



## **Reform of Legal Education in India**

### *Note on Proposed Directions for Reform*

Today Indian legal education is struggling in comparison to its counterparts across the world, which belies the tremendous potential that the Indian legal profession can unleash in the years to come. While India continues down its path of growth, it is essential that Indian education is reformed so that ultimately the Indian legal profession is strengthened to take on the challenges of the 21<sup>st</sup> century. Further, Indian legal education cannot be value creating only for “*top of the pyramid*” law graduates but must have stringent minimum standards so that it is transformational for all law students, irrespective of the law school that they choose to graduate from. With more than 900 law schools across the country the task is a challenging one; but the Bar Council of India is keen to ensure that these reforms are put in place, after consultation with stakeholders, from the Academic Year 2011-2012 onwards.

The *Vision Statement 2010-2012* of the Chairman of the Bar Council of India, published on June 2, 2010, commenced with a promise to the Nation, of ‘*Ensuring equality before the law and the supremacy of the rule of law in the Indian democracy.*’ The *Vision Statement* recognised the need to address various issues as well as the several different constituents of the legal profession in India to fulfil this promise. Specifically, the Vision Statement identified:

- Inadequate quality of legal education and infrastructure, and
- Lack of relevant skills training to meet with the ever-changing demands of the modern world,

as two of the issues affecting the image of the legal profession in India.

One of the steps identified in the Vision Statement towards resolving these issues is ‘*Creating clear quality standards for legal education and a common entry level standard for entering law schools across the country.*’

***In furtherance of the objective of improving the standards of legal education and the modernisation of the legal profession in the country stated in the Vision Statement, the Bar Council of India intends to implement a series of measures this year, which law schools across India must put in place by the Academic Year 2011-2012.***

Further details of the reform proposals will be released in accordance with the dates set out here, and upon further consultation with all stakeholders; which will serve as a set of guideposts to the direction that reforms in legal education will take.

The following table sets out the dates by which detailed rules relating to the reform proposal here will be published by the Bar Council:



<b>Sl. No.</b>	<b>Reform Measure / Reform Process</b>	<b>Date of release of detailed reform measures</b>
1	Consultations with stakeholders in legal education to be conducted and completed	To be completed by October 31, 2010
2	Uniform admission procedure for all recognised law schools in the country	By December 15, 2010; system to be implemented from the Academic Year 2011-2012 onwards
3	Revised list of requirements for accreditation of law schools	By December 15, 2010; revised requirements to be implemented immediately
4	Rules and system for benchmarking and quality evaluation of law schools	By December 15, 2010; system to be implemented commencing January 2011 onwards
5	Standardisation of academic calendar	By December 15, 2010; revised calendar to be implemented from the Academic Year 2011-2012 onwards*
6	Details of revised curriculum	By December 15, 2010; new curriculum to be implemented from the Academic Year 2011-2012 onwards
7	Guidelines for the use of new technologies in legal education	By December 15, 2010; the Bar Council will start making these technologies available, to the extent it is required to do so itself, commencing January 2011
8	Guidelines for the improvement of teaching methods in law education	By December 15, 2010
9	Measures for continuous education and skills upgrades for faculty	By December 15, 2010; faculty training and education to commence after January 2011
10	Standards for faculty evaluation	By December 15, 2010; evaluation system to begin on a trial basis, and to collect feedback, after January 2011 ; finalised system to be implemented from the Academic Year 2011-2012



*\*Law schools will have to ensure that examinations and results for the Academic Year 2010-2011 are released by June 30, 2011.*

The measures suggested here take into account the need to consider the overall situation of the legal profession in India, as well as the particular needs and circumstances of law schools. These are based on a study of the history of legal education in the country, and suggestions for the reform of legal education made in the past by various committees, as well as discussions with several professionals and academicians.

