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Pravin Gandhi College of Law

Mumbai

ONE-DAY NATIONAL CONFERENCE ON RE-DEFINING LEGAL EDUCATION IN INDIA: FROM CLASSROOM TO COURTROOM

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PREFACE

Education is the most effective instrument to enlighten minds; the building blocks to a society permeated with tolerance, equality, and justice. The knowledge of the functional legal system empowers individuals to affirm their rights, and it also obligates the citizens to follow their duties. Excellence in legal education and research, committed to achieving this unique phenomenon, necessitates a multi-dimensional, futuristic model of education.

The model of legal education in India is oriented to the requirements of the litigating lawyer and judiciary, making advocacy skills and sound theoretical knowledge the main areas of focus. At the same time, the institutions imparting legal education have been experimenting with curriculum and teaching methods with the objective of bridging the gap between classroom teaching and legal employability.

However, the solitary focus on bridging the employability gap sidelines certain crucial issues; issues related to emerging areas of legal practice, the need to conduct more research, the need for humanizing the lawyering profession, and the need to offer interdisciplinary approaches to legal education. In the light of these existing and emerging issues, stakeholders need to meet on a common platform for an in-depth evaluation of the existing model.

The conference, with the aim to arrive at a comprehensive and feasible framework of legal education, provided a forum for discussion to offer insights into the design and development of a curriculum for legal studies that addresses the multitude of demands made on such a system today.

The legal luminaries engaged in in-depth deliberations through the course of the conference. Some of the most notable suggestions included: the need to sensitize law students towards issues concerning social justice; the need to align the theories in the classroom with the realities of the legal field outside it; and the inclusion of a technologically-enabled framework of the curriculum. The researchers, through their thorough analysis, articulated some of the most crucial areas of change and development: the incorporation of clinical legal education, the need to sensitize the teacher in the classroom, the need for better legal research, and the need to be prepared for further digitization of the legal practice.

The deliberations, suggestions and recommendations would serve as a strong groundwork for a legal education system that would blend, most comprehensively, the education in the classroom and the practices in the courtroom and beyond.

No claims for comprehensive studies of the areas of research undertaken are being made, though an exploration of the same has been attempted.

FOREWORD

Education is the key to a just and prosperous society. Legal education, more specifically, holds the potential and the promise to bring to society law-makers and legal professionals who will be the torchbearers ensuring that the rights and duties of every citizen are duly conferred.

Moreover, with the ceaseless technological developments and the deepening process of globalization, lawyers are no longer confined to the precincts of the courtrooms. The world needs lawyers and law-makers today more than ever before. The expansion of the legal field has now led to the permeation of the legal profession in every sphere of life. Recent developments in legal education have been oriented towards aligning general legal education with professional requirements suited to specific market demands. However, legal education, at this juncture, is facing various demands emanating from courtrooms as well as corporate boardrooms. A lawyer - empowered with the knowledge of the legalities of the emerging professions, and equipped with the finer technical intricacies - will be an invaluable asset, not only for an organization but also for society at large. To offer such a model of education that would prepare a lawyer to meet these demands, there is a need for a common platform for discussion.

In the backdrop of our holistic model of education and our commitment to the ideals of excellence in law studies, the facilitation of a forum for deliberation and discussion on re-defining legal education in India became our motivation for the conference. In this endeavor, the conference sought to achieve its aim by bringing forth important suggestions and recommendations made by renowned members of the legal fraternity.

I would like to take this opportunity to laud the unstinting efforts of the institution, the organizing faculty, and the student-editorial body for the success, and extend my heartiest wishes for all future endeavors of the institution

Mr. Sunandan R. Divatia
Hon. Secretary,
Shri Vile Parle Kelavani Mandal,
Vile Parle (West)
Mumbai

CONTENTS

CONTENTS

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NEED FOR WIDENING THE SCOPE OF LEGAL EDUCATION AND THE ROLE OF BAR COUNCILS

ADITYA GORE[1]

LEGAL EDUCATION IN INDIA

It is one of the functions of the Bar Council of India ('BCI') to lay down the standards of legal education, in consultation with Universities and State Bar Councils[2] ('SBCs') and to recognise law degrees of various Universities[3]. The Legal Education Committee[4] of the BCI exercises the functions of making recommendations for laying down standards of legal education, visiting and inspecting Universities and reporting to the Bar Council of India, to recommend to the BCI the conditions subject to which foreign qualifications in law obtained by persons other than Indian citizens may be recognised, to recommend to the BCI the recognition of law degrees conferred by any University and to recommend the discontinuance of recognition granted by the BCI to any University[5].

The scheme of the Advocates Act, 1961 ('Advocates Act') does not contemplate the imparting of legal education directly through the members or associates of the BCI or SBCs, but through Universities with their apparatus of affiliated colleges that are recognised and audited for their standards by the Legal Education Committee of the BCI with the help of the SBCs[6].

The Directorate of Legal Education[7] formed under Chapter IV of the Rules on Standards of Legal Education and Recognition of Degrees ('BCI Education Rules, 2008') adopted by the Bar Council of India, in its meeting held on 14th September 2008 through Resolution no. 110/2008[8], is tasked with the following:

"(a) Continuing Legal education,

(b) Teachers training,

(c) Advanced specialized professional courses,

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[2] *Advocates Act, 1961; S. 7(1)(h)*

[3] *Advocates Act, 1961; S. 7(1)(i)*

[4] *Advocates Act, 1961; S. 10(2)(b)*

[5] *Bar Council of India, Committees – Legal Education Committee, BCI, http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/committees, Accessd on 9th February 2019*

[6] *Advocates Act, 1961; S.6(1)(gg)*

[7] *Bar Council of India, Education Rules 2008, http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf, Accessed on 9th February 2019*

[8] *Bar Council of India, Education Rules, 2008, http://www.barcouncilofindia.org/about/legal-education/education-rules-2008, Accessed on 9th February 2019*

(d) Education program for Indian students seeking registration after obtaining Law Degree from a Foreign University,

(e) Research on professional Legal Education and Standardization,

(f) Seminar and workshop,

(g) Legal Research,

(h) any other assignment that may be assigned to it by the Legal Education Committee and the Bar Council of India.[9]"

The Supreme Court had formed a 3-member Committee on Reform of Legal Education in the case of Bar Council of India v. Bonnie FOI Law College and Ors[10]. which while recommending in its Report[11] that an All India Bar Examination is essential for entry into legal practice, has inter alia cited some of the observations of the National Knowledge Commission's ('NKC') 2007 Report wherein the NKC had recommended that such persons who may not possess a Master's degree in law may be allowed to teach if they have the necessary academic and professional credentials[12]. The 3-member Committee on Reform of Legal Education also recommended the constituting of a National Legal Knowledge Council ('NLKC') 'comprising legal luminaries and academicians as well as members from various socially relevant fields such as technology, sciences, media, economics, social sciences etc[13].' and accordingly, the first meeting of the NLKC was held on 6th February 2010 at the India International Centre[14] and it is resolved the that Directorate of Legal Education would convene the NLKC at regular intervals 'to seek policy directives and guidance'[15].

The Report of the BCI's Curriculum Development Committee ('CDC') submitted on 15th February 2010[16] makes a pertinent comparison between the instructional roles played by various professional bodies:

"6. Professional Legal Education Policy in India: It can, however, be argued that historically in India, professional legal education remained with Universities for more than last 150 years almost in the line as

[9] *Bar Council of India, Education Rules 2008, http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf, Accessed on 9th February 2019*

[10] *SLP (Civil) No. 22337 of 2008*

[11] *Bar Council of India, Report of Supreme Court Appointed Committee on Legal Education Reform, http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf, Accessed on 9th February 2019*

[12] *Ibid, page 21*

[13] *Ibid, page 48*

[14] *Bar Council of India, National Legal Knowledge Council, http://www.barcouncilofindia.org/about/legal-education/national-legal-knowledge-council, Accessed on 9th February 2019*

[15] *Ibid*

[16] *Bar Council of India, Curriculum Development Committee Report, http://www.barcouncilofindia.org/wp-content/uploads/2010/06/CurriculumDevComdraftReport.pdf, Accessed on 10th February 2019*

legal education remains with British Universities for more than last three hundred years. But legal education that the British Universities impart, is in pursuance of the higher education policy of the University for liberal and value education as a part of behavioral sciences. British Universities do not have any obligation to the legal profession to prepare legal professionals. That is the responsibility of the Colleges / Institutes run by the Solicitors' Society or the Inns of Courts. These two professional bodies prepare the legal professionals for the job of solicitors and of the Bar as the case may be. In USA, the American Bar Association (ABA) prepares guidelines for the enrolment examination conducted by each State Bar. American Law School Association keeps a close relation with ABA on the standard setting and assists the ABA to bring out study materials for the test. ABA does not have any regulatory power on legal education. It only provides for accreditation of the Law Schools on national basis depending upon various stipulated standards of the course design and the suitability of developing skills of legal professionals. The accreditation shows how students of the institutions fare in the Bar test. On the other hand, the Advocates Act, 1961 does not empower the Bar Council of India or the State Bar Councils to cater the need of the professional education as the Institute of Chartered Accountants is authorized to do for Professional Accounting education[17]…"

On the disciplinary side, the BCI and SBCs have exclusive jurisdiction over legal practitioners[18]. In England and Wales, the Inns of Court [19]perform the function of imparting legal knowledge necessary for qualifying to be a Barrister[20] and institutions offering the Legal Practice Course train candidates to qualify for joining solicitors' offices. The Bar Standards Board, comprising of Barristers and lay persons (with a lay majority) exercises disciplinary control over those admitted to the Bar[22] and the Solicitors Regulation Authority exercises disciplinary control over Solicitors[23].

The syllabus of law-related subjects prescribed by the University of Mumbai[24] does not provide for Parliamentary Process as a separate paper. The law syllabus of the Delhi University Law Centres[25]

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[17] Ibid, page 8
[18] Advocates Act, 1961; Sections 6(1)(c), 7(1)(b), 7(1)(c)
[19] The Bar Council, Inns of Court, https://www.barcouncil.org.uk/about-the-bar/what-is-the-bar/inns-of-court, Accessd on 9th February 2019
[20] Bar Standards Board, Becoming a Barrister, https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/becoming-a-barrister, Accessed on 9th February 2019
[21] The Law Society, Becoming a S
[22] Bar Standards Board, Our Board, https://www.barstandardsboard.org.uk/about-bar-standards-board/how-we-do-it/our-governance/our-board, Accessed on 9th February 2019
[23] Solicitors Regulation Authority, Problems With a Solicitor, https://www.sra.org.uk/consumers/problems.page, Accessed on 9th February 2019olicitor, https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor, Accessed on 9th February 2019
[24] University of Mumbai, Revised Syllabus for LL.B, http://mu.ac.in/portal/wp-content/uploads/2016/06/LLB-Degree-Course-3yrs-5-yrs-I-to-X.pdf, Accessed on 13th February 2019
25 University of Delhi, Subjects and Courses for study of LL.B, http://www.lawfaculty.du.ac.in/files/LLB/Subjects_and_Courses_of_Study_for_LL.pdf, Accessed on 14th February 2019

provides an optional paper on Legislative Drafting, however Legislative drafting cannot be equated with Parliamentary Procedure.

From a reading of the present position, professional legal education in India can be said to be the result of a collaboration between the BCI and the Universities, while there is a distinction drawn between 'practising' Advocates [26] and full-time law teachers who are 'academic' lawyers[27].

ROLE OF LAWYERS IN LAW-MAKING: PRE-INDEPENDENCE, CONSTITUENT ASSEMBLY AND RECENT TRENDS

The role played by members of the legal profession in India's freedom struggle is well known.[28] Representative institutions formed under the Government of India Act, 1919[29] gave scope to members of the legal profession to pitch for limited co-operation with the British Indian government[30]. The 1922 Bombay Legislative Council Debates[31] show the prominent role played by lawyers who were members of the Legislative Council. The Constituent Assembly was manned by legal luminaries like Dr. B. R. Ambedkar, Dr. Rajendra Prasad, Vallabhbhai Patel, Jawaharlal Nehru, Alladi Krishnaswamy Iyer, Dr. K. M. Munshi, Govind Ballabh Pant, Debi Prasad Khaitan, G. V. Mavalankar, Sarat Chandra Bose, C. Rajgopalachari etc[32]. The Rajya Sabha Secretariat has published a booklet titled 'Socio-Economic Profile of Members of Rajya Sabha (1952-2002)[33]' wherein the the proportion of lawyers is shown to have reduced from 24.21% in 1952 to 16.52% in 2002. The present number of lawyers/advocates according to the profession-wise distribution in the Lok Sabha is 10[34].

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[26] Bar Council of India, BCI Rules, http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRules PartVonwards.pdf, Section VII, Rule 47

[27] Ibid, Section VII, Rule 49

[28] Bar Council of India, Lawyers in the Indian Freedom Movement, http://www.barcouncilofindia.org /about/about-the-legal-profession/lawyers-in-the-indian-freedom-movement, Accessed on 11th February 2019

[29] 8th Edition, Anand, Prof. C. L., 'Constitutional Law and History of Government of India', page 245, Government of India Act, 1915-1919 (Universal Law Publishing Co., 2008, Delhi)

[30] Encyclopedia Britannica, Swaraj Party, https://www.britannica.com/topic/Swaraj-Party, Accessed on 11th February 2019

[31] Maharashtra Vidhan Bhawan, Bombay Legislative Council Debates (1922), Monday 6th March 1922 to 18th March 1922, Pages 784 to 1483

[32] Lok Sabha, First Day in the Constituent Assembly, http://164.100.47.194/loksabha/constituent/facts.html, Accessed on 11th February 2019

[33] Rajya Sabha, Socio-Economic Profile of Members of Rajya Sabha (1952-2002), https://rajyasabha.nic.in/ rsnew/publication_electronic/Socio_Economic_Profile.pdf, Accessed on 11th February 2019

[34] Lok Sabha, Profession-Wise Representation of Members, http://164.100.47.194/Loksabha/Members/Member ProfessionSummary.aspx, Accessed on 11th February 2019

PARLIAMENTARY PROCEDURE

Under the Constitutional scheme, the Parliament of India is a sovereign legislative body[35] with certain powers, privileges and immunities[36]. Each house has the prerogative of formulating and regulating its own procedure subject to the provisions of the Constitution[37], and Courts are barred from inquiring into the irregularity of procedure in the Parliament[38]. Accordingly, the Lok Sabha[39] and Rajya Sabha[40] have formed their own Rules of Procedure and Conduct of Business. Matters not covered by the respective Rules are governed by convention, practices, precedents, decisions from the Chair from time to time and Directions by the presiding officers of the two houses, i.e. Speaker of the Lok Sabha and Chairman of the Rajya Sabha, from time to time[41].

The province of Parliamentary Procedure is thus, unlike common law settled and interpreted by the Courts of law. The procedural formalities, decisions and precedents found in this branch of law are parallel to case law and offer an equally interesting area of study for the lawyer, equivalent to case law evolved by Courts. It is important because although Parliamentary Procedure by itself may not be the same as substantive law, but it nevertheless deals with not just the process of legislation, but also of holding the administration and the executive heads of government responsible to the elected representatives of the people, determines how much and how the country spends from the national exchequer, receives representations from the members of the public about questions affecting public welfare, and through its various Committees which exercise plenary fact-finding powers, reports to the elected representatives of people the real state of affairs of the various subjects dealt with by such Committees[42]. Thus, in terms of the wide functional expanse, Parliamentary Procedure covers many subjects of public relevance which have a direct bearing on general public interest and which are therefore of necessary interest to the practitioners of law. To cater to the knowledge needs of such a vast area requiring expertise in different areas is itself every researcher's bliss, and the US Congress takes assistance in matters of research from the Congressional Research Service[43].

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[35] *Constitution of India; art. 79*
[36] *Constitution of India; art. 105*
[37] *Constitution of India; art.118*
[38] *Constitution of India; art. 122*
[39] *Lok Sabha, Rules of Procedure and Conduct of Business in Lok Sabha, http://164.100.47.194/loksabha/rules/RULES-2010-P-FINAL_1.pdf, Accessed on 11th February 2019*
[40] *Rajya Sabha, Rules of Procedure and Conduct of Business in the Council of States, https://rajyasabha.nic.in/rsnew/rs_rule/rules_pro.pdf, Accessed on 11th February 2019*
[41] *3rd Edition, Kashyap, Dr. Subhash, 'Parliamentary Procedure', page 33, Chapter 3, Universal Law Publishing, 2014, Delhi*
[42] *Ibid, page 18, Chapter 2 'Functions of Parliament'*
[43] *Quirk, Paul J., Binder, Sarah A. (Editors), 'The Legislative Branch', Oxford University Press, 2005, New York*

In India, the Bureau of Parliamentary Studies and Training ('BPST') imparts procedural knowledge and training to Members and officers of Parliament and State Assemblies. However, this training is not widely available to general members of the public as yet, in terms of public courses which may be applied for at the BPST.

INSTRUCTIONAL ROLE OF INSTITUTES OF CHARTERED ACCOUNTANTS, COST AND WORK ACCOUNTANTS, COMPANY SECRETARIES

The Institute of Chartered Accountants of India ('ICAI')[45], The Institute of Cost Accountants of India ('ICWAI')[46] and the Institute of Company Secretaries of India ('ICSI')[47] through their respective instrumentalities, cater to the pre-enrolment study material for aspiring members of these professions. These institutes also offer post-qualification courses[48].

The BCI as seen supra, performs the function of prescribing the syllabus that would be necessary for qualifying to be enrolled as an Advocate. However, the BCI does not presently engage in designing or distributing course study material for those preparing prior to enrolment, although it has developed material for those taking the All India Bar Examination ('AIBE')[49] which is held after enrolment on the rolls of the SBC. However, this does not compare with the volume of study material that is prepared and distributed by the ICAI, ICWAI and ICSI. The respective instrumentalities of the said three institutes also engage closely with the pre-enrolment training through their regional councils.

The feature of post-enrolment qualifications is among the three institutes is also worthy of note, and it keeps enrolled members up-to-date with the latest expertise developed in their respective fields. The BCI's Directorate of Legal Education does not have any formal post-enrolment courses which are offered to enrolled Advocates.

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[44] *BPST, Aims and Objectives, http://164.100.47.194/bpstnew/aim1.aspx, Accessed on 11th February 2019*

[45] *ICAI, Board of Studies Knowledge Portal, https://www.icai.org/new_post.html?post_id=5720&c_id=314, Accessed on 12th February 2019*

[46] *ICWAI, Study Material, http://icmai.in/studentswebsite/studymat.php, Accessed on 12th February 2019*

[47] *ICSI, Study Material, https://www.icsi.edu/academic-corner/study-material/, Accessed on 12th February 2019*

[48] *ICAI, Post Qualification Courses, https://www.icai.org/new_category.html?c_id=81, Accessed on 12th February 2019; ICWAI, Post Qualification Courses, http://icmai.in/icmai/adv_studies/OneYDCourse.php, Accessed on 12th February 2019; ICSI, Post-Membership Qualifications, https://www.icsi.edu/post-membership-qualification/, Accessed on 12th February 2019*

[49] *BCI, AIBE Preparatory Material, http://www.barcouncilofindia.org/wp-content/uploads/2010/08/AIBEBook1.pdf, Accessed on 12th February 2019; http://www.barcouncilofindia.org/wp-content/uploads/2010/08/AIBEP2.pdf, Acce ssed on 12th February 2019*

STRUCTURE AND INSTRUCTIONAL PROGRAMMES AT THE INDIAN INSTITUTES OF MANAGEMENT (IIMS)

The Indian Institutes of Management ('IIMs') were originally set up as Societies under the Societies Registration Act[50] but are now governed by the Indian Institutes of Management Act, 2017[51] ('IIM Act'). Under the IIM Act, all 20 IIMs are now bodies corporate with perpetual succession and their respective corporate personalities[52].

The post-graduate programmes offered by the IIMs which are equivalent to a Master's Degree programme are styled either as Post Graduate Programmes[53] or as Post Graduate Diploma in Management[54]. The doctoral programmes at the IIMs are styled as 'Fellowship Programmes' [55] Besides these two types, there are other programmes offered by the various IIMs. The post-graduate programmes and fellowship structure of the IIMs could be used by the present Directorate of Legal Education setup under the BCI as seen supra for enhancing the instructional capacities in expert practical disciplines, which may not be studied at the University level.

CONCLUSIONS

1. It would be seen that Legal Education as it presently exists, is a collaboration between the BCI and the various Universities. The BCI recommends the necessary subjects that a student of law needs to qualify in order to be eligible to enrol as an Advocate under the Advocates Act, 1961. However, the BCI does not exercise any exclusive control over the design and control of the study material related to the prescribed syllabus. Different Universities may prescribe different textbooks for the same set of subjects prescribed by the BCI. As against this, the ICAI, ICWAI, ICSI issue their own study material which is referred to by candidates taking the respective qualifying examinations.

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[50] IIM Ahmedabad, About IIMA, https://www.iima.ac.in/web/about-iima, Accessed on 13th February 2019;
[51] IIM Calcutta, Right to Information, https://www.iimcal.ac.in/right-information, Accessed on 13th February 2019
[52] Indian Institutes of Management Act; Section 4(1); https://www.iimb.ac.in/sites/default/files/inline-files/IIMAct2017_0.pdf, Accessed on 13th February 2019Indian Institutes of Management Act; Section 4(2)
[53] IIM Ahmedabad, Post Graduate Programme, https://www.iima.ac.in/web/pgp/programme, Accessed on 13th February 2019; IIM Bangalore, Post Graduate Programme in Management, https://www.iimb.ac.in /programmes/post-graduate-programme-in-management, Accessed on 13th February 2019
[54] IIM Calcutta, Post Graduate Diploma in Management, https://www.iimcal.ac.in/programs/pgp, Accessed on 13th February 2019
[55] IIM Ahmedabad, Fellow Programme in Management, https://www.iima.ac.in/web/fpm, Accessed on 13th February 2019
IIM Bangalore, Doctoral/FPM, https://www.iimb.ac.in/programmes/doctoral-fpm, Accessed on 13th February 2019
IIM Calcutta, Doctoral, https://www.iimcal.ac.in/programs/doctoral, Accessed on 13th February 2019

2. The BCI awards a Certificate of Practice upon the successful completion of the All India Bar Examination[56]. However, clearing this examination does not vest upon the Advocate any diploma or degree according to the All India Bar Examination Rules[57]. The persons qualifying the final test conducted by the ICAI receive diplomas which are recognised as equivalents of post-graduate degrees for the purpose of admission to PhD Courses[58] by 101 Indian Universities, 6 IIMs and Indian Institutes of Technology of Bombay and Madras[59].

Similar is the recognition accorded to a person who qualifies to be a Cost and Works Accountant[60] who can register for M.Phil and PhD courses. Fifty Five Universities recognise the qualification of Company Secretary as an equivalent of a post-graduate degree for the purpose of registering a candidate to the PhD course [61]. As against this, the mere enrolment as an Advocate does not entitle a member of the legal profession to the recognition of the law degree or All India Bar Examination Certificate of Practice as an equivalent of a post-graduate qualification for the purpose of registering for higher studies, although no law degree is offered except as an integrated double degree or as a post-graduate three-year degree.

3. Another remarkable feature of the ICAI, ICWAI and ICSI is that of post-qualification courses for qualified members. This is a competent device to concentrate and disseminate expertise in several niche areas to interested members. The Directorate of Legal Education under the BCI does have 'continuing legal education' as seen supra as one of its goals. However, there is no system presently which equates with post-enrolment specialised qualifications among the programmes conducted by the BCI.

4. The IIMs were originally established as Societies under the Societies Registration Act, 1860 (21 of 1860). They are now corporate entities under the Indian Institutes of Management Act, 2017. The qualifications equivalent to post-graduate degrees offered by the IIMs are thus titled as 'Post-graduate Programmes' and those equivalent to doctoral degrees under the University system are titled as 'Fellowship Programmes'. The BCI does not by itself conduct any post-graduate or doctoral courses, which may be the practical equivalents of such Post-Graduate programmes and Fellowship programmes.

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[56] *Bar Council of India, All India Bar Examination Rules, http://www.barcouncilofindia.org/wp-content/uploads/2010/06/BarExamnotification.pdf, Accessed on 14th February 2019*
[57] *Ibid*
[58] *ICAI Prospectus, https://resource.cdn.icai.org/45785bos35964.pdf, Page 110, Accessed on 12th February 2019*
[59] *Ibid*
[60] *ICWAI, Student FAQs Syllabus 2016, http://icmai.in/upload/Students/FAQ.pdf, Page 5, Accessed on 14th February 2019*
[61] *ICSI, List of University for CS, https://www.icsi.edu/member/list-of-univresity-for-cs/, Accessed on 14th February 2019*

5. Parliamentary procedure is not one of the subjects which are made compulsory for the study of law in India. As such, the very process of law-making which forms the cornerstone of the laws that a law student must study in order to qualify for such a degree. Although some broad principles are taught under the Constitutional law papers prescribed by different universities, the depth of study and the appreciation of nicety that follows a full-fledged compulsory module, cannot be inferred under the present system.

SUGGESTIONS

In view of the above facts and conclusions, the researcher would like to humbly make the following suggestions:

1. Without making the system elitist or top-heavy, it is possible to recast the role of the BCI and its Directorate of Legal Education into one which takes direct part in the imparting of instructions to law students, similar to the role played by the respective instrumentalities under the ICAI, ICWAI, ICSI. This can be done by keeping the University and College-related apparatus the same, while charging the Directorate of Legal Education or some other committee formed for the special purpose of imparting pre-enrolment education to law students. The fundamental difference between accountancy and secretarial professions and the legal profession is that the volume of legal literature is vast and perhaps cannot be confined in the same manner as accountancy and secretarial educational modules are. However, the significant feature here should be the direct participation in imparting of education on a direct basis by the Directorate of Legal Education or a similar such Committee of the BCI through the University apparatus.

2. In order to make the legal profession attractive to the best talent, a system of according post-graduate degree status on those qualifying the All India Bar Examination should be actively considered. In line with the post-enrolment qualifications offered by the ICAI, ICWAI and ICSI, the BCI could also consider designing expertise-specific post-enrolment courses for bringing together the vast pool of practical knowledge that evolves as a result of practical lawyering, something that the higher studies structure at the Universities, especially in law, does not at the present encompass. The qualifications conferred by the BCI should be made equivalent to post-graduate degrees (notwithstanding the terminology of degrees awarded in law by the Universities). This will keep the best of talent engaged in the process of academising the practical knowledge and bringing into practice academic insights, both of which are of essence to sustain the quality of education and professional expertise in a learned profession like Law.

3. The structural reference to achieve the optimisation of knowledge pooling in law could be that followed by the IIMs. Under the present corporate structure of the BCI and its committees related to education, the All India Bar Examination could be made equivalent to a Post-Graduate Programme and

styled as a Post-Graduate Diploma in Law for the purpose of being recognised as equivalent to a post-graduate degree. Post-enrolment non-doctoral area-specific programmes could be offered, which concentrate on a core legal expertise area, e.g. criminal law, intellectual property law, law related to pharmaceuticals etc. This would bring the expertise that already exists within the profession to the fore and help in better dissemination of such niche knowledge. Advanced Fellowship Programmes which could be equivalent to Doctoral programmes within the University system could be conducted directly under the aegis of the Directorate of Legal Education. This will help legal professionals to contribute to the enhancement of knowledge, while being recognised within the practical sphere of law for such contributions. This would an optimal system of structuring knowledge in the field of law.

