

LEGAL EDUCATION IN THE ADVENT OF NATIONAL EDUCATION POLICY

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ABSTRACT

During the time, when education system in the country needed to be revamped, the Union Government has brought in the new Education policy. The National Education Policy 2020, has been brought in to review the landscape of the Education System in the Country, including the Legal Education System along with the view on taking the education System forward.

The Public, in general, can repose the confidence on the Indian Legal system and Judiciary, only if the Legal Education System is foundationally strong. Thus, in the advent of National Education Policy the legal education system is expected to undergo few important changes.

Its pertinent to note here that the National Education Policy states that education in English and the language of the state in which the law school is located should also be considered by the state institutions providing legal education. This would certainly ease the legal education for the students and which would in turn reform the education system in the country.

Legal profession being one of the prestigious professions, legal education should be efficient in many ways. Thus, the New Education Policy which tries to reform the Education System would be commendable to include values and to recognize needs of the legal education in the long run.

This Article would briefly provide some insights as to what changes could be seen in the legal education system in the light of the National Education Policy.

Key Words: National Education policy, Legal Education, Education system, Ministry of Education.

I. INTRODUCTION

For a society to be organized and progressive, education plays an important role. Education having such a big role, its system also needs to be progressive from time to time. As such, The then Ministry of Human Resources Development has initiated National Education Policy to revamp the Indian education system including legal Education in India.

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Legal education is considered to be the noblest and intellectual professions and also considered as an apparatus for social design and for constructing an egalitarian society. Legal Education is one of the important streams that needs to be appreciated for its role in shaping and envisaging the Indian Legal system and thereby contributing to the accomplishments of justice, liberty, equality, sovereignty, democratic republic. Therefore, legal education can be considered to be the field of education that protects the rule of law and serves the Public interest.

Legal Education, having been significant, as a result of NEP 2020, is expected to be tremendously useful for the country and is likely to have huge impact on the legal practice in the country. The Author herein, tries to analyse the NEP 2020 and brings out the probable changes that are likely to happen in The Legal Education in The Advent of NEP 2020.

II. **BACKGROUND**

“The great task of education is not merely to collect the facts but to know man and make oneself known to men.¹”

-Rabindranath Tagore

The education plays an important role in transforming the lives of the citizens. Education is not merely reading/studying books and passing exams. But, learning values, morals and skills which would help in bettering the society and advancement of the same.

Education, being a pivotal thing capable of shaping the society, has been concentrated and been given importance right from the independence and brought the first National Education Policy in 1968. As the time changed education had be improvised and policy was also supposed to be revised and so second education policy was brought in in the year 1986 which was modified in Education Policy 1992. Now again, with the advancement of technology and advancement of society education system needs to be revamped. This being the scenario, the Union Government has brought in the National Education Policy 2020 to revamp the education system and to make the system suitable to the current world with the following major objectives²:

¹ Dr. Rakesh kumar Singh Legal Education and National Education Policy 2020, THE NEOTIA UNIVERSITY, 6th September 2021, <https://www.tnu.in/legal-education-and-national-education-policy-2020/>

² Salient Features of NEP 2020, PIB INDIA, 1st August 2022, 6:04 PM, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1847066>

- To make the education accessible universally from primary to secondary
- To infuse multilingualism in the education
- To set up Multidisciplinary Education and Research Universities (MERUs); And National Research Foundation (NRF)
- NTA to offer Common Entrance Exam for Admission to HEI
- To Expand correspondence learning to improve Gross Enrolment Ratio (GER).
- Internationalization of Education
- Creation of an autonomous body, the National Educational Technology Forum (NETF) to set up a platform in order to enable the free exchange of ideas with regard to the usage of technology for the enhancement of learning, assessment, planning, administration. Appropriate integration of technology into all levels of education.
- To Strengthen of the Central Advisory Board of Education so that coordination to bring overall focus on quality education will be ensured.
- To have a single body to promote higher education sector called Higher Education Commission of India.

III. HIGHLIGHTS OF NEP

A. MULTILINGUALISM³

NEP places a significant emphasis on mother tongue, local and regional languages and local languages. Though, it does not impose any particular language on a student, NEP has enabled a forum for all classical languages for inclusive growth.

