

LEGAL EDUCATION SYSTEM AND ITS PROBLEM IN INDIA

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ABSTRACT:

It is trusted that the life on the earth is controlled by the laws of the Lord or the Divinity. It is 'lead of law', that draws the fundamental contrast between human society and creature world. It is the legitimate instruction that assumes an imperative part in advancing social equity. Law professionals are portrayed as 'Social specialists'. Law as a calling and legitimate training as a teach was not a mainstream decision of the understudies in India preceding the presentation of five year law course, the vast majority of the understudies who performed well in their legal Education tried to think about drug, designing, PCs, business management and bookkeeping. Not at all like India, is the circumstance pervasive in England, America and in numerous other created countries convincingly extraordinary. The admissions to graduate schools in these parts of the world are profoundly aggressive. In the present period of data private enterprise, monetary progression, WIPO and WTO, legitimate calling in India needs to take into account the requirements of another brand of lawful purchaser/customer to be specific the outside organizations or joint efforts. In the changed situation, the extra parts by law professionals to play are that of approach organizer, business counsellor, and moderator among intrigue gatherings, specialists in explanation and correspondence of thoughts, go between, lobbyist, law reformer and so forth. Because of extending part of law professionals our educational modules

ought to be improved with every interdisciplinary course which are must to deliver the skilful law professionals of fourth era.

KEYWORDS: *Monetary progression, WIPO, legal education, WTO and interdisciplinary course.*

AIM: The aim of this paper is to analyze the requirements of student, students must know the importance of professional ethics, development of legal education, and to analyze the legal problems.

OBJECTIVES:

1. To study the importance of having legal education in India.
2. To analyse the legal problems and to correctly apply the applicable laws.
3. To make the students to know the importance of having legal education system.

HYPOTHESIS:

NULL HYPOTHESIS: only by providing legal education alone, students cannot improve their standard of education.

ALTERNATIVE HYPOTHESIS: The change is required to improve the standard of legal education. The new standard committee should represent in all law school academics.

MATERIALS AND METHODS: for this study only secondary sources that are doctrinal research have been referred to. A secondary source includes books articles and journal publications. Various other websites, blogs and web derived materials have also been used for the study.

RESEARCH QUESTION: Is it sufficient to take action on part of Bar Council, the Bar Bench and faculties to improve the standard of legal education among students in India?

LEGAL EDUCATION SYSTEM

INTRODUCTION:

Legal education was imparted in our country by way of law department universities wherever courses were instructed as three years engineer once under graduation leading to the award of associate law degree. Legal education and its importance to determine a rule of law society didn't receive any serious priority or attention in these universities, though owing to the motivation of scholars themselves the departments were booming in manufacturing several of the brightest lawyers and a few of the most effective lecturers within the country. Over the years, there has been a substantial degeneration of educational standards within these law departments with very little scope for innovation within the style of courses, development of acceptable teaching modules, formulation of analysis agenda together with endeavor of analysis comes, and additionally the promotion of support. The departments additionally suffered from lack of independence and institutional autonomy as they were at intervals the university system whose priorities didn't continuously match. As a result, the flexibility to draw in serious students with a dedicated commitment to review law altogether its ramifications dramatically reduced culminating in institutionalized mediocrity in law schools across the country.

The reason to choose this topic is to express my point of view regarding the subject matter like what kind of update in legal education need to be brought up, special attention among students in our country. There are so many provisions which are relating to improve the legal education system. There are a lot of problems found in legal education system like lack of infrastructure, students still depend upon their marks and grade but they do not get practical knowledge, faculties or the professors must show some interest to develop the skills of students skill. Only by creating awareness programs it doesn't work, even the students must show their interest. There are many scopes available for the students to shine in different fields so it's up to them to utilize.

EDUCATION SYSTEM AND ITS BASIC PROBLEMS:

Change is a characteristic and nonstop process. A change may not generally be the correct way; there might be changes which are unwanted and negative. The way law and state are sorted out says that both are supplementary and integral to each other. The law endeavors to control the

procedure of progress to give it an alluring heading. Legal foundations and the state are at the center of all social teach. In principle the sovereign power, a definitive, legal specialist in an approach can administer on any issue and can practice control over any change procedure inside the state. Legal education centers on growing great legal counselors who are taught in human qualities and human rights, other than the law itself. All things considered, law works inside a general public and not in a vacuum, and a general public is regularly esteem based which makes cool hard rationale hard to apply in all situations. In numerous cases, it might prompt an unpredictable and shameful outcome.

