI Tool To Generate Summary Of Pleadings: Delhi High Court ACJ Manmohan*, LIVE LAW (Sept. 20, 2024), https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-artificial-intelligence-in-law-pleadings-270115; Swarana Kanta Sharma, *Transforming Justice: The Impact of Artificial Intelligence on the Judiciary*, 65 J. INDIAN L. INST. 307 (2023).

[25] Aiman J. Chishti, *Artificial Intelligence Can Handle Routine Tasks, Freeing Lawyers' Time for High-Value Work: CJI DY Chandrachud*, LIVE LAW (Aug. 10, 2024), https://www.livelaw.in/top-stories/supreme-court-chief-justice-dy-chandrachud-artificial-intelligence-artificial-intelligence-will-augment-efficiency-without-impacting-foundational-skills-of-legal profession266363#:~:text=Aiman%20J.&text=Chief%20-Justice%20of%20-India%20DY,they%20would%20similarly%20embrace%20AI; J K Das, *Reformulating India's Artificial Intelligence Regulatory Framework: Retrospect and Prospect*, J. INDIAN L. INST. 441 (2022).

[26] Ministry of Law and Justice, Artificial Intelligence in Judiciary, PRESS INFORMATION BUREAU, (Aug. 9, 2024), https://pib.gov.in/PressReleseDetailm.aspx?PRID=2043476&reg=3&lang=).

to the Bar. Supreme Court of India is a good example of the changing trend where AI has already made its presence felt.[27]

B. 'UPSKILLING' *VIS-À-VIS* LEGAL RESEARCH

Legal research, needless to say, plays an important part in the life of any legal professional, more so in case of a legal practitioner. It is crucial to the legal process, as good research may prove to be a boon to the cause of justice in a court of law. Legal research is increasingly becoming more technology driven and AI-based, offering significant opportunities for learning and improvement through effective use of emerging tools and techniques. This creates a space for "upskilling" for legal practitioners who can no longer afford to be ignorant of the importance and relevance of use of technology and AI in legal research. While the vast majority of lawyers continue to use and rely on traditional, time-tested means of legal research, in contemporary times, these approaches are no longer sufficient. A technology-based and AI-driven era of legal practice is in the making where basic computer literacy is no longer adequate, and soon it will require legal practitioners who are well conversant with new-age methods of legal research which are a far-cry from the manual and demanding outdated ways of doing research.

AI based legal research tools can also be very useful in fishing out the most relevant information needed in a given case from the vast pool of information available in the form of precedents, statutes, regulations,

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[27] Akhilesh Nagauri, *Chief Justice asks AI lawyer question on death penalty, watch its response*, INDIA TODAY (Nov. 8, 2024), https://www.indiatoday.in/india/law-news/story/chief-justice-dy-chandrachud-death-penalty-constitution-artificial-intelligence-ai-lawyer-video-2630152-2024-11-08 (last accessed on Nov. 11, 2024).

and other relevant legal documents. A lawyer familiar with such tools and the related techniques may easily analyse and review plethora of documents in a given area of law, and may increase his/her efficiency and accuracy. For example, Manupatra, LegisQuest, Kanoon.ai, and CoCounsel are some tools that a legal practitioner may use for understanding, analysing and reviewing precedents and other legal documents.

C. CONTRACT DRAFTING AND ANALYSIS

Contract drafting and its analysis is one of the basic and essential works a lawyer has to do given the rights and duties that are enumerated in a contract explicitly or implicitly. Oftentimes, contracts need to be interpreted and analysed. It therefore matters how much care, caution and expertise is made use of in drafting and its analysis. Learning the use of AI may be a boon in this context as it may be used for contract analysis and to draft contracts and agreements.

Ellen Glover provides a succinct analysis of the application of AI in contract drafting and the generation of agreements. She observes that AI tools are instrumental in contract analysis, a critical aspect of the legal profession, by reviewing contracts and identifying potential risks or compliance issues. She also highlights the capability of certain AI systems to autonomously generate legal documents. In this process, a lawyer inputs specific requirements or key details into the AI tool, this then produces an

initial draft for subsequent review and refinement by human professionals.[28]

Furthermore, AI can help identify errors, possible risks, and may even suggest revisions. It is therefore one such upskilling that legal practitioner should learn and become familiar with AI based tools that are helpful in contract drafting and analysis.[29] They should make good use of 'machine learning', despite the apprehensions that remain among many minds as to the use of technology, especially AI, in the domain of contract drafting and analysis.[30] According to Audrey Yang's observation, the integration of AI into these processes signifies a profound shift in legal practice, extending beyond mere technological adoption. While acknowledging the challenges this transformation presents, including the need for new skills and careful ethical considerations, she underscores the unprecedented opportunities it offers for enhancing efficiency, accuracy, and insight in contract management. The successful adoption of this evolving legal technology, she asserts, will depend on striking the right balance between human expertise and AI capacities. Those who can adeptly combine legal acumen with technological proficiency will be best

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[28] Ellen Glover, *AI in Law: How Artificial Intelligence Is Transforming Legal Practice*, BUILTIN, (Oct. 17, 2023), https://builtin.com/artificial-intelligence/ai-lawyer.

[29] Can AI Write Legal Contract, Bloomberg Law (Nov. 4, 2024), https://pro.bloomberglaw.com/insights/technology/can-ai-write-legal-contracts/;H Autto, H Haapio, & J Nuottila, J., *Contracts rethought and redesigned: A new era with AI*, J. OF STRATEGIC CONTRACTING AND NEGOTIATION (2024), https://journals.sagepub.com/doi/10.1177/20555636241261278.

[30] Kathryn D. Betts and Kyle R. Jaep, *The Dawn of Fully Automated Contract Drafting: Machine Learning Breathes New Life into a Decades-old Promise*, 15 DUKE L. & TECH. REV. 216 (2017).

positioned to thrive. [31]As the legal practice moves from the era of age-old "traditional contract" to an era of "smart contract",[32] a legal practitioner cannot afford to turn a Nelson's eye to the growing presence of technology in the realm of contract law and practice.

D. USE OF AI IN LITIGATION

Justice Holmes is known for his 'Prediction Theory of Law' which, simply put, implies that law consists only of predictions of what the courts will do in particular cases.[33] He asserts that the primary rights and duties with which jurisprudence busies it again are nothing but prophecies.[34] Such an understanding of how law works portrays law as prophetic.[35] Certain degree of prophecy is commonplace in the practice of law when seen from the perspective of legal realism. Therefore, it matters that a legal practitioner is equipped with tools that may act as 'guiding lights' as to the outcome of a particular case, despite the 'human elements' in a given case that remain beyond the reach of AI. Time has come to integrate science with law, echoing Holmes' belief that law could be scientific even if many cases yield unpredictable results. He posited that legal theory is a useful science which enhances the likelihood of predicting court decisions in advance. [36]

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[31] Audrey Zhang Yang, *AI in Contract Drafting: Transforming Legal Practice*, RICHMOND J. L. & TECH. (2024).
[32] John Linarelli, *Artificial Intelligence and Contract Formation: Back to Contract as Bargain?,* (University of Pittsburgh Legal Studies Research Paper No. 2023-46 2023); Max Raskin, *The Law and Legality of Smart Contracts*, 1 GEO. L. TECH. REV. 305 (2017).
[33] SURI RATNAPALA, JURISPRUDENCE (New Delhi, Cambridge University Press 2009).
[34] Oliver Wendell Holmes, *The Path of Law*, 10 HARVARD L.R. 457 (1897).
[35] Catharine P. Wells, *Holmes on Legal Method: The Predictive Theory of Law as an Instance of Scientific Method*, 18 SOUTHERN ILLINOIS U. L.J. 329 (1994).
[36] *Id.* at 345.

The use of AI based tools may help predict the outcomes of a given case and may also help assess the strengths and weaknesses of legal arguments on the basis of past precedents. Technological upskilling has the potential to revolutionize the justice delivery system not only at the appellate level but also at trial courts. Lawyers can significantly contribute through the use of AI and other tools and software, particularly in emerging areas like that of electronic discovery ("**e-discovery**") which is a digital investigation aimed at finding evidences in email and other forms of data that may be useful in a civil or criminal proceedings. Such an investigation is crucial to collecting evidence from social media profiles, online documents, content available on a website and digital images. In the near future, cases relating to digital evidence will increase significantly by leaps and bounds. Therefore, a legal practitioner should be well acquainted with the knowhow of e-discovery.[37] Moreover, at a more general level, AI may help a legal practitioner in drafting, case analysis, solving language barrier, and legal research.

E. LAW AND LANGUAGE: NEED FOR UPSKILLING

Ronald Barthes said: "*Birth of the reader in the death of the writer*". Sometimes in law, a lawyer has to deal with a "*text of many authors*", whether it be a statutory text or a judgment. A good grasp over language

[37] Amalia R. Miller & Catherine E. Tucker, *Electronic Discovery and the Adoption of Information Technology*, 30(2) The Journal of Law, Economics, and Organization 217 (2014); Jack G. Conrad, *E-Discovery Revisited: The Need for Artificial Intelligence Beyond Information Retrieval*, 18 Artificial Intelligence Law, 321 (2010); B. G. Bokolo & N. S. Senol, *The Digital Forensic Approach to e-Discovery*, *in* BREAKTHROUGHS IN DIGITAL BIOMETRICS AND FORENSICS (K. Daimi, G. Francia III & L. H. Encinas Eds., Springer 2022); Steven C. Bennett, *E-Discovery: Reasonable Search, Proportionality, Cooperation, and Advancing Technology*, 30 J. MARSHALL J. INFO. TECH. & PRIVACY L. 433 (2014).

is, therefore, one such skill that goes a long way in the making of a good lawyer. Moreover, argumentative skills are also very intricately related to language. For instance, persuasiveness of arguments most often than not depends upon language.

When a lawyer encounters a hard case to argue or meets with what H.L.A. Hart would call "open texture law"[38], they are required to exhibit not only an understanding of law but also of language. Bentham had also emphasized this by perceiving law as an assemblage of symbols, representing the sovereign's will within a state.[39]

The law and literature movement has shown how much we can learn from literature to interpret the law. Ronald Dworkin has so elegantly demonstrated how we can understand the dynamics of law when we go through his conceptualization of judges as chain-novelists. Oftentimes, the pursuit of justice gets lost in the quagmire of legalese, especially when the legal practitioner is in the formative years of his or her professional life. Amid the hustle and bustle of courtrooms and hardship of law practice, it is advisable that lawyers and legal practitioners develop fondness for enriching linguistic skills. This will reflect in their understanding and practice of law.

Mastery of language and word is crucial to proper understanding of law as it is believed that law is fundamentally a law of words. While there are several major sources of law, they all consist of words, which are

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[38] Frederick Schauer, *A Critical Guide to Vehicles in the Park*, 83 N.Y.U L.R. 1109 (2008).
[39] BENTHAM'S OF LAWS IN GENERAL 1(Hart ed., Athlone Press 1970.).

a lawyer's most essential tools.[40] These words may be constitutive of statutes, legal precedent or regulations. Therefore, linguistic upskilling is one of the basic and foundational upskilling that a lawyer should strive for.

F. SOCIAL AND COMMERCIAL AWARENESS

An innate and critical understanding of social and commercial realities is essential to understand the working of law as it is, and such an understanding enables a lawyer to appreciate the true dynamics of law in a given field.

Life and law grow together, and influence each other in myriad ways. American sociological and realist writers have emphasized at looking beyond the "law in books". Oliver Wendell Holmes underscored the importance of *experience* in law while observing that life of law is not that of logic but that of experience. An experience rooted in social and commercial awareness of a given society will give a lawyer a perspective that may not be available to one who is confined merely to "law in books". Therefore, one of the important skills that a legal practitioner should develop is to gain experience of social, economic and commercial condition in the society.

V. IN LIEU OF A CONCLUSION

All said, it is essential to underscore a few points. A legal practitioner in contemporary times is to be well-equipped not only with the textual learning of law but few other skills as well. Digital skill is the

[40] PETER M. TIERSMA, LEGAL LANGUAGE 1 (University of Chicago Press 1999).

most important one given the perceptible presence of "digital life"[41] as a new societal reality. Moreover, it goes without saying that in this day and age understanding of innovations such as blockchain, AI and so on is a must, as more and more litigation will be in these areas in the near future, despite the challenges it poses in the form of AI hallucinations, absence of "human element", lack of transparency, etc. Besides technical upskilling, upskilling in soft skills is a *sine qua non*. Legal practitioners should jettison their reluctance to adopt new technology and tools as regards legal research and litigation. The new-age 'legal practice' demands being in sync with the changing times in terms of skill and knowledge. Legal upskilling is not merely a choice but a lifelong journey, essential for staying relevant and thriving in this dynamic profession. The future of legal practitioners belongs to those who embrace 'upskilling' by adapting to change and consistently refine their skills and knowledge.

[41] ELISA SERAFINELLI, DIGITAL LIFE ON INSTAGRAM: NEW SOCIAL COMMUNICATION OF PHOTOGRAPHY (Emerald Publishing Limited 2018).

Professor (Dr.) Yogesh Pratap Singh, *Establishing a New National Law University in India: Challenges and Way Forward*, 11(1) NLUJ L. REV. 236 (2025)

ESTABLISHING A NEW NATIONAL LAW UNIVERSITY IN INDIA: CHALLENGES AND WAY FORWARD

~ Professor (Dr.) Yogesh Pratap Singh[*]

ABSTRACT

*Justice is achieved when the legal system functions effectively, with legal education serving as its foundation by producing skilled professionals. In an era shaped by globalisation, modernization, and technological advancements, the demands of legal justice delivery are constantly evolving. This dynamic environment presents significant challenges for legal education, which must adapt to prepare professionals for the complexities of a changing legal landscape. This paper seeks to highlight the challenges in establishment of a National Law University ("**NLU**"), understood in light of the complex requirements of modern-day legal education. The first part elaborates on the structure of the education system as required to effectively foster the aims of constitutional justice. In tandem with this, the latter part showcases a trajectory of evolution of the legal education system in India, highlighting the challenges faced by the founders of new NLUs.*

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I. INTRODUCTION

Reports on legal education are plenty.[1] They generally emanate from State appointed Commissions and Committees consisting largely of judges or law academics. These run into thousands of pages. Although, such reports have been subjected to partial implementation, the prevalent state of legal education in the country is far from satisfactory and leaves much to be desired in terms of the relevance of the content. The content often lacks connection with the political economy, the culture, the people of India or even the actual functioning of India's governance, its institutions and the reality of those managing these institutions. It is lamentable that no law paper in legal education exists on key factors dominating our lives like, development, agriculture, knowledge, creation and distribution, religion/custom, industry, trade and commerce regulation.

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[1] Calcutta University Commission, 1917-1919 (Gov't of India); Bombay University Reforms Committee, 1925 (Gov't of Bombay); Report of the Legal Education Reforms Committee, 1935 (Gov't of India); Unemployment Committee, 1948-49 (Gov't of India), University Education Commission, 1949 (Gov't of India); Bombay Legal Education Committee 1951, All India Bar Committee Recommendations; 1954, XIVth Law Commission (Setalvad); 1955, Rajasthan Legal Education Committee; 1988-90, Curriculum Development Centre, UGC, Report ("**Baxi report**"), 1993-94; Fifteenth Report of the Parliamentary Committee on Subordinate Legislation, Chapters VI and VII, 1994; Justice A.M. Ahmadi Committee Report, 2001; Curriculum Development Committee, UGC's Model Curriculum; Nov. 2002; Recommendations of the First National Consultative Conference of Heads of Legal Education Institutions at NLSUI, Bangalore, Dec.2002; Law Commission 184th Report, 2002; National Knowledge Commission Report, 2007; Report to the Supreme Court and BCI by the three member committee constituted by the court consisting of Solicitor General, President of the Supreme Court Bar Association and Chairman of BCI, *in BCI v. Bonnie FoI Law College, SLP 22337 of 2008*.

More so, legal education also makes little ongoing contribution to the right to culture under Article 29, and, to legal services under Article 39A, or to nutrition and health care. It, therefore, emerges as a troublesome reality that present legal education cannot be called as constitutional justice education. This sentiment is not based on the whims or fancies of anyone, but, is shared by trained and experienced legal minds.[2] This crisis historically faced by Indian legal education may be characterized by credibility, outdated curricula, inadequate infrastructure, lack of emphasis on practical training, quality of faculty and ineffective regulatory supervision.[3] Traditional law colleges often struggled with issues such as poor faculty quality, limited research opportunities, and disconnect between legal education and the evolving needs of the profession. Some of the challenges undermining the ability of law graduates to meet the demands of a globalized legal landscape, and to address pressing societal issues are elucidated further.

A. CONTEXT & CREDIBILITY

Law is understood in the context of the kind of society for which it is made and in which it is to function. Ignorance of these two components can guarantee the negation of laws, whereas recognition of the context increases the possibility of its success, vis-à-vis, its stated aims. This makes the context indispensable. This is so because everything is not

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[2] Justice S.P. Mehrotra, *Re-Inventing Legal Education: Challenges & Opportunities*, INST. OF JUD. TRAINING & RES., http://www.ijtr.nic.in/webjournal/6.htm; Chandra Krishnamurthy, *Legal Education and Legal Profession in India*, 36 INT'L J. LEGAL INFO. 245, 253-54 (2008).

[3] N.R. Madhava Menon, *The Future of Law Teaching Institutions*, THE HINDU, July 30, 2002, http://www.hindu.com/thehindu/edu/2002/07/30/stories/2002073000100200.htm (India).

law, but law is everything. It puts some human beings in power to control and regulate the human behaviour in a society defined by those put in power. The author believes that the problem with legal education reports, discussions and the action thereon is stimulated by the neglect of the context in which the report, discussion, or action is placed. The kind of Indian society envisioned under the Constitution of India, and the kind of people for which the legal education is to be designed, form the essential context for the state of legal education.

The question now remains: *firstly,* what is the kind of Indian society already imagined under the Constitution of India for which legal education is to be designed? and *secondly,* what kind of India exists that constitutes the context for which we are talking of legal education?

It seems that the best approach to answering this question is to examine the state of jurisprudence teaching in legal education. It is the subject that comes the nearest to the idea that in a society everything is not law but law is everything in terms of human beings regulating and controlling human beings in myriad ways.

If legal education does not recognize the society as it exists but teaches the high sounding ends of law enshrined in preambles or Statement of Objects and Reasons, then young and highly aware law students quickly see the gap between what is taught and the reality that exists. Legal education today faces this credibility gap. It loses the game for the minds even before the game has started.

Regardless of the non-contextual architecture and content of the legal education system, designed under the Advocates Act,1961 pursuant to the Law Commission and UGC reports on legal education, the recommended system functions through the Bar Council of India ("**BCI**"), according to the society constructed already. Can such legal education succeed by ignoring the context of a failed constitutional society of three post -independent generations. Legal education is to be designed for excellence. But excellence for what? The answer to this determines whether the excellence is to be for all law students or for only a few, for a constitutionally prescribed society or for an advantage grabbing society after having managed to get power. The context is unconstitutional economics in the development of India as the foundation and the patronage of personalized constitutionalism cum corruption, as the twin pillars of a constitutionally failed society.

B. OUTDATED CURRICULUM

The curriculum in majority of traditional Indian law schools has long been criticized for its inability to meet international standards, limiting the global competitiveness of graduates. Rooted in outdated teaching methods and a traditional focus on rote learning, the curriculum often neglects critical areas such as interdisciplinary studies, practical training, and emerging fields like technology law, environmental law, and international dispute resolution.

Global legal education emphasizes skills like critical thinking, negotiation, and advocacy, alongside theoretical knowledge. However, in India, majority of law schools fail to integrate these aspects, leaving

students ill-prepared for the dynamic nature of legal practice in a globalized world. The absence of modern pedagogical tools, inadequate emphasis on research and internships, and a lack of exposure to comparative legal systems further widened the gap between Indian legal education and international benchmarks. The curriculum in Legal Education is highly centric around Domestic Laws, with limited inclusion of international laws. Additional courses like cyber law, international trade, intellectual property rights, and emerging areas in technology law were often neglected and have only recently started to gain importance. Reforming the curriculum to emphasize experiential learning, interdisciplinary approaches, and global perspectives is essential. By aligning with international standards, India's legal education system can better equip students for the demands of a rapidly evolving global legal landscape.

C. LIMITED FOCUS ON PRACTICAL SKILLS

Conventional legal education in India had been overly theoretical knowledge of law and does not provide sufficient knowledge to the law students about the functioning of law courts and the skill which is needed to resolve the technicalities of law which generally arise as and when they join as legal professionals. Very minimal emphasis was given on practical skills like drafting, negotiation, and client counselling, which are essential for success in the legal profession. Consequently, the students completing their law degrees would feel handicapped as they were not equipped to draft a sale deed, gift deed, or draw summons or draft a bail application.

This gap between theoretical knowledge and practical skills has limited the employability of law graduates from many institutions. Similarly, the systems of moot court training, or court visits prevalent in the faculties of law of state or central universities or affiliated law colleges, were not adequate to give practical training to the law students.

D. TEACHING PEDAGOGY

Legal profession requires a deep-rooted understanding of application of law in a particular circumstance. While traditional pedagogy methods make the students/subjects well versed with the word of law, they fail to foster problem-solving skills required to deal with practical problems. Traditional law colleges often neglected the experiential learning methods such as moot courts, legal aid clinics, internships, and case-based studies, which are essential for developing advocacy and litigation skills. This deprived the students of the understanding of the circumstance where the law is applied.

Furthermore, limited use of technology and innovative teaching tools leaves students unprepared for modern legal challenges, including those arising from globalisation and technological advancements.

Another major drawback is the lack of interdisciplinary teaching, which is vital in understanding the intersection of law with economics, sociology, technology, and environmental science. The absence of structured mentorship and skill development programs further widens the gap between academic training and professional readiness.

E. INSUFFICIENT INFRASTRUCTURE

Majority of traditional Indian law colleges faced significant challenges due to insufficient infrastructure, which hampered the quality of education and student development. Basic facilities such as classrooms, libraries, and technological resources are often inadequate, outdated, or poorly maintained. These shortcomings not only affect the learning environment but also limit opportunities for research, skill development, and holistic academic growth.

Libraries, which are the backbone of legal education, often lack comprehensive collections of books, journals, and access to modern legal databases. These law colleges often fail to provide students with essential legal resources like commentaries, international case reports, and contemporary research materials, thereby restricting their exposure to diverse legal systems and global practices. The absence of digital libraries and access to e-resources further exacerbates the issue, especially in a digital-first era where technology is central to modern legal practice.

Additionally, the lack of moot court halls, seminar rooms, and collaborative learning spaces limited students' ability to gain practical experience and engage in meaningful academic discussions. Insufficient hostel facilities, internet connectivity, and other amenities create further barriers to an enriching educational experience.

F. QUALITY HUMAN RESOURCE

The shortage of qualified faculty and the widespread practice of adhocism in traditional Indian law colleges had emerged as critical barriers to quality legal education. Many institutions struggle to attract and retain

experienced legal academics due to low remuneration, lack of career progression opportunities, and limited focus on faculty development programs. This results in a reliance on underqualified or part-time faculty who often lack the expertise to provide comprehensive legal education.

Adhocism, characterized by temporary and inconsistent teaching appointments, further exacerbated the problem. Visiting or contractual faculty members, while valuable for their practical insights, are often overburdened and unable to commit the time required for mentoring students, engaging in research, or updating curricula. This inconsistency disrupted the continuity of academic programs and left students without the stable guidance necessary for in-depth learning. Moreover, the absence of faculty with interdisciplinary expertise limited the ability to explore the intersections of law with economics, technology, and social sciences. A lack of focus on research and innovation by faculty members also restricted the academic rigor of traditional law colleges.

G. REGULATORY CHALLENGES

The enactment of the Advocates Act, 1961 by the Act of Parliament under its power under Entry 77 and 78 of the List I of the Seventh Schedule of the Constitution of India,[4] and the subsequent establishment of the BCI as a regulatory body,[5] created a situation marked by ambiguous and dichotomous responsibilities in legal education. Section 4 of the Act, establishes the BCI as a Regulatory Body. Particularly, section 7(1)(h) provides for BCI to work towards promotion of legal

[4] India Const. sch. VII, list I, Entry 77 and 78.
[5] The Advocates Act, 1961, § 4, No. 25, Acts of Parliament, 1961.

education in the country and to lay down standards of such legal education in consultation with the other universities offering legal programs and with the Bar Councils of the states.[6] The BCI is primarily tasked with regulating formal legal education to produce professionally competent and socially responsible lawyers. The Act empowered BCI to set minimum standards for legal education and prescribe norms for establishing new law colleges which are mandatory in nature,[7] and oversees functions like inspection, recognition, and accreditation.[8] The Bar Council of India Rules, 1965, enacted under the authority of the above Act,[9] outline guidelines for legal education and degree recognition for enrolment as advocates.[10] Particularly, Schedule I of the above mentioned rules have specified 21 directions issued by the BCI to the universities.[11] However, its role is constrained by the requirement to act in consultation with universities. Despite these mandates, the BCI has faced significant criticism, with many perceiving it as ineffective, contributing to a broader crisis in Indian legal education. Legal scholars increasingly advocate for freeing legal education from the control of the BCI to address these challenges.[12] Notably, it has been advocated that the *"BCI's powers should be limited to regulating basic eligibility for practicing at the bar.*

[6]The Advocates Act, 1961, § 7(1)(h), No. 25, Acts of Parliament, 1961.
[7] Bar Council Rules, Rule 21.
[8] Bar Council Rules, Rule 8, ch. III.
[9] The Advocates Act, 1961, § 49(d), No. 25, Acts of Parliament, 1961
[10] Bar Council of India Rules, 1965.
[11] Bar Council Rules, Schedule I.
[12] The Standing Committee on Personnel, Public Grievances, Law and Justice, Chaired by Late Mr. Sushil Kumar Modi, *Strengthening Legal Education in View of Emerging Challenges before the Legal Profession* (Feb. 2024), https://prsindia.org/policy/report-summaries/strengthening-legal-education.

Regulation of legal education beyond this should be entrusted with an independent authority. The Committee suggested that a National Council for Legal Education and Research be established under the proposed Higher Education Commission of India."[13]

India witnessed an unprecedented rise in the number of law colleges over the past few decades, a trend often attributed to regulatory failures. In 1958, when the Law Commission raised concerns about legal education, there were only 43 institutions of legal education in the country.[14] Over the next two decades, a significant surge occurred, with the number of law colleges increasing from 23 in 1940 to 298 by 1980—a 15-fold growth. By 2000, this number had risen to 550. According to BCI Vice-Chairman S. L. Gowda, there were approximately 1,200 law colleges in India by 2014, up from 800 in 2012. Between 2001 and 2008 alone, the Bar Council of India approved 586 new colleges. In 2014, the BCI approved around 92 colleges, nearly double the approvals in 2012, reflecting the accelerating establishment of legal institutions. While the BCI was tasked with overseeing legal education standards, the lack of stringent monitoring and enforcement led to the unchecked proliferation of substandard institutions.[15] Many of these law colleges operated with inadequate infrastructure, unqualified faculty, and outdated curricula, failing to meet the minimum requirements for legal education. This deep-seated corruption and unethical practices in the affiliation and approval

[13] The Standing Committee on Personnel, Public Grievances, Law and Justice Chaired by Late Mr. Sushil Kumar Modi,*Strengthening Legal Education in View of Emerging Challenges before the Legal Profession*, (Feb. 2024).
[14] Law Commission of India, *14th Report*, MINISTRY OF LAW AND JUSTICE, https://lawcommissionofindia.nic.in/report_first/ (1958).
[15] Bar Council of India, http://www.barcouncilofindia.org.

process have devastated legal education maximum. The absence of rigorous accreditation and periodic evaluations allows such institutions to persist, undermining the credibility of India's legal education system. The commercialization of education further exacerbated the problem, with private players exploiting the demand for law degrees without ensuring academic excellence. National Knowledge Commission in its report has mourned that law institutions are far from standards with hardly any infrastructure and any regard to quality of legal education. Bar Council has failed dejectedly to develop a mechanism to check all these malpractices involved in the affiliation process.[16]

II. BEGINNING OF REFORM AND THE BIRTH OF NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BANGALORE

The emergence of National Law Universities ("**NLUs**") marked a transformative shift in legal education in India. Established with the vision of promoting excellence, NLUs introduced a five-year integrated law program that combined theoretical knowledge with practical skills. The evolution of this NLU concept began with the establishment of National Law School of India University, Bangalore ("**NLSIU**"), being the brain child of Justice VR Krishna Iyer and other legal luminaries of the time who envisioned a premier institution that would provide high-quality legal education comparable to the best law schools in the world. These institutions pioneered interdisciplinary approaches, rigorous academic standards, and a focus on research and experiential learning. However,

[16] Bar Council Rules, *supra* note 8.

challenges such as limited accessibility, high fees, and uneven distribution of resources across NLUs persist.

The university introduced the five-year integrated B.A., LL.B. (Hons.) program, which combined legal education with a liberal arts curriculum, providing students with a broader perspective on the law. NLSIU also emphasized moot court competitions, internships, and clinical legal education, giving students hands-on experience in the legal field.

III. THE SUCCESS OF NLSIU PROMPTED OTHER STATES TO ESTABLISH NLU

The success of NLSIU set a new benchmark for legal education in India and paved the way for the establishment of other NLUs across the country, by way of state legislations. Based on the same blueprint, government of Andhra Pradesh,[17] Government of Madhya Pradesh,[18] Govt. of West Bengal,[19] and Govt. of Rajasthan,[20] passed enactments in their legislative assemblies to establish an NLU. These NLUs succeeded in producing graduates who were highly sought after by top law firms, corporations, and public sector institutions. They set a new standard for legal education in India.

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[17] The National Academy of Legal Studies and Research University Act, 1998, No. 34, Acts of Legislative Assembly of State of Andhra Pradesh.

[18] Rashtriya Vidhi Sansthan Vishwavidyalaya Adhiniyam, 1997, No. 41, Acts of Legislative Assembly of Madhya Pradesh, 1997.

[19] The West Bengal National University of Juridical Sciences Act, 1999, No. 11, Acts of Legislative Assembly of the State of West Bengal, 1999.

[20] The National Law University, Jodhpur Act, 1999, No. 22, Acts of Legislative Assembly of State of Rajasthan, 1999.

In order to further promote the quality of legal education in all states, the Chief Justices' Conference, 2016 held on 22 & 23 April 2016,[21] made resolutions to either set up an NLU in a state where it is absent or to strengthen the existing law schools in such states. This was followed by Joint Conference of Chief Ministers of State and Chief Justices of the High Courts on 24 April 2016 where under agenda *"Review of Quality Legal Education Programmes in the State"* it was resolved that:[22] (i) An endeavour be made in the states where there is no National Law University for the setting up of such law schools with the aid and assistance of the state Governments; (ii) State Governments will endeavour to support National Law Schools in their territories within their economic means and (iii) As the National Law Schools which are already functional are equipped with latest technological equipment and in order to ensure optimum and proper utilization of the already existing facilities and the huge investment made it was agreed upon that the same shall be utilized for training all the stakeholder involved in the dispensation of justice.

IV. ESTABLISHING A NEW NATIONAL LAW UNIVERSITY: THE CHALLENGES

The establishment of a law university in India is not just an academic exercise but a critical step in shaping the future of legal education and, by extension, the legal profession. India, with its diverse

[21] *Minutes of the Chief Justices' Conference,* SUPREME COURT OF INDIA (Apr. 22–23, 2016), https://www.sci.gov.in/important-links/chief-justices-conference/.

[22] *Minutes of the Joint Conference of Chief Ministers and Chief Justices of the High Courts*, HIGH COURT OF MADHYA PRADESH (Apr. 24, 2016), https://mphc.gov.in/PDF/web_pdf/JJC/14.%20CM- CJ%20Conference/MINUES%20OF%20CM-CJ%20CONFERENCE,%2024TH%20APRIL,%202016.pdf.

legal needs and growing demand for qualified legal professionals, has seen an increasing number of law universities being established in recent years. However, the journey from conception to the operationalization of a law university is fraught with challenges that require careful planning, strategic vision, and substantial resources. This paper explores the multifaceted challenges faced in the process of setting up a new law university in India, examining both the systemic issues and the specific hurdles that need to be overcome to create a successful institution of legal education. They range from the lack of proper planning, budgetary constraints, vision and outlook of Chief Justice and the Chancellor, state bureaucratic resistance, faculty recruitment and students' admission etc.

A. LACK OF PROPER PLANNING

The establishment of NLUs in India was envisioned to revolutionize legal education by setting high academic standards and fostering excellence. However, the rapid expansion of NLUs, often without adequate planning and funding, has raised significant concerns about their sustainability and effectiveness. Many NLUs are launched with ambitious goals but without proper planning, the financial resources and infrastructure required to deliver on their promises. Insufficient funding led to inadequate facilities such as libraries, classrooms, and hostels, undermining the quality of education. Faculty recruitment suffers due to limited budgets, resulting in a shortage of qualified and experienced teachers, which directly impacts the academic experience of students.

Moreover, the absence of comprehensive planning often results in NLUs being established in remote locations without basic amenities, making it challenging to attract top-tier faculty and students.

On September 9, 2022, the Education Minister of Tripura announced the state government's decision to establish a National Law University in Tripura,[23] pursuant to which the Council of Ministers approved the allocation of 9.23 acres of land for the construction of the premises of National Law University, Tripura at Narsinghgarh, Agartala[24] and the government had exempted the authority concerned from paying the premium of the land. The minister also informed that the government has decided to spend Rs 50 Crores for five years and an amount of Rs 21 core has been allocated for establishment of the National Law University in the current fiscal budget with the commitment of immediate beginning of postgraduate courses.[25] He added that the Tripura government wants to make this university an institution of national importance for producing quality lawyers.[26]

The search committee for selection of founding Vice-Chancellor was constituted by the Chief Justice of High Court of Tripura in May

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[23] *Tripura's First National Law Univ. Set to Start from Mar.–Apr. 2023*, TIMES OF INDIA (Jan. 6, 2023), https://timesofindia.indiatimes.com/city/agartala/tripuras-first-national-law-univ-set-to-start-from-mar-apr-2023/articleshow/92942456.cms.
[24] *Id.*
[25] *Id.*
[26] *National Law University to Be Established in Tripura Soon*, INDIA TODAY (Feb. 5, 2022), https://www.indiatoday.in/education-today/news/story/national-law-university-to-be-established-in-tripura-soon-official-1909174-2022-02-05.

2022[27] which recommended three names to Chief Justice in August 2022. I received notification of my appointment on September 08, 2022 through email. Same day, I got a call from the then Chief Justice who is also Chancellor of NLU Tripura suggesting that I join at the earliest so that academic activities of NLU Tripura could be started from Academic Year 2022-23. I informed him that annual convocation of my parent University i.e. NLU Odisha is scheduled on 17 September 2022 and leaving University before that would not be possible. He agreed to that and suggested that I join after convocation. However, the Executive Council of NLU Odisha decided to relieve me only on 30 September 2022.

I joined as the founding Vice-Chancellor of NLU Tripura on 30 September 2022 and the same day I met the Chief Justice, Tripura High Court and other Hon'ble Judges of the High Court. Hon'ble Chief Justice instructed me to start the admission process immediately by writing to CLAT authorities. Hon'ble Chief Justice also informed that hostel space has already been finalized and only furniture needs to be procured along with some maintenance. Classrooms and offices for the Vice-Chancellor, Registrar and other staff have been demarcated in the newly constructed building of Tripura Judicial Academy Campus at Narsingarh. On 30 September 2024, I met Hon'ble Minister, Higher Education Mr. Ratan Lal Nath and the Secretary, Higher Education in Secretariat and the Hon'ble

[27] The interview for the purpose of selection of Vice-Chancellor, National Law University, Tripura was conducted on Aug. 07, .2022. Dr. Nachiketa Mittal, *National Law University Tripura gets Founding Vice-Chancellor,* SCC Online (Sept. 9, 2022).