4. Seamless transition between the practical Associate and Fellowship models and academic structures which exist within Universities, in the field of law would reap very rich dividends. Presently, full-time academics cannot be practising lawyers and vice versa. A graded system of Associate Diplomas and Fellowships under the direct authority of the BCI through its committees, will take care of ensuring the academic competence of practising lawyers as well as equipping full-time academics with practical knowledge. This synergy between the practical and academic branches of law is not only feasible, but is also necessary in order to meet the requirements of the present and of the future.

5. Introducing Parliamentary Procedure as a compulsory subject in the line of other procedural subjects like Civil and Criminal Procedure, will equip lawyers with the necessary dimension of appreciating legal knowledge, from the angle of how exactly law gets legislated, and what goes into the process of legislation, including receiving of representations from the public, recording of evidence on legislative issues by Parliamentary Committees, the power of the Parliament to hold the administrative and executive branch responsible, the modes of questioning the executive, various niceties of deliberation and discussion on the floor of the Parliament etc. This would not only add to the practical insights that lawyers possess, but would also provide the society with a trained set of professionals that can guide several representative bodies in terms of conducting their affairs in a Parliamentary manner. It is suggested that the Parliamentary Procedure module should be taught both in the theoretical and practical modes, for training law students more effectively. The BCI can enlist the help of the Bureau of Parliamentary Studies and Training for designing such a module for law students.

Freedom is a precious value and it is the legal profession that is the vanguard of freedom. To quote Kahlil Gibran, 'A man can be free without being great, but no man can be great without being free.[62]' The same principle applies to nations. The legal profession is the bedrock of every democracy. Keeping the legal profession in sync with the needs of the time and expanding its potential to serve society is the responsibility of all the stake-holders of this system.

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[62] *Kahlil Gibran, Love Letters, http://gibrankahlil.blogspot.com/2007/12/kahlil-gibran-love-letters.html, accessed on 14th February 2019*

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DIGITISATION OF THE LEGAL INDUSTRY

AISHWARYA D. ATHAVALE

INTRODUCTION

The Legal Industry is an old industry but not immune to change. We have come a long way in terms of change, with not just different practice areas and many career options available but also delivering legal tasks today with help of computers which few years before was purely manual Labour . Therefore, we can see that this profession is slowing undergoing a transformation in varied ways and most noticeably it is becoming Digitized. In today's time, Technology and Law go hand in hand. One cannot discuss each other, without acknowledging the unfathomable ways in which technology is going to affect the future of this profession. But is the Legal Industry in India ready for Digitization? Are we ready to accept this change? What will be the advantages and disadvantages of this? How far have we come in terms of Technology with respect to this industry? The author through this paper wishes to answer the aforesaid questions pertaining to technology and up to what extent is the Legal Industry in India welcoming of such changes. It is an undisputed fact, that Globalization is here to stay and technology will continue to change the way lawyers work. Today the individual lawyers, the in-house legal teams, or even the law firms are expected to not just provide legal expertise but also be efficient in technology.

Technological advancements are increasingly affecting every aspect of business including Law. With an increase in the competition globally the legal industry worldwide has been innovating ways to enhance their legal processes by digitizing it. Such efforts would not only increase the speed of work but would enable more efficient case management, be cost effective etc . This would benefit all the law-firms, lawyers and also the civilians involved. The modern times have also seen the Millennial Lawyers joining the workforce who are more tech-savvy and also expect a modernization in the work environment. Technology has also brought in wider scope of career choices for lawyers which encompasses cyber security, digital ethics , online courses or even blogging! Such options are far more progressed than the conventional ways of pursuing Law. Hence the need for increased digitization of the legal sector is crucial given how dynamic the environment is.

Technology and Law, both domains are different yet interlinked. One cannot discuss each other, without acknowledging the unfathomable ways in which technology has or is going to affect the future of this profession. We have surely come a long way in terms of the Legal profession and also the career choices available to us today. Every legal generation in India has seen a gradual change in different laws with

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respect to varied practice areas and also the deliverance of legal tasks. Therefore, it is undeniable, that technology in more than number of ways than we could imagine has helped the Legal profession as well. The author therefore through this article wishes to highlight the Legal System in India getting "Digitized" and how it is changing the way lawyers work today.

INDEPENDENT-PRACTICING LAWYERS:

The author has been by interacting with lawyers of the Bombay High Court for this topic. Their views on the way technology has helped the Legal profession is an indicator on why digitization of the Legal System has become crucial given how dynamic this system has become.

In the past decades a lot of improvements have happened in terms of Legal deliverables. When asked about how the independent-practicing lawyers in earlier times would prepare for their cases, carry out their research, do the tedious drafting work really made the author understand how much law and legal delivery has changed throughout these years.

To put it in brief the lawyers of the previous generations would start searching the citations from countless books, scouring maybe hundreds of pages of journals or reporters to find the relevant sections to get a case law, for a particular case when preparing for it; we can only imagine how much time-consuming that must be.

Major time of the lawyers would be spent in researching. To find different sections, to either get a copy or write it down would itself be an additional time consumption. Even legal documents in absence of computers used to be hand-written; The display board for next day cases or even filing of different cases, various applications, drafts, documentation all would be paper-work. Time would also get further consumed in finalizing the drafts, implementing various modifications if any suggested by clients etc. Now, the author agrees that every task few decades back in absence of availability of desktop computers and the internet in every home had to be done and delivered on paper with help of either type-writers, fax machines and copiers or be hand-written, but all these amounted to not only prolonging the work but also becoming unmanageable after a point.

Fast forward to recent advancements, every work can be done today with help of computers. Digitization has not only bridged the gap between the clients and the lawyers making it more accessible and understandable to both but has also made it easier for lawyers and clients to interact with each other, right from consultation of the clients possible either through Emails, Facetime or video conference to finalization of the drafts or documents more easily; to filing of cases through E-Filing and online

payment of court fees to also getting the required case details. Today with the internet every lawyer or even clients have got more access to information. Lawyers can get case details by just checking the websites of different courts like High Courts, District Courts, Tribunals. Every case detail right from the name of the parties, to the next hearing date and even the details of any particular case on that particular day can be accessed.

Such judicious implementation of Digitizing the system has not only enabled expeditious researching possible for lawyers but has also made them spent better time in preparing for their cases. This has also enabled lawyers to create customized databases as well, depending upon their area of specialization.

For independent- practicing lawyers, technology has also made client connection easier especially for those clients who might be living abroad. Gone are the days when every correction or modification in drafts would have to be done by sending posts, telephone or personal meetings eventually taking the entire process to complete in several weeks or even months. Today sending an Email or Facetime with clients is all it takes for such tedious tasks to complete, thereby saving their time needed on documentation.

They also agree that Digitization has also helped them get access to daily Legal News and updates through different websites or applications. When further probed whether the earlier generations feel the need to update themselves with newer technologies especially after having practiced for so many years in this profession with the tools and resources available to them in their time, it is not surprising to know that even they affirm that they also need to modernize with the changing times with not just the law but also the technology or else they will not be able to sustain in this profession in the long run. That the lawyers of today also see themselves doing things differently as compared to their predecessors[2].

And finally, with changing times, the need to incorporate new laws for Digitization has also made lawyers explore their practice in different areas of Law with respect to technology such as cyber law or even the intellectual property rights with respect to technology[3].

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[2] *https://www.google.com/amp/s/www.livemint.com/Opinion/46YQHrd32Q9KVcCMDdDDIK/Will-technology-be-able-to-disrupt-the-legal-industry.html%3ffacet=amp*

[3] *Rahul Matthan, Will Technology be able to disrupt the legal industry? LiveMint.com, (21 March,2018)*

LAW FIRMS

It is an undisputed fact that even Law firms today have to upgrade and digitised themselves to stay in the increasing competition. We are also aware that Globalisation is here to stay and legal firms worldwide are finding newer ways to enhance their legal processes.

We are all globally connected and because of the economic development happening at a rapid pace in India it has become imperative for the law firms as well to expand their practice areas and clients.

Also, with lot of the Millennial Lawyers joining the workforce, it has also become important for the law firms to modernize their work environment, bringing about new changes in not just their culture but also their infrastructure. With an increased competition globally the need to deliver legal services more efficiently has become the need of an hour.

A lot of Law firms in India are also connected with their foreign counter parts as well. Many of them also have a specialised team dedicated towards the technology department, most of the time coming under a common practice known as TMT (Technology, Media and Telecommunications).

Also, in terms of legal framework with respect to technology, the law firms are updating themselves and with respect to legal processes in India, it was recently in news that leading law firm has launched an incubator for assisting new technology start-ups in the legal domain and also the first to use Artificial Intelligence Technology. We are also seeing innovation around the edges with contracts becoming automated i.e. (contracts produced by algorithms producing standard template with different transaction particulars), data management becoming easier, imparting knowledge through knowledge management.

Over a period of time they have also revolutionize the way legal research is conducted moving to online databases. Because of improved facilities due diligence has also become easier. Many LPO's i.e. Legal Process Outsourcing have started in India. Such consultancies are not only technologically driven but also have an agile team for supporting their clients work.

These LPO's also help when there is more work arising from global commerce as well as regulations which are complex. Quality document review, transparency, time management using scalable and innovative processes are some of the positive advantages of these consultancies. Hence, it can be seen

[4] *Rachel Buchanan, The role of technology in the future of legal professions, Oxford Law Faculty, (27 February 2017), https://www.law.ox.ac.uk/research-and-subject-groups/research-collection-law-and-technology/blog /2017/ 02/role-technology*

that today not just the Law firms but also Legal Consultancies are making an effort to maximise work delivery, be more client oriented, have better case management facilities and also have more productivity and modernization in their work.

While many law firms are still planning their roles to be redefined by the technology, seeing the current changes happening at a substantial rate one might also see the AI (Artificial Intelligence) getting a place in this profession sometime in the future, which today is just making its presence seen around the corners[5].

IN-HOUSE LEGAL TEAMS

Technological advancements are affecting and revolutionizing every business today including the In-house legal teams. And more particularly the technology driven sectors like E-commerce, Information Technology, Fintech i.e. technology being used for the financial services etc. are largely getting affected by such change.

These industries are feeling the pressure more intensely than others since technology is affecting their regular functions largely. India has seen a gradual growth in the in-house legal teams of companies. The companies are also making an effort to expand their in-house legal department since they seem to take decisions quickly as well as navigate through the legal and regulatory processes.

For the most part in the technologies to be used, some organizations are receptive whereas some reluctant to spend on them for their business purposes. But for the most Technologically driven companies, digitization has emerged as a key priority in enabling them better working strategies as well as business advice.

In-house legal teams have been seen using two technological advancements like Cloud Computing and Artificial Intelligence for their legal research and legal services. Cloud Computing in simpler terms means data being stored on a server instead of user's computer which few law firms might not be comfortable implementing regarding their client's data privacy policy but it has enabled the service based in-house teams to profitability[6]. Such advancements have made the in-house teams reduce not just their research time but also costs along with providing more flexibility in work, disaster recovery

[5] *4 Things Innovative Law Firms do Differently - Legal Insight By Libby Hakim, Thomson Reuters, April 18, 2017 https://insight.reuters.com.au/posts/innovative-law-firms*

[6] *Richa Kachhwaha, Technology & Innovation: Trends Transforming the Legal Industry, LiveLaw.in, (16 May,2018, 11:45 GMT),https://www.livelaw.in/amp/technology-innovation-trends-transforming-the-legal-industry/*

like restoration and back-up, better analytics etc. Such platforms can also search through billions of data to answer lawyer's queries in few seconds.

Over a period of time, we will also see the in-house legal teams handling newer roles related to bitcoin, cyber security along with data protection and also take up more diverse roles such as consultation as well.

COMPARATIVE STUDY BETWEEN INDIA AND OTHER COUNTRIES

In India there are number of technological advancements yet to be implemented but there has been a step-by-step transformation seen. Many law firms or even in-house legal teams are yet to bring in newer technologies but the author is sure about such changes taking place making legal system deliver more methodically.

In India, there are lot of Millennial Lawyers as the author terms them or young lawyers entering this profession. They bring with them not just the capability of understanding newer laws and regulations in a better way but are also adept in technology thereby managing and handling legal work more efficiently which previous generations might not have been able to seeing the technological growth happening in those times.

Also because of internet bringing the world closer, today there are not only applications made for delivery of legal services but also legal news, online courses, blogs being written by eminent jurists, senior advocates, partners of law firms, legal content writers etc. which can be accessed from anywhere in the world and which has also given an insight of the legal profession in India.

Because of modernization in work places as well, young lawyers can not only put their legal but also their technical knowledge to use thereby yielding better results and productivity in the work places. Also, with the 'Digital India' initiative happening in the country the Supreme Court of India almost two to three years back digitised a whopping one crore five lakh pages of record and pages ranging right from the pre-independence era up to 2002 as a part of its reforms.

Even all the High Courts in the country have been said to digitised their records as well making the legal system come under the National Judicial Data Information system that handles case management reports. Such reforms can result in filing of the cases being done electronically, also the stamp fees being able to be purchased online, judgements can also be seen easily.

We might also the see Digital Courts starting in all the states of India in the future where trail of cases can be done electronically and includes all types of cases. India's first digital court has already been started at High Court of Judicature at Hyderabad, which is common to both the Andhra Pradesh as well as Telangana.

As far the advancements in the legal industry globally are concerned, there have been many digital transformations happening due to increased competition. Many law firms globally also are finding innovative ways to digitize their legal processes thereby enhancing the legal delivery.

United States has also laid down some specific policies related to technology in the legal industry. They have also appointed people called as Freelance Attorney's and equipped them with smart technologies to reduce the cost of the consultation work. In U.K, lawyers have taken to developing their own technology through Artificial Intelligence. Australia have started teaching their attorneys computer coding through their development programs. Therefore, along with U.S, U.K and Australia, in Europe as well there have been many transformations and upgradation happening as far as legal delivery is concerned but it will take time because it is multi-lingual and multi-jurisdictional.[7]

The few trends that can be seen in this sector globally are also Machine Learning, which has reduced the time spent for research immensely, lawyers can quickly find the information most relevant to their cases thereby reducing costs as well.

Then is Performance tracking which can enable the law firms to benchmark their teams in the meaningful ways[8]. It will also mean ensuring certain issues that can be given to certain teams in the law firms where they have maximum chances of winning a matter.

SUGGESTIONS

According to the author, Digitization of the legal industry in India is only going to be beneficial thereby reducing the costs and labour time required and yield more productivity and profitability in terms of legal delivery. The author is well aware that most of the current practising lawyers or even law-firms whether family-run or contemporary started their practice in a different time altogether. The legal delivery in those times was way different than it is now.

[7] *Daniel Newman, Top 5 Digital Transformation Trends in Legal, Forbes (August 29,2017,6:14am), https://www.google.com/amp/s/www.forbes.com/sites/danielnewman/2017/08/29/top-5-digital-transformation-trends-in-legal/amp/*

[8] *Padraig Walsh, How Technology Is Changing Law In Asia, Forbes (September 20,2016,3:28am) https://www.google.com/amp/s/www.forbes.com/sites/walshpadraig/2016/09/20/how-technology-is-changing-law-in-asia/amp*

But there is a scope for them as well to understand the benefits of the technology and adapt to it for better outcome of their work. In India , in terms of implementation of technology, the author opines the we are still at a developing stage with limited laws available, the question being not just digitising the legal industry but also making sure that it facilitates client relationships and at the same time provides for rules and regulations to ensure client confidentiality, data protection etc. which is of utmost importance[9] and is also one of the reasons of which this profession has been hesitant in incorporating technology for their use for many years. Also, the greater number of lawyers using various technological facilities available today the more we will be able to address the problems and correct it to enhance legal delivery.

The author therefore feels that instead of being insecure about technology, a judicious use of it can only improve this profession thereby making it efficient, transparent and accessible to even a wider number of people.

CONCLUSION

The author finally concludes that the legal industry world wide is really not known for a high- flying change. Most of the times the legal industry is unsure or rather reluctant to adapt to the technological changes given them dealing with highly confidential information of clients.

The author also agrees that the legal profession especially in India is bound in tradition and is labour intensive. It is also true that years of human experience and wisdom acquired in this profession cannot be replicated by technology. Adaption of technology in law has to keep pace with the changing economic and social changes as well. Therefore, although India is ready for a change, it will take us many years to fully implement digitization in legal services. To finally conclude, it is true that we need to keep up with change and it is also undisputed that the Legal industry is built fundamental traditional values, but according to the author a judicious use of technology can go a long way in improving it thereby making it more reachable to the people.

The author gratefully acknowledges the contributions of lawyers of the Bombay High Court towards this article.

[9]

Lawyers are Finally Converts to Technology By Reena Sengupta, Financial Times, October 6,2016, https://www.ft.com/content/c00f6598-83f3-11e6-8897-2359a58ac7a5

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LEGAL EDUCATION AND SOCIETY

AJIT DUBEY; KANISHK BHATT[1]

INTRODUCTION

In this research paper law and society are understood as:

Defining Law: Law is a set of rules which are passed by a sovereign authority to control human behavior and act according to the society. The idea of governing people by imposing law on them is not exclusive to the modern era; the ancient era also chose customs, not taboos, to govern the behavior of the people.

Defining Society: A society is a group of people living together and sharing, in common, an economic and social infrastructure. A society is an intangible thing which cannot be touched physically. The society has prevailed since ancient times. The person who was born in a particular society automatically became a member of the same society.

Both law and society are directly connected with each other. Whereas society is a broader concept than the concept of law. The application of law will be on the society itself. The need for law or rules to govern the people in society was realized because of the behaviour of humans. Where different ideologies of people live together, there are always chances of differences and disputes. Law acts as a balancer in society by giving protection to every individual.

WHAT IS LEGAL EDUCATION?

The law commission[2] of India defines legal education as "a science which imparts to students knowledge of certain principles and provisions of law to enable them to enter the legal profession." The term legal education means knowledge of the law which was enacted by the respected authority. The Indian Constitution declares India as a democratic country. Distribution of power between the legislature, executive and judiciary is the beauty of our constitution. The legislature is responsible for the passing of a bill and, thereby, enforcing it. According to the latest data of NITI Ayog[3] in 2011, the total literacy rate in India is 74.04%. The literacy rate of India is increasing - which is a good sign for

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[2] *http://www.legalserviceindia.com/legal/article-76-legal-education-in-india.html*

[3] *Statistical data of India, http://niti.gov.in/state-statistics/education.*

India. But the literacy rate of India in the context of legal knowledge is unavailable. According to us, legal knowledge can be divided into two facets.

• General legal education.

General legal education to the general public means providing basic legal education to the citizens of the country. Every citizen of the country should know about the local laws of his/her country. Lawyers are not the only ones who should know the legal system but also citizens who should show their interest in the law of their country. A country is said to be well aware when there are well aware citizens.

• Specialized legal education.

When an individual chooses law as a profession, he/she acquires special legal education. Gaining special knowledge of the law enables an individual to assist others with legal issues as their legal representative.

Legal education is special knowledge because of its distinctive nature. But in our research, we propose to see legal education in relation to society. Society and law are inseparable. The application of the law is to be applied in society. Before drafting any law, the maker of law always upholds some general principles of society.

A society has its own principles. The law sometimes appreciates those principles and sometimes it doesn't. There shall be no special privileges for anyone in the eye of the Indian legal system. Before the codifications of laws, the Indian legal system was not that efficient. Codification of law was started by the British in India because of the inconsistency and less effective judicial system prevalent at that time. [4] Different punishments were given for the same offence and there was inconsistency. Codification of law was the major change in the history of the Indian legal system.

DOES LAW CONSIDER TRADITION AND CULTURE?

In the ancient era, the hymn and other mythology books were followed. The principles under those books are considered as law followed by the masses. Rig Veda in the ancient era is the example of societal law during that time. Generally, the culture and the traditions of a particular society are always deemed as law for them. Those traditions and cultures have their essence in the laws which are brought

[4] *Role Of British Governance In India, , https://www.lawteacher.net/free-law-essays/constitutional-law/role-of-british-governance-in-india-constitutional-law-essay.php (Accessed on February 2nd 2018)*

into existence. For example, the tradition saptapati[5] was taken into consideration in The Hindu Marriage Act, 1955[6].

However, the culture and tradition of a society is not always encouraged by lawmakers. For example, the context of India, where child marriage was a traditional practice. This practice was made voidable by the virtue of The Prohibition of Child Marriage Act, 2006. The recent judgment of Supreme Court with respect to the Shayara Bano[7] case also known as triple talaq case in India, the Hon'ble Supreme Court made the Islamic tradition unconstitutional and illegal where a husband could annul his marriage by pronouncing 'talaaq' three times. There are a number of cases where we can find the conflict between societal laws which people have been following from the very beginning and the laws which are made by the authority.

While, through the example, we could construe that societal laws or practices do affect the law, the quantum of the effect is minimal on the law. As we know, law and society are indirectly connected with each other. The laws are made for the society that's why maintaining a balance between the law and society is important.

In the context of our country, there is a simple rule which is considered for testing the legal eligibility of societal law. Under Article 13 (2) of the Indian constitution, it has been clearly mentioned that if any law is not consistent with the fundamental rights then it shall become void. Such traditions and other societal laws become void if they violate any fundamental right which is conferred by the Indian constitution.

PROFESSIONAL ETHICS FOR LAWYERS

Chapter II, Part VI of the Bar Council of India Rules enumerates professional ethics for lawyers. These rules have been placed there under section 49(1)(c) of the Advocates Act, 1961[8].

In no other occupation to which men can devote their lives, for the purpose to maintain the social order in society to establish justice, to maintain the rights of men, to defend the helpless and oppressed, to save the innocent and punish the guilty. A civilized society cannot exist without law and as Dean Roscoe Pound once said: “there is no law without lawyers.” Every occupation has its own ethics which is to be

[5] *The taking of seven steps by the bridegroom and the bride jointly before the sacred fire in a Hindu Marriage.*
[6] *Section 7(2)*
[7] *1985 SCR (3) 844.*
[8] *Parts I, II and III of the Bar Council of India Rules, Part IV of the Bar Council of India Rules (Rules on Legal Education), the Advocates Act, 1961*

followed and respected by all. As for a lawyer, the ethical value is most important because of their professionalism. Lawyers not only have a duty towards their clients but also towards the court in India. Some of their duty towards the court and the clients are discussed further in this paper.

ADVOCATE'S DUTY TOWARDS THE COURT

1. Act in a dignified manner

While presenting a case and also while acting before a court, an advocate should act in a dignified manner. He should at all times conduct himself with self-respect. However, whenever there is a proper ground for serious complaint against a judicial officer, the advocate has a right and duty to submit his grievance to proper authorities.

2. Respect the court

An advocate should always show respect for the court. An advocate has to bear in mind that the dignity and respect maintained towards judicial office is essential for the survival of a free community.

3. Not communicate in private

An advocate should not communicate in private to a judge with regard to any matter pending before the judge or any other judge. An advocate should not influence the decision of a court in any matter using illegal or improper means such as coercion, bribe etc.

4. Refuse to act in an illegal manner towards the opposition

An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any matter towards the judiciary, opposing counsel or the opposing parties.

5. Refuse to represent clients who insist on unfair means

An advocate shall refuse to represent any client who insists on using unfair or improper means. An advocate shall exercise his own judgment in such matters. He shall not blindly follow the instructions of the client. He shall be dignified in use of his language in correspondence and during arguments in court. He shall not scandalously damage the reputation of the parties on false grounds during pleadings. He shall not use foul language during arguments in the court.

6. Appear in proper dress code

An advocate should appear in court at all times only in the dress prescribed under the Bar Council of India Rules and his appearance should always be presentable.

7. Refuse to appear in front of relations

An advocate should not enter appearance, act, plead or practice in any way before a judicial authority if the sole or any member of the bench is related to the advocate as father, grandfather, son, grandson, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law.

8. Not to wear bands or gowns in public places

An advocate should not wear bands or gowns in public places other than in courts, except on such ceremonial occasions and at such places as the Bar Council of India or as the court may prescribe.

9. Not represent establishments of which he is a member

An advocate should not appear in or before any judicial authority, for or against any establishment if he is a member of the management of the establishment. This rule does not apply to a member appearing as "amicus curiae" or without a fee on behalf of the Bar Council, Incorporated Law Society or the Bar Association.

AN ADVOCATE'S DUTY TOWARDS THE CLIENT

1. Bound to accept briefs

An advocate is bound to accept any brief in the courts or tribunals or before any other authority in or before which he proposes to practice. He should levy fees which are at par with the fees collected by fellow advocates of his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

2. Not withdraw from service

An advocate should not ordinarily withdraw from serving a client once he has agreed to serve them. He can withdraw only if he has a sufficient cause and by giving reasonable and sufficient notice to the client. Upon withdrawal, he shall refund such part of the fee that has not accrued to the client.

3. Not appear in matters where he himself is a witness

An advocate should not accept a brief or appear in a case in which he himself is a witness. If he has a reason to believe that in due course of events he will be a witness, then he should not continue to appear for the client. He should retire from the case without jeopardizing his client's interests.

4. Full and frank disclosure to client

An advocate should, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosure to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgment in either engaging him or continuing the engagement.

5. Uphold interest of the client

It shall be the duty of an advocate fearlessly to uphold the interests of his client by all fair and honorable means. An advocate shall do so without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused. An advocate should always remember that his loyalty is to the law, which requires that no man should be punished without adequate evidence.

6. Not suppress material or evidence

An advocate appearing for the prosecution of a criminal trial should conduct the proceedings in a manner that it does not lead to conviction of the innocent. An advocate shall by no means suppress any material or evidence, which shall prove the innocence of the accused.

7. Not disclose the communications between client and himself

An advocate should not by any means, directly or indirectly, disclose the communications made by his client to him. He also shall not disclose the advice given by him in the proceedings. However, he is liable to disclose if it violates Section 126 of the Indian Evidence Act, 1872.

8. An advocate should not be a party to stir up or instigate litigation.

9. An advocate should not act on the instructions of any person other than his client or the client's authorized agent.

10. Not charge depending on the success of matters

An advocate should not charge for his services depending on the success of the matter undertaken. He also shall not charge for his services as a percentage of the amount or property received after the success of the matter.

11. Not receive interest in actionable claim

An advocate should not trade or agree to receive any share or interest in any actionable claim. Nothing in this rule shall apply to stock, shares and debentures of government securities, or to any instruments, which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.

12. Not bid or purchase property arising of legal proceeding

An advocate should not by any means bid for, or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in any legal proceeding in which he was in any way professionally engaged. However, it does not prevent an advocate from bidding for or purchasing for his client any property on behalf of the client provided the Advocate is expressly authorized in writing in this behalf.

13. Not bid or transfer property arising of legal proceeding

An advocate should not by any means bid in court auction or acquire by way of sale, gift, exchange or any other mode of transfer (either in his own name or in any other name for his own benefit or for the benefit of any other person), any property which is the subject matter of any suit, appeal or other proceedings in which he is in any way professionally engaged.

14. Not adjust fees against personal liability

An advocate should not adjust fee payable to him by his client against his own personal liability to the client, which does not arise in the course of his employment as an advocate.

15. An advocate should not misuse or takes advantage of the confidence reposed in him by his client.

16. Keep proper accounts

An advocate should always keep accounts of the clients' money entrusted to him. The accounts should show the amounts received from the client or on his behalf. The account should show along with the expenses incurred for him and the deductions made on account of fees with respective dates and all other necessary particulars.

17. Should not divert money from accounts

An advocate should mention in his accounts whether any monies received by him from the client are on account of fees or expenses during the course of any proceeding or opinion. He shall not divert any part of the amounts received for expenses as fees without written instruction from the client.

ADVOCATE'S DUTY TOWARDS FELLOW ADVOCATES

1. Not advertise or solicit work

An advocate shall not solicit work or advertise in any manner. He shall not promote himself by circulars, advertisements, touts, personal communications, and interviews other than through personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned.

