



**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,
LAW AND JUSTICE**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice chaired by **Shri Sushil Kumar Modi, MP, Rajya Sabha**, presented its **142nd Report** on the Subject - "**Strengthening Legal Education in view of emerging challenges before the Legal Profession**" on 7th February, 2024 to both the Houses of Parliament.

2. Some key Recommendations/Observations made by the Committee in this Report are listed below. For reference purpose para Nos. of the Report is mentioned at the end of each recommendation/observation. The entire Report is available on <https://sansad.in/rs>.

KEY RECOMMENDATIONS/OBSERVATIONS
contained in 142nd Report on the Subject -
"Strengthening Legal Education in view of emerging challenges before the
Legal Profession"

REGULATING LEGAL EDUCATION IN INDIA

1. The National Knowledge Commission (NKC) recommended for setting up of a new regulatory mechanism under the Independent Regulatory Authority for Higher Education (IRAHE), vested with powers to deal with all aspects of legal education and whose decisions are binding on the institutions teaching law and on the Union and State Governments. (Para 2.32)

2. The Advocates Act, 1961 was enacted with a limited view of legal education producing only lawyers for courts. However, over the years legal education has not remained confined to a limited role of producing lawyers only. Today law graduates pursue a range of career beyond the courtroom practice. So, the Legal curriculum in education institutions needs to be designed in a manner that enables the development of skills required for pursuing diverse legal professions and not just courtroom practice. Thus there is no sense in the BCI having regulatory powers over the entire spectrum of legal education. Further, the BCI has neither power not expertise to meet the challenges of the ever changing globalized world. This view has also been expounded by the National Knowledge Commission. Also there is a near unanimity amongst all the expert witnesses who appeared before the Committee, on this particular issue. (Para 2.34)

3. Accordingly, the Committee recommends that the BCI's powers to regulate legal education should be limited to the extent of acquiring basic eligibility for practicing at the Bar. For other regulatory functions related to higher education in Law i.e. Post graduation and above, which are presently being performed by the BCI, and which are not related directly to practice at the Bar should be entrusted to an independent Authority, the National Council for Legal Education and Research to be established under the proposed Higher Education Commission of India. (Para 2.35)

4 Many of the stakeholders have also raised serious concern about the manner in which the BCI has used the power to inspect law colleges and granting them recognition which has led to a reckless proliferation of

substandard law colleges in the country. Accordingly, the Committee is of the view that while granting recognition to new colleges due consideration should be given to quality over quantity. It is imperative for the BCI to take urgent and effective measures to curb the proliferation of substandard law colleges in India and to ensure the quality and excellence of legal education and profession in the country. (Para 2.36)

RESERVATION POLICIES IN ALL UNIVERSITIES AND COLLEGES INCLUDING NATIONAL LAW UNIVERSITIES

5. The Committee observed that the National Law Universities situated across the country are not properly implementing reservations for SC/ST/OBC's while admitting the Students in UG and PG courses especially with regard to All India Seats. One of the Committee members, Shri P. Wilson has also been writing letters to all the Chancellors of the National Law Universities highlighting this issue and requesting implementation of reservations in All India Seats, as per Government of India policy. (para 2.37)

6. The Committee feels that reservation policies in student admissions and faculty recruitment must be rigorously followed to encourage participation from disadvantaged communities by all Universities, colleges and educational institutions, as per the policy of Government of India. The Committee recommends that the Bar Council of India should oversee the implementation of reservations in the Universities including the National Law Universities, colleges and other law institutions and consider withdrawing their recognition, if they fail to adhere to. (para 2.38)

REGULATION OF CURRICULUM

7. In general, curriculum under different programmes is offered by universities after obtaining due approvals of their statutory authorities and councils and respective regulatory authorities, wherever applicable. Conflicts can arise when universities deviate from the BCI's guidelines or introduce additional subjects or variations in the curriculum. BCI also informed that it faces various challenges in regulating legal education, primarily due to the division of responsibilities between the Council and the universities/state governments. One major difficulty is the hiring of qualified faculties in many law schools, leading to a

need for improving the availability of LL.M. degree holders who can teach LL.B. courses. (para 3.4)

8. The Committee feels that the existing colleges and universities across the country adopt different curriculum and syllabus as prescribed by the affiliating Universities. This creates unevenness among the law students who pass out from different colleges and Universities. The Committee, therefore, recommends that the role of BCI should be redefined and the uniform curriculum should be laid by the Bar Council of India for undergraduate courses in all the law colleges/ Universities. For Post graduation and above, the uniform curriculum should be laid by an independent Authority as recommended by the Committee. (para 3.5)

REVISION OF LL.B AND LL.M COURSES

9. The Committee recommends that topics such as Law and Medicine, Sports Law, Energy Law, Tech Law/Cyber Law, Commercial & Investment Arbitrations, Securities Law, Telecom laws, banking laws must not only be included but must be given mandatory status as the interdisciplinary subjects are the need of the hour. Government and Universities should work in tandem with BCI to ensure the comprehensive inclusion of the emerging areas in the curriculum of undergraduate courses. For Post graduation and above, independent body with experts from different fields shall ensure the inclusion of these emerging areas in the curriculum. (para 3.9)