***The Bar Council of India, through its Directorate of Legal Education, will also initiate further consultations with a range of academicians and other stakeholders in legal education, so as to ensure that the process of reform of legal education in the country benefits from a continuous consultative process.***

The proposed measures for reform here are divided into ***Institutional Reforms, Reforms in Content and Structure, and Measures to Improve Pedagogy and Methods of Teaching.***

#### ***Institutional Reforms:***

- **Uniform admission procedures for all the recognised law schools in the country.** A uniform admission procedure for admission to all recognised law schools in the country is proposed to ensure a minimum quality of students obtaining legal education, and ***to ensure that the study of law is seen as a serious exercise, and the dignity of the legal profession is sustained and enhanced.***
- **Establishment of the National Academy for Law Teaching and Continuing Legal Education.** In order to upgrade the skills of existing members of the faculty in law schools, BCI intends to establish a national-level advanced training institute for training teachers in specialised fields so that novel methods of pedagogy can be implemented and importantly, a minimum base level for teaching quality in legal education is established.
- **Revised list of requirements for accreditation of law schools.** A revised list of requirements for recognition of law schools by the Bar Council of India would be published, emphasising minimum requirements of infrastructure, faculty, and other facilities for better learning. ***A failure to meet these minimum standards would result in a loss of accreditation,*** and degrees awarded by such law schools that lose accreditation would not be recognised by the Bar Council.
- **Benchmarking and quality evaluation of law schools.** The Bar Council will implement a system of ***benchmarking and evaluating the quality and***



**standards of law schools across the country.** The measures used to evaluate law schools will include factors such as: the preference shown by candidates for admission to a law school in the uniform admission procedure for admission highlighted above; the success rate of graduates from a law school in the All India Bar Examination; the quality and extent of infrastructure and resources available at a law school; and the number of publications by faculty from a law school in peer-reviewed publications.

- **Standardisation of the academic calendar.** A lack of parity amongst academic calendars followed by various law schools creates impediments to the implementation of uniform change measures, and causes difficulties for students on various fronts, such as in participating in an exchange programme between law schools. The Bar Council will publish an academic calendar setting out broad dates that all law schools must follow, setting out such details as the date of commencement of the academic year; alignment of semester dates in law schools; dates for examination; and dates for the release of results and awarding of provisional and final degrees.

#### **Reforms in Content and Structure:**

- **Five-year dual-degree LI.B. programmes to be made the norm; three-year LI.B. programmes to focus on specialised areas of law.** Moving forward, only five-year, dual-degree LI.B. programmes would be recognised by the Bar Council. BCI will continue to encourage three-year LI.B courses for specialised areas such as Intellectual Property Rights, which are undertaken by post-graduates. Along with the LI.B. Programmes, it is also important to strengthen the current LI.M. degree that is awarded by various law schools across the country, especially in light of the fact that the LI.M. degree is often a stepping-stone to legal academia. BCI is also exploring the option of a nine-to twelve-month LLM degree programme that can be undertaken immediately post graduating an LI.B. programme.
- **Balance between doctrinal and vocational education.** The Bar Council of India recognises the dual role that a legal education must play, that is, ***a mixture of a doctrinal education in law as well as a vocational education, which is critical in the context of the nation's needs and reality.*** A balance between doctrinal and vocational education at law schools would be emphasised, with an immediate exercise in imparting practical skills to senior-year students at law schools. Furthermore, students would have an option of choosing a Major towards fulfilling the requirements of the first degree in the dual-degree five-year LI.B. programmes. The curriculum rules would also be amended to allow students a greater choice in choosing subject of study, and law schools a wider discretion in providing options of study, with the aim of allowing for both, ***greater interdisciplinary and***



***multidisciplinary approaches to the study of law***, as well as a wider choice of specialisation for law students.

- **A revised curriculum.** Towards realising the objectives set out here, the Bar Council of India will prescribe ***a curriculum that recognises the value of teaching law as a subject that is intrinsically linked to society, as also the necessity to impart technical skills to new entrants to the profession.*** The list of subjects prescribed for the All India Bar Examination (which is based on the subjects that are prescribed under the Bar Council of India Rules) may at this stage serve as an indicator of some subjects of study that would form part of this curriculum; further subjects would be prescribed as a part of the curriculum, keeping in mind the requirements of a holistic legal education, as well as the needs of the country's society and economy. In addition to these subjects it is necessary to bring in various specific areas such as Arbitration, SEBI regulations, Foreign Exchange Regulations, Comparative laws and various interdisciplinary and multidisciplinary areas such as law and medicine, and law and social sciences. An updated draft curriculum for each of the proposals above will be used as a base for consultations prior to its implementation. Equally, ***the Bar Council wishes to emphasise that it recognises the need for faculty autonomy in designing and implementing the curriculum,*** and the revised curriculum will account for this.