2. Sign-board and Name-plate

An advocate's sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organization or with any particular cause or matter or that he specializes in any particular type of work or that he has been a Judge or an Advocate General.

3. Not promote unauthorized practice of law

An advocate shall not permit his professional services or his name to be used for promoting or starting any unauthorized practice of law.

4. An advocate shall not accept a fee less than the fee, which can be taxed under rules when the client is able to pay more.

5. Consent of fellow advocate to appear

An advocate should not appear in any matter where another advocate has filed a vakalatnama or memo for the same party. However, the advocate can take the consent of the other advocate for appearing.

In case, an advocate is not able to present the consent of the advocate who has filed the matter for the same party, then he should apply to the court for appearance. He shall in such application mention the reason as to why he could not obtain such consent. He shall appear only after obtaining the permission of the Court.

The bar council if India is the supervisory authority over all of the advocates. All the code of conduct is given under the Advocates Act, 1961 advocates have the obligation towards the society as well as to the fellow advocates, the court of law and the client.

SIGNIFICANCE OF THE LEGAL EDUCATION IN INDIA

The effectiveness of the administration of justice can only be reaped if the legal education is governed not only for the person who wishes to take law as a profession but for those who wish to be responsible and enlightened citizens. In a developing society, the importance of legal education has assumed great significance. The object of legal education is not restricted only with producing legal practitioners who are experts in litigation-oriented skills but also to play a vital role in which the lawyers are equipped with divergent skills and tools with a view to making them policy-makers, administrators and social engineers.

MODERNISATION WITH RELATION TO INDIAN LEGAL SYSTEM

"modernization is a project never to be completed" - Alvin Toffler

The transformation from tradition, agrarian and conservative society to a secular, welfare society:

In earlier society, we did not give importance to women, girl education and those who belonged to Schedule Caste and the Scheduled Tribes. The legal system helped those who were suppressed by society. In *Vishaka & Ors. v. State of Rajasthan*[9] the court gave a judgment forcing the government to make a separate law for the harassment of women in the workplace. There are many examples where the Indian judicial system helped and uplifted the suppressed classes of India.

There are many acts which were propounded by the government to eradicate those social practices which were unjust in nature. [10]While modernization is a continuous process and we have to accept these upcoming events which were not appreciated earlier: For example, the rights of transgender. Recently, in India, the supreme court has legalized section 377 of the Indian Penal Code 1860. This shows the acceptance by the society of those who are part of the society but have faced unjust isolation. The Indian legal system has helped those isolated people to come in the centre and enjoy their right to be what they are supposed to be.

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[9] *AIR 1997 SC 3011.*

[10] *SC/ST Prevention of Atrocities Act for the uplifting and protecting the minorities by the exploitation from the society; The Dowry Protection Act of 1961;The Indecent Representation of Women (Prohibition) Act, 1986;The commission of Sati (Prevention) Act 1987;The protection of women from domestic violence act 2005;The sexual harassment of women at workplace (prevention) prohibition act 2013; The right to education under*

SOCIO-CULTURAL AWARENESS IN LEGAL EDUCATION

As the world has become smaller through technological innovation and the explosion of social media, many more lawyers are interacting with people from dramatically different countries, societies and cultures. Consequently, the need to enhance awareness and understanding of the impact of these differences, especially as it relates to the manner in which we communicate, has grown exponentially and become more acute.

Legal education should incorporate the teaching of cultural insights and communication skills to their law students. A lawyer with an insight into the socio-cultural aspects of the person being addressed - a client, an opposing counsel, a colleague or judge - is undoubtedly more effective. Socio-cultural awareness increases only in legal education by the method of research, reading and observation. Providing legal services to the poor is the best example of cultural legal education.

CONCLUSION

The law has a deep rooting in the society which can't be thrown out of the society. A civilized country shall have their own sovereign laws which shall applicable on their all domestic citizens. Both the law and society are connected with each other. Without law, we can't assume a civilized country. Law does not only punish the guilty but also create deterrence among the people who are even thinking to commit an offence. There have always been chances where the law is not appreciated by society. The basic principle of equality in law was not appreciated by the people because what is equality for the law is not equality for someone. The rigidity of law and firmness of society make it difficult for society to accept the new laws. Heraclitus once said “change is the only constant in life” which means society has to change according to the time.

Article 21A of Indian constitution which states that “ state shall provide free and compulsory education to children of the age of six to fourteen years'.

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PERILS OF PRESENT DAY PRACTICE

EDRICH MIRANDA[1]

INTRODUCTION

Fresh law student, junior advocates and at times senior advocates, are silent victims of judicial administration, which is exponentially expanding at carcinogenic proportions. This phenomenon will erode the roots of the judicial structure, if not addressed in time.

This is what I intend to highlight from my compilation of instances experienced in various courts, through the perception of the senses.

Rest assured, everything mentioned is factual, nothing is fiction, or false; as the same can be corroborated through documentary evidence or oral evidence or circumstantial evidence.

Below are four event examples, raising questions that need to be addressed.

EVENT # 1

A Civil Suit, at the Vasai Court, which an advocate had filed on behalf of his client, v/s The Vasai Virar City Municipal Corporation. The prayer clause sought a positive injunction, directing the corporation to not demolish the repaired / renovated structure, sought to be reconstructed by the plaintiff, which was erroneously demolished by the corporation; in spite of all permissions being in place.

The Superintendent insisted to title the suit as, “Suit for Specific Performance u/s 32 of the Specific Relief Act”; then and only then, he would accept the filing, number it, scrutinize the brief and place it on the board for the day. A tricky question arose, there isn't an averment of specific relief, or specific performance, in the entire plaint, so, why should the plaintiff title the suit thus? What was being sought was injunction simplex.

[1] *Journalist. Author can be reached at spanish.el.miranda@gmail.com*

EVENT # 2

In proceeding number 192/Misc/2011 before the 25th M.M's court, Mazagaon Mumbai, a private complaint came to be filed, against, P. I. Suresh Maqdoom & ors, attached to Nagpada police station, Mumbai.

Firstly, the magistrate was unaware of section 190 of the Cr.P.C. Secondly, she wasn't aware that sanction u/s 197 wasn't required; thirdly she wasn't aware that the police cannot investigate when the police themselves are accused. Fourthly she wasn't aware as to whether the complaint needed to be referred for inquiry or investigation, and many other legal points.

Eventually, the matter was reluctantly admitted after considerable delay, and put up for verification. Thereafter, it was argued, for the issue of process, and it was finally sent for inquiry u/s 202, based on the report u/s 202, the magistrate was reluctant to proceed with the case and began to procrastinate for reasons best known to herself. As a result, the aggrieved approached the Sessions Court, Mumbai, u/s 398 of the Cr.P.C.,

The drama commenced hereon: on presenting the Cri Misc Appln, the court clerk perused it and referred it to Mrs M.M. Sakpal, Dy Registrar, who inquired,

- Had the applicant had come in revision? The answere was No.
- What is this section 398? Applicant answered, superintending power of a superior court, to rectify any anomalies by a subordinate court.
- So your matter is pending at the trial court? Answer "Yes!"
- If your matter is sub-judice at the trial court, you cannot approach this court, until it is finally disposed off. Applicant answered, had the matter been disposed, applicant would have come by way of appeal or revision, and not u/s 398, praying that the Sessions Court probe the workings of the Magistrates Court.

The Dy Registrar discussed and sought advice from her subordinates. The following day, there was an argument in respect of this same filing, and I was called to the chamber of the Adm Sessions Judge, who posed many questions on laws and facts which I answered to his satisfaction.

He then directed the administrative staff to accept the application, number it and place it on the board the next day, they agreed, and we all left the chamber. Back at her office, she refused to do as directed by the judge.

The next day, an argument erupted again and applicant had to approach the chamber of another Judge who once again posed many questions; which the applicant answered to his satisfaction. He also directed the case to be accepted, numbered and placed on the board for the day, following which, he would take a decision on merit, in an open court.

The Deputy Superintendent again said, "yes, sir" but, at her office, she declined to do the needful and mischievously wrote a remark, raising the following objection "As per the law, this application is not maintainable as M. A., hence necessary orders be issued", and all her staff began to laugh and pass sarcastic remarks against the judge, saying "Now the ball is in his court", let him pass a written order. In short, finally, the case wasn't filed, which goes to show who the boss is.

Complaints were made about the misconduct of the staff to the Supreme Court, as well as the High Court. But, the Bombay High Court preferred not to take cognizance, and the Supreme Court referred the complaint to the Registrar General, High Court, Bombay, with directions to look into the matter and addressed a copy of their communication to applicant, for follow up. Applicant did so, only to be told, that applicant was not entitled to a copy of the findings of the inquiry on the complaint, as it is an internal matter.

EVENT # 3

In proceeding No 03 / 14, *Accent Telecom v/s Lawrence CHS Ltd*[2], a civil suit at the court of senior division, Pune, the advocate for defendant appeared as directed through summons, and filed his memo of appearance. As the W.S. could not be filed, because the plaint wasn't accompanied by the summons; as such, a copy of plaint was sought from the court, and obviously the defendants W.S. would then be filed after perusing the facts alleged in the plaint.

What happened here was that the matter was adjourned by the court itself; for a period of over two months (which was the next date). The W.S. was promptly filed by the defendant, on the next date, taken on record, but no mention was made of it in the Roznama.

Three dates passed and the plaintiff, as well as the plaintiff's advocate, failed and neglected to appear when the defendant's advocate moved an application for ex-parte order due to the prosecution's failure to diligently pursue the proceeding. Judge, at that stage, stated you have not filed your W.S. The defendant's advocate invited the attention of the P.O. that it had been marked as an exhibit.

[2] *ITA No. 2255/Mum/2006 & 14 other Group*

But, the judge insisted that it could not have been marked as an exhibit, as the W.S. was filed after a period of two months and was barred by time limitation. The problem here is, the W.S. was filed after two months due to the fault of the court, as the next date given by the court was of a period of more than two months.

In fact, the amended C.P.C. enjoins upon a parte to file the W.S. within a month. In any case, what was the court doing for three dates, spanning a period of approximately eight months? The judge compelled the defendant to move an application for condonation of delay when in fact there wasn't any delay.

All said and done, after that date, on the next date, an application for ex-parte was entertained. However, again after procrastinating for another year, the judge insisted that the matter ought to be argued before a final order and judgment comes to be passed. Why should one lead evidence or even argue a civil suit in the persistent absence of the plaintiff?

EVENT # 4

A matrimonial petition before the 7th Family Court at Bandra, Mumbai, for maintenance - wherein the defendants advocate requisitioned the salary slip and income tax returns of the petitioner -was declined by the judge, in spite of citing a Supreme Court case law, the ratio of which is nearly similar to the matter under adjudication.

Here the judge bluntly, and arrogantly, admonished the respondent and his advocate, stating to not place reliance of case law, conceded to the demand of the petitioner as in prayer of the petition, else the order shall be passed against you. You may then choose to go in appeal to the high court.

All of these instances are indicative of the high-handedness of the court, in breach of substantive laws, procedural laws adjective laws, case laws, and principles of natural justice, and have become routine conduct in present-day practice.

OPTIONS

In order to remedy this anomaly, complaints can be made against judges - Formally and Informally.

An informal complaint would be to write to the administrative judge of the High Court, and/or Supreme Court, pointing out in minute details, all true facts, which resulted in breach of laws; occasioning miscarriage of justice.

A formal grievance could be of two types,

1. Revision or appeal as the case may be; or

2. A complaint on ledger paper in a letter format; but on solemn affirmation, alleging the misconduct or deliberate breaches, or non-adherence of laws by the presiding officer, along with supporting documents and witness and circumstantial evidence that the aggrieved proposes to rely upon.

This again should be addressed to the Chief Justice High and/or Supreme Courts respectively.

Needless to say, there are chances that one may not obtain redressal, but, all is not lost. There are other options such as legislative proceedings.

In my humble opinion, as far as the subordinate judiciary is concerned, matters pertaining to inefficiency or culpable misconduct of a Magistrate, or Sessions Judge can be dealt u/r 105 of the, State Assembly Rules, which reads, "Calling attention to matters of urgent public importance", besides vide other rules.

The same is the case with the High Court and Supreme Court judges, vide zero hour questions. For instances, if an issue, which do not fit under, "Calling attention, to matters of urgent public importance", it can be brought u/r 377 of parliamentary procedure.

Then again, there's always the option of having the matter raised at an international forum, vide, the "Rule of exhaustion of local remedies". This can be invoked by some other sovereign, at the request of aggrieved persons, institution or organization.

However, it should be borne in mind, that the allegations leveled against the offending sovereign, should essentially be in breach of the U. N. Charter, in breach of international law, and in consonance with rules 62 to 64 & 66 of the statute of, "The International Court of Justice" at the Hague.

Prior to 1985, no country had the locus standi, to interfere in the internal affairs of another sovereign, but thereafter there has been precedence; where a member state can intervene.

DISCUSSIONS

I have discussed, at length, with Professor Janardan Chandurkar, ex-speaker of Maharashtra Assembly, Justice (Retd) Hosbert Suresh, and Justice (Retd) Dhanuka, of Bombay High Court, as to how a legislative account can be taken, regarding judicial malfunctioning.

But, I regret to say, that they dissuaded me, on the grounds that, "Judicial functions have immunity". I do not concur inasmuch as their interpretation isn't judicious.

My contention is, admittedly, there exists an article in the constitution, which prohibits action against judges, the language employed is, "Acts by the High Court and Supreme Court judges cannot be called in question". However, it is silent when it comes to Magistrates and Sessions Judges.

Yes, parliamentary procedures can be resorted to when it pertains to the judges of the High Court and the Supreme Court. For example, during the Question hour, a Short Notice Question or a Calling Attention Motion, relating to the matter of public importance can be asked.

DUTIES OF ADVOCATES

As per section 1, chapter II, part VI[3], of the rules governing advocates, framed by the Bar Council of India, it is incumbent as way of right as well as duty, of an advocate, to complain against a Judicial officer, if there are proper grounds, for a serious complaint.

CONCLUSION

If there exists, a provision in law, advocates, and litigating citizens shouldn't feel inhibited to invoke it. After all, the crux of the matter is that it is the nation that is supreme.

If it is in the interest of the nation, even if it offends some judges, or some other pious patriot or nationalist, be it so.

In the field of law, one should be guided by statutes and not sentiments, therefore my humble submission is a genuinely aggrieved should approach the ambassador of some sovereign member of the U.N., with a request in the form of a petition, seeking to invoke the principles of, "Exhaustion of local remedies", r/w Chapter VII of the U.N. Charter r/w clause 62, 63, 64 & 66 of the rules of the International Court of Justice at The Hague.

[3] *Advocates Act, 1971*

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CHALLENGES IN THE LEGAL EDUCATION SYSTEM OF INDIA AND ITS INCONSISTENCY WITH THE MODERN ERA- A CRITICAL ANALYSIS

GARIMA AGRAWAL; PRAGYA MISHRA[1]

INTRODUCTION

Law is the cement of society and an essential medium of change.

-Glanville Williams

In a democratic country like India where rule of law prevails, imparting effective legal education is of utmost importance. It not only helps in making people law abiding but also assists in bringing and establishing socio –economic justice. In other words, legal education is the heart and soul of society for administering rule of law in a country like ours. Legal education has been defined by the Law Commission as a science which imparts to students, knowledge of certain principles and provisions of law with a view to enable them to enter into the legal profession.[2] It is a medium of equipping the future generation of lawyers, counsellors, judge to understand the functioning of the three organs of the government.

Legal education acts as an essential link in the creation of knowledge as well as helps in its application. The aim of such legal education is primarily to create professional lawyers. Excellence in legal education and research is extremely important, because it helps shape the quality of the rule of law and helps imbue students with rule of law and develop the personal qualities required to uphold the noble ideas[3] of the profession and secure the effective enforcement of the law in the community. In order to provide legal education as the yardstick of social empowerment, it is necessary that teachers/ lecturers in law should lay special emphasis on how law can introduce significant changes in the social and economic organization of society leading to an improved standard of living.

Historically, legal education traces back to ancient period, where the kings were about dharma and nyaya[4]. However, there lies no indication of any formal legal education

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[2]*The Curriculum U.G.C. Guidelines, Report: The Curriculum Development Centre in Law (1990).*
[3]*G. Manoher Rao and K. Srinivas Rao, Legal Education in India- Challenges and Perspectives, Asia Law House, Hyderabad, I Edition, 2007, 166.*
[4]*Jayaram Swathy ,Legal Education In India, legalserviceindia (March 7,2019,6.30pm), http://www.legalserviceindia.com/legal/article-76-legal-education-in-india.html.*

being rendered at that time and the training in law was more of self-learning. The kings were given the responsibility of doing justice. Occasionally, judges were appointed to administer justice although they were not formally trained in administration of justice for the mere reason that they were acclaimed for their "righteousness and justness" and for following Dharma[5]. Life in India during this period was unadorned and the judicial procedure was less complex than that of western countries[6].

It was not until the Mughal period that the concept of legal representatives came into existence. This period began by the invasion of Babar in 1525 and extended till the ascendancy of British dominion in India. During this period, an arrangement of courts, following formal techniques to arbitrate criminal and civil cases came into existence. The appropriation of rules of proof, presented further complexities in administration and this necessitated the inclusion of a legal expert popularly known as Vakils[7]. However, it would be wrong to argue that the people who could function as these representatives did not appear to have required specialised knowledge and there is no evidence of formal legal education system. Legal education had its followers during the pre-independence times as well given the legal background of many of our freedom fighters. Albeit some kind of portrayal before the adjudicating authorities existed in the pre-colonial era, the advanced Indian legal profession dates from British rule with the foundation of law courts in Madras, Bombay and Calcutta in the year 1726. No particular qualifications were set down for people who act or argue as legal practitioners under the steady gaze of these courts. This pattern appeared to have proceeded even in the wake of passing ensuing Charter in 1753 and the Regulating Act, 1773[8]. The Charter of 1774 introduced the British system of legal practice in Calcutta[9]. This Regulation controlled the appointment of Vakils in civil judicature courts. However, the quality of legal education was quite uneven in the colonial era, as summed up by the Unemployment Committee appointed by the UP government in 1935[10].

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[5] *Dr. Justice A.S.Anand, H.L. Sarin Memorial Lecture: Legal Education in India — Past, Present and Future, (1998) 3 SCC (Jour) 1.*

[6] *Abbe J.A.Dubois, Hindu Manners, Customs and Ceremonies, Reprint, Book Faith, New Delhi, 1999, 662*

[7] *This term was used in Muslim India in the sense of an agent or ambassador who represented his principal for varied reasons. Even Vakils were used for clearing an arrear of revenue or other miscellaneous deeds. Thus the term Vakil did not specify the class of legal practitioner. See Misra B.B., The Indian Middle Classes, Oxford University Press, Bombay, 1961, 162-136.*

[8] *For example, Regulating Act was passed in 1773 and a Supreme Court was established in Fort William* in *Bengal on 26thMarch, 1774, under the Kings Charter. The Charter empowered the Supreme Court to approve, admit and enroll such and so many advocates and attorneys to appear and plead and act for the suitors at law Court. These so called advocates were English, Irish Banisters, Members of the Faculty of Advocates in Scotland; the Attorneys referred to, were the British attorneys and solicitors. Thus, Indian lawyers had no right to appearance in the Courts. For details see Sushma Gupta, supra note 4 at 55.*

[9] *M. P. Jain, Outlines of Indian Legal & Constitutional History, LexisNexis Butterworths Wadhwa Nagpur, Gurgaon, 2012, p. 669.*

[10] *Our own view is that so far as Universities in these provinces are concerned legal education has not occupied the place to which its importance entitled it; and we are not prepared to say that the standard of legal education has risen to the extent to which it has risen in certain other departments.*

Legal education gathered momentum and acquired its true significance only in free India because of the immediate concern to minimize inequalities and provide basic facilities to millions of people. Also, with the adoption of a democratic form of government, there arose a need of a proper system which could help bring the legal system in tune with social, economic and political desires of the country[11]. Slowly and gradually people started understanding the importance of being aware about one's own right and how an education in this field acts as a crucial key to enable one to achieve their goals. Law courses were offered for a term of three years in some traditional universities and later, introduction of five years law courses and establishment of National Law Universities marked a new beginning in the legal sphere.

At present, there are about 19 national law universities in India and about 1200 law colleges including public and private universities. Today, with 740 institutions offering legal education[12] and 40,000 law students graduating every year, India has the second largest number of lawyers in the world, second only to the United States[13]. With this ever increasing number, it is expected that the education being imparted to our future lawyers is adequate and in consonance with the changing circumstances. Unfortunately, there is a general feeling that the current legal education in India is not "meaningful" and "relevant[14]."

This article will focus on this issue. At the very outset, we will try analysing the general loopholes in the legal education system and then, moving ahead, we will focus on how the current legal education is not in consonance with the modern era changes in Information & Technology and various other fields.

GENERAL IMPEDIMENTS IN THE FIELD OF LEGAL EDUCATION

1. Paucity of Good Faculty: With the wave of corporate culture in the field of Law, most of the people go for either corporate firms or litigation or judiciary. No one who is studying law right now can dream of going into academics by the end of their law course. This mentality of students leads to one of the biggest problems of the legal world and that is inadequacy of good faculty for the law students[15].

Moreover, Rule 3 of The Advocates (Right to Take up Law Teaching) Rules, 1979 allows the full-time practising advocate to take up teaching as a profession. Because of this a lot of teachers who are

[11] *Dr. Justice A. S. Anand, supra note 1.*
[12] *Chairman BCI, available at http://www.barcouncilofIndia.org/bar-council/chairman.php (last visited 08-03-2019).*
[13] *Ramanuj, Bar Examinations across the globe, blog.ipleaders.in, (March 11,2019,7.30pm), https://blog.ipleaders.in/bar-examinations-across-the-globe/.*
[14] *I.P.Massey, Quest for Relevance in Legal Education, 2 SCC (JOUR) 17 (1971).*
[15] *L. Sanmiha, Challenges Of Legal Education In The 21st Century, LEGAL BITES (July 6, 2017), https://www.legalbites.in/challenges-legal-education-21st-century/.*

practising law were unable to give enough time to the students. This rule was challenged in the case of *Anees Ahmed v. University of Delhi And Ors*[16]. and the court held that no full-time teacher who is getting regular salary from the college can enrol himself as an advocate.

The colleges in India do not have adequate selection criteria for the appointment of faculty but teaching at such colleges would count as years of experience once the teacher applies elsewhere[17]. In government law colleges, because of dearth of funds, the no. of appointments of teachers is very less to save the funds allotted to the college that hampers the quality of education in these colleges.

2. Quality of Infrastructure is Abysmal: There is a drastic increase in the number of law colleges in India. Statistics show that in 1955-56 there were 7 University departments of law and 36 law colleges under 25 universities with 20,159 students on their rolls. However, in 1982-83 there were 302 law colleges with over 2,50,000 students on their rolls[18]. But unfortunately, what is dejecting is that all this rapid increase is not at all a product of careful planning and hence lack good infrastructure.

During the 1960s and 70s legal education increasingly came to be perceived as a business, rather than an abode of scholarship[19]. The Bar council of India grab this opportunity of increase in demand to initiate new colleges in India with poor quality of Infrastructure. Most of traditional law colleges in India that are established during the British time and holds great reputation have woeful infrastructure[20].

3. Obsolete Curriculum: In India, national law universities and law colleges offer a three-year Bachelor Law Degree (B.L/LL.B.) and a five year integrated undergraduate degree (B.A. LL.B., B.Com. LL.B., B.Sc. LL.B. and B.B.A. LL.B.). The current policy of the Bar Council of India (BCI), which is the supreme regulatory body to regulate the legal profession in India and prescribe the curriculum and syllabi for undergraduate course[22], has been to encourage only five-year, dual degree LL.B. Programmes. Though the current curriculum of law colleges is robust but then also the quality of education given is perceived to be poor as compare to the other counterpart nations of the world like US, Australia, UK etc. Still, the law colleges in India are giving the traditional knowledge and not the

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[16] *Anees Ahmed v. University Of Delhi & Ors. AIR 2002 Delhi 440*
[17] *K. Singh, Legal Education in the New Millennium,Indian Socio-Legal Journal, 31(1) 103,108 (2005).*
[18] *N.R. Madhava Menon, Reflections on Legal and Judicial Education 75 (2009).*
[19] *Supra note 14.*
[20] *KA Shaji, Lack of facilities, shortage of staff plague law college, TIMES OF INDIA (Mar 22, 2011, 06:12), https://timesofindia.indiatimes.com/city/coimbatore/Lack-of-facilities-shortage-of-staff-plague-law-college/articleshow/7759214.cms.*
[21] *BCI, Rules on Standards of Legal Education and Recognition of Degrees in Law for purpose of Enrolment*
[22] *as Advocate and Inspection of Universities for Recognizing its Degree in Law, (2008).*
The Indian Advocates Act, 1961, §.7(i)(h).

contemporary issues that are prevalent in the world. The curriculum does not reflect the changing role of law and teaching does not take into account the social engineering skills that are imperative in a practicing lawyer today[23] . Recently, BCI has decided to increase the optional subjects in the curriculum to tackle the above-mentioned problem and finally a 6 months training is also prescribed[24] . As aptly observed by a well-known legal educationist,

'the highly mandated curriculum places Indian law schools at a competitive disadvantage in responding to the fast-changing profession of law and global trends in legal education.[25]'

The above mentioned were the basic impediments that our legal education encounters. Moving further, we will investigate the age of globalisation and the challenges it poses towards the current legal education.

THE AGE OF GLOBALISATION AND INFORMATION TECHNOLOGY

We broadly comprehend globalisation as an ongoing process which entails the free movement of capital, labour, goods and services across national borders. However, these parameters of economic globalisation cannot be viewed in isolation from other aspects such as the free exchange of ideas and practices. From this perspective, the legal systems in various countries have a lot to learn from each. It is crucial that our legal system is in consonance with the rapidly changing socio-economic realities. We must also bear in mind that in this age of the internet judges, lawyers, academicians and even law students from different countries, have a lot of opportunities to interact, collaborate and learn from each other's experiences. Access to foreign legal materials has become much easier on account of the development of information and communication technology. Until a few years ago, subscriptions to foreign law reports and law reviews were quite expensive and hence beyond the reach of most judges, practitioners and educational institutions. However, the growth of the internet and globalisation has also brought with it certain challenges and easy access to data has also proven to be one reason for increased competition in this field which gives rise to a lot of problems.

The sphinx to legal education is reflected where a galaxy of legal luminaries are not able to bring the cyberspace or the world of electronic-magnetic into the clutches of the law and within the ambit of legal education. The new millennium has dawned an environment of computerization in which the electronic media, internet, foreign investment, mergers, acquisitions, e-commerce, e-banking, M-commerce,

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[23] *Supra note 14.*

[24] *Robin K Mills, Legal Research Instruction In Law Schools the State of the Art, 2nd Ed., ILI, New Delhi, 2001.*

[25] *Jane E. Schukoske, Legal Education Report in India: Dialogue Among Indian Law Teachers, Jindal Global Law Review, 1 (2009), 251-279, at 265.*

Blue-Commerce has become part and parcel of our lives. New methods of committing frauds, cheating, cyber defamation, pornography, computer crimes, cybercrimes, cyber terrorism, transnational organized crimes, frauds relating to intellectual property like copyright, patents, domain names, copy theft etc., have come into existence.

E-Commerce Fraud commonly known as purchase fraud is increasing with the increasing digitalisation. While digitalisation has streamlined processes, consolidated data and vastly improved the efficiency of administration, it's as much a blessing as a curse[26]. Digitalisation has given immense opportunities to criminals to commit fraud through e-commerce.

