

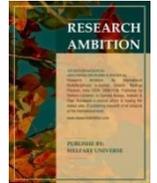


Research Ambition

An International Multidisciplinary-Journal

ISSN: 2456-0146 Journal home page: www.researchambition.com

Vol. 06, Issue-III, Nov. 2021



AN ANALYTICAL STUDY ON LEGAL EDUCATION IN THE CONTEXT OF NATIONAL EDUCATION POLICY

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KEYWORDS

National Education Policy,
Legal Educational Institutions,
Background,
Impact on Legal
Education,
Interplay of LEIs & NEP

ABSTRACT

The long-awaited discussion on the integrity of the education sector was deliberately initiated by the new education policy. The policy proposal is seen as a review of the country's current education system as well as legal education sector. Subsequent policies adopted in 1986 and revised in 1992 mainly focus on addressing issues of access to education and equity in educational opportunities between different social groups. Under the rudder of the new education policy, private and self-governing organizations are seeing a radical change seen as being associated with a more self-reliant structure. Bar Council of India and University Grants Commission which is the main structural and regulatory body for under graduates as well as higher legal education. The curriculum for legal studies reflects socio-cultural context with evidence-based practice, history, legal principles, and jurisprudence. Voice has been pedestaled on multiple occasions to increase the diversity in and of Legal Educational Institutions. The National Education Policy is intended to affect state institutions providing legal education and promote bilingual legal education in state law universities also applying it to Legal Educational Institutions. Morality, justice, and principles are significant keywords in the life of any law student. The National Education Policy draft can be seen as a means to accomplish this goal. The legal profession lacks social acceptance and trust, which ultimately affects public confidence in the judiciary. The policy itself faces various aspects of the legal education system and this policy is executed with full budding, the country would take great growth in the field of Legal Education.

Introduction

There has been a lot of talk around the education sector about the new education policy unveiled by Union Human Resource Development Minister Ramesh Pokhriyal 'Nishank'. Considering all the obstacles in the field of education, the policy was introduced with the objective of progressive reform. The long-awaited debate on the integrity of the education sector was deliberately initiated by the policy. The policy proposal is seen as a review of the country's current education landscape, including the legal education sector, on the way to its objectives.

In addition to promoting the intelligent legal profession, legal education also serves as a link to legal education and is directly linked to the quality of the rule of law in the country. Where society relies on the rule of law, the rule of law prevails and legal education serves as a means of inculcating the values of law in the youth. Regarding the importance of legal education for the security, peace and welfare of the country, emphasis should be laid on ensuring the quality of legal education. The 2020 policy has undergone a number of amendments and revisions, which could have a major impact on legal education.^[1]

National Education Policy-2020 welcomes some research as it establishes a single regulatory body for higher education institutions, closes MPhil programs, and provides for multiple entry and exit points in degree courses. It also suggests low stacks board exams and general entrance exams for universities across the country. This was necessary due to lack of quality institutions and unreasonable admission requirements like high cut off marks.^[2]

The idea is to make teaching and learning more accessible and attractive. The realization of this idea will involve board exams primarily to test core competencies and abilities rather than rote learning. There will also be provision for revision examination after the main examination if the student so desires.

The National Council of Higher Education Regulation NHERC will be established to be the primary and sole regulator in the field of higher education, including teacher education, except for medical and legal education.

Background

The National Education Policy 2020 is a very ambitious and relatively progressive guideline laid down by the Modi government, which will replace the 1986 policy. The new strategy of quality education reflects the values of multidisciplinary, innovative, complex thinking to promote this. Emphasis has also been placed on life skills, ethics and constitutional values. Public education is encouraged to reduce the complete privatization of the education sector. One of the most commendable proposals in this policy is the right to education up to the age of 18.^[3]

The National Education Policy 2020, the third to be adopted by the country, has come a long way since its first predecessor, the National Education Policy adopted in 1968 by the then Prime Minister Indira Gandhi. University Grants Commission Chairman D.S. The Education Commission, headed by Kothari, called for "radical reconstruction of education" on the lines suggested by 1964-1966, raising the need for free and compulsory education for the first time. Equalizing educational opportunities for fourteen-year olds and crossing regional, social, gender, class and caste boundaries. Subsequent policies adopted in 1986 and revised in 1992 mainly focus on addressing issues of access to education and equity in educational opportunities between different social groups. The latest version of the education policy adopted in 2020 is a significant improvement over the 1986 version as it is responsible for the development and competitive global landscape in the country since the 1991 reforms that compel the country to adjust its policies to the needs of the global scene.^[4]