10. The Committee further recommends that the Universities should work with BCI to incorporate more of practical training programs like moot court competitions, where students can apply legal theory in a simulated courtroom setting, enhancing oral advocacy and critical thinking skills. BCI's Legal Education Rules must be adhered to by all Universities to ensure that clinical programs are introduced, providing students with immersive experiences to work directly with clients, conduct research, draft legal documents, and represent clients under faculty supervision. (para 3.10)

11. The Committee recommends that for every academic year, the undergraduate law student should mandatorily go for a two months apprenticeship for getting enrolled as an advocate. Thus the Advocates Act, 1961 may be revisited in this regard in consultation with Universities, senior members of the Bar and Bench. The Committee also recommends that the law

students who undergo internships with the seniors should be paid with stipends to encourage them and also to take care of their logistic expenses during internship. (para 3.11)

12. The Committee also feels that Government support is crucial in allocating resources and funding for practical training programs, ensuring that students have access to diverse and enriching experiences. Government funding should also be provided for specialized courses in legal tech, e-discovery, and ODR. (para 3.13)

STRUCTURAL AND FINANCIAL ISSUES

13. The Committee feels that it is important for law universities to have a strategic and comprehensive approach to financing infrastructure needs, combining multiple funding sources, and prioritizing projects based on immediate needs and long-term goals. Effective financial planning, collaboration with stakeholders, and transparent utilization of funds are crucial for successful infrastructure development in law universities. The government can consider providing financial support and allocating necessary resources, if needed/requested for the academy. (para 3.15)

NAAC ACCREDITATION

14. The Committee was informed that NAAC levies profession institution's fee for Legal Education Institutions as well. While a normal college is being charged with Rs.2,00,000/- as assessment fee, law college is being charged with Rs. 6,00,000/-as assessment fee since it is a professional institution. (para 3.18)

15. NAAC apprised the Committee that with the present work flow, there is no specific challenge in accrediting Law College or University. But, with the thought of making accreditation mandatory for Legal Education Institutions there needs to be more number of awareness programs about NAAC accreditation amongst Legal Education Institutions and more Assessors needs to be inducted in the system for accreditation. (para 3.21)

16. The Committee feels that NAAC shall re-look the rule of levying Rs. 6,00,000/-as assessment fee to Legal Education Institutions. NAAC shall also hold more frequent and wider awareness programs and hand holding exercises that shall address the hesitation amongst legal Education institutions to

volunteer for NAAC accreditation. Policy level decisions are required for making accreditation obligatory and motivations and incentives needs to be designed. (para 3.22)

RESEARCH IN LEGAL EDUCATION

17. The Committee feels that there is a need to prioritize and promote research in the field of legal education in India to improve the quality of legal knowledge and education for students and professionals. The Union and State Governments as well as the Universities should lay stress on the research works in the field of legal education and encourage law graduates to pursue higher education and knowledge in India rather than seeking education abroad. (para 4.19)

18. The Committee further feels that there is a need to recruit world class global faculty who are top researchers in the field of law and can combine sound teaching methods with established track records of research. For this, it is imperative that we need to make legal academia an appealing career option for bright young lawyers through financial incentives, career development opportunities within the law schools. (para 4.20)

19. The Committee recommends that the Government and Universities should collaborate with the Bar Council of India (BCI) to allocate dedicated research funding and resources to support faculty research initiatives in legal education institutions. BCI can provide guidelines and recommendations to Universities regarding the incorporation of research activities in the legal curriculum of undergraduate courses. By fostering cooperation between the Government, Universities, and the BCI, legal education institutions can effectively strengthen their research and innovation endeavors. For Post graduation and above, an independent body as already recommended by the Committee shall lay guidelines regarding the incorporation of research activities in the curriculum. (para 4.21)

20. The Committee observes that the Law schools in India majorly follow the traditional approach of theoretical learning while only a select few National Law Universities possess the requisite physical infrastructure for conducting research. With the demand of more adaptive lawyers, that too in an ever more digitized legal industry, a hands-on approach to such infrastructure and financial assistance in lieu of the same is much needed. The introduction of proper

research facilities, as well as specialized infrastructure for conducting training and workshops, is a need as it inculcates the necessary skills to ace the changing legal field. Digital libraries and online research tools are increasingly becoming the need in order to keep up with changes in the field. (para 4.22)

21. The Committee feels that as legal practice becomes more interconnected and complex, legal education must adapt to prepare students for emerging challenges and opportunities. There is a pressing need to provide young law graduates with market-oriented and socially relevant legal education. Even though ‘traditional’ legal fields like criminal law, family law and law of contract continue to remain popular to this day, contemporary important fields like arbitration, mediation, space law, trade law, intellectual property law, energy law, bankruptcy law, corporate law, media law, cyber law and sports law have emerged as significant areas in recent years. Thus, it is important to develop expertise in the newer areas of law, while ensuring that law graduates are properly sensitized towards the morals and ethics, which are badly needed in the legal profession today. There is a need to have theme-oriented research centres on the lines of such centres in other institutions in India and abroad. (para 4.24)