The fraud rate in e-commerce business has increased drastically in the last 23 years and alone in US it has increased by 33% in the last year[27]. E-commerce fraud seems to be an unstoppable epidemic because in this digital era most of the companies are engaged in online transaction. Moreover, in today's time, most of the consumers prefer online shopping than going to the store and shopping from there. TechARC's report titled "India digital ad-fraud market" states that in 2018, ad fraud cost a total of $1.63 billion, contributing to 8.7% of the global fraud. Ecommerce contributed to over 51% of the total ad fraud in India, via customer acquisition, engagement and retention[28].

Recently, a lot of e-commerce frauds have been taking place. In November 2018, the Indian Railways deactivated 1,268 user IDs on IRCTC after forfeiting 1,875 scheduled e-tickets after it conducted raids against e-ticketing fraud in over 100 cities in the country. During that time,

- 185 people were likely carrying out online ticket fraud; 40 of them were arrested on Western Railways and Eastern Railway;
- 1,875 scheduled e-tickets worth Rs. 35 lakhs were forfeited;
- 166 cases under section 143 of the Railways Act were registered for investigation

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[26] *Gerry Carr, Fighting fraud in the e-commerce industry, RAVELIN(2017), https://www.ravelin.com/blog/ravelin-fighting-fraud-in-the-e-commerce-industry-overview (last visited Mar 5, 2019).*
[27] *Id.*
[28] *Sneha Johari, 51% Of Ad Fraud Came Through E-Commerce In 2018: Techarc Digital Report, MEDIANAMA (2019), https://www.medianama.com/2019/03/223-techarc-ad-fraud-digital-report-2018/ (last visited Mar 19, 2019).*

In July 2018, 37 people were allegedly duped on OLX by fraudsters who used leaked soft copies of Aadhaar and ID cards of CISF and Army personnel. The CISF and Army headquarters received several calls and complaint emails — questioning the integrity of the men in uniform — accusing their personnel of duping potential customers on OLX[30].

The contours of Intellectual Property and E-commerce are intrinsically bound with each other. IP essentially envisages ideas in the form of trademark, copyright, patents and design. The e-commerce platform showcases innumerable intellectual property like trademarks and designs; hence brand vulnerability emerges as an intriguing concern on the online trading precinct[31].

There have been numerous instances, when brands or trademarks have been misused on the e-commerce websites and sale of counterfeit products on such websites have been rampant. For example, in 2015 Snapdeal was accused by famous Nalli Silk Sarees for misusing its brand name Nalli on its e-commerce website. Similarly, in April 2016 furniture manufacturer, Housefull International accused online market place Mebelkart of selling fake furniture under its brand name. Online marketplaces like Amazon, Flipkart and eBay have also been brought under the legal scanner for misusing brand names[32].

Cyber law is the area of law dealing with the use of computers and the internet. To check the cyber offenses, India has only one enactment namely the Information Technology Act, 2000 as amended in 2008.Today, legal education must meet not only the requirements of the bar and the new needs of trade, commerce and industry but also the requirements of globalization. New subjects with international dimensions have come into legal education. With multibillion-dollar investments in the growing economies, the business activities have grown manifold. This in turn has created more opportunities for lawyers in general.

The present law has to deal with problems of diverse magnitudes and a student of law and an Advocate has to be trained in Professional skills to meet these challenges of globalization and universalization of law. With the advent of multinationals in India as anywhere else, the task of lawyers would be highly technical, and an imperative need would arise to have competent lawyers who would be trained in the

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[30] *Supra note 27.*

[31] *Shilpi Sharan, E-commerce Fraud in India- Risk, Measures and Legal Implications, VAKILNO1 (2017), https://www.vakilno1.com/legalviews/e-commerce-fraud-india-risks-measures.html#_ftn1 (last visited Mar 15, 2019).*

[32] *Priamvadasurolia, The Liability of Online Marketplaces under the Consumer Protection Bill, 2018, LEGALSERVICE INDIA - LAW, LAWYERS AND LEGAL RESOURCES, http://www.legalserviceindia.com/legal/article- 536-the-liability-of-online-marketplaces-under-the-consumer-protection-bill-2018.html (last visited Mar 16, 2019).*

right culture of Legal Education. This makes a sound case for introducing reforms in Legal Education. Legal education should also prepare lawyers to meet the new challenges of working in a globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a paradigm shift. A well administered and socially relevant legal education is a sine qua non for a proper dispensation of justice. Giving legal education a human face would create cultured law-abiding citizens who are able to serve as professionals and not merely as businessmen.

SUGGESTIONS

Legal education is required to cater the needs of variety of unanswered questions. It is high time to take a fresh look on the quality of legal education in the country in general and in the academics (Universities) in particular[33]. Legal education needs to be modified by increasing global exposure, achieved by adding courses, hiring more qualified faculty, sponsoring more international academic programs, opening research centres with global connections, and augmenting the number of formal international linkages. Due to privatization and globalization, there is an immediate need to conduct in-depth research into the subjects like Intellectual Property Rights, Cyber Law, Transnational Crimes, International Human Rights, Alternative Dispute Resolution, and International Business Transactions[34]. Some of the suggestions regarding the improvement in Legal education are as follows:

- The new world paradigm demanded a qualified faculty, dedicated students, research centres, sound infrastructure and updated legal curriculum.
- The colleges should integrate themselves with the actors in the international community, such as NGOs, multinational cooperation, governments and legal systems of other countries to reconstruct their academic agendas in consonance with the evolving society. This will also help them to update their curriculum as per the changing trends in other countries.
- The colleges should make sure that the students get the access of the foreign material so that students can make themselves aware about the ever-changing society and do not lag the students of other countries especially in information related to technology.
- The curriculum should not be restricted to a theoretical platform. The curriculum of law should be updated to include subjects like space law, cyber terrorism, Transnational crimes etc. to move ahead with the changing needs of the society.
- The government should provide colleges enough funds to maintain their infrastructure and to provide all the facilities like internet, foreign law material, research databases etc.

[33] *Claudio Grossman, 'Building the World Community: Challenges to Legal Education and the WCL Experience', www.ialsnet.org/meetings/assembly/ClaudioGrossman.pdf (Last visited Mar 15, 2019)*
[34] *Richard B. Bilder and Valerie Epps, 'John King Gamble's Teaching International Law in the 1990s' 87 Am. J. Int'l Law 688 (1993)*

- National Knowledge Commission (NKS) has argued for a system that classifies colleges based on facilities, courses, subjects, faculty, infrastructure etc. and for termination of law schools with below average standards. This should be including with the BCI rating system as it will supplement the process and make the colleges and institutions law abiding and accountable. Improvement of legal education is quite intricately associated with BCI and its efforts.
- The teaching sector should be promoted as there is lack of teachers in India. It is the need of time to give better pay scale and handsome increments even to teachers in teaching institutions.
- Moreover, it is also observed that the teachers are not trained properly to provide the required technical knowledge to the students. In a note on the reforms of legal education, BCI "intends to establish a national level advanced training institute for training teachers" so that newer and refined methods of implementation of legal education can be formulated and a minimum standard can be set for all the teachers to follow.

Law and Legal education are facing fundamental changes. Many assume that these changes will force law schools to give upon theory and focus more on training students about the practice of law[35].

The legal academics must review their performances for the achievement of excellence in the journey of education. The legal, educational journey can be best reached at the destination with a strategic step towards this journey. Perhaps, a more direct route is: D7. It means:

1. Dedication- Legal Education system needs dedicated students who work hard to gain the technical knowledge which is the demand of the hour;

2. Determination- Legal system also need determined students to make changes in the legal education system;

3. Destination clarity- There should be a proper report made by BCI or any other concerned authority regarding what goals of the future are there and how they want to revamp the legal education system;

4. Decision Making- Some decision related to accreditation and curriculum need to made by the concerned authority;

5. Determined and efficient law faculty;

6. Disciplined and regulated life and

7. Dependence on willpower.

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[35] *Larry E. Ribstein, 'Practicing Theory: Legal Education for the Twenty-First Century', 96 IOWA 1649-1676 (1997) http://www. uiowa.edu (Last visited Mar 16, 2019).*

India's legal education system needs "Dramatic Reform" to improve the economic environment and ensure citizens get speedy and affordable access to justice.

CONCLUSION

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

- Justice Dipak Mishra[36]

The scheme of legal education should be such as would make the students socially conscious lawyers when they go out of the portals of the law universities. Law Colleges should not prepare them to sit in air-conditioned offices, but to serve as a social asset. The teaching of law should not be restricted only to the production of the professionals either in the form of lawyers or judges, should have a much wider role to serve the society in disseminating knowledge for making people aware of their rights, duties and privileges. Legal education must cover a long distance to reach its destination and the destination is peace, justice, equality, integrity and confidence in the virtual or e-world by educating young lawyers in various fields of law. To achieve this destination, it is important that competent legal education must be imparted to young law students, which are at their novice's stage in various law institutes.

The current legal system is just imparting theoretical knowledge and not making the students fully equipped with technical knowledge. It is high time that students should now be equipped with all the current technical facilities to compete with all the other nations' students. Moreover, it will also help the society to fight with all the recent crimes that are emerging in the growing societies. It can only be done by implementing the above mentioned recommendations.

[36] *Banita Jaiswal, Legal education policy should change with changing times: CJ, https://timesofindia.indiatimes.com/india/legal-education-policy-should-change-with-changing-times-cji/articleshow/61705381.cms(last visited March 18,2019)*

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ONLINE MEDIATION: A SUBSTANTIVE ELEMENT OF LEGAL EDUCATION

NAEESHA HALAI[1]

INTRODUCTION

"An ounce of mediation is worth a pound of arbitration and a ton of litigation!"

-Joseph Grynbaum

With the increased digitization of society, online dispute resolution has expanded rapidly. Online dispute resolution, or 'ODR', has taken off, owing to the support of computer engineers, software programmers, technicians, designers, developers and the like. ODR is paperless proceedings that resolves civil and commercial conflicts of the disputant parties at comfort of home. It comprises of arbitration, negotiation and mediation. ODR is making justice dispensation system more efficient and fast. There is greater use of technology to plug the gaps in justice delivery system that is prolonged and painful for many victims. It is said that time is money but this adage goes for a toss in Indian courts. If the legal system is unable to provide relief to the victim in a timely fashion, it is effectively the same as having no relief at all[2].

Indian judiciary will take approximately 65 years per case including the date of case, trial and appeal to resolve the dispute. The time taken by courts to deliver justice is a matter of serious concern. The situation is precarious as the number of pending cases is more than the number of settled cases. The present-day lawyers want a good riddance of the torturous procedures which the clients have to undergo toward the quest for justice. Thus, they have embraced the culture of mediation rather online mediation.

WHAT IS MEDIATION

According to Black's Law Dictionary, "Mediation is a method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution"[3] The job of the mediator is to facilitate the parties to think of possible ways which can be great for one and good for the other. The parties always retain control over the outcome of the dispute. The

[1] *Student of 3rd BLS LLB at SVKM's Pravin Gandhi College of Law, Mumbai. Author can be contacted at hellonaeesha@gmail.com*

[2] *https://thelogicalindian.com/story-feed/awareness/know-about-the-current-status-of-legal-system-in-india-why-it-is-failing-the-citizens/*

[3] *Black's Law Dictionary, 8th Ed., p. 1003*

moment the mediator himself suggests a solution, he is deemed to have an unconscious bias. He has to lower the tetchiness in a negotiation, stimulate effective communication and maintain confidentiality throughout the process. To quote Justice B.N. Srikrishna, *"The mediator merely acts as a facilitator or a catalyst and neither participates in the negotiation process, nor throws out suggestions for settlement of the dispute.*[4]*"*

ORIGIN AND GROWTH OF MEDIATION IN INDIA

The origin of mediation dates back to Mahabharata wherein Lord Krishna acted as a mediator between Kauravas and Pandavas to resolve their fight for power. Before the advent of the British in India, the countrymen adopted a system called as 'Panchayats' (assembly) in every village, where the respected elders of the society along with the 'mukhiya' or the 'sarpanch' (leader of the community) facilitated in resolving disputes amongst the members of the community. Mahatma Gandhi advocated 'Panchayat Raj' (which means the rule of the assembly) as the foundation of India's political system[5]. The Mahatma too resorted to mediation during his practice as a lawyer in South Africa. He writes: "The true function of a lawyer was to unite parties riven asunder. A large part of my life during the twenty years of my practice as a lawyer was occupied in bringing about compromises of hundreds of cases. I lost nothing thereby-not even money, certainly not my soul.[6]"

In accordance with Gandhiji's teachings, Article 40 of the Constitution provided for a directive to the government to take steps to organize Gram panchayats and Nyaya Panchayats and endow them with powers to tackle the local disputes. The system of mediation worked well for a fairly long period of time although there were loopholes in it. Proceedings were not recorded and every dispute was resolved orally. Gradually the popularity of these institutions dwindled as the elite upper class could get away with anything on account of money and muscle power. Taking all this into consideration, the government made continuous efforts to revive mediation and encourage its unbiased functioning. Section 89 of the Civil Procedure Code, 1908 mandates that in all cases where it appears to the Court that an element of settlement may be acceptable to the parties, the court might inter alia refer the parties to arbitration, conciliation or mediation[7].

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[4] *Justice B. N. Srikrishna, An Idea Whose Time Has Come, Halsbury's Law, Vol.03, Issue 05 May 2009, p 22*
[5] *Mullick, Rohit & Raaj, Neelam (9 September 2007) " Panchayats turn into kangaroo courts" The Times of India.*
[6] *https://www.mkgandhi.org/law_lawyers/appendix2.htm*
[7] *www.indianlawjournal.org*

Sub-section (1) of Section 30 of the Arbitration and Conciliation Act, 1996, encourages the parties to go in for mediation as a means of dispute resolution[8]. However, due to a lack of specific rules or statute, this provision promoting mediation became inoperative. The matter of concern is that there is no statute that ensures 'confidentiality' in mediations in India. In 2011 the Court declared mediation proceedings to be confidential and this ameliorated the popularity of the process. The Law Commission of India in its 129th Report recommended that it should be made obligatory for the Court to refer disputes to mediation for settlement[9].

LANDMARK CASE

In the case of *Afcons Infrastructure Ltd. and Anr. V. Cherian Varkey Construction Co. Pvt. Ltd. and Ors.* (2010) 8 SCC 24, it was opined that "All other suits and cases of civil nature in particular the following categories of cases (whether pending in civil courts or other special Tribunals/Forums) are normally suitable for ADR process:

i. All cases relating to trade, commerce and contracts,

ii. All cases arising from strained or soured relationships,

iii. All cases where there is a need for continuation of the pre-existing relationship in spite of the disputes;

iv. All cases relating to tortious liability; and

v. All consumer disputes.[10]"

ONLINE MEDIATION

'Online Mediation' means a mediation process facilitated through the use of internet supported by audio/video conferencing or text-based communication or live transmission of data, in part or in full, carried out in compliance with these Rules[11]. Technology makes online mediation and professional dispute resolution faster and simpler. Mediation firms have established websites such as Internet Neutral, Square Trade, WebMediate to facilitate resolution of disputes.

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[8] *The Commercial Courts, Commercial Division And Commercial Appellate Division Of High Courts (Amendment) Act, 2018; Last Updated: 10 September 2018; article by AMLEGALS http://www.mondaq.com/india/x/734712/trials+appeals+compensation/The+Commercial+Courts+Commercial+Division+And+Commercial+Appellate+Division+Of+High+Courts+Amendment+Act+2018*

[9] *Arjun Pal, 'The Impact of Mediation in India', March 2019 https://www.mediate.com/articles/palarimpactofmediation.cfm*

[10] *K. S. Ravichandran, 'Parties Must Agree To Have Their Disputes Resolved Through Arbitration – Even Under Section 89 Of CPC!'; Last Updated: 19 July 2011 http://www.mondaq.com/india/x/137680/Arbitration+Dispute+Resolution/Parties+Must+Agree+To+Have+Their+Disputes+Resolved+Through+Arbitration+Even+Under+Section+89+Of+CPC*

[11] *https://onlinemediationcenter.ac.in/mediation-rules/*

In order to be formally trained as a mediator in India, an individual must undergo a 40 hours' training programme and conduct 20 mediation sessions under the Mediation and Conciliation Project Committee (MCPC)[12]. The role of a mediator is to facilitate the parties to think of possible ways which can be 'great for one and good for the other'. The parties always retain control over the outcome of the dispute. The moment the mediator himself suggests a solution, he is deemed to have an unconscious bias. He has to lower the tetchiness in a negotiation, stimulate effective communication and maintain confidentiality throughout the process. He must be techno-savvy and must have good negotiation skills.

BENEFITS OF ONLINE MEDIATION

1. The entire proceedings are hassle free and made available online at the comfort of home.
2. Proceedings are made through web-based technology using emails, instant messaging, chat conference rooms, video conferencing and the agreements are made online.
3. Conflicts are resolved virtually without the intervention of the court.
4. No issues of territorial jurisdiction
5. Documents are collected by the refrees in digital format and confidentiality of information is maintained.
6. No travel cost
7. Cost effectiveness
8. Optimal decision at the lowest possible price

DRAWBACKS OF ONLINE MEDIATION

1. The fear, ego restrain a party from approaching another for mediation
2. There is lack of face-to-face interaction
3. Emotional aspect and body language cannot be studied by the mediator
4. There is lack of security and confidentiality in cyberspace.
5. Parties may be tempted to 'flame' each other (sending hostile or insulting messages) on e-mail or abandon the process entirely when frustrated.

Thus, Joel Eisen[13] observes, “The practice of mediation cannot easily be reproduced in online environment because cyber space is not a mirror image of the real world.”

[12] *https://blog.ipleaders.in/mediation-popularity-india/*
[13] *Author of the book 'Structuring Commercial Real Estate Workouts: Alternatives to Bankruptcy and Foreclosure'*

ONLINE MEDIATION IN CLASSROOM

Taking into consideration the setbacks of the legal system, colleges imparting legal education have to shoulder greater responsibilities. They have to prepare a breed of proactive, techno savvy lawyers equipped with analytical skills who can act as mediators and help in eliminating the inefficiencies in the justice delivery system. For this purpose, online mediation should be incorporated in the classroom in the following manner:

1. Modifying classroom curriculum somewhat similar to what NUJS, Kolkata did.
2. Training law students by assigning case studies to them.
3. Practical Training in Computer Labs to perform Online Mediation
4. Time management in asynchronous online conversations
5. Internship in private mediation Companies
6. Encouraging students to attend advanced mediation training workshops, seminars, conferences, mediation competitions to horne their skills.
7. High performing mediators to be given recognition. Such student-mediators can have their own 'start-ups'.
8. Creating a physical space that honours the practice.
9. Quizzes and assessment
10. Webinars with experts in the field
11. Role playing
12. Online library with adequate resource material
13. Adequate infrastructure must be created in terms of computers, sufficient bandwidth, working cameras and so on. Computer experts will have to be hired to enable students to become techno savvy.

ONLINE MEDIATION- A SILVER LINING

With improved technology and automation, disputes can be resolved by online mediation. It is imperative for the lawyers to keep themselves abreast of the latest legal developments and technological innovations. Serious online mediation training if provided in classrooms will create expert and techno savvy lawyers who will be able to reframe problems and float creative solutions. These lawyers will have to really work hard on relationship building. The parties will never open up if they don't trust the mediator. At the same time, they should not feel manipulated. So online mediation is building trust online and resolving disputes respecting the privacy of the parties. In the words of Derek Bok[14],

"If lawyers are not leaders in marshalling cooperation and designing mechanisms that allow it to flourish, they will not be at the center of the most creative social experiments of our time."

[14] *Bok is the author of 'The Sate of the Nation: Government and the Quest for a Better Society'; and 'Professionals are Paid and How it Affects America'; and 'Beyond the Ivory Tower'*

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TEACHERS OR INFLUENCERS: TEACHERS' INFLUENCE ON THEIR STUDENTS' OPINION

KHUSHI GODA ; DHRITI MEHTA

INTRODUCTION

The Law Commission of India defines legal education as a science which imparts to the students, knowledge of certain principles and provisions of law to enable them to enter the legal profession. From this, we can derive that legal education is a comprehensive concept that includes extensive reading and research in the field of law and justice. Legal education is deemed to be necessary even for citizens not pursuing law for a living; this plays a vital role in the development of a country, especially for a progressive one like India.

The broader principle of legal education renders the teaching of law as a professional responsibility. The main aim and objective of legal education in democratic India (where the majority of the population is youth) are to provide sufficient knowledge about the country's legal system and to broaden the legal horizons of the citizens. Its essence and significance can be seen in the legal maxim of *'ignorantia Juris non-excusat*[2]*'*. Accordingly, the theory of legal education based on the Latin maxim is interpreted to be a necessary fundamental, because as citizens of a country, one cannot get away with any fallacious act based on their individual negligent behaviour, ignorance and unawareness about the standard laws, rules and regulations.

The significance of legal education cannot be over-emphasised. Some major factors on which legal education in India is flourishing today are based on certain government policies, the rules and regulations of the Bar Council of India, and National Litigation Policy, bolstered by the calibre and commitment of its imparters. Hence, another important aspect of legal education is its imparters. The imparters extensively range from multiple national universities to public or private colleges at various national or state levels. Yet in the end, it all comes down to the teachers, who actually impart and share their legal knowledge and principles using their individual and personal teaching methods in any university.

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[2] *ignorance of the law cannot be excused*

In the present-day scenario, a teacher's role has been increasing significantly. The scope of the legal profession, when comparing India at the global level, is not only restricted to basic litigation and corporate sectors but has also been extending excessively without any bounds to various foreign companies, negotiation, arbitration and business advising. Due to this, there is an exaggerated current need for added skills in a law student's life. The role of a teacher is also not just confined to a classroom anymore. It is the need of the hour for the teachers to extend themselves to dynamic levels in their teaching methods to nurture a student in all aspects of life, whilst not imposing their personal views or opinions on anyone.

ROLE OF A TEACHER

"A teacher affects eternity, and can never tell where the influence stops."

– Henry Brooks Adams

As appropriately said by this American historian, a teacher plays an indispensable role in a student's life. Teachers help in fostering not only academic skills but also impart other personal and paramount life lessons. The role of a teacher does not just stop at teaching. Teachers also stimulate other roles in a classroom: nurturing students, teaching professional conduct and standards, enriching future role models.

With this premise set, a teacher is bound to have immense respect and tends to hold the upper hand in a classroom. Hence, they should be extremely careful about putting forward their political views or any personal opinions blatantly, but keeping this in mind, a teacher should also not restrict themselves in the role they play in a classroom.

The impact a teacher has on a student's life is deemed to be valuable and thus it is necessary that a teacher is unbiased in their opinion so that they do not wrongfully influence their students. A teacher on several occasions, during a classroom discussion, mentions their personal stand and opinion without knowing its repercussions or its long-lasting effect on the minds of the students. In this aspect, the teacher needs to be extremely careful about the personal views expressed by them in a classroom as it could impact a notable number of people. One of the most crucial skills for a teacher is to be unbiased at all times.

The primary premise for this research paper is that a teacher influences a student in innumerable ways. Influencing a person means having an effect on them. If someone influences another person, then one can say that they are indirectly changing the person with significance. Further, the influence can be either positive or negative in nature. Positive influence takes place when a person changes in a certain

way for the better and negative influence takes place when the impact of a thing takes place for the worst. Therefore, it can be said that teachers are usually the first role models to students in a law school. The basic role of a law teacher is to provide regular guidance, show responsibility, and imbibe professional ethics. In the legal profession, deep competitiveness among students is often seen. It is a critical role for the teacher to make sure that the students are prepared to face the real world and do not succumb to peer pressure as well.

Also, there is a pre-set notion that the teaching of law is quite as much a profession as is the practice of it and that it demands the intellectual ability of a high order.

SOCIO-LEGAL ISSUES

According to the Oxford Dictionary, the term socio-legal refers to 'issues relating to the relationship between law and society.' It combines social and legal factors occurring in and around the community. Often these issues are sensitive and immediately affect the citizens of a country. It is the critical duty of the citizens to identify the various social issues creating a divide in the society. India being such a diverse country has a melange of issues: inequality of women, caste diversions, religious problems, terrorist attacks. To stop these problems from plaguing our society, the government comes out with legal remedies.

When in a classroom, a teacher conducts a classroom discussion on such a sensitive topic based on any socio-legal issue, he/she needs to make sure that only the facts are discussed and not their personal opinions. Thus, it is really essential for a teacher to not state his/her personal opinions so that the students in a classroom do not get falsely influenced.

Ten years down the line, the students will be the future lawmakers and lawyers of our country and especially the future of the legal system of our nation. Hence, if they are wrongly influenced at this stage, it could affect the legal framework and reforms of our country in the future subsequently. Therefore, it is of utmost importance that in a classroom discussion where such socio-legal topics are reviewed and analysed by the teacher, the teacher should make sure to only discuss the principles or facts of the issue and must try to refrain from going into the details of their personal views as it may influence a student and create a lasting effect on their minds.

To further define the scope of the paper, specifically for the purpose of our survey analysis, we have narrowed down the sample set to the recent current affairs in the country which include the recent judgements passed:

1. The Sabarimala Judgement[3] which removed the ban on the entry of women aged 10 to 50 inside the Sabarimala Shrine

2. Part decriminalisation of Section 377 of the Indian Penal Code[4] which was a landmark judgement giving rights to the LGBTQ community by providing for consensual sex between two adults irrespective of their gender.

3. The next judgement[5] we have taken into consideration is Section 497 of the Indian Penal Code which was a 150-year old archaic law and was unanimously struck down. This judgment declared the provision of law making adultery and offence unconstitutional and stuck it down. It was high time for this judgement to be passed as it made only the men the offender under the section. In addition, the section didn't allow the men to charge women.

4. Another topic included in our survey was the recent Pulwama Attack which is a very sensitive issue regarding international politics between India and Pakistan which led to a stir in the International relations throughout the world.

5. National elections in India are just around the corner and it is vital that a teacher does not in any manner influence the decision of a student, some of whom are first-time voters. The teacher can put forth her healthy criticisms against any party as it is her right, however, she cannot strongly influence in the way of brainwashing a student because consciously or unconsciously it may sway the voting decision of the student which wouldn't be fair.

SURVEY ANALYSIS

For the purpose of our research, we have used the survey methodology as our primary data collection method. The statistics of the survey have been produced using the Snowball Method of sampling. It is the method in which researchers have a hard time recruiting potential participants as there is a set criterion to be met. Once a few sample participants are found, these participants then forward the test to other applicable participants who meet the criteria. For the sake of convenience and to maintain ease while analysis, we have kept our survey limited to an ideal set of 100 students. We have taken the sampling of a selected set of the population with certain essential criteria and have conducted our survey accordingly.

[3] *Indian Young Lawyers Association vs The State Of Kerala on 28 September, 2018; WRIT PETITION (CIVIL) NO. 373 OF 2006*

[4] *Navtej Johar v. Union of India, WRIT PETITION (CRIMINAL) NO. 76 OF 2016*

[5] *Josephine Shine v. Union of India; WRIT PETITION (CRIMINAL) NO. 194 OF 2017*

Principal details and major criteria considered:

1. Target Population: The specific target population for the survey was kept open for any current law student ranging from a 5-year LL.B. course - under graduation, and a 3-year LL.B. course - Post-graduation, from any state or national, public or private university. It is specifically limited to law students only. Our research is targeted on the role of teachers in legal education.