Legal Education had its first set of reforms by the introduction of the

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DOI: <https://doi.org/10.53724/ambition/v6n3.02>

Received 10th October 2021; Accepted 01 Nov. 2021

Available online 08th November 2021

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integrated five-year B.A. LL.B. course in the early 1990s. Drawing inspiration from the west, the Law school model became the nurturing ground for young minds to take 'law' as a profession and career. Law schools have provided the necessary impetus for Indian lawyers to practice abroad and embrace trans-nationalism.^[5]

Under NEP-2020 Orchestrating Legal Education

Under the rudder of the new education policy, private and self-governing organizations are seeing a radical change seen as being associated with a more self-reliant structure. This 'autonomy' will now bring institutions and institutions associated with financial and educational independence to the brink of corporatism, in which they are able to create additional courses and departments. Unsurprisingly, without funding from government institutions, institutions will naturally turn to students. Behind this autonomy and structure, there will be a sharp increase in tuition fees, not only for the students of that particular department, but for all the students attending that institution. These universities will increase the dropout rate with a window of multiple exit options which will intensify the already fragmented landscape of the Indian higher education system. Under the multiple exit and entry option, if a student decides to leave the mid-course, he/she will issue a valid certificate for the credit earned up to that point which will then be digitally stored in the Academic Bank of Credit ['ABC']. 'Certificate', 'Bachelor Degree', 'Diploma' and 'Bachelor Degree with Research' will be awarded for every course respectively. Financial autonomy will consider dropping out of students due to the financial burden on students and the availability of a certificate each year. This also creates huge disparities between financially strong and other students where alumni have high prospects for study and are reinforced with better opportunities, thus creating an unlikely situation where higher studies become a privilege rather than just a basic need. Goes to those who can afford it.^[6]

Additionally, a centralized legal education system that leads to the exclusion of social exclusion and the Right to Education Act is just the tip of the iceberg; The government said it was proposing to improve the quality and autonomy of higher education, however, it is a completely backward step, breaking the Bar Council of India ["BCI"] and University Grants Commission ["UGC"] which is the main structural and regulatory body for higher legal education. This will only accelerate the commodification and centralization of legal education, which is useful and the prospects given the ideological and legal needs of the ruling party.^[7]

The contemporary education reforms have come into being only because they were passed through the backdoor without the consent of the parliament and a proper code of conduct.

Whereas National Education Policy, 2020 visualizes a transformative ocean of modification across India, there is a need to consider the passage of the bill and the potential for improved deficiencies in the Indian landscape. At the superficial level, this policy will obviously increase economic disparities in a country fragmented by wealth, race, religion and gender.

One of the crucial improvements is to equip professionals for changing conditions. Vocational education is part and parcel of the overall higher education system; Professionals need to develop skills involving education in ethics, the importance of public purpose, interdisciplinary thinking, critical analysis, discussion, innovation and research. This can be done if vocational education does not suppress a person's merits. Self-governing institutions such as agricultural universities, technical universities, legal universities and autonomous institutions in other fields should aim to become multi-disciplinary institutions. All institutions providing general or vocational education will aim to develop into centralized natural clusters by the end of 2030. Legal education needs to be globally competitive, adopt innovative methods, and support new technologies for comprehensive and timely delivery and access of justice.

Furthermore, it is also alleged that this policy promotes centralization as there is an issue in this policy which states that a new teacher training board will be formed for all types of teachers in the country and no state

can change it. Further, the curriculum for legal studies should reflect socio-cultural contexts with evidence-based practice, history, legal principles, and jurisprudence. Legal Education Institutions should provide bilingual education in English and in the state language where the institution is located.^[8]

The Interplay of Legal Educational Institutions and NEP

The advent of the Legal Educational Institutions ['LEIs'] for legal education in India has often been censured for fostering entitlement and remaining inaccessible and isolated to most of the law aspirants. A cursory glance examination of the system is enough to exemplify that the criticism is not bereft of merit. Voices have been pedaled on multiple occasions to increase the diversity in and of Legal Educational Institutions. Most of these worries are self-inflicted as soon as possible. Prof. Shamnad Bashir, who tried to equip and prevent some of these issues by establishing diversification by Increasing Access to Legal Education ['IDIA']. However, these issues of concern have borne the consequences and costs of inadequate and slow institutional reform. Moreover, a deeper analysis of the recommendation, however, reveals shortcomings in design and potential implementation.^[9]

