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Reform Legal Education

Urgently Needed

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India has one of the largest and most complex legal professional and legal education systems in the world. Over 1.3 million advocates practice in Indian courts, which currently employ 16,726 judges in the lower judiciary, against a sanctioned strength of 22,474. Another 700 judges in the high courts and the Supreme Court, against a sanctioned strength of over 1,100, run the higher judiciary.

India also has one of the largest number of legal education institutions — over 1,500 law colleges and law schools. Some 1.5 lakh students graduate from these institutions every year. Further, the government is the biggest litigant in Indian courts, and over 3.3 crore cases remain pending in all the courts. Addressing the challenges of the justice delivery system is critical and, hence, fundamental reforms in legal education ought to receive the highest national priority.

Laws relating to universities and higher education institutions remain complex and multi-layered and mostly overlap with multiple regulatory bodies overseeing the same set of institutions. Law colleges are located in public universities, set up by both the parliament and state legislatures.

Central universities set up by parliament, like the University of Delhi or Banaras or Aligarh, have their law faculty or department operating as the law school of that university.

State universities like the University of Calcutta, Mumbai, Madras, Pune, Osmania, etc, are mostly affiliating universities, where they generally affiliate law colleges set up by private trusts and societies and, in some cases, they have their own law departments or schools in addition.

The major problem facing Indian legal education today is this affiliated law college system of state universities. There is an institutionalised mediocrity and dilution of academic standards in a majority of these law colleges. The mushrooming of law colleges and the mass production of incompetent lawyers across the country have contributed to the dilution of standards in both legal education and the legal profession. For example, the three state universities of western Uttar Pradesh — Meerut, Agra and Kanpur universities — have 107, 40 and 67 law colleges affiliated to them, respectively. These 214 law colleges offer over 25,000 seats in the LLB degree programme alone.

The stratification of law colleges with varying legal, regulatory, institutional and governance structures has undermined the development of quality standards, academic ecosystem and the pursuit of excellence in most law schools.

The Madras high court held in 2017 that 85% of law colleges must be closed to maintain the sanctity of the legal profession. We have over 1,500 law colleges in 2019. In the year 2000, we had less than 800 law colleges, and the number was close to 900 in 2010.

We added almost 600 new law colleges in the last eight years without giving due consideration to the needs of the profession or the availability of suitable opportunities for young law graduates. One of the major reforms needed in legal education is to close down at least 500 mediocre, dubious and substandard law colleges. The chairman of the Bar Council of India had made a similar suggestion.

None of the Indian law schools find a place in the top 300 law schools of the world as per the QS World University Subject Rankings 2019. While the establishment of the National Law Universities is a step in the right

direction, we cannot lose sight of the larger challenges facing legal education across law schools in India. It is important to note that all NLUs combined impart legal education to only about 2,500 students in a year, which is not even 2% of the total LLB students admitted in Indian law colleges in a year.

If our entire legal education policy is directed towards improving the situation of the 2% of law students, we will be doing substantial injustice to the other 98%. The NLU-focused legal education reform agenda must give way to the reforms needed in the central and state university law departments, affiliated law colleges and the deemed and private universities. This requires a new imagination for legal education reforms that is holistic, farsighted and inclusive.

Way forward

Some key measures to adopt for a substantial and urgent reform are:

Strengthening 3-year LLB programme: On par with the JD or Juris Doctor programme of American and Canadian law schools, the Indian LLB 3-year programme must be made more rigorous and full-time. Though NLUs work purely on the 5-year law programme, they must consider starting a 3-year LLB degree on their campuses and open their doors to the graduates of India's best degree colleges.

Establishing NCLEAR: The Bar Council of India must consider establishing the National Council for Legal Education & Research, with adequate representation from all stakeholders in legal education and the legal profession. Such a council could be chaired by the chief justice of India with the BCI chairman as its member-secretary. The council should have all stakeholders, including legal academia, judges, lawyers from both the litigating and corporate bar and also academics from humanities and social sciences.

Attracting talent: The biggest crisis facing legal education is the near absence of bright individuals with passion, commitment and dedication to teaching and research aspiring to join law schools. Law schools ought to be places where the most fundamental ideas of building a just society ought to be discussed and debated. Instead, due to institutional apathy, absence of imagination and lack of responsibility and accountability, most law schools in the country are routinely churning out mediocre lawyers. This has to stop now!

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