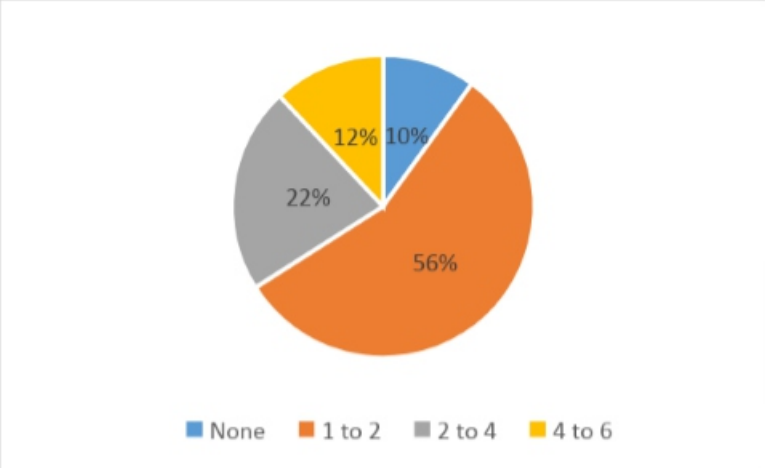
2. Sampling Size: We have accepted 100 responses from various students from all the different years and educational institutions via the method of a questionnaire using the online engine of a Google Document Form.

3. Sampling frame: The responses received are completely anonymous with the exception of the institution name and year of studying. The students have not been asked to disclose their name which makes the possibility of them being affected or biased very minimal and since the sample set is kept limited, there is a diminishing possibility of the magnitude of errors. Also, the questions were kept with limited options of answers and the sampling was framed in a multiple-choice questions (MCQs) format.

4. Application of the chosen sampling: We have derived the conclusion of our survey based on the sampling set in practice using primary data method collection. All assumptions made and conclusions derived are on the basis of the following survey analysis.

DATA ANALYSIS

1. On average, in a day, how many lectures do you attend which incorporate discussions on socio-legal issues?



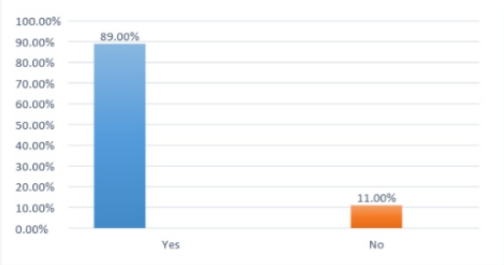
The objective of the question: To know how many lectures in a day did the law students attend in which socio-legal discussions took place. This question was framed while keeping in mind the need to clarify the number of lectures students attended in which such discussions took place, thus, setting a basic premise for the research. This is the most basic question in our survey with a precise aim to narrow down those students who could further participate in this survey.

Responses received: The responses stated that only 10% of the students said that they do not attend any lecture in a day in which socio-legal matters are discussed whereas the majority, that is, 56% of the students said that they had attended a minimum of 1 to 2 lectures a day where such sensitive topics were discussed. 22% of the responses stated that they attend 2- 4 lectures a day, this response was mostly from the higher grade students in law school. As many as 10% of the responses stated that they attend 4 to 6 lectures in a day regarding socio-legal issues.

Analysis: From this question, we can derive that a mere 10% of the students had observed that no socio-legal discussions take place in their classrooms. However, the majority of the students said that in a day they attend at least 1-2 classes where classroom discussions on various socio-legal problems take place. Most of the senior students claimed to have more than 2 lectures in a day where such discussions take place. It must also be noted that the students in higher classes of law are, moreover, extensively introduced to diverse new laws and acts every semester and so they have more intense discussions from various legal aspects and they are also able to understand the law from all the multiple legal perspectives. While going in-depth, we can also take the liberty in saying that the majority of the students claimed taking part in classroom discussions, making them vulnerable to the teacher's thoughts, beliefs and ideas.

Conclusion: From this, we can firmly establish that at least 90% of the students in this survey attend at least one lecture in which a classroom discussion on a socio-legal topic takes place and hence, the ambit of students getting influenced is open to 90% of the classroom discussions.

2. Do you hold any personal opinions regarding socio-legal issues?



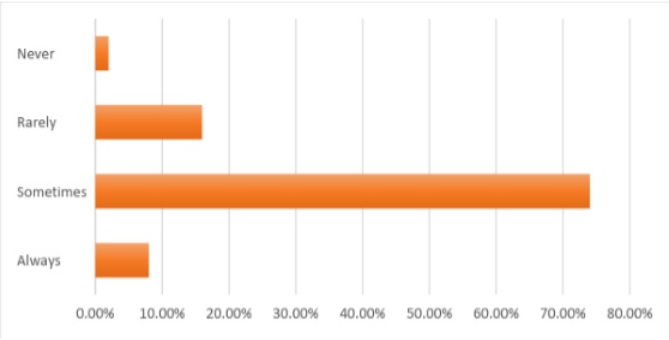
The objective of the question: To know if students held any personal opinions regarding the socio-legal topic in the discussions that took place in their classrooms. The basic aim of this question is to establish that the students are independent individuals who are open to forming own individual opinions.

Responses received: In our survey, it is stated that 89% of the students held personal opinions regarding socio-legal topics. Whereas, only 11%, which is 12 law students, said they do not hold any opinion on such topics.

Analysis: This question could seem pretty asinine, however, we wanted to cover all the grounds to derive a valid conclusion. Thus, this question shows that some aspects in life are excessively crucial and people tend to form an opinion on most matters, especially in our Indian context based on the cultural, religious and social aspects. It is also due to personal opinions and different perspectives that human interaction takes place which is why sometimes people inevitably hold personal opinions about certain aspects in their life. Since these socio-legal topics are so broad and common, it is almost inevitable for a human being to not form an opinion on even one of these situations. At least one of these topics concerns us personally or to someone close to us. This pricks us somewhere and constant nagging makes us, consciously or unconsciously, form a vital opinion. From the survey, it can also be derived that students, especially in their late teens, are entering into the realm of world politics and their views and opinions are significant as they are the future of a country.

Conclusion: From this, we can establish that for some students it is inevitable to form opinions on topics of concern and interest, and as seen in the data procured in the end, majority of them seemed to hold some sort of personal opinions on at least one of the topics included in our definition of socio-legal topics.

3. Do you think that others influence your opinion while you are engaged in a classroom discussion?



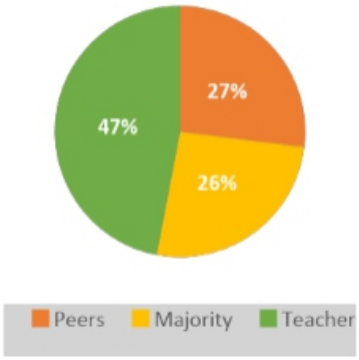
The objective of the question: To figure out how often someone else's opinion influences an individual student while engaging in a classroom discussion. This question helps us figure out how many students think that they can get influenced and how often.

Responses received: The responses stated that only 2% of the sample set said that they never got influenced by other's opinions. Whereas, 16% of the students said that they only rarely got influenced by the opinion of others during a classroom discussion. Whereas, the majority of the respondents comprising 74% of the students said that sometimes they get influenced by somebody else's opinion while being a part of a classroom discussion. Lastly, 8% of the respondents stated that they always got influenced by others' opinion, whether a teacher or their peers, while discussing socio-legal topics.

Analysis: From this question of the survey, we concluded that very less number of students, which is only 2 out of 100 students, never get influenced. The 16% of students who selected rarely as their option shows that at least once in a while even they do get influenced by others' opinion in a classroom discussion. Usually, when they realise a strong point is made with correct facts, it does influence their personal opinion some way or the other. Whereas the majority of the responses, which is 74% of students, said that sometimes they got influenced during a classroom discussion, sometimes means more frequently than rarely. Those who chose this answer realise that in some way or another they do get influenced whether directly or indirectly. But being a part of a classroom discussion and talking about such sensitive topics does create an impact on the minds of these young students which could create a lasting effect in their minds. The students who have said that they always get influenced are mainly the younger students who are still not very experienced. From this, we can say that most of the students are open to getting freely. Most of these students are in their late teens and early twenties, thus, they are still used to listening to some form of authority. That is also one of the reasons why only 2 students said that they never get influenced which is a significantly low number, showing that the other students in some manner or the other are used to listening to some authoritative power.

Conclusion: From this, we can establish that with the exception of 2 out of the 100 students, almost all the students agree that in some way, whether it's rarely, sometimes, or always but they do get influenced by someone else's perspective, especially if it makes sense and is correct. The intensity of influence cannot be established because it varies, however it can be concluded that the influence does exist to a certain degree.

4. In a classroom, whose opinion do you think could influence you the most?



The objective of the question: To know whose opinion influences a student the most in a classroom. With this question, the main aim of the authors was to clearly express which group of individuals- if teachers, peers or the majority view in a classroom influenced the students the most.

Responses received: The responses received show that 27% of the students are influenced by the opinion of their peers. With a close margin, 26% of the respondents are impacted by the opinion of the majority of the class irrespective of who they are. But the majority, which is 47% of the students, say that they are influenced by a teacher's opinion.

Analysis: The students who get influenced by their peers consist of 27% of the total and seem to have a direct influence. In today's fast-paced world, peer pressure is always developing around an individual. Peer pressure is a popular trend and teenagers constantly keep falling prey to it. The peers play an important role in a student's life as sometimes they admire them to a large extent, as seen in the survey which is the reason why irrespective of the activity some students tend to get influenced.

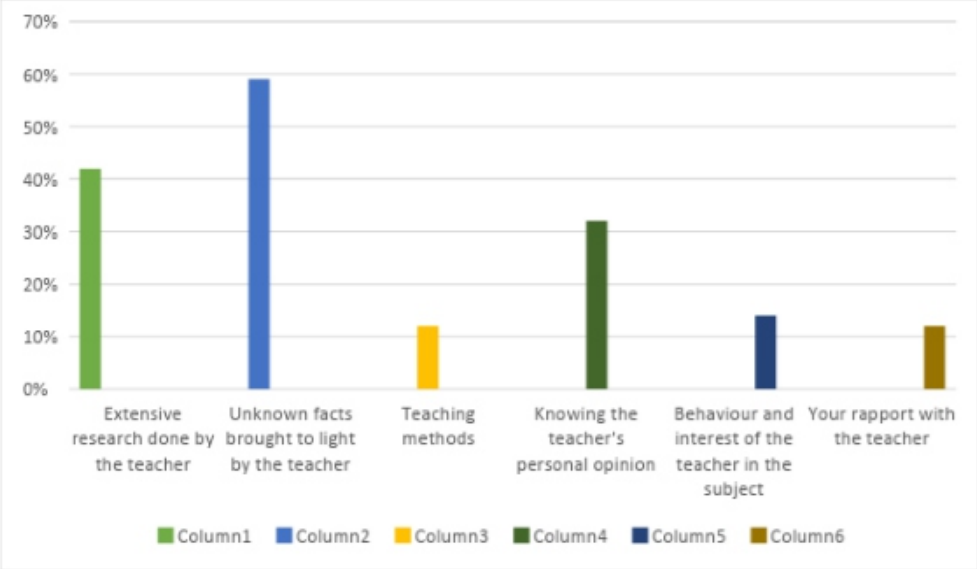
26% of the students are influenced by the view of the majority. In some cases, when a student does not have much knowledge about the topic being discussed, they tend to get influenced by the majority view of the classroom thinking that since most people in the discussion have this view it should be the correct opinion.

Yet the majority responses in the survey expressed the view that a teacher's opinion influences a student the most in a classroom discussion. This is because teachers are considered role models for students. The effect a virtuous teacher in a student's life has is of colossal importance. Thus, the knowledge they impart in a classroom or the views they express during a classroom discussion can easily influence a student. With regards to socio-legal discussions, in which most of the topics consist of sensitive issues, it is vital for a teacher to cover the crucial facts and principles and not express their personal views and opinions as

much as possible. It could negatively impact a student and it could leave a mark on the minds of students for a long time. The concept of sharing personal views regarding elections, recent judgments and many such matters should be given a thorough review before taking them up in class. Teachers should also try to be as unbiased and neutral as much as possible and should encourage the students to decide on their own terms about the justness of a situation.

Conclusion: From this, we can establish that in a classroom teachers have the maximum potential to sway the decisions of the students specifically pertaining to general class discussions on the socio-legal subject and must make sure that there is no influence or bias in their decisions regarding some of the most delicate and important topics.

5. Do you believe that your opinions can be influenced by your teacher based on the following?



The objective of the question: To find the means through which students are influenced the most by the teacher. This was a multiple-choice question and we had included some of the options through which we could categorize in a way to determine whether students get influenced by the facts of a topic which are introduced in a certain way by the teacher or by the personal opinion and rapport with a teacher.

Responses received: The responses of the survey show that 42% of the respondents expressed that the extensive research done by the teacher might be a reason for their opinions to get influenced. Secondly, the option of unknown facts brought to light by the teacher was selected by 59% of the responders. Thirdly, it was noticed that the teaching methods used by a teacher also made a difference to 26% of the students. Almost 32% of the students chose the option of knowing the teacher's direct personal opinion which is quite a big number whereas the behaviour and interest of the teacher was another option chosen

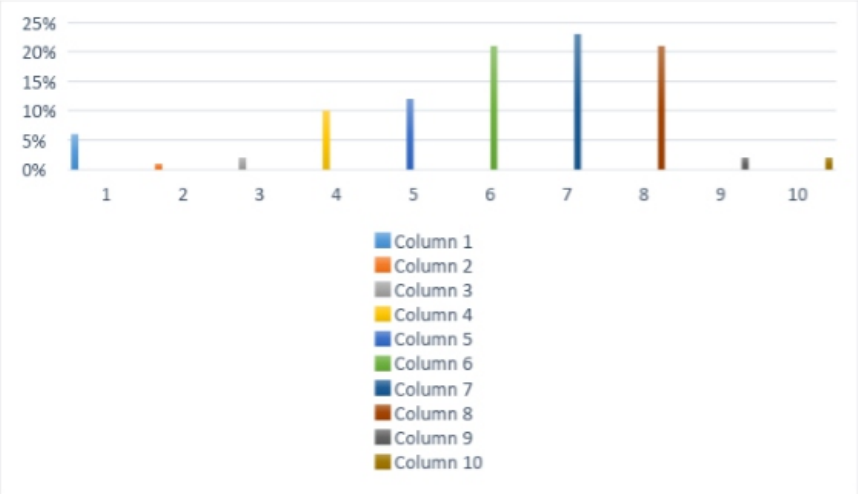
by 14% of the students. Lastly, an individual student's rapport with the teacher also does make a difference to 12% of the sample set.

Analysis: The first 3 cby 14% of the students. Lastly, an individual student's rapport with the teacher also does make a difference to 12% of the sample set.olumns are mainly based on facts and principles introduced by the teacher. In these options, the personal opinion or bias of the teacher does not come in the picture. Extensive research allows the teacher to share more information and thus, tend to influence the students excessively. An unknown fact brought to light by the teacher is the most chosen option since a student might be or might not be aware of a socio-legal issue. Therefore, new facts introduced by the teacher, tend to influence the majority of the students. Having lesser prior knowledge on the subject also tends to make a person adapt to someone else's words rapidly. The teaching methods introduced by a teacher also play a considerable role in influencing a student. With the flickering attention span of students, the teachers must use modern, effective and quick teaching methods to help students grasp concepts better.

The last 3 columns shown in the pie reflect upon the personal opinions and bias of a teacher. A teacher's personal opinion could leave an imprint in the minds of the young students as discussed above. The opinion has a long-lasting effect on the young students' minds which, if biased or wrong, could cause further problems. The behaviour and interest in a subject shown by the teacher could indirectly affect the interest of the student as well. If the teachers themselves do not show interest in some topics, then it could directly impact the students. Sometimes, your relationship with the teacher is such that you look up to them, or they are your role models, a student can easily be influenced by what they say. Many times, a person being a role model forgets to realise how much impact their words have on the students and how their biases affect them. Thus, teachers need to be extremely careful as to what they say and how they portray themselves. Their personal opinions could be easily misinterpreted and be used in a completely different aspect.

Conclusion: From this, we can establish the different ways a student can get influenced by a teacher. There are various aspects in a student – teacher relationship that influences a student, or it could be an individual topic or even a combination of the various factors.

6. On a scale of 1-10, how influenced do you get by your teacher during a classroom discussion on socio-legal issues? (1- being the least and 10- being the most)



The objective of the question: To know on a scale of 1 – 10 how influenced would a student get by their teacher during a classroom discussion on socio-legal issues. We wanted the students to rate in numbers to get a crisp idea of how much they are to getting influenced by their teachers.

Responses received: On the scale, 1 being the least influenced, 6% of the students were of that opinion. 1% and 2% of the students selected 2 and 3 on the scale. 10% of the students chose scale 4. 12% students found themselves on the scale of 5 – also considered to be the average marker. Level 6 on the scale was opted by 21% of the responders and level 7 was chosen by most number of students - 23%. Level 8 on the scale was selected by 21% of the students. Only 2% of the responders opted for 9 and 10 on the scale.

Analysis: On the scale, 1- 4 is considered to be students who are least influenced or most difficult to get influenced by a teacher. 5 is considered to be neutral level . It could probably change based on the matter at hand. Whereas from 6 to 10 is considered as highly influenced or students who think that they can get easily influenced. The total number of students who chose these numbers in the survey adds up to 69 students out of 100 which is clearly more than half of the sample set of this survey. More than half of our sample set admits that a teacher influences them more than average on a scale; this shows how important the role of a law teacher is in shaping the minds of these young students. It also shows how important it is for a teacher to be attentive while giving their discourses. Human minds have a tendency to retain certain details important to them even without the context. This seems to make things difficult for teachers. Therefore, it is essential for a teacher to be extremely wise with his/her words in a classroom.

Conclusion: From this, we can establish that the majority of the students of this survey were of the opinion that a teacher influences them during classroom discussions on socio-legal issues.

CONCLUSION

It is inevitable for humans to form opinions on matters concerning them and it is every citizen's legal right to convey their thoughts and opinions freely under article 19 (a) of the Indian Constitution. Similarly, a teacher also has a legal right to forming and upholding personal opinions on socio-legal matters and must not be forbidden to express his/her views. But, at the same time, a teacher also has a moral obligation to not enforce and impose his/her views on the students. There could be certain instances when it is necessary for a teacher to express his/her opinion in a class as doing so could prove to be essential to explain a given concept. It is sometimes easier for students to grasp knowledge through personal views of others life experiences. Therefore, keeping all the validations in mind, a teacher could be opinionated in class but the teacher needs to make sure that under no circumstances should his/her views influence the students' opinion.

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THE CURRENT INDIAN LAW SCHOOLING: EN ROUTE TO A WORLD-CLASS ONE

KRUPA SAVAJIYANI ; VARAD DIXIT[1]

The Stakeholders and their stake in Legal Education

Before we begin our discussion on the drawbacks of the existing model of the legal curriculum Indian law colleges follow today, it is important to mention the concerned authorities, for whom, for the purpose of addressing, we shall use the title of 'stakeholders'. There are many stakeholders controlling this domain such as the Bar Council of India (BCI), the University Grants Commission (UGC), the State Bar Councils in every state, the universities, and the colleges of law. The BCI and UGC are perceived to be the largest stakeholders at the centre in legal education. Any suggestions and proposals as regard to the subjects, curriculum and examination in law concerns BCI and UGC the most.

The BCI, established under the Advocates Act[2] and primarily concerned over the standards of legal profession by regulating the practice of legal practitioners, has been held to also be concerned with the equipment of those who seek entry into that profession and hence, the legal education in India by the Supreme Court (SC) in *BCI v. Board of Management, Dayanand College of Law*[3]. Whereas, the UGC[4] is concerned with affiliation, accreditation and regulation of all universities of India. As any college of law is affiliated to a university recognized by UGC, all matters of the curriculum are pertinent to UGC. Observing that UGC was established pursuant to Entry 66 of Union List[5] while every university is established pursuant to Entry 25 of Concurrent List in the Seventh Schedule of the Constitution, it clearly demonstrates the conjoint responsibility which BCI and UGC share towards the regulation of the standards of legal education. There is a consultative relationship between BCI and UGC which forms the backbone of regulation of legal education standards in India.

In 2008, SC in *BCI v. Bonnie FOI Law College & Ors*[6]. SC addressed an issue of contemporary

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[2] *Section 4, Advocates Act, 1961*

[3] *(2007) 2 SCC 202*

[4] *Established under Section 4, University Grants Commission Act, 1956*

[5] *As identified by SC in Prem Chand Jain v. R.K. Chabbra, (1984) 2 SCC 302*

[6] *S.L.P. (C) No. 22337 of 2008, decided on 29 June, 2009*

importance: the inspection, recognition and accreditation of law colleges by the Bar Council of India, noted with concern, the diminishing standards of professional legal education provided at various law colleges across the country, and constituted a committee for the same. The committee, undertaking a holistic review of existing literature on the reforms of professional legal education that includes the 184th Report of Law Commission of India[7] and National Knowledge Commission[8] and suggestions from various legal luminaries, gave a Final Report[9] in 2009. In the same timeline, several important resolutions were passed: mandating the establishment of legal aid clinics in every law college, passing the BCI Education Rules, 2008, forming a Curriculum Development Committee.

In the light of above all, the researchers submit that despite the role of various aforementioned stakeholders, the status quo of legal education today is yet not prepared to withstand increasing challenges of globalization. One of the critical elements of legal education, which researchers believe to have the most reform-driving leverage, is the curriculum.

Present- day Curriculum

When a student joins a college of law for becoming a lawyer, s/he has a wide range of activities in front of him/her to do, depending on the opportunities given by the college. Some of the activities in a law college include moot competitions[10], debate competitions, arbitration and client counselling competitions and Model United Nation, along with attending lectures, submitting college projects and writing exams. Here, how the law student prioritizes his/her activities are mostly dependent on the curriculum set up by the college/university. It is the curriculum that segregates activities like attending lectures, writing exams as 'curricular', moots and legal research publications as 'co-curricular' and the rest as 'extra-curricular'. Though this type of segregation exists in all other disciplines too, it is of paramount importance to law students as compared to other disciplines because legal education is classified to be 'value education'[11] and the legal profession requires soft skills much as it requires knowledge. It is the legal curriculum that prescribes minimum requirements that every law student ought to have for becoming a lawyer. It is always encouraged to a law student to do all activities, s/he

[7] *Law Commission of India, 184th Report on "The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956" (Dec, 2002) available at http://lawcommissionofindia.nic.in/reports/184threport-parti.pdf*

[8] *National Knowledge Commission, "Report to the Nation 2007" available at http://www.dauniv.ac.in/downloads/NKC_Report07.pdf (NKC was constituted on 13th June 2005 as a high-level advisory body to then then Prime Minister of India, for education, research and capability building).*

[9] *Final Report of 3-member committee on Reform of Legal Education, in BCI v. Bonnie FOI Law College & Ors. S.L.P. 22337 (2008) available at http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf*

[10] *simulation of real-life law courts*

[11] *Bar Council of India, "Report of Curriculum Development Committee, 2010", Vol I (Feb, 2010)*

may be interested in, but not by compromising the ones pertinent to the prescribed curriculum.

It is the researchers' submission that the focus of reformation in legal education should be primarily on the legal curriculum. A reliable curriculum reflects the vision of legal education and demands of the legal profession that is in consonance with the learning needs of students, adequate infrastructure, competent faculty and other social needs[12]. Hence, only after creating a strong curriculum, can one voice for changes in other aspects – faculty or infrastructure. A curriculum encapsulates theoretical as well as practical aspects.

In India, there exists a problem in terms of the curricula formulated by the BCI which has not been implemented properly at the level of universities. BCI has listed about 20 compulsory papers, 4 clinical papers and a hoard of optional papers, but the formulation of the syllabus is left to the universities[13]. As a consequence, different universities in various parts of India have their own varied syllabi even when the law that is being practised in the country is the same. It has been argued that students graduating from top law schools are able to cope up with the legal system and provide good-quality legal service. But the ones who are graduating from a local university, which hasn't framed its curriculum rigorously, fail to provide proper legal services, thereby degrading the overall standard of lawyers in India[14]. Even if the curriculum is rigorous and interactive, the exams are not up to the mark, thereby leaving a loophole for students to exploit; students do not study throughout the semester and take recourse to guides toward the end of the semester to clear the exam, contributing to the lopsided understanding of the law. The exam should ideally be designed to test both basic and advanced concepts in a balanced proportion. But the exams today are made quite basic and straightforward having repetitive questions which eventually stagnate the standard of students' comprehension[15].

Moreover, above all the internal problems existing in the universities, there lies a greater problem-globalization which proclaims a particular set of models, running prominently in developed countries.

It influences the stakeholders of legal education in several ways. For instance, it has necessitated the incorporation of foreign law subjects into the syllabus. The law curriculum is increasingly being

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[12] *Yashu Chandak and Shreya Maheshwari, "Is Law School a good investment" Legal Service India (2015) available at http://www.legalservicesindia.com/article/1976/Legal-education-system-in-India.html*

[13] *BCI, Rules of Legal Education, 2008: Schedule II, Section 6, Part II (A) and (B).*

[14] *Dhruv Dikshit, "What changes need to be made to the sphere of legal education in India" blog.pleaders.in (Aug, 2015) available at https://blog.ipleaders.in/changes-in-legal-education-in-india/*

[15] *Id.*

focused on urban and corporate law practice. Renewing and updating of the curriculum is the essential ingredient of any vibrant university academic system. The teaching of the law must be interwoven with related contemporary issues including international and comparative law perspectives. The curricula and syllabi must be based on a multidisciplinary body of social science and scientific knowledge. Curriculum development should include expanding the domain of optional courses, providing a deeper understanding of professional ethics, modernizing clinic courses, mainstreaming legal aid programmes and developing innovative pedagogic methods[16].

However, redesigning the curriculum is an essential step to transform Indian legal education to a world-class one; it is also the most difficult. A change in the curriculum is bound to affect thousands of law students of a university. Therefore, it requires great planning and implementation without drastically affecting the lecturing and exam patterns. The wholesale redesign of the curriculum will require additional study, the commitment of financial and intellectual resources, and consensus-building among faculty members with diverse perspectives and incentives[17]. Otherwise, the university would face opposition. For instance, recently, the University of Mumbai passed a circular to shift from 100-mark written exam to the Choice Based Credit System (CBCS) which is a universally recognized system in foreign universities. The sudden introduction of CBCS without adequate preparations prompted the legal circles to move the High Court of Bombay which staying the order, held that although the initiative by the University is to be lauded, such a change cannot come all of a sudden, adversely affecting the academic career of law students[18].

THE WAY AHEAD: RESTRUCTURING THE LEGAL CURRICULUM *VIS-À-VIS* GLOBALIZATION

Globalization means a strategically developed world where boundaries of countries do not matter for the movement of commodities, services, capital, finances, technology and information. This strategy has converted the entire world into a global village[19]. This growth in globalization and free economy has given rise to new problems[20]. Globalization is all-pervading and inevitable. But it is observed that

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[16] *Veerappa Moily, "Law minister's Vision Statement for second generation reforms in legal education" (May, 2010) available at http://www.barcouncilofindia.org/law-ministers-vision-statement-for-second-generation-reforms-in-legal-education/ (while giving his speech on the second day at the Conference of National Consultation for Second Generation Reforms in Legal Education)*

[17] *R. Michael Cassidy, Beyond Practical Skills: Nine Steps for Improving Legal Education Now (2012), BOSTON COLLEGE LAW REVIEW 53, no.4, 1517.*

[18] *Dipak Kumar Chattopadhyay v. State of Maharashtra and ors. PIL 35 of 2018 (IPA No. 134) along with Parthsarthi Saraf v. BCI and ors. WP(C) 11791 of 2018 and Rohan Manohar and anr. v. The University of Mumbai and ors. WP (L) 3588 of 2018*

[19] *Dr. Jay Prakash Yadav, Legal Education in the Era of Information and Communication Technology: An Analysis (2016), JAMIA LAW JOURNAL, 11.*

[20] *Id. 12-13.*

globalization didn't affect the legal fraternity as quickly as other professions, perhaps, due to the rigidity in the structure of the legal profession, the strict use of vernacular languages in all courts below High Court, and the proscription of foreigners to practise law[21] or set up law firms in India[22]. In spite of it, globalisation has the potential to change legal education today.

