The influence that legal profession exerts on public life of the nation is tremendous. In every sphere of human activity, a law professional could act as a responsible adviser. A well equipped lawyer should be able to mould and shape the social values of our society in the desired direction. Does the legal education and training in India equip the professional group to undertake this responsibility? Does the long period of incubation in an Indian law school help him to acquire the skills and information needed to become such responsible leaders of the society? These questions, in one form or another, were probed by several educationists and institutional agencies.¹ They made many recommendations to strengthen the professional legal education. Still the legal education scenario in India does not present a rosy picture. A survey of the different reports and recommendations and the rules framed by the Bar Council of India² reveals that we are yet to have a policy oriented approach towards legal education and training. There is neither

2. See the Bar Council of India Rules 1964 (Part IV relating to Legal Education and the Amendments to these Rules in 1982.
which can be attempted. Instead of reforming and rehabilitating her, society now looks upon her with contempt. The relatives close the door on her. Police tries to harass her. Society should realise that ex-convicts are also human beings. They should be treated as unfortunate victims of adverse circumstances and should be treated with sympathy. Social and spiritual workers should attempt to give comfort and solace to female offenders.

Judicial officers should visit prisons periodically. They should hear the complaints of female offenders and try to redress their grievances. They should ensure that prisoners who make the complaint are not later harassed by the jail personnel. It will be ideal if a woman judicial officer is appointed to visit prisons for women.

It is time that we adopt an integrated approach embracing the preventive as well as correctional measures to eradicate criminality in women. The earlier, the better.
consensus on the learning objectives of legal education nor on the pedagogical reforms needed to achieve these objectives. Different ideals and aspirations competing to find expression through various agencies concerned with legal education appears to be one of the reason for this condition.

Agencies Regulating Legal Education

The legislative scheme envisaged by the Constitution empowers both central and state legislatures to establish universities and places of higher learning which impart education including legal education. But the Central government is charged with the duty to co-ordinate and determine standards in institutions of higher education. Similarly the power to legislate on legal profession is contained in the Concurrent List. So in the present scheme, various universities established under the central and state laws have power to decide the objectives of education and methods of imparting education in all branches of learning including law. They have devised different courses in law and decided the curriculum for the courses. The University Grants Commission established under a Central Act has power to determine the standards of legal education and the Commis-

4. See the Report Law Commission of India, supra n. 1 and the Rules made by the Bar Council of India.
5. See Dean Carl B. Spaeth, supra n. 1.
6. The Constitution of India, Schedule 7, List I, Entries 63, 64 and 65, empowers the Central Government to establish by law educational institutions, including institutions for professional training and research, of national importance: Education and legal profession being placed in the concurrent List, State Governments can also establish universities and institutions imparting legal training.
7. Id., Entry 66.
9. Legislation establishing Universities invariably confer powers on them to institute courses and determine their standards.
The Bar Council of India established under another Central Act is empowered to prescribe standards of professional legal education. The Bar Council has framed different rules which should be followed by all universities imparting legal education. The aims and objectives of legal education projected by these agencies are not uniform. There are even instances of conflict. While educational institutions and universities emphasised the science of law and social purposes of law, stress of professional bodies was on the art of advocacy.

The question whether the programme envisaged by these agencies was adequate to achieve these objects needs a critical evaluation. A study of the documents evidencing the objects of legal education as conceived by these bodies may reveal the important causes of the present crisis in legal education emanating from the lack of direction.

Objectives of Legal Education Reforms in India — A Survey

Formal legal education in India came into existence in 1855 when the first professorship of law was established at the Government Ephistone College in 1855. Before that our lawyers were without any recognised basic education and were very often non-matriculates. Legal education was only an ancillary to the introduction of the English legal system. The language
of the British statutes being English, any Indian who learnt English could study law and was considered qualified to practice the profession. The university legal education for the B.L. degree ensued with the establishment of Universities in Bombay, Calcutta and Madras in the year 1857. At that time law classes were attached with arts colleges. During this period, the avowed object of the university legal education was to produce junior grades of professional lawyers. Even for this purpose, the professional skills needed were seldom identified.

For almost a century from 1857 to 1957 a stereotyped system of teaching compulsory subjects under a straight lecture method and a two year course continued. During this period some north Indian universities did introduce a few optional subjects and experimented with the tutorial system of teaching. From 1958 many universities switched over to three year law degree courses. Qualifying the Bar Council examination was necessary to enter into the law profession till the requirement was lifted by a Central Government notification in 1968. During this period, the Bar Council used to give a few lectures on procedural subjects. University law teachers were expected to teach the main principles of theoretical subjects. In some universities main principles of procedural subjects like civil procedure, criminal procedure and limitation were also taught through lecture method. Later in 1967, the procedural subjects which were taught and examined by respective State Bar Councils were also added to the newly established 3 year LL.B. course with annual public examinations.

