

Legal Education in India — A much Warranted Paradigm Shift Towards Equal Justice

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Introduction

The Bar Council of India's proactive decision in 1982 to replace the three-year (mostly part-time) LL.B program was replaced with an integrated five-year LL.B course and Learning trial of the scheme in a model law school named as National Law Schools, sponsored by itself in 1986 changed our legal education culture. Today, we are thinking about the New Challenges of legal education in the New Millennium. This challenge is to carve out a vibrant cadre of globally competitive judges, advocates and academicians with Indian ethos. The challenge is to equip next generation lawyers to efficiently employ law as a tool to uphold the Constitution of India as envisaged in its preamble. If the main purpose of law is to bring positive changes in society and to ensure rule of law, then legal community cannot remain antique.

One might ask whether legal educators are overstating the transformative dilemma of legal education today. Or are they properly reckoning with the increasing social and political diversity within the dynamic and imaginative models of legal education? This paper examines the need to bring an immediate change in India's legal education scenario to render equal justice.

The Constitutional Expectations

Let us ask ourselves that, what are the expectations of the people from law and legal services in the coming years in the context of globalization and transformation and in the role of the State? How does one assess the social relevance and justice content of law teaching? What can be done to maximize these goals? In order to enable us to address these questions we must have an awareness of the challenges involved and the changes taking place in the contemporary times. This of course is related to the unmet legal needs of different sections of the society. Delay and cost in accessing

justice, impact of globalization on equality and human rights, vast technological changes, particularly in information and communication, the relative incapacitation of the State by market domination and the role of professions in justice, peace and development. In all these changes law and lawyers play a decisive role of facilitation, moderation and control?

But the legal education remains grounded in principles of law, judicial and administrative structures of a past order. There are new tidings.

Role of Legal Educators

Legal educators teach about alternative methods of resolving disputes. They increasingly teach about softer methods of avoiding legal differences and resolving differences painlessly than before courts of law. The conventional role of a lawyer is to step in after the event to resolve disputes and dispense justice to the aggrieved party. In the changed scenario, the additional roles envisaged are that of policy planner, business advisor, negotiator among interest groups, expert in articulation and communication of ideas, mediator, lobbyist, law reformer, etc. These roles demand specialized knowledge and skills not ordinarily available in the existing profession. A change has occurred and it is important that the profession exists for the people and not the other way round. The organization of the profession today requires change to let a more rational distribution of work and to promote standards of efficiency and accountability. The way the lawyers think and conduct his/her professional functions will have to change. This change is inevitable, if legal services have to be a powerful tool for justice in an unequal society/world. It is here that legal education has to take its lessor on value addition.

Diversity in the Knowledge of Law

When the general perception is that the other organs of the State have failed to be as effective as they

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should be, the people turn to the judiciary to redress their grievances. Only through comprehensive training and continued educational development of lawyers in strategic studies affecting the common man can the effectiveness and public perception of the profession be improved. In a fractured society like ours, with many social and economic inequalities and discriminations, the guarantees provided in the Constitution need to be translated into reality.

These challenges cannot be met by merely interpreting and applying the law. A vision into the working of the society and solutions to the problems arising thereof is absolutely necessary and has to be provided in Law Schools not merely by encouraging lawyers to appear for the private causes but in public causes as well.

But in the absence of a comprehensive transformation in the diversity of ideas about law, the transformation of legal education would remain incomplete. There is need to reformulate the aspirations of law schools, including the purposes that guide them and in the manner in which they define and implement their missions. To make legal education more 'meaningful' and 'relevant' a student during his/her study in a law school, they must be provided with a direction in all areas of personal conflict inherent in a complex society and economy. There is a need to promote 'socially relevant' legal education to meet today's need.

Legal Education and Equal Justice

Legal education is about rethinking the values and interests that gives rise to different perceptions about our missions. Indeed, the function of legal education is as much about exposing students to societal changes and reforms than about the more traditional function of demonstrating what the law is in fact. Law teaching shall not be detached from social realities. The challenge of tomorrow is to embrace a more vital realism in which legal education is conceived of in action. That action, far from being sterile, is about diverse political values and interests, disparate ways in which those values and interests are embodied in law and different ways in which they are effectuated in an ever-widening spectrum of practice. The action is about appreciating that there is not one just society under and

before the law. There are societies. There are laws within those societies. There is justice to be rendered. But justice is rendered only by taking account of disparate political and social values, not singular values within narrowly framed legal contexts. Nor does finding "the law" be in two sealed containers, the one marked "rights" and the other marked "wrongs" do justice.

Legal education is merely about opening such containers, studying their contents and reframing methods of storing those contents. It is also about establishing reasons for doing so and about being willing to explore new and different ways of doing so in the future.

Hugh Gibbons stated:

"...about science and technology that are singularly within the province of law: (1) How should technology be employed in the legal process? (2) In what ways should law affect science and technology? (3) Under what scheme should decisions about science and technology be made?"

He preferred that these questions should be addressed in law schools. It would be difficult to determine what should be done in each of these instances without determining what is being done. It is almost impossible to address the third question without being mindful of legal constraints such as those imposed by the Constitution. Problems involving science in the legal processes are nevertheless legal process problems. When technical subject matter is involved the processing of issues becomes more pointed and their resolution becomes more compelling. Consequently, a subject which students who often regard as uninterested tends to generate much more lively discussion. Even if science did nothing except to increase the student's interest that circumstance alone should warrant its inclusion in the legal process courses.

Legal Education and Academics

The current era of global changes resulting in uncertainty is a time when academic institutions will have the highest obligation, because law is so important a factor in the construction of society, the legal education programmes have special obligation to ensure that

they equip law students to make valuable contributions when they are practitioners and Judges. Law schools must prepare them to meet these challenges by providing not only sound substantive education but also necessary skills and experience.

We should seek to inspire students by telling them of the landmark cases that have led to the creation or expansion of rights, reminding them that law can make and has made a difference in the past. The role of lawyers within the community should be actively debated, not just in professional responsibility or legal ethics courses, but throughout the degree course.

Conclusion

A multidisciplinary history is recognized, when an integrated study is incorporated into existing subjects.

It can not be simply relegated to legal history and jurisprudence courses. Law teachers need to recognize that grappling with justice issues is fundamental to the study of law. After all justice is its main goal. Law without justice is as hollow as music without Bethovon and Mathematics without Ramanujan. The study should be to bridge the gap between law and justice.

When legal education is dispensed in this manner with an ultimate aim to render justice to everyone, it would achieve the constitutional goal of equal justice. The disparities of power and money cannot be displayed in a legal system, where law stands for justice. The change should begin from legal education, so that, it would reflect in the construction of legal universe, where equal justice prevails over all socio-economic inequalities.