Exposure to International Law

The law graduates, increasingly, will be practising in a global environment. The social, political, economic, and legal consequences of globalization must be better understood and addressed in legal education. Greater exposure to foreign laws will not only prepare our graduates to practice in a global environment, but it will also equip them with a deeper understanding of the choices made by our own legal system. Lawyers need a more panoramic view of the law to argue from analogy for an extension or novel application of domestic law[23]. There is spirited debate and experimentation in the legal education community on how to coherently infuse perspectives and skills into the law school curriculum and pedagogy to equip students for law practice in our increasingly interdependent world[24]. Law schools across the world are sharing their approaches to legal education in light of the swift change in law practice resulting from the current wave of globalization[25].

Importance of Language Learning in Law

One of the main challenges before the stakeholders of law education is the peculiar relationship between law and language. Every lawyer must have supreme mastery over the language. He must be able to read between the lines, to interpret every word and understand the semantics of every statement. But in the context of globalization, the question might arise "Which language?". In India, it is only the Supreme Court and High Courts which mandatorily use English in their entire administration. Whereas in district and sessions courts, the vernacular language of the region is preferred. Lawyers can get what they want from their clients easier if they know the language spoken by their clients. But, the modern trend is towards making English either the only medium of instruction or as compulsory subjects in the legal curriculum. As a matter of fact, two papers on General English and Legal Writing are kept as subjects in the curriculum and are compulsorily administered under the new scheme framed[26]. While it is argued that the quality of education suffers significantly if the medium of instruction is in regional language as

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[21] *Subject to provisions of Advocates Act, 1961.*
[22] *BCI v. A.K. Balaji and Ors. SC Civil Appeal No. 7875-7879 of 2015*
[23] *R. Michael Cassidy, Id. 1522.*
[24] *J. Schukoske, Legal Education Reform in India: Dialogue Among Indian Law Teachers (2009), JINDAL GLOBAL LAW REVIEW, Vol. 1, No. 1, 253.*
[25] *Id.*
[26] *A.K. Avasthi, Role of the Bar Council of India: Judicial Interventions and Suggestions (2002), 29(3) INDIAN BAR REVIEW 9, 23.*

it precludes colleges from having good visiting faculty or guest lecturers; research says that the language of the law and of legal education cannot for long be different from the language of the people[27]. For instance, when a circular was issued by a Senior Division Civil Judge of a district in Maharashtra to mandate all pleadings to be only filed in Marathi, the Bombay High Court set it aside, holding that it was patently illegal and English is also the language of the court[28].

Strict Incorporation of Clinical Legal Education (CLE)

The term 'Clinical Legal Education (C.L.E.)' or law clinic refers to a non-profit law practice at law schools giving legal advice to the underprivileged people in the society. It involves combining practical legal education and Legal aid [29]The C.L.E. programs utilize a wide variety of student-centred activities in their teaching methods. These methods include, but are not restricted to, role plays, simulations, mock trials, games, debates, small group discussions, opinion polls, field trips, street theatre, expert group interaction and so on. Lawyers work in tandem with other lawyers, social workers, accountants, and expert witnesses, such as doctors, scientists, and engineers. It is especially important for law students to learn how to collaborate with non-lawyers. Client problems are rarely purely "legal" in nature[30]. This client-based learning can be inculcated in law students via C.L.E.

The greatest problem in C.L.E. is that while law students are still studying at law schools, they cannot represent clients in courts by themselves. This implies that in the majority of legal clinics, law students take up legal research work or legal awareness work as opposed to actually arguing matters in a court. Secondly, in 1997[31] BCI mandated all law schools to have compulsory courses on clinical legal education. However, it is not mandatory that these courses have a practical component to them, thus, permitting universities to evaluate law students behind closed doors – against the spirit of C.L.E. Several law schools in India have been neglecting the C.L.E. methodology at the beginning of the law course.

However, it cannot be expected that every legal aid clinic in India should function uniformly. Depending on the resources available to a law college and the legal needs in the vicinity of the college, the functioning, work and scope of legal aid clinics would differ. Hence, although it is necessary to prescribe

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[27] *Julius G. Getman, The Development of Indian Legal Education: The Impact of the Language Problem (1969) Articles by Maurer Faculty.*
[28] *Mrs. Neelam Abhijeet Kadam & Anr. v. State of Maharashtra, BOHC W.P. (C) 4102 of 2017.*
[29] *Emil Winkler, Clinical Legal Education: A report on the concept of law clinics, 2019.*
[30] *Alexis Anderson, Lynn Barenberg & Paul R. Tremblay, Professional Ethics in Interdisciplinary Collaboratives: Zeal, Paternalism and Mandated Reporting, (2007) 13 CLINICAL L. REV. 659, 662*
[31] *Bar Council of India, Circular 7 of 1997.n*

an exhaustive list of models by the concerned stakeholder in order to supervise and ensure that no college gives away marks/credits fraudulently in the name of C.L.E., the college, the university and the law colleges should be given freedom of choice in deciding the model of legal aid clinic.

CONCLUSION

It is to be noted that the legal curriculum plays an important role in defining legal education of the country. The following points have been suggested in order to make improvements in our current legal education in order to make it into a world class-one:

- In the field of legal education, there is a requirement of a strong curriculum - both in terms of theoretical aspects and practical aspects - to be taken into consideration including legal aid clinics, internships.
- The exams should be conducted in such a manner where students read beyond the set answers and apply the knowledge to the practical situation also.
- There has to be an exposure to foreign laws which will prepare the graduates to practice in a global environment and equip them with deeper understanding regarding the choices that have been made by our legal system.
- All law schools are required to have compulsory courses on clinical legal education which has been mandated by the BCI.
- More and more encouragement is required to be given to students in the legal field to participate in the co-curricular activities at the national and international level.
- Soft skills sessions are required to be conducted in colleges and universities, once or twice a week, in order to develop the overall personality of the students.
- There is a requirement to encourage and arrange some sessions for group presentations or conducting group activities, role plays or discussions in order to impart and share knowledge on various topics and provide an insight about current legal issues in the world.

Hence, when the legal curriculum is designed or if changes are to be brought about in the curriculum of legal education, careful and systematic planning is required to be done while taking into consideration various factors: financial, social and political. As there are thousands of students pursuing their career in the legal field any change which has to be brought has to be decided in such a manner that it does not affect the careers of the students. The pattern of the curriculum which has been suggested by putting forth in this research paper is presented after a thorough study done from various aspects and factors for determining the legal education of the country. A legal curriculum when designed has to take into consideration social, economic, political factors not of a particular territory but of the whole country; where there is growth and development, there is qualitative learning and students can equally face the

challenges posed in the globally competitive world. If the suggestions put forth in this paper are incorporated in the design of legal education, the current Indian law schooling will go on the way to a world-class one. Here, the researchers conclude by quoting Neil Gold: *"The legal educator of today often lacks the depth and breadth of understanding necessary for this transformed curriculum and scholarship. Many will find the prospects of 'retooling' daunting indeed. While not all will need to change markedly, some will be called upon to move boldly in new directions."*

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LEGAL RESEARCH: OPPORTUNITIES AND CHALLENGES

DR. R. PERUMAL[1]

INTRODUCTION

Legal research combines science and social science. The legal research has seen a transformation from jurisprudence to jurimetrics(Frank). Here the legal research is problem oriented research i.e. to solve the problem in front of the society, it is also called as action research. The concept of law can be viewed as chess pieces which can be maneuvered to produce certain desired results (H.L.A. Hart). Here the interpretative research helps to find out the fact of the case, where the researcher has to analyze number of judgements to find out the facts for current social issues.

The life of law has not been logic; it has been experience

- Sir Oliver Holmes

The law cannot be static. The experience of the people helps to develop new law according to the situation. The legal research is collaborative, integrative, synthetic and pragmatic. Legal research deals with inquiry which relates to law alone, or law in relation to society[2] .

Definition: 1. The finding and assembling of authorities that bear on a question of law.

2. The field of study concerned with the effective marshaling of authorities that bear on a question of law[3].

IMPORTANCE OF LEGAL RESEARCH

1. The legal research helps to find out the laws which are outdated or not relevant to the current scenario and based on this the legislator enact the acts according to current situation.
2. It helps the legal expert to inform the deficiency of law to control the social evils.
3. The historical research helps to analyze the past and it finds what was in the past and what should be in the present situation and visualizing situations in future.
4. The Socio-legal research helps analyze the social problems.

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[1] *Librarian, J.C. College of Law, Vile Parle(w)*

[2] *Jain, S. (1972). LEGAL RESEARCH AND METHODOLOGY. Journal of the Indian Law Institute, 14(4), 487-500. Retrieved January 7, 2020, from www.jstor.org/stable/43950155*

[3] *Black's Law Ditionary, 7th Edition, 1999*

Types of Legal Research: The types of legal research can be classified in to two types.

1. Doctrinal and Non-Doctrinal Research,
2. Socio- Legal research.

Doctrinal Research: The documentary research-generally the legal professional takes interest in this because this is based on documentary data. They can do their research using library only instead of doing field work. Here they are testing the theories and principles of law. The source of data comes from reported journals, statutes, constitution, research reports and databases. The purpose of such research is to discover, explain and analyze the laws and develop new facts, principles and theories.

Non-Doctrinal Research: The non-doctrinal research is mostly based on primary data. The non-doctrinal research is called as theoretical research. This kind of study is carried out to study the impact of social, economic, technological and scientific factors upon a legal doctrine.
Example**:** Brain mapping, DNA Testing, Legal Impact of polygraph.

Mono-disciplinary Research: In this research the researcher analyzes the different legal concepts and relevant statutory provisions of law in order to formulate new principles based on the deductive and inductive logic. This result will be helpful to the judges for deciding cases. Such researcher studies only law, particularly branch of law like private law, civil or criminal law, substantive and procedural law.

Multidisciplinary - Research: In this, the researchers study the social problems based on the legal principles. research based on involvement of some other allied discipline along with knowledge of law is generally known as interdisciplinary research. The multi-disciplinary research involves a study of common problem connected the current issues.

Basic Research: The researcher analyzes the principles or theory of law. The basic research is not going to solve the immediate problem. It helps to develop new theory or principles of law. It primarily works to supplement for existing law. This helps the legislator to enact new laws.

Applied Research: Here the researcher analyzes the existing problem and adds existing legal knowledge for solving it. It is also called as action research. For example, the advancement in science and technology leads to cybercrime. In such situation the research is carried out to find a solution to

[4] *York, K. (1962). THE LAW SCHOOL CURRICULUM TWENTY YEARS HENCE. Journal of Legal Education, 15(2), 160-188. Retrieved January 7, 2020, from www.jstor.org/stable/42891495*

control the crime, for which new Acts like cyber laws, IT Act , Data security Acts etc. need to be amended.

Comparative Research: Comparative research is helpful to study the existing acts of different countries and find the relevance to our country. In this research the researcher's findings are helpful to enact the new acts based on his/her research findings. The comparative law helps to accept or modify the laws which are existing in other countries.

Quantitative and qualitative Research: The quantitative research is difficult to apply in the legal research because it is not possible to quantify the data. The study is based on human nature, so qualitative research is possible to carry out in the legal research. In the legal qualitative research more than one method is required to study the problem. For example in juvenile delinquency there is need to study from different prespectices; social background, economical condition, family background.

CHALLENGES

The researchers are unable to carry out non-doctrinal research because they are not equipped with data collection. Secondly it is difficult to collect data in the field survey in the form of survey method, observation method and interview method as at times even after repeated visits, the person to be interviewed may not be available or inclined to give answers for the questions posed to them. Thirdly there is little financial, technical and Institutional support for their research. These are the hurdles for the socio-legal research.

CONCLUSION

Legal research helps to resolve social problems. It helps in bringing necessary amendments to existing laws. It also helps in dealing with crimes arising out of technological advancements. Hence, socio-legal research is necessary for the eradication of social evils.

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LEGAL EDUCATION IN INDIA: GENESIS AND EVOLUTION

PREM PIYUSH PANDEY ; NITISH KUMAR MISHRA[1]

INTRODUCTION

By education, I mean the all-round drawing of the best in the child and the man in body, mind and spirit

-Mahatma Gandhi

The study of laws, on conditions they are good laws, is unrivalled.[2] Law governs the world and its people and is the only ultimate instrument of change. It has the potential to reform society and guarantees justice to each and every individual. Principally, it is the basic element and facilitator of justice as the primary function of law is to maintain peace and order in society while protecting individual rights and freedom. It serves as an important instrument for achieving socio-economic development in society.

Law, legal education and development have become interrelated concepts in modern developing societies which are struggling to develop into social welfare states and are seeking to ameliorate the socio-economic conditions of the people by peaceful means. The same rule is true for India. It is the crucial function of legal education to produce lawyers with a social vision in a developing country like India. However, the legal education, is not confined to production of practicing lawyers alone. Today, its scope and ambit have widened and its impact is felt in every sphere of human life. The law being a tool for social engineering, legal education can be regarded as an instrument for social design.

For any society, ripening of civilization is attributed through the social consciousness of the significance of law. The history of our own Independence movement, if impartially written, will devote more pages to lawyers than to the votaries of any other vocation. It is a well-accepted proposition that the profession of law is a noble calling and the members of the legal profession occupy a very high status[3].

Since law is the foundation of every society or a nation, legal education of the people is a sine qua non. Legal education doesn't only create law-abiding citizens, but it also produces brilliant academicians,

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[2] *Plato (C.428-347BC) The Laws observed in a dictionary of legal quotation.*

[3] *Iyer Krishna V.R, The Social justice in Contemporary India- The Dynamics of a New Jurisprudence from Chapter IV of Scenario of Legal Education in India.*

visionary judges, outstanding lawyers and awe-inspiring jurists.

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

Legal education in India generally refers to the education of lawyers before entering into practice. Legal education in India is offered by the traditional universities[4] and the specialised law universities and colleges only after the completion of an undergraduate degree or an integrated degree. Legal education is human science which furnishes beyond technique and it comprises the basic philosophies, ideologies, critiques and instrumentalities for the creation and maintenance of a just society[5].

The legal education sector in India is one of the fastest growing education sectors in India. Reforms in legal education are taking place around the globe to make it more responsive than ever before - national as well as global and learning needs of students- to become professionally competent to play a role in our increasingly interdependent world. The interest among the students in pursuing law as a career has been steadily on the rise and this can be seen from the fact that the year 2016 saw the highest number of applicants to the Common Law Admission Test {CLAT} as more than 40,000 students applied for the test[6].

HISTORY OF LEGAL EDUCATION IN INDIA

There are different views regarding the origin of the legal system in India. There was an intricate and comprehensive legal system in ancient India. The concept of legal education in India goes back to the Vedic age when it was based on the concept of Dharma. Though there was no formal education to impart knowledge of law, it could be understood that there was Karma and Dharma as basic grandeur for every living individual. Training was self-acquired in connection with Karma. The kings either used to dispense justice themselves or appoint judges and assessors to administer justice.

However, once the British rule was established in India, the system of Dharma gradually got replaced. Thus, the system prevalent in India today is yet another colonial hangover and was instituted after the establishment of British rule in India. It was only subsequent to this that efforts were started to streamline the profession. This was because then Muktars and Vakils were permitted to practice in

[4] *Sri Padmavati, Evolution of Legal Aid and literacy-tools of social justice.*
[5] *U.G.C New Delhi, Report of The curriculum development centre in law, Vol, 1990*
[6] *Prof.V.Shyam Kishore, The changing dimension of Legal education in India.*
[7] *Mrs. Ranjni Parmar, Assistant Professor, Amity Law College, Jaipur.*

Mofussil Court and they were not acquainted with the rule of law at all. Subsequently, they were replaced by pleaders who were allowed to practice at the district level by virtue of having obtained a law degree. Those enrolled were permitted to practice in any court subordinate to High Court[8]. For almost a century from 1857 to 1957 a stereotypical system of teaching with a two year course continued.

In 1857, three universities were set up in Calcutta, Madras and Bombay which took the first step towards imparting formal legal education by introducing the subject as a part of their curriculum. It is necessary to have qualified lawyers in order that the rule of law is preserved. Numerous committees were set up periodically to bring reforms in legal education. In the case of Powell v Alabama[9] Hon'ble Supreme Court stressed on the necessity of an advocate in the following words:

"Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime,he is incapable generally, if determining for himself whether the indictment is good or bad. He is unfamiliar with the rule of evidence. Left without the aid of Council he may be put to trial without a proper charge,be convicted on improper evidence, or evidence irrelevant to the issue or otherwise inadmissible. He then lacks both skills and knowledge to adequately prepare his defence, even though he may have a perfect one."

CURRENT STATUS OF LEGAL EDUCATION

After independence, the situation changed completely. In 1950, we adopted a democratic form of Government of which rule of law became the foundational doctrine. In the landmark judgement of *Keshavananda Bharati v. State of Kerala*[10], the Hon'ble Supreme Court held that rule of law is a basic foundation of our democracy. Rule of law says: "Be you ever so high, the law is above you." Education has wider implications. It stands for development.

In the words of Swami Vivekananda - "It is the manifestation of perfection already in man". Legal education makes man law-abiding and socially conscious. It helps in bringing and establishing social-economic justice. Change is the law of nature and law is the regulatory of social change. It is *Sine qua non* for the development of rule of law and a sustainable democratic order. In *Manubhai Pragaji Vashi & Ors. V. State of Maharashtra*, Hon'ble Supreme Court held that "The Legal education should be able to meet the ever growing demand of the society and should be thoroughly equipped to cater to the complexities of different situations"

[8] *A.K Avasthi, Powerlessness of the BCI to improve standards of Legal Education, Journal of Indian Law Institute*
[9] *287 U.S. 45 (1932)*
[10] *(1973) 4 SCC 225 P.333*

The Law Commission of India has taken preferable steps to widen the outreach of legal education, even to the remotest corners of our nation. All the public and private law colleges are given considerable importance and the criteria are fixed for the admission procedure. Legal education in India plays a vital role because lawyers are the backbone of the society.

Regulatory bodies of Legal Education

Legal education in India is regulated by various authorities namely: The Bar Council of India[11], State government and the University Grants Commission. The challenges which law faculty are facing in India have been time and again studied. According to Law Commission of India 14th Report (1958), 184th Report (2002) National Knowledge Commission Report in 2007, National Legal Counsel (NLKC) and observation of Supreme Court in *The Bar Council of India v. Bonnie FOI Law College.* The Law Commission of India felt that "Legal education is fundamental to the very foundation of the judicial system" and took the study of legal education Suo motto.

Legal education is influenced by the following:

1) Government policies.
2) The Bar Council of India.
3) University Grants Commission.
4) Affiliated universities.
5) Private governing body of law colleges coming under grant-in-aid.
6) National Litigation policies.
7) Development in legal profession/ curriculum development.
8) Development in legal system.
9) Developing a research culture in law schools and universities.
10) Students, methods of teaching, clinical experience and assessment of students.
11) The commitment and calibre of the faculty, and measures to attract and retain faculty.
12) The infrastructure available.
13) Technological upgradation and advancements.
14) Developments in other fields of education.
15) The changes taking place in society[12].

A critical issue in legal education in time to come is - international legal education. What is to be seen is how law schools, academician and professionals throughout the world respond to this need. Enormous

[11] *15th Chief Justice of the United States*
[12] *Prof. Mrs. Sri Vidhya Jayakumar, Challenges facing legal Education-Some Concerns*

developments are taking place in the global economy. Various initiatives are being taken from top-down, and quite literally, from bottom-up.

OPPORTUNITIES AND CHALLENGES IN LEGAL EDUCATION SYSTEM

Let us consider the present scenario of legal education in India. Two systems are operating simultaneously: A 3-year law course and a 5-year law course – The 3-year law course was introduced by the Bar Council of India in 1967. For admissions in this law course, a person must be a graduate having a bachelor's degree in any discipline. The 5-year law course was initiated by the Bar Council of India in 1982. This system has since been gradually adopted in various universities and colleges. In 1987, the National Law School was established at Bangalore by the Bar Council of India. For admissions in the 5-year law course, a person is admitted after the completion of school.

A comparative study of these two courses is necessary to appreciate the respective character and competence of the student. Legal profession depends almost entirely on the quality of content of the legal education that is obtained by the budding lawyers. There are a number of reasons why the standard of education in India has not reached the heights and prestige associated with the law schools abroad. These can be broadly classified into issue related to infrastructure, curricular activities, faculty and students.

The following are some important issues that deserve serious attention with a view of promoting global legal education in India:

Curriculum and Teaching:

A few decades ago, law schools in India could do well as long as the curriculum was focused on Indian laws and issues relating to the country's legal system.

While there was some limited study of international and comparative law, the primary focus was on the issues relating to the Indian legal system. This was necessary. There is indeed greater scope for improvement in promoting excellence in teaching and research in Indian law schools and to addressing the challenges faced by the legal system, including the need for establishing a society that respects the rule of law and meets the challenges of globalisation.

However, new and emerging law schools cannot afford to limit the focus on teaching and research on issues relating to Indian law. In fact, the appetite of students of Indian law for understanding international and global law has significantly increased over the years given their participation in international moot court competitions. The most challenging task is to strike a proper balance to ensure

that students are taught a fair mix of courses that give them knowledge and training in Indian law but at the same time prepare them for facing the challenges which allows domestic legal mechanism to interact with both national and foreign legal systems. This interaction is going to depend on the years to come and all our schools must prepare to face these challenges.

Knowledge and Faculty Research:

Hiring good and fully-qualified faculty in colleges and universities has been a challenge in law schools in India and also abroad. Opportunities offered by the private sector in India and abroad are far more attractive than those available in the public sector including teaching and academia. But it is possible to attract good lawyers to academia by promoting a range of educational reforms and institution initiatives, including better financial incentives. The issue related to the Indian legal education system is not only taught and researched in India but also in many other parts of the world. Growing number of Indian lawyers and scholars are involved in this effort. There is a need to have a global focus on hiring faculty for Indian law colleges and universities. But of course, success depends on the college's ability to provide the right kind of intellectual environment, financial and other initiatives for India or foreign scholars to teach and pursue research in India to contribute towards the growth story.

With the development of web-based research and other online research tools and database, there has been a remarkable transformation in the development of comparative and international law research. It is important for colleges and universities to provide access to legal material for jurisdiction all over the world. This needs to be updated constantly to keep up with changing dimensions of law in our society. There is also a need to promote faculty and students, with a view to aid global knowledge related to the law and legal institutions. All this needs resources. It is not possible for the government or a developing country like India to support them through public funding.

National programs and international experience:

Law colleges and universities need to consider innovation when it comes to degree programs offered by them. At present, there are two models: The 3-year law program (LL.B.) offered by many universities in India and the 5-year integrated B.A./BB.A./B.Com. (Hons) with the LL.B. program offered by National Law School in India, started in Bangalore. It will be useful to look at the experience of the United States of America and its Juris Doctor (J.D) program. Many parts of the common law world are beginning to offer J.D programmes in law schools *viz.* Australia, Canada and Hong Kong.

Collaborations and exchange programs:

The law colleges of the future ought to provide academic space for engaging in teaching and cutting

edge research on issues of global significance. The institution ought to consistently reinvent itself for facing the challenges of globalisation through the exchange programs. This has different implications for faculty, students and for the development of teaching and research programs. In this regard, it is important to note that token arrangements of collaboration may not be helpful to the institution involved. There is a need to develop a shared understanding of the nature of exchange and collaboration programmes being established for them to be effective and beneficial for all.

Infrastructure and resources in law colleges and universities:

Firstly, our law colleges need infrastructure and resources comparable to global universities - particularly when access to such universities is available to both faculty and students. If Indian law colleges have to meet the demand of changing global society, the training we impart to our law students ought to be thoroughly re-examined. Our law colleges have to seek a dramatic transformation in providing infrastructure and resources to our faculty and students. Library facilities in our law colleges need to be substantially upgraded for which huge resources have to be mobilized. Inevitably, the resources that are needed to reach international standards for providing the global infrastructure for our law schools have to be raised through library endowments and private donations.

Secondly, legal aid cells, moot court rooms and law language labs should be established in the institutions -- the essential requisites of a 5-year law course. But the establishment of the integrated 5 - year law Colleges is so expensive that a number of institutions cannot even fulfil the basic requirements of building structure and sufficient number of law faculty.

Socio-legal research perspective:

The level of research facilities available to law faculty in India is not conducive to sustain research. The lack of facilities generates confusion, conflicts and ambivalence. The role of the Indian Council of Social Science Research can be very significant. Multidisciplinary and interdisciplinary research is yet rare.

The famous Irish author, Edmund Burke, has rightly said: “you can never plan the future by the past.” This recommendation will put pressure on law colleges and the regulator to work together; to determine how to bring awareness of access to justice.

Supreme Court Judges stress on improving quality of legal education in India

Supreme Court Judge, Arun Mishra, stressed on the need to improve the quality of the legal education in India and suggested the Bar Council of India to look into it. He explained that the quality of education

should be good if the number of institutions or colleges is high – ensuring the quality too. He also highlighted the need to clear pendency in courts and provide affordable justice to people. Suggesting young lawyers to work hard and practice with dedication, he stressed on promoting Guru-Shishya tradition in the legal fraternity and said that young lawyers and newcomers should be promoted and given adequate remuneration by seniors. Newly appointed Chief Justice of the Rajasthan High Court, Navin Sinha, said that new lawyers should keep themselves updated with the developments and new judgements.

CONCLUSION

Access to knowledge plays a major role in shaping a law student. Absence of access to legal resources is a major problem faced by legal institutions of the country. In legal education system where ignorance of the law is not an excuse, access to knowledge of law remains a primary concern of legal education; it may be also said that the present dual system of legal education with all its deficiencies provides adequate opportunities and means to meet various challenges facing legal education in India. There is, however, scope for further improvement so that legal education in India may be better equipped to meet the challenges and provide fullest opportunities to our students to grow and contribute their best for the progress of the country.

The legal education reforms raised a number of questions. There is no doubt that legal education in India is going through a very exciting phase. Though India has the largest population, it has increasingly seen barriers of gender and socio-economic issues. Since a teacher is a nation-builder, only a committed and devoted teacher can produce conscientious students, honest professionals and citizens. This is what the nation in general, and the legal profession in particular, need today.

Here, it would be important to recall what Justice A. M. Ahmadi has said: “We have waited long enough to repair the cracks in the legal education system of this country and it is high time that we rise from armchairs and start the repair work in right earnest.”

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INTELLECTUAL PROPERTY RIGHTS: CREATIVITY IN THE AGE OF INTERNET

NABHALI MHATRE ; SAKSHI JOLLY[1]

INTRODUCTION

Nelson Mandela once said, "Education is the most powerful weapon which you can use to change the world." Legal education in India is considered to be a multi-disciplined and multi-purpose education, generally received by the lawyers before entering into practice. The historical significance of legal education can be traced back to ancient period, where the members of the royal family were imparted lessons on Dharma and Nyaya. Legal education in India existed in pre-independence era; however, it gained its significance only in post-independence period. With such growth legal education found a substantial position in various university curriculums. Since then, the curriculum structure has witnessed a radical change to keep up with the pace of modern times.

Today, law courses are offered for a term of three years and five years, both at the undergraduate and postgraduate level encompassing various subjects of relevance respectively.

At present, there are about 21 national law universities in India and about 1200 law colleges including public and private universities[2].

