

Study on legal education

Justice delivery is dependent on the lawyers and judges in a society. To improve the standards of justice delivery in any country, it becomes crucial to oversee the way legal education is imparted. It is the responsibility of legal education to impart ideals of justice, equality and fairness in the society, and train bright young minds to become lawyers and judges for tomorrow.

A recent survey conducted by the Research Foundation for Governance: in India (RFGI) on the quality and nature of legal education, has revealed some shocking results on the quality of legal education imparted in law colleges in Ahmedabad. Barring a few, mainly the National Law Schools providing 5 year integrated legal education, all law colleges need serious reforms, if the legal system of the country is to be improved.

The Existing Structure:

Traditionally, in India, legal education has been offered as a 3-year graduate degree. The only eligibility requirement to enroll for LLB has been that the applicant should have a Bachelor's degree in any subject from a recognized institution. This structure changed with the advent of a 5-year integrated law degree in 1987. The National Law Universities offering a 5-year integrated law degree, although only a handful in number, are a path-breaking reform offering a multi-disciplinary and integrated approach to legal education. Despite these specialized universities, as many as **97%** law-colleges in India offer three year law degrees.

The Bar Council of India (BCI) is the supreme regulatory body which regulates the legal profession and education in India, and has laid down certain norms.

In order to understand the functioning of these 3-year law colleges, Research Foundation for Governance: in India conducted a study on legal education. We took the city of Ahmedabad as the sample for our study. During our survey, we met and interacted with principals, teachers and students of all **11 law colleges in the city of Ahmedabad**. Some of our observations were as follows-

Observations:

1. The norms of the BCI, especially the ones concerning minimum faculty/library requirements/teaching load, are being flagrantly violated by the law colleges and yet their affiliation with the Council continues.
2. As per the norms of the BCI, the law colleges are supposed to have at least 4 core full-time teaching staff in the first year, 6 in the second and 8 in the third year. However, **none** of the colleges surveyed were meeting this criterion. **90%** of the colleges do not even have a appointed principal and are being managed by in-charge principals. Some colleges, appallingly, were run by only one person, serving as peon to in-charge-principal.
3. As per the requirement of BCI, each class should have the strength of 60 students, while the UGC requires each class to be 80 students strong. The Government of Gujarat requires the class to be of 130-170 students. The vacancies of the teachers are granted by the Government on the basis of the work load of 130-170 students. However, this disqualifies the colleges to obtain the grants of the UGC or even to meet the basic criteria of BCI.

The Bar Council in the part IV, schedule III, number 17 explicitly states, “...if any institution of a University, which was already affiliated to the University and approved to run professional courses...by the Bar Council of India, after inspection of the University, falls short of required full time faculty, the new admission in courses may be required to remain suspended until new required number of faculty is procured.”

“Provided further that if while inspecting the University it was found that in any institution of the University, adequate number of full time faculty was not there in the staff, the Bar Council after giving notice to the University might give a public notice directing the University not to admit students in the new academic year in that institution.

There is, thus, complete lack of coordination between the norms of BCI, UGC and the Government as far as legal education is concerned. The position of law colleges was that of a ‘sandwich’ between the rules of the Bar Council of India, the University Grants Commission and the Government, who are unable to impart quality legal education or even train students to the highest standards of professional ethics.

4. Colleges are finding it impossible to arrange lectures and classes for students on regular basis. The classes are held only with the help of visiting faculties, who are paid as less as

Rs. 75 to Rs. 100 per lecture. Many of the visiting teachers take the classes out of personal favours to the principals or the management.

5. The traditional law degree has become a part-time degree, failing to attract students who sincerely wish to pursue the knowledge of law. It is also considered a degree which is 'extremely difficult to fail.'
6. Unfortunately, the present system enables law graduates with little knowledge or skill to argue a case to represent a client before the court of law. It has become a degree for those who wish to have an additional certificate, or to have a part-time activity after work or even to lessen the waiting period before marriage.
7. The premises of these colleges made it apparent that not only were the hygiene conditions inappropriate, even the basic facilities such as the building, classrooms, academic apparatus were found to be inadequate.

These are very serious issues, which create irreparable damage to the quality of justice-delivery. Unfortunately, many products of the 3-year law colleges, who neither have knowledge of law nor the skills to practice, end up in litigation. Their lack of skills and knowledge about the system ends up creating many-folds problems for the clients, the system and to the quality of 'justice'.

Suggestions:

1. Understanding the importance of the legal education in the society, Government, at the onset, must fill up the required vacancies of the teachers. As per the norms of UGC, a law professor must have either NET/SLET or PhD degree. It is very difficult to find teachers with these qualifications at the given salary-levels. The Government/UGC must relax these criteria to allow the appointment of teachers with LLM qualifications to fill up the appalling number of vacancies.
2. All the law colleges of the state must be covered under one umbrella body. This body will perform the task of monitoring the progress of legal education within the state. Law colleges need to be granted a special status and need special attention of the government, similar to that commanded by the medical colleges which also provide professional education.

3. In order to attract best quality of students, the 5 year National Law Colleges have an entrance exam CLAT – Common Law Entrance Test. Similarly, even the 3 year law colleges need to put in place an Entrance Exam to attract genuine and sincere students.
4. The part-time nature of the LLB degree must come to an end. All the LLB degrees must be full-time courses. The managing trusts of these colleges must take proactive steps in this direction.
5. The curriculum, practical training and the pedagogy at the 3-year colleges must also be at par with the 5-year National Law Colleges. There is a need for a massive change in the curriculum of 3 year colleges, ensuring that the curriculum is up-to-date and is intellectually stimulating.
6. Presently, Government provides legal education at concessional rates to the students. However, in order to meet the requirements of teachers and upgradation of the curriculum, the Government may contemplate raising the fees of the traditional 3 year law schools marginally. This would not only make sure provision of basic educational facilities but would also incentivize students to take their studies more seriously.
7. Government can also contemplate incorporating BA in Law for those who seek a basic introduction to law. The LLB degree should be a specialized professional qualification, for those seeking to establish a career as a lawyer.
8. Existing colleges must be given a specific time-frame to meet the criteria laid down by the Bar Council of India. If they are unable to do so, they should be either shut down or converted into a college offering a BA in Law.
9. It is high-time that India introduces a Bar Exam, as it exists in many other jurisdictions. In many countries, only the most intelligent and skilled students can practice in the Court of Law and are given authority to represent a client. If standards of legal system are to be improved, a Bar Exam is an absolutely necessary step to be introduced.