Minister also suggested to start the admissions from current academic year 2022-23.

Pursuant to this, a note was prepared and formal approval was taken from the Chief Justice of the High Court of Tripura and Chancellor of NLU Tripura to start admission process with details like fee structure and schedule of admission and appointment of some contractual teaching and non-teaching staff to start the academic activities. However, Department of Higher Education suggested that even for contractual appointment posts needs to be created by the government and it can be done only through cabinet's approval. Accordingly, requirement of faculty and support staff was submitted in the prescribed format.

Pursuant to the approval of the Chancellor, CLAT Consortium was approached to allow NLU Tripura to take admissions based on CLAT 2022 scores. The permission was granted by the CLAT Consortium to use CLAT score. Later Rs 5,00,000/- was also paid to obtain the membership of CLAT Consortium. Admission process was started for the Academic Year 2022-23. This was also informed to the Higher Education Department and money was also claimed for this purpose. The admission notification was prepared and the Registrar (I/c), NLUT sent it to the Higher Education Department and it was published by the Department of Information and Cultural Affairs, Govt. of Tripura in the newspapers. I had been persistently writing to the Higher Education Department for funds, hostel furniture for 70 students with specific request that academic session will start from December-January 2023 but no development happened. Seeing not much progress, I

requested the then Chief Justice (i.e. Chancellor NLU Tripura) to intervene once again and pursuant to that a meeting was convened in the High Court on 02 November 2022. The learned Chief Secretary, Finance Secretary, Law Secretary and officials of Public Works Dept. attended the meeting. Due to bad health of Chief Justice the Meeting was chaired by Hon'ble Justice Arindam Lodh, Judge, High Court of Tripura who was also part of Governing Council and Executive Council of NLU Tripura. It was promised by the officials that all the work will be done on priority and keeping in mind the schedule of classes i.e. January 02, 2023. All the officials graciously agreed to expedite the work with respect to maintenance of the hostel and procurement of furniture, so that classes can be started from 02 January 2022.

Pursuant to this meeting and as a follow up, we met again in the office of the Finance Secretary, Govt. of Tripura on November 02, 2022. The Higher Education Secretary, Director Higher Education and Law Secretary were also present in the meeting. As suggested by the Higher Education Department we submitted in the prescribed format for creation of posts. The Dept. agreed to expedite this process so that appointments can be made before 02 January 2023. And only after these meetings and promises made by the secretaries, we published the admission schedule and notice to deposit fees on the University website. It appeared from all the meetings that everyone is on board to start the NLU in Tripura from Academic Year 2022-23. All the important meetings were minuted in order to ensure accountability. As a follow up meeting, we along with the Law Secretary and PWD officials made a visit to the

proposed hostel building on 03 November 2022. As suggested by the Law Secretary, I once again wrote letters to the Higher Education Department to give approvals to PWD to start the work. The Higher Education Department gave administrative approval and some funds were also transferred to the University in the first week of December 2022.[28] I also requested the Law Secretary to convene a meeting with Hon'ble Chief Minister with a view that work related to NLU Tripura is expedited. The Meeting was tentatively scheduled on 17 November 2022 at 6 PM but later it was postponed on the ground of non-availability of the finance minister and finance secretary.

Separate written communication was made to the Chief Engineers of PWD and Chief Engineers (Rural Development) to expedite work keeping in mind the 02 January 2022 deadline. Some progress was made and a tender was issued in this regard in the first week of December 2022 and the Chief Engineer promised me that he will start the process of procurement of furniture also. In the meantime, I also drafted some essential Rules such as Examination Rules, Hostel Rules, Anti-Sexual Harassment Rules etc. which also received approval from the Chancellor and it was uploaded on the University website.

The Chief Justice and Founding Chancellor NLU Tripura superannuated from office on November 11, 2022 and with his departure from the office, the accountability of all concerned to start academic session by 2022-23 also departed. All the work related to procurement of furniture, hostel maintenance etc. got slowed down. On December 07,

[28] Rs.33 Lakhs were given to NLU Tripura in first instalment.

2022 a review meeting was conducted by the Minister, Higher Education, Govt. of Tripura. Meeting was attended by learned Advocate General, Chief Secretary, Finance Secretary, Law, Secretary, Director Higher Education and other officials of the Govt. The Govt. in the meeting expressed its inability to start the academic session from AY 2022-23. It was resolved that the admission process started for academic year 2022-23 by NLU Tripura must be cancelled on the technical ground of state domicile and fee must be refunded to students. It was decided to commence academic session from AY 2023-24 by conducting its own admission test. I cautioned members about litigation as students have already deposited fee but it was suggested that law department will take care of any litigation.

It was very clear from entire episode that due to pressure of Founding Chancellor and Chief Justice; High Court of Tripura the University was started in hurry. Even the NLU Tripura Act 2022 was passed with so many mistakes and errors. Once the Chief Justice retired from office the government became reluctant. It is also pertinent to mention that State Assembly Elections in Tripura were due in February 2023 and government was completely in election mode which diluted the entire process of creating infrastructure for NLUT.

Later, a petition was also filed in the High Court of Delhi and Hon'ble Supreme Court of India. Delhi High Court petition was disposed of on the ground that candidate once got admission back in her original place. However, the Supreme Court criticised the National Law University, Tripura and the government of Tripura and rightly so on the

manner in which it cancelled admissions for its 2022-23 academic session for want of domicile quota which was in reality not a reason.[29] The reason was that government could not provide furniture for 60 students and some other required infrastructure. Justice Kaul remarked, *"People have chosen to seek admissions... What is this? This is a mockery of the NLU setup... you should not have advertised that such a college exists. Please file an affidavit. You can't play with children's careers."* Justice Dhulia added, *"The reason which you gave earlier is hardly any reason...No domicile quota... What is this? You could have stated that there is no proper teaching staff."* The Court finally disposed of the case with this condition that the candidates who are left and are desirous of seeking admission, be accommodated for the admission of 2023- 2024 provided that they show that they had got admission. The critical observation of the apex court played a critical role in getting minimum infrastructure to commence academic session from AY 2023-24.[30] With much difficulty we could start academic session for the AY 2023-24 from 17 November 2023.

B. BUDGETARY CONSTRAINTS

NLUs, being the state universities,[31] as they established under the State Act, face shortage of funds. The crisis is more in states with limited resources like Tripura. NLUs do not get regular grants from the UGC due to which they have to independently raise funds to manage affairs. However, that too has its own limitations in terms of limited grants offered by the respective state governments, lack of uniform structure for

[29] Somya Sanjay v. National Law University, Tripura, 2023 SCC OnLine SC 1257.
[30] *Id.*

the same and fees increment. Some states gave support for capital grant and some initial support and then leave it to run on its own resources. Some states consider recurring expenditure also but only in limited way leaving NLUs to run with market-oriented approach. Rising fee in universities are now a new phenomenon especially in NLUs but despite that Universities are facing financial crunch.

The construction of the first phase of the Maharashtra National Law University Nagpur which includes 13 buildings, has remained incomplete due to lack of funds. This is despite of sourcing funds from various modes such as cutting down salary,[32]a block grant of INR 7 crores approved by the Maharashtra Cabinet and a loan of INR 50 crores.[33]

Dharmashastra National Law University, Jabalpur, MP ("**DNLU**") was established in the year 2018 by the Madhya Pradesh Dharmashastra National Law University Act. The Madhya Pradesh government allotted 125 acres of land and 99.85 crores for the first phase of campus construction. However, even after five years of its establishment, it runs on a Bharat Sanchar Nigam Limited-rented campus as students await the sanctioned funds to be released by the government of Madhya Pradesh for construction.[34] The Students of the DNLU,

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[32] *MNLU Nagpur Faculty Write to VC, Paid Only Half Salary amid Funds Crunch at University,* BAR AND BENCH (Jan. 6, 2023), https://www.barandbench.com/news/mnlu-nagpur-faculty-write-vc-paid-only-half-salary-amid-funds-crunch-at-university.

[33] *MNLU Receives Rs. 7 Cr Grant from State Govt.,* TIMES OF INDIA (Jan. 5, 2023), https://timesofindia.indiatimes.com/city/nagpur/mnlu-receives-rs7cr-grant-from-state-govt/articleshow/113644088.cms.

[34] *Reimagining the National Law Universities as Truly Being National*, THE LEAFLET (Jan. 5, 2023), https://theleaflet.in/education/reimagining-the-national-law-universities-as-truly-being-national, Visited on 22 November, 2024.

Jabalpur made a representation before Chief Minister of Madhya Pradesh, Shivraj Singh Chauhan, urging him to release the funds allocated by the State Government for construction of a Permanent University Campus.[35] There are numerous and continuous instances of protest by students demanding very basic facilities in various NLUs. NLU Odisha saw protests over a girls' hostel with proper amenities, a "world-class" library that was promised to them, and an affordable fee structure. The Rajiv Gandhi National University of Law ("**RGNUL**"), Patiala, Himanchal Pradesh National Law University Shimla and National Law University and Judicial Academy Assam all witnessed strong students protest against basic infrastructural facilities.

Barring few NLUs which get some regular financial help from state governments, many including NLSIU have faced budgetary constraints at some point of time. Given straitened circumstances, many national law schools have been forced to work harder to make ends meet, partly by beginning to think more like businesses. The prevalence of financial constraints in many NLUs in India has led to a staffing pattern that heavily relies on Assistant Professors and Research Associates, while appointments at higher academic ranks such as Associate Professors and Professors remain relatively rare.

The story of NLU Tripura is not different.[36] The President of India Her Excellency Smt. Draupadi Murmu laid the foundation of NLU Tripura on October 12, 2022 in presence of Chief Minister, Education &

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[36] NLU Tripura Act, 2022, § 33, No. 3, Acts of Tripura Legislative Assembly, 2022.

Law Minister, Chief Justice of High Court of Tripura.[37] The architectural model which was presented before Her Excellency was a state of art campus with all modern facilities and with an estimated cost of INR 350 Crores.

Later, detailed plan was prepared by the Vice-Chancellor and got approval of the Building Committee, Executive Council and Governing Council headed by the Chief Justice. The work was to be executed by the PWD Tripura. In the First phase the tenders for Academic and Administrative Block were floated in February 2024 with an estimated cost of INR 120 Crores. After several requests, reminders and meetings of the building committee, the tender was finalized and agency was shortlisted in August 2024. However, PWD expressed its inability to give work order to the shortlisted agency because of lack of sanction letter from Higher Education Department. It was then informed that government did not have requisite funds in the name of the University. In the second Governing Council Meeting held on 28 August 2024, the Chief Secretary promised and committed that funds will be arranged at the earliest. It was also resolved in the meeting that Hostels must also be constructed on priority basis and construction of Academic Block and Hostels must be started immediately. The tender for the Hostel was also floated in October 2024. However, construction work could not commence due to unavailability of fund until November 2024. University

[37] *President Droupadi Murmu Unveils First National Law University Centre in Tripura*, HINDUSTAN TIMES (Jan. 5, 2023), https://www.hindustantimes.com/india-news/president-droupadi-murmu-unveils-first-national-law-university-centre-in-tripura-101665572169122.html.

once started its academic activities cannot stop and will keep on adding students every year. This will lead to lack of basic amenities and infrastructure in the university. This is one of the biggest challenges which every NLU has faced at some point of time.

C. VISION AND OUTLOOK OF THE CHIEF JUSTICE OF HIGH COURT AS CHANCELLOR OF A NEWLY ESTABLISHED NLU

The role of the Chief Justice of the High Court as Chancellor of a newly established NLU carries a significant weightage. His/her vision and outlook aimed at shaping the institution is at a centre of legal excellence. As Chancellor, the Chief Justice brings a wealth of legal acumen and a high ethical standard to the university's administration, helping to set a foundation for the institution's values, educational quality, and strategic direction. However, when the Chief Justice of the High Court, serving as Chancellor of a newly established NLU shows limited interest in the institution's development, it can have several implications for the NLU's growth and effectiveness. Such lack of engagement may stem from various factors such as overwhelming judicial responsibilities, limited administrative support, or unfamiliarity with academic administration. Regardless of the cause, the impact can be significant:

1. With the Chief Justice's primary focus on judicial duties, NLU-related administrative decisions may be delayed. This can affect the university's ability to make timely policy changes, fill key faculty positions, allocate budgets, or implement new programs, hindering its overall growth and responsiveness.

2. The Chancellor often plays a crucial role in securing funding, partnerships, and resources necessary for the NLU's growth especially in its establishment phase. With minimal involvement, the NLU may miss out on critical opportunities to secure government or private sector funding, grants, or other institutional support, affecting infrastructure, faculty recruitment, and student facilities.

D. STATE BUREAUCRATIC RESISTANCE

Establishing an NLU in a state is an ambitious and transformative endeavour aimed at elevating legal education and research. However, such an initiative often encounters bureaucratic resistance, rooted in structural, procedural, and cultural dynamics. Resistance typically stems from concerns about resource allocation, overlap with existing institutions, and the disruption of entrenched administrative norms. Bureaucratic inertia, compounded by inter-departmental silos, may delay crucial decisions regarding land allocation, funding, or infrastructure development.

As the nodal department, Higher Education is responsible for formulating the university's vision, drafting legislative proposals, and securing administrative approvals. The Finance Department plays a pivotal role in allocating and approving the required budget. This includes funding for land acquisition, construction, salaries, scholarships, and operational costs. Timely release of funds, efficient financial planning, and cost management are essential to avoid delays. The Law Department ensures that the legal framework for the establishment of the NLU is robust and in compliance with constitutional mandates. Department of Public Works ("**PWD**") oversees the construction of the university's

physical infrastructure, including classrooms, libraries, hostels, and residential quarters. This involves preparing detailed project reports, coordinating with architects and contractors, and ensuring adherence to timelines and quality standards. PWD also collaborates with local authorities to address utility requirements such as electricity, water, and roads. Coordination with these department and outlook of secretaries heading these departments is of the crucial challenges in the establishment of university.

E. FACULTY RECRUITMENT AND DEVELOPMENT

The success of a law university largely depends on the quality of its faculty, who are responsible for not only teaching but also mentoring students, conducting research, and contributing to the academic community. However, attracting top legal scholars and practitioners can be difficult, especially in a new institution and that too established in a remote location which does not have good road, rail or air connectivity. It must also be emphasised that number of Professors and Associate Professors in majority of NLUs in India are very less. No teacher at the level of Associate Professor and Professor is willing to join any new National Law School especially those in remote places and therefore majority of law schools are making contractual appointments as Assistant Professors, Research Associates, Teaching Assistants and guest faculties to engage classes. Some of the senior law schools have managed to get Professor on their roll but they were those who worked for the institution right from its foundation days. Many law universities are appointing retired professors as adjunct professor to meet the minimum mandatory

requirement of UGC Rules. It becomes ironical that being a centre of excellence, majority of National Law Universities are not able to appoint prominent professors of law. Reasons are two-fold: *firstly*, a professor is not willing to join NLU by seeing the service conditions *vis-à-vis* work load and *secondly*, the Vice-Chancellors are not keen to engage senior professors because they feel more comfortable with young teachers whom they can command. The review commission of Gujarat National Law University pointed out this concern of lack of experienced professors in the university in following words:

> *"the university certainly needs at least half a dozen senior faculty members (Professors) to handle P.G. classes, supervise work of centres of studies, guide the research and training activities of the institution and assist the Director in administration. If competent persons are not available for regular service, they may be engaged on contract for five years or more from among retired scholars or other scholars of eminence. This is an urgent necessity for GNLU to pick up speed in its academic development."*

The Commission also brought to notice the fact that all the senior academic and administrative positions are filled by Assistant Professor or Associate Professors. Though it may be economically viable considering financial constraints of NLUs but the truth of the matter stands that majority of NLUs are not able to attract best minds. In order to attract quality faculty, the governing bodies of NLU Tripura passed a resolution to provide a special allowance of Rs 50,000/- per annum for faculty from other states to travel to their home towns, in order to incentivise the faculty from other states to join NLU Tripura. Regretfully, the resolution

was refused by the Finance Department of the State Government stating that NLU being a state university, its faculty could not be treated specially, and therefore, the State Government also refused to consider Dearness Allowance for NLU faculty.

F. STUDENT ADMISSION AND DIVERSITY

Admitting a diverse and talented student body is crucial for the vibrancy and inclusivity of a law university. However, ensuring diversity in terms of gender, socio-economic background, and geographic representation can be challenging. Attracting good students to NLUs especially in remote locations and the North-Eastern region, poses significant challenges. Factors include lack of awareness about the institution's quality, geographical remoteness, and limited exposure to career opportunities in law. Students often prefer NLUs in metropolitan areas due to better connectivity, perceived prestige, life-style and access to internships. Additionally, socio-economic barriers and inadequate outreach efforts further deter talented candidates. Addressing these issues requires focused campaigns to promote legal education, offering scholarships, enhancing infrastructure, and emphasizing the unique cultural and academic opportunities that NLUs in such regions can provide to aspiring students.

These challenges, however, are deep-rooted and manifold, and range from financial scarcity, deplorable quality of faculty to sloppy administration and poor infrastructure. Each of these should be addressed at its own level in a systematic manner, lest many of these institutes run the risk of crumbling in the foreseeable future.

V. CONCLUDING REMARKS

Establishing a new law university in India is a complex and challenging endeavour that requires careful planning, substantial resources, and the ability to navigate a wide range of legal, financial, infrastructural, academic, administrative, social, cultural, political, and long-term challenges. However, the successful establishment of such an institution can have a profound impact on the legal profession and society.

The challenges outlined in this article are not insurmountable, but they require a concerted effort from all stakeholders involved, including the Chief Justice of India, Chief Justices of the High Courts, government bodies, educators, legal professionals, and the broader community. By addressing these challenges thoughtfully and strategically, it is possible to establish a law university that not only meets the needs of today's students but also contributes to the future of legal education and the legal profession in India.

The NLUs being state universities, it is pertinent to contrast them with other premier national institutions like the Indian Institutes of Technology ("**IITs**"), the Indian Institutes of Management ("**IIMs**"), and previously known as Regional Engineering Institution, the National Institutes of Technology ("**NITs**"). These national institutions are considered the epitome of higher education in India due to their higher standards of infrastructure, autonomy, transparency, diversity, interdisciplinarity and international standing.

. Former Prime Minister Dr. Manmohan Singh termed these universities as *"islands of excellence in the sea of mediocrity"*. While these words seem appealing, the reality is slightly different. NLUs are often side-lined by their respective states when it comes to the allocation of funds. Such allocation, when made, is grossly insufficient for a large university to sustain. This insufficiency manifests itself in myriad ways. Despite the high fees, many universities have dilapidated structures with cramped spaces or no space of their own at all.

VI. POSSIBLE WAY FORWARD

NLUs being the creations of state legislature are financially dependent on the mercy of state governments and the fees collected from the students. Some state governments with fair number of financial resources provide financial assistance, but poor states like Assam, Tripura and Meghalaya are likely to suffer. These institutions must be elevated to the levels of IITs, NITs, AIIMS and IIMs, by declaring them as institutions of national importance ("**INIs**") and providing the benefits of such accreditation. The INI status will bring benefits, in terms of regular funds, concessionary grants, autonomy, diversity, transparency, exposure and opportunities. There cannot be two opinions on the fact that legal education is a building block for the development of the bar and bench of the future and its impact penetrates the legislative and the executive branches of governance. Hence, the field of legal education and its development must not be overlooked. Some of the plausible ways for strengthening the NLUs are explored hereunder.

A. NATIONALIZATION OF NLUS

Two individual efforts were made in this direction. In 2016, the historian Prof. Sugata Bose, the then Member of Parliament from Trinamool Congress, introduced a bill in the Lok Sabha seeking to provide a national status to NLUs. Later in 2019, Ms. Meenakshi Lekhi, a Member of Parliament once again made an effort to introduce a private member bill, namely the 'National Law Universities Bill, 2019', aimed at complete nationalisation of NLUs by granting them the status of INI. While the 2016 Bill intended to grant solid national character to these institutions but mandated that effective control be in the hands of the state but 2019 Bill in contrast, proposed that complete control and administration be bestowed to the central government. However, these bills lapsed. The Chief Justice of India and Chief Justice of the High Courts may be persuaded to pass a resolution in this regard on the lines of that of Joint Conference of Chief Ministers of State and Chief Justices of High Courts on 'Review of Quality of Legal Education Programs' wherein in 2016, a resolution was passed to expedite the establishment of National Law Universities in every state The Consortium of National Law Universities must deliberate on this issue. In this regard, it must be highlighted that conversion of State Universities to Central Universities is not a novel phenomenon. For instance, the previous known Regional Engineering Institution has been converted into premier engineering Institutions of National Importance, now known as NITs.

B. FINANCIAL SUSTAINABILITY AND MANAGEMENT

Establishing a new law university is a capital-intensive project. The financial challenges associated with setting up such an institution can be daunting, particularly in the context of India's diverse economic landscape. Building a law university requires the development of state-of-the-art infrastructure that meets the needs of students, faculty, and staff. This includes not only academic buildings but also libraries, moot court halls, research centres, residential facilities, and recreational spaces.

State Governments must not start the project unless adequate budget is allocated. It is ideal that first infrastructure is created and then academic activities must be commenced. Starting university in a make-shift arrangement diverts the attention and dilutes the quality. Beyond the initial investment, the ongoing operational costs, including faculty salaries, maintenance of facilities, and provision of student services, must be managed sustainably. Financial mismanagement or a lack of sufficient funds can lead to the deterioration of academic standards and, ultimately, the failure of the institution.

C. CONTINUOUS FACULTY DEVELOPMENT TRAINING

Considering the fact that best legal minds do not prefer to join a new NLU, continuous training of faculty in teaching pedagogy, evaluation including setting of question papers, research, and publications is vital for maintaining academic excellence in any new NLU. Such initiatives ensure that educators stay updated with evolving pedagogical methods, legal developments, and interdisciplinary approaches. Training programs focus on enhancing classroom delivery through innovative teaching techniques,

integrating technology, and fostering student engagement. Workshops and seminars are organized to equip faculty with advanced research methodologies and promote high-quality publications in reputed journals. Regular engagement with national and international experts, collaborations, and participation in conferences strengthens the faculty's academic and professional competencies.

D. ESTABLISHING GOVERNANCE STRUCTURES AND ADMINISTRATIVE PROCESSES

Setting up a governance structure that ensures transparency, accountability, and academic freedom is a critical challenge. This includes the formation of governing bodies such as the Governing Council, Executive Council, Academic Council, Finance Committee and various committees that oversee different aspects of the university's functioning. Ensuring that these bodies function independently yet collaboratively is essential for maintaining the integrity and quality of the institution. The establishment of efficient administrative processes is equally important. This includes everything from student admissions and examinations to faculty recruitment and financial management.

E. LEADERSHIP AND VISION

The leadership of a new law university plays a pivotal role in its success. The Chancellor and Vice-Chancellor must have a clear vision and coordination for the institution and the ability to implement it effectively. Leadership challenges include not only managing the day-to-day operations of the university but also building its reputation, fostering a culture of academic excellence, and ensuring the institution's long-term

sustainability. A visionary and keen Chief Justice can create a lot of positive contribution in the establishment of new National Law University.

F. BUREAUCRATIC COORDINATION

Establishing a National Law University in a state requires seamless coordination among key government departments to ensure smooth execution of policies and resource allocation. The collaborative efforts of the Departments of Higher Education, Finance, Law, and Public Works are critical to overcoming logistical, regulatory, and financial challenges in such a complex project.

G. SOCIAL ACCEPTANCE AND OUTREACH

The establishment of a new law university in India also involves navigating various social and cultural challenges. These challenges can impact everything from the institution's location and accessibility to its ability to attract students and faculty from diverse backgrounds. Gaining social acceptance for a new law university, particularly in underdeveloped areas, can be challenging. There may be resistance from local communities, who may not immediately see the benefits of such an institution. Moreover, reaching out to potential students and creating awareness about the university and its programs is essential for attracting applicants. This requires a concerted effort in terms of marketing, outreach, and engagement with schools, colleges, and the local community.

H. CULTURAL SENSITIVITY AND INCLUSIVITY

India's cultural diversity presents both opportunities and challenges for a new law university. Ensuring that the university is culturally sensitive and inclusive is essential for creating a welcoming environment for students and faculty from different backgrounds. This includes not only promoting diversity in admissions and recruitment but also fostering an inclusive campus culture that respects and celebrates different cultural identities. In NLUs viz. NLU Tripura, Assam, Meghalaya, Jharkhand, integrating tribal students with other students is essential for fostering inclusivity and cultural harmony. This can be achieved by creating a supportive academic environment that values diversity. Organizing cultural exchange programs, workshops, and festivals celebrating tribal heritage can promote mutual understanding and respect. Mentorship initiatives, where senior students guide tribal students, can ease their transition into university life. Special focus on bridging language and academic gaps through preparatory courses or skill-building sessions is crucial.

I. POLITICAL SUPPORT AND PATRONAGE

Political support and patronage are crucial for the growth and success of a new NLU. Strong backing from the state and central governments can ensure adequate funding, infrastructure development, and policy alignment. Support in the form of legislative measures, scholarships for students, and faculty recruitment initiatives can elevate the university's stature. Engaging political leaders as advocates for the university helps in securing collaborations, national visibility, and regional

outreach. Patronage can also foster connections with public institutions and industries, enhancing placement opportunities and research funding. The state political leaders must be convinced that law university in the state will directly benefit the state in ways like advancing the law and legal processes and their role in national development**,** directly benefitting the local communities through legal aid programs and social outreach activities, and, through its action-oriented research for rights-based law and governance reform including through interventions in various fora such as governmental and judicial institutions. A harmonious relationship with policymakers ensures the university's sustained development as a centre of excellence in legal education. However, on a cautious note, this can also lead to challenges if there is undue political interference in the governance or academic functioning of the institution. Balancing the need for political support with the need to maintain academic independence is a delicate task.

J. REPUTATION BUILDING

Building a reputation as a centre of excellence in legal education is a long-term challenge that requires consistent effort and strategic planning. This involves not only maintaining high academic standards but also engaging in research, hosting conferences and seminars, publishing scholarly work, and establishing collaborations with other institutions, both nationally and internationally. For instance, NLU Tripura an MoU with National Institute of technology Agartala for various academic and

technological collaborations,[38] and with Panchayat Department, Government of Tripura to provide handholding support to gram panchayats in development of Gram Panchayat Development Plan ("**GPDP**").[39] Encouraging students to participate in moot courts, conferences/workshops, other such competitions will enhance the visibility of the law schools. A strong reputation is essential for attracting top students, faculty, and funding.

K. ALUMNI RELATIONS AND NETWORKING

Developing a strong alumni network is another long-term challenge. Alumni can play a crucial role in the success of a law university by providing mentorship, facilitating internships and job placements for students, and contributing to the university's development through donations and fundraising. Building and maintaining strong relationships with alumni requires sustained effort and effective communication strategies. Since the NLUs also offer one year LL.M. courses, therefore they must start their alumni base, immediately after the completion of one year of university study, which may be beneficial for internship and several other purposes.

I have made above suggestions in all humility merely based on my experiences as founding member of NLU Odisha and founding Vice-

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[38] Abhijit Nath, *National Law University Tripura & National Institute of Technology Agartala Inks MoU for Academic and Technical Collaboration,* NORTHEAST TODAY (July 1, 2024) https://tripurachronicle.in/local-news/nlu-tripura-and-nit-agartala-inks-mou-for-academic-and-technical-collaboration/.

[39] Hiranya Bhandarkar, *National Law University Tripura Joins Forces with Rural Development Department to Empower Panchayats*, BAR & BENCH (Sept. 4, 2024), https://www.barandbench.com/news/lawschools/national-law-university-tripura-joins-forces-with-rural-development-department-to-empower-panchayats.

Chancellor, NLU Tripura and triggered by a desire to boost the standard of legal education in India. This will eventually improve the image of the legal profession and the justice delivery system in public esteem. As an important stakeholder of legal system, we need to do frank introspection which demands an honest admission of our weaknesses without which the improvement cannot start. Let me finish this paper with a line from the poem *"The Glories of Our Blood and State",*[40] by James Shirley, explaining how fate is inescapable and how death is ultimate leveller, only the person good deeds will endure in this world after his or her departure

Only the actions of the just
Smell sweet and blossom in the dust.

[40] James Shirley, *The Glories of Our Blood and State*, POETRY FOUNDATION, https://www.poetryfoundation.org/poems/56372/the-glories-of-our-blood-and-state (last visited Jan. 10, 2025).

Professor (Dr.) D.S. Prakasa Rao, *Pioneering Indian Legal Education – For Professional Competence and Social Responsibility as per the Changing Needs of the Indian Society,* 11(1) NLUJ L. REV. 278 (2025)

PIONEERING INDIAN LEGAL EDUCATION – FOR PROFESSIONAL COMPETENCE AND SOCIAL RESPONSIBILITY AS PER THE CHANGING NEEDS OF THE INDIAN SOCIETY

~ *Professor (Dr.) D.S. Prakasa Rao*[*]

ABSTRACT

In its 184th report, Law commission of India suggested various proposal for changes in the Advocates Act and the University Grants Commission Act to promote legal education and lay down standards. Knowledge Commission and New Education Policy 2020 had also given much importance to legal education and the difficulties in imparting legal education in India. As suggested by Law Commission of India, Bar Council and U.G.C. committees are recommended to look into the MacCrate report and other such reports in the U.K., Canada and Australia such that we align with the standards elsewhere. The MacCrate report had proposed a method of teaching the students in various skills and values with the help of the faculty and the supplementary faculty of practicing lawyers and judges. Apart from the traditional method of lectures, Prof. Llewellyn and Judge Jerome Frank's conceptual solving method should be promoted. Being the highest population of young people India should provide a high-quality education for full human potential for making an equitable and a just society.

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The Author recommends a balance of practical and theoretical knowledge in legal education for achieving the goals of relevant legal education suitable to the changing needs of the society. The present generation of law students display higher levels of intelligence, some are brighter and more outspoken with high expectations. Thus, legal education, apart from imparting information must also instil moral values in students. Legal education stands for the enhancement of human sensibility and injects a new sense of protecting human liberty and equality before the law. The future also depends on its capacity to incorporate systems thinking and respond to the evolving landscape shaped by demographic changes, technological progress, and economic development. A forward-thinking and comprehensive approach to curriculum design will be essential for preparing lawyers to succeed in the intricate legal frameworks of the future. The legal profession today intersects with various fields such as Economics, technology, Environmental Science, and Public Policy. Therefore, the future of legal education lies in its ability to provide interdisciplinary training. Courses that integrate law with other disciplines can equip students with the skills needed to address complex issues. Legal education plays a crucial role in promoting social and economic justice, two pillars for a just and an equitable society.

Keywords: *184th Law Commission Report, U.G.C., Bar Council of India, MacCrate Report, Knowledge Commission, Social Justice Oriented Clinical Legal Education.*

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I. INTRODUCTION

In their 184th report, the Law Commission of India ("**LCI**") suggested various proposal for Amendments to the Advocates Act and the University Grants Commission Act to better legal education and lay down comprehensive standards. Apart from several recommendations like the constitution of a Legal Education committee of the Bar Council of India ("**BCI**") consisting of academicians, 3 nominees of the University Grants Commission ("**U.G.C**"), and members of the judiciary.[1] It also recommended the precise elaboration of the expression "*standards of legal education*" in the Advocates Act by the amendment of section 7(1)(h) of the Act.[2] Introduction of quality standards in the law schools for healthy competition, training in the evolving field of Alternative Dispute Resolution ("**ADR**"), appointment of guest faculties from lawyers and retired judges on a part-time basis, establishment of at least four colleges by the U.G.C or by the Central Government in consultation with BCI for the capacity building of the law teachers are the other important recommendations of the LCI to maintain legal standards. [3]

In this backdrop, an attempt is made in this paper to study the role of BCI, U.G.C, Central and State Governments, Law Teachers,

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[1] LCI, *Legal Education & Professional Training and Proposals for amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956, Report No. 184,* MINISTRY OF LAW AND JUSTICE (2002), https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081076.pdf.

[2] Advocates Act, 1961, §7(1)(h), No. 25, Acts of Parliament, 1961.

[3] LCI, *supra* note 2, at 54-55.

Judges and Advocates in promoting standards of legal education. The professional competence and social responsibility in different National Law Universities and other legal institutions has also been assessed.

II. THE RELEVANCE OF THE MACCRATE REPORT IN INDIAN LEGAL EDUCATION

The National Law School of India University, Bangalore ("**NLSIU**") had prepared a new curriculum in 2001 based on the MacCrate report on Law schools and the profession ("**Report**") and the Harvard curriculum with modifications suited for Indian Conditions. The report deals with aspects like; the fundamental skills needed of a lawyer, the professional and intellectual development during law school, and the transitioning of law students into a practitioner.[4]

The Chapter V (A) details the essential skills of a lawyer, legal research, communication, advising a client about the options of litigation and ADR, administrative skills to organize legal work, and dealing with ethical dilemmas.

The Report says that law schools and the practicing bar should look upon the development of lawyers, to impart the future lawyers the skills required for the competent and responsible practice of law. As suggested by the LCI; the Bar Council and U.G.C. committees must look into the Report and other similar reports in U.K., Canada and Australia so

[4] E. Eugene Clark, *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (Ill.: Am. Bar Ass'n 1992)*, 4(1) LEGAL EDUC. REV. 201 (1993).

that our standards match with theirs.[5] Noteworthy that the LCI believes wishes that 27 National Law Universities, more than 1721 Law schools, and the 200 Universities shall offer legal education of the highest quality.[6]

III. THE ROLE OF NEW METHODS OF TRAINING

The Mac crate report advocated the method of training the students by the faculty and the guest faculty of practicing lawyers and judges. Apart from the time old method of lectures, Prof. Llewellyn and Judge Jerome Frank's conceptual solving problem method should be promoted.[7] Unfortunately, many academics lack the interest, even if they have the competence, to competitively impart the requisite skills. There is also little communication between legal academics and members of the practicing bar, by which the knowledge taught is bereft of courtroom nuances.

IV. DETERIORATION OF THE REQUISITE STANDARDS

The question of whether the National Law Schools have achieved the object for which they were established is posed. Most of the students of the National Law School system prefer the employment in Multinational Corporations over practice.[8] Where, largely the students hailing from the affluent sections of the society can afford education in

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[5] LCI, *supra* note 2, at 58.
[6] LCI, *supra* note 2, at 119-129.
[7] Neil Duxbury, *Jerome Frank and the Legacy of Legal Realism*, 18(2) J. OF L. & SOC. 175, (1991).
[8] Siddharth Chauhan, *Crisis of Legal Studies in India*, FRONTLINE (Mar. 21, 2020), https://frontline.thehindu.com/the-nation/education/article31039043.ece.

National Law Schools. Even more, National Law Schools have largely imparted Western learning disregarding our indigenous methods. The question which naturally comes, are the National Law Schools being able to achieve the object for which they were established?

Further, most of the National Law schools were established by the State Governments which allocated crores of rupees, without receiving any consideration in return. In National Law Schools, the Author argues that around 15% to 30% of the seats must be reserved to the students of that state where National Law School is established. National Law Schools should also come forward to train the law teachers of the different Law colleges of the State, and further improving the quality of legal education.

University Law Colleges also have a social responsibility. There is no uniformity in recruitment of the staff pattern of University Law Colleges, which creates a shortage in the department of faculties and inefficiency in the outcomes. Law teachers recruited for the purpose of teaching are also directed to work in administrative arenas, which even reduces their learning outcomes. The Ministry of Education and the BCI must provide financial and policy support, to better the outcomes in University Law Colleges.

V. SOCIAL JUSTICE ORIENTED CLINICAL LEGAL EDUCATION TO EQUIP MODERN LAW STUDENTS WITH PROFESSIONAL COMPETENCE AND SOCIAL RESPONSIBILITY

Since India has the highest population of young people,[9] the Author argues that it should provide high-quality education for resourcefully tapping human potential, while aiming to make an equitable and a just society. Practical and theoretical knowledge in legal education should be balanced for achieving the goals of legal education suitable to the changing needs of the society.[10] The present generation of law students display higher levels of intelligence, being brighter and more outspoken.