The Law Commission of India defines legal education as a science which imparts to students, knowledge of certain principles and provisions of law with a view to enable them to enter into the legal profession. Under the Advocates Act of 1961[3], the Bar Council of India is the supreme regulatory body to regulate the legal profession in India. It prescribes the minimum curriculum required to be taught in order for an institution to be eligible for the grant of a law degree. They are also responsible for carrying out a period supervision of the institutions conferring the degree and evaluate their teaching methodology and curriculum and having determined that the institution meets the required standards, recognizes the institution and the degree conferred by it[4]. On the other hand, the Parliament of India, modulates the overall functioning of law and also prescribes stringent rules to regulate the legal profession by means of various statutes.

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[2] *Jayaram Swathy, Legal Education in India, (May. 7, 13;04 PM), http://www.legalserviceindia.com/legal/article-76-legal-education-in-india.html*

[3] *The Advocates Act, 1961, No.25, Acts of Parliament, 1961 (India).*

[4] *Section 7 of the Advocates Act, 1961.*

Law is an ever-evolving organism. From litigating cases for the traditional civil and criminal system to settling disputes by modes of arbitration, mediation and conciliation, to protecting intangible assets such as intellectual property, the legal profession has witnessed a major change in offering a multitude of options to practitioners. One such offspring of law is Intellectual Property Laws.

Intellectual Property Rights or popularly known as IPR is defined as the property which belongs and is possessed by the person it is originally created by whereas Intellectual Property Law are laws that deal with such rights. The main purpose and agenda to be derived by this field of law was to protect the original creators of the work and the profits arising out of the same. IP laws surround the ideas people have and the objects they create to acquire exclusive right in different variants of intellectual property, often constrained by the rules imposed by sovereign authorities. Ordinarily the creations are classified into various types : Copyright, which protects an owner's right on their artistic/literary/dramatic work. These works include paint, performances, music etc.; Trademark, which protects a design/symbol/letters or words which represent a company or organization.[5]; Patent, which protects an inventor of an original invention.[6]; Industrial Design, which protects not the products but new designs;[7] Geographical Indication, which protects specific products or goods which correspond to a specific origin or location.[8]; Plant Varieties, which protects rights of a person who creates a new plant.[9] Additionally Trade Secrets have also found a place in the list of IP rights and protects a formula or a plan of doing business.

HISTORICAL BACKGROUND

Intellectual property rights play an important role in the development of global economy over the past two decades.[10] In 1990s, laws and regulations relating to intellectual property were strengthened by many developing and developed countries unilaterally. There exists a vast domain of intellectual propert,y such as Designs, Copyrights, Patents, Trademarks, Geographical Indications, etc. Also, newer forms of the protection are being developed due to emergence in technological and scientific advancement.

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[5] *The Trade Marks Act, 1999, No.47, Acts of Parliament,1999.*
[6] *The Patents Act, 1970, No.39, Acts of Parliament, 1970.*
[7] *The Designs Act, 2000, No.16, Acts of Parliament,2000.*
[8] *The Geographical Indications of Goods (Registration And Protection) Act, 1999, No.48, Acts of Parliament,1999.*
[9] *The Protection of Plant Varieties and Farmers' Rights Act, 2001, No.53, Acts of Parliament,2001.*
[10] *S.K.Verma, Impact of the Intellectual Property System on Economic Growth, (Mar. 17, 13;04 PM), https://www.wipo.int/export/sites/www/about-ip/en/studies/pdf/wipo_unu_07_india.pdf*

The origin of the intellectual property system can be traced to the Renaissance in northern Italy. In 1474, a Venetian Law made the first methodical attempt to protect inventions in the form of patent, which credited right to an individual for the very first time. The invention of the printing press and movable type by Johannes Gutenberg around the year 1450, helped in the origin of the first copyright system in the world. In 1623, Statute of Monopolies was enacted in England to extend protection for Technology Inventions. Patent laws in the United States were introduced in 1760. Between 1880 and 1889 patent laws of most European countries were developed. The first Indian Patent Act was enacted in the year 1856, which remained in force for more than 50 years. It was subsequently modified and called as "The Indian Patents and Designs Act, 1911". In 1970, Post-independence, a new and complete bill on patent rights was enacted, known as "The Patents Act, 1970". Similarly, specific statutes were enacted to provide protection to various types of intellectual property.

The Paris Convention for the Protection of Industrial property in 1883 and the Berne Convention for the protection of Literary and Artistic Works in 1886 shaped the creation of the intellectual property system in the international arena. One of the major objectives of providing rewards and credits to inventors, artists and professionals is to encourage further creative and inventive activity thus motivating economic growth.

At the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) treaty in 1994, the Trade-Related Intellectual Property Systems (TRIPS) Agreement with the establishment of the World Trade Organization (WTO) was negotiated. It came into effect on 1st January 1995 and till date is considered to be the most complete multilateral agreement on intellectual property. The TRIPS agreement set out the minimum standard required for protection for IPR and the time frame within which countries were required to make changes in their laws to comply with the agreement.

India is also a signatory to TRIPS Agreement along with a number of other developed, developing and underdeveloped nations[11]. Since 1995, the intellectual property regime in India has been modified by a number of legislations in order to be TRIPS compliant. In India the Copyright Act, 1957 was revised number of times, the latest is known as Copyright (Amendment) Act, 2012; Designs Act, 1911 was changed by the Designs Act, 2000; and the recent amendments made to the Patents Act, 1970 was in 2005; Trade Marks, called the Trade Mark Act, 1999. Other than this, plant varieties and geographical indications were also enacted in new legislation. These are called Geographical Indications of Goods

[11] *Ahmad, Tabrez & Godhwani, Jaya.,Current Trends of Intellectual Property Law in India, SSRN-1835622, (2011).*

(Registration and Protection) Act, 1999, and Protection of Plant Varieties and Farmers' Rights Act, 2001 respectively.

By the end of 19th century, technology driven methods of manufacture aided large-scale industrialization which in turn facilitated fast growth of cities, expansion of railway and airway networks, the investment of capital, and nationalism led many countries to establish their modern intellectual property laws. Intellectual Property Rights enjoys territorial protection and hence every state varies in terms of duration, methods of registration and remedies against infringement while the core value continue to subsist.

It has developed to a stature from where it plays an important role in development of a nation's economy. In the international arena there has been enhanced need for protection and enforcement of IPRs. It is strongly felt that under the competitive environment globally, stronger IPR protection is needed, resulting in increased incentives for innovators and helping raise returns to international transfer of technology.

THE NEED AND IMPORTANCE OF IP

God gave a wonderful thing called brain to humans and Mother Nature endowed him with the abundant physical and biological resources on the earth. As a result humans started creating and producing objects which involved creativity and innovation. Previously, it was a free market for man to create such products or objects without any restrictions being laid down on the people from copying or making a similar product. However, with the passage of time, the importance and value of these creations were recognised and by the end of the twentieth century these rights of the original owners were acknowledged and named as Intellectual Property Rights.

In today's day and age, where globalization has taken effect and assisted in the development of nations as well as the elements for flourishing market and new opportunities in the country, India is developing in such spirit where globalization creates an impact to a large extent. With this impact, employment, equity and manufacturing fields have increased and improved. In turn, globalization has automatically increased the value of Intellectual Property Rights.

In today's time, similar to bread and butter, information processing has become a daily necessity. Human mind is taken into account to be the foremost valuable plus as compared to the other variety of movable or immovable property. Gone are the times once acquisition of land or territory was thought about as associate in nursing economy's growth, this situation states that creativity and innovation are the new drivers of the planet economy. With the data primarily based and artistic economies, the information processing system may be a dynamic tool for wealth creation that provides associate in nursing incentive for enterprises and people to form and initiate. Today, the progress of a nation entirely depends on its citizen's ability to analyse, produce and develop. This progress comes with the barter of providing security associate in nursing protective their rights as a trail blazer or a creator.

Intellectual Property protection is a prime factor for economic growth and advancement in the high technology sector. They act as a catalyst to progress and results in the benefit for public at large. For a country like India, it becomes all the more significant as we have abundant collection of folklore, tradition and creations which have been adopted by the other countries as well. For example, Yoga or medicines which are Ayurvedic in nature have originated in our country but have no IP recognition. This lack of IPR awareness has resulted in a major setback to a developing country like India. Today the aggressive and targeted patenting is the need of the hour along with protecting other forms of Intellectual Property Rights.

At present, the challenge faced by lawyers and specialists is how Intellectual Property Rights affect the economic development of a country and why its growth is complex and dependant on multiple variables. Research in the field shows that, a well-knit, structured and modernised intellectual property law would increase the economic growth and foster beneficial change, thereby rising up the stakes for developmental prospects[12]. The purposes and execution behind IP is divided into two economic objectives. The first is to promote investments, creation as well as business innovation by establishing exclusive rights to utilize and sell recently developed technologies, goods and services. Not providing such rights would lead to a major level fiasco. Individuals, entrepreneurs and even companies would resist creativity and innovation when they are aware of "No protection of work". The second goal is to promote far-flung transmission of new knowledge by encouraging rights holders to place their inventions and ideas on the market. Economically, it will be efficient to provide wide access to new technologies and products, once they are developed.

[12] *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3060777/*

There is a underlying trade-off between these two objectives. An overprotective system of the government would reduce the social gains and would hardly distribute the gains. However, an excessively weak system would reduce innovation by failing to provide an adequate return on investment. Thus, an adequate balance needs to be found that is appropriate to market conditions and conducive to growth.

Intellectual property rights play a crucial role in encouraging innovation, product development, and technical change. For survival and competition purpose, developing countries must have quality management and organizational structure, which can markedly raise productivity. Such investments are indeed costly but tend to have high social returns because they are crucial for raising productivity toward global norms. In countries, like Japan, Maskus and McDaniel (1999) considered how the Japanese patent system (JPS) affected postwar Japanese technical progress, as measured by the increase in total factor productivity (TFP). It was then concluded that utility models were an important source of technical change and information diffusion in Japan. What is interesting to note is that as Japan has become a global leader in technology creation, its patent system has shifted away from encouraging diffusion and to protecting fundamental technologies.

Economic theory testifies that IP could play either a positive or negative role in fostering growth and development. The circumscribed evidence suggests that the relationship is positive but dependent on other factors that help promote benefits from intellectual property protection. In brief, protection of intellectual property could be effective towards market-based mechanisms for overcoming problems that exist in markets.

Accordingly, modern IP system is not sufficient by itself to encourage effective technology transition. Instead, countries or states must form part of a coherent and broad set of complementary policies that maximize the potential for IPR to raise dynamic competition. Such policies include creating awareness through education, practicality; strengthening human capital and skill acquisition; promoting flexibility in enterprise organization,; and effective competition regime.

THE CRITICAL ISSUE

The importance of IPR can be illustrated using an anecdote from the great Nikola Tesla's life. Nikola Tesla was a Serbian American inventor and futurist, who designed the modern alternating current (AC) electricity supply system. He had more than 300 patents to his name related to electricity across his lifetime. His invention Alternating Current (AC) is the main source of electricity in modern world, initially an idea and later developed into a product. In order to commercialize his invention, he offered

Westinghouse his patent for a royalty of $60,000(1890), however later on refused to part with it. Westinghouse begged him to reconsider on the initial payment offer but Tesla stood his ground. In coming years, Tesla failed to commercialize his invention and gradually ran into loss. The importance to safeguard your invention whereas making distinction to the globe is what IPR is all regarding[13].

IP Rights is one of the most important IP legal issues of the twenty-first century. The ever-changing business ways and models best demonstrates this idea. Understanding the importance of the various elements of the intellectual property system and using it effectively as an integral part of its business strategy plays a role crucial in the success of a company in the global marketplace. Business houses need the intellectual property system to protect their trade secrets and other useful information to remain ahead of their competitors.

To remain ahead of competitors, business entities must maintain consistent quality and market products and services to consumers either by continuously introducing new products and services or make small improvements to the quality of existing products and services. Knowledge, each original and new, is important to any or all of those processes. The intellectual property system is the primary key to successful management of such knowledge assets for business.

Every business needs a name for advertising and marketing its products or services. In choosing or creating a new trade name or trademark a business must take great care in order to avoid conflict with other existing businesses, which maybe already be using or have legal rights over, identical or deceptively similar trademarks. Most enterprise create original designs or products, or assist in retailing or publication of copyrighted work while some focus on inventing new methods or products or improve upon existing products and services. IP assets assist an enterprise in almost every aspect of its business right from product development to expanding its business abroad through licensing or franchising. In every of those things, wide time and energy ought to be spent by the companies to forestall attainable legal conflicts with the holding rights of others out of sheer ignorance of the intellectual property system. Hence, a basic understanding of intellectual property system is essential.

Intellectual property rights in developed nations have reached high standards which India is not able to implement. The number of patents filed by all analysis labs of India which incorporates fifty labs with IITs, NITs, CSIR, DRDO and ISRO is way less than, that of single American corporation Qualcomm.

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[13] *Gilbert King, The Rise and Fall of Nikola Tesla and his Tower, (Mar.17,2019, 14:40 PM), https://www.smithsonianmag.com/history/the-rise-and-fall-of-nikola-tesla-and-his-tower-11074324/*

With the Government of India endorsing the 'Make in India' initiative, coupled with India's outnumbered youth, our economy is on the rise and so are inventions and innovations. In the start-up race where the big fish eats small fish in the big chase for funding, it's the patentee rights that can save the invention and its creator. Sadly, many start-ups do not give importance to patent outsourcing. Currently in India a lot of start-up companies are not aware of the importance of IPR and we actually don't have much of a use case for the government to pursue its positive rhetoric on importance of IPR.

Intellectual Property laws are structured in a manner that permits a case-by-case subjective call for any potential infringement matter. It is essential to further IP education within the country and round the world to awaken individuals to the conception and importance of IP. Most of the people are oblivious to the necessity to shield IP. In developing countries, reverse engineering is practised on a large scale by making precise replicas of inventions. On the other hand the youth of the nation studying in various schools and colleges of universities are exploiting copyrighted material without realizing the results. It is the necessity of the hour that individuals be educated about IP laws in their country so they can appreciate the importance of such laws and can adhere to them.

COMPARISON IN IP EDUCATION

In the early 1980s, the education of IP in various law schools in Europe and UK, due to growing demands as an outcome of technological reform. Gradually, IP education spread beyond law schools into the commercial sector, as students in the field of business and economics began to realize the commercial relevance of IP. Other types of IP-related career paths opened up, and the demand for IP education picked up further.

Various bodies such as Governments, universities, the private sector and professional have shown interest in gaining knowledge about intellectual property and its wide spread use. Several governmental and non-governmental organisations like the WIPO, the U.S. Patent Office, and the European Patent Office are engaged in developing programs that allow easier access to information and education about IP. The amount of contemplation going into preparing the curriculum for IP education is steadily increasing.

In the developing world, the subject matter of IP and its education is a murky one. While the developing nations are making an effort to curb the exploitation of IP along with protecting its owners, this growth is slow paced. Many developing nations base their national agenda on core issues at the ground level and often are left with no funds to endorse IP awareness programs. While some countries have fostered programs to increase IP education, it indeed is a strange paradox, in terms of enforcement of IP laws.

Countries such as China and India see large numbers of counterfeit products including multimedia in the form of educational and entertainment material. The government has tried to stimulate educational activities among the public, but these efforts are dawdling in nature. For most developing countries, such as, Asia, Africa, and South America, the emphasis is on providing learning material for primary and secondary education, as opposed to a national agenda concerning IP law education at the higher education level. Also, the developing nations are faced with the lack of adequately trained individuals in IP law and education. Intellectual Property education is scarcely available in law schools, as a result number of graduates in this area is way less than the number required to fulfil the need for IP teachers. A wealth of IP could potentially come from these countries, because of their significant population size and levels of education.

Over the past few years, almost everything about the legal profession has changed. There are new professional opportunities for law graduates who are ready to contribute to the expertise to address complex social and economic challenges. Undoubtedly, it is an exciting time for law aspirants, as there are many new oppurtunities for professional leadership and creativity through increased diversity and global knowledge.[14] However to achieve this goal, every law school in India should follow the path of law schools like National Law Universities which have Intellectual Property Rights as one of the core and compulsory subjects in the fourth year. Pondering over development not only National Law Schools but also State universities like University of Delhi and Bhartiya Vidya Peeth College in Pune, have changed their curriculum to accommodate IPR as a compulsory subject in the final year of the law school.

While these transformations in the legal profession are breaking through the often resistant-to-change world of law education, the need of the hour is a change in the process of educating young lawyers as per the trendy demands of the legal sector. In order to prepare our young law graduates to compete with the global workforce, law education in the country needs to move away from its Socratic roots toward a more practical and experiential method which has now been realised by the Private Universities to change the curriculum with the need of time and implement a better module for law students.

CONCLUSION

Students, academicians and professionals are often caught in the rapid change influencing IP industry, influencing course design and delivery. These changes discourage authorities offering law and non-law programmes from offering intellectual property education to their students. IPR is deeply rooted in law, influencing many areas of academic research and commercial activity. Sustainable cultural and economic development is impossible without reforming the national system of education. All it requires

is modernization of the national legal education system, reforming the existing structure of education and creating new systems of imparting education.

Intellectual property has been traditionally taught as a law subject in premier law schools, however it is time, we entrenched it in every legal curriculum across the country.

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BREAKING THE MYTH OF RTI AND JUDICIAL STRUCTURE- A PRAGMATIC APPROACH

SHRUTI CHHEDA ; DANVI NAGDA[1]

INTRODUCTION

Education is considered to be one of the most important aspects when it comes to personal development. Education shapes and sharpens the overall personality of an individual, it also distinguishes man from other animals, and hence a man is obliged to act in a certain socially acceptable manner. Education, along with regulating a man's behaviour also creates boundaries and restricts an individual's action which helps in creating peace and harmony in the society. The knot which binds harmony with the society is law. Man is a social animal and hence it is essential that a man should be bound to a power and the power which would regulate a man's behaviour in the society are rules, regulations and laws. A law is a rule, usually made by a government that is used to order the way in which a society behaves[2]. The bridge which introduces law to people is education. Education is considered to be one of the utmost vital sources when it comes to gaining knowledge.

Legal education is a cardinal part of everyone's day to day life and hence every man should be aware of basic legal education but it is often observed that when it comes to legal education, people often ignore the importance of it. A common man doesn't find it necessary to educate himself with the basics of legal education until he finds himself in a situation where he needs legal help. Legal education is indeed very important, as people often know that they have their fundamental rights such as right to equality, right to live etc. But, they usually don't know what to do if their rights are been violated. And hence, this research paper throws light on importance of basic legal education, it also considers Right to Information (RTI) as one of the major tools of legal education as it creates transparency and makes democracy work in its true sense. The paper focuses on spreading awareness about the procedure, appeals and importance of RTI. The paper also focuses on the basics of judicial structure as people often stay in questionable framework and might blindly trust the lawyer and chances are, they might face professional misconduct.

LEGAL EDUCATION AND ITS IMPORTANCE

Legal education or the laws exist since ancient India. In ancient India, the communities were highly influenced by religion. People were obliged to pay due importance to the laws, dharma regulated the

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[2] *Cambridge English Dictionary, available at: https://dictionary.cambridge.org/dictionary/english/law (last visited on February 26, 2019).*

behaviour of an individual both legally and religiously. These laws were less related to legality and believed more into fair, right and just reasons of justice.

However, during the British era, they broke the rituals, customs and traditions which existed in Hindu and Muslim law and they introduced British common law in India. However, this form of government cannot be considered a true form of government as it had been always biased and favoured the whites over Indians.

With time, post-independence the boundaries of laws changed and so did the legal education. Unlike, British era Indians were now given importance, many Indians gained their power as advocates in true sense. The legal education was introduced as a result of which many Indians started practicing law and hence the course of legal education changed.

The laws in India are made by merging different laws of different countries along with it; it also keeps in mind the traditions, culture and customs in India: it gives importance to diversity that exists in this country and also sharpens the laws according to the needs of the country. And hence, laws in India are considered to be unique laws amongst the world.

The law commission of India defines 'Legal education as a science which imparts to student's knowledge of certain principles and provisions of law to enable them to enter the legal profession'.[3] However, every man should be aware of the basics of legal education. People who are ignorant to legal education often face manipulations and exploitations. As envisaged by -Ex-Chief Justice of India, P. Sathasivam "Legal Literacy is essential for the survival of our Constitutional Democracy. The judicial set-up works on the presumption that all people are aware of their rights."[4] Having a clear idea of basics of legal education makes it easy for citizens to execute laws and practice their fundamental rights. A basic knowledge of law is a necessity, as it is crucial for all the fields of work. Be it any person from any profession, for every man it is important to know the basics of legal education. It can be an important tool for the poor as well, as it introduces them to their benefits and gives them an equal opportunity to stand in the crowd. Hence, in India, people should be made aware about the basic knowledge of law.

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[3] *Jayaram Swathy, 'Legal Education in India', Legal Service India, http://www.legalserviceindia.com/legal/article-76-legal-education-in-india.html (last visited on February 27, 2019).*

[4] *Shalini Sharma, Legal Literacy Growing Need of The Society, Scholarly Research Journal for Interdisciplinary Studies, available at: http://oaji.net/articles/2016/1174-1478861011.pdf (last visited on March 1, 2019).*

RIGHT TO INFORMATION

"Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing."

-Justice P N Bhagwati

In modern democratic states, the citizens entrust the government with various responsibilities. The government authorities' intent to establish justice, equality, provide defence and protection, promote general welfare and ensure peace and harmony in the society. Every progressive society in the modern world endeavours towards the formation of good governance. The government authorities are considered to be an actor in governance at geo-political and socio-political level.

In a democratic set-up, transparency and accountability in the administration of public authorities has become the *sine qua non* of the democracy. In a democracy, citizens are the direct stake-holder in every public authority, which include organizations or bodies created by the government. This calls out for the need of informed citizenry. Maintenance of certain transparency between the people and the public authority is essential. Information about the working of its government has become the oxygen of the citizens. The concept of Right to Information (RTI) gives this right to the citizens as a part of their right to maintain 'checks and balance' in the functioning of the government.

The citizen's right to know has become an important requisite of democracy. It can be considered as one of the pillars of democracy. For the first time in the history of law, Freedom of Information law, 1766 was passed in Sweden, due to the remarkable efforts Finnish clergyman Anders Chydenius[5]. The Swedish example was later followed by the US, which enacted its first law in 1966 and then by Norway in 1970. Similarly, several western democracies enacted their own laws. (France 1978, Canada 1982, Denmark 1985, Greece 1986, Italy 1990)[6]

RIGHT TO INFORMATION IN INDIA

In the life of Indian Republic, the Lok Sabha Elections of 1977 set the background of the first-ever political commitment to the citizen's right to information, as a corollary to public resentment against

[5] *Jonas Nordin, The Swedish Freedom of Print Act of 1776 – Background and Significance, available at: https://www.swlaw.edu/sites/default/files/2018-04/pdf (last visited on February 28, 2019).*

[6] *Briefing Paper, Analyzing the Right to Information Act in India, CUTS International, available at: http://www.cuts-international.org/cart/pdf/Analysing_the_Right_to_ Information_Act_in_India.pdf (last visited on February 28, 2019).*

suppression of information and abuse of authority during the Internal Emergency of 1975-77[7]. In 2002 the Freedom of Information Act was enacted in India with the sole objective to achieve transparency and accountability in the functioning of the government. However, this act faced many hindrances. Later, to eliminate the flaws of the previous act, the Right to Information Act, 2005 (henceforth referred as the Act) was enacted. This act became a pioneer tool to the citizens of India for promoting, protecting and defending their Right to Know. It strives for empowering people, generating greater transparency in the functioning of public authority, creating improvement in accountability and performance of the Government and reducing corruption in the government departments.

RIGHT TO INFORMATION ACT, 2005

The Right to Information Act, 2005 defines Right to Information as the right to inspect works, documents, records; right to take notes, extracts or certified; right to take sample, right to obtain information in electronic from; right to information whose disclosure is in the public interest[8]. For a person, who desires to obtain any information under the RTI Act, 2005, is expected to make a request in writing or through electronic means in English or Hindi or in the official language of the respected area in which the application is being made along with certain fees as prescribed by the Public Information Officer.[9] The Central Public Information Officer or the State Public Information Officer is expected to furnish information to the respective person within a period of 30 days[10]. In cases, where the information sought are not provided within the stipulated period of 30 days or the information furnished are incomplete, misleading or incorrect, a requester is free to file a complaint or appeal before the Information Commission, for necessary directions to the parties as per the provision of the Act[11]. The Act empowers the Central/State Information Commission to impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished by the respective Public Information Officer[12]. However, no person can approach the court in case of any application or proceeding in respect of any order made under the Act[13].

It is to be noted that not all information can be given to the citizens. Justice Ravindra Bhat of Delhi High Court stated that, "Access to information, under Section 3 of the Act, is the rule and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must, therefore, be

[7] *Right to Information [RTI Act] 2005 – Historical Background, available at: https://selflearn.co/pick-of-week-post/right-to-information-rti-act-2005-for-upsc-civil-services-exam/ (last visited on March 3, 2019).*
[8] *RTI Act, 2005, Section (2)(j).*
[9] *RTI Act, 2005, Section (6).*
[10] *Ibid*
[11] *RTI Act, 2005, Section (7).*
[12] *RTI Act, 2005, Section (20).*
[13] *RTI Act, 2005, Section (23).*

strictly construed. It should not be interpreted in manner as to shadow the very right itself.[14] It is necessary to maintain certain level of secrecy when the information would prejudicially affect the sovereignty, integrity, security, scientific or economic interest and relation with a foreign state; information whose release is forbidden by a court or tribunal or disclosure which might constitute contempt of court; information available to a person in his fiduciary relationship; information received in confidence from a foreign government and information that is about a source of information or assistance given in confidence of law enforcement or security purposes[15].

IMPORTANCE OF RTI

RTI has been widely lauded for being both a producer and a product of an empowered and active citizenry, contributing significantly to the process of democracy. The Right to Information makes people active in the functioning of the state. It is a tool which ensures sustainable development. In India, the Act has proved its importance. It has helped to curb corruption, create an open democracy and ensure transparency in governance. Few landmark success stories of RTI include the case of delay in issuing duplicate Ration Card in Delhi, delay in road repairs in Delhi, corruption in Passport Office in New Delhi, suspension of information officer for providing wrong information, etc[16]. This transparency law has achieved great success over the years in achieving its objective. A data of Central Information Commission shows that a record 12.3 lakhs RTI applications were filed in 2017-18 with 96 per cent of them being responded to by government offices, making it the best performing year since the law was enacted in 2005[17]. RTI being a touchstone in the developing nation, it is necessary that all the citizens have a basic awareness about this concept and its working.Being a "people centric" concept, which aims for the welfare of the society at large, it is extremely necessary for every citizen of India to have the basic awareness about RTI. Knowledge about the RTI will empower the people for the enjoyment of all recognized rights and to claim other rights.

JUDICIAL STRUCTURE IN INDIA

Administration of justice is the primary and the foremost function of the judiciary. The judiciary is structured to work in such a manner that it can provide fair justice to the citizens, In India it is independent of the executive and the legislative. It is considered as the guardian of the Constitution, as constitution is the supreme law of the land.

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[14] *Bhagat Singh v. CIC WP (c) No. 3114/2007.*
[15] *RTI Act, 2005, Section (8).*
[16] *Michael Vaz and Aurora Vaz, Foundation Course- IV, Manan Prakashan.*
[17] *PTI, 'Highest RTI applications filed 2017-18, lowest rejected since 2005: Central Information Commission data', The Economics Times, January 3, 2019.*

Supreme Court of India

The Supreme Court is the highest and the final court of appeal, with the power of judicial review. It consists of a Chief Justice of India, including 30 judges and other judges for advisory jurisdiction. It is the highest court of appeal and it also accepts disputes between the states. The judgements of this court are binding to all the other lower courts.