As indicated by the adjustments being developed and the social milieu, new laws are confined. The government sets down new strategies and laws for specific issues like Gender quality, Women Empowerment, Equal wage for measure up to work and so on., in a state of harmony with the eternity developing awareness of the general public. This is especially troublesome in India because of the tenants having a place with various societies and religions.

The law colleges have neglected to prepare understudies to be master students. So as to better plan understudies for the practice of law, a more successful developmental appraisal in doctrinal courses, lawyering aptitudes courses and facilities might be utilized. A law instructor can utilize the developmental evaluation procedure of law understudies so they can exchange their figuring out how to the new and novel circumstances they look in the practice of law. The objective of developmental appraisal ought to be to move legal education far from an emphasis on a finished result to the basic procedure of building up these items.

Legal education in India managed by local and state government, Universities Grant Commission, Bar Council of India and individual colleges. For different reasons the quality and standard of legal education isn't satisfactory. A few endeavors were made to change educational programs of legal education by the BCI. On the rules of BCI, a few national graduate schools have seen set up, however the outcome isn't up to stamp.

An exceptionally critical advancement in the region of legal education occurred when the bar council of India was set up under the Advocates Act 1981. Under the act, the bar council appreciate exceptionally noteworthy capacity in connection to legal education. Under Sec. 7 of the Advocates Act, a standout amongst the most essential capacity of bar council of India is to elevate legal education and to set down benchmarks of such education in interview with the colleges in India conferring such education and the state bar council.

ROLE OF BAR COUNCIL OF INDIA:

The complex legal system of today can't exist without its specialists. A lawyer is a man who has master learning of law and has practical expertise in its working. In India lawyers are officers of the court helping judges in the organization of equity. An efficient and free legal aid isn't just a precondition for appropriate organization of equity, however it is additionally an important fixing and underwriter of the manager of law. The Legal Practitioners Act, one thousand eight hundred seventy nine was an extensive enactment to unite and alter the law identifying with legal practitioners. The Act gave wide powers to the High Courts to select lawyers for various courts and furthermore to make disciplinary move against them. They had the forces to make rules as for the capabilities and affirmation of appropriate people as backers and vakils of the courts. The High Courts were additionally approved to make rules regarding capabilities and confirmation of pleaders and mukhtars for the subordinate courts. An essential arrangement of the Act which keeps on existing even now, engaged the District Judges, Session Judges, District Magistrates and so forth to distribute the rundown of courts.

The dissatisfaction over the refinement amongst vakils and advocates concerning appearance on the first side of the High Courts and furthermore an interest for an All India Bar, prompted the arrangement of the Indian Bar Committee, one thousand nine hundred twenty three under the administrator ship of Sir Edward Chamrier. Board of trustees prescribed the foundation of a Bar Council for every High Court. It turned into the premise of the death of the Indian Bar Councils Act.

Indian Bar Councils Act, one thousand nine hundred twenty six built up a Bar Council for every High Court comprising of fifteen individuals, one of whom was the Advocate-General as the ex-officio Chairman. The move of the considerable number of practitioners selected under a High Court was to be kept up by that High Court which had the ability of making disciplinary move against them. The Act still left a lot of that what was wanted Legal practitioners were as yet disappointed as no active self-sufficiency had been given to the calling. The Bar Councils were just warning bodies and the genuine forces vested in the High Courts. Another grouse was against the qualification amongst advocates and lawyers and limitations on promoters of one High Court to show up in another High Court. [\(Krishna Iyer 1979\)](#)

After Independence, the Advocates Act, one thousand nine hundred sixty one gave a privilege to each promoter of the Supreme Court to practice in any High Court. People group still needed a self sufficient body with no class qualifications among lawyers. In perspective of their request, an All India Bar Committee was selected in one thousand nine hundred fifty one, under the Chairmanship of Justice S. R. Das³. The board of trustees suggested production of an all India Bar Council with regular move of all promoter and furthermore the Bar Council for States with bigger self-rule. It likewise suggested that lone law graduates ought to be enlisted as backers. These proposals were supported by the Law Commission in one thousand nine hundred fifty eight, and they turned into the premise of the Advocates Act, one thousand nine hundred sixty one.

