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ARTICLE

Dynamics of Legal Education

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Abstract

The author has tried to make some analysis about the system that is being followed to imparting legal education in India. She has also tried to identify in it in what manner it is suitable or not to the needs of today's globalized legal world. The legal field and the requirement of legal experts is rampant these days but the availability of the legal precepts to deal with the shifting law and order situations is very scanty. Besides the legal analysts to frame, apply and implement those precepts to the actual situations are despondently missing in our system. The article contains some details about the legal education system which is being followed, resulting in to introduce the new curriculum and course structure to the law schools in India. The concluding part of the article suggests some view-points to brood over and suggestions as well to be included in the legal education to make it more concrete and at par with the changing needs of the society.

Foresighted Vision of the Constitution

Those who framed the Constitution of India possessed a wide and foresighted vision. They took care of so many things that could be beneficial to most of the citizens of the country. In view of that all rights that a human being should enjoy, have been enshrined in the Constitution. Therefore the laws pertaining to it were framed in such a way that they protected the rights of all humans while performing the duties.

As the modern society and its functions started to expand some complexities relating changing human behavior arose. Law makers had in mind that the spread of legal education should be so as to provide 'Justice' for all. Therefore, the vision for legal education was set

for imparting justice – oriented education to the realization of the values enshrined in the Constitution of India.

History of Legal Education in India

Traditionally the degrees that were conferred carried the title of LL.B. (Bachelor of Laws) or B.L. (Bachelor of Law). The eligibility requirement for these degrees was that the applicant already has a Bachelor's degree in any subject from a recognized institution and the LL.B. or B.L. course was for three years, upon the successful completion of which the applicant was granted either degree.

However, upon the suggestion thereafter on the recommendation by the Law Commission of India and also the prevailing whimper in favor of reform the Bar Council of India instituted upon an experiment in terms of establishing specialized law universities solely devoted to legal education and thus to raise the academic standards of legal profession in India, the first law University in India was set up in Bangalore which was named as the National Law School of India University. These law universities were meant to offer a multi-disciplinary and integrated approach to legal education. It was therefore for the first time that a law degree other than LL.B. or B.L. was granted in India. National Law School offered a five years law course upon the successful completion of which an integrated degree with the title of 'B.A.LL.B (Honours)' would be granted. Thereafter other law universities were set up, all offering five years integrated law degree with different nomenclature. However, despite these specialized law universities, the traditional three year degree continues to be offered in India by other institutions and is equally acknowledged as eligible qualifications for practicing law in India. Another essential difference that remains is that while the eligibility qualification for the three year law degree is that the applicant must already be a holder of a Bachelor's degree, for being eligible for the five years integrated law degree, the applicant must have successfully completed Class XII from a recognized Boards of Education in India. Both the holders of the three year degree and of the five year integrated degree are eligible for enrollment with the Bar Council of India upon the fulfillment of eligibility conditions and upon enrollment, may appear before any court in India.

The Target of Legal Education

The target is simple. Legal education must aim to achieve preparing legal professionals, who will be legal experts and future leaders playing decisive roles. The genre of legal education

is not only to prepare practicing advocates but also academic people like legislators, judges, policy makers public officials, civil society activists as well as legal counsels in various sectors.

No country at the present juncture, can survive alone. The need of the hour is that legal education should also focus on world – class legal education, understanding of international affairs, social, political, religious and economic, so as to move with the world leading to a progressive change. Report of the Knowledge Commission (2008) strikes a chord for multi – faceted approach that ought to be adopted in a logical way.

The law, today, has become a set of mechanical rules that the lawyers attempt to manipulate for the interest of their clients. They lack the technique of effective counseling and thorough – going knowledge of the principles of law, where counseling calls for a wide and deep knowledge of human nature and modern society. The profession demands greater skills in meeting the obvious requirements. Advocacy is the most intensive work a lawyer is called on to do. Advocacy is not a gift of the gods. Only a few law schools in the country pay much attention to the skills and crafts needed for it. Somewhere in the course of his professional training even when he is learning law, a complete lawyer must be taught the art of advocacy.

Theodore Roosevelt – the President of USA once, aptly put it, ‘Every man owes some of his time to the up building of the profession to which he belongs’. Indeed this obligation is one of the great things which distinguishes a profession from a business. It’s high time that people teaching, learning and practicing law should wake from their lethargy. The advances in science and technology are so startling that the velocity of change is so fast, lest law should lose its grounds. The law schools, so far have done nothing about the matter beyond an occasional unpopular and generally ineffective course in legal ethics.

Duties & Responsibilities of a Lawyer

No individual class in our society is better able to render real service in the molding of public opinion than the lawyer. Lawyer must be prepared to answer the call for public service when it comes to deprive people of such service is a pitiable mockery of what a great lawyer career. A lawyer’s public interest should not prove abortive. A crown of laurel should not be turned out to be one of thorns.

Certain Pitfalls of Law Schools

These days a great debate is on concerning whether the law schools/colleges are doing their part in preparing students for the profession. The legal education is being imparted about the 'what' and 'why' of law, but the 'How' of the law is being ignored. The law schools/colleges generally are not doing what they should be doing to prepare their students for a better function i.e. improving his profession, the courts, and the law. It is the duty of law schools/colleges to teach procedure with due regard to the realities of law.

Multiple Functions of Legal Education

With growing complexity in governance, new activities call for specialized kind of legal education. Legal education in modern times is expected to fulfil a large number of functions in addition to educating lawyers and judges. It has to provide the citizen, the knowledge required to exercise civic responsibilities and rights. The content of law study should adequately reflect the role of law in development and tend to engage with social movements of change. The method should be inter- disciplinary and not divorced from social need and realities. It should inculcate professional skills and impart training in it. It should encourage empirical research and should interrogate policy assumptions and impact of laws on behavior. Without any planning and effective regulation the system of legal education produces "half baked" law graduates.

The world has become a global village. Needful changes are required in this changing era of globalization and modernization and a complete relook are needed in legal education with a improved and up to date teaching methodology and the curriculum development. It should be a comprehensive capsule to cater to various stake holders of the society.

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