In the deal, one of the prime commendations of the policy is a multi-disciplinary institution that acts like a two-edged sword that allows law students to interact with students and scholars from different fields and thus develop a better understanding of the law or lack of physical space and financial Lack of practicality in this aspect with a lack of support. However, most Legal Educational Institutions are already facing space shortages and are unable to accommodate the existing batch of students around campus. They are working in a self-sufficient model with limited funding from state governments. In such cases, forcing them to open new departments can increase their costs and therefore reduce accessibility. The cluster model may work better for these organizations. However, the policy is not detailed on how these clusters will work.

The commendation to promote bilingual education in state law universities is commendable, although it has certain difficulties. The policy is intended to affect state institutions providing legal education, applying it to Legal Educational Institutions. Assuming that the appointment of bilingual teachers based on the regional language of the venue can help translate legal material for students familiar with the language concerned and for courts functioning mostly in English. However, it eliminates the problem of language barrier for Legal Educational Institution students only to a limited extent. Although it certainly helps a student who studies at the Legal Educational Institution located in his region, he turns a blind eye to accounting for admissions in different states. Emphasizing English as opposed to regional languages is not the solution to legal education. To talk on this issue, it is not only necessary to introduce bilingual education, but also to start additional remedial classes for English as it is the primary language used in the legal field.^[10]

The most important point exists with the third recommendation in the National Education Policy. At first glance, legal education reaffirms constitutional ethics. However, phrases such as national reconstruction and socio-cultural contexts determine the next tests. While the socio-cultural context seeks its explanation in the term policy, it sheds no light on the specific meaning of national reconstruction.

The revised National Education Policy elaborates that "the task of legal education is to impart to the learners the basic values of Indian democracy in order to give the necessary social coherence and acceptance to legal studies."

Innovation cannot be restored by looking at history and culture to understand the legal aspect. The historical context has been jurisprudentially recognized by scholars as an important aspect of legal theory. The draft policy goes over all other aspects of the law and places more emphasis on culture, mythology and tradition. The use of the term "falling back on culture and traditions" cannot be ignored as a mere statement. The government has expressed its desire to revive Vedic traditions and Hindu sentiments in several phases. Taking this into the background, when discussing legal education, it depicts a worrying

situation in terms of culture, mythology and tradition. The draft more emphatically states that law cannot be independent of culture and states the study of texts of classical law. Some of these texts, being prominent, have been insulted for cultivating an old and discriminatory mindset. Repetition of these texts in the educational structure will do more harm than good to legal education. With the statement, it is true to say that the law is a memory, and therefore should be derived from its past; But at the same time, some memories can only serve as a reminder for the need for progress and not send a text to rely on it for the study of law.

Impact on Legal Education:

Inclusion of ethics and constitutional values: Ethics, morality, and principles are based on legal education. Morality, justice, and principles are some of the most significant keywords in the life of any law student.^[11] These values were also the most important components of our ancient Hindu education system. In traditional legal education, the emphasis is on maintaining the importance of justice in the format. But with the changing times and changes in the legal profession the gravity for such values is declining. We have many cases of unethical, unethical professional behaviour in the recent past, one of which is the recent case of Prashant Bhushan, where eminent lawyers were charged by the Supreme Court for contempt of court. All of these crimes stem from a vacuum created by a lack of ethics and moral values in the business, such as contempt of court. In the case of legal work, the lack of addition of moral principles in legal education may be the main reason for losing the truthfulness of the profession. There is a famous saying that education is the future of business. The current legal education system, however, highlighted access to education for all, but neglected the quality assurance part by incorporating ethical and moral values.

One of the main objectives of this new draft of National Education Policy is "to create a new system that is aligned with the aspirational goals of 21st Century education while remaining consistent with India's traditions and value systems." The policy also aims to provide legal education that is guided and informed by the constitutional ideals of social, economic and political justice. The importance of democracy, the rule of law and justice in the country will grow with the introduction of these values.^[12]

The legal profession is painstaking one of the most prestigious professions; it is the accountability of legal education to maintain it. In order to fulfill that accountability, it is necessary to state that moral and constitutional values must be an integral part of legal education. A admirable amendment was made to the National Education Policy, 2020 to incorporate these values into the curriculum while identifying the long-term aims of legal education.

