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## SYSTEM OF LEGAL EDUCATION IN INDIA

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### ABSTRACT

*Our Constitutional order's primary charge is social fairness. It's a legacy we want to bequeath to future generations while maintaining its purity and strength. Clinical legal education (hereafter "CLE") is one method for promoting social justice. The word "CLE" or "law clinic" typically denotes to a non-profit organization that serves a public interest or a group of people in society who are poor or vulnerable who, for different reasons, lack access to the legal system. A legal clinic, as the name implies, may range from a student initiative done in their free time and outside of the college setting to a natural component of a clinical university curriculum. There are examples of clinics run by practicing attorneys that are more or less independent from law schools yet include law students as part of an externship program. The term "clinic" conjures up images of trainee physicians seeing actual patients in their medical offices. Within the academic setting, these clinics provide legal students practical experience while also providing assistance to a variety of (usually impoverished) clients. Many legal clinics provide unpaid internships in one or more specific areas, allowing customers to get free legal assistance.*

**KEYWORDS:** *Clinical legal, Education, Justice, Legal, Services.*

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### 1. INTRODUCTION

Clinical legal education is essential for law students to be prepared to practice law successfully. It entails instructing students on how to become attorneys by allowing them to learn via experience, or "learning by doing." Clinical legal education is undergoing a time of rapid expansion and development, leading clinicians across the globe to consider what clinical education's extraordinary achievements over the last four decades imply for its future (A.S. Anand, 1998). At general, clinical legal education programs are offered as part of the curriculum in Indian law schools. Typically, Indian law schools include "legal aid cells," where students, usually without academic supervision, provide legal assistance to underserved areas. Clinics are important because they prepare students to practice law in a variety of areas by teaching them skills like as fact-finding, investigation, interviewing, and legal research and writing. Through their engagement with disadvantaged communities, students also acquire a sense of social justice and empathy.

Although clinics may be organized in a variety of ways, the Citizen Participation Clinic is an important example of a clinic that will succeed in the Indian setting. In Clinic works with community-based non-governmental organizations (NGO) that provide community access and continuity. Nongovernmental groups benefit from the cooperation because it strengthens their ability to utilize the political process and legal procedures to advance community rights. Law students also help nonprofit groups by providing much-needed personnel. Students learn fundamental lawyering skills, learn about the terrible economic and social issues that the majority of Indians face, and reflect on how they will strive to improve these circumstances as attorneys via their participation in the Citizen Participation Clinic[1].

The Bar Council, the Law Commission, and other major government and non-governmental

organizations in India have all acknowledged the value of clinical legal education, although it has yet to be fully established. This could be due to a lack of resources devoted to clinics by law schools, a lack of trained faculty, a failure to grant workload credit/reductions to schools and academic credits to students, and a regulation prohibiting faculty and students from practicing before Indian courts, among other things.

## **2. DISCUSSION**

### *2.1 Definition & Meaning of Clinical Legal Education:*

Clinical Legal Education is a phrase that includes learning aimed at helping students to understand how the law operates in practice. This may be accomplished via the use of actual or realistic simulated case work. Law is thought to be a collection of the curriculum accessible to academics at one point in time. Although the casebook approach was gaining popularity in the early days, it was not without its detractors. The technique of first-hand experience will really teach legal students. If appropriately channeled, legal education clinics may assist academics in achieving their goals[2].

Clinical Legal Education is simply a technique for bringing theory and practice together in the classroom. Various definitions of the phrase "clinical legal education" have been proposed: Richard Lewis (Richard Lewis) "Clinical Legal Education is basically a multi-disciplined, multipurpose education that might develop the human resources and idealism needed to strengthen the legal system," says Richard Lewis. "A lawyer, a product of such education, would be able to contribute to national development and social change in a way that is far more constructive." N. R. Madhava Menon claims that "Clinical Legal Education is a learning environment in which students identify, study, and apply information in a setting that, at least in part, mimics the context in which it is practiced. It nearly always means that the scholar takes on some element of a case and conducts it as if it were done on a global scale."