The existing legal education requires a revamp. There are a few suggestions offered, including the institutionalisation of social justice-based Clinical Legal Education ("**CLE**").[11] Balancing of theoretical study

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[9] United Nations Population Fund, *State of World Population 2024: Interwoven Lives, Threads of Hope—Ending Inequalities in Sexual and Reproductive Health and Rights* (Apr. 2024), https://doi.org/10.18356/9789213589526.

[10] *Experiential learning binds theory and practice in legal education*, BAR AND BENCH, https://www.barandbench.com/apprentice-lawyer/experiential-learning-theory-practice-legal-education (last visited Dec. 25, 2024).

[11] Prakash Sharma & Shuvro Prosun Sarker, *Making a Case for Transforming Legal Education in India A Proposal to Introduce 4+1 Years Law Program in Law Schools*, 66 JILI 170, 170-192 (2024)*;* N.R. Madhava Menon, *Legal Aid and Development*, 2 DELHI L. REV. 229 (1973); Frank S. Bloch and M.R.K. Prasad, *Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States*, 13 CLINICAL L. REV.165 (2006-2007); Shuvro Prosun Sarker, *Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India*, 9 INT'L J. OFCLINICAL LEGAL EDUC. 321 (2014). Another suggestion is that legal education must place highest priority on public service, Upendra Baxi, *Notes Towards a Socially Relevant Legal Education: A Working Paper for UGC Regional Workshops in Law 1975-1977*, J. of Bar Council of India 51 (1975); C. Raj Kumar, *Legal Education, Globalisation, and Institutional Excellence: Challenges for the Rule of Law and*

with fundamental research and analytical thought, which in the light of the New Educational Policy ("**NEP**"),[12] is not only crucial for Indian law schools to progress, but also imperative to meet their ambitious goals. Professor Upendra Baxi had opined that legal education has been designed to kill creativity in the students. If we go on to produce eminent scholars, it will certainly not be because of the legal education.[13]

VI. NEW EDUCATION POLICY ON THE IMPORTANCE OF LEGAL EDUCATION IN INDIA

Although ground-breaking, the CLE programs do have their own fallacies. As the responsibility for its implementation was largely passed onto law schools, which in the absence of requite expertise, infrastructure and financial assistance adopted a casual approach.[14] The legal profession now faces a self-inflicted crisis, and with the mushrooming of law-imparting institutions it has only deepened.[15]

Access to Justice in India, 20(1) INDIANA J' OF GLOB. LEGAL STUDIES 221 (2013); There are suggestions to introduce continuing legal education and training for professionals, Prakash Sharma, *Continuing Legal Education: Rethinking Professional Ethics and Responsibility in India*, 5(2) ASIAN J. OF LEGAL EDUC. 152-168 (2018).

[12] *National Education Policy 2020*, MINISTRY OF EDUCATION ("**NEP 2020**"), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf .

[13] Upendra Baxi, *A note towards a socially relevant legal education*, 5(1)-(3) J. OF THE BAR COUNCIL OF INDIA 1, 11-20 (1976).

[14] D.S. Prakasa Rao and Prakash Sharma, *The Anatomy of Indian Legal Education: Tracing Case for Continuing Legal Education*, *in* CLINICAL AND CONTINUING LEGAL EDUCATION: A ROADMAP FOR INDIA123-147 (S. Sivakumar, Prakash Sharma, and Abhishek Kumar Pandey eds., Commonwealth Legal Education Association and Thomson Reuters 2021) ("**A Roadmap for India**").

[15] *1,721 law schools in India; more than twice as many private law colleges than government law colleges: Law Minister*, BAR AND BENCH (Mar. 29, 2022*),*

The NEP which came to reform the system, not only acknowledged the significance of education, but also caught sight of global methods of education.[16] In this sense, the document appears to be visionary, since it has incorporated stakeholders' demands to make India's education system inclusive.[17]

In the case of *Bar Council of India* v. *AK Balaji*,[18] the Supreme Court held that the realms of legal education include litigation as well as non-litigation practices.[19] In other words, the practice is not just confined to litigating before courts of law, but includes non-litigation practices as well. This aspect was noticed by the Knowledge Commission Report which suggested that to provide quality education and create better outcomes, there is a need to remove restrictions that pertain to opportunities in legal practice.[20]

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https:// www.barandbench.com/news/lawschools/1721-law-schools-in-india-more-than-twice-asmany-private-law-colleges-than-govt-law-colleges-law-text=1%2C721%20law%20schools%20in%20India,government%20law%20colleges%3A%20Law%20Minister.

[16] As "*fundamental for achieving full human potential, developing an equitable and just society, and promoting national development*", NEP 2020, *supra* note 5, at 3 (Introduction).

[17] Urvashi Sahni, *India's National Education Policy 2020: A Reformist Step Forward?* BROOKINGS (Oct. 02, 2020), https://www.brookings.edu/articles/indias-national-educationpolicy-2020-a-reformist-step-forward/.

[18] Bar Council of India v. AK Balaji, AIR 2018 SC 1382.

[19] *Id.* at para. 39.

[20] National Knowledge Commission, *Report of the Nation 2007*, GOV'T OF INDIA 40, https://epsiindia.org/wp-content/uploads/2019/02/Knowledge-Commission-Report-20071.pdf.

VII. STUDENTS' ASPIRATIONS AND THE ROLE OF LAW SCHOOLS IN IT

Studies suggest that students with proper care and attention leave with happy memories.[21] Perhaps, for this reason, it is necessary to examine the suggestions offered by Barbara Glesner Fines that there should be (i) identification of negative stressors in the law school environment; (ii) focus on teaching students rather than teaching knowledge; and (iii) emphasis on re-capturing the essence of professional values.[22] In other words, she emphasizes on adopting a collaborative approach wherein students will develop their ability as ethically competent lawyers through finding their values and purposes, and learning to work with and for others.[23] Here, the idea is to reclaim the element of humanity *via* the learning, and subsequently, follow it in the profession. In this manner, not only will legal education be humanized, but such an approach will perform two crucial functions *i.e.,* (i) strengthen the cause of social transformation, and (ii) foster the primary objective of learning law.

The division of law schools into various categories reveals the level of preference one draws and the kind of experience one receives from law schools in India. Basically, there are three categories namely

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[21] *National Curriculum Framework for School Education*, NCERT (2023), https://www.education.gov.in/sites/upload_files/mhrd/files/infocus_slider/NCFSchool Education-Pre-Draft.pdf (last visited on May 20, 2024); *What Matters to Student Success: A Review of the Literature,* NATIONAL POST SECONDARY EDUCATION COOPERATIVE (2006), https://nces.ed.gov/npec/pdf/kuh_team_report.pdf.

[22] Barbara Glesner Fines, *Fundamental Principle and Challenges of Humanizing Legal Education,* 47(2) WASHBURN L.J 313 (2008).

[23] *Id.* at 319-320; Michael Hunter Schwartz, *Humanizing Legal Education: An Introduction to a Symposium Whose Time Cam*e 47(2) WASHBURN L. J. 235 (2008).

National Law Schools, Private Law Schools, and Traditional Law Schools. The first two categories have been functioning to cater to need of the prospective students who opt for corporate work after schooling, whereas Traditional Law Schools have been catering to those who opt for litigation or public services. However, over the years, the trend is changing and it would be naïve to generalise the students on the basis of the schooling they receive. In fact, it can be seen that the prospective students as well as law graduates have diverse goals or needs, even though they seek to attend the law schools where chances of securing a corporates job remain high, possibility of joining the same remains unsubstantiated.[24]

The reasons for such a shift remain a contested question. It would be safe to assume that corporate legal employment currently acts as a short-term goal rather than an ambition or aim. One possible reason is the limited number of entry-level corporate positions available in a given year. The consequences of such a limit in the number of entry-level corporate positions suggest a potential bubble in the Indian legal industry. The following chapter aims to address this aspect in detail and accordingly present a case for continuing legal education as a method for correcting faults.

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[24] Faizan Mustafa, et al.,, *Suggestions for Reforms at the National Law Universities set up through State Legislations*, NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH (2018) ("**The NALSAR Study**").

VIII. INDIAN LEGAL EDUCATION: ISSUES

Before dwelling into this aspect, it would be logical to refer to some of the learned opinions of the legal scholars on the direction of legal education in India. Professor Madhava Menon, the torchbearer of the modern legal education, argued for bringing a structure that advances rightful legal education.[25] Professor Upendra Baxi discussed how impartation of legal education must aim for well-trained and socially inspired individuals, who will practice law in different dimensions. [26] Similarly, Professor B.C. Nirmal opines that the primary scope of the legal education must be towards the infusion of the three basic elements in knowledge, research and service.[27] Discussing deeply into the role of faculties and the perception they have developed over the years as "*problem creators*" rather than "*problem solvers*", Professor Venkata Rao is of the view that the present legal education system is producing 'lettered' rather than 'learned' young persons, forgetting that education is not just about knowledge but development.[28]

Indian Legal Education is in the transitional state of reformation. It is witnessing experiments, emergence of new ideas, and a process of

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[25] Prachi Bhardwaj, *Father of modern Indian legal education system, Padma Shri Dr. NR Madhava Menon passes away*, SCC ONLINE (May 8, 2019), https://www.scconline.com/blog/post/2019/05/08/father-of-modern-indian-legal-education-system-padma-shri-dr-nr-madhava-menon-passes-away/.

[26] V Venkatesan, *Legal education in India*, LAW AND OTHER THINGS (June 3, 2011), https://lawandotherthings.com/legal-education-in-india/.

[27] B.C. Nirmal, *Legal education in India: problems and challenges*, 20(1) IIUM L. J. 120, 123-130 (2012).

[28] R. Venkata Rao, *On Being a Teacher*, 2(1) CONTEMPORARY L. REV. 45 (2018).

continuum that imparts critical thinking which promotes academic freedom and institutional excellence.

There are challenges which demand attention as well measures to address them, before we look any further towards the next wave.[29] Affordability and availability of quality legal education definitely demand attention, to come to the next wave. The need is to appreciate and analyse the factors that have compelled the relook or modification to existing legal education policy. This section outlines a brief analysis of each of the substantive issues modestly presented in various diverse studies and researches over the years.

Moving further, nowadays, a career in law is seen as a prospect of high-paying job. The prospective students potentially demand an educational experience that justifies two things: (a) higher fees and (b) job guarantee. Therefore, practicality demands continuous changes, that correspond with the global experiences, in existing structure of legal education.[30] In fact, the establishment of the first National Law School in National Law School of India University ("**NLSIU**") was a response to liberalization of legal sector in other countries. The very purpose of NLSIU establishment was to make it "*Harvard of the east*".[31]

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[29] N R Madhava Menon, *The Transformation of Indian Legal Education: A Blue Paper*, HARVARD LAW SCHOOL PROGRAMME ON LEGAL EDUCATION (2012), https://clp.law.harvard.edu/assets/Menon_Blue_Paper.pdf.

[30] Upendra Baxi, *Towards a Socially Relevant Legal Education*, 5 INDIAN BAR REV. 1 (1975–76).

[31] B.C. Nirmal, *Legal Education in India: Problems and Challenges*, 20 IIUM L. J. (2012).

The age-old, traditional method of courts functioning is changing. The structural shift can be attributed to three factors, *first*, the increasing number of law firms, who have developed extensive infrastructure for research and case management. *Second*, the ever-blooming tribunals structure in the country, ranging from matters related to competition, consumer protection, environment, to tax, telecom, airport, etc., all demanding specialization. *Third*, the introduction of Alternate Dispute Redressal mechanism such as Arbitration and Mediation, especially when multinationals are routinely trying to avoid the delays and unpredictability of the regular courts.

IX. PRIVATISATION OF LAW IN THE GLOBALISATION ERA

The opening of Indian markets due to the new economic policy paved way for various avenues including education in India. The early 1990s saw a vision of involvement of private entities in state functioning. Though imposed upon India, due to indirect pressure from international organisations, the liberalization process saw opportunities to be grabbed on. Insofar impartation of legal education was concerned; the majority were public universities, with one standalone institution of excellence, i.e., NLSIU.[32] Access to quality legal education was limited.

Having said this, liberalisation of legal education in the latter half of 1990s has come with its own perils. There are around 1400 law colleges

[32] Vijender Kumar, *Emergence of National Law Universities and legal education in India: learning through experiments*, 2(1) CONTEMPORARY L. REV., 21 (2019).

in India, and the list only continues to grow, the trend does not indicate a better quality of education being imparted.[33]

Further, the state of judicial functioning also remains worrisome with almost 40% of sanctioned judicial strength in High Courts remains vacant.[28] Adding to this are the figures obtained through National Judicial Data Grid, which indicates more than 43 lacs cases are pending in the High Courts and more than 3 crores cases before lower courts. These figures are devoid of a number of cases pending before various tribunals.

Thus, legal education should not only accumulate information but also instil a sense of responsibility and moral values in students. Legal education stands for the enhancement of human sensibility and injects a new sense of protecting human liberty and equality before the law. The future of legal education depends on its capacity to incorporate systems thinking and respond to the evolving landscape shaped by demographic changes, technological progress, and economic development.[34] A forward-thinking and comprehensive approach to curriculum design will be

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[33] There have been efforts in recent past by legal academia to draw innovative works. Having said this, the pace at which changes have occurred remain slow, Prakash Sharma, *A Review of Journal of Indian Law Institute in Legal Education*, 4(1) ASIAN J. OF LEGAL EDUC., 61 (2017). The progress in India's legal system requires holistic approach, based on multiple actions namely, dealing with practical realities, recognizing the needs of students and instructors, and rewarding all scholarship, Lovely Dasgupta, *Reforming Indian Legal Education: Linking Research and Teaching*, 59(3) J. OF LEGAL EDUC. 432, 2010.

[34] Daniel Goldsworthy, *The Future of Legal Education in 21st Century, 2020)*, 41(1) Adelaide L. Rev. 243, https://law.adelaide.edu.au/ua/media/1518/The%20Future%20of%20Legal%20Education%20in%20the%2021st%20Century.pdf.

essential for preparing lawyers to succeed in the intricate legal frameworks of the future.

Of late, significant and rapid changes have come in legal study and practice. Legal education must deal with it, with new approaches to meet the conditions of the global market and serve the interests of the society.

Today, India stands integrated with the world economic order in the era of liberalisation, privatisation, and globalisation. Law students need to be trained with the tools and the techniques of the trade to face this new globalised world order. Which requires a transformation of the curriculum taught in the law schools.

X. CONCLUSION

The legal profession today intersects with various fields such as economics, technology, environmental science, and public policy.[35] Therefore, the future of legal education lies in its ability to provide interdisciplinary training. Courses that integrate law with other disciplines can equip students with the skills needed to address complex issues.

Adopting an innovative method for teaching is crucial for effectiveness. Including CLE programs, moot courts, and internships can give practical experience and well equip students for the profession.[36]

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[35] Shruti Bansal, *Modern strategies in legal and liberal education: Bridging tradition and innovation*, INDIA TODAY (Dec. 23, 2024), https://www.indiatoday.in/education-today/featurephilia/story/modern-strategies-in-legal-and-liberal-education-bridging-tradition-innovation-2654112-2024-12-23.

[36] King Stubb & Kasiva, *Legal Education in India: Challenges, Innovations, and a Vision for Tomorrow*, KING STUBB & KASIVA (Jan 5, 2024),

Even, faculties with practical exposure can be recruited to bridge the gap in theory and practice.[37]

Courageous and creatively gifted lawyers can help to gain political stability by helping to frame requisite political institutions. Specifically, lawyers in a developing state should assist in of law, and legal institutions allowing economic development, and social change[38] International lawyers can also help their countries in moving toward global cooperation and trade.[39]

Legal education has an important role in promoting social justice and economic justice, two pillars essential for a just and equitable society. Social justice refers to creating a society where individuals have equal opportunities and rights, regardless of their socio-economic background. Economic justice complements this by ensuring the fair distribution of wealth and resources. Incorporating social justice into legal education involves sensitizing students to issues of inequality, discrimination, and marginalization. Law schools should encourage critical thinking about systemic barriers and promote the understanding of laws that protect vulnerable groups.

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https://ksandk.com/regulatory/legal-education-in-india-challenges-and-innovations/#:~:text=Legal%20education%20in%20India%20confronts,inadequate%20employment%20opportunities%2C%20concerns%20about.

[37] *Id.*

[38] Christopher Shephens, *An evolving role for law and lawyers in development*, WORLD BANK BLOGS (Nov 6, 2023), https://blogs.worldbank.org/en/voices/evolving-role-law-and-lawyers-development.

[39] *Id.*

The legal profession is inherently tied to the principles of justice and equality. Legal education must, therefore, emphasize ethical training and social responsibility. CLE could enrich the law school experience if used to engage with students of the disadvantaged communities.[40] CLE, which allows students to work on real cases, can bridge the gap between theory and practice while instilling a sense of responsibility towards society.

[40] Hugh Mcfaul, *Does Clinical Legal Education Need Theory?* 7(2) ASIAN J. OF LEGAL EDUC. 150, 152–163, (2020).

Professor (Dr.) Jai S. Singh & Dr. Sangeeta Taak, *Legal Education in India in the Contemporary Era,* 11(1) NLUJ LR 297 (2025)

LEGAL EDUCATION IN INDIA IN THE CONTEMPORARY ERA

~ Professor (Dr.) Jai S. Singh & Dr. Sangeeta Taak [*]

ABSTRACT

Education in ancient India was not confined to academic institutions but was instead part of a broader system of religious, ethical, and philosophical teachings. The idea of true learning entailed a dynamic equation between knowledge, experience and skill. There's been a paradigm shift in the structure of learning in every discipline in modern societies, more so in legal education, from being deeply integrated with the society's moral and spiritual life, with laws often reflecting the principles of dharma (righteousness) and justice, to being embedded in preparing lawyers to take on as social engineers, to conduct legal research, collect comprehensive legal data, imbibe oratory skills and possess information and knowledge of both national and international developments. Considering the innumerable dimensions of legal studies, it becomes imperative for Undergraduate and Post Graduate courses to introduce this interdisciplinary approach. This paper aims to look at the shifting paradigms of legal education in India from the ancient to the contemporary era. The paper has also explained the role of the Bar Council of India and Universities in imparting legal education in India. It aims to explore the challenges and subsequent solutions it faces in

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the era of globalisation. The paper has used doctrinal methods and secondary sources like books, journals, reports and Supreme Court Judgments. Herein, Part I of the paper will introduce the topic providing the historical context, setting the foundation for the analysis. Part II outlines the aims and objectives of legal education, highlighting its role in fostering socially conscious professionals and preparing students for modern challenges. Part III discusses the influence of globalisation, emphasizing the need for lawyers to adapt to international legal systems and trends. Part IV discusses legal education in ancient India, focusing on the Gurukul system, oral traditions, and the influence of texts such as the Vedas and Smritis. Part V explores the contemporary era, emphasizing the integration of technology, interdisciplinary approaches, and innovative tools such as moot courts and AI-driven research. Part VI examines the role of the Bar Council of India in regulating and improving legal education. Part VII identifies challenges like outdated curricula, lack of access, and insufficient practical training. Part VIII proposes reforms, including bridging theoretical-practical gaps, regional language inclusion, and fostering research innovation. Finally, Part IX concludes with recommendations for building an inclusive, globally competitive legal education system.

Key Words**:** *Legal Education, Directive Principles, Interdisciplinary Approach*

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I. INTRODUCTION

"*The whole purpose of education is to turn mirrors into windows.*"

~ Sydney J. Harris

Legal education in "*ancient India was deeply rooted in the traditions of knowledge, wisdom, and justice, which were passed down orally and through religious texts, and later codified into written laws. The structure of legal education was influenced by religious, philosophical, and social principles, with the role of law primarily being intertwined with morality and duty*".[1] With the advent of e-learning, consultation and practicing, comprehending and interpreting law has become easier and more systematic. There has been a considerable shift from the pre-digital to the digital era, leveraging technological advancement in the legal arena as well. Advanced technology has not only made easier the consultation of legal help but also has made legal education swift and available at a click of a mouse through both on campus and online programs.

II. AIMS AND OBJECTIVE OF LEGAL EDUCATION

The purpose of legal education extends beyond merely producing lawyers; it aims to instil a profound sense of service to society. Its primary objective should be to prepare students to navigate the challenges of the modern era effectively. Legal education must equip students with the skills to address individual clients' issues by understanding the law comprehensively and applying it to resolve disputes through mediation,

[1] Arun Krishnan, Nithin Ramakrishnan, *Justice as an Inter-Generational Idea: Some Foundational Perspectives from Indian Philosophy*, 61(1) J. INDIAN L. INST. (2019), https://www.jstor.org/stable/27097348.

arbitration, and other alternative dispute-resolution mechanisms. As aptly stated, "*Legal education should aim at furnishing skills and competence, for the creation and maintenance of a just society.*"[2] Moreover, the foundation of every society lies in the rule of law, which not only cultivates law-abiding citizens but also nurtures future lawyers, academics, and judges. In the Indian context, legal education signifies the training which the lawyers undergo before entering the profession. Historically, teachings on 'Dharma and Nyaya' were imparted to kings and princes in ancient times. During the Mughal era, the concept of legal representation began to take shape. Remarkably, many of India's freedom fighters had legal backgrounds, underscoring the existence of legal education even before independence. However, its prominence grew significantly in the post-independence period. This paper delves deeper into the factors shaping the landscape of legal education in India.

III. GLOBALISATION AND LEGAL EDUCATION IN INDIA

Globalisation in legal education refers to "*the process of expanding and integrating legal systems, practices, and academic approaches across borders. It involves the influence of global trends, technological advancements, and international norms on how law is taught, practiced, and understood worldwide*", involving legal professionals to possess knowledge of various legal systems, international law, and the global context in which legal issues arise.

At its core, globalisation in legal education is about equipping future lawyers to navigate a rapidly evolving world. However,

[2] Asha Rani, *Education Need of Society*, 2(6) INT'L J. OF ADVANCE RESEARCH, IDEAS AND INNOVATIONS IN TECHNOLOGY 71 (2016).

globalisation presents new challenges to the legal profession. It is the process by which a local condition or entity transcends geographical boundaries, gaining global relevance while relegating competing social conditions or entities to localized significance. As a result, the study of law can no longer be confined within the territorial boundaries of national legal systems.

To address this paradigm shift, there is a pressing need to broaden the scope of general jurisprudence by incorporating more precise and globally relevant concepts, such as group dynamics, dispute resolution, institutional frameworks, processes, functions, decisions, regulations, efficiency, and effectiveness. These terminologies can enhance cross-cultural understanding within the legal field. To meet the challenges posed by globalisation, lawyers must possess a vision for addressing emerging problems, a commitment to serving justice, and the capacity to develop innovative tools and techniques tailored to the demands of a changing world.

Unfortunately, the current state of legal education falls short of these requirements, necessitating an urgent and comprehensive effort to evaluate past attempts and outline a forward-looking strategy. A well-functioning legal system is the cornerstone of a free and fair society. Such a system not only fulfils the needs of the people but also upholds the 'rule of law,' ensuring that all individuals are subject to the same legal framework.

"*The purpose of legal education is not only to teach law but to develop in the student the ability to apply legal principles to real-life situations. It is through this that law becomes the tool for social reform.*"

~ Dr. S. Radhakrishnan (Former President of India and Scholar)

In India, the Bar Council of India ("**BCI**") oversees the legal profession and legal education. Indian legal frameworks, including the Constitution, are inherently flexible, reflecting the dynamic needs of a progressive society. Laws are continuously adapted to align with the evolving aspirations of the nation. For a legal system to succeed, it must uphold the 'rule of law,' which requires qualified and skilled professionals. Lawyers and judges play a crucial role, particularly in interpreting laws to meet societal needs. Therefore, there is an urgent need to strengthen the capabilities of future lawyers and align legal education with global standards.

The establishment of National Law Universities represents a significant institutional vision aimed at modernizing legal education in India. These institutions are enabling Indian students to compete on a global stage, fostering a legal education system that keeps pace with international trends. Over the years, several initiatives have been introduced to improve legal education. For instance, Indian Prime Minister Narendra Modi has emphasized the need to integrate new subjects into the curriculum, make mediation a compulsory subject,

enhance student exchange programs, and increase the representation of women in legal education.[3]

The regulatory framework for legal education in India is primarily managed by the University Grants Commission ("**UGC**") and the BCI. However, the quality of legal education has long been a matter of concern. Additionally, issues such as inadequate infrastructure, a shortage of qualified faculty, and subpar teaching methods are cited as persisting major problems.[4]

IV. LEGAL EDUCATION IN ANCIENT INDIA

Here are some key features of legal education in ancient India that included the role of religions and Vedic education, the Gurukul system, the influence of Jainism, Buddhism etc. For example, the role of religion was having special importance like the Vedas and Dharm Shastras were used connected with the education. However, the most famous was the Manusmriti, though legal education was also based on other Smritis, like the Yajnavalkya Smriti and the Narada Smriti, which outlined ethical and legal codes for different stages of life, social duties, and justice.[5]

The Gurukuls were popular in the ancient India, whereas Lord Rama has also taken the education through the Gurukul. These Gurukul

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[3] *Need to equip our youth with skills in emerging technologies: Prime Minister*, THE HINDU (Dec. 26, 2024), www.thehindu.com/news/national/need-to-equip-our-youth-with-skills-in-emerging-technologies-pm/article69029722.ece.

[4] Global Report on Teachers: What you need to know, https://www.unesco.org/en/articles/global-report-teachers-what-you-need-know.

[5] Justice Markandeya Katju, Judge, Supreme Court of India, ANCIENT INDIAN JURISPRUDENCE Speech delivered on Nov. 27, 2020 at Banaras Hindu University, Varanasi.

used to give education to their students under the Guru. Who used to be considered as Mentor. Whereas, "*the teachings of the Vedas and the Dharma Shastras formed the core curriculum in legal education. This knowledge was delivered orally, with students expected to memorize and internalize legal texts, discuss interpretations, and engage in practical learning*". Moreover, a central aspect of education in the gurukul was the method of 'shastrartha' (debate or intellectual discussion).

Students would engage in rigorous debates about the meaning and application of the law. That was more advanced method of teaching a student, which was followed during the ancient period, than the present era. As the time grew, the Jain scholars contributed significantly "*to the development of legal thought, particularly in the areas of non-violence (ahimsa), truth (satya), and justice. These ideas found their way into legal principles, influencing the broader culture of law in ancient India*"[6] and Buddhist monastic communities also contributed to "*the legal tradition in ancient India. The Buddhist texts, like the Vinaya Pitaka, contain rules related to ethics and community governance, which influenced local legal norms"*.[7]

To impart the justice, in addition to royal courts, "*legal matters were often handled by local assemblies or panchayats in villages. These assemblies were composed of elders or learned individuals who would mediate and resolve disputes*".[8] In ancient Indian law various forms of punishment, but there was also an

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[6] DOUGLAS ALLEN, GANDHIAN PHILOSOPHY: THEORETICAL BASIS WITH PRIMACY OF PRACTICE (Oxford Academic 2019).

[7] E N Mounika Sai, *Law in the Buddhist Tradition in Ancient Indian Society*, 9(6) RESEARCH REV. INT'L J. OF MULTIDISCIPLINARY (2024).

[8] Tameem Zainulbhai, *Justice for All: Improving the Lok Adalat System in India,* 35(1) FORDHAM INT'L LAW J. (2016).

emphasis on restorative justice. There was a notion of reparation and reconciliation, where disputes between individuals could be resolved through compensation or community mediation.

Moreover, ancient India had various codified laws, such as the Manusmriti, which served as guidelines for judges and rulers. These texts covered a wide range of topics, including crime, family law, contracts, and property rights. It is submitted that in ancient India law was understood as a branch of Dharma. It is difficult to draw a distinction between secular law and religious ordinances in Ancient India. The Vedas were the original sources of law, and the Smritis announced the message of Vedas and Smriti Kars were great jurists.

In other words, it can be said that the Legal knowledge was never a foreign concept in India. In the past, our legal education history centred around the self-acquired concept of 'Dharma' tracing back to the Vedic Age. The moral and ethical code of conduct was practised through social customs and observances like 'yukti', 'nyaya', 'sadachara', etc. The moral and ethical code of conduct was practised through social customs and observances like 'yukti', 'nyaya', 'sadachara', etc. The custodians of the law were Nibhandakaras and Smrithikaras. Ancient literature like Manu Smriti even mentions the appointment of 'Niyogis' or legal practitioners, who represented people in the litigation process.

Over time, different court systems and laws evolved during the reigns of multiple rulers. However, standardised legal education programs and jobs were introduced during the reign of the British, under the tutelage of King George I. He established the mayor's courts in Calcutta,

Madras, and Bombay to observe law and order in the state. Between 1857 and 1957, the Supreme Court of India ("**SC**") was established, and legal education jobs were created. After the implementation of the Indian Constitution in 1950, legal education gained significance, and a formal LL.B. degree originated, which is still in existence. Let us discuss the aims and objective of legal education in the present era.

V. LEGAL EDUCATION IN CONTEMPORARY ERA

In *Mohini Jain v. State of Karnataka*, Justice Kuldip Singh had emphasized that the "right to life" under Article 21 of the Indian Constitution inherently also contains the "right to education", which is a precursor for ensuring dignity of an individual and fulfilment of other fundamental rights.[9] He noted that education is not merely a privilege for the affluent but a constitutional mandate for all citizens, and the State has an obligation to provide educational facilities at all levels. Additionally, the "right to freedom of speech and expression" and other rights under Article 19 also cannot be fully appreciated without education.[10]

Furthermore, the Court linked the right to education to the Directive Principles of State Policy, reasoning that the fulfilment of the right to life requires enabling rights like literacy, nutrition, and shelter, which are foundational to a dignified life.[11] It was the court's opinion that one is only able to obtain a dignified life in India through education,

[9] Mohini Jain (Miss) v. State of Karnataka, (1992) 3 SCC 666.
[10] *Id.*
[11] *Id.*

making education fundamental to the right to life, and therefore an obligation of the State to fulfil.

Legal education is a discipline that equips students with a thorough understanding of legal principles and provisions, preparing them for entry into the legal profession. Producing lawyers with a social conscience is the primary goal of legal education. But in the modern era, legal education ought to be seen as a tool for social design as well as a means of producing lawyers. The future of legal education in India is stable and exhibits a large number of youths taking law as their career options. The need is to integrate the technology in the curriculum.

Secondly, the online platform may be given proper recognition as it makes the learning of students very convenient and more time saving. Thirdly, the virtual moot courts and simulations may also be involved in the extracurricular activities. Lastly, the Artificial Intelligence and the legal research tools must be taught to the students to compete with the students of developed nations. The interdisciplinary approach also helps students to enhance the understanding of the students in learning. The most important is the focus on soft skill, communication and negotiations, etc. must be given emphasis while imparting legal education.

VI. ROLE OF BAR COUNCIL OF INDIA IN IMPARTING LEGAL EDUCATION

The BCI has undertaken various initiatives to enhance the quality of legal education, such as establishing accreditation standards, designing curricula and providing financial support to legal education institutions.

However, these efforts have fallen short of resolving all the challenges plaguing legal education in India. The system continues to face significant issues, including insufficient practical training and exposure, inadequate focus on research, and a disconnect between academic instruction and the evolving needs of the legal profession. While some institutions in India are recognized for their high-quality legal education, experts and practitioners widely consider the overall standard to be inadequate.

In response to these concerns, the BCI issued a circular to all Centres of Legal Education mandating immediate implementation of several measures.[12] The circular stated that the emerging subjects such as Blockchain Technology, Electronic Discovery, Cybersecurity, Robotics, Artificial Intelligence, and Bioethics must be integrated into the curriculum and taught in detail to prepare students for the future of legal practice.[13]

Emphasis on imparting a 'profound and practical understanding of constitutional values' including justice - social, economic, and political, in legal practice. The inclusion of more than one language is required. The regional languages must be adopted to enhance the access to Justice India. The need is to address critical and interdisciplinary thinking. The students must have a critical approach in Research to develop a comprehensive approach to addressing legal challenges.

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[12] Bar Council of India, Comprehensive Implementation of Legal Education Reforms, Mandatory Guidelines, Norms & Rules of Legal Education, BCID-0468-2024 (LE Circular-06/2024), https://www.barcouncilofindia.org/info/comprehens-ku2hwr.
[13] *Id.*

VII. PROBLEMS OF LEGAL EDUCATION IN INDIA

There are various challenges in imparting Legal Education in India. The poverty and cultural diversity also make it a herculean task. For example, in the landmark case of *Mohini Jain v. State of Karnataka*,[14] highlighted that the imposition of a "capitation fee" renders education unaffordable and inaccessible to the economically downtrodden. It further held such fees arbitrary and violative of Article 14 (Equality Clause) of the Indian Constitution, as they prioritized income over merit. The court also clarified that such fees was not legitimate tuition fees but rather unlawful capitation fees, thus breaching the Karnataka Educational Institutions (Prohibition of Capitation Fee) Act, 1984.

There are several challenges associated with legal education in India, including:

1. ***Quality of Teaching***: Many law schools in India are criticized for their substandard quality of teaching, inadequate resources, poor infrastructure, and a lack of well-trained, and motivated faculty.
2. ***Outdated Curriculum***: The legal curriculum in India, is often criticized for being outdated and failing to address the evolving legal and social landscape, leaving the students ill-prepared for contemporary challenges.
3. ***Access to Legal Education:*** The high cost of legal education makes it unaffordable for individuals from lower socioeconomic strata, which then restricts the diversity within the legal profession.

[14] Mohini Jain (Miss) v. State of Karnataka, (1992) 3 SCC 666.

4. ***Employment Opportunities:*** Despite a large number of law graduates, the legal sector offers limited employment opportunities, resulting in a surplus of unemployed or underemployed graduates.
5. ***Professionalism:*** There have been concerns regarding the lack of professionalism and ethical conduct among certain lawyers in India, which undermines the credibility of the legal profession and affects the delivery of justice.
6. ***Legal Aid and Access to Justice:*** It is important to note that India's legal aid system is underfunded and overburdened, creating significant barriers for marginalized communities in accessing justice.
7. ***Research and Innovation:*** A weak focus on research and innovation in legal education restricts the development of novel ideas and approaches to addressing complex legal issues.

VIII. REFORM IN INDIAN LEGAL EDUCATION

"Legal education must prepare students not just to earn a livelihood but to be ethical and responsible advocates of justice and equality in society."

~ Justice M. H. Beg (Former Chief Justice of India)

Indian legal education stands at an important juncture, which requires substantial reforms to address contemporary challenges while abiding the constitutional values. Firstly, a crucial reform lies in the recognition of teaching as a form of research with Indian law schools being urged to implement the Knowledge Commission's Recommendations with caution by balancing the emphasis given on

teaching with research and publication in peer-reviewed journals. Rewarding educators who inspire future legal minds can further bolster teaching quality.[15]

Secondly, as highlighted by the BCI Circular, the curriculum must be modernized by introducing emerging subjects such as Blockchain Technology, Cybersecurity, Artificial Intelligence, and Bio-Ethics, equipping students with knowledge relevant to the evolving legal landscape.[16] Thirdly, practical training should be prioritized, emphasizing on a profound understanding of constitutional values and integrating interdisciplinary thinking into legal education. This includes fostering bilingual or multilingual capabilities, especially in regional languages, to increase accessibility to justice across India's diverse population.

Fourthly, Indian legal education can be reformed by integrating research with teaching. Every lecture reflects a teacher's research and experience, and law schools should carefully implement the Knowledge Commission's recommendations, balancing teaching, research, and publication. The value of teaching must be recognized, and rewards should be given to those who inspire future scholars. Fifth, the current Legal Education has gap in theory and practice, and it must be removed in classroom teaching. The first gap is the inability to convey complex legal

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[15] National Knowledge Commission, *Report of the Nation 2007*, GOV'T OF INDIA 40, https://epsiindia.org/wp-content/uploads/2019/02/Knowledge-Commission-Report-20071.pdf.