Dissatisfaction with this sort of game plan kept on mounting among the legal practitioners. They got another jolt on the foundation of the Supreme Court in 1950. The Supreme Court Advocates (Practice in High Courts) Act, one thousand nine hundred fifty one, gave a privilege to each promoter of the Supreme Court to practice in any High Court. In any case, that was insufficient. Lawyer people group needed brought together independent bar with no class refinements among lawyers. In perspective of their request, in one thousand nine hundred fifty one the Government of India delegated the all India Bar Committee under the Chairmanship of Justice S.R. Das to investigate the attractive quality of an all India Bar Council and a different Bar Council for the Supreme Court, cancellation of the refinement amongst direction and specialists existing in Calcutta and Bombay High Courts, annulment of various classes of lawyers, combination of the current laws regarding the matter, and all other associated matters. *Deepak Sibal v Punjab University*⁴ the Supreme Court held that no unreasonable interventions are encouraged in the law schools realizing the discrimination of legal knowledge.[\(Krishna Iyer 1979; Toobin 2008\)](#)⁵

NEED A CHANGE:

Many individuals from the Constituent Assembly were from the field of law, which was taken a bad portrayal from others sections of society was expected to give an adjusted view to the

³ <https://www.legalbites.in/growth-of-legal-profession-in-india/>

⁴ Equivalent citations: 1989 AIR 903, 1989 SCR (1) 689

⁵ <https://indiankanoon.org/doc/1461661/>

encircling of the Constitution. The final product was a Constitution ensuring uniformity, opportunity and appropriate against abuse, in addition to other things. Despite the fact that not an impeccable Constitution, with an absence of appropriate to security, which could have abbreviated the Aadhaar Supreme Court case to a couple of moments and no codification of parliamentary benefits to anticipate manhandle by the officials, however in general, a brilliantly composed Constitution which has assimilated the best parts from a considerable measure of different constitutions around the globe, beginning with that of the United States of America. Legal education to support the new age of legal advisors must be as per the present societal needs and in this hyper-focused worldwide condition, should likewise be of best quality. Lamentably, the current situation with legal education in India isn't. Our graduate schools are just subsidiary with the Bar Council of India (BCI) which does consistent examinations. In any case, sadly, there is no additional credit given to particular graduate schools. No accreditation framework is given to graduate schools around the nation. This was prescribed by the sixteenth Law Commission too yet has not been executed starting at now. An accreditation framework attempts to create moment rivalry and makes noticeable the acknowledgment of the best graduate schools. This is required. The Advocate Act of 1961 should be revised so that the BCI is granted the energy of accreditation. An inquiry likewise emerges out of consistency.

RECOMMENDATION:

The part of law and lawyers has been indispensable all through our history and present day times. In our nation the part of lawyers has not been any less pivotal. From the individual known as father of our country to the main head administrator and president, the majority of the leaders of national flexibility battle were lawyers. Strengthening the legal training system is the need to confront new difficulties that we look as a nation. Today, the extent of legal instruction isn't confined to imparting learning alone yet to get ready and train understudies to be approach organizers, business counsellors or moderator of any interested gathering which might be a remote company or a partner or cook the requirements of an affiliation looking to consolidate or amalgamate.

CONCLUSION:

The legal education in 21st century ought to consider the globalization and its suggestions on legal field at national and international levels. The Bar Council of India, the State Bar Councils, the State Governments, the University Grants Commission and the Universities have an extraordinary part to play for enhancing the standard of legal education in the nation. They should work in an extensive way with no contention. New roads ought to be investigated by the Bar Council of India and The University Grants Commission in the period of PC applications and data innovation in the legal fields and potential employments of web in the practice of law and legal education. They should discover the ways and intends to address the new difficulties and give better apparatuses of research and strategy of learning for the ages to come. Bar Council of India, constituted under section 4 of the Advocates Act, 1961, is a zenith body for the whole legal profession in India. The advocate Act, 1961, contributes BCI with far reaching forces to endorse models of legal education for the practice of law. In the supposition of Dr. N. R. Madhava Menon, legal education in India ought to be freed from the prevailing control of the Bar Councils and depended to legal scholastics with flexibility to improve, test and contend all inclusive. The suggestions of the National Knowledge Commission, in such manner, merit consideration of the Bar, the legal and the Government. The changes started in few graduate schools all finished India has made just a little mark. Be that as it may, the vision of legal education is to give equity arranged education basic to the acknowledgment of qualities said in the Indian Constitution. With regards to this vision, legal education must go for planning legal professionals who will assume definitive leadership parts keeping up the most astounding benchmarks of professional morals and a soul of public service. Legal education ought to likewise get ready professionals prepared to address the new difficulties and measurements of internationalization, where the nature and association of law and legal practice are experiencing a change in perspective.

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