Though the goals and objectives of all kinds of clinics are the same in principle, the legal clinics are separated into three categories based on the activities to be taken:

- A. *Simulation clinic:* Students may learn about legal practice by participating in simulations. Cases are often handled in their entirety, from receiving first directions through negotiating settlements or appearing in court. These sessions will be held as intense courses or in weekly slots throughout the academic year or a portion of it. Negotiation exercises, client interviewing exercises, transaction exercises, and so on are examples of other simulations.
- B. *In-house real client clinics:* In this kind of clinic, customers are looking for genuine answers to real issues, which is why it's called a real client clinic. A member of the general public may be chosen as the customer. In this arrangement, the clinic is housed inside the law school. In graduate school, it is provided, supervised, and regulated. The service is provided in the form of either guidance or both advise and help. Clients are questioned and counseled verbally or in writing during this kind of Clinic, and they are also assisted with the preparation of their cases. The clinic may function as a paralegal service or a full-fledged law firm.
- C. *The out-house clinic:* this is a clinic that allows students to practice law outside of the classroom or institution. These clinics may function solely on the basis of making recommendations. Brotherhood councils and other non-statutory organizations approve such agencies. Placements at lawyers' offices or barristers' chambers may be part of the clinic.

### *2.2 In India, Clinical Legal Education Has Developed Over Time:*

During British control, India's legal education followed the ultimate colonial paradigm of producing clerks rather than managers or advocates. Its main aim was to support England's current financial interests, not to change the local community (Government of India, Calcutta 1930).

Following independence, legal education was supposed to align the system with the country's social, economic, and political goals. With 500 law schools and 40,000 law students graduating each year, might law schools play a significant role in promoting and delivering justice, especially in the area of legal aid[3]?

Skills training and social justice work were not on the law education agenda until clinical programs were on the scene. In India, legal doctrine dominated graduate school curricula, with conventional lectures dominating almost all classroom teaching. This focus on "the law" pushed practice considerations to the background, to the point that any practical instruction appeared out of place in graduate school.

The notion was that once law graduates started practicing, they would learn more about what it takes to be a lawyer. This strategy has been implemented at different places via mandatory apprenticeships (Apart from clinical education, recent legal education "reform" in India has mostly consisted of attempts to replace one-way lectures with more practical.)

Clinical Legal Education as we know it now in India began in the 1960s, having roots in both the Legal Aid and Legal Education Reform Movements. The Bombay Legal Education Committee suggested for the first time in 1949 that practical courses be made mandatory only for students who want to pursue a career in law, and that the approach should include seminars or group debates, court contests, and so on. Later, in 1958, the Law Commission of India's 14th Report acknowledged the significance of professional training and a balance of academic and educational pursuits.

It was suggested that for individuals who want to practice law in the courts, university instruction should be followed by an expert course focusing on practical knowledge. The Commission's report emphasized the need of institutionalizing and strengthening legal education standards. The report also addressed training techniques, recommending that seminars, debates, mock trials, and simulation exercises be used. In graduate school, there was a need for better instruction in skills and ethics.

When apprenticeship requirements were abolished in the early 1960s, there were concerns about maintaining the quality of practice. As a consequence, the BCI proposed that practical training be included in the curriculum in 1977. University Grants Commission (UGC) reports played a significant part in the development of Clinical Legal Education by laying out the goals of reformed education, such as making students more aware of their learning and requiring them to show their knowledge of the law. UGC's report highlighted the need of teaching a variety of abilities and sensibilities in order to promote legal education as a hermeneutical profession, and it also took some steps forward by forming a committee to create legal curriculum[4].

On the basis of the study, a greater focus on clinical legal education was established in 1997, with the number of topics increased from 16 to twenty-eight. Using its powers under the Advocates' Act 1961, the Bar Council of India issued a circular ordering all universities and law schools to modify their curricula. It comprised 21 mandatory courses and two optional courses, allowing universities to add additional topics as needed. A total of four practical papers were also required by the circular. Since 1998-99, law schools have been obliged to offer these four practical papers, which was seen as a major step toward officially incorporating Clinical Legal Education into the curriculum.

A Curriculum Development Committee was requested to improve the syllabi of the LL.B. degree, which resulted in the 2nd UGC report of special relevance to Clinical Legal Education. The proposed curriculum's clinical legal education focuses on legal assistance, social justice, and professional accountability. Clinical legal education's basic concept emphasizes professional skills training and graduate school engagement in social justice. Clinic students are often involved in

experiential learning via active participation in some kind of social justice action, such as a legal aid clinic. The regulations of the Bar Council of India requiring credit for clinical work seem to anticipate some kind of specialized skills training. (Frank S. Bloch and colleagues, 1990). The whole concept and framework of clinical legal education is based on a task force study by the American Bar Association, known as the Mac Crate Report, which is relevant to the Indian experience[5].