[16] Ministry of Law and Justice, Circular to all Universities and Centres of Legal Education by Bar Council of India to incorporate subjects such as block chains, electronic discovery, cyber-security, robotics, Artificial Intelligence and bio-ethics etc. in their curricula Comprehensive Law Courses, PRESS INFORMATION BUREAU (Aug. 02, 2024), https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2040667.

principles to the public in simple, understandable terms. The problem is not just the complex language however, it is diversity in cultural differences due to that also everyone does not understand numerous languages and dialects, etc. due to which the law becomes complex and out of the reach of common man sometimes. Therefore, bridging the gap between theory and practice is essential. Legal education must simplify complex legal principles to make them comprehensible to the public, addressing linguistic and cultural diversity.

Lastly, introducing law courses in Hindi and other regional languages could significantly enhance inclusivity, allowing students to engage more effectively with community-specific legal issues, such as land disputes.[17] Such localized education ensures that the legal professionals are not only skilled but also socially responsive, ready to address the inter-disciplinary legal challenges of modern India.

IX. CONCLUSION AND SUGGESTIONS

This paper contends that legal education in India must evolve to address the dynamic challenges posed by globalisation and technological advancements while remaining grounded in constitutional values and social needs. This evolution has been underscored by the landmark *Mohini Jain v. State of Karnataka* case, which highlights education as a societal obligation essential for eradicating poverty and ensuring equality and that

[17] *Teaching law in Indian Languages can Improve Legal Access: CJI Chandrachud*, THE INDIAN EXPRESS (July 14, 2024), https://indianexpress.com/article/india/teaching-law-in-indian-languages-can-improve-legal-access-cji-chandrachud-9452029/.

"*education has never been a commodity for sale*".[18] Additionally, the SC has observed that legal education must evolve to address the ever-growing demands of the society, ensuring that it is well-prepared to attend the multifaceted challenges posed by modern situations.[19]

Regulatory bodies such as the BCI have played a crucial role in promoting legal education. Their continuous efforts in updating curricula, accrediting programs, and incorporating emerging domains like blockchain, cybersecurity, and artificial intelligence deserve commendation.[20] These efforts not only enhance the quality of legal education but also reinforce public confidence in the judiciary and the broader legal framework.

However, to strengthen legal education in India, a multidimensional approach is essential. Integration of an interdisciplinary and comparative curriculum ensures that the students understand both global perspectives and social legal challenges in the domestic sphere. The incorporation of technological advancements in the field, such as AI-enabled research tools, application-based assessments, community enrichment programs, dissertations, e-learning platforms, industrial internships, virtual moot courts are vital in providing students with valuable practical skills and opportunities to engage with experts around the globe.

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[18] Mohini Jain (Miss) v. State of Karnataka, (1992) 3 SCC 666.
[19] State of Maharashtra v. Manubhai Pragaji Vashi, (1995) 5 SCC 730.
[20] Bar Council of India, *supra* note 12.

The introduction of new amendments and laws has rendered legal compliance indispensable for businesses, significantly driving the expansion of the legal industry. Consequently, it's safe to say that law degree jobs will have an increasing scope in the future, and the industry is constantly evolving to meet the challenges of the changing times.

Although, globalisation has challenged Indian law schools to balance global perspectives with a strong understanding of domestic law. The subjects like the human rights, environmental law, and other global legal norms increasingly influence domestic legal systems. Thereby, the integration of comparative and international law will equip students for understanding global legal issues, while focusing on Indian legal system ensuring practical relevance. Therefore, partnerships, exchange programs, and joint degrees are key for cross-border insights, international careers, and training lawyers in diverse legal environments. To conclude, while global trends are crucial, a more flexible framework might be considered to integrate these advancements, ensuring Indian legal education evolves while staying rooted in democracy, justice and rule of law principles.

Professor (Dr.) Faizan Mustafa, *National Law Universities: Issues of Diversity and Inclusion,* 11(1) 11(1) NLUJ L. REV. 316 (2025)

NATIONAL LAW UNIVERSITIES: ISSUES OF DIVERSITY & INCLUSION

~ *Professor (Dr.) Faizan Mustafa* [*]

ABSTRACT

*This article explores diversity and inclusion challenges in India's National Law Universities ("**NLUs**"). It highlights constraints faced by marginalised students, including caste, gender, financial limitations, and language barriers. Part I traces the historical evolution of legal education in India from ancient systems to modern institutions and further by emphasising the need for inclusive policies. Part II addresses how entrance exams like CLAT favour privileged students and create inequality in access. Part III examines the under-representation of religious and sexual minorities. It further calls for the adoption of certain anti-discrimination measures. Part IV discusses the impact of globalisation on Indian legal education and stresses the need for reforms to align with international standards. The article concludes with recommendations for improving curricula, increasing scholarships, and adopting more inclusive practices aimed at ensuring that NLUs reflect India's diverse society and prepare students for global legal challenges.*

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I. INTRODUCTION

Diversity is omnipresent. It is everywhere but in different forms, since its role, importance, and variety vary from country to country, region to region and culture to culture. The concept of diversity in its broader sense, advocates inclusiveness and stimulates the understanding it, "*not only implies the enforcement of affirmative action as prescribed by law, but also entails other motivation for attending to diversity such as benefitting from the value of different perspectives in the workplace*."[1] We need to move beyond mere compliance with affirmative action policies to achieve the laudable goal of diversity in law schools.

In society, some individuals live without or with limited individual rights, respect, and recognition. This creates social exclusion where recognition is denied.[2] While fostering inclusivity in higher education can have multiple layers., the author will here limit the analysis to National Law Universities ("**NLUs**"). What are the hurdles a student goes through in these islands of excellence, and what could we do as administrators? Understanding and acknowledging the problem is the first step that we must take to improve the situation.

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[1] Rosemary Hays-Thomas, *Why now? The contemporary focus on managing diversity, in* THE PSYCHOLOGY AND MANAGEMENT OF WORKPLACE DIVERSITY 3- 30 (M. S. Stockdale & F. J. Crosby ed., 2004).

[2] C. N Lorentz, et al., *Diversity: Recognition of the Différance or Tolerated Difference? A Study on the Perception of Mining and Steel Professionals*, 17(4) REVISTA DE ADMINISTRAÇÃO MACKENZIE 39, 39-61 (2016).

II. SIGNIFICANCE OF DIVERSITY

Teams with diverse members often exhibit increased creativity which further leads to improved productivity and better overall performance.[3] This suggests that organisations can amplify the positive outcomes of diversity by fostering an environment that values diverse perspectives while minimising social biases and divisions.[4] Furthermore, effective diversity management strategies and policies can mitigate the potential drawbacks associated with a lack of diversity within the workplace.[5]

India is known as the land of diversity, it is the largest democracy in the world where diversity is represented majorly on several dimensions such as religion, caste, region, language, food, clothing, belief, faith, opinion etc.[6] Traditionally, India has been a civilisational rather than a territorial entity. It is a nation held together not by language, religion, or geography but by an idea i.e. the idea of India. No word explains this idea better than the term diversity. It is the most diverse country in the world. Post-independence, India has been actively working towards valuing diversity and providing equal opportunities through implementing various policies

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[3] H. Peretz, A, Levi, & Y. Fried, *Organizational diversity programs across cultures: effects on absenteeism, turnover, performance and innovation*, 26(6) INT'L J. OF HUM. RES. MGMT. 875, 875-903 (2015).

[4] R. J. Ely, & D. A. Thomas, *Cultural diversity at work: The effects of diversity perspectives on work group processes and outcomes,* 46(2) ADMIN. SCI. Q. 229, 229-273 (2001).

[5] Baral, N. *What makes grassroots conservation organizations resilient? An empirical analysis of diversity, organizational memory, and the number of leaders*, 51(3) Environmental management 738, 738-749 (2013).

[6] R. Haq, *The managing diversity mindset in public versus private organizations in India*, 23(5) The INT'L J. OF HUM. RES. MGMT. 892, 892-914 (2012).

and introducing affirmative action initiatives for inadequately represented groups.

Higher Educational Institutions ("**HEIs**") too must reflect the country's diversity, particularly in their students. These are places where diversity should not only be seen and felt, but also valued, acknowledged, and celebrated. The younger masses have the zeal in their minds and hearts to explore the world and the opportunities, with a strong desire to learn from each other. But sometimes there arise conflicts among them due to the differences in perspectives and beliefs. To maintain discipline and healthy relationships among students, faculty and staff, HEIs too need to have a properly structured diversity management system. In HEIs, where creation and transfer of knowledge are the fundamental end-goal goals, a diversity of ideas and ways of thinking is a matter of direct relevance. Studies show that a diverse organisational environment, in educational institutions, is more effective for the learning process than one that is less diverse or largely homogeneous.[7]

In India, culture, language, cuisine and opinion are diverse, yet the Indian constitution through Article 14 states that "*the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India*,"[8] and guarantees its citizens equality while preserving its diversity. Article 15 makes a provision for non-discrimination.[9] One of the most

[7] P. T. Terenzini et al., *Racial and ethnic diversity in the classroom: Does it promote student learning?*, 72(5) J. OF HIGHER EDUC. 509, 509-531(2001).
[8] INDIA CONST. art. 14.
[9] INDIA CONST. art. 15.

vibrant sectors of Indian democracy, where diversity and equality are expressed, acknowledged and celebrated are law schools.

As Dr. B. R. Ambedkar once said, "*It was, indeed, a way of life, which recognises liberty, equality, and fraternity as the principles of life and which cannot be divorced from each other: Without equality, liberty would produce the supremacy of the few over the many*".[10] The Indian Constitution's preamble enshrines the principle of equality and guarantees equal opportunities for all citizens without discrimination. The Rule of Law upholds this principle by ensuring equal treatment and protection under the law for everyone.[11] Similar to a bouquet composed of diverse and vibrant flowers, successful organisations, whether governmental, corporate, or educational, thrive by effectively harnessing the skills and knowledge of a diverse workforce to achieve their collective goals.

Diversity has a crucial role in HEIs as it assists an organisation in ensuring legal compliance and to ensure social justice, conveys positive signals to stakeholders and provides equitable opportunities and helps in receiving positive feedback, both qualitative and quantitative, from those who prioritise diversity and inclusion.[12] The chances of achieving high-performance of a wider talent base that expands the knowledge base is an

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[10] Dr. B. R. Ambedkar, 8 CONSTITUENT ASSEMBLY DEBATES, 979 (Lok Sabha Secretariat, 2014).
[11] J. K. Mittal, *Right to equality and the Indian Supreme Court*, AJCL 422, 422-45 (1965).
[12] M. Ali, & A. M. Konrad, *Antecedents and consequences of diversity and equality management systems: The importance of gender diversity in the TMT and lower to middle management*, 35(4) EUROPEAN MGMT. J. 440, 440-453 (2017).

additional benefit along with the enhancement of the potential for creativity and innovation.

The National Education Policy 2020 ("**NEP**") emphasises the crucial role of diversity in education. It recognises that all students, regardless of their background or location, deserve access to high-quality education. The policy specifically focuses on supporting historically marginalised and disadvantaged groups by acknowledging the power of education to promote social and economic mobility, inclusion, and equality. The NEP mandates the implementation of targeted initiatives to ensure that students from these groups receive the necessary support and opportunities to succeed academically, overcoming any inherent challenges they may face.[13]

One of the fundamental principles that will guide both the education system at large, as well as the individual institutions. The NEP provides for "*respect for diversity and respect for the local context in all curricula, pedagogy, and policy, always keeping in mind that education is a concurrent subject*".[14] NEP has an entire section on 'Multilingualism and the power of language' highlighting the importance of mother tongue and language.

All public institutions must reflect the diversity of the nation. It is the fundamental duty of all citizens to promote diversity. Article 51A lays down the following:

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[13] MINISTRY OF HUMAN RESOURCE DEVELOPMENT, NATIONAL EDUCATION POLICY 2020 4 (Government of India 2020).
[14] *Id.* at 5.

"*(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;*

(f) to value and preserve the rich heritage of our composite culture;"[15]

Thus, diversity has been given a lot of importance in our constitution.[16]

III. CLAT & DIVERSITY

The Common Law Admission Test ("**CLAT**") is the primary entrance exam used for admission to National Law Universities in India. While the exam does serve a purpose in streamlining admissions, these common entrance exams can also have unintended consequences for diversity. A recent example is the National Eligibility cum Entrance Test ("***NEET***") for medical schools. There were concerns raised about its impact on underprivileged students and minority institutions and especially in a country with vast regional disparities in educational standards. However, the Supreme Court had focused more on the legality of such exams rather than the implications.[17] Similar issues have been observed in the United States with standardised common tests. Studies have shown that these tests can favour students from wealthier backgrounds, white students, and those with political connections. In an attempt to address this bias,

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[15] INDIA CONST. art. 51 A.

[16] FAIZAN MUSTAFA, DIVERSITY MANAGEMENT IN SAARC COUNTRIES, THIRTY YEARS OF SAARC: SOCIETY, CULTURE & DEVELOPMENT 239-251 (Rajiv Kumar & Omita Goyal eds., Sage 1st ed. 2016).

[17] Faizan Mustafa, *NEET Fails in the Multi-Dimension Construct of Merit,* THE HINDU (Sept. 29, 2021), www.thehindu.com/opinion/lead/neet-fails-the-multidimensional-construct-of-merit/article36724738.ece.

race-sensitive admissions criteria were introduced that also led to the Grutter judgment,[18] but recently *Student for Fair Admission v. Harvard.* decision because of its conservative majority has limited the scope of these practices.[19]

Research by scholars like Sacks, Freedle, Wells, Camara, and Schmidt in the West has highlighted a significant limitation of common admission tests: their inability to assess crucial learning skills like imagination, curiosity, and motivation.[20] This criticism is relevant to NEET, which also fails to evaluate essential qualities for doctors, such as compassion, empathy, and a genuine desire to serve humanity. The Justice Rajan committee has substantiated this inherent bias in NEET that favours more students from privileged backgrounds.[21] Similar investigations in other states are likely to uncover similar evidence of elitism within the system.

CLAT also suffers from similar drawbacks. It disproportionately benefits affluent students from urban centres. The burgeoning coaching industry surrounding CLAT further exacerbates this inequality as expensive coaching programs are often inaccessible to underprivileged students.

Entrance exams like CLAT and AILET heavily test English proficiency, inherently advantaging students from English-medium

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[18] Grutter v. Bollinger, 539 U.S. 306 (2003).
[19] Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023).
[20] K. B. Murphy, Does Grit Matter? A Correlational Study of the Relationship Between Grit-S Assessment Scores and Student Retention in Undergraduate Online Programs (2019) (Graduate Theses, University of Arkansas, Fayetteville) (ScholarWork@UARK).
[21] GOVT. OF TAMIL NADU, REPORT OF THE HIGH LEVEL COMMITTEE TO STUDY THE IMPACT OF NEET ON MEDICAL ADMISSIONS IN TAMIL NADU (2021).

schools, which are often expensive and exclusive. This systemic bias deprives the majority of Indian students, who lack access to English-medium education, of fair opportunities to enter elite law schools. In my report on Legal Education for the Union Ministry of Law & Justice, I had proposed that CLAT should at least be conducted in Hindi as well.[22]

It is both important and enlightening to reflect on the findings of the '*A Study to Create Evidence-Based Proposals for Reform of Legal Education in India – Phase II*' that was the study conducted on behalf of the Department of Justice, Ministry of Law and Justice, Government of India. It sheds light on critical issues that shape the institutional experiences of students. Remarkably, over 80% of respondents acknowledged that social differences, such as caste, gender, religion, financial background, and disability play a significant role in shaping their experiences within the institution.[23] A concerning 41.24% students described their coursework as exclusionary, highlighting that it heavily leans on the cultural capital of elitist sections of society, leaving others feeling alienated.[24] The onus to reduce or attempt to extinguish these differences lies on the administration of these NLUs.

IV. STUDENTS WITH POOR BACKGROUND

Legal Education is not affordable to many students, particularly from the poorer states. While private colleges are coming up with fees of

[22] DEPARTMENT OF JUSTICE, MINISTRY OF LAW & JUSTICE, A STUDY TO CREATE EVIDENCE-BASED PROPOSALS FOR REFORM OF LEGAL EDUCATION IN INDIA—PHASE II (Government of India 2021).
[23] *Id.* at 120.
[24] *Id.*

more than 40-50 lakhs. It is the NLUs that become the hope of every common citizen. But due to the lack of financial support from the University Grant Commission ("**UGC**") and the state governments, these institutions too are largely self-financed and accordingly, the fees at these Institutions range anywhere between INR 12.5 to 18 lakhs for a five-year programme. This amount does not take into account any other expenses like the need of a laptop, other study materials or the cost of travelling to Metropolitan cities to pursue an internship to secure placement opportunities.

While the IDIA Survey conducted among the students of 4 NLUs i.e. National Law University of India University, Bengaluru, National Academy of Legal Studies and Research University of Law, Hyderabad ("**NALSAR**"), West Bengal National University of Juridical Sciences, Kolkata;[25] and National Law University, Delhi showed about 37.2% students had a family income of more than 15 Lakhs per annum.[26] In yet another survey conducted by NALSAR, 47.7% of the students had marked the fee charged by the Institution to be 'High' while 28% had characterised it to be 'Very High'. While on question as to if the students feel the financial assistance provided to them is sufficient. A majority of 39.2% of students had response as 'Low' while 29.7% considered it to be 'Very Low'.[27]

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[25] Kirtikar Srivastava, *Diversity Survey Report 2021-2022, Increasing Diversity by Increasing Access to Legal Education*, IDIA (2024), https://www.idialaw.org/wp-content/uploads/2024/10/IDIA-Diversity-Report-2021-22.pdf.

[26] *Id.* at 29.

[27] Department of Justice, *supra* note 22, at 46–48.

Unlike other NLUs, Chanakya National Law University ("**CNLU**") does have a lot of diversity and caters to the underprivileged - state reservation is high. Most students are on scholarships provided by the government of Bihar. There are many students in CNLU whose annual income is less than one lakh. Such a thing was not there in either in NALSAR or even in NLUO**.** The IDIA survey also reported 10.6% students on loan.[28] It is a sharp contrast from the situation in CNLU. We have around 50% students on government funded scholarships and the majority of the students are studying on Loan. Now, this situation also shows stark differences between different NLUs. At CNLU, I have students who themselves had to earn prior to joining the University just to afford their coaching fees. Now when they enter law schools, it is a new ecosystem that they have to cope up. These are the students who need special care and attention.

To overcome this problem, NLUs must come up with the huge scholarship scheme. At NALSAR, I had raised it from 2.7 lakh in 2012 to 1 crore in 2022. At CNLU, this year I have allocated 15 lakhs to help the poorest of the poor students.

V. LANGUAGE BARRIER

Students from privileged backgrounds, particularly those who attended expensive private schools though called public schools, leverage their early exposure to English, gaining an enduring advantage throughout their undergraduate legal studies. These systemic barriers underline the

[28] *Id.* at 30.

urgent need for reforms in entrance exam design and classroom inclusivity to ensure equitable access to premier legal education for all.

As per the report of IDIA: The findings from a pan-India survey conducted by the National Statistical Office ("**NSO**"), Ministry of Statistics & Programme Implementation, reveal a glaring disparity in access to quality legal education based on language proficiency. The NSO reported that only about 16.7% of students in India study in English-medium schools.[29] Contrastingly, the present survey showed that 95.11% of students in premier NLUs came from English-medium schools. Over 96% of surveyed students attended English-medium institutions at the higher secondary level.[30] This overwhelming dominance highlights how English proficiency acts as a gateway to securing admission to top NLUs." While these figures could be different for different NLUs, there is a clear domination of English medium students. Non-English medium students do face systematic disadvantage in this regard.

For students from non-English-medium backgrounds who manage to gain admission in NLUs, the challenges persist. Most classes, co-curricular activities, and extra-curricular activities such as moot courts and debates are conducted in sophisticated English. This creates a dual-layered obstacle, not only in academics but also in campus integration. Many such students experience a cultural and linguistic shock, further exacerbated by the fact that English is rarely their primary language at home. Currently, at

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[29] HOUSEHOLD SOCIAL CONSUMPTION ON EDUCATION IN INDIA, MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (Government of India 2017).
[30] Kirtikar Srivastava*, supra* note 25.

CNLU, we have a Tamil student who does not know either English or Hindi. I provided a faculty mentor to him but he is still struggling. In an unprecedented decision, I permitted an oral end-semester examination for him in the last semester.

Even other students, particularly from marginalised sections of society, spend around a year just to improve their English, facing significant hurdles during the initial years of their study.

To improve English, we must have special sessions for the students coming from vernacular mediums. CNLU has signed an MoU with the ISB to help us in this regard.

VI. CHALLENGES FACED BY SEXUAL MINORITIES

The NLUs in India are regarded as premier institutions for legal education. However, despite their stature, LGBTQ candidates often encounter significant challenges that hinder inclusivity and create barriers to equality. One of the primary challenges faced by LGBTQ students is the absence of clear anti-discrimination policies in NLUs. Most NLUs lack dedicated guidelines or grievance mechanisms to address discrimination based on sexual orientation or gender identity. The absence of such institutional frameworks often leaves LGBTQ students vulnerable to harassment and discrimination.

Housing policies in NLUs are typically rigid and segregated by binary gender norms, creating significant challenges for transgender and non-binary students. They often face difficulties in accessing accommodation that aligns with their gender identity, leading to discomfort

and a lack of privacy. Legal education in NLUs rarely engages with queer jurisprudence or the rights of LGBTQ individuals in a comprehensive manner. This invisibility perpetuates ignorance among students and faculty, further marginalising LGBTQ voices. At NALSAR, it took me days to convince my administrative team to agree to shift a transgender student from a boys' to a girls' hostel. Similarly, in CNLU, despite my keen interest, I could not accommodate a similar request. Of course, to make life easier for such a student, I gave that student an out-of-turn single seated room.

Even small initiatives like the removal of Mr/Ms from NALSAR degrees and gender-neutral washrooms were widely appreciated in the national media.

The number of students from Sexual Minorities is rising and I have witnessed this in the last Academic years at CNLU. This may be because of growing awareness and exposure that these students can identify as to who they are. In this regard, we also need to sensitise our campus environment so that they are readily accepted and don't feel alienated

VII. POOR REPRESENTATION OF RELIGIOUS MINORITIES

It is pertinent to note that the *IDIA Diversity Survey Report 2021-22* highlighted gross under-representation of the Muslim community.[31] "*While Muslims constitute around 14% of India's population, only 3.42% of the students admitted to the leading NLUs belonged to the Muslim community.*"[32] Other religious minorities except Zoroastrians are well represented.

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[31] Kirtikar Srivastava, *supra* note 25.
[32] *Id.* at 5.

Even at CNLU, the figures are only close to 5% and if we look at representation from female Muslim students, the figures are really concerning.

VIII. HIGH SUICIDE RATES AMONG MEMBERS OOF DISADVANTAGED SECTIONS INCLUDING SCS AND STS

As per Government data - 35,950 students had committed suicide between 2019-2021.[33] Some of them come from Higher Educational Institutions.

While entry is given to the students from marginalised backgrounds following Government guidelines on reservation, these students have the same passing and promotion rules as other students. There is a growing aspiration among these marginalised background students to climb up the economic hierarchy to overcome social barriers. But many times such students end their lives.

It is a matter of fact that NLUs have to give good research output and at the same time there are aspirational students from marginalised communities who have had no such exposure who at times struggle to even get passing marks and promotion. They do face issues of finances, the digital divide, and the language barrier among others. Something we should also ponder upon is the academic stress these students face.

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[33] HT Correspondent, *35,950 students died by suicide between 2019-21: Govt tells Parliament*, HINDUSTAN TIMES (2023), https://www.hindustantimes.com/india-news/35950-students-died-by-suicide-between-2019-21-govt-tells-parliament-101701787158684.html.

There has been a growing number of suicides among students from prestigious universities including the NLU's. The reasons do include academic stress which is highly prevalent among members from the disadvantaged section. Back in 2013, I had an opportunity to chair a committee to consider the short-term and long-term measures to reduce student stress in compliance with the directions of the Andhra Pradesh High Court in PIL No.106 of 2013 and the Orders of the Hon'ble High Court dated 30.4.2013.[34] I had suggested following short-term and few long-term measures to overcome the problem of suicides:

A. SHORT- TERM

1. The UGC should establish a dedicated task force to monitor student mental health and prevent suicides. This task force should operate similarly to anti-ragging committees, proactively identifying and addressing academic and emotional distress.
2. Each instance of student suicide should be thoroughly investigated by an internal university committee. This committee must have adequate representation from marginalised communities, including Scheduled Castes ("**SC**"), Scheduled Tribes ("**ST**"), Other Backward Classes ("**OBC**"), and minority groups.
3. Before taking disciplinary actions like detention or expulsion, the university's disciplinary committee must mandatorily consult with the Student Grievance Committee.

[34] PIL No.106 of 2013, Andhra Pradesh High Court

4. To address student grievances and appeals against decisions of the Student Grievance Committee, universities should establish a system of University Ombudsmen, as per Government of India guidelines.
5. To ensure effective grievance resolution, larger universities should consider establishing Academic Grievance Committees at the departmental level.
6. Universities should implement preparatory and bridge courses to support marginalised students, including SC/ST/OBC students, students with disabilities, first-generation learners, and economically disadvantaged students. Peer learning systems should be encouraged wherever possible.
7. In addition to employing professional counsellors, universities should explore the use of Restorative Justice techniques, a successful model adopted by NALSAR University of Law, to address student well-being.
8. Universities must adhere to their academic schedules, ensuring timely completion of courses and the declaration of results, especially for supplementary examinations.
9. All universities must actively implement the UGC Regulation on Promotion of Equity in Higher Educational Institutions, 2012, to ensure equal opportunities and eliminate discrimination on campus.

B. LONG TERM

1. The universities should endeavour to put in place a systematic system of getting students' feedback on the quality of teaching, student services, and institutional infrastructure.
2. All committees constituted by the universities should preferably have external members from the SC, ST, OBC and minority communities.

IX. DIGITAL DIVIDE

The issue of digital access and affordability in India highlights the stark inequalities in access to education through EdTech platforms. A typical EdTech product costs approximately ₹20,000 per year, equivalent to 77.5% of the per capita income for the lowest wealth quintile of Indian households, whose average annual income is ₹25,825. This makes such services largely unaffordable for the bottom 20% of Indian households.[35]

The 2017-18 National Sample Survey Office's report on Social Consumption of Education highlights a significant digital divide in India's education system. A mere 9% of students have access to a computer with internet while 25% have internet access through any device. The disparities are particularly pronounced between urban and rural areas with 21% of urban students having access to a computer with internet compared to only 4% in rural areas. This stark difference underscores the urgent need to bridge the digital divide to ensure equitable access to education for all students. [36]

Access is also significantly influenced by socioeconomic status. Students from the richest 10% of households have the highest access to digital infrastructure, while marginalised communities remain largely excluded. For instance, only 4% of Scheduled Tribe and 4% of Scheduled Caste students have access to a computer with internet, compared to 7%

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[35] OXFAM INDIA, DIGITAL DIVIDE, INDIA INEQUALITY REPORT (2022), https://www.oxfamindia.org/knowledgehub/workingpaper/india-inequality-report-2022-digital-divide.

[36] *Id.*

of OBCs and 21% of students from the 'Others' caste group. These disparities emphasise the urgent need for targeted policies to bridge the digital divide and ensure equitable access to education for all.

For the students coming from underprivileged backgrounds, it is difficult for them to adapt to technical means of first using a laptop and then writing a Research Paper quickly from the first semester itself. To somehow minimise the digital divide, Both at NALSAR as well as CNLU, I started a laptop bank, and the old laptops of faculty members were given to deserving students.

X. PERSONS WITH DISABILITIES

In the context of the recent Supreme Court ruling in the case of *Rajive Raturi v. Union of India*,[37] 2024 which addressed disability rights, it is crucial to examine the inclusion of students with disabilities ("**PWD**") in legal education. According to the *IDIA Diversity Survey Report, 2021-2022* conducted, 9.62% of the students[38] identified themselves as persons with disabilities, underscoring the need for greater accessibility and inclusion in educational institutions.

Under Section 32 of the Right of Persons with Disabilities Act, 2016 ("***2016 Act***"), all government institutions of higher education, including those receiving financial aid from the government, must reserve at least 5% of seats for persons with benchmark disabilities. A person with benchmark disabilities is defined as one who suffers from 40% or more of

[37] Rajive Raturi v. Union of India, 2024 SCC OnLine SC 3217.
[38] Kirtikar Srivastava, *supra* note 25.

any type of disability, as per the Act's Schedule. This provision was reinforced by the Supreme Court in the case of *Disability Rights Group & Anr. v. Union of India*,[39] where the Court directed that all government-aided institutions of higher education must adhere to this statutory requirement. The Court further mandated that institutions submit annual reports to the Chief Commissioner for Persons with Disabilities or the State Commissioner, to ensure that these provisions are not merely symbolic but are being implemented effectively.

However, students with disabilities face significant challenges within educational settings. A recurring difficulty for them, particularly in the context of legal education, is the accessibility of learning materials. Making class notes during lectures or attempting to read them afterwards becomes cumbersome due to issues like small font sizes in textbooks and other reading materials. Even with the availability of accessibility labs in libraries that assist with listening to materials, devices such as computers, laptops, and smartphones often cause eye strain, worsening existing visual impairments. This strain is exacerbated by the pressure of completing multiple assignments, and other coursework, all of which require extensive use of computers. This prolonged screen exposure significantly impacts the vision and well-being of students with disabilities, highlighting the need for better support systems and alternative accommodations.

Digital Accessibility labs have been established at CNLU Library. The infrastructure in the campus has been made to accommodate the needs of differently abled members of the University. With regards to Housing

[39] Disabled Rights Group v. Union of India, (2018) 2 SCC 397.

facilities for students, I have been able to reserve the ground floor rooms at NALSAR. There is an urgent need for all of us to make faculty and staff housing differently abled friendly.

There exists another issue of inclusion of faculty members with special needs. Those who are differently-abled. Even at a time when most of the National Law Universities have complied with the requirements of giving 5% of horizontal reservation to differently-abled students, the situation looks less encouraging in the PWD's representation in the faculty.

Now suppose the recruitment has been done. Do we have housing facilities to meet the special requirements of these faculty members is something to be asked. What are the promotion opportunities available to such members of our teaching community?

XI. LIMITED CAREER CHOICES

On the topic of career accessibility, an overwhelming 87.23%[40] of respondents admitted that their ultimate career choices are significantly influenced by their socio-economic background. This points to a glaring inequality in opportunities, particularly for those from underprivileged backgrounds.

This point highlighted by this study is equally concerning. We must understand that the Universities exist for and because of students. We have to diversify legal education to suit everybody's needs. We will have to guide them towards something they wish to do in their life based on our

[40] *Id.* at 12.

experiences and exposure. We will have to make Research work rewarding for the students so that students from marginalised backgrounds are also able to think of this as a career option.

Students from marginalised sections of the society more often than not require financial stability and security and that becomes a big reason why a number of them appear for government services like Civil Services and Judicial Services. A majority of them also join corporate sector. In CNLU, most of the students prepare for the Government services. A number of these students are the first ones in generations to be formally educated at undergraduate level yet their performance in judicial services is outstanding.

It is apparent that guiding and motivating students is our primary work. We need to create an environment where students' legitimate aspirations thrive and grow. We also need to work on developing capacities whereby a student from marginalised communities has the option to choose a career traditionally unavailable to him. Universities must come up with creative ideas.

We must come forward to make our campuses inclusive in the true sense of the term. We owe a duty towards underprivileged sections of our students. We need to hold their hands.

XII. CONCLUSION

This Article traced the historical evolution of legal education and examined how entrance exams like CLAT disproportionately benefit privileged students and limit opportunities for those from

underrepresented backgrounds. The discussion also brings attention to the under-representation of religious and sexual minorities in NLUs. There is thus the need for stronger anti-discrimination measures and inclusive policies.

Additionally, the impact of globalisation on legal education which focuses on the importance of equipping students with the skills to thrive in an increasingly interconnected legal landscape is focused. To ensure that NLUs meet both domestic and global demands, the article advocates for reforms in curricula, improved access to legal education, and enhanced support for marginalised students. These efforts will help create a more inclusive environment and prepare legal professionals to succeed in both national and international settings. This will ultimately lead to the formation of a more equitable legal system.

NLUJ Law Review

Professor (Dr.) Dilip Ukey, *The Imperative Role of Scholarly Research in Legal Education,* 11(1) NLUJ L. REV. 340 (2025)

THE IMPERATIVE ROLE OF SCHOLARLY RESEARCH IN LEGAL EDUCATION

~ *Professor (Dr.) Dilip Ukey*[*]

ABSTRACT

Scholarly research is an integral aspect of legal education which can help bridge the gap between learning theoretical frameworks and practical realities. In today's day and age, legal research has evolved itself to transcend beyond doctrinal boundaries by incorporating interdisciplinary approaches to address the various complexities of this globalised and technologically advanced world. With the introduction of Artificial Intelligence, the scope of legal education also needs to evolve beyond physical terrains and to encompass the vast digital landscape. However, this is easier said than done. There are many challenges to this endeavour including digital divide, lack of synchronisation in online learning, infrastructural shortcomings etc. To bridge this gap, fresh research and development hold the potential to serve as catalysts for creativity and innovation further driving advancements in higher education to tackle these obstacles. The National Education Policy lays specific focus on critical thinking and interdisciplinary approaches with an aim to foster innovation while reimagining legal curricula. Additionally, Clinical Legal Education and project-based research have gained prominence which has massively promoted the integration of practical

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skills and collaborative methodologies to make students more equipped to address real-world legal challenges.

In this context, the agenda for scholarly research is not simply to keep pace with the changing contours of law but also includes steering its evolution to ensure that it remains a force for justice, equity, and societal growth. In order to align Indian legal education to international competitive standards, universities can take steps to further and incorporate opportunities like faculty and student exchanges, standardised transnational curricula, and joint degree programs with global institutions. This will not only ensure that India's legal system remains globally competitive and socially relevant, but also innovative. This paper attempts to underscore this need and importance of integrating scholarly research, particularly towards gauging a better understanding of technology, as a cornerstone of modern legal education.

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I. INTRODUCTION

Law is an instrument of social change and thus, naturally exists in a state of perpetual flux and motion in order to perpetually evolve within a dynamic society. The wide and expansive interpretation accorded to "*personal liberty*" under Article 21 of the Constitution of India is a striking example of this evolution of law inspired by the dynamic progress of human society.[1] Over time, the judiciary skilfully infused this provision with profound meaning. Consequently, it has now come to be associated with issues ranging from environmental justice to privacy, demonstrating the law's capacity to adapt and grow with societal needs and advancements.[2]

Technology exists as another transformative social element with its relevance increasing by the day, indicating an urgency for law to adapt to it. With the advent of technology, law is no longer confined to the physical realm but has expanded itself into the vast digital space as well. Artificial Intelligence ("**AI**") for instance is reshaping disciplines across the spectrum—from politics and education to entertainment. Allowing humans to reimagine life as we know it, it has become an essential tool of modern life.

Scholarly research today plays a dual role: it enhances the quality of legal education by fostering critical thinking and also informs evidence-

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[1] INDIA CONST. art. 21; Maneka Gandhi v. Union Of India, AIR 1978 SC 597 (India).
[2] Shweta & Tauseef Ahmad, *Transformative Constitutionalism and the Role of Judiciary in India: Balancing the Interest of the People with Societal Reforms*, CONSTITUTIONAL LAW SOCIETY, NATIONAL LAW UNIVERSITY, ODISHA, (May 17, 2019) https://clsnluo.com/2019/05/17/transformative-constitutionalism-and-role-of-judiciary-in-india-balancing-the-interest-of-people-with-societal-reforms/.

based policymaking. Once rooted in didactic, lecture-driven methods, legal education has now significantly transitioned to a more conversational and interdisciplinary approach by embracing collaboration across multiple fields of study.[3] This transformation reflects the pivotal realisation that law is no longer an isolated discipline but rather is intertwined an intricate web of relationships with other domains. For example, the concept of 'arrest' now necessitates exploration of concepts like 'digital arrest' a contemporary phenomenon arising from technological advancements.[4] Without the robust integration of research, law risks becoming irrelevant in the face of rapid societal and technological changes.

