

NEED TO FOCUS ON LEGAL PROFESSION & EDUCATION IN INDIA

Sujatha S. Patil

*Former Principal, IFIM Law College, Bangalore, Karnataka, India & Professor, School Business & Law,
Navarachana University, Vadodara, Gujarat, India*

Received: 17 Jan 2019

Accepted: 28 Jan 2019

Published: 30 Jan 2019

ABSTRACT

The study of laws, on condition they are good laws, is unrivalled in its ability to improve students.

– Plato¹

In the present modern society, Law, legal education and development have become interconnected. In turn, it is a struggle to develop into social welfare states and is seeking to ameliorate the socio-economic conditions of the people by peaceful means. The vital role of legal education is to produce lawyers with social vision in a developing country like India. However, in this technological era, the legal education is not confined to the production of lawyers alone. Today its scope and ambit have got widened up and its importance is felt in every sphere of human life.

KEYWORDS: *To Produce Lawyers with Social Vision, the Foundation of Every Society or A Nation, Welfare of the Professionals*

INTRODUCTION

Law being the foundation of every society or a nation, Legal Education of the people is a sine qua none. Legal Education does not only create law-abiding citizens, but also produces brilliant academicians, visionary judges, astounding lawyers, and awe-inspiring jurists. These four classes of men act as a catalyst for the growth of the society, the creation of these four groups of men should be the aim of the Legal Education.²

The policy of legal education should be molded in tune with the rapid contemporary changes occurring as a result of scientific and technological developments, especially by the expansion of software technology.

But if we look at the present professional legal education, we find it is not conducive to the welfare of the masses. It is more tilted towards the welfare of the professionals than meeting the aspirations and hopes of the common man and nowhere near the goal set by our Constitution.³

With this brief idea now let us look into why Justice N Kirubakaran of the Madras High Court has recently posed few questions in connection to “Cleaning Up of Legal Education & Profession”- to Bar Council of India and Government.

Cleaning up of Legal Profession and Education: Madras HC’s 25 Questions To Bar Council and Others.

Justice N Kirubakaran of the Madras High Court made some scathing observations against the unsavoury system in place in India where getting a law degree from “letter pad colleges” is a common practice and asked BCI on what basis it has increased number of law colleges in India which stood at 800 (in 2014) against the needed 175 colleges in 2010.

The court delved into the issue of lawyers acting as hooligans while dealing with a petition moved by second-year MBBS students of Annai Medical College and Hospital which was started only last year. The students have petitioned that they are absorbed in government institutions as the college has failed to repay loans and taken over by the bank with most of its staff having resigned and hospital having shut down. There is also a dispute among the management (the old and the new trustees) which is pending before Civil Court.

The Bench has suo motu impleaded Bar Council of India, Bar Council of Tamil Nadu and Puducherry, Ministry of Law and Justice and Six others in the case. Justice N Kirubakaran has framed the following 25 questions to be answered by the Bar Council of India and other newly added respondents to answer;

- Whether the so-called advocates wearing a black and white dress are indulging in unlawful activities such as taking possession by force and conducting Kangaroo Courts in collusion with police officials and rowdy elements?
- Though on the earlier occasion, the police authorities filed a status report stating that more than 6000 such cases have been filed involving the advocates, what is the actual number of such cases, as on date?
- How many groups of persons calling themselves as advocates are involved in these kinds of activities?
- Whether the Bar Council, as well as the police authorities, are aware that the law college students are also lured by these elements to be used as hooligans to grab lands and properties and to adjudicate civil dispute by “katta panchayat”.
- Is it a fact that even if complaints are given against those so-called advocates, complaints are not registered against those persons and the affected parties are forced to delete the names of those so-called advocates from the complaint?
- Whether such affected parties are pressurized by the police in connivance with the so-called advocates to settle the matters/disputes in an unlawful manner?
- Whether the so-called advocates are actual advocates or persons disguising themselves as advocates indulging in these activities and whether these groups are being used by any communal, religious, extremists and political groups to settle the civil disputes and other disputes?
- Why the police is afraid of those advocates, even to register a specific complaint against them on the complaint given by the affected parties and is there any reason for it?
- Whether the police and the Bar Councils are aware that criminal elements are purchasing law degrees from letter pad law colleges outside Tamil Nadu with the sole intention to shield their criminal activities using their degrees?
- If any affected party prefers a complaint of the action done by the police in collusion with the so-called advocates, whether any action is being taken against those advocates and police officers and if it is so, what are all the details?
- Though Mr.Gopal Subramaniam, the then Ex-officio Chairman of Bar Council of India had categorically stated in the year 2010 itself that the requirement of law colleges in India is only 175, on what basis the Bar Council of India had

granted approval for many colleges, increasing the numbers from 800 colleges in the year 2012 to 1200 colleges in the year 2014?