B. EQUITABLE EDUCATION⁴

NEP aims for an equitable and inclusive education in the country by providing educational opportunities to all socially and economically underprivileged students including students with gender and geographical disabilities all across the country.

C. TRANSPARENCY IN RECRUITMENT AND PROMOTION OF TEACHERS

The teachers at all levels will be appointed in a transparent manner and the promotions will be done pursuant to periodic assessment and progression paths to become educational administrators or teacher educators.

³ Para No. 4.11 at page no. 13 of National Education Policy 2020

⁴ Key Highlights of NEP, INSIGHT IAS, <https://www.insightsonindia.com/social-justice/issues-related-to-education-sector/new-education-policy/key-highlights-of-the-nep/>

D. SINGLE REGULATORY BODY FOR ALL FIELDS OF EDUCATION⁵

The NEP aims at the formation of Single Body for regulation of All Streams of Higher Education excluding Education in the fields of Law and Medicine called HECI, Higher Education Commission of India which will have 4 sub authorities namely National Higher Education Regulatory Council (NHERC), General Education Council (GEC) for Standard Setting, Higher Education Grants Council (HEGC) for funding, National Accreditation Council (NAC) for Accreditation. Thereby all forms of regulatory control will be possessed by the Single body HECI for all forms of Higher Education excluding Education in the fields of Law and Medicine.

E. REJUVENATING RESEARCH IN HIGHER EDUCATION

NEP has admitted that the Research is an integral part of Higher Education System and is committed to fund the academic research. In order to make advancements in the field of Research at Higher Education the NEP has envisaged two roadmaps (a)Development of research capacities in the teaching members so as to make sure that the research culture in the state universities and other public institutions will be developed and (b) to provide fund for the peer-reviewed research studies with the establishment of National Research Foundation (NRF). Additionally, NEP has also mandated the Research at UG and PG levels. Thus, in order to achieve the objectives of NEP. There is expectation for a paradigm shift in the field of research for the advancement of Higher education.

IV. NEP ON LEGAL EDUCATION⁶

The NEP says that the Legal Education must

1. Be Globally Competitive.
2. Strive to adopt technologies for speedy delivery of Justice.
3. be informed and illuminated with Constitutional values of Justice - Social, Economic, and Political.
4. be directed towards reconstruction of the country through instrumentation of democracy, rule of law, and human rights.

⁵ Para no. 18 at page no. 46 & 47 of National Education Policy 2020

⁶ Para no. 20.4 at page no. 50 of National Education Policy 2020

5. The curricula for legal studies shall be prepared in such a way that socio-cultural contexts along with, in an evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence will be reflected.

Additionally, the NEP expects The State Institutions to Consider multilingualism, i.e., offering education in English and State Language, i.e., language of the state in which the institution is Situated.

To be precise, NEP wants legal education to be advanced from time to time in respect of adopting technologies and to be more intensive to include constitutional morals, socio-economic justice and human rights.

V. PROBABLE CHANGES IN LEGAL EDUCATION

In the light of aforementioned expectations of NEP on legal education, the probable changes in the Legal Education in India would be as follows:

1. MULTILINGUALISM IN LEGAL EDUCATION

As the NEP explicitly asks the institutions to consider the Medium of instructions to be in both English and Local Language of the state. Therefore, the institutions/universities/colleges which adopt NEP would thereby have the medium of instructions in both English and Local Language. This initiative would help the students in overcoming the linguistic barriers and thereby resulting more inclusive growth of the legal education system.

2. INCREASED ACCESSIBILITY

NEP suggests for the adoption of technologies in the legal education so that there would be wider reach for the legal education and thereby increases the accessibility of the legal education in India. This helps in breaking the geographical barriers and the technology would be helping in catering the needs of wide range of students all over the country.

This Adoption of advanced technologies in legal education would also result in a greater technological infrastructure in the legal education.

3. INCLUSION OF RESEARCH IN CURRICULUM

NEP placed a significant emphasis on the Research, and so, it is more likely that Research to be included in curriculum both at UG and PG level. Moreover, the NEP aims for the setting up of National Research Foundation (NRF) which will be funding the research. Thus, the research may be certainly part of Curriculum in the years to come.

4. INFUSION OF ETHICAL AND CONSTITUTIONAL VALUES

NEP places emphasis on more inclusion of values of ethics and constitution pertaining to Socio-economic rights and human rights in the legal education in the country. Thus, Bar Council of India (BCI) might soon revise the Legal Education curriculum so as to accommodate the objects of NEP.