While law has moved from an originalist approach focused on strict textual interpretation, to a more liberal, integrative approach that mirrors the evolving beliefs and values of society, legal education must mirror this progression too. There is an urgent need to foster interdisciplinary research that can potentially bridge the gaps between different disciplines and can prepare future legal professionals to engage with complex, multi-dimensional challenges. By embracing interdisciplinary, collaborative, and technology-driven research, legal education can equip graduates and help them build functional skills necessary to thrive in the transnational legal services market.

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[3] Rose Voyvodic & Mary Medcalf, *Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance of Windsor*, 14 WASH. U. J. L. & POL'Y 101 (2004).

[4] The Hindu Bureau, *What is 'digital arrest scam' and how can you protect yourself?*, THE HINDU, (Oct. 28, 2024), https://www.thehindu.com/news/national/digital-arrest-scam-how-to-protect-yourself/article68806494.ece.

This paper attempts to advocate for a more research-oriented model of legal education. Part II begins with tracing the journey of development of legal education in India while Part III identifies the challenges and hurdles faced by it in present times in its evolved form. Part IV onwards we begin to explore how research is an instrumental and irreplaceable aspect of legal education in present times and transcend into a proper understanding of research holds the potential to transform not just legal education, but is also an imperative tool for solving real-world challenges, in Part V. Further, VI advocates for the adoption of Clinical Legal Education in order to integrate the theory with practice and to promote experiential learning. Part VII advocates for the positive integration of technology into legal education while comparing it with the current trends in legal education in Part VIII before concluding in Part IX.

II. UNDERSTANDING THE MEANING AND EVOLUTION OF LEGAL EDUCATION IN INDIA

In order to understand the higher education system in modern India, it is pertinent to fathom the journey of legal education so far as it will put things in context. Swami Vivekananda, in his visionary writings, profoundly emphasised the transformative power of education in shaping a society.[5] He firmly believed that the progress of a nation is intrinsically linked to the development of its people and that education should serve as the cornerstone for unlocking human potential to its fullest extent.[6] For

[5] A.K. Tiwari, *The Relevance of Swami Vivekananda Education and the Vision in the 21st Century-An Investigative Article*, SSRN (Sept. 8, 2020) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3662318.
[6] *Id.*

him, education was not a mere tool for acquiring knowledge but a means to holistic growth, bridging the journey from individual development to societal progress, and ultimately, to universal upliftment. He saw education as a force capable of transcending personal boundaries, nurturing enlightened individuals who contribute to collective harmony and universal welfare. His philosophy underscores the idea that true education is one that elevates not only the intellect but also the spirit, paving the way for a more just, equitable, and interconnected world.[7]

Legal education in India was first seen during the Vedic era where education was associated with dharma and was intended to guide humans in different walks of their lives.[8] In its nascent stage, it was not formalised and the process of learning was through discovery and self-realisation. The teachings in the Vedas were passed on through Shrutis and Smritis, i.e., through word of mouth.[9] Even though there were no independent institutions to impart legal education, instituti6ons in ancient India like Takshashila and Nalanda offered education in multiple disciplines and attracted scholars from across the globe.[10] During the Mughal Era, new courts emerged, however, the administration of justice and the manner of operation of these courts was not streamlined and the king had an

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[7] Dr Mohammad Sayid Bhat, *Educational Philosophy of Swami Vivekananda*, 2(2) JRIE 131 (2016).
[8] Madhubrata Mohanty, *Establishment of Lawyers' Academy to Promote Legal Education - The Need of the Day*, 4(2) ASIAN J. LEGAL EDUC. 176, 181 (2017).
[9] Nidhi Sharma, *Clinical Legal Education in India: A Contemporary Legal Pedagogy*, 8 INDIAN J.L. & JUST. 165, 181 (2017).
[10] THE FUTURE OF INDIAN UNIVERSITIES: COMPARATIVE AND INTERNATIONAL PERSPECTIVES (C. RAJ KUMAR ed., Oxford University Press 2018).

important role to play.[11] These institutional challenges underscored the need for trained professionals, including lawyers and judges, to study the laws and implement them effectively. During the British Raj, the initial legal framework bore similarities to the model established by the Mughals.[12] However, as the system evolved, it became evident that the courts, which were initially presided over by merchants lacking legal expertise, required trained judicial officers to ensure proper administration of justice.

The absence of legal knowledge among these early adjudicators highlighted the necessity of having skilled and knowledgeable judges, paving the way for a more structured and professional judiciary. This shift marked a critical turning point in the development of the Indian legal system, laying the foundation for modern legal education and the professionalisation of the judiciary. However, even then and despite the Regulating Act of 1773,[13] (often known as the pre-cursor to the Advocates Act 1961[14]) and the establishment of the Supreme Court in Calcutta, Indian legal practitioners were not allowed to appear before the Supreme Court as advocates. Attorneys solely included British trained lawyers until 1793.[15] Thus, at that point the important of scholarly research in legal system was largely overlooked. The criteria for excellence were fastened to one's nationality and place of descent rather than academic or professional merit.

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11 Philip B Calkins, *A Note on Lawyers in Muslim India* 3(2) L. & SOC'Y REV. 403, 406 (1969).
12 Kate Blackwood, *British adapted Mughal systems of justice to establish rule in India,* THE COLLEGE OF ARTS & SCIENCE, (June 26, 2023), https://as.cornell.edu/news/british-adapted-mughal-systems-justice-establish-rule-india.
13 Regulating Act, 1773, 13 Geo. 3. c. 63 (Eng.)
14 The Advocates Act, 1961, No. 25, Acts of Parliament, 1961 (India).
15 A. N. Veeraraghavan, *Legal Profession and the Advocates Act*, 1961 14(2) J. INDIAN L. INST. 228, 231 (1972).

However, over a period of time, conditions ameliorated leading to further developments in the legal landscape. The need of professional legal education became particularly urgent in late 19th century when trained legal professionals were required to assist the British in court related work.[16] This marked the formalisation of legal education in India.[17] Despite this, higher studies in law remained inaccessible for most Indians, as they could only be pursued in Britain by joining the prestigious Inns of Court. For many, this opportunity was financially unattainable, leaving advanced legal education out of reach for the majority.[18]

III. INDIAN LEGAL EDUCATION SYSTEM: OBJECTIVES, CURRENT CHALLENGES, AND THE NEED FOR REFORM

It is a trite fact that today's modern educational framework is a reflection of the colonial rule. Most of the judicial and legislative structures standing today were established on the anvil of the British Raj machinery with necessary amends. Various committees like the Radhakrishnan Committee (University Education Commission 1948-49), the Bombay Legal Education Committee (1949), and the Setalvad Committee (1954) expressed their disillusionment and dissatisfaction with legal education in their reports, highlighting its defects and deficiencies.[19] However, it was the Gajendragadkar Committee (1970) that effectively articulated the objectives

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[16] Shivani Salunke, *Legal Education in India: Reflecting on the Past for a Brighter Future*, ASIAN J. OF LEGAL EDUC., 1 (2024).
[17] *Id.*
[18] *History of the Legal Profession*, THE BAR COUNCIL OF INDIA, http://www.barcouncilofindia.org/about/about-the-legal-profession/history-of-the-legalprofession/.
[19] A.P. Aggarwal, *Legal Education In India* 12(2) J. LEGAL EDUC., *12*(2), 231–248 (1959).

and aims of legal education in India, considering the perceived needs of such education in a nation committed to the rule of law, democracy, constitutionalism, social, economic, and political justice, as well as respect for fundamental rights and basic freedoms. As per the Gajendragadkar Committee, the aim of legal education "*would be to make the students of law good lawyers who have absorbed and mastered the theory of law, its philosophy, its functions and its role in a democratic society*".[20] The vision of legal education is to provide a justice-oriented education essential to realise the values enshrined under the constitution. Legal education should prepare professionals to handle new challenges of globalisation which is bringing a paradigm shift to legal practice and education. Accordingly so, path-breaking scholarly research, to respond to these new challenges and to resonate with the idea and goals of our constitution, is the need of the hour.[21]

The last few years have seen a sea change in Indian legal education. Statutory bodies like the University Grant Commission ("**UGC**") and Bar Council of India ("**BCI**") have played a pivotal role in maintaining checks and balances and ensuring quality education. The concept of National Law Universities ("**NLUs**") is a remarkable and unique innovation in the realm of legal education, unparalleled anywhere else in the world. Unlike other countries, where law schools are often integrated into multidisciplinary universities, India stands apart by establishing dedicated institutions solely for the study and advancement of legal education.

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[20] B. C. Nirmal, *Legal Education in India: Problems and Challenges*, 20 IIUMLJ 139 (2012).
[21] National Knowledge Commission, *Report of the Nation 2007*, GOV'T OF INDIA (2007), https://epsiindia.org/wp-content/uploads/2019/02/Knowledge-Commission-Report-20071.pdf.

Having said that, it is important to note that legal education and research is inextricably linked with the country's socio-cultural context. The purpose of legal education and research is not merely to impart legal knowledge but also to further the development of the legal system in such a way that the society advances with changes in technology, politics, culture, economy etc; and it is in light of this that the New Education Policy ("**NEP**") has suggested many reforms to the current education system. It emphasises heavily on critical thinking, problem solving, and practical learning exposure in order to improve students' learning outcomes, particularly for those who come from humble backgrounds. One of the goals of the NEP is to institutionalise research financing, which is crucial for advancing scholarly research in higher education.[22]

With the advent of globalisation, legal education has developed multiple dimensions.[23] Online classes, recorded lectures and online evaluations have become the new common. With the inclusion of AI, data analysis, biotechnology in education, the scope of legal education has expanded like never before. In order to facilitate extensive research in higher educational institutions, the National Research Foundation will act as a nodal body to foster a strong research culture and build research capacity in higher education.[24] The New Education Policy, 2023 aims to

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[22] Pavan Mandavkar, *National Education Policy 2020 & Research in Higher Education*, SSRN (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4715999.

[23] C. Raj Kumar, *Legal Education, Globalization, and Institutional Excellence: Challenges for the Rule of Law and Access to Justice in India*, 20(1) J. GLOB. LEGAL STUD. 221 (2013).

[24] *Anusandhan National Research Foundation* ("**ANRF**"), DEPARTMENT OF SCIENCE & TECHNOLOGY ("**DST**"), https://dst.gov.in/anusandhan-national-research-foundation-anrf

improve the standards of distance learning by introducing online courses, digital repositories and credit-based Massive Open Online Courses ("**MOOCs**").[25] In fact, an independent agency called the National Education Technology Forum ("**NETF**") is proposed to be set up in order to promote technological innovation in education, enhancing classroom processes and teacher development.[26]

Despite these advancements in legal education, several pressing challenges demand immediate attention. One of the most significant issues is the deficient infrastructure in many law schools, both government and private. Many institutions lack an adequate campus to accommodate students, sufficient library spaces, and access to high-quality legal reference material. While remote access to e-libraries has become a valuable resource for students in some institutions, this facility is still absent in many state and private colleges, leaving a significant portion of students without access to essential academic tools. The absence of computer labs, research centres, and moot court rooms only further exacerbates the issue, threatening to deprive deserving students of the practical exposure crucial for a holistic legal education.[27]

Even in NLUs, which have dedicated research centres for several areas of study, the potential for impactful research remains underutilised due to the burdensome teaching and administrative responsibilities placed

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[25] *Understanding The New Education Policy In India, Indian School of Public Policy*, ISPP (Feb. 2, 2024), https://www.ispp.org.in/understanding-the-new-education-policy-in-india/.
[26] *Id.*
[27] Tarun Krishna Kumar, *The Plight of National Law Universities in India*, THE WIRE (2019), https://thewire.in/livewire/the-plight-of-national-law-universities-in-india.

on faculty members. Systemic issues such as the UGC's lack of recognition for Research Assistant Professors as 'tenure-track' faculty members[28] further hinder the development of robust legal scholarship. Additionally, the National Eligibility Test ("**NET**"), a compulsory requirement for entry-level academic positions, rewards rote learning rather than evaluating fundamental research aptitude,[29] significantly undermining its effectiveness as a tool for fostering scholarly inquiry.

The curriculum and syllabi in many law schools also require urgent revamping. Legal education must move beyond traditional doctrinal studies to include policy-oriented, multi-disciplinary, and vocational courses, as envisioned in the NEP. Such courses would not only enrich students' understanding of law's intersection with other fields but also equip them with practical skills to address real-world challenges. Addressing these gaps is essential to build a legal education system that is both inclusive and capable of producing globally competent legal professionals.

IV. RESEARCH – A JOURNEY FROM THE KNOWN TO THE UNKNOWN

Research, inarguably is the lifeblood of legal education. The term originated from the Middle French term 'recherche', meaning, "*to go about*

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[28] UGC REGULATIONS ON MINIMUM QUALIFICATIONS FOR APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF IN UNIVERSITIES AND COLLEGES AND MEASURES FOR THE MAINTENANCE OF STANDARDS IN HIGHER EDUCATION, 2010, UGC, https://www.ugc.gov.in/oldpdf/regulations/revised_finalugcregulationfinal10.pdf.

[29] John J. Kennedy, *Opening the wrong gates to Phd Aspirants*, THE NEW INDIAN EXPRESS (2024), https://www.newindianexpress.com/opinions/2024/Apr/18/opening-the-wrong-gates-to-phd-aspirants.

seeking'. It signifies a systematic and careful examination to discover or explore a particular phenomenon.[30] It allows us to effectively dissect the multiple dimensions of law—social, psychological, ethical, technological, and more, thereby, enabling a deeper and more comprehensive understanding of how law regulates and transforms the behavioural aspects of society.

The aim of any research undertaken academically is to move from the known towards the unknown. It involves delving deeper into what already exists and uncovering new knowledge and insights. Research, at its core, is a process of inquiry, and is a journey driven by curiosity and rigour. This process, however, must be both systematic and methodological as, *sans* a structured approach, desired outcomes are unlikely to be achieved. True research is not simply confined to finding answers but is also a quest to challenge existing boundaries, to contribute to the collective understanding, and to help advance knowledge in a meaningful and impactful way. Research can take various forms, ranging from inventive to exploratory, diagnostic to remedial, and even correlational, but the ultimate aim of all research is to step into unfamiliar territory and to understand the unknown.[31]

Legal research has traditionally been associated with doctrinal methodologies. Doctrinal research, which involves the study of legal

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[30] *Research*, OXFORD ENGLISH DICTIONARY, https://www.oed.com/dictionary/research_n1?tl=true.

[31] JOY M. MERSKY & DONALD J. DUNN, FUNDAMENTALS OF LEGAL RESEARCH (Foundation Press 8th ed. 2002).

propositions through an analysis of statutes, case laws, and legal reasoning,[32] treats law primarily as a set of doctrines rather than a dynamic social phenomenon. However, this traditional view is gradually evolving to yield way to a more holistic and interdisciplinary understanding of law and legal research.

V. TRANSFORMING LEGAL EDUCATION THROUGH RESEARCH: A CALL FOR ACTION

Law is a global phenomenon and cannot be studied in isolation. In fact, as per the Association of American Law Schools Committee in Research, "*Unless new research departures are made, the law schools and the legal profession may well become ineffectual and perhaps redundant in regard to the major legal issues of the day and of the future.*"[33] Research is a *sine qua non* for a successful professional existence, regardless of the field. It is a pursuit of value addition in the current society. It is often defined as a "*process of identifying and retrieving information necessary to support legal decision-making. In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation.*"[34] In other words, legal research is a systematic investigation of law related issues and problems. Any issues related to legal philosophy, legal history, comparative study of legal problems can be better understood through legal research. Hence, it involves a systematic

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[32] Rita Abhavan et al., *A Critical Appraisal of Doctrinal and Non-Doctrinal Legal Research Methodologies in Contemporary Times*, 3(1) INT'L J. CIV. L. & LEGAL R. 8 (2023).
[33] Paul F. Teich, *Research on American Law Teaching: Is there a Case Against the Case System?*, 36 (2) J. LEGAL EDUC. 167 (1986).
[34] Mersky & Dunn, *supra* note 31.

examination of legal problems with appropriate methodological framework.

India has emerged as a global leader in recent years, showcasing exponential growth as it transitions from a material-based economy to a knowledge-driven one. This transformation underscores India's commitment to harnessing intellectual capital as a primary driver of development and global influence. To sustain this trajectory, India requires fresh perspectives and ground-breaking innovations in the realm of knowledge creation. It is imperative to bridge the gap between knowledge production and its practical applications by fostering a robust ecosystem that transforms intellectual discoveries into tangible assets, such as patents and copyrighted material. By prioritising research, innovation, and the protection of intellectual property, India can not only strengthen its global standing but also pave the way for a more sustainable and inclusive future rooted in intellectual excellence.

Dr. Manmohan Singh in one his addresses remarked, "*India of the 21st Century will be made in universities and other centres of learning and they shall remake India and the world.*"[35] It is in this light that scholarly research must strive to create ideas that will help the address the age old problems of poverty, unemployment, illiteracy and disease and respond to new challenges that India is currently facing.

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[35] Dr. Manmohan Singh, INDIAN PRIME MINISTER, India of the 21st century will be built in the classrooms: PM, Address at the sesquicentennial (150 years) of the University of Madras (Sept. 5, 2008), *in* PMO ARCHIVE (2008), https://archivepmo.nic.in/drmanmohansingh/content_print.php?nodeid=686&nodetype=2.

Traditionally, research in legal education has been doctrinal in nature. Doctrinal research is one that is carried out on a legal proposition by analysing the existing statutory frameworks through legal reasoning or rational deductions.[36] Legal education treats law as a doctrine and not as a social fact. The situation is vastly different now with the advent of technology. Legal education now extends far beyond the confines of books and case laws and now is administered in a more interdisciplinary approach.

In a democracy like India, legal education plays a dual role: as a protector and as a facilitator. It needs to be understood that legal education is a tool for social justice. Yet, historically, legal education confined itself to doctrinal inquiries, emphasising the interpretation of statutes and judgments.[37] However, now with the rapid advancement of technology and its pervasive influence on society, legal education has expanded its horizons. Law is now increasingly viewed as an interdisciplinary tool that interacts with technology, society, and culture. The shift from doctrinal research to more empirical and interdisciplinary approaches reflects the changing demands of the modern legal landscape. Legal research today actively indulges with the complex and multifaceted issues that transcend traditional boundaries. It deals with the intersection of law with technology, ethics, and numerous other variables which impact societal dynamics. By embracing this broader approach legal research holds the potential to not

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[36] Mersky & Dunn, *supra* note 31.
[37] Joel F. Handler, *The Role of Legal Research and Legal Education in Social Welfare*, 20 STAN. L. REV. (1968).

only advance academic understanding but also to contribute substantively to the resolution of real-world legal challenges in an ever-evolving world.

VI. CLINICAL LEGAL EDUCATION

Legal education has undergone a paradigm shift over the years. It has incredibly evolved from having a predominantly theoretical approach to one that increasingly emphasises on practical training and experiential learning. At the forefront of this transformation is Clinical Legal Education ("**CLE**"), which serves as an instrumental bridge between the theoretical foundations of law and its practical application. CLE goes beyond imparting substantive legal knowledge. It effectively and productively integrates procedural understanding, ethical considerations, and the professional skills essential for a successful legal career. It equips students to not just learn what the law is, but also to engage with what the law ought to be, fostering a deeper understanding of justice and its application and administration in the society.[38]

CLE has now become an indispensable part of the undergraduate law curriculum and holds a prominent position in the educational strategies of reputed law schools worldwide. In the United States, often regarded as the birthplace of CLE, nearly 90% of law schools incorporate clinical methods into their teaching, using law school clinics as a foundational tool for blending theory and practice.[39] Similar progress has been observed in

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[38] Hugh McFaul, *Does Clinical Legal Education Need Theory?,* 7(2) ASIAN J. LEG. EDUC. 152 (2020).

[39] Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy Georgetown University*, 18 CLINICAL L. REV. 505 (2012).

countries like Canada, Australia, South Africa, and India, where CLE programs have gained recognition for their value in enhancing legal education. In Canada and Australia, for instance, governmental reviews have lauded the significance of clinical methods, leading to their expansion in law school curricula.[40] In India, the BCI and the UGC have spearheaded reforms to include practical training components in law programs, many of which stem from the clinical education movement.[41] These efforts align with broader initiatives like the legal aid camps and Lok Adalats, which require robust support from law school clinics for effective functioning.

Despite its growing relevance, CLE faces multiple and significant challenges, including inadequate support from law schools, faculty, and the legal profession. This apathy stems from misconceptions and a lack of understanding about the role and scope of CLE among educators, students, and members of the legal fraternity. Disseminating awareness and sensitising stakeholders to the importance of CLE is imperative to ensure active student participation, faculty involvement, and institutional backing from the bar and the bench. Research on methods to combat the challenges associated with CLE can possibly allow for an effective implementation of CLE in legal education. Further it holds the potential to provide students

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[40] DR. VICKY KEMP, DR. TINE MUNK, & SUZANNE GOWER, CLINICAL LEGAL EDUCATION AND EXPERIENTIAL LEARNING: LOOKING TO THE FUTURE (The University of Manchester 2016), https://hummedia.manchester.ac.uk/schools/law/main/news/Clinical-Legal-Education-Final-Report28.09.2016.pdf.

[41] Shamnad Basheer & Sroyon Mukherjee, *Regulating Indian legal education: Some thoughts for reform*, SSRN (2010), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1584037.

with an integral opportunity to develop critical analytic skills and problem solving techniques which will guide them in their future endeavours.

The essence of CLE lies in its massive emphasis on 'learning by doing' which allows students to engage with real clients, navigate their legal problems, and apply theoretical knowledge to practical scenarios. By enabling students to assume the roles that lawyers play in real life, it prepares them for the multifaceted demands of the legal profession. It combines doctrinal and empirical methods by encouraging students to critically analyse legal doctrines, statutory principles, and exposing them to their operational parameters in real world situations.

Ultimately, CLE effectively integrates experiential learning with traditional methods to offer a holistic approach to legal training which fosters a deeper engagement with the law. It empowers students to approach legal issues with a critical and practical mindset, ensuring that they are not only well-versed in legal principles but are also equipped to and capable of applying them effectively to serve society. By prioritising CLE, law schools can bridge the gap between academic instruction and professional practice, creating a generation of lawyers equipped to navigate the complexities of modern legal systems.

VII. TECHNOLOGY AND LEGAL EDUCATION

The role of technology in the legal field can be analysed on two interconnected levels. *First*, as a transformative tool, it needs to be seen that technology has revolutionised the way legal education is imparted and now serves as a powerful medium to facilitate learning. Right from virtual

classrooms and digital libraries to legal databases and AI-assisted research tools, technology has enhanced accessibility, efficiency, and the overall learning experience for students and professionals alike. *Second*, technology itself has become a critical area of study within the legal curriculum, as the digital landscape continues to reshape societal interactions.[42] Therefore, understanding emerging fields such as technology law, data privacy, cybersecurity, and AI is indispensable for a comprehensively imparting legal education.

In this digital age, legal education is not merely aimed at mastering traditional doctrines but is increasingly also focused on equipping students to effectively and skilfully navigate the complexities of the technological era. Thus, technology is both a means of advancing legal education and a subject that demands rigorous academic inquiry in order to ensure that the legal profession remains relevant and responsive to the challenges of a rapidly evolving world.[43] Recent incidents of virtual gang rape reported in the Metaverse cannot be ignored.[44] It is important that there is scholarly research in the legal field on this subject because it is pertinent to ensure that students are prepared for the rapidly growing impact of technology on society and hence, the law. Scholars have suggested that there should be a

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[42] Ryan Whalen, *Defining Legal Technology and its Implications,* 30(1) INT'L J. LAW & INFO. TECH. 47 (Spring 2022).
[43] *Id.*
[44] The Hindu Bureau, *Virtual Gang Rape Reported in the Metaverse; Probe Underway*, THE HINDU (Jan. 4, 2024), http://www.thehindu.com/sci-tech/technology/virtual-gang-rape-reported-in-the-metaverse-probe-underway/article67705164.ece.

"*whole of curriculum, or immersion, approach to digital literacies*" and many of them consider digital technologies a "*broader context of law*".[45]

Technology is revolutionising the legal field, transforming the way legal services are delivered, last visited, and understood. It is streamlining processes that were once time-consuming and complex, enabling greater efficiency, accuracy, and accessibility. Tools like AI and Machine Learning are assisting in legal research by quickly analysing vast amounts of data, identifying relevant case laws, and even predicting legal outcomes based on precedent.[46] Document automation software is simplifying the drafting of contracts and agreements, freeing up valuable time for legal professionals to focus on more complex tasks.[47]

Courtrooms, too, are witnessing a technological transformation with the advent of virtual hearings, e-filing systems, and digital evidence management, making justice delivery faster and more accessible, particularly in remote or underserved areas.[48] Blockchain technology is ensuring the integrity and security of legal transactions, especially in areas like intellectual property and contract law. Moreover, technology is fostering greater transparency and inclusivity in legal processes by democratising access to legal information through online platforms and legal-tech start-ups.[49]

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[45] Kate Galloway, *A Rationale and Framework for Digital Literacies in Legal Education*, 27 (1) LEGAL EDUC. REV. (2017).
[46] Whalen, s*upra* note 42.
[47] *Id.*
[48] *Digitization of Courts*, PRESS INFORMATION BUREAU (2023). https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1896034.
[49] Whalen, s*upra* note 4.

Beyond these operational improvements, technology is enabling legal professionals to address emerging challenges such as cybersecurity, data privacy, and AI regulation, ensuring that the law evolves alongside societal advancements.[50] In essence, technology is not just a tool for efficiency; it is a catalyst for innovation, reshaping the very fabric of the legal landscape and preparing it for the demands of a digital future.

VIII. CURRENT TRENDS IN LEGAL RESEARCH

Pure or basic research has been in trend since the beginning of legal education, which has immensely contributed in generating new theories and having a better understanding of the legal processes in the society. It is a method to find out ways to make law better and more effective instrument for achieving the larger good.[51]Another notable trend in legal research is the growing prominence of project-based research. Traditionally, research in the legal domain was confined to a limited number of scholars; however, universities worldwide are now heavily investing in dedicated budgets, directors, and multidisciplinary teams to foster innovative legal inquiry. Numerous governmental and private agencies, such as the Indian Council of Social Science Research, Department of Justice, National Commission for Women, and State Human Rights Commissions, are offering significant funding for such research initiatives, underscoring the importance of legal scholarship in addressing societal issues.

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[50] *Id.*

[51] Ernest M. Jones, *Some Current Trends in Legal Research*, 15(2) J. LEGAL EDUC., 121 (1962).

A consequence of this trend is the growing reliance on foundational support for legal research. While such support offers substantial resources, it is not without its very own challenges. The potential for bias, driven by the foundational agenda, which may compromise the objectivity of research, threatens to sometimes steer it towards narrative-building rather than impartial inquiry. Additionally, when the funding comes from international organisations, there is a high risk that the research scope may align with the priorities of global legal studies, potentially side lining domestic concerns or perspectives.

Another noteworthy development in legal research is the increased emphasis on interdisciplinary collaboration.[52] This reflects the growing recognition of the interconnectedness of law with other fields, leading to collaborative efforts between legal scholars and researchers from disciplines such as psychiatry, political science, anthropology, sociology, and economics.[53] A significant milestone in this movement was observed in 1956 when academics from diverse fields in the United States convened with legal professors to explore the possibilities and limitations of interdisciplinary work in law and social sciences.[54] Such collaborations have paved the way for richer, more holistic legal research, addressing complex societal issues through a multidisciplinary lens.

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[52] K. Rajashree et al., *Advancements in Legal Education in India: Challenges and Opportunities for Interdisciplinary Research*, 8(1) ASIAN J. LEG. EDUC. 66 (2021).
[53] Mathias M. Siems, *The Taxonomy of Interdisciplinary Legal Research: Finding the Way out of the Desert*, 7(1) J. COMMONW. L. & LEGAL EDUC. 5 (2009).
[54] *Id.*

Therefore, as we look at the present day, it is unmistakeable that legal research is occupying an increasingly important role in shaping policies and legal frameworks, highlighting its role as a dynamic and adaptive field that is increasingly collaborative and globally connected.[55]

IX. CONCLUSION

In conclusion, the importance of scholarly research in legal education cannot be overstated. As globalisation continues to transform international relations and the very nature of the legal profession, it is imperative for legal education to evolve in tandem with these changes or risk being rendered redundant and outdated. The introduction of AI as a tool for legal education holds immense potential, but its benefits must be distributed equitably and strategically in order to bridge the existing digital divide. While online courses have expanded access to education, they also still grapple with challenges such as a lack of synchronisation between teacher and student, and coherence in content delivery, all of which need to be comprehensively and carefully addressed to ensure effective learning.

Research and development act as the driving forces behind creativity and innovation, playing a pivotal role in addressing the challenges of globalization and competition in higher education. In this regard, the NEP is a visionary step that has introduced a new dimension to paradigmatic research in India's higher education sector, emphasising the importance of interdisciplinary approaches and collaboration.

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[55] Richard C. Donnelly, *Some Comments Upon the Law and Behavioral Science Program at Yale*, 12(1) J. LEGAL EDUC. 83 (1959).

Staying relevant in a rapidly changing global market, legal educators and regulatory authorities requires that we restructure legal education to prepare graduates for transnational legal services. Implementing a standardised transnational curriculum, encouraging semester exchange programs, and fostering collaborations between local and international institutions are crucial measures. Joint degree programs and partnerships with globally recognised institutions like the NLUs, National Institutes of Technology and Indian Institutes of Technology can significantly enhance the quality of legal research and education. These initiatives are not only necessary to equip future lawyers to compete on a global scale but will also go a long way in ensuring that India's legal education remains a beacon of innovation and excellence in the 21st century.

Professor (Dr.) S. Surya Prakash, *Legal Education and Teachings for Social Justice,* 11(1) NLUJ L. REV. 366 (2025)

LEGAL EDUCATION AND TEACHINGS FOR SOCIAL JUSTICE

~ *Professor (Dr.) S. Surya Prakash*[*]

ABSTRACT

Legal education is vital in shaping legal professionals who uphold justice and equity. However, traditional law school curricula often focus on doctrinal learning while neglecting critical perspectives on social justice and access to justice. To bridge this gap, legal education must adopt a more holistic approach that integrates social justice principles, fostering lawyers who can address systemic inequalities.

This article explores the role of legal education in promoting social justice, examining its constitutional foundation in India, particularly through the Directive Principles of State Policy and socio-economic legislation. It also highlights the judiciary's role in advancing social justice through landmark rulings. Additionally, the article emphasizes the need for experiential learning, legal aid clinics, and inclusive legal training to equip future lawyers with the tools to challenge injustice. By embedding social justice into legal education, law schools can produce professionals who not only understand the law but also work toward a fairer and more equitable society.

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I. INTRODUCTION

Law is the means to deliver justice as the end. Hence, we may call law an instrument to achieve social justice. Thus, law and legal education can be an instrument for social good in several ways. In recent years, social justice has emerged as a powerful driver for work, both in law schools and in the legal services sector. Legal education is a cornerstone in shaping legal professionals who will navigate and influence the justice system. It has always been associated with the pursuit of justice and the protection of individual rights. In a society that deeply values fairness and equity, it plays a significant role in promoting social good by equipping law students with the necessary skills to address legal and social issues.

Firstly, legal education can enable students to identify and address social injustices. By studying legal principles and cases, students can develop a deep understanding of the complexities of legal systems and their impact on individuals and communities. Further, legal education can also provide students with a broader understanding of social issues and help them develop critical thinking and problem-solving skills that are essential for addressing these issues. Thus, integrating social justice teachings within legal education is essential to create lawyers who understand the law, both in its letter and spirit, and who aim to uphold equity and fairness in a society which is marked by deep systemic inequalities.

The Constituent Assembly declared its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and drafted for her

a Constitution for her future governance.[1] The Constitution of India guaranteed and secured social, economic, and political justice for all the people of India.[2] It became the vision of the people and a promise, speaking through its preamble and some of the enacting provisions, that there shall be secured to all the citizens, social justice.

It must be noted at this juncture that social justice is not just a static idea. It has been a passion of philosophers, politicians, sociologists, and other social thinkers including the liked of Plato and Aristotle, to brood over social justice and define its parameters from time to time. Plato believed that the society being composed of different types of men — the producing type, the military type, the ruling type — is brought together under the impulse of their need for one another, to make a perfect whole.[3] According to him, a society is a depiction of Human mind. Thus, social justice is achieved when each of the abovementioned groups perform their natural roles.[4] Justice can be understood as a bond that holds the society together as a harmonious union of individuals; and social justice must uphold that bond. Aristotle described social justice as distributive justice, emphasizing on the proportionate allocation of office according to the worth of the individual.[5] He saw distributive justice as the most powerful instrument for the preventing revolutions, which helped in the strengthening unity and integrity of the society.

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1 INDIA CONST. Preamble.
2 *Id.*
3 Dr. Bhandari, *Plato's Concept Of Justice: An Analysis*, PAIDEIA ARCHIVE (1998), https://www.bu.edu/wcp/Papers/Anci/AnciBhan.htm.
4 *Id.*
5 J.L. ACKRILL, ARISTOTLE THE PHILOSOPHER (Oxford University Press 1981).

II. THEORETICAL FOUNDATIONS OF SOCIAL JUSTICE IN LEGAL EDUCATION

The concept of social justice is rooted in the idea of achieving a fair and equitable society where the rights of individuals are respected, and any systemic disadvantages are addressed. Scholars like John Rawls and Amartya Sen have emphasized principles such as equality of opportunity and the removal of institutional barriers to justice while theorizing their idea of social justice.[6]

Many legal education systems globally prioritize doctrinal learning, which includes teaching students to interpret statutes, analyse case law, and apply legal principles to fact patterns. While such training is essential, it often neglects critical perspectives that consider societal implications of the law. Thus, holistic legal education should play a dual role. The normative part should focus on instilling values of equity, justice, and fairness, while the practical part should equip future lawyers with tools to identify and dismantle structures of oppression within the legal framework. This dual role necessitates a curriculum that is not just doctrinal, but also critical and interdisciplinary. Legal education must critically examine how laws are framed, interpreted, and enforced, and their impact on marginalized communities.

[6] Shambhavi Goswami & Arvind Sharma, *Analysing Rawls Theory of Justice through Amartya Sen's Perspective*, 2 INDIAN J. INTEGRATED RSCH. L. 1 (2022).

III. SOCIAL JUSTICE AS A CORE OBJECTIVE IN LEGAL CURRICULUM

Social justice, a principle that champions equity, inclusivity, and fairness, is fundamental to the rule of law and democracy. Incorporating social justice as a core objective in legal education ensures that the future custodians of the legal system are not only skilled in interpreting and applying the law, but are also conscious of their role in creating a more equitable society. Legal education, when intertwined with the ideals of social justice, shapes lawyers who serve as advocates for systemic change, protectors of human rights, and defenders of the marginalized. The legal profession is inherently linked to social justice as lawyers and judges are key players in shaping societal norms and ensuring equality before the law. By embedding social justice into the legal curriculum, students develop a critical understanding of how laws impact diverse social groups differently. They become equipped to challenge unjust structures, address systemic discrimination, and uphold the principles of justice and fairness. Social justice-oriented education also ensures that the legal profession aligns itself with the broader societal goals of inclusivity and human rights, thereby enhancing the credibility of legal institutions. A legal curriculum that prioritizes social justice seeks to achieve several interrelated objectives.

Embedding social justice in legal education involves restructuring curricula to address pressing social issues. Incorporating courses on social justice i.e., courses like Human Rights Law, Environmental Justice, Gender Justice, and Public Interest Law among others, helps students explore the intersection of law and social equity.