#### ***Measures to improve Pedagogy and Methods of Teaching:***

- **New technologies to be used in legal education.** These would include not only measures such as the use of presentations in the classroom, but would also embrace ***web-based technologies that allow for collaboration and discussion amidst faculty and students across the country.*** This would also allow for the sharing of resources, and enabling access to resources for students and faculty who may not otherwise be able to access them. ***Faculty would be required to publish the syllabus they propose to follow, along with prescribed texts and resources for students,*** so that there may be peer review and discussion on the same. Furthermore, the Bar Council will identify ***software that may be used to counter plagiarism in publications and student assignments.***
- **Measures to attract and retain better faculty.** The Bar Council recognises that the success of any reform measures, and, at a larger level, the quality of legal education in the country, is dependant upon the quality of teaching faculty at the law schools. As one step towards addressing this concern, and in accordance with the recommendation of the *Supreme Court-appointed 3-Member Committee on Reform of Legal Education*, the Bar Council of India has already taken measures to ensure that all law faculty are paid according



to the **minimum pay scales prescribed by the UGC Pay Commission.**

Further, in line with the recommendations of the *National Knowledge Commission in its Report of March 2009*, and the *184<sup>th</sup> Report of the Law Commission of India*, the Bar Council proposes that the requirements of an LL.M. degree to teach law be relaxed in the case of candidates with an LL.B. degree who have an **exceptional and demonstrable ability to teach.**

- **Mix of small and large class sizes for teaching.** Law Schools and faculty would be encouraged to use a mix of small and large classrooms for teaching. While large classrooms may be employed for a certain proportion of classes, it is equally imperative to encourage the use of smaller classes to ensure learning.
- **Medium of instruction.** The medium of instruction at all law schools would be **English**, and this would be **a mandatory and strict requirement for accreditation** of the law school.
- **Use of contemporary teaching techniques, and adoption of the Outcomes Model.** The Bar Council will encourage the use of teaching techniques employed at the best law schools across the world, such as the problem-posing method, and the adoption of **the outcomes model** in order to embellish language, computer, and public speaking skills, would be encouraged. **Emphasis would also be laid on the outcomes model, so as to:**
  - Identify the desired outcomes from legal education, in terms of knowledge, skills, and professional attributes;
  - Ensure curriculum design that is in line with the identified outcomes desired, and enables the achievement of those outcomes;
  - Ensure that students are aware of these desired outcomes, and what is expected from them in the duration of their study;
  - Provide for continuous feedback to students, and guidance on how they may achieve progress in the direction of the desired outcomes; and
  - Ensure that evaluation methods are accurate in measuring student proficiency in the context of the outcomes articulated.
- **Continuous education and skill upgrades for faculty.** Institutes / initiatives for the continuous education / training of law faculty will be established to ensure that faculty are aware of, and trained in, contemporary teaching techniques.
- **Standards for faculty evaluation.** **A balance between the value accorded to research and peer-reviewed publication, and the quality of teaching in**



***class, when evaluating faculty in law would be emphasised.*** The Bar Council would release guidelines for faculty evaluation, including measures such as the number of publications, as well as student feedback. Steps would also be taken to ensure effective measures are put in place against plagiarism. These parameters would be used not only to measure faculty quality and performance, but would also be a part of the factors evaluated when accrediting law schools.

**In light of the urgency for practical long-term reform of legal education in India to ultimately strengthen the legal profession and benefit India and its citizens as a whole, the Bar Council looks forward to the co-operation and constructive assistance of the various stakeholders.**

**Chairman**

**Bar Council of India**

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