TECHNOLOGY WITH RELEVANCE TO LEGAL EDUCATION

22. The Committee during its deliberation on the subject was informed that the legal profession has experienced a significant transformation due to technological advancements, necessitating the integration of technology-focused courses into law school curricula. (para 5.4)

23. However, many law schools have not been able to keep pace with the changing legal landscape and advancements in technology, resulting in a gap between theoretical knowledge and practical skills. As a result, law schools must adapt their curricula to include courses that familiarize students with emerging technologies. This integration will enable students to leverage legal research databases, case management software, and other cutting-edge tools that streamline legal processes and improve efficiency. (para 5.5)

24. The Committee feels that onslaught of technological innovation and globalization of the society and education has made the scene quite complicated

for the legal education deliveries in India. It is important that law schools address the impact of technology on the legal profession more broadly which includes exploring the legal and ethical implications of emerging technologies, such as blockchain and smart contracts, and understanding how these technologies are changing the way legal services are provided. (para 5.6)

25. The Committee recommends that Law graduates must be made more conversant with emerging technologies like Artificial Intelligence (AI), block chain and other IT related tools, which in the years ahead, will certainly have a bearing on how law is practiced. Thus, it is important to develop expertise in the newer areas of law. (para 5.7)

26. The Committee during its deliberation on the subject was also informed that the Bar Council of India has introduced all subjects like Block- Chains, technology, Electronic-Discovery, Cyber-Security, Robotic, Artificial Intelligence and Bio-Ethics in its Model Law School India International University of Legal Education and Research, Goa as part of their degree, certificate and diploma courses and shall further ensure that all Law Universities also include the same courses from the next academic calendar, if they have already not done so. (para 5.8)

27. It has already planned to guide law schools in integrating technology-focused courses, focusing on AI, blockchain, and automation which will enhance faculty understanding, collaborate with legal professionals, and offer practical training, internships, and online dispute resolution courses. However, Government funding should be provided for specialized courses in legal tech, e-discovery, and ODR. (para 5.9)

28. The Committee recommends that BCI can establish guidelines and recommendations for integrating technology-focused courses such as legal tech, e-discovery, and online dispute resolution, into law school curricula of undergraduate courses. For Post graduation and above, an independent body with experts from different fields shall establish guidelines for integrating technology-focused courses. By incorporating technology-focused courses, law schools can ensure that their students are well-prepared to leverage emerging technologies, streamline legal processes, and provide innovative solutions to their clients. This comprehensive approach will empower law graduates to

adapt, excel, and make a significant impact in the evolving practice of law. BCI and the independent body can also establish a review and evaluation mechanism to assess the effectiveness of technology-focused courses and make necessary improvements based on feedback from students, faculty, and legal professionals for undergraduate and postgraduate courses respectively.(para 5.10)

29. Government funding and grants can be provided to law schools that actively promote technology integration and offer specialized courses in legal tech, e-discovery, and online dispute resolution. Thus, the Committee feels that collaborative efforts from legal educators, practitioners, and policymakers are needed to ensure that legal education in India meets the needs of society and the legal profession.(para 5.11)

EFFECT OF GLOBALIZATION IN LEGAL EDUCATION

30. The Committee during its deliberation on the subject was suggested that, to truly succeed in a globalized legal environment, lawyers must possess a strong command of both English and legal English. English serves as the lingua franca of international legal communication and a lawyer's ability to navigate and articulate legal concepts in English is essential. Therefore, legal education should emphasize the development of language skills, particularly in the context of international law. This includes enhancing students' proficiency in legal English, enabling them to draft international legal agreements, engage in cross-border negotiations, and effectively communicate with clients and colleagues from different jurisdictions. (para 6.11)

31. As the world becomes increasingly interconnected, lawyers must adapt to the demands of a globalized legal environment. By incorporating international law courses, promoting international exchange programs, and encouraging exposure to different legal systems, legal education can equip aspiring lawyers with the necessary skills and perspectives to thrive in this new era. (para 6.12)

32. The Committee feels that with India's increasing role in global context there is a need to produce legal luminaries who can advise for protecting India's interest as well as ensure fair, just and reasonable dealing in the international sphere. Legal education need to be upgraded and enhanced to prepare young lawyers for global challenges. There is need to have a global curriculum, global faculty, global degrees, and global interaction. (para 6.13)

33. The Committee recommends that law courses should cater to the needs of present-day cross-border issues. Introduction to different legal cultures, private international law, Sustainable Development are some of the special courses which need to be made essential in course curriculum. (para 6.14)

34. The Committee further recommends that both Student exchange and faculty exchange programmes with Indian and Foreign institutions should be encouraged to gain perspectives of other legal systems and fields. To encourage participation in international exchange programs, the BCI and the government can offer scholarships and grants to financially support the students who wish to engage in global legal education. The government, universities, and the BCI should also continuously evaluate the effectiveness of international law courses and exchange programs to make necessary improvements and ensure their relevance in a changing global landscape. (para 6.15)