Further, legal education should ensure representation from diverse backgrounds including both, faculty and students. A diverse learning environment enriches discussions and fosters empathy. It should emphasize experiential learning through partnerships with non-profits, community organizations, and grassroots movements.

IV. SOCIAL JUSTICE UNDER THE INDIAN CONSTITUTION

The Constitution of India in its Preamble has assured the people of *'three-dimensional justice',* which encompasses the idea of social justice.[7] As discussed above, social justice emphasizes on fairness and equality in the society by removing economic, social, and political disparities. It seeks to ensure that all individuals, particularly the marginalized and underprivileged, have access to opportunities and resources for their holistic development. In the Indian context, social justice aligns with different ideals including, but not limited to reducing caste-based discrimination, providing equal opportunities for women, eradicating poverty, and securing basic rights such as education and health.

The concept of social justice in India is deeply rooted in its constitutional, cultural, and philosophical traditions, emphasizing equality, fairness, and inclusivity. The Constitution of India embodies the principles of social justice through its Preamble, Fundamental Rights, and Directive Principles of State Policy, aiming to eliminate discrimination and uplift marginalized communities. Teachings of leaders like Mahatma Gandhi,

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[7] *Social Justice Bench*, SUPREME COURT OF INDIA (2014), https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/notices-circulars/2014-12-17_1418816381.pdf.

who advocated for eradication of untouchability and economic self-reliance, and Dr. B.R. Ambedkar, who championed the rights of Dalits and advocated for social reform, form the foundation of India's approach to social justice. These principles emphasise on equal opportunities, dignity, and empowerment for all sections of society, irrespective of caste, gender, or religion. Through legal frameworks, affirmative action, and welfare schemes; India continues to strive toward an equitable society where social justice remains a guiding force in policymaking and governance.

The Directive Principles of State Policy ("**DPSPs**"), enshrined in Part IV of the Constitution of India reflect the vision of the framers for a welfare state.[8] Inspired by the Irish Constitution, these principles are non-justiciable, meaning that they cannot be enforced by courts. However, they are fundamental in guiding the state in formulating laws and policies that promote social and economic justice.[9] Together, the DPSPs and the principle of social justice form the cornerstone of India's constitutional vision to create a fair, equitable, and inclusive society. The DPSPs aim to achieve social justice by addressing systemic inequalities and setting aspirational goals for governance. The following sections discuss these mandates in detail:

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[8] Khushi Pandya, *Comparative Analysis of Directive Principles of Social Policy under the Irish Constitution and Directive Principles of State Policy under Indian Constitution,* SSRN (December 19, 2021), https://ssrn.com/abstract=3989021.
[9] *Id.*

A. ECONOMIC JUSTICE

Article 38(1)[10]: Mandates the state to promote the welfare of the people by securing a social order in which social, economic, and political justice shall inform all institutions of national life.

Article 39(b) and Article 39(c)[11]: Mandates equitable distribution of material resources and prevention of wealth concentration.

B. SOCIAL JUSTICE

Article 39(a)[12]: Directs the state to secure that the citizens right to an adequate means of livelihood, regardless of their economic status.

Article 41[13]: Provides for the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disability.

Article 46[14]: Enjoins the state to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections.

C. GENDER JUSTICE

Article 39(d)[15]: Stipulates that men and women should receive equal pay for equal work.

Article 42[16]: Directs the state to ensure just and humane conditions of work and maternity relief.

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[10] INDIA CONST. art. 38(1).
[11] INDIA CONST. art. 39(b), (c).
[12] INDIA CONST. art. 39(a).
[13] INDIA CONST. art. 41.
[14] INDIA CONST. art. 46.
[15] INDIA CONST. art. 39(d).
[16] INDIA CONST. art. 42.

D. EDUCATIONAL JUSTICE

Article 45[17]: Initially directed the state to provide free and compulsory education for children up to the age of 14, which later became a fundamental right under Article 21A.[18]

E. HEALTH AND WELFARE

Article 47[19]: Directs the state to raise the level of nutrition, standard of living and improve public health.

In contemporary times, DPSPs remain highly relevant as the guiding principles for policymaking. Programs such as the National Food Security Act, Mahatma Gandhi National Rural Employment Guarantee Act ("**MGNREGA**"),[20] and the Right to Education Act,[21] reflect the influence of DPSPs in advancing social justice. Thus, the DPSPs embody the spirit of social justice and serve as a moral compass for governance in India. While their non-justiciable nature poses challenges, their integration with Fundamental Rights and judicial interpretation has significantly contributed to advancing equity and inclusivity. By addressing systemic inequalities, the DPSPs continue to shape India's journey toward a just and equitable society.

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[17] INDIA CONST. art. 45.
[18] INDIA CONST. art. 21A.
[19] INDIA CONST. art. 47.
[20] National Food Security Act, No. 20, Acts of Parliament, 2013 (Ind.); Mahatma Gandhi National Rural Employment Guarantee Act, No. 42, Acts of Parliament, 2005 (Ind.) ("**MGNREGA**").
[21] The Right of Children to Free and Compulsory Education Act, No. 35, Acts of Parliament, 2009 (Ind.).

V. SOCIO-ECONOMIC LEGISLATION IN INDIA

Socio-economic legislation refers to laws enacted to address social and economic disparities, promote equitable resource distribution, and enhance the quality of life for marginalized and vulnerable populations. These laws address systemic inequalities, promote social justice, and ensure economic empowerment for marginalized groups. Further, they aim to foster a fairer society by addressing issues such as poverty, discrimination, unemployment, housing, and education. Socio-economic legislation in India is a cornerstone of its constitutional vision to create a just and equitable society.

They often draw their legitimacy from constitutional principles of equality, justice, and the welfare state. Rooted in the DPSP, socio-economic legislations aim to uplift disadvantaged sections by providing legal frameworks for their rights and welfare. Landmark laws include the Minimum Wages Act, 1948,[22] which ensures fair remuneration for workers; the MGNREGA 2005,[23] which guarantees employment to rural households; and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,[24] which protects vulnerable communities against discrimination and violence. Additionally, laws like the Right to Education Act, 2009,[25] and the National Food Security Act, 2013,[26] address basic needs such as education and nutrition, contributing to human development. By

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[22] Minimum Wages Act, No. 11, Acts of Parliament, 1948 (India).
[23] *Id.*
[24] Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33, Acts of Parliament, 1989 (Ind.).
[25] *Id.*
[26] MGNREGA, No. 42, Acts of Parliament, 2005 (Ind.)

bridging socio-economic disparities, these legislations play a pivotal role in India's journey toward sustainable development and social justice. However, effective implementation remains a challenge, requiring robust governance and public participation to realize their full potential.

A. OBJECTIVES OF SOCIO-ECONOMIC LEGISLATION

Socio-economic legislation aims to foster a just and equitable society by addressing systemic disparities and ensuring the well-being of all citizens. The primary objective is the reduction of inequalities in wealth, resources, and opportunities, thereby bridging the gap between privileged and disadvantaged groups. These laws promote social justice by ensuring fair treatment and equity for marginalised communities, protecting their rights, and fostering inclusivity. They contribute to economic stability by providing welfare programs, and a safety net for vulnerable populations, helping them overcome poverty and deprivation. Another significant goal is the upliftment of marginalised communities, empowering women, minorities, and socially excluded groups through targeted measures and affirmative action. Additionally, socio-economic legislation supports sustainable development by integrating economic growth with environmental protection and social equity, ensuring long-term prosperity for future generations. These objectives collectively drive the transformative impact of such laws in creating a balanced and inclusive society.

VI. JUDICIAL INTERPRETATION AND SOCIAL JUSTICE

The judiciary plays a pivotal role in upholding social justice, which seeks to ensure equality, fairness, and the eradication of systemic discrimination. As the guardian of the Constitution, and the interpreter of laws, the Indian judiciary has been instrumental in advancing social justice through landmark decisions, proactive interventions, and its power of judicial review. The provisions of Articles 32,[27] and 226,[28] confer a good deal of discretion on the Constitutional Courts. There are clear indications in the judicial pronouncements that the courts are taking cognizance of the violation of the fundamental rights of the citizens and through judicial activism gave life to the Public Interest Litigation ("**PIL**"). By safeguarding fundamental rights and enforcing constitutional principles, the judiciary acts as a catalyst for social change, addressing inequalities and protecting the marginalized. The judiciary's role in promoting social justice is integral to achieving the constitutional vision of an equitable society. By protecting rights, enforcing constitutional principles, and addressing systemic inequities, the judiciary acts as a beacon of hope for the marginalized. However, continued efforts are needed to ensure that judicial pronouncements lead to meaningful and lasting social change. The following section addresses some of those Supreme Court's landmark rulings.

[27] INDIA CONST. art. 32.
[28] INDIA CONST. art. 226.

In *Olga Tellis v. Bombay Municipal Corporation*,[29] the pavement dwellers in Mumbai challenged their eviction, arguing that it violated their right to livelihood under Article 21 of the Indian Constitution.[30] The Court held that the right to livelihood is an integral part of the right to life. It recognized the plight of the urban poor and emphasized that eviction without providing alternative accommodations was unjust. This case reinforced the judiciary's commitment to social justice by protecting the rights of marginalized groups.

In Vishaka *v. State of Rajasthan (1997)*,[31] the issue arose after a woman was gang-raped while attempting to stop child marriages. The petitioners highlighted the absence of laws addressing sexual harassment in the workplace. The Court established guidelines, which later came to be known as the *Vishaka Guidelines*, to prevent and address workplace harassment, emphasizing gender justice and equality. This judgment was a milestone in protecting women's rights in India, leading to the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.[32]

In *People's Union for Democratic Rights v. Union of India (1982)*,[33] several activists filed a petition alleging exploitation of workers in the construction of Asian Games infrastructure, arguing violations of labour laws and fundamental rights. The Court held that non-enforcement of labour laws

[29]Olga Tellis v. Bombay Municipal Corporation (1985) 3 SCC 545.
[30] INDIA CONST. art. 21.
[31] Vishaka v. State of Rajasthan (1997) 6 SCC 241.
[32] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013.
[33] People's Union for Democratic Rights v. Union of India (1982) SCC (L&S) 262.

amounted to a violation of fundamental rights under Articles 14,[34] 19,[35] and 21.[36] This judgment reaffirmed the judiciary's role in ensuring socio-economic justice for vulnerable workers.

In *Muir Mills v. Suti Mill Mazdoor Union*,[37] wherein it was stated that social justice must be founded on solid foundations and not fanciful notions of any adjudicator. However, a sample survey of the judicial decisions will indicate that adherence to a specific line is missing and the portrait of a developing idea is to be discerned, the contours still taking shape. If the criterion of greatest good for greatest number was applied in *Sadhu Ram v. Pulin Behari*,[38] the concept of distributive justice was found to have its own appeal in *Lingappa v. State of Maharashtra,*[39] while municipal cleanliness leading to an environment free of pollution and public nuisance was the dominant consideration in *Municipal Council, Ratlam v. Vardichan.*[40]

During the last four decades, the Supreme Court and the High Courts have delivered hundreds of judgments to protect the fundamental rights of the citizens in different spheres of life. Classroom discussions on PIL, particularly the judgments of Justice V.R.Krishna Iyer, Justice, P.N. Bhagwati, Justice B.L.Hansaria, etc., on bonded labour, child labour, contract labour, child rights, women rights, etc., are useful to explore the different dimensions of social justice. Further, the clinical courses like visits

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[34] INDIA CONST. art. 14.
[35] INDIA CONST. art. 19.
[36] *Supra* note 14.
[37] Muir Mills Co. Ltd. v. Suti Mills Mazdoor Union, (1954) 2 SCC 708.
[38] Sadhu Ram v. Pulin Behari (1984) 3 SCC 410.
[39] Lingappa v. State of Maharashtra (1985)1 SCC 479.
[40] Municipal Council, Ratlam v. Vardichan (1980) 4 SCC 162.

to courts, police stations and prisons, etc., will help students understand the operation of the law at different places of law enforcement authorities.

VII. CONCLUSION

The welfare of the people is paramount and no social instrument, be it the Constitution or otherwise, would prove equal to its task unless it promotes the welfare of the people and can be effectively used to wipe every tear from every eye. Social justice is not merely an aspirational goal but a foundational principle that legal education must uphold, which is not embedded in other disciplines like physics, chemistry, and mathematics, etc. By making it a core objective of the legal curriculum, law schools can produce lawyers who are not only proficient in the law, but are also committed to creating a fair and just society. Such an approach ensures that the legal profession remains a vital tool for societal transformation, bridging the gap between the law's ideals and its real-world impact.

Socio-economic legislation forms the backbone of any welfare state, bridging the gap between constitutional ideals and ground realities. Despite challenges in implementation, these laws are essential for promoting equity, reducing poverty, and ensuring the holistic development of society. Effective governance, active judiciary, and vigilant civil society are critical in realizing the transformative potential of socio-economic legislation.

Legal education has the power to shape the values and priorities of future lawyers. By integrating teachings on social justice, it can produce professionals who are not only skilled in the technical aspects of law but also committed to creating a more equitable society. This requires a

collective effort from institutions, educators, policymakers, and students to embrace reform and prioritise the greater good. In a world fraught with inequalities, the pursuit of justice must remain at the heart of legal education.

NLUJ Law Review

Professor (Dr.) Manoj Kumar Sinha, *Legal Education in a Globalising World*, 11(1) NLUJ L. REV. 383 (2025)

LEGAL EDUCATION IN A GLOBALISING WORLD

~ *Professor (Dr.) Manoj Kumar Sinha*[*]

ABSTRACT

Globalisation and growing transnational legal complexities have deeply influenced legal education and the methods through which new generation of lawyers receive training. The traditional methods and domestic legal system- centric legal education have been facing a growing need to adapt to a law practice which crosses national frontiers. The present paper investigates the manner and impact of globalisation on legal education, focusing on redesigning of the curriculum, pedagogical strategies and emerging challenges. The paper explores the amalgamation of comparative and international law, the adoption of interdisciplinary approaches and the integration of informational technological tools to train law students for an international — or rather, global — law practice. Furthermore, the paper explores various hurdles, including access to resources, relativity or differences in culture, and aversion to transformation. The paper offers insights into the changing nature of legal education in a globalising world and provides suggestions for making it more accessible and maintaining its relevance.

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I. INTRODUCTION

Globalisation is a phenomenon in which the social, economic, and legal structures of various states are becoming increasingly interconnected. Globalisation has been defined as "*the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa*." [1] In the context of law, globalisation has led to convergence of legal norms, the practice of law, the development of international regulatory frameworks and the increasing influence of international institutions and organisations such as the World Trade Organization, the International Telecommunication Union, the International Monetary Fund and the United Nations, among others. Varying from trade contracts to the investigation and prosecution of crimes under international law, the legal world in which modern law practitioners operate extends beyond their national frontiers and domestic jurisdictions.

II. TRADITIONAL METHOD OF TEACHING

Traditionally, legal education has emphasised on municipal law, focusing on student training while considering a singular municipal legal system. Nevertheless, transnational disputes, globalisation, international trade and commerce along with international regulatory complexities, mount a challenge to the adequacy of such a traditional method.[2] Legal

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[1] N. L. Mitra & Manoj Kumar Sinha, *National Education Policy 2020 and Challenges to the Bar Council of India*, 10 ASIAN J. LEGAL EDUC. 7–22 (2023); A. GIDDENS, THE CONSEQUENCES OF MODERNITY 64 (Cambridge Polity Press 1990).

[2] LAW COMMISSION OF INDIA, REPORT NO. 184: THE LEGAL EDUCATION AND PROFESSIONAL TRAINING AND PROPOSALS FOR AMENDMENTS TO THE ADVOCATE ACT, 1961 AND THE UNIVERSITY GRANTS COMMISSION ACT, 1956 (2002).

practitioners are now faced with diverse legal regimes, both municipal and international, and thus are required to deal with international issues and challenges such as global climate change, complying with international human rights frameworks and addressing issues such as the refugee crisis and migration.[3] Legal education needs to develop in order to acknowledge and provide training which includes a global perspective and nurtures transnational competence in law students.[4] The National Education Policy of 2020 recognised that there is a need to adopt new technologies and better practices, in the field of legal education.[5] Simultaneously, there is a need to retain and uphold the basic constitutional values of justice and work towards national reconstruction with its foundation in democracy, rule of law and human rights. Legal education must be reflective of the social realities and practice of jurisprudence.

Legal education was revamped by the Parliament of India in 1961 following the recommendations of an expert committee, by enacting the Indian Advocates Act. This brought the legal profession throughout the country under uniform standards, while also creating duly elected bar councils at the state and central levels with the authority to manage the profession including setting standards for legal education.[6]Globalisation has influenced and altered the legal order at the municipal as well as the

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[3] UNITED NATIONS OFFICE ON DRUGS AND CRIME, REPORT ON GLOBAL STUDY ON LEGAL AID (United Nations, New York 2016).

[4] MINISTRY OF HUMAN RESOURCE DEVELOPMENT, NATIONAL EDUCATION POLICY 2020 ¶ 20.4 (Government of India 2020).

[5] *Id.*

[6] N. R. Madhava Menon, *The Transformation of Indian Legal Education*, HARV. L. SCH. PROGRAM ON THE LEGAL PROFESSION (2012).

international level. This necessarily requires that legal practitioners are equipped to navigate diverse and complex legal regimes. The expression 'globalisation of law' hints at an ever- intensifying dialogue between various municipal and transnational legal systems. This calls for a change in the stance of legal education; emphasis should be placed equally on municipal and international legal regimes.

III. COMPETITIVE LEGAL EDUCATION

The role of lawyers is growing, with legal practitioners increasingly needing to deal with transboundary legal disputes, international agreements for trade and commerce and the international legal regulatory framework. International organisations, multinational conglomerates and corporations, non-governmental entities and organisations play a crucial role in the evolution of the globalisation of law and the growing need for legal practitioners skilled in navigating diverse legal orders.[7] As such, legal education should aim to develop student competence by equipping them with the required skills to effectively navigate the global complex of legal regimes.

The conventional or traditional approach of teaching law, which incorporates learning through rote memorisation and emphasises on municipal law and cases, does not sufficiently prepare students for the operation of law in a globalising world.[8] The modern approach to teaching

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[7] FRANCIS SNYDER, THE FUTURE OF LEGAL EDUCATION IN A GLOBAL WORLD (Oxford University Press 2015).

[8] Upendra Baxi, *A note towards a socially relevant legal education*, 5(1)-(3) J. OF THE BAR COUNCIL OF INDIA 1, 11-20 (1976).

law emphasises on interdisciplinary learning while incorporating disciplines like economics, international relations, political sciences, and environmental sciences. For example, to understand the operation of international trade law calls for an understanding of international economic policies and trends.[9]

The phenomenon of globalisation has led to the crystallisation, or rather the evolution of a global regulatory regime wherein subjects such as human rights, environment and trade have emerged as significant aspects of legal curricula. Additions of this nature highlight the increasing significance of the evolving global regulatory regime. For example, the formulation of the Sustainable Development Goals ("**SDGs**") have stressed upon the need to include and study various aspects of law, development studies, economic, political and environmental strategies, in order to meet all critical targets of the 2030 Agenda [10]

With the growth of globalisation and transnational transactions, comparative legal studies have also become a prominent area of legal teaching and research, since legal practitioners are required to know and apply laws from varied jurisdictions to function in an international arena. The study of comparative law assists in broadening the understanding of

[9] TOM GINSBURG AND TERENCE C. HALLIDAY, GLOBALISATION AND ITS IMPACT ON LAW (Cambridge University Press 2012).
[10] United Nations Department of Economic and Social Affairs, *The 17 Goals*, UNITED NATIONS, https://sdgs.un.org/goals.

law students and enables the students to deal with legal disputes of transnational nature.[11]

Advances in digital and technological learning tools have provided a drastic impetus to legal education by making resources and content available through global online databanks such as Hein Online, JSTOR and Westlaw. Such online databanks equip law students with the ability to gain access to and learn from a variety of sources, about different jurisdictions, international organisations and institutions. [12]

Developing a curriculum to teach law in the context of globalisation presents its own hurdles, which may be in the nature of resource constraints as well as the requirement of balancing domestic and international perspectives. Such hurdles are particularly prominent in developing and least developed countries, given the challenges in accessing digital resources, global online databanks, the lack of training facilities and specialised teachers.[13] Furthermore, issues may arise regarding the cultural or social acceptance of global or international norms, particularly when they conflict with native ethical values. These may present themselves as challenges in teaching or practicing law within the global context. As such, legal education must address such challenges by promoting cultural sensitivity and ethical awareness in legal training.

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[11] WILLIAM TWINING, GLOBALISATION AND LEGAL THEORY 56 (Cambridge University Press 2009).
[12] RICHARD SUSSKIND, TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE 123 (Oxford University Press 2017).
[13] Snyder, *supra* note 6.

IV. TRANSITION FROM TRADITIONAL TO MODERN TEACHING APPROACHES

Transitioning from traditional to modern teaching approaches, legal education has evolved from a passive model to an interactive teaching and learning experience. Students are now encouraged to cultivate critical thinking, engage in experiential learning, and gauge the real-life implications and nuances of legal norms in an international context- for example, through moot courts and case studies.

Notably, the utilisation of technology is critical to modern legal education. The use of virtual classrooms and digital simulations help students participate in mock dispute resolutions mechanisms. For example, services like the Global Legal Hackathon offer avenues for students to engage in and resolve real-world legal issues while applying novel and innovative legal solutions.

Furthermore, collaborative ventures between universities across jurisdictions help students gain insight into various legal systems. Additionally, with the support of university LL.M. degrees, students can pursue careers in corporations or similar entities with a multinational presence and operations.

Notably, in 1990, the American Bar Association began the Central and Eastern European Law Initiative ("**CEELI**") which collaborated with the newly independent states in Central and Eastern Europe, connecting American law schools with law schools in these regions.[14] This program

[14] *About Us,* CEELI INSTITUTE https://ceeliinstitute.org/about-us.

was further extended to countries in Africa, Latin America and Asia, allowing for the development of ideas on globalisation and evolution of the legal profession. It has been observed that associations between law schools from different jurisdiction have contributed to the germination of law courses in international and comparative law. Such associations have led law schools to become more cognizant of legal education and practice in a globalised world.

It may not be out of place to say that globalisation offers new career avenues for law practitioners, including international dispute resolution mechanisms, human rights advocacy and legal counsel roles for international organisations and multinational corporations.

To understand and resolve global challenges, legal education needs to incorporate interdisciplinary and solution-oriented approaches. Providing affordable access to digital and online learning tools, along with fostering beneficial collaborations between universities from various jurisdictions, can help bridge the gap between developed and developing or least developed states.

Various law schools, such as New York University, Yale University, the National University of Singapore Law School, Shanghai's Fudan University Law School, along with newly established and emerging law schools across Asia, are developing curricula that provide opportunities to explore avenues of legal education in the context of both the Global North and Global South. These programs are designed not only to study law in a

global context but they also aim at globalising the experience of legal education by including peers from various jurisdictions and cultures and learning from teachers immersed in diverse pedagogical methods. Notably, law teaching and practice now draw from globally recognised legal textbooks, internationally recognised case law materials and legal principles.

Such broad and pervasive trends in legal education have also been subject to criticism. Proponents of the globalisation of legal education view it as a positive development. However, for domestic critics, it is a worrisome trend since it diverts attention away from domestic needs and context. Some critics argue that the globalisation of legal education contributes to the commercialisation or corporatisation of legal education and law schools. They contend that this shift is influenced by currents of neo-liberalism and redirects legal education to serve the priorities of the market. What this group of critics assert is that the deliberate alignment of legal education with the priorities and needs of capitalism establishes a standard for evaluating teaching and scholarship, determining the extent to which a law school fulfils its educational goals.

When considering the requirements of lawyers practicing or advising across multiple jurisdictions, international organisations and transnational corporations engage law practitioners to interpret, translate and apply legal rules in various legal systems. As a result, law schools are developing legal curricula that provides opportunities to study law in different jurisdictions, bringing teaching faculty from diverse legal backgrounds, and implementing various competitive initiatives to familiarise law students with legal exposure in a global context.

However, critics argue that an excessive emphasis on fulfilling the agenda of the global market may disrupt the domestic pedagogical goals of legal education. It has further been argued that the globalisation of legal education may exacerbate the inequalities among law schools and legal academia. This discrepancy becomes particularly stark when comparing private and public law schools. In most countries, public law schools often lack the resources to be competitive or at par with private law schools, which may have greater access to funding and infrastructure for teaching law in globalised context. As a result, a two-tier legal education may arise, with private law schools strongly emphasising on globalisation, while public law schools focus primarily on domestic jurisdiction.

Further, the forces of globalisation call for the homogenisation of legal education. This undermines the scope for nurturing intellectual diversity and disorients critical pedagogical approaches.

Nevertheless, as argued by Richard Wilson, the global dissemination of clinical legal education should not be simply reduced to a product of a neo-liberal agenda devised to spread the American method of legal pedagogy. He posits that clinical legal education is critical for the dissemination of law and development – an area that, while allied with the neo-liberal project, also presents radical challenges to such an agenda. [15]

[15] Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN. ST. INT'L. L. REV. 421, 428–31 (2004).

V. CONCLUSION

Contemporary discourse on the state and status of the legal education system in India highlights concerns regarding the lack of quality legal research and the absence of critical legal thinking, even within reputed institutions. Apart from the lack of critical engagement with the conceptual aspects of law, it has been noted that young law graduates often fall behind in their knowledge of procedural law, as observed by Hon'ble J. Dipak Mishra in the meeting of Vice Chancellors of NLUs held at ILI in 2018.[16] Justice Mishra further emphasised that despite the existence of National Law Schools for several decades, India has yet to attain international standards in the field of legal research. This requires that we invest in upgrading our research techniques and methodologies. A key reason cited for the lack of adequate legal research is the absence of incentives for researchers and teachers. It has often been pointed out that marginalisation and non-recognition of law teachers negatively impacts the quality of their work and commitment.[17] Consequently, the overall quality of legal education is deeply influenced by the calibre of law faculty, the commitment and analytical capabilities of students, and the availability of resources within teaching institutions.

It may be appropriate to state that the dissemination and evolution of legal knowledge is a complex and multi-directional process. While concerns about the currents of globalisation in legal education exist, the

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[16] Justice Dipak Mishra, Speech at Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms, Indian Law Institute (Sept. 1-2, 2018).
[17] *Id.*

debate should not centre solely on whether legal education should adopt a global or domestic focus. Instead, it should revolve around the competing perspectives on the global legal framework, particularly the interests vested in both international and domestic law. The globalisation of legal education should not be measured or ascertained merely by the number of law schools providing international partnerships or study abroad arrangements. Rather, it should be assessed based on whether globalisation of legal education has empowered the law student, practitioner, and academia to fruitfully question, engage and enhance legal thought and practice

Professor (Dr.) Amar Pal Singh, *Place of NLUs in India's Legal Education Ecosystem,* 11(1) NLUJ L. REV. 396 (2025)

PLACE OF NLUS IN INDIA'S LEGAL EDUCATION ECOSYSTEM

~ *Professor (Dr.) Amar Pal Singh*[*]

ABSTRACT

There comes a time in the life of an individual or a community, where one must pause, introspect, and evaluate as to whether it is moving in the right direction. Times are not static for 'everything changes except the rule of change'. The ecosystem of Indian legal education is no exception to change and a great amount of water has flown down in the rivers of India, since the experiment of National Law School system commenced. The contemporary scene of India's legal education ecosystem is far from satisfactory and the challenges that we face today are immense to say the least. This article seeks to address where we stand today, what has been achieved over the last seven to eight decades, and the direction in which legal education is headed – or should be heading.

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I. INTRODUCTION AND HISTORICAL CONTEXT OF LEGAL EDUCATION IN INDIA

Since the mid-20th century, when India gained independence and the opportunity to shape its destiny, the legal education arena went through a series of changes, from a time when no formal education was required to become a lawyer, to a mandatory two-year course, then a three-year course, and finally to the current five-year system.[1] At the time of independence, India had no structured legal education system in place, except a few university departments offering law courses. This was despite the fact that the legal community contributed tremendously to the freedom struggle and to the evolution of national consciousness. Many of the foremost leaders were eminent lawyers, including persons like Mahatma Gandhi, Pandit Jawahar Lal Nehru, Dr. B. R. Ambedkar and Sardar Patel. Yet there are no traces of any inclination demonstrated by them to prioritize the development of legal education.[2]

There may be two primary reasons for such oversight. First, India was economically underdeveloped struggling to be pulled out of its economic quagmire and therefore leading to the emphasis on science and technological education. Secondly, most of the lawyers at the time were functioning in a common law environment where advocacy was more a

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[1] V. Vijaykumar, *Legal Education in India and The National Law School Experiment - Achievements and Challenges, in* LEGAL EDUCATION IN INDIA: ESSAYS IN HONOUR OF PROFESSOR RANBIR SINGH 143, 143-151 (Lokendra Malik & Manish Arora eds., Universal Law Publishing 2014).

[2] Lovely Dasgupta, *Reforming Indian Legal Education: Linking Research and Teaching*, 59 (3) J. OF LEGAL EDUC. 432, 432-449 (Feb. 2010).

matter of practicing before courts rather than an intellectual pursuit in a structured university environment.[3]

II. COMMISSIONS, COMMITTEES AND THE BIRTH OF NATIONAL LAW SCHOOLS SYSTEM

Over time various commissions and committees examined the problems afflicting the legal education ecosystem and proposed their recommendations for improvements. The Radhakrishnan Commission, constituted in 1948, recommended for a strong foundation of pre-law degree in arts or science which enable interdisciplinary study fostering a proper understanding of social and economic problems of cultural issues. The Commission noted the adverse effects of English as the medium in general education and laid a special emphasis on the linguistic aspect of legal education, recommending that legal education should be in bilingual mode. The objective was to develop federal and state languages which could become a vehicle for expression of local sentiments giving an impetus to quality research and scholarly depth.[4] Accordingly, it suggested that the medium of instructions be gradually transitioned to regional languages.[5]

A mention of the Justice Gajendragadkar Committee of 1964 is essential in the context of the evolving legal education ecosystem in India.

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[3] RANBIR SINGH & JEET SINGH MANN, REFORMS IN LEGAL EDUCATION AND RESEARCH (Mohan Law House 2020).

[4] MINISTRY OF EDUCATION, THE REPORT OF THE UNIVERSITY EDUCATION COMMISSION (Government of India Dec. 1948 – Aug. 1949).

[5] *Dr. Radhakrishnan Commission Report on Higher Education*, 2 NMIMS J. OF ECON. AND PUB. POL'Y (Jan. 2017), https://epp-journal.nmims.edu/wp-content/uploads/2017/january/dr-radhakrishnan-commission-report-on-higher-education.pdf.

In 1963, the Delhi University appointed a Committee headed by the then Chief Justice of India to study the problem of reorganisation of legal education. The Committee submitted its Report, in 1964, recommending the establishment of a Council for Legal Education and three or four model National Law Schools that could attract dedicated and eminent law teachers. These institutions may serve as centres for continuous experimentation in new methods of legal education[6]. Justice Gajendragadkar reiterated that the teaching of law must progress through experimentation and that the trial-and-error method should be adopted in National Law Schools without hindrance or impediment. He emphasized that such an approach will ultimately serve the purpose of bringing about a new pattern of legal education.[7]

The understanding of Justice Gajendragadkar was probably to develop a few role models of legal education that could be emulated by other institutions across the country. The National Law School experiment that started in late 1980s with the establishment of National Law School of India University in Bengaluru ("**NLSIU**") followed by several other law schools, was a planned effort to develop role models in legal education. Nobody can deny that the establishment of these law schools in the country has been a breakthrough in legal education giving a new direction to the legal education field. One might recall that until the 1990s, legal education was a last resort for most students. Those who could not get admission

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[6] REPORT OF THE COMMITTEE FOR RE-ORGANISATION OF LEGAL EDUCATION IN THE UNIVERSITY OF Delhi, (University of Delhi 1964).

[7] P. K. Tripathi, *In the Quest for Better Legal Education*, 10(3) JOURNAL OF THE INDIAN LAW INSTITUTE 469, 469-491 (July – Sept. 1968).

anywhere else would turn to law. Contrarily, today, legal education is attracting the best minds across the country and there are cases where students have left medical education to opt for legal education. This kind of attraction towards legal education has been made possible only due to success of the law school experiment in India.

III. CHALLENGES IN THE CURRENT LEGAL EDUCATION ECOSYSTEM

Despite the definite breakthroughs in legal education due to the National Law Schools experiment, today, we are facing several challenges within the system. But one thing is certain - if there is any hope for developing law and legal education, law schools must play a dominant role – not only in terms of conducting new experiments in imparting legal education and evolving teaching pedagogies, but also in giving a new shape to legal education in the post-2020 era.

It is in this context, the author would like to discuss about the challenges that we face within the law school systems and explore ways to overcome them. The goal is for law schools not only to pioneer new experiments but also to provide support to less-equipped legal education centers, thereby shaping the national legal education system and contributing to the development of new types of legal education centers.

In this context it would be important to take note of the National Education Policy, 2020 ("**NEP, 2020**"), which talks about, "*Stand-alone institutions to develop into multidisciplinary institutions in next 10 to 15 years*".[8]

[8] MINISTRY OF HUMAN RESOURCE DEVELOPMENT, NATIONAL EDUCATION POLICY 2020 (Government of India 2020) ("**NEP, 2020**").

Through this, we shall see research universities and teaching colleges emerging all over the country. As the policy suggests, law and legal learning will have to find ways and means to develop their own model institutions in line with NEP directions. We might delay this for a while, but we must admit that we will have to move towards multidisciplinary teaching institutions, keeping law as the focus of our teaching-learning process. The author's view is that this will help in moulding legal education for the betterment of legal processes and serve the justice delivery system as well.

It is in this context that that the author sees the role of National Law Universities ("**NLUs**") in India's legal education ecosystem. To appreciate the role that NLUs can play, we need to first understand the current ecosystem of legal education in India. If we take a bird's-eye view of centres of legal learning in our country at the moment, there are over 170 government universities with law departments, and close to 250 private universities with centres of legal education. Additionally, there are around 400 government sector law colleges affiliated to various universities and close to 950 colleges in the private sector. And finally, there are 27 NLUs.

In this scenario, where should we look for most of the experimentation needed to develop new models of legal education? Without delving into the details of the competencies and resources available at government university law departments, private university law departments, government law colleges and private law colleges, the author believes that only NLUs in the country are in a position to provide guidance and offer the necessary handholding support to lesser-equipped centres of legal education.

But for that purpose, we need to first sort out our own problems and find solutions before we can aspire to become pioneers or beacons of experimentation in legal education and develop new models of legal institutions. There cannot be an exhaustive list of problems and their corresponding solutions, but the author shall attempt to highlight some of the more acute problems that need our attention. The discussion that follows does not make a claim of panacea for the challenges facing legal education. Rather it is an effort identify some areas of concern where effective work by the law school system in the country could help in shaping a better legal education ecosystem across India.

An intensely contentious issue in legal education has been the medium of instruction, which has been a topic of debate in India for a very long time. Interestingly, the Radhakrishnan Commission (1948) deliberated on this subject, and one of its key recommendations was that legal studies should be conducted in a bilingual mode.[9] The Commission's understanding was that a bilingual approach to legal education would gradually enable the introduction of regional languages to the High Court level. It reasoned that education in regional languages would provide a powerful stimulus to research, the expansion of knowledge, and the enrichment of legal literature and culture.[10]

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[9] *Dr. Radhakrishnan Commission Report on Higher Education*, 2 NMIMS J. OF ECON. AND PUB. POL'Y (Jan. 2017), https://epp-journal.nmims.edu/wp-content/uploads/2017/january/dr-radhakrishnan-commission-report-on-higher-education.pdf.