The objects and purposes of legal education during this period can be ascertained from the reports of the various legal education reform committees which submitted their reports during the period. The Bombay University Reforms Committee

18. Id., p. 25.
19. See Dean Carl B. Spaeth, supra n. 1.
20. See the Report of the Law Commission of India, supra n. 1 at para 32.
stated that the university course in law in Bombay had no eye for the science and principles of law but was dominated by the view of the practice of law and case law.\textsuperscript{23} The Report of the Law Commission on Legal Education did not spell out clearly the objects of legal education, but recommended for a two year university course in law confined to the teaching of theory and principles of law.\textsuperscript{24} It also suggested the subjects needed to be taught in law schools.\textsuperscript{25} Regarding the question how law should be taught, the Commission recommended lecture method as the principal method.\textsuperscript{26} This could be supplemented by seminars, group discussions, tutorials, moot courts, mock trials and case methods.\textsuperscript{27} The learning objectives were left to the imagination of individual law teacher.

The aims and objects of legal education proposed by the Committee on Legal Education constituted by the Indian Law Institute were (1) education in law for citizens necessary for participating in the life of a democracy (2) knowledge and training in theory and practice that are required for the legal profession, judicial and administrative work, (3) specialised legal studies in relation to business and public affairs, and (4) training in research in law.\textsuperscript{28} The Committee also proposed 12 compulsory subjects and 12 optional subjects out of which at least 3 should be available to the students.\textsuperscript{29} This Committee also recommended the teaching methods proposed by the Law Commission.\textsuperscript{30} Apart from the subject objectives, the Committee appears to have given emphasis to the social purpose of law and the need to use legal skills to solve social problems. The skills required to achieve these purposes were not identi-
fled. Instead the areas where the skills are required to be employed were explored.

The sub-committee of the Board of Studies of the University of Madras complicated this matter by categorising legal education as academic and professional.\textsuperscript{31} Their main concern appears to be on subject matter objectives of legal education.

Dean Carl B. Spaeth confessed in his draft memorandum on Indian Legal Education that the attempt to define objectives of legal education in India was frustrated by the semantic difficulties inherent in the use of abstract terms like academic, professional and liberal training for citizenship.\textsuperscript{32} His emphasis appears to be on “training students for the practice of legal profession”. He said:

“a mere knowledge of rules of law does not make a lawyer, thought will probably be given to methods that will help to provide the law student with elementary lawyer skills and capacities — the capacity, for example, to find the answer to questions and problems that are not covered by formal lectures or the make-easy outlines”.\textsuperscript{33}

A deeper analysis on this observation, may yield the desired learning object and curriculum for legal studies. But the other important committees like the Inter-University Board on Legal Education\textsuperscript{34} the Gajendragadkar Committee,\textsuperscript{35} and the Sinha Commission,\textsuperscript{36} repeated the objectives stated by the

\begin{itemize}
\item \textsuperscript{31} See the Report of the Sub Committee of the Board of Studies of the University of Madras on Reform of Legal Education 1959, Recommendation No. 1 in 2 Journal of the Indian Law Teachers Association 23 (1959).
\item \textsuperscript{32} Dean Carl B. Spaeth, Draft Memorandum on Indian Legal Education, para 3, (1959).
\item \textsuperscript{33} Ibid.
\item \textsuperscript{34} See the Report of the Inter-University Board on Legal Education 1961.
\item \textsuperscript{35} See the Report of the Committee on the Re-organisation of Legal Education in the University of Delhi (1964).
\item \textsuperscript{36} See the Report of the Kerala University Commission for the Re-organisation of Legal Education (1964).
\end{itemize}
Committee of the Indian Law Institute. However, Arthur Von Mehren, emphasised the “rationally functional” role of law in developing countries like India.\(^3^7\) In spite of the different objectives spelt out by various committees and the efforts made by the Bar Council of India to reform legal education in India, the opinions about objectives of legal education as identified by Dean Spaeth,\(^3^8\) Von Mehren\(^3^9\) and Prof. A. T. Markose\(^4^0\) appear to be important even today.

**Efforts of the Bar Council of India**

The Bar Council of India is the statutory functionary charged with the duty to lay down standards of Indian legal education. It realised that Indian legal education failed to discharge its duties responsively in independent India which is welfare-oriented and socialistically patterned. Consequently, exercising its powers to lay down the standards of legal education, it framed rules regulating legal education in 1964. By a resolution of 1967, this body established a uniform three year LL.B. Course with annual examinations.\(^4^1\) The object appears to be to impart professional skills. But the rules only prescribe the compulsory and optional subjects to be taught at the LL.B. level.\(^4^2\) Most of the subjects are traditional topics and there is no guideline relating to curriculum planning. The recommended teaching methods are also traditional viz, lecture method, tutorial, moot courts and case method where-ever possible. It is not apparent how the skills required for making lawyers a competent group, in the social dynamics that play around them could be infused in the law students. In 1982, the Bar Council adopted another regulation on legal education. Under this scheme a five year LL.B. course after 10 + 2 is

38. *Supra* n. 1.
40. *Supra* n. 3.
41. Regulation No. 40 of 1967.
42. Most of these topics were introduced at the initial stages of university legal education in India. See Bhupen N. Mukherjee, *supra* n. 3.
established. The pre-law course for the first two years consists of non-legal subjects like, politics, economics, sociology, history and language. The important change in the last three years of teaching legal subjects is the inclusion of subjects like administrative law and public international law as compulsory subjects. The rules are intended to improve standards of professional legal education. Universities are free to introduce or continue non-professional or academic law course.