5. SOCIAL RELEVANCE⁷

NEP suggests to include in legal education curriculum, the Social Texts, History, Literature and Mythology. Therefore, Bar Council of India (BCI) might revise the curriculum to ensure social relevance. This initiative results in the acceptability of the profession and gains trust of the public which is by and large a positive way forward for the Indian legal system.

VI. CHALLENGES IN IMPLEMENTING THE NEP 2020

1. FUNDING MIGHT BE PROBLAMATIC

Implementation of NEP needs a lot of money to be spent on various things. However, the allocation of funds has not been done particularly for the implementation policy. Therefore, it might be financially risky for the execution of NEP.

2. DILUTION OF EDUCATION

NEP aims for multilingualism in the legal education system. But, with the inclusion of local languages, in a way, take away the standards of the legal education. Because, if a student after graduation wants to practice in High Court or/and Supreme Court,

⁷ Shubham Sharma and Kamyia Sharma, Impact of National Educational Policy 2020 on Legal Learning, THE DAILY GUARDIAN, <https://thedailyguardian.com/impact-of-national-education-policy-2020-on-legal-learning/>

it would be very tougher for him as the proceedings happen in those courts only in English. Thereby, the efficiency of profession gets diluted.

3. INSTITUTIONAL LIMITATIONS⁸

Few Institutions like National Law Universities, and other reputed colleges/universities all across the country will have a diverse student base, whereby the concept of local language would not be possible. This, multilingualism would be a challenge for Law Schools.

4. MIGHT LACK COOPERATION

The Education Comes under the Concurrent list, i.e., both the governments, State and the Union Government will have the power to make laws on it. Here, in the matter of NEP, its not the Union Government alone who can implement NEP but the states governments co-operation is also required. Sometimes, there may not be proper co-operation by the state governments for the effective implementation of the NEP by the State Governments for many political or other reasons.

VII. SUGGESTIONS FOR BETTER IMPLEMENTATION OF NEP

In order to better implement the National Educational Policy, the following suggestions could be given,

Firstly, the NEP has adopted the concept of multilingualism, however, in a reputed colleges like National Law universities and private universities will have diverse student base and so, there would be a problem in implementing Multilingualism, thus in order to harmonise, the BCI could come up with certain guidelines like percentage of students to be determined to adopt multilingualism.

eg: Let's say, BCI has given guidelines that, if a particular state students exceed 25% of the student population, then the language of the state whose students exceed 25% could be adopted in medium of instruction and exams.

Thus, multilingualism could be effectively adopted by the Law Schools.

Secondly, The NEP has also adopted the idea of inclusive education to enable the students with disabilities get education. However, the NEP has not provided any

⁸ Issues with NEP 2020 published, INSIGHT IAS, <https://www.insightsonindia.com/social-justice/issues-related-to-education-sector/new-education-policy/issues-with-the-nep-2020/>

provision for setting up of special schools or recruitment of interpreters other specially skilled persons who are expertise in treating the persons with disabilities. Therefore, if provision for such establishment of Special schools for differently abled students and provision for recruitment of experts, it would help in achieving the goals of NEP. Similarly, If BCI can come up with direction/guidelines to provide legal education for differently abled students, it would help in achieving the goals of NEP.

Thirdly, the NEP says that education in the field of Law and Medicine will continue to be regulated by the regulatory bodies that they are being regulated respectively at present. Besides that, NEP also says that there will be a new body for accreditation and inspection therefore, the roles of UGC and NAAC are in question. So, the Ministry of Education should have come up with a regulation, etc., to clear the doubts and for harmonious implementation of NEP.

VIII. CONCLUSION

It is pertinent to mention the efforts that have been put in by then Ministry of Human Resources Development in bringing in the policy on education to revamp the current education system including the Legal Education. The policy tries to bring in some historic changes to education system in the country like multilingualism, multidisciplinary approach, infusion of constitutional values and ethics to the curriculum thereby helping the legal system maintain the admiration that it has currently. However, NEP looks practically cumbersome for its effective implementation, therefore in order to make the implementation happen, the legal education system should proceed according to its spirit to understand the issues in the best interests.