[10] *Id.*

The Indian Law Commission of 1958-59 also suggested that legal education be conducted in regional languages.[11] However, due to the lack of available materials on the subject, it preferred to postpone this for 25 to 30 years.[12] Later commissions and committee reports did not raise the question of language until the NEP, 2020, which specifically addressed multilingual efforts in the education system including legal education. It may be noted that there are valid arguments on both sides. While globalisation and internationalisation of education, access to global resources and constant interaction with the international community – one of the objectives of NEP, 2020 – require proficiency in English language, the counter-arguments are equally strong. The prevalence and continuance of English language as the medium of instructions acts as a major barrier for many students, particularly those from rural and non-English speaking backgrounds. Such students face enormous difficulties in understanding and communicating in English, which in many cases hinders their ability to pursue legal education effectively.

Ultimately, the choice of the medium of instruction in legal education should be guided by the principles of accessibility, inclusivity, and academic excellence. A balanced approach, which takes into account the diverse needs and contexts of students can help resolve the controversy surrounding the medium of instruction. In this context, we have the recommendations of the NEP, 2020, which seek to promote

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[11] LAW COMMISSION OF INDIA, REPORT NO. 14: 1 REFORMS OF JUDICIAL ADMINISTRATION (1958).

[12] JK Bhavnani, *Legal Education in India*, 4(2) J. OF THE INDIAN L. INST. 167, 167-190 (Apr. – June, 1962).

multilingualism and make Indian languages more relevant and vibrant. Fostering Indian languages, art and culture as well as promoting Indian languages in teaching learning process is one of the policy's key focus areas.[13]

Apart from this a few more important recommendations that need to be noted include an emphasis on high-quality programs and degrees in translation and interpretation, mainstreaming of Sanskrit, its integration into educational programs, the promotion of institutions dedicated to classical languages and the provision of scholarships for language courses. These will be the thrust areas of NEP, 2020.

Speaking from the perspective of a law student, what the author understands is that – whether we like it or not – if the NEP, 2020's thrust on multilingualism is any indicator, the use of Indian languages is going to increase not only in education process but also in litigation and other areas of justice administration. The Hon'ble Supreme Court of India has already launched the SUVAS Program which enables users to read Supreme Court judgements in any Indian language.[14] On 13th July, 2024, the then Chief Justice of India, Justice D. Y. Chandrachud observed that the use of Indian

[13] *Dr. Radhakrishnan Commission Report on Higher Education*, 2 NMIMS J. OF ECON. AND PUB. POL'Y (Jan. 2017), https://epp-journal.nmims.edu/wp-content/uploads/2017/january/dr-radhakrishnan-commission-report-on-higher-education.pdf.

[14] *Action Plan for Simple, Accessible, Affordable and Speedy Justice*, MINISTRY OF LAW AND JUSTICE (Aug. 10, 2023), https://pib.gov.in/PressReleasePage.aspx?PRID=1947490.

languages in court proceedings is something that the higher courts intend to promote.[15] How NLUs will respond to this is an open question.

It is worth noting that some private universities offering legal courses, have already introduced a range of language courses as part of their law programs. However, no National Law University has worked on the idea, to the best of the author's knowledge. NLSIU's experiment in offering liberal courses is the only initiative that comes to mind.

The observations of the Radhakrishnan Commission (1948) might sound prophetic today, which suggested, as we have noted earlier that legal education should be bilingual and that Indian languages need to be promoted in the legal learning process. The Commission emphasized that education in regional languages would provide a powerful stimulus to research, the expansion of knowledge and the enrichment of literature and culture.[16] It is also important to note that although Chapter 20 of NEP, 2020, exempts legal education from the purview the policy – leaving its regulation to the professional body, i.e., the Bar Council of India ("**BCI**") – the BCI's guidelines primarily mandate English as the medium of instruction and in case where the medium of instructions is any other

[15] Justice D.Y. Chandrachud, Convocation Address, Dr. Ram Manohar Lohiya National Law University, Lucknow (Jul. 13, 2014).

[16] *Dr. Radhakrishnan Commission Report on Higher Education*, 2 NMIMS J. OF ECON. AND PUB. POL'Y (Jan. 2017), https://epp-journal.nmims.edu/wp-content/uploads/2017/january/dr-radhakrishnan-commission-report-on-higher-education.pdf.

language, there must be at least two mandatory English Language papers in the curriculum.[17]

IV. PEDAGOGY, EVALUATION AND THE FUTURE OF LEGAL EDUCATION

The pedagogy of legal learning has been a matter of concern throughout the post-independence phase, particularly there has been consistent and continuing emphasis on clinical legal education. The introduction of Five-year Law courses followed by the law school experiment has been characterised by an emphasis on clinical legal courses. Part IV of the Bar Council of India (Education) Rules, 2008, specifically mandates the teaching of at least four clinical courses.[18] As professional legal education becomes increasingly experiential and clinical, and as societal and technological changes accelerate, resulting in a 'future shock' paradigm, law schools need to equip students to take on diverse roles in society across variety of positions.[19]

The range and scope of legal careers in contemporary India continue to expand, encompassing roles such as policy makers, administrators, lawyers, law teachers, judges, entrepreneurs and so on. As society becomes increasingly technical and artificial intelligence ("**AI**") reshapes industries, legal professionals face a growing array of complex and

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[17] *Part-IV, Rules of Legal Education*, 2008, BAR COUNCIL OF INDIA https://www.barcouncilofindia.org/info/bar-counci-bceugp.
[18] *Id.*
[19] N. R. Madhava Menon, *Clinical Legal Education: Concepts and Concerns*, *in* A HANDBOOK ON CLINICAL LEGAL EDUCATION (N. R. Madhava Menon ed., Eastern Book Company 1998).

evolving responsibilities. The question of legal pedagogy in this context, therefore, assumes crucial importance.

In this context, the NEP, 2020, emphasises the need for pedagogical transformation in view of a rapidly changing employment landscape and globalised ecosystem.[20] The Policy underscores that it is no longer sufficient for students to merely learn; rather they must develop the ability to learn *how to learn*. In this context, it is noteworthy that the educational process has been moving towards a less content-based and more learning-based approach that prioritises critical thinking, problem solving, creativity, multidisciplinary, innovation, and adaptability. The Policy therefore mandates that the "*educational process must be made more experiential, holistic, integrated, inquiry driven, discovery oriented, learner centred, discussion based, flexible and of course enjoyable*".[21]

Law school education has certainly acted as a catalyst in making the existing system of legal education more clinical and experiential by experimenting with processes like moot court competitions, project-based learning, and continuous evaluation thereby transforming legal education into a more well-rounded, useful and fulfilling process for the learner. Prior to the National Law Schools experiment in this country, legal education, like any other discipline was primarily focused more on rote learning with annual or semester exams of a purely subjective nature, wherein the students were expected to demonstrate their memorization skills. One of

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[20] NEP, 2020, *supra* note 8.

[21] N.L. Mitra & Manoj Kumar Sinha, *National Education Policy 2020 and Challenges to the Bar Council of India,* 10(1) ASIAN J. OF LEGAL EDUC. 7, 7-22 (Dec. 12, 2022).

the most distinct achievements of law school education in India has been its ability to shift legal education towards a more clinical and experiential. It may be reasonably asserted that the law school systems have the potential to further refine and innovate legal pedagogy, serving as models to be emulated by the centres of legal learning in rest of the country to improve the overall legal education ecosystem.

Another dimension of legal pedagogy is related to the content of the legal learning process. It goes almost without saying that law and the legal discipline is one of those disciplines, which must be highly responsive and agile to social needs and changing circumstances. Law plays a crucial role in social mechanism. A basic knowledge of law is becoming increasingly necessary for individuals engaged in various professions, trade and industry. In fact, even to lead a healthy life as a common citizen, one needs to have a fair understanding of law.

If one looks at the legal curriculum before the law school experiment in India, one might be tempted to conclude that it was very narrow and focused solely on core legal subjects.[22] However, in the post National Law Schools experiment era, legal education has witnessed significant transformation. Apart from the traditional learning areas, numerous interdisciplinary fields have been integrated into legal education. Areas such as law and technology, market process related regulatory matters, insurance, banking, intellectual property rights, public policy

[22] Jane E. Schukoske, *Legal Education Reform in India: Dialogue Among Indian Law Teacher,* 1(1) Jindal Glob. L. Rev. 251, 251-279 (Sept. 1, 2009), https://ssrn.com/abstract=1452888.

studies, cyber technology and law, media and law, sports law and several such areas have emerged as specialized domains. These elements enhance the practical utility of legal education, making interdisciplinary learning more relevant to contemporary challenges.

The NEP, 2020, has put a special emphasis on interdisciplinarity, highlighting the need for a curriculum that includes basic arts, crafts, humanities, games, sports and fitness, languages, literature, culture and values in addition to science and mathematics, to develop all aspects and capabilities of learners.[23] The Policy highlights that education must build character enable learners to be ethical, rational, compassionate and caring while at the same time preparing them for gainful employment. This is especially relevant to the legal education process where empathy and compassion play a crucial role in the life of a legal professional, alongside being ethical and rational in their professional practice. Such content-based experiments carried out in legal education by law school systems serve as models that could be and should be emulated by the other centres of legal education. This would further justify the existence of law schools as pioneers and mentors for the broader legal education ecosystem in the country.

Evaluation is one of the elements that have been a distinguishing factor in the success of the National Law Schools experiment.[24] Evaluation plays an important part in the teaching - learning process, as it involves testing and measurement of the student's learning, accomplishments,

[23] NEP, 2020, *supra* note 8.
[24] See HANDBOOK FOR STUDENTS, 2020-21 (NLU Delhi 2020).

performance, and ongoing education. It helps students learn and develop competencies and determines overall efficacy of the teaching-learning system. Thus, it not only assesses how far the student has progressed towards the intended goal, but also the effectiveness of the learning experience, methodologies and materials used for achieving those goals. In this way, the educational evaluation process plays a formative role in the educational endeavour of the teaching-learning community. However, it could also be one-dimensional, focusing only on assessing students' performance at the end of learning period and certifying the minimum level of learning achieved by the students. This is generally known as the 'summative evaluation' and is an assessment of student's accomplishment at the end of a course.

Evaluation in centres of legal education across the country has primarily been summative in character, relying on written examinations in a subjective and descriptive mode, which test mere memory retention and reproduction of the material. The overall understanding of the student in terms of critical thinking and problem solving is barely tested. This was sought to be changed in the National Law Schools experiment by way of continuous and formative evaluation processes, wherein the student is expected to not only react to situations on the basis of his/her learning but researching and coming up with novel solutions. This led to the introduction of clinical learning, moot court competitions, project report writing, client counselling sessions and so on. This undoubtedly changed the dynamic of legal learning process and centres of legal learning across

the country have attempted to emulate National Law School systems' experiment, though in their own unique ways.

However, the evaluation system within law schools is now under scrutiny, as existing methods are becoming outdated in the face of new technology and evolving learning paradigms. For example, project report writing requires little to no intellectual exercise in the age of AI tools like ChatGPT and while moot court competitions emphasise presentation aesthetics, they only replicate a small part of court's working, i.e. final argument in higher courts.

The process of lawyering involves far more than just argumentation, and there is growing awareness that the aesthetics of presentation in moot court competitions does not expose a student to the intricacies of a lawyer's work.[25] The task cut out for the law school systems therefore, is to figure out and experiment new methodologies of evaluation and assessment that not only test the real potential of the student but also enhance learning, improve curriculum design and promote innovation and best practices which can then be adopted by other centres of legal learning.[26]

The NEP, 2020, captures this challenge succinctly by emphasizing the need for assessment in our educational set up to shift away from a summative approach that primarily tests rote memorization skills to one that is regular, formative, and competency-based, promotes learning and

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[25] Amit Dhall, *Legal Education in India: The Emerging Challenges and Prospects*, 6(1) DLR (2014).
[26] Vijendra Kumar, *Emergence of National Law Universities and Legal Education in India: Learning through Experiments,* 3(1) CONTEMPORARY L. REV. 13, 13-39 (2019).

development for our students, and tests higher-order skills, such as analysis, critical thinking, and conceptual clarity. Herein lies the crucial role of National Law Schools in designing, experimenting and evolving assessment processes, that help student community in better developing their analytical and critical thinking.

V. RESEARCH AND MULTIDISCIPLINARY LEARNING IN LEGAL EDUCATION

Research is another critical area which requires immediate attention. We cannot afford to forget that world's best teaching and learning processes thrive in universities with a strong culture of research and knowledge creation. Research, in general, and social science and legal research in particular, have been neglected areas in India. This is evidence from the fact that India spends only approximately 0.69% of its GDP on research compared to around 4% in countries like the United States and Israel where most of this funding is allocated to natural science research.[27] As a result, research takes a back seat in all kinds of educational planning and even at institutional planning process.

The tradition of think tanks in India has also been underwhelming. It is only during the last one and a half decades that we have seen the emergence of private-sector think tanks alongside the transformation of the erstwhile planning commission into NITI Aayog, which stands for National

[27] Dr Amit Kapoor & Neeraj Sinha, *India Innovation Index 2021*, INSTITUTE FOR COMPETITIVENESS & NITI AAYOG, https://www.niti.gov.in/sites/default/files/2022-07/India-Innovation-Index-2021-Web-Version_21_7_22.pdf.

Institute for Transforming India and serves as a think tank of the central government.[28] When it comes to legal research, there is lack of substantive material that demonstrates the research potential of our centres of legal education. One might recall that when the first few law schools like NLSIU and NALSAR were established, there was a strong expectation that these institutions would evolve into policy research hubs.

While the primary strength of National Law School systems has been their undergraduate programs, they have gradually introduced Master's[29] and PhD programs. However, these programs have not made a significant impact over the years. In fact, after the duration of LL.M. course was reduced to one year by UGC, the rigour of the Master's program, apparently, has disappeared. PhD programs too, have not made much headway.

That said, National Law Schools possess a wealth of resources – both online and offline materials – that could be extremely useful for research process. Yet, despite these resources, PhD scholars in these institutions have not contributed anything which could be considered outstanding by any objective measure. Unfortunately, after gaining admissions in PhD courses[30], many students immerse themselves in preparation for competitive examinations, mostly judicial services

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[28] *Objectives and Features,* NITI AAYOG, https://www.niti.gov.in/objectives-and-features.
[29] See *Postgraduate-Study-In-Law*, NALSAR UNIVERSITY OF LAW, https://nalsar.ac.in/postgraduate-study-law.
[30] *See Doctoral Programme*, NLU JODHPUR, https://nlujodhpur.ac.in/university/doctoral-program#:~:text=National%20Law%20University%20Jodhpur%20offers,interdisciplinry%20domain%20of%20legal%20research.

examinations, rather than focusing on their research commitments. It is only towards the far end of their PhD programs that they realise the need to complete their theses and consequently they resort to compiling three hundred-plus pages on generic topics to fulfil the formal requirements. Despite the various quality control mechanisms introduced by the UGC, significant progress in PhD research remains elusive.[31]

Law schools need to rethink their priorities and place greater emphasis on research, which could serve as a powerful lever to enhance the overall learning experience of law school systems. There is no dearth of materials these days, either online or offline, as far as law school systems are concerned. The only thing truly needed is a strong commitment to usher in a new era of rigorous legal research.

Law school systems now exist in almost every state now, barring a few exceptions, they have the potential to lead the research movement. The NEP, 2020, envisions catalysing quality research through the establishment of the National Research Foundation ("**NRF**") for the purpose of enabling a stronger culture of research. The NRF will provide a reliable, merit-based and equitable peer-reviewed research funding, helping foster a culture of research in the country through suitable incentives and recognition. Additionally, the NRF will undertake major initiatives to seed and develop research capabilities at State Universities and other public institutions where research capability is currently lacking.

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[31] Sidharth Chauhan, *Crisis in legal studies in India*, FRONTLINE MAGAZINE, THE HINDU (Mar. 13-27, 2020), https://frontline.thehindu.com/thenation/education/article31039043.ece?homepage=true.

The NRF will competitively fund research in all disciplines. Successful research will be recognized, and where relevant, implemented through collaborations with governmental agencies as well as with industry and private/philanthropic organizations. Existing research bodies, like the Department of Science and Technology, Department of Energy, Department of Biotechnology, Indian Council of Agricultural Research and Indian Council of Medical Research etc., will continue to fund research wherever necessary in their respective domains. However, NRF will work to develop synergies among these institutions to help evolve a strong research culture in the country. From the perspective of legal research, National Law Schools represent the only light at the end of the tunnel to aid in evolving research culture in the legal education arena across the country.

VI. THE FUTURE OF LEGAL EDUCATION IN INDIA

The National Law School experiment began in the late 1980s and flourished in second decade of the 21st century. Today, 27 law schools operate across the country that follow a similar structural format, though each institution offers its own specialized courses and curricula. The hallmark of these law schools has been their five-year integrated undergraduate program. Over the past three and a half decades, the primary experiments in legal education are courses like, B.A. LL.B., B.B.A. LL.B., B. Com LL. B., and B.Sc. LL.B along with micro-specializations, especially

in corporate law where law school graduates have made their presence felt.[32] Beyond this, however, little innovation has taken place in terms of new experiments.

The NEP, 2020, while excluding law and medical education from its purview, does mandate that 'standalone institutions would develop into multidisciplinary teaching institutions'. The Policy envisions two types of institutions in the future –teaching-focused universities and research-focused universities. Meanwhile, the traditional affiliation system is likely to be phased out by 2035. This raises the question of whether law schools should expand into multidisciplinary institutions?

So far, the only major diversification attempted by the law school systems is the introduction of the three-year LL.B. courses, which strictly speaking do not amount to true multidisciplinary system of teaching. However, this year, NLSIU Bengaluru has commenced an ambitious experiment aimed at transforming into a multidisciplinary university. It has introduced a BA program that shares a common core curriculum with its B.A., LL.B. students while offering specialisations in History, Sociology and Anthropology, Politics, Economics. Additionally, it provides students with the opportunity to pursue major-minor or double-major tracks and courses in Indian languages, AI and machine learning, film making, business consulting, digital journalism, creative writing, entrepreneurship, policy advocacy and analysis.

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[32] D. Y. Chandrachud, *The Future of the Indian Legal Profession*, 4(2) THE PRACTICE (2018), https://thepractice.law.harvard.edu/article/future-indian-legal-profession/.

The aim is to reposition the B.A. as a highly aspirational degree, accessible through a public institution. It is not a replication of the existing B.A. programs already offered across the country rather the idea is to design programs which are responsive to the contemporary needs, skill-sets and are more professionally-oriented with the demands of the 21st century industry demands.[33] However, this model also present challenges – can a law-focused institution successfully integrate multidisciplinary courses without diluting its core identity as a legal institution? NLSIU is also working on the idea of further introducing courses on philosophy, literature, arts and culture.[34] This seems to be a bold experiment, but whether the model would be replicable elsewhere is a moot question.

The NEP, 2020, provides a better perspective to this conundrum. In view of the problems faced and requirements of the issues – such as quality education and healthcare, clean drinking water and sanitation, better air quality, energy and infrastructure – we do not need just the application of top-notch scientific and technological efforts, but also a deeper understanding of the social sciences and humanities and variety of socio-cultural and environmental dimensions of our country. This requires high quality research infrastructure to be developed with the intention to adapt and adopt all kinds of measures and methods, including importing relevant research from abroad in order to address our challenges at the point of

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[33] Swethaa Ballakrishnen, *Where Did We Come From? Where Do We Do? An Enquiry into the Students and Systems of Legal Education in India*, 7(2) J. OF COMMONW. L. AND LEGAL EDUC. 133, 133-154 (Jul. 23, 2010).

[34] Upasana Dasgupta, *The Paradox of Elite Law Schools in India – A comparison with Canadian Legal Education*, ÉTUDES 147, 147-164 (Dec. 2019).

incidence. Many of these challenges become more complex when addressed using western research models. Therefore, interdisciplinary research across fields along with innovations in science and social sciences are extremely important for the progress and enhancement of our own system.

The question of whether the NLSIU, Bengaluru model of inter-disciplinary learning and research would be able to develop that kind of an interdisciplinary research infrastructure is once again a moot question. But one thing can be stated safely that if we intend to move towards socially relevant research, such experiments need to be undertaken. Rather than simply replicating the NLSIU, Bengaluru model, each law school could develop its own model of interdisciplinary learning and research, maintaining a legal learning centred environment. This, in the author's opinion can significantly contribute to developments in the movement towards a more socially relevant learning and research, creating a model of legal learning which can be emulated by rest of the centres of legal education.

It is noteworthy that some of the most groundbreaking research worldwide has happened in multidisciplinary university settings. If Indian law school systems aspire to lead legal education they need to develop into multidisciplinary research institutions. This obviously would require lot of experimentation and the direction taken would depend upon the appetite for risk-taking and innovation that law school systems can afford in their individual capacities.

Professor (Dr.) R. Venkata Rao, *Towards a More Humane Legal Education and Legal Profession – Some Straws in the Wind*, 11(1) NLUJ L. REV. 420 (2025)

TOWARDS A MORE HUMANE LEGAL EDUCATION AND LEGAL PROFESSION - SOME STRAWS IN THE WIND

~ *Professor (Dr.) R. Venkata Rao*[*]

ABSTRACT

The legal profession, often regarded as a learned vocation, requires practitioners to exhibit not just technical expertise but the high standards of ethical conduct. The societal perception of lawyers is disheartening, and the article emphasises on how Legal Education can play an instrumental role in fostering ethical and compassionate lawyers. Drawing inspiration from Subroto Bagchi and Swami Vivekananda, the article underscores how education, through integrity and ethics, plays a transformative role. The article says that pro bono work and the pursuit of justice should be a heart-driven endeavour, not a merely mechanical or doctrinal. It also highlights to importance of being socially conscious humans as we move towards the Fourth and Fifth Industrial Revolution. Towards the end the article gives solutions and recommendations on legal education in the 'New Human Renaissance'.

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I. RESTORING INTEGRITY AND COMPASSION IN THE LEGAL PROFESSION

Legal Profession is often referred to as the learned profession not because great learning has to be displayed but because the highest conduct which is the natural corollary and consequence of that learning is required to be displayed. However, the societal perception of lawyers is disheartening. The profession has always been subject to public suspicion; however, off late public trust has sharply deteriorated. Universally, 'lawyer bashing' has become the order of the day. A recent poll revealed this notable shift in public perception over time. The proportion of respondents who considered lawyers dishonest rose from 17% to 31% as the percentage of individuals who had direct contact with lawyers increased to 68%.[1] Hardly 10 to 15 % of the lawyers are considered to be ethical and honest. This can be attributed to the public frustration with the slow, costly and complicated legal justice system.

To restore trust and integrity within the legal profession, systemic issues must be addressed by fostering both competence and compassion in legal practice. It is not enough for lawyers to be technically proficient; they must also embrace the ethical dimensions of their roles by prioritizing client understanding, empathy, and transparency.[2]

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[1] Randall T. Shepard, *Lawyer-Bashing and the Challenge of a Sensible Response*, 27 IND. L. REV. 699 (1994).

[2] Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the "Heart" of Lawyering*, 87 NEB. L. REV. 1 (2008).

Recognising this need, Subroto Bagchi in his book, 'The Professional', argues that being a professional is not about having a degree, he says, "*lawyers, engineers, doctors, and chartered accountants among others are not professionals but only professionally qualified persons. For a person to become professional, two qualities are required: he or she must add integrity to whatever he or she does and leave footprints on the sands of time and should be remembered by the posterity for right reasons*"[3]. A professional should have 'passion for what he or she does and compassion for those they serve'.

This sentiment aligns with Mother Teresa's description of ethics as 'showing concern for others'. Yet, how many of us have functioning hearts and not just functioning brains? Compassion and empathy are not only desirable traits but essential for justice and fairness. Without these, professionals risk reducing their work to mere mechanical tasks without moral significance and justice becomes a casualty.

The tragic case of Mark Levy, a brilliant Law Graduate from Yale Law School who suicide in 2009, has exemplified this struggle. He loved the profession of law but hated the 'business of law'. Mark is not the only one, National Law Journal notes more such instances in major law firms in the United States of America.[4]

The level of confidence in the institutions including the Courts and the personae associated with these institutions has to be restored to avert

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[3] SUBROTO BAGCHI, THE PROFESSIONAL (2009).

[4] Debra Cassens Weiss, *Disappointments Preceded Suicides by Lawyers at Three Major Law Firms*, ABA J. (May 11, 2009), https://www.abajournal.com/news/article/disappointments_preceded_suicides_by_lawyers_at_three_major_law_firms.

real and imminent danger. Legal Education can bring about this metamorphosis. As Swami Vivekananda said, education bridges the distance between 'a human being and being human'. Education should not be relegated to mere transfer of information but it shapes character and forms the foundation of a human being. Education should foster humaneness that converts an empty mind into an open mind.

As highlighted in the Carnegie Foundation's assessment of legal education in the United States, two critical shortcomings stand out: a notable gap in practical training, specifically in understanding client issues, and insufficient support for the cultivation of ethical and social competencies.[5] This highlights the need for a fundamental shift towards nurturing empathy and fostering ethical responsibility from the first year of law school itself.

Law schools, including but not limited to National Law Schools, must prioritize teaching ethics, integrity, and compassion alongside legal doctrines. Only then can we create a legal profession that serves justice with both intellect and humanity.

The Constitution of India, under Article 51A(g), calls upon every citizen to strive for excellence in all spheres of activity, emphasizing the holistic development of individuals as contributors to societal welfare.[6] This pursuit of excellence as envisioned by the Constitution demands more than

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[5] WILLIAM M. SULLIVAN, ET AL., THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW: SUMMARY 6 (2007).

[6] INDIA CONST. art. 51A, cl. (g).

just professional or academic success — it calls for the cultivation of ethical character and compassion. Therefore, excellence would imply a balance between intellectual competence and human values. Academic achievements devoid of moral grounding risk leading society astray, reducing the practice of law to a transactional pursuit rather than a mission for justice.

II. A FEW STRAWS IN THE WIND

A. ETHICS AND HOLISTIC EDUCATION

Legal education should be more holistic, integrated, and interdisciplinary — drawing upon the principles of natural law, ethics, compassion, intercultural dialogue, and an unwavering respect for human rights.[7] The role of law professors in shaping these values is pivotal as they are among the most responsible actors in cherishing and promoting ethical principles. Professor William Tetley of McGill Faculty of Law, Montreal, insightfully noted that each law professor puts in his views of religion and the law in the courses he teaches.[8]

The course on ethics should not be viewed as a technical formality to be fulfilled, but to cultivate a holistic understanding of law as a human-centric discipline and instil good values in students. It should not be taught in a ritualistic manner just in the final or penultimate semester. Right from the outset, all subjects should be taught from the perspective of ethics and human rights. Specialised courses on ethics can be made available as

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[7] Marko Pavliha, *The Significance of Ethics in Legal Education: Towards the Holistic Method*, 8 SLOVENIAN L. REV. 115 (December 2011).
[8] *Id.*

mandatory or optional offerings, even at post-graduate programs. Bar exam preparations can also test Ethics to reinforce ethical perspectives before students step fully into professional practice.[9]

By fostering a continuous and immersive engagement with ethical issues throughout legal education, future legal practitioners can develop not only technical competence but also the compassion and integrity essential for upholding justice.

Students must also recognize that law alone cannot regulate the greed of human beings nor can it instill character. This underscores the importance of other agencies of social control like parental guidance, religious code of conduct and the broader ethical considerations.

B. LEGAL AID AND PRO BONO

Legal education should also instil a commitment to serving the public good; it benefits not only the society but also the lawyer and the legal profession as well. It is well said, "*The lawyer has an ethical obligation to practice public interest law. If he displays doctrinal skills without concern for the public interest, he is just a good legal technician and not a good lawyer*".

The legal profession, once regarded as a noble obligation, has increasingly become guided by monetised and elitist concerns, leaving little room for the marginalised and indigent. This erosion of public service values underscores the pressing need to prepare a new generation of lawyers committed to socially responsive legal professionalism. Such preparation is

[9] *Id.*

essential for building a strong foundation for community-based legal aid initiatives.[10]

This approach necessitates redefining legal aid as a basic human right directly linked to access to justice. Legal education must align with this objective by integrating practical training that connects law students with the national legal aid network as the focal organization.

By doing so, future lawyers will be better equipped to uphold justice and contribute meaningfully to bridging the gap between legal services and those who are often excluded from the system. By cultivating socially responsive values and fostering connections between young lawyers and legal aid initiatives, legal education can reclaim its role in shaping lawyers who serve both as skilled professionals and compassionate advocates for the public good.[11]

C. THE HEART THROB OF JUSTICE – EMPATHY AND COMPASSION

For centuries, legal philosophers have assumed that the underlying principles of justice ought to be devoid of emotions, so that reason can prevail. However, recent trends show acceptance that justice cannot be seen in isolation of emotions and social circumstances which influence law makers and judges.[12]

The key justice theories, Rawls' 'Justice as fairness', Sandel's 'Justice as virtue', Sen's 'Anne, Bob and Carla's competing claims and the need to

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[10] Yubaraj Sangroula, *Holistic Approach to Delivery of Legal Aid Services: Beginning from Community Responsive Legal Education and Professionalism*, 1 NJA L.J. 213 (2007).
[11] *Id.*
[12] Martin L. Hoffman, *Empathy, Justice, and the Law, in* EMPATHY: PHILOSOPHICAL AND PSYCHOLOGICAL PERSPECTIVES 230-255 (Amy Coplan & Peter Goldie Eds., 2011).

traverse from text to context', when taught in the classrooms should ground discussions in the real world. Justice is not only a logical construct, it is the 'heart throb' which embodies empathy and compassion. For instance, Corporate Law classes need to emphatically state that Corporations in addition to having a 'business brain' should have 'a social heart'. What is required is 'a functioning empathetic heart' and 'not just a functioning business brain'.

III. MOVING TOWARDS A NEW HUMAN RENAISSANCE

Technological advancement brings unprecedented convenience, but we must use it in a manner such that it does not dehumanize us. The Fourth Industrial Revolution is not limited to product innovation, but it is defined by systemic transformation. Klaus Schwab has highlighted the need for a balance between technological advancement and human qualities essential for meaningful progress. As we navigate our way, a renewed focus on the human aspect of leadership is crucial. He said:

"We are at the tipping point of a whole variety of interconnected technological breakthroughs:

Robots, drones, intelligent cities, artificial intelligence, brain research…What differentiates the Fourth Industrial Revolution is that it is not a product revolution, it is a system revolution. …. If we do not want to be dominated by technology, we have to become a more human society. What leadership style, what capabilities do we need to master all technologies? I believe, we need to emphasise the more human aspect in leadership as a counterweight to all of these technological advances.

If you think about what a human being is, we exist because of brains, soul, and heart. What we can replicate in a robot is the brain. But you will never replicate the heart, which is passion, compassion. And the soul, which enables us to believe.

The robot will never have the ability to believe in something. So perhaps, we will have at the end of this revolution-possibly, possibly- a basis for 'New Human Renaissance."[13]

The system has now evolved to the Fifth Industrial Revolution and further to the 'Intelligent Age' because of the all-pervading Artificial Intelligence. As Yuval Noah Harari rechristens it, 'Alien Intelligence' might be a more fitting term.[14]

'The Intelligent Age is fundamentally altering how we communicate — both with one another and with the world around us. AI is taking instantaneous and global communication to the next level, enabling real-time translation across languages, automatic content generation and hyper-personalized messaging that caters to individual preferences and behaviours. AI-driven platforms are already beginning to mediate much of our communication, whether through social media algorithms that decide what content we see or virtual assistants who manage our schedules and interactions. As these systems become more sophisticated, they will increasingly shape the flow of information in society, raising important questions about bias and misinformation.

As we delegate more decision-making to algorithms, we risk exacerbating social divides if the systems are designed without fairness, inclusion, and an understanding of

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[13] Michael Duffy, *7 Questions With Klaus Schwab*, TIME MAGAZINE, (Jan. 14, 2016, 6:38 AM EST) https://time.com/4180273/7-questions-with-klaus-schwab/.

[14] *Yuval Noah Harari: 'Alien intelligence' will destroy us*, THE TIMES (Sept. 8, 2024), https://www.thetimes.com/culture/books/article/yuval-noah-harari-interview-nexus-brief-history-information-networks-stone-age-ai-0qfrnb9hs.

what it means to be human at their core. Social intelligence means understanding the broader societal impacts of technology and ensuring that the Intelligent Age fosters greater inclusion and equity, not further division and polarization"[15].

What the world needs is a New Human Renaissance — a revival rooted in empathy, ethics, and social intelligence. This awakening should be nurtured and nourished in the classrooms by the teachers through innovative legal education pedagogies.

One should remember that human beings always 'care more for longings than belongings.' In this age of hyper-connectivity, young people becoming the most disconnected. This ironic disconnect may breed alienation, frustration, and aggression. Here lies the critical role of teachers as guides, transmitting not just knowledge but also cosmic energy — nurturing emotional intelligence and spiritual well-being.

Our former Prime Minister Atal Bihari Vajpayee observed: 'Internet is important but more important is the inner net'. And teachers need to focus on the Inner Net.

Teachers should remember the axiomatic truth that the ordained duty of a teacher is not to cover the syllabus but is to uncover the syllabus - *removing the cover of darkness, ignorance, and transience* - 'from darkness to light, ignorance to knowledge and from transience to permanence'.

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[15] Klaus Schwab, *The Intelligent Age: A time for cooperation*, WORLD ECONOMIC FORUM (Feb. 7, 2025), https://www.weforum.org/stories/2024/09/the-intelligent-age-a-time-of-cooperation/.

IV. RECOMMENDATIONS

For your judicious cognizance, a few tips for making "*Learning Law with 'Pleasure' and not under 'pressure*'" has been provided below:

1. How to make Legal Education "*intellectually stimulating, professionally competent and socially relevant?*"
2. Switch the focus from Volume to value creation.
3. The classroom should be a lively place where the focus should not be entirely on 'Power Point Presentations' but on 'Powerful Presentations'. The classroom should draw the students like a magnet.
4. Students feel burnt out and frustrated because they develop an attitude of 'lack of meaning in life'.

   Hence classroom teaching should:

   Focus on 'Life' and not 'Living';

   Focus on 'Learning' and not "Earning Power, and

   Focus on Education for 'Well Being' and not for 'Being well off'.

   The objective should be "Contentment and compassion in private life and public life".
5. No electronic gadget can substitute the warmth and radiance of a teacher. Computer makes teaching 'robotic' relegating the 'human and humane'. The Robotic like pedagogy makes students feel alienated. Let us remember:

'What is said reaches the mind, how is said reaches the heart'.

The brain sends 'sight' to the Heart and the Heart sends 'vision' to the Brain Teaching should focus on 'Heart Throbbing' or 'Empathy'. This can be done only by a teacher with a functioning heart and not by an inanimate gadget with something like a functioning brain.

6. The answers of the students may reflect their knowledge but the questions of the students will reflect their thinking capacity.

   Enhancing the thinking capacity can only be done through classroom teaching.

   The sacred job of a teacher is to transmit the cosmic energy.

   As the Humane element is indispensable, robotisation of teaching should give place to humanising of teaching.

   The danger of exclusive online teaching is: 'content and consumption' being given primacy over 'teaching, research and learning'.

7. Prof. Satish Deshpande answering the question 'Can online education replace the public education, the only kind that the majority can access?' says:

"*We have ignored the vital role public educational institutions play as exemplary sites of Social Inclusion and Relative Equality. In Indian conditions, this role is arguably more important than the scholastic role. The Public Educational Institution is the only place where people of all genders, classes, castes and communities can meet without one group being forced to bow to others. Whatever its impact on academics, this is critical learning for life. Women students, in particular, will be worse off, if confined to their homes by*

online education. Students learn not only social skills but develop leadership qualities in conventional class rooms."

Our efforts should be driven towards making law graduates 'good human beings' by 'sensitising them towards the morals and ethics, which are badly needed in the legal profession today'.

Professor (Dr.) Harpreet Kaur, *Designing an Undergraduate Law Programme: Where Are We Headed?* 11(1) NLUJ L. REV. 434 (2025)

DESIGNING AN UNDERGRADUATE LAW PROGRAMME: WHERE ARE WE HEADED?