- Is there any survey conducted by the Bar Council of India or Ministry of Law and Justice, Government of India to know the actual requirement of lawyers in the society to decide about the number of law colleges, according to the demand?
- If no such survey has been conducted to find out the demand when it would be conducted?
- When the then Ex-officio Chairman of Bar Council of India, himself had declared that only 175 law colleges are more than enough to serve the requirement, why not this Court prohibit the Bar Council from granting any further approval of law colleges?
- How many students are admitted to law colleges throughout India for the past ten years? [Year wise and State wise details have to be given]
- How many students have come out successfully from the law colleges throughout India for the past ten years? [Year wise and State wise details have to be given]
- How many law graduates are enrolling every year throughout India for the past ten years? What are all the steps taken by the Bar Council of India to enhance the standard of legal education and also the dignity of the legal profession in general and weed out unruly criminal elements?
- Whether the Bar Council of India has implemented the directions given by this Court in the case of *S.M. Anantha Murugan v. Chairman, Bar Council of India* reported in (2015) 6 CTC 22, except the three directions which have been stayed by the Hon'ble Division Bench of this Court?
- When the Central Government is going to amend the Advocates Act as per the well-meaning recommendations of the law commission which have been made to improve discipline and dignity of the profession and to redeem the profession from the present chaotic position?
- Why not the State Government constituted a committee to deal with the complaints regarding the collusion of police officials and the so-called advocates in dealing with the civil disputes and taking forcible possession of properties and other issues?
- Why not the Bar Council of India make the biometric attendance system mandatory for the students as well as the staffs of the law colleges, as many of the law colleges are selling degrees in absentia, without even conducting classes and without having any infrastructures?
- Why not the Bar Council of India create a centralized portal containing the details of the teaching staffs working in the law colleges/institutions all over India?
- Why not the Bar Council of India prescribe a minimum of 75% marks in +2 for the students to get admission in law colleges or a minimum qualifying mark in the CLAT examination?

- Why not the Bar Council of India get details from each State about the requirement of lawyers and thereafter, decide on granting permission for new law colleges or to close down the surplus law colleges, depending on the requirement in each State?

Justice Kirubakaran observed that the endeavor of this Court is only to safeguard the practicing advocates and also to restore the glorious image of the legal profession and to streamline the legal education as well as the profession.⁴

Comment on Above Mentioned Points

In reference to the above-mentioned points, I totally agree with the challenging questions put forth by the Justice N Kirubakaran. In the present scenario, people started losing hopes in the legal system because of the so-called advocates are actual advocates or persons disguising themselves as advocates indulging in the unlawful activities in collusion with police officials and rowdy elements?

These practices will set a bad precedent to the law students and in turn, they too adopt this short root to again money. At the time of studying the law program itself, the students get connected to the lawyers or law firms to do internship & if they are exposed to this kind of practices, definitely they won't enjoy the beauty of the profession.

Coming to the numbers of law colleges, it is surprising to see the figure from 175 (2010) to 800 (2014). I hope presently we might have reached the figure of 1000 or more. How come the Government, BCI is closed their eyes. There are a plethora of law colleges as per my knowledge & experience in academics, which are running the program to mint the money and selling the degree certificates. Few of the law colleges they do not even have proper infrastructure like a library, a minimum number of faculties, class rooms, qualified principal etc.

The regulatory authorities keep going for inspections to different law colleges yearly, but why they fail in identifying all these practices adopted by few of the law colleges? Whether they are not competent authorities to carry inspections or they are also part of this kind of practices?

SUGGESTIONS

In light of the above discussion, the following suggestions are made for consideration and implementation.

- The regulatory authorities in India are currently not serious and need on their part to careful reconsideration of legal education. A law college has four masters at a minimum; the university to which it is affiliated; the State Government; the University Grants Commission; and the Bar Council of India... These four agencies have varying mandates, interests, and constituencies and do not provide coherent guidance for the improvement of legal education in the country.⁵
- Legal education must expose students to the problems of poverty, social exclusion, social change, and environmental degradation through clinical legal education, legal aid programs and through seminars and debates that sensitize and expose students to issues of social justice.⁶

- Curriculum development should include expanding the domain of optional courses, providing a deeper understanding of professional ethics, modernizing clinical courses, mainstreaming legal aid programs and developing innovative pedagogic methods.
- The curriculum of foreign universities is emphasized on the impact of the law on society and its development. But our law curriculum is missing it. The law curriculum must aim at achieving which Dr. Glanville Williams called the primary and most important aim of a law student namely to make himself a lawyer. However, a lawyer here does not mean just a law practice but a lawyer with social responsibility.
- There is a need to restructure the course content keeping in view the vastness and relevance of particular subjects, and the time available for their studies.

CONCLUSIONS

Law is the cement of society and an essential medium of change. The significance of legal education in a democratic society cannot be over-emphasized. The aim of legal education should be not only to produce good lawyers but socially responsible professionals.

Lawyers should not forget that they have glorious traditions left behind them while the present generations have to maintain those traditions of love and service to the society. Advocates must have exemplary traits of the sincerity of purpose. Lawyers are supposed to be custodians of law. They are supposed to uphold the principles of law as propounded in the various legislations without fear or favor. That is possible only when judiciary and legal profession shines with its integrity and gains efficiency besides being independent and immune from ordinary influences such as inducement and bribery.

REFERENCES

1. Plato. (2004). *Dictionary of Legal Quotations*, Universal Law Publishing Co. Pvt. Ltd. New Delhi. p.110.
2. Iyer, Krishna V.R. *The Social Dimensions of Law and Justice in Contemporary India – The Dynamics of a New Jurisprudence*. p.1.
3. Report of- “The curriculum Development Centre in Law”. Retrieved at <http://legalservicesindia.com>
4. Retrieved from- www.livelaw.in/cleaning-legal-profession-education-madras-hcs-25-questions-bar-council-others/
5. Retrieved from- www.livelaw.in/legal-education-india-saga-overregulated-undergoverned-discipline/
6. Segal R. & Bhosale S.R. (1999). “Legal Education in India: Restructuring and Reshaping” *Indian Bar Review*. pp.37-46