Bilingual Education: The Constitution of India recognizes 22 languages. Although there are only 22 languages in the constitution of India, there are more languages than the number of states in the country. India's multilingual existence gives the country a special character. India has become popular all over the world due to the different cultures and languages in the country. The system of legal education in the foundation of any society. Society thrives on the growth and development of the legal educational sector. National Education Policy, 2020 has been drafted while determining the future of the country. Changes in the inclusion of different languages in the process of reforming society. The policy states that education in English and the state in which the law school is located should be considered by the state institutions providing legal education in the state. It has been speculated that by ensuring the ease of legal education from the comfort of law students, it will improve the education sector. It should be noted that, given the response to this initiative, it will help reduce delays in legal outcomes due to the need for translation.

The National Education Policy draft can be seen as a means to accomplish this goal. Policy depresses the notion of institutions alone in

making education public. Similarly, it states that "by 2030, all institutions providing vocational or general education will aim to grow seamlessly both institutions/clusters." Through this initiative, multidisciplinary institutions will grow a holistic educational environment, which in the public interest, will suffice for the purpose of education.

Social significance and suitability: The law is losing its significance as a profession with the increase in unethical activities of legal professionals. The legal profession lacks social acceptance and trust, which ultimately affects public confidence in the judiciary. To cover these barriers, The National Education Policy emphasized the importance of social rationality and appropriateness. The draft states that the policy is based on the culture and tradition of the people, including legal antiquity, literature and tradition, to fulfill these essentials. It states that universities must include the history of jurisprudence, principles of justice, practice of jurisprudence and other basic values in the curriculum. The initial objective of legal education for potential lawyers will be sufficient to implement.

Conclusion:

In conclusion, it is worth mentioning that the new National Education Policy prepared by the Ministry of Human Resource Development has some desired amendments for the legal education sector. It is a complete reformation of the higher education structure through the introduction of multidisciplinary undergraduate programs. The policy itself faces various aspects of the education system and if this policy is executed with full budding, the country can see great growth in the field of Legal Education. Speaking of legal education, in particular, the aforesaid requirements in the policy proposal an overview that the policy is focused on maintaining admiration for legal education with long-term goals. Educational programs for legal examinations, in an evidence-based manner, reflect the historical backdrop of legal speculation, equity standards, the function of law, and other relevant material in appropriate and adequate socio-social settings. It cannot be denied that legal education has long needed this reform, and now that we have a progressive policy, the emphasis should be on proper implementation. Mostly National Education Policy's strategy on legal education, as most of its various systems are like a castle in the sky is fun to understand, but unrealistic to understand. It changes things academically and imaginatively, however in reality, to make them real, would be a very cumbersome undertaking. The system should proceed according to its spirit to understand the issues of its interest.

References

1. Shubha Sharma and Kamyia Sharma: Impact of National Education Policy 2020 on legal learning: Published on October 19, 2020: <https://theguardian.com/impact-of-national-education-policy-2020-on-legal-learning/> visited on 20th August 2021
2. Shresth Vardhan: Hits and misses of NEP 2020 and its impact on legal education: Published on August 20, 2020: <https://theguardian.com/hits-and-misses-of-nep-2020-and-its-impact-on-legal-education/> Visited on 22nd August 2021.
3. Shubha Sharma and Kamyia Sharma: Impact of National Education Policy 2020 on legal learning: Published on October 19, 2020: <https://theguardian.com/impact-of-national-education-policy-2020-on-legal-learning/> visited on 20th August 2021
4. Dr. Sairam Bhat and Gayathri Gireesh: Legal Education And National Education Policy 2020: Published on October 30, 2020: <https://nlspub.ac.in/legal-education-and-national-education-policy-2020/> visited on 25th August 2021
5. Ibid.
6. Shresth Vardhan: Hits and misses of NEP 2020 and its impact on legal education: Published on August 20, 2020: <https://theguardian.com/hits-and-misses-of-nep-2020-and-its-impact-on-legal-education/> Visited on 22nd August 2021.
7. Shubha Sharma and Kamyia Sharma: Impact of National Education Policy 2020 on legal learning: Published on October 19, 2020: <https://theguardian.com/impact-of-national-education-policy-2020-on-legal-learning/> visited on 20th August 2021
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.