~ *Professor (Dr.) Harpreet Kaur*[*]

ABSTRACT

Legal education plays a crucial role in shaping the legal system and the broader societal framework. However, its purpose and structure remain subjects of debate. While traditionally perceived as a means of professional training, concerns have been raised regarding its status as an academic discipline. This paper examines the evolving role of legal education in India, considering the impact of technological, social, and economic transformations on both the legal profession and legal instruction. It explores the need for a reimagined curriculum that balances doctrinal knowledge with practical skills while addressing the intellectual and moral dimensions of law. Additionally, the paper underscores the necessity for law universities to assert their autonomy in curriculum development and pedagogical approaches, shifting the focus beyond mere employability to a more comprehensive model of legal education. In doing so, it advocates for a hybrid approach where foundational legal training occurs within universities, followed by industry-driven skill development. Finally, the paper highlights the urgent need for

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regulatory reforms that align legal education with contemporary societal needs, ensuring that law schools remain intellectually rigorous and socially relevant.

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I. INTRODUCTION

The legal system is a complex web of numerous intricately related elements, such that a change in any resonates throughout. One such element, Legal Education, acts as a lens to examine the entire legal system with close eye. It helps to see the actual and ideal operation of the system, including the role of lawyers. The legal system is also deeply interwoven with both technological advancements and societal structures. As these elements have evolved, expanding and transforming over time, the legal system has inevitably experienced their reverberations, make it imperative for adapting in response to new challenges and complexities.

It is through legal education that legal culture in the growing society is transferred from one generation to another, providing a glimpse into the future of the society.[1] The content and methodology of instruction to law students in law universities has a profound impact on the role that those students might play in the society. Therefore, the challenge is to have a vision for future legal education and accordingly, design undergraduate law programmes which can prepare students for meeting the requirements of the legal professions and articulating the hidden needs of the pluralistic society. While both the legal education and the legal profession have been considerably reshaped by technological, social and economic forces, in terms of their respective form as well as substance, the regulatory

[1] John Henry Merryman, *Legal Education There and Here: A Comparison*, 27(3) STAN. L. REV. 859, 859 (1975).

requirements for law programmes in India have remained unchanged for more than a decade.

This paper, while limiting its focus to designing the undergraduate law programme, will also offer valuable insights about the evolving trajectory of legal education in India. Towards these objectives, Section II of the paper expounds the diverse debates about the purpose of legal education. Section III includes a concise overview of the history of legal education in India. Section IV covers regulatory compliances and their impetus for legal education. Based on the regulatory push, Section V explains the model of law universities, prevalent in India. Eventually, Section VI examines whether the developments in legal education, the legal profession and regulatory frameworks are congruent with the future requirements.

II. PURPOSE OF LEGAL EDUCATION

Of various approaches, one approach to deciphering the purpose of legal education is based on the historical development of legal education. Legal education has been impacted by the societal and technological forces, and will continue to face the impact of such forces along with other additional emerging forces. Historically, there have been two contrasting views about the purpose of legal education. The first view holds that legal education is an intellectual field of study that provides holistic knowledge about law, legal theory and legal systems. William Twining, in his work,[2] has

[2] WILLIAM TWINNING, 'PERICLES AND THE PLUMBER', LAW IN CONTEXT: ENLARGING A DISCIPLINE (Oxford University Press, 1997).

illustrated the competing objectives of legal education as a tension between two polar images: the lawyer as "Pericles" or "the Plumber." "Pericles" represents the enlightened policymaker, lawgiver, and wise judge, while "the Plumber" symbolizes a specialist with technical expertise in law. He rejected rigid dichotomies such as "education" vs. "training," "academic" vs. "practical," and "theory" vs. "practice," arguing for a more integrated approach to legal education. In essence, main concerns were revolving around legal theory and legal methodology as compared with other disciplines in the social sciences.[3]

The second view asserts that it is essentially practical and vocational training, intended to prepare individuals for legal practice. This thought has evolved from a strict focus on the acquisition of legal knowledge to greater emphasis on learning skills relevant to legal practice.[4] Though some jurists, including Twinning, have rejected or criticized these perspectives as "*crude, over-simplified and unrealistic*", the sentiment about the contrasting views on the purpose of legal education remains evident.[5] Based on the above two views, two models of law schools were developed, the "*professional school model*" and the "*academic school model*", as have been mentioned in previously referenced works.

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[3] DAVID BARKER, A HISTORY OF AUSTRALIAN LEGAL EDUCATION 239 (Federation Press 2017).
[4] *Id.*
[5] Daniel Goldsworthy, *The Future of Legal Education in the 21st Century*, 41(1) Adelaide L. Rev. 243 (2020).

The law as a discipline has been considered unexciting, uncreative, and comprising a series of intellectual puzzles scattered among the large areas of description whereas lawyers are not really academic but are arcane, distant and alien: an appendage to the academic world.[6] There are contrary views on why legal education may or may not be considered as an academic discipline with a few in favour of its categorisation as an academic discipline. Law as an academic discipline has been criticised more by its fellow-academics, in comparison to other disciplines.[7] Such criticism arises from the point that in many common law countries, law is considered as a professional discipline rather than an academic discipline.

Law's place in academic disciplines has been questioned based on the implied methodology of conducting legal studies, its inclination towards legal practice and its long usage of textbooks, case notes and commentaries on statutes.[8] The justification of place of 'legal research' in the university system has often been challenged, as it deviates from preparation for legal practice.[9] Doctrinal legal research, the natural backbone of legal scholarship, was challenged by the empirical approach of the social sciences. Thus, the emphasis on interpreting legal rules for practical use by

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[6] Tony Becher, *'Towards a Definition of Disciplinary Cultures'*, *in* STUDIES IN HIGHER EDUCATION 6, 2, 111 (1981).

[7] CAREL STOLKER C.J.J.M., RETHINKING THE LAW SCHOOL, EDUCATION, RESEARCH, OUTREACH AND GOVERNANCE (Cambridge University Press 2014).

[8] ANTONIO GARCÍA Y GARCÍA, 1 A HISTORY OF THE UNIVERSITY IN EUROPE, (Cambridge University Press 1992).

[9] JAN M. SMITS, THE MIND AND METHOD OF THE LEGAL ACADEMIC (Edward Elgar Publishing 2012).

lawyers and producing law reports, rather than on juristic research has contributed to the discussion that law is not an academic discipline.[10]

Alternatively, law is also considered primarily as a social science, an area in the field of studies of men's relations with one another.[11] The effect of law on human beings in their lives, securing and protecting not only the freedom of individuals but also protecting the weak against the powerful and settling disputes, are the reasons which contribute to the understanding that law may be regarded as an academic discipline.[12] Law schools are considered as knowledge communities which exist to collect, critique, produce and disseminate knowledge.[13] Law has become a complex discipline with constant addition of new laws, rules and regulations in view of domestic as well as international developments. This is also increasing society's expectations from the law and lawyers. It may thus be said, that law has always been interdisciplinary and connected to many other disciplines.

The aim of legal education is exactly that of the *Bildungs Ideal*. The university generally has a formative task, primarily related with the intellectual development of students and independent of professional interests.[14] Though all law students might not practice law in future but legal

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[10], Richard W. Bourne, *'The Coming Crash in Legal Education: How We Got Here, and Where We Go Now'*, CREIGHTON L. REV. 45, 4, 46 (2012).
[11] DAVID M. WALKER, THE SCOTTISH LEGAL SYSTEM 2 (EBC 2001).
[12] *Id.*
[13] H.W. Arthurs, *'The Future of Law School: Three Visions and a Prediction'*, Alberta L. Rev., 51(4), 705 (2014)
[14] PETER BIRKS, 2 PRESSING PROBLEMS IN THE LAW-WHAT ARE LAW SCHOOLS FOR? (Oxford University Press 1996).

education is such a programme that engages not only the intellect of students during studies but also equips them to contribute to the world.[15]

The professional model of law universities focuses on preparing practice (industry) ready lawyers. The curriculum is designed in a manner that the skills required to practice the law are carefully crafted. For instance, the inclusion of courses on clinical legal education, development of mooting skills, conduct of mock trials and mandatory internships are indicative of the practical skills that universities want to impart to students. Students are also introduced to contemporary niche courses in law to make them practice ready in all upcoming areas of law.

Such a focus of law schools coincides with the two out of three positions that HW Arthurs has suggested as the predominant positions of the purpose of law schools. [16] The first position is to prepare either practice ready lawyers for today's legal profession, or, to produce in second position, future ready lawyers with the capacity to adapt to the rapidly and radically changing circumstances of legal practice, or lastly, to prepare their students with a large and liberal understanding of law, for a variety of legal and non-legal careers. The third position envisages the role that law schools should play in the creation and transformation of legal knowledge, legal practice, and the legal system, and provide holistic knowledge to their students. The position taken on the purpose of legal education in any jurisdiction sets the model of law schools.

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[15] *Id.*
[16] *Id.*

III. BRIEF HISTORY OF INDIAN LEGAL EDUCATION

India's legal education has evolved from colonial-era based training for practitioners to a more structured and professional system. Post-independence reforms aimed to integrate Indian legal principles and improve teaching quality but faced challenges like rote learning and mediocre standards. By the 1960s, efforts led by the Bar Council of India ("**BCI**") focused on standardizing curricula and fostering academic debates, but a comprehensive impact on legal education was not visible. [17]

The 1970s and 80s introduced a socially relevant approach, addressing inequality culminating in the establishment of the National Law School of India University (*hereinafter* "NLSIU"). This marked a shift to an integrated programme, blending academic rigor with professional training. The need for establishment of more similar institutes of excellence in legal education was felt afterwards, resulting in the establishment of NALSAR Hyderabad, NLIU Bhopal, WBNUJS Kolkata, and NLU Jodhpur ("**NLUs**"), a decade after the establishment of NLSIU.[18]

The advent of NLUs gave impetus to legal research in a remarkable way. The emergence of dedicated centres for research propelled scholarship. The multidisciplinary curriculum structure led to the constructive integration of social sciences, management and other technical

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[17] N.N. Mathur, *National law Universities, original intent & Real founders,* LIVE LAW (July, 24, 2017),
https://www.livelaw.in/national-law-universities-original-intent-real founders?fromIpLogin=78294.44755587658.
[18] *Id.*

fields. This approach has been seen as instrumental for equipping the emerging lawyers with the requisite skills and passion for navigating through the legal profession with excellence.

At present, India has 25 NLUs and about 1721 law faculty and colleges.[19] NLUs predominantly offer 5-year integrated undergraduate law programmes. In developing such integrated law programmes not only the regulatory compliance requirements were required to be met but also, social, economic and technological considerations were also considered equally important. It is noteworthy that the NLUs are characterised by the coexisting desires to make higher education available to everyone without distinction and to recognise academic merit. These are encapsulated in the two seemingly inconsistent terms 'democracy' and 'meritocracy'. Towards these ends, the NLUs conduct their own entrance test through the CLAT Consortium, wherein the inherent injustice caused by meritocracy is balanced and mitigated through the introduction of state domicile quotas.

However, it is imperative to gauge the real impact of such schools or universities of excellence of legal education and the professionals produced by them. It includes the examination of elements like the structure and curriculum of the programme, the availability of quality faculty, and the resources available with such universities, among others. The analysis of these issues provides mixed indications towards their overall impact.

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[19] *List of Participating NLUs*, CLAT CONSORTIUM (2024), https://consortiumofnlus.ac.in/clat-2025/participating_universities.html.

IV. REGULATORY COMPLIANCES - PUSH IN WHICH DIRECTION?

Regulatory compliances have played an important role in giving direction to legal education, and developing and establishing the model of law universities in India. In the present section, a few important regulatory requirements have been discussed.

A. BAR COUNCIL OF INDIA AND ITS REQUIREMENTS

The Bar Council of India ("**BCI**") is responsible for regulating the standards of legal education, recognising universities offering degrees in law, and inspecting them for their compliance with standards set by it.[20] It framed the BCI Rules, 2008 to maintain and raise the standard of legal education in universities and colleges. [21] It formed the first curriculum development committee in 2010 to formulate the course design of undergraduate law degree. It provides a list of core courses, liberal arts courses and stream courses/ honours courses along with clinical courses to provide uniformity to the curriculum across law schools.[22] The focus on clinical courses with mandatory requirements about practical exercises like moot court undoubtedly indicates that the law universities are required to produce professionals ready for litigation in courts.

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[20] The Advocates Act, 1961, No. 25, Acts of Parliament, 1961 (India).
[21] Rules of Legal Education, Bar Council of India, 2008 (India).
[22] *Curriculum Development Committee*, BCI (2010), https://www.barcouncilofindia.org/info/curriculum-developmentcommittee#:~:text=The%20first%20Curriculum%20Development%20Committee,for%20both%20Unitary%20(three%20Years'.

B. UGC REPORT, 2001

In its 2001 report, the University Grants Commission ("**UGC**") Curriculum Development Committee ("**CDC**") stated that, in addition to being a tool for reforming legal education, LL. B. (Honours) courses can be adopted as part of a long-term policy to sustain higher standards in the country's legal education. The initiative served to mitigate mediocrity and provided a viable alternative with improved student participation, facilities, pedagogy, and learning.

The CDC considered that the UGC would be able to provide more assistance and support to the LL.B. (Honours) courses in accordance with its statutory responsibility to uphold higher education standards.[23] The CDC believed that, unlike other professional courses such as medicine, engineering, and accounting, the LL.B. program was not solely intended to train professional lawyers; rather, professional training was just one of its objectives. [24]

C. RECOMMENDATIONS OF THE DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

The Standing Committee was of the view that the Advocates Act, 1961was passed with a narrow view of producing only lawyers for practice in courts. [25] It was of the view that legal education should impart skills

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23. UNIVERSITY GRANTS COMMISSION, CURRICULUM DEVELOPMENT COMMITTEE REPORT (2001), https://www.ugc.gov.in/oldpdf/modelcurriculum/law.pdf

24 BAR COUNCIL OF INDIA, 1 CURRICULUM DEVELOPMENT COMMITTEE REPORT ¶ 3.6, at 16, 17.

25 DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, REPORT NO. 142; PUBLIC GRIEVANCES, LAW AND JUSTICE; STRENGTHENING LEGAL

required for legal practice beyond courtrooms for pursuing diverse legal professions. It recommended limiting the powers of BCI to regulate only the basic eligibility for practicing at the bar. It further recommended that the regulation of legal education beyond this should be entrusted to an independent authority.[26]

The Standing Committee observed the differences in the curriculum between law colleges and universities which arise out of the adoption of curriculum of affiliating universities by law colleges and universities. Such curriculum deviates from the curriculum prescribed by the BCI. The Committee recommended redefining the role of the BCI to ensure that it sets a uniform curriculum for undergraduate courses in law colleges and universities. It noted that comprehensive curriculum reform was essential to ensure that future lawyers were well equipped to address emerging legal challenges, and therefore, the curriculum be designed to foster ethical, rational, and compassionate professionals while also preparing them for gainful and fulfilling employment. It was further observed that innovative approaches to curriculum development and course structuring were needed to provide a sharper and more specialised focus on training and capacity building for future juridical officers.[27]

EDUCATION IN VIEW OF EMERGING CHALLENGES BEFORE THE LEGAL PROFESSION, (Parliament of India 2024).

[26] *Id.*

[27] *Id.*

D. NEP, 2020 AND ITS REQUIREMENTS

It is noteworthy that although legal education was exempted from its purview, the National Education Policy, 2020 (*hereinafter* "NEP"), recommended that Indian legal education required to be globally competitive, adopting best practices and embracing new technologies for wider access to and timely delivery of justice. It was recommended that the curricula for legal studies must reflect the socio-cultural contexts along with the history of legal thinking, principles of justice, the practice of jurisprudence and other related content appropriately and adequately.[28]

E. NATIONAL HIGHER EDUCATION QUALIFICATIONS FRAMEWORK REQUIREMENTS

The National Higher Education Qualifications Framework ("**NHEQF**") was developed in 2023 on the recommendation of the NEP, 2020 on the premise that the country needed to progress towards developing a nationally accepted, and, internationally comparable framework of qualifications to facilitate transparency and comparability of higher education qualifications at all levels. It provided an integrated national framework for recognizing and accrediting qualifications offered by different types of institutions engaged in higher education, including vocational education and training, and technical/professional education in India.[29]

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[28] GOVERNMENT OF INDIA, MINISTRY OF HUMAN RESOURCE AND DEVELOPMENT, NATIONAL EDUCATION POLICY (2020), para 20.4.

[29] GOVERNMENT OF NEW DELHI, UNIVERSITY GRANTS COMMISSION, NATIONAL HIGHER EDUCATION QUALIFICATIONS FRAMEWORK (2023), https://www.ugc.gov.in/pdfnews/2990035_Final-NHEQF.pdf.

The NHEQF is based on the premise that higher education qualifications are awarded based on demonstrated achievement of learning outcomes and academic standards. These formal awards, such as certificates, diplomas, and degrees, are granted by competent authorities like colleges or universities upon successful completion of undergraduate or postgraduate programmes. Within this framework, the learning outcome descriptors for a bachelor's degree with Honours are set at Level 6, encompassing knowledge, understanding, and generic learning outcomes. They also outline the general, technical, and professional skills necessary for task performance, application of knowledge, employability, job-related competencies, and entrepreneurial abilities.

Thus, this qualification framework, within which the higher educational institutions in India operate, has reshaped and further expanded the skills requirements for enhancing employability and entrepreneurial skills amongst graduates under the professional programmes.

F. 184TH LAW COMMISSION REPORT, 2002

Though the Law Commission of India is not a regulator of legal education, it is important to refer to its 184th Report of 2002 on the subject: 'Legal Education & Professional Training and Proposals for Amendments

to the Advocates Act, 1961 and the University Grants Commission Act, 1956', which referred to the Mac Crate Report of USA (1992).[30]

The Mac Crate Report, in Chapter V(A), outlined essential legal skills, including legal research, factual investigation, communication, counselling, and negotiation. It also highlighted the ability to advise clients on litigation and alternative dispute resolution mechanisms, the administrative skills required to organise and manage legal work efficiently, and the capacity to identify and resolve ethical dilemmas. [31]

Chapter V (B) identified nine 'fundamental' skills essential for legal practice. The report emphasised that law schools and the practising bar should view the development of lawyers as a shared responsibility, recognising their distinct yet complementary roles in equipping future lawyers with the skills and values needed for competent and ethical practice. It further recommended that each law school actively support students in acquiring key professional skills, engaging them in areas such as problem-solving, fact investigation, communication, counselling, negotiation, and litigation.[32]

The Law Commission recommended that members of the Legal Education Committee of the BCI and UGC carefully examine the Mac

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[30] ABA, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT — EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (AMERICAN BAR ASSOCIATION 1992).

[31] LAW COMMISSION OF INDIA, REPORT NO. 184: THE LEGAL EDUCATION & PROFESSIONAL TRAINING AND PROPOSALS FOR AMENDMENTS TO THE ADVOCATES ACT, 1961 AND THE UNIVERSITY GRANTS COMMISSION ACT, 1956 (2002).

[32] *Id.*

Crate Report and its subsequent modifications to incorporate its insights into legal education reforms. [33]

V. MODEL OF LAW SCHOOLS IN INDIA

Law programmes typically provide a bouquet of courses, with new additions introduced periodically to incorporate various fields of law. However, students can only enrol in a limited number, inevitably omitting others. A similar process applies to specialisation streams in the advanced years of study, where course selection by students, is guided by academic interest, professional relevance, or bar examination requirements. However, it is pertinent to note that the mechanical expansion of the bouquet of courses may impede the broader objective of equipping students with a broader understanding of the legal system.

As evidenced from the regulatory requirements and the 184th Law Commission Report, law schools in India have traditionally followed a professional model, primarily training students for litigation and courtroom practice rather than treating law solely as an academic discipline. However, the Law Commission recognised the diverse career paths like advocacy, judiciary, consultancy, civil services, or academia which may be pursued by law graduates, and stressed the need for a holistic legal education.[34] Nevertheless, it is essential that students first develop a broad

[33] *Id.* at ¶ 5.15.
[34] *Id.* at ¶ 5.18.

understanding of law before focusing on specific areas in their professional careers, given the wide range of legal specialisations available.

VI. LEGAL EDUCATION, LEGAL PROFESSION, REGULATIONS AND FUTURE REQUIREMENTS

This section will examine the question that whether the prevalent regulatory requirements for Indian legal education, resonate with future needs of the discipline and the profession. Towards this enquiry, it has been divided into five parts namely, changing legal education, legal profession, curriculum requirements, pedagogy and, instruction of law in regional languages.

A. CHANGING LEGAL EDUCATION

The global shift towards a digital and knowledge economy has a profound impact on the law, legal systems and legal education. This has resulted in an economy and society in which the quantity, quality and accessibility of information becomes more valuable than the means of production.[35]Abundance of knowledge has impacted all knowledge disciplines. It becomes imperative for the professional model law schools and the legal profession to consider such impact in the society where knowledge becomes infinitely replicable with no loss of quality and where information networks create a new mode of production.[36] It is imperative to consider the competing claims regarding the object and purpose of law schools along with sociopolitical and technological forces shaping the

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[35] Paul S. Adler, *Market, Hierarchy, and Trust: The Knowledge Economy and the Future of Capitalism*, 12(2) ORGAN. SCI. 215 (2001).

[36] PAUL MASON, POST CAPITALISM: A GUIDE TO OUR FUTURE 123 (Allen Lane ed., 2015).

society generally and legal systems more specifically.[37] It is also imperative that legal education keeps pace with the changing legal landscape.

B. LEGAL PROFESSION

Legal profession itself has undergone transformation due to dynamic and interconnected world landscape which is shaped by rapid technological advancements, globalisation, and constant social and economic shifts. This evolving reality presents significant challenges to the traditional framework of law and justice. Consequently, the age-old methods of legal education are no longer considered sufficient. Under the professional school model, it is expected that methods must be revitalized to equip future legal professionals with the intellectual agility and practical acumen necessary to thrive in this complex and interconnected world. This necessitates a paradigm shift, one that emphasizes critical thinking, problem-solving, and a nuanced understanding of the societal impact of legal decisions. This occasions an examination into the question that whether the move towards a hybrid model between academic and professional school models should be made.

C. CURRICULUM REQUIREMENTS

There are significant disparities among law faculties and NLUs in India. Even within NLUs, a hierarchical distinction exists, with a few institutions leading in academic excellence, while others follow in an informal descending order. (The hierarchy of NLUs is further exacerbated by the considerable gap in the financial resources of different NLUs,

[37] Goldsworthy, *supra* note 5.

occasioned by differential allocation of funds to each by the respective state government.) The programme structure and curriculum are primarily shaped by the leading NLUs, which benefit from high-achieving students, distinguished faculty, extensive library resources, robust extracurricular activities, and substantial financial and state support. Other law schools attempt to emulate these institutions but often do so superficially.

Recognising these disparities, the Standing Committee on Personnel, Public Grievances, Law and Justice had recommended that the BCI establish a uniform curriculum for undergraduate law courses. While this approach offers advantages, it also presents limitations.[38] A standardised syllabus could enhance accessibility and consistency, particularly if the course content from leading NLUs is made publicly available online, allowing emerging law schools with limited faculty expertise to benefit. This would ensure that while the core curriculum remains consistent across institutions, differences would persist in teaching methodologies, pedagogical approaches, and faculty quality, preventing drastic deviations from the established model.

However, two key limitations of curriculum uniformity must be acknowledged. First, that, standardisation may stifle innovation and fail to accommodate specialised requirements. Certain courses, such as agricultural law, may be essential for some institutions but irrelevant for those in urban settings, potentially leading to calls for their removal. Similarly, law schools in tribal areas may require a substantially different curriculum to address region-specific legal issues. The second is that

[38] Standing Committee, *supra* note 25.

uniformity assumes equal access to resources, which is not the case. For instance, in courses such as technology law, institutions with limited infrastructure may struggle to offer the same depth of instruction as better-equipped universities.

Thus, while a uniform curriculum may foster consistency and accessibility, it must allow for flexibility and resource-based adaptations to ensure meaningful and contextually relevant legal education across diverse institutions.

D. PEDAGOGY

The dominant approach to legal education in the 20th century has been described as a teacher-focused "traditional model", characterised largely by "*teachers uncritically replicating the learning experiences that they had as students, which usually meant that the dominant mode of instruction was reading lecture notes to large classes in which students were largely passive*".[39] There is a need for law teachers to evolve pedagogy for teaching core law subjects. For instance, in Australia, legal academicians found it challenging to re-imagine the way in which law should be taught, particularly the 11 Priestley subjects, (mandatory to be studied by students in Australia to become lawyers), that are conceptualised in traditional ways because the traditional thinking stifled the development and reform of the law itself.[40]

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[39] Mary Keyes & Richard Johnstone, *Changing Legal Education: Rhetoric, Reality, and Prospects for the Future,* 26(4) SYD. L. REV. 537, 539 (2004).

[40] Kate Galloway, *A Rationale and Framework for Digital Literacies in Legal Education*, 27(1) LEGAL EDUC. REV. 117, 141 (2017).

There is a need to become involved in pedagogical writing and research for law teachers. Law teachers should engage in pedagogical activities to examine the educational structures that are built upon the solid foundation to pass on core values and skills. It would help to test and disseminate the effectiveness of legal education. The purpose of this is to know whether the structures and methods of delivery are robust and engage students as well?[41] For determining the robustness, a standard setting for systemic consideration would be required, and the process for setting such a standard has to be decided. A choice has to be made between the top-down model, (which has been followed hitherto), where the regulator sets the process and the universities follow it; and the market model, where each law university innovates, and its success marks the success of the approach it has adopted. It is also to been that whether the desired standard should be something in the mean, balancing the two extremes.

E. INSTRUCTION OF LAW IN REGIONAL LANGUAGES

There is a growing discussion on the need to teach law in the regional languages in India. It is believed that if law students are well-versed with regional languages and laws related to regional issues, people's access to the legal system can be improved.[42] However, the challenge of teaching law courses in regional languages lies in unavailability of resources like books, journals and the faculty for instruction in such languages.

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[41] Simon Brooman, *Enhancing Student Engagement by Building upon the "Tectonic Plates" of Legal Education*, 32(2) LIVERPOOL L. REV. 109 (2011).

[42] *Teaching law in regional languages can improve legal system's access: CJI*, BUSINESS STANDARD (2024), https://www.business-standard.com/india-news/teaching-law-in-regional-languages-can-improve-legal-system-access-cji-124071300768_1.html.

VII. CONCLUSION

There is a conflation of purpose, between that of legal education, and that of various models of law schools. Learning outcomes of law programmes prepared as per regulatory requirements provide us an indication about the role, we envisage for our students in the society as lawyers, judicial officers, bureaucrats or social engineers, (who can be instrumental in the solution of social problems.) Legal education in India hitherto, has followed the professional model of law education as laid down by the regulatory regime. However, concerns have been raised by a few academicians as to why legal education cannot be a part of the academic disciplines. Today, the industry demands future ready lawyers and the law universities struggle to provide relevant skills to students to meet such expectations. It is essential that an assessment be made about the relevance of skills for professionals, at different points of their careers, including an estimation of skills that would be required in the future. Not only should the expenditure of time in making such assessments has to be justified, but also, the assessment so made, should also be timely and correct, pursuant to which, proper and timely administration of such skills is another challenge for the universities.

There is a need to know what can be conceived as major ends and purposes of legal education. A pertinent question to be asked is whether we envisage ends or purposes at all or are we so completely habituated to a routine that we find no room to ask what the room is for, and feel no need

for objective standards to test it?[43] The purpose of legal education must be to understand the law and the legal process in a diversity of social contexts,[44] and it, undeniably needs to align with societal demands. If legal education is viewed principally as professional or vocational training, the definition and societal role of the 'profession' become crucial.[45] Should legal education appear detached from legitimate societal expectations, a critical reassessment is necessary to determine whether professional skills have been prioritised over contextualising law as a social discipline.[46] This is specifically important for a country like India where we have a pluralistic and diverse social structure having diverse needs and stimuli. Therefore, in a society undergoing substantial change, legal education must be in a constant flux. The legal education can either reflect the responses of the legal system to social change or ill-afford to degenerate into something artificial, useless, and perhaps, even socially harmful.[47]

The Curriculum Development Committee of UGC (2001) observed that unlike other professional courses, the LL.B programme is not confined merely to training for professional lawyers; the training is only one among the various objectives of the course.[48] The Standing Committee on Personnel, Public Grievances, Law and Justice Committee recommended

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[43] John Dickinson, *Legal Education and the Law School Curriculum*, 79 U. PA. L. REV. 424 (1934).
[44] Galloway, *supra* note 41; *A Rationale and Framework for Digital Literacies in Legal Education*, 27(1) LEGAL EDUC. REV. 117, 141 (2017).
[45] UPENDRA BAXI, NOTES TOWARDS A SOCIALLY RELEVANT LEGAL EDUCATION: *A* WORKING PAPER FOR THE UGC REGIONAL WORKSHOPS IN LAW 42 (1975-1977).
[46] Sir Anthony Mason, *Occasional Address at the Opening of the Deakin University Law* Program, 1(1) DEAKIN L. REV. 1, 2 (1994).
[47] John Henry Merryman, *supra* note 1.
[48] BCI, *supra* note 24.

that innovative approaches towards curriculum development and course structuring are required to provide a sharper and specialised focus towards training and capacity building for the future juridical officers.[49] This point indicates that legal education and therefore, law universities should work on intellectual development of students and prepare them for multifarious legal professions, and not only lawyers. This can only be realised by giving required attention to the broad scope of the *metajuridica* in which law studies are rich.[50] It is also essential to pay sufficient attention to the major core subjects and the intellectual and moral dimensions of law. A member of the legal profession must be trained and educated in every subject of the curriculum.[51] The deep substantive legal knowledge that law schools traditionally fostered, should also continue to be administered.

Currently, the challenge for Indian law universities is to rethink their relationship with the legal profession. They must assert their autonomy in matters of curriculum, teaching, learning and research, so that legal education can aim for more than preparing students for work in private legal practice.[52] The question as to whether legal education should be continued to be linked with employability, remains pertinent for the law universities to answer. The purpose of legal education must be broader and deeper than this and it should encompass more than merely training

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[49] Standing Committee, *supra* note 25.
[50] Peter Birks, *supra* note 15.
[51] *Id.*
[52] *Id.;* Mary Keyes & Richard Johnstone, *Changing Legal Education: Rhetoric, Reality, and Prospects for the Future,* 26(4) SYD. L. REV. 537, 539 (2004).

students for the bar.[53] It should not be the primary function of legal education to supply students with information which will be immediately useful to them in practice. A hybrid model may be followed where legal education does not end with the university, and rather, the university education is considered as the first phase of learning of the discipline of law. The second phase of learning may come from the industry where the students join after obtaining their degrees, Instead of insisting on hiring future ready lawyers, it will be better if industry gets ready to invest into their training. This disjunction between the first and second phase is the gap over which a bridge must be built.

The curriculum of a law school constitutes its major part and to that extent the more or less standardised curriculum prevailing in law schools is an important constituent element of the existing system of legal education.[54] As discussed earlier, the curriculum in law universities is generally prepared on the basis of BCI requirements, and the differences lie mostly in stream courses, electives or value addition courses. It is also important to modify the regulatory requirements in view of the technological progress since both the legal profession and legal education are considerably shaped by such forces in current times.[55] Careful consideration and re-imagining of the continued role and importance of law schools, into the second machine-age is required, irrespective of the formers' characterization.[56]

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[53] Shamnad Basheer & Sroyon Mukherjee, *Regulating Indian Legal Education: Some Thoughts for Reform*, SSRN (2010), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1584037.
[54] Dickinson, *supra* note 44 at 424-439.
[55] Daniel Goldsworthy, *Socrates and Smartphones: Why the Future of Legal Education Must Be Philosophy*, 10 J. AUSTRALASIAN L. TCHERS ASS'N 61, 66 (2017).
[56] *Id.*

Each law university should have a strategy to provide it a direction. Initially, it might be difficult for some of them to strategise their directions due to lack of resources, but effort should be made by each university to think, from time to time, about what it wants to be, and what it does not want to be. Whether it wants to provide holistic knowledge, research or create opportunities for entrepreneurship and incubation? Legal education has an academic rigour associated with it; therefore, the primary focus should be on providing quality legal education. The law schools have to invest into training teachers, ensuring quality course content and delivery. Capacity building of law teachers should be undertaken for engaging them in research, which can, as a corollary, be employed by themselves, while administering their respective courses.

Therefore, there is an imperative need to introspect on the achievements and failings of the system of legal education that has been developed so far. It is of paramount importance that there are clear objectives for the reform of legal education, by reference to which, the modifications or alterations carried out (so far and in the future), can be reconciled.[57]

[57] Dickinson, *supra* note 54.

Professor (Dr.) Harpreet Kaur, *Prologue,* 11(1) NLUJ L. REV. 463 (2025)

EPILOGUE

~ *Professor (Dr.) Harpreet Kaur* [*]

The evolution of legal education in India stands at a pivotal juncture. The Special Issue 11.1 has revealed, the path forward is shaped by dynamic forces such as technological advancements, interdisciplinary integration, regulatory reforms, and the pursuit of social justice. The insights contributed by leading voices in legal academia underscore the necessity for legal education to adapt and innovate, ensuring that it remains relevant in a rapidly transforming legal and societal landscape.

A core theme emerging from the Special Issue is the need for structural reforms in legal education. Contributors have emphasized the synchronization of regulatory frameworks between the Bar Council of India, the University Grants Commission, and the National Education Policy to streamline governance and academic quality. Recommendations such as reducing the duration of the five-year integrated law program, expanding multiple entry and exit points, and fostering credit transfer mechanisms exemplify the efforts to make legal education more flexible and accessible. The proposal to establish model law colleges in every district further highlights the need to democratise legal education across geographical and socio-economic spectrums.

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Another pressing concern addressed is the integration of social justice within legal education. Contributors have advocated for the expansion of scholarships, legal aid clinics, and multilingual entrance examinations to enhance inclusivity. Gender-sensitive campus reforms and policies supporting marginalized communities have also been emphasized as essential steps toward fostering equitable access. The commitment to ensuring that law students develop a strong ethical foundation, alongside their technical proficiency, reaffirms the role of law schools in shaping responsible legal professionals.

In the face of rapid technological advancement, contributors have stressed the necessity of equipping law students with digital and technological skills. The integration of artificial intelligence into legal education, the use of digital platforms for legal research and documentation, and the development of e-court initiatives have been identified as essential steps in modernizing the legal profession. Moreover, enhancing digital infrastructure across institutions has been recognized as a crucial component in bridging accessibility gaps, particularly in rural law schools.

Interdisciplinary legal education has emerged as another fundamental pillar of reform. By incorporating subjects such as environmental law, business law, public policy, and emerging areas like fintech, artificial intelligence, and digital governance, law schools can produce graduates better equipped to navigate contemporary legal challenges. The expansion of clinical legal education, structured trial

advocacy training, and partnerships between law schools for joint research further contribute to a more practice-oriented approach to legal education.

Financial sustainability remains a concern, as many contributors have pointed out. Advocating for state funding at par with central universities, increasing research grants, and ensuring equitable infrastructure investments across institutions have been identified as measures to bridge disparities between elite NLUs and other law schools. Such financial reforms are necessary to enable the effective implementation of various educational advancements and ensure that no institution is left behind in the process of legal education reform.

The Special Issue has provided a comprehensive roadmap for the future of legal education in India. However, as with any transformative endeavor, these discussions do not mark an endpoint. Rather, they serve as an invitation for continued dialogue and engagement among policymakers, academicians, and practitioners. The future of legal education is not a settled matter—it is an ongoing discourse, one that must remain adaptive to the evolving needs of justice, society, and the legal profession. As we conclude this edition, we reaffirm our commitment to fostering further conversation and collective action to shape a legal education system that is inclusive, forward-looking, and responsive to the needs of a changing world.