### *2.3 Clinical Legal Education in Law Schools is Required:*

Clinical legal education includes experiential learning, or "learning by doing," and may be a novel approach to legal education. Students gain confidence through practical instruction since their success is determined by their own efforts rather than external influences. It allows students to apply their knowledge while also including reflection and self-examination, resulting in students who are self-motivated and dedicated to their work.

Furthermore, since Clinical Legal Education is based on a practical approach, it aids in the development of skills that are critical for an advocate. Research skills, communication skills, client and witness interviews, counseling, drafting, negotiating, and problem solving are examples of abilities[6].

A legal clinic may assist in the development of such abilities as well as the development of a relationship between the graduate school and, as a result, society. It may provide local residents with guidance and support, as well as aid in the reduction of isolation. Scholars may also be able to comprehend problems from different generations and backgrounds. This experience may improve their maturity and feeling of responsibility by increasing their awareness of others' positions in society[7].

### *2.4 Legal Aid Programs in India: A Tool for Legal Education Reform:*

The Expert Committee on Legal Assistance of the Ministry of Law and Justice, headed by Justice V. R. Krishna Iyer, issued the first significant report on legal aid in 1973. The Expert Committee was formed to provide suggestions for the development and execution of a comprehensive legal aid program for the weaker parts of Indian society, such as low-income individuals and those from socially and educationally disadvantaged backgrounds. In its report, the Committee recommended for the establishment of legal assistance networks in a variety of settings, including courthouses, bar associations, law schools, community organizations, commercial and public agencies, and regime institutions[8].

Establishing an independent national legal aid body, including mandatory public service as part of graduate school curriculum, and giving preference to applicants' social inclinations in filling judicial and police positions were among the recommendations. The Committee suggested that law schools provide clinical legal education with a focus on socioeconomic disadvantage. It was argued that exposing students to real-life legal issues would improve the scholars, the legal aid program, and therefore the system as a whole. It was also noted that students' experiences with problems of poverty and exploitation would alter their perspectives when they became attorneys, and that as a consequence, they would regard clients as live neighbors rather than as statistics.

The Committee noted that integrating law schools in legal aid programs will result in law students being a low-cost and passionate resource for delivering significant legal assistance to India's enormous population.

It suggested that law students provide legal assistance at two phases: first, in the early stages of a case, such as interviewing clients and writing papers; and second, in minor instances, such as questioning witnesses and presenting arguments in court. As a result, the goal of engaging law schools was to not only develop practical skills, but also to provide sufficient legal assistance for

the poor[9].

The Juridicare Committee was established in 1977 to review, update, reevaluate, and augment the Expert Committee's findings, with a focus on the feasibility and economic circumstances of legal aid programs. The Juridicare Committee predicted that law schools will play a key role in providing legal assistance and encouraged them to establish clinics. It was noted that student involvement in legal assistance would not only help students acquire the skills needed in the legal market, but would also allow them to develop a humanistic viewpoint and a social orientation. Students would understand the law's social function, and their involvement in clinical initiatives would reduce the load on legal aid organizations.

The Committee for Implementing Legal Aid Schemes was established by the Indian government in 1981. The Committee was chaired by Justice P.N. Bhagwati, a Supreme Court of India justice at the time. The Committee for Implementing Legal Aid Schemes, like the previous Juridicare Committee, argued that court- or litigation-oriented legal aid programs could not deliver social justice in India. The Committee focused more on legal literacy, the organization of legal aid camps to bring legal services to individuals' doorsteps, the training of paralegals to support legal aid programs, the establishment of legal aid clinics in law schools and universities, and the filing of class actions through public interest litigation[10].

### **3. CONCLUSION**

Clinical legal education programs in Indian law schools are important for teaching law students basic skills and instilling in them the significance of social justice. Effective clinics offer legal services to the impoverished and disadvantaged who would otherwise be unable to get them. Despite the fact that the BCI has made clinical legal education a requirement in the curriculum, institutions have shown little interest in implementing the skills. However, the goal and scope of legal education is to prepare students for the practice of law. As a result, the law and legal education, which together form society's backbone, should evolve in tandem with the changing demands and interests of a constantly evolving society. As a result, not only law schools but also government agencies must take measures to properly implement clinical legal education.

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