The introduction of non-legal subjects in the first two years of the course and the 10 +2 + 5 year pattern for legal education is a new experiment. But it is doubtful whether the practice of teaching these non-legal subjects out of context from the law-subjects will improve the professional skills of the new products. It is not yet time to evaluate the changes in the objectives of five year legal education introduced by the National Law School of India University under the sponsorship of the Bar Council to pioneer legal education reforms. The curriculum content, teaching methods and student evaluation programmes of this institution suggest that it is aiming at a new learning objective for legal education. The above rules and the efforts of the Bar Council of India suggest that, the object sought to be achieved through professional legal education is to prepare practising lawyers and to give them practical training for court-room functions. The skills required even for this limited purpose have to be identified. This apart, the century old academic — professional dilemma in defining the objectives of legal education is still maintained.

Efforts of the U.G.C. Panel on Legal Education and National Law School Experience

Recently the U.G.C. Committee on Curriculum Development in Law has submitted its report. The committee, in

43. The rule established 7 non-legal subjects, 11 compulsory subjects, 23 optional subject and practical training as part of LL.B. course.
44. See the Note appended to the 1982 rules.
45. Ibid.
addition to prescribing the subjects to be taught in law courses, has prescribed the syllabus for each of these subjects. Instead of teaching the provisions of law and cases decided under them, the emphasis appears to be on the integrated legal process. The National Law School in its 5 year LL.B. (Hon.) course is also departing from the traditional pattern of legal education in India.

Reports and recommendations of various committees on legal education and the experience and experiments made on this subject for more than one and a quarter century leads us to think on a policy oriented approach to legal education. This may necessarily involve defining and explaining the object and purpose of legal education suited to our country.

Towards a Policy Oriented Legal Education in India

In a country like India, the legal profession is most demanding. What is demanded is not the skill of a technician trained in the craft of court room adjudication. Nor do we need only a legal scientist trained in the science of law. Compartmentalisation of legal education into professional, academic, practical and theoretical would not help in producing a legal professional competent to respond to community demands. The power to receive and respond dispassionately to the facts or situations put to him is the primary quality of a legal professional. The ability to remain emotionally-detached from the problem put to him and the skill to resolve the problem according to community expectations are required from a law professional, whether he be a judge, lawyer, legislative draftsman, corporate executive or a trade-union adviser. For this purpose he should be able to identify the different values, organise them according to their dominance and characterise them in terms of issues, purposes and consequences. The ability of a law professional to effect the desired social transformation through peaceful means avoiding violent revolution is the precondition for his wider social acceptance. The training provid-
ed in law schools should aim at inculcating in the student the above qualities.47

The ability to respond to social problems will be greatly related to the strength of knowledge, power of comprehension and communication. According to Blooms,48 knowledge will include knowledge of terminology and specific facts, knowledge of legal provisions, trends, sequence, classifications, categories, criteria and methodology and the knowledge of principles and generalisations. So it is not only the knowledge of the specific legal provisions and cases decided under them that should be taught, but the historical, social, economic, political and cultural circumstances under which the law was made or the decision was taken. The ability to identify the relevant facts and elicit the desired information will depend on the power of comprehension and the effectiveness of communication. The law professional is also expected to breakdown these facts and information into its constituent elements and examine its contents. This will enable him to make the ideas clear and to find out the relationship between different ideas presented to him. This process is necessary to synthesise these ideas to form a decision which may be materially different from the ideas with which he started. The dynamic nature of law and its flexibility to the changing needs of the society can be achieved only through this process. But this synthesis may, at least in certain circumstances lead to undesirable results. So it becomes the duty of the law professional to evaluate the different possible results of such synthesis and choose the one which is acceptable to the community. So the skills of analysis, synthesis and evaluation should also be acquired through the training in law schools.

47. For discussion on the educational objectives of Legal training see N. R. Madhava Menon, "Clinical Legal Education, Concepts and Concerns", National Law School of India University, Reading Materials for Refresher Course for Law Teachers, December 1990 (mimeographed).

The object of legal education needs to be the development of professional skills. The term "professional skills" should encompass all the skills expected from a law professional, some of which are enumerated in this paper. If attempts are made to achieve these objectives through proper teaching methods selecting socially relevant topics, there will be no need to demarcate legal education into academic, professional and practical.

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