High Courts in India

In India there are 24 High Courts, these courts have jurisdiction over their respective state, union territory or a group of states or union territories. These courts govern the lower courts like family court, civil and criminal courts along with the other district courts. They exercise their original civil and criminal jurisdiction in matters wherein the lowers courts are not competent to decide and also in matters designated specifically in a state or federal law.

Lower Courts

At the lower level there are the district courts and other subordinate courts. The jurisdiction and structuring of district court depends on the discretion of the state government or the union territories. These courts are presided over by the District Judge who is appointed by the Government of the respective state.

Tribunal

Tribunals refer to minor courts that adjudicate disputes arising in special cases. It is a quasi-judicial institution that is set up to deal with specific problems. The tribunals are a part of the judicial system that deals with direct taxes, labour, co-operatives etc. There are various tribunals in India such as the Armed Force Tribunal, Company Law Board, Income Tax Appellate Tribunal, National Green Tribunal, Securities and Exchange Board of India etc.

As a citizen of the country it is necessary that every person must keep themselves updated and additionally should also have the knowledge about the basic structure of judiciary in India.

OBJECTIVE OF STUDY:

The researchers hypothesize that there is a lack of awareness about legal education among the people outside the legal fraternity. In order to test the hypothesis, this paper attempts to justify the importance of legal education for all the people. The paper aims at pushing back the area of ignorance prevailing among the people who do not belong to the legal fraternity. It draws the attention towards the importance of the basic legal knowledge, primarily focusing basic knowledge about RTI and the judicial structure

of India. The area of research limits itself to the students of junior college and degree college, from all streams i.e. arts, commerce and science. Students are considered to be the future of the country and thus, this research paper intends to educate these masses and establish awareness amongst them. It also carefully investigates the parity of legal knowledge among students belonging to different streams.

This paper seeks to bridge the gap and tries to elucidate the responsibility of the people within the legal fraternity to create awareness about the basic legal education amongst all the people in the society. The primary objective of the paper is to setup a system for the law students to impart basic legal knowledge to others who lack such knowledge. The law colleges could start this initiative by making it a part of their basic curriculum. The paper submits few proposals through which cognizance about basic legal knowledge can be created. The study could improve and develop the existing status of legal education. The researchers consider RTI and Judicial structure of India as a cardinal part of the basic legal education, and have thus explained its relevance with the legal education. Hence, the paper limits its area of study to the importance of RTI and along with it, it also throws light on the importance (awareness) of Judicial structure of India.

RESEARCH METHODOLOGY

The study is exploratory in nature. It seeks to identify the awareness about the basic legal education among people outside the legal fraternity. It examines the basic knowledge of RTI and judicial structure of India among the students who do not belong to any legal course. The present study surveyed only students of junior and Degree College from all streams i.e. arts, commerce and science. The study was conducted within various colleges of Mumbai city. Primary data was collected from 180 students of various colleges, using questionnaire methods. Out of the target population, through stratified sampling method and cluster sampling method, a sample of 150 students, ranging from age group of 16 years to 25 years, 50 students from each stream of arts, commerce and science had been selected. The data collection ranged for a period of 15 days, from 14th February, 2019 to 1st March, 2019.

The questionnaire consisted of 15 close-ended questions to meet the objectives of the study. The items in the questionnaire included basic knowledge about RTI and judicial structure like the procedure to file RTI application, fees charged for filing RTI application, remedies available in case RTI application is rejected, the three organs of the government, the apex court in India, number of High Courts in India, etc. The statements for the questionnaire were formed after consulting relevant literature and some preliminary study conducted in the respected area. The questionnaire also included a section to capture the general profile of the respondents. They were asked about their age, year and stream of study and education qualification.

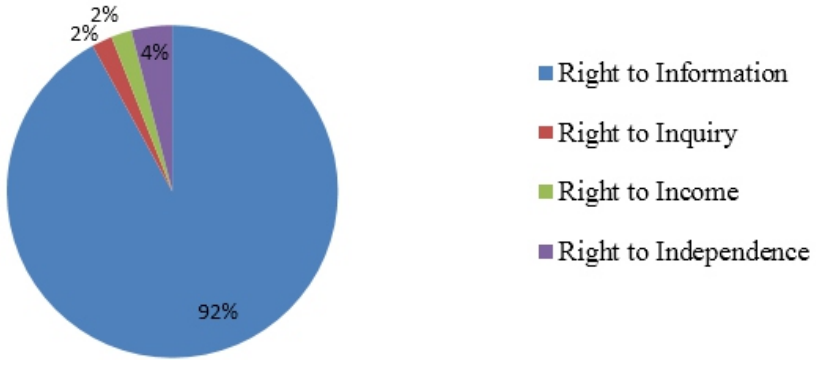
DATA ANALYSIS AND INFERENCE

The questionnaire consisted of 15 close-ended questions to meet the objectives of the study. The items in the questionnaire included the basic concepts of RTI and the judicial structure in India. Responses of 150 collegians have been analysed by the researchers.

The graphical representation of each of the items is given below:

1. RTI STANDS FOR?

	No. of respondent	Percentage
Right to Income	3	2%
Right to Independence	6	4%
Right to Information	138	92%
Right to Inquiry	3	2%

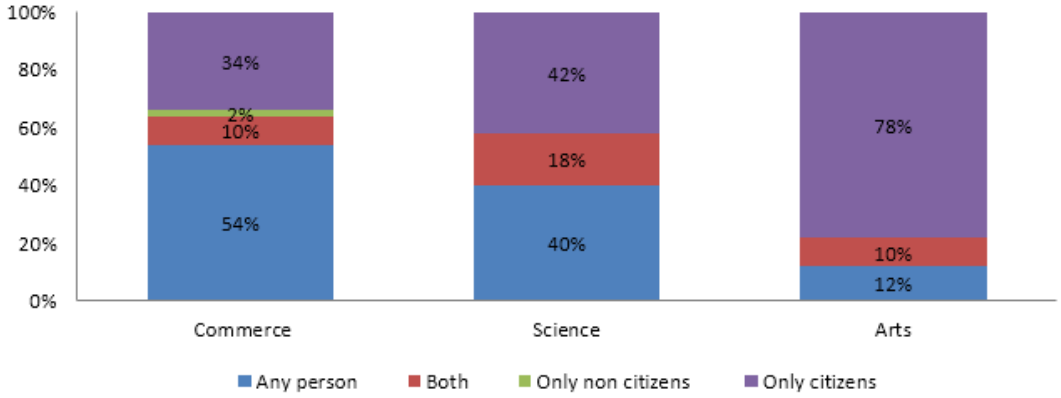


Inference-According to the above data, 92% students are aware about the meaning of the term 'RTI', whereas 4% of the masses assume it to be Right to independence. 2% people think that it stands for Right to Inquiry and Right to Income each. Hence, it can be inferred through the survey that a majority of students know what the term RTI represents.

2. WHO POSSESS THE RIGHT TO MAKE A CLAIM FOR RTI?

Through the survey, it has been observed that students from different streams i.e. arts, commerce, science vary in their responses. Hence, for better analysis, the responses have been analyzed separately according to the stream.

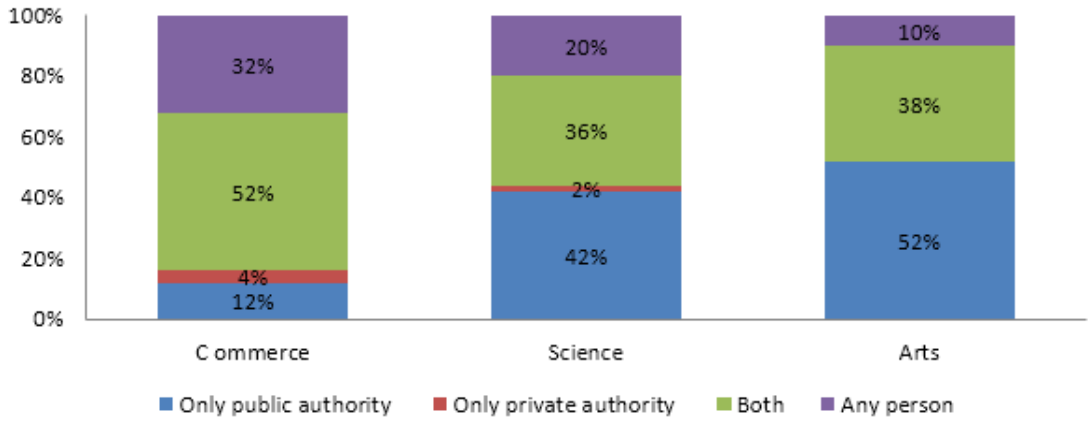
	Only citizens		Only non-citizens		Both		Any person	
	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage
Commerce	17	34%	1	2%	5	10%	27	54%
Science	21	42%	0	0%	9	18%	20	40%
Arts	39	78%	0	0%	5	10%	6	12%



Inference-While analysing the above data it is found that only 34% students from commerce are aware of the correct answer that the only citizens possess a right to claim RTI. Only 42% students from science are aware of the correct answer. On the other hand, while studying the responses of arts students it has been found that 78% people are aware that only citizens possess a right to claim RTI. 10% consider that both citizens and non-citizens can claim RTI, while 12% thinks that any person can file an RTI. This reflects that majority of students from arts are aware of the fact that only citizens can file RTI, which is not the case for students in science and commerce.

3. FROM WHOM CAN WE CLAIM RTI?

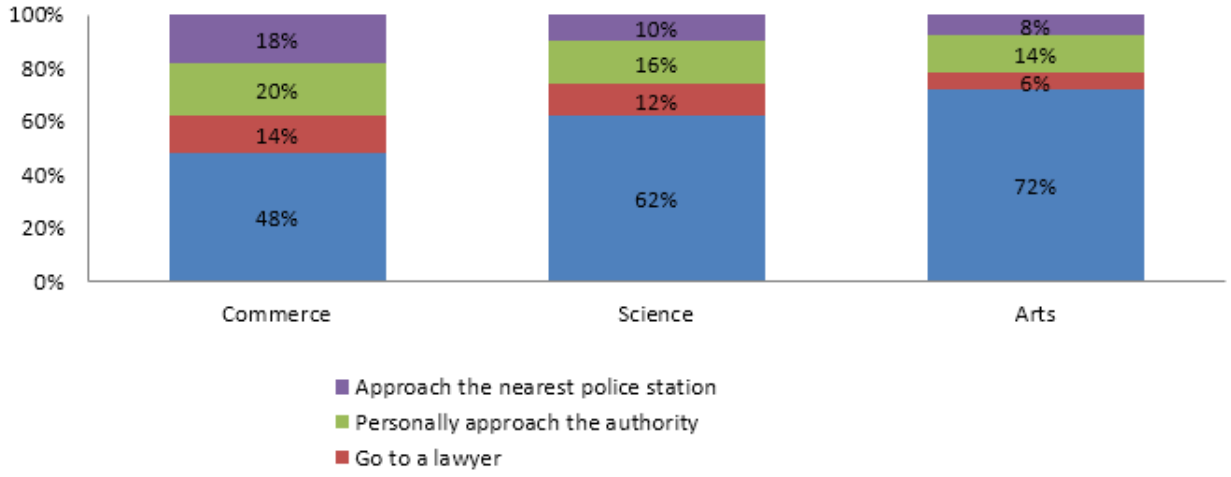
	Only public authority		Only private authority		Both		Any person	
	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage
Commerce	6	12%	2	4%	26	52%	16	32%
Science	21	42%	1	2%	18	36%	10	20%
Arts	26	52%	0	0%	19	38%	5	10%



Inference–The above data represents that only 12% students from commerce are aware that only before a public authority claim for RTI can be made. On the other hand, 42% students from science and 52% students from arts are aware about that fact. This reflects that more awareness needs to be brought among commerce students as confusion prevails in their knowledge.

4. WHAT PROCEDURE NEEDS TO BE FOLLOWED TO FILING A RTI?

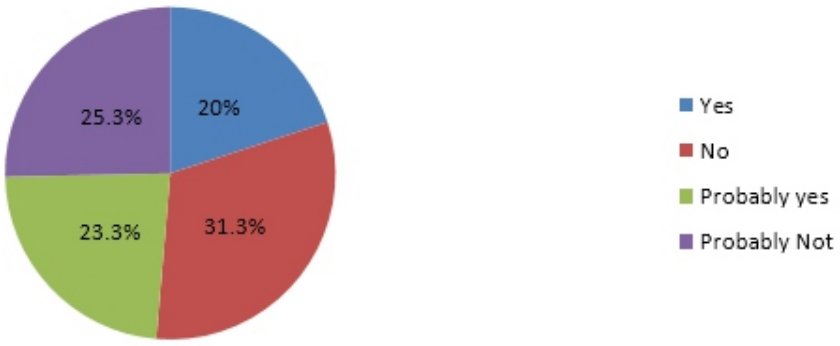
	Identify the department and write a formal application		Go to a lawyer		Personally, approach the authority		Approach the nearest police station	
	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage
Commerce	24	48%	7	14%	10	20%	9	18%
Science	31	62%	6	12%	8	16%	5	10%
Arts	36	72%	3	6%	7	14%	4	8%



Inference- The above data reflects that students from arts are well aware of the procedure that needs to be followed when an application of RTI is rejected. Even, the procedure is known by a majority of science students. But only 48% of students for commerce are aware about the procedure. There is lack of awareness among them.

5. IS THERE ANY FEES CHARGED WHILE FILING RTI?

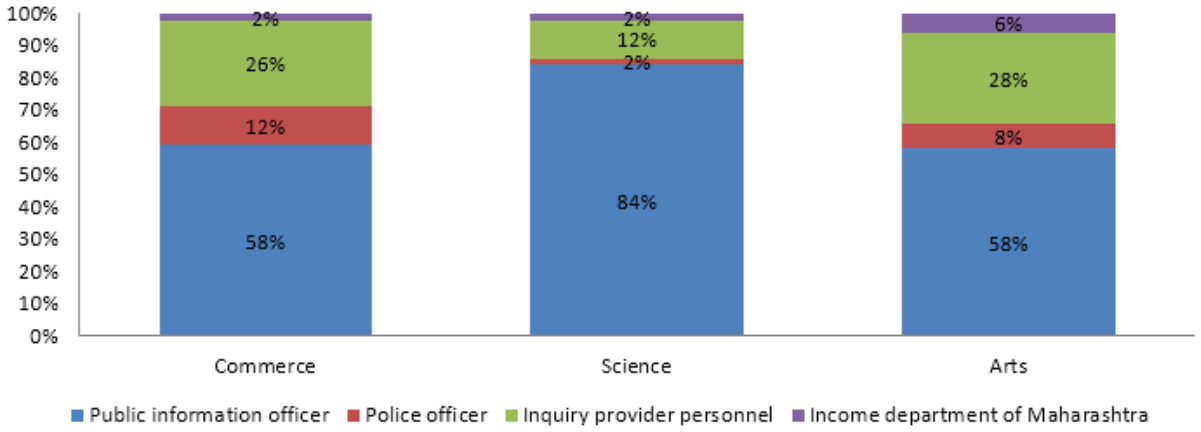
	No. of respondent	Percentage
Yes	30	20%
No	47	31.30%
Probably Yes	45	23.30%
Probably Not	38	25.30%



Inference- The above responses conclude that students from all streams do not incline towards any specific response. It has been observed that 20% students are aware that there are fees charged while filing an RTI while 23.3% students consider that there might be a probability that there are any fees charged. Similarly, 31.3% students think there is no fees charged while 25.3% students think there might be probability that there are no fees charged for the same. It can be said that only 20% population of students amongst all streams are aware about the fees being charged to file an RTI.

6. WHO IS RESPONSIBLE TO PROVIDE ACCESS TO RTI?

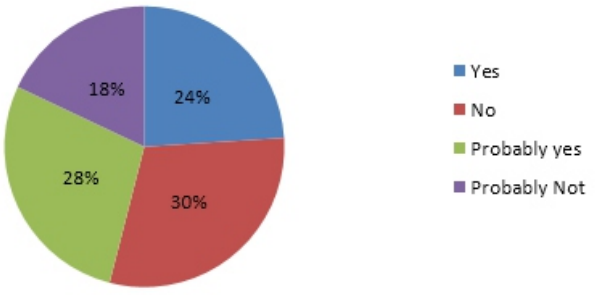
	Public information officer		Police officer		Inquiry provider		Income department of	
	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage	No. of respondents	Percentage
Commerce	36	58%	3	12%	7	26%	4	2%
Science	42	84%	1	2%	6	12%	1	2%
Arts	29	58%	4	8%	14	28%	3	6%



Inference- In the above analysis, it can be noticed that a majority of 84% of students from science know that Public Information Officer provides information to a person who makes claim for RTI. However, only 58% of students from commerce and arts each, know the correct answer. The others are not aware of it.

7. CAN THE APPLICATION OF RTI BE REJECTED?

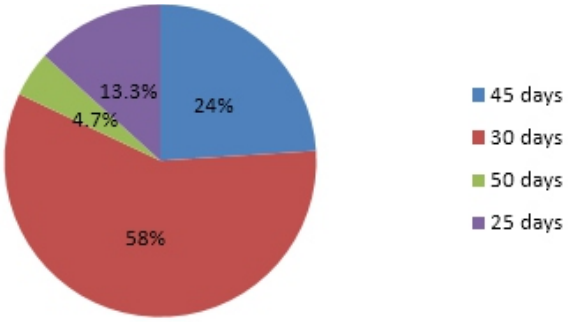
	No. of respondent	Percentage
Yes	36	24%
No	45	30%
Probably Yes	42	28%
Probably Not	27	18%



Inference-The above analysis concludes that only 24% students have the knowledge that RTI application can be rejected whereas 28% students consider that there is a probability that there are chances that an RTI application can be rejected. 30% students consider that RTI cannot be rejected, whereas 18% students think that there is a probability that it can get rejected.

8. WHAT IS THE TIME LIMIT TO GET A RESPONSE FROM THE CONCERNED AUTHORITY, AFTER FILING A RTI?

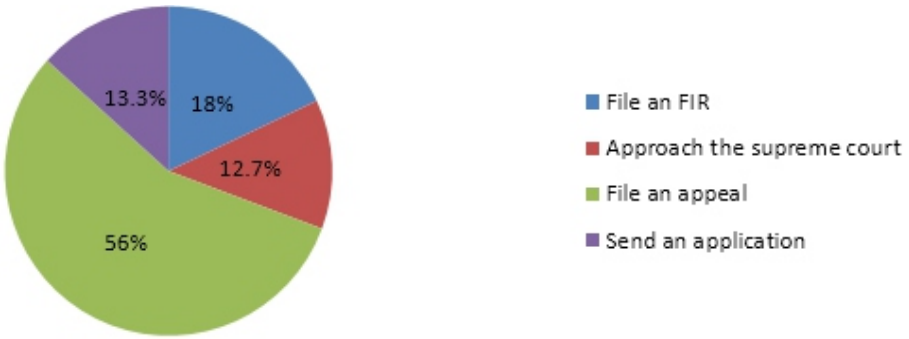
	No. of respondent	Percentage
45 days	36	24%
30 days	87	58%
50 days	7	4.70%
25 days	20	13.30%



Inference-It can be observed through analysis that a majority of students i.e. 58% students are aware that 30 days is the time limit to receive a response after filing an RTI. While, 24% and 13.3% students think it takes 45 days and 25 days respectively. 4.7% students think it takes 50 days.

9. WHAT CAN BE DONE IF AN APPLICATION OF RTI IS REJECTED?

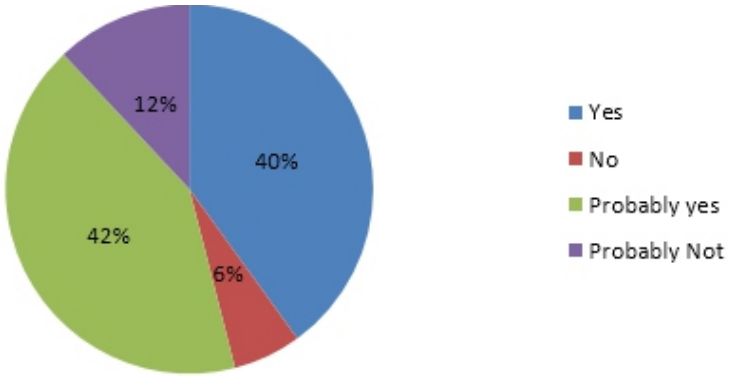
	No. of respondent	Percentage
File an FIR	27	18%
Approach the supreme court	19	12.70%
File an Appeal	84	56%
Send an Application	20	13.30%



Inference-The above analysis shows that 56% students are aware that an appeal needs to be filed if an RTI gets rejected while 13.3% students consider an application needs to be sent again. 18% students think an FIR needs to be filed whereas 12.7% students think that they need to approach the Supreme Court for the same.

10. IF AN APPLICATION OF RTI IS OBSTRUCTED BY THE RESPECTIVE AUTHORITY, CAN THAT AUTHORITY BE FINED?

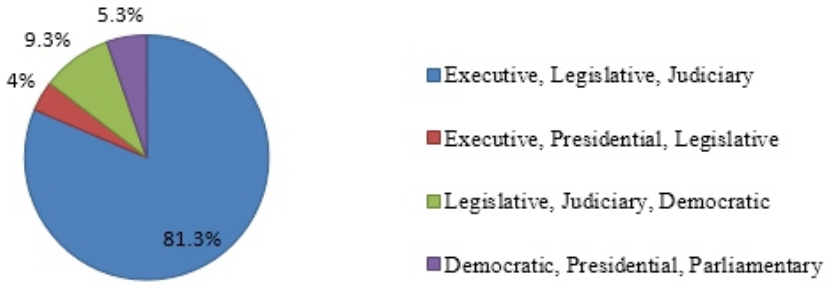
	No. of respondent	Percentage
Yes	60	40%
No	9	6%
Probably Yes	63	42%
Probably Not	18	12%



Inference-According to the study conducted it is noticed that 40% students are aware that the authority can be fined if obstructed while 42% considers that there is a probability that they might be fined if they obstruct the information. 6% students consider that there is no fine charged while 12% thinks that there is a probability that a fine maybe charged.

11. WHAT ARE THE THREE ORGANS OF GOVERNMENT?

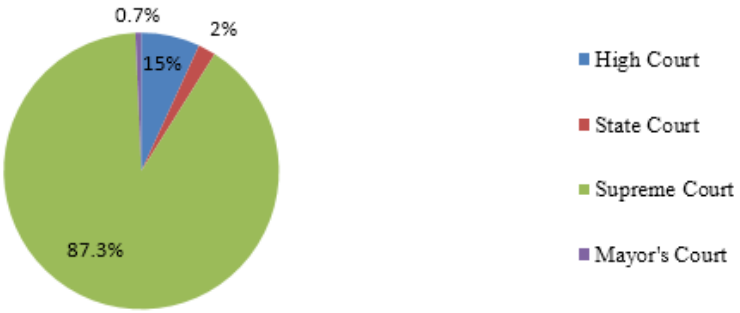
	No. of respondent	Percentage
Executive, Legislative, Judiciary	122	81.30%
Executive, Presidential, Legislative	6	4%
Legislative, Judiciary, Democratic	14	9.30%
Democratic, Presidential, Parliamentary	8	5.30%



Inference: According to the above information, 81.3% of students are aware that the Executive, Legislative and Judiciary are the three organs of the government. 9.3% consider Legislative, Judiciary and Democratic as the organs of the same while 5.3% consider it to be the Democratic, Presidential and Parliamentary. Only 4% students conceive that the organs of the government are Executive, Presidential and Legislative. It could be inferred that students are aware of the three organs of the government, as a high majority of 81.3% is aware about it.

12. WHICH IS THE APEX COURT OF INDIA?

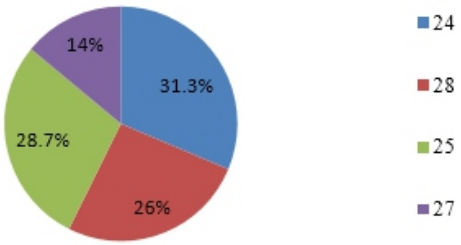
	No. of respondent	Percentage
High Court	10	15%
State Court	3	2%
Supreme Court	131	87.30%
Mayor's Court	1	0.70%



Inference: A majority of 87.3% of students correctly affirm that the Supreme Court is the Apex Court in India. Followed by it 15% and 2% of people consider that the Apex Court is the High Court and State Court respectively. Only a minimal of 0.7% people considers the Mayor's Court as the apex Court. It can be deducted that students are aware about the judicial hierarchy in India.

13. HOW MANY HIGH COURTS ARE THERE IN INDIA AT PRESENT?

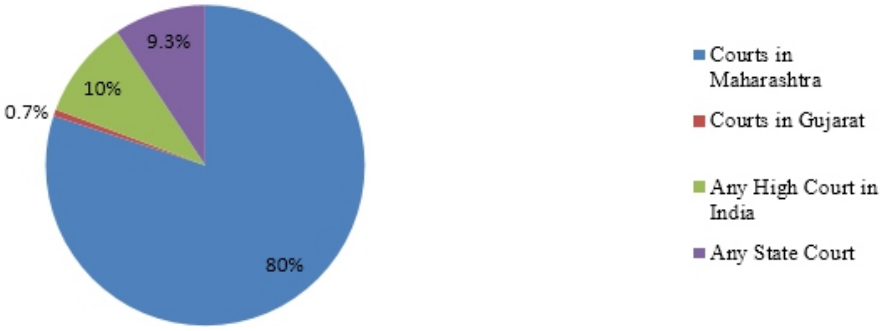
	No. of respondent	Percentage
24	47	31.30%
28	39	26%
25	43	28.70%
27	21	14%



Inference: According to the above information 31.3% students consider that currently there are 24 High Courts in India. 28.7% students consider it to be 25 High Courts in the country, while 26% and 14% conceive it to be 28 and 27 High Courts respectively. The above information reflects that students are not well aware about the number of High Courts that exist in the country.

14. IF A DISPUTE HAS OCCURRED IN MAHARASHTRA, WHICH COURT CAN BE APPROACHED?

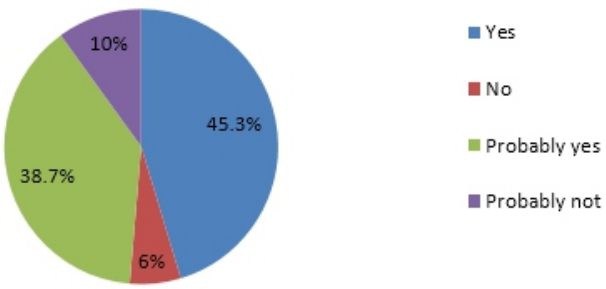
	No. of respondent	Percentage
Courts of Maharashtra	120	80%
Courts of Gujarat	1	0.70%
Any High Court in India	15	10%
Any State Court	14	9.30%



Inference: According to the above data, 80% students consider that for any dispute which takes place in Maharashtra, any court in Maharashtra should be approached. 10% and 9.3% students state that any Hhigh Court in India and any state court can be approached. Only 0.7% state that any court in Gujarat can be approached. It could be inferred that people have the knowledge about the state wise jurisdiction of the courts.

15. IS THERE A DIFFERENCE BETWEEN TRIBUNAL AND COURT?

	No. of respondent	Percentage
Yes	68	45.30%
No	9	6%
Probably yes	58	38.70%
Probably not	15	10%



Inference: The above data states that 45.3% students affirm that there is a difference between the tribunal and a court, while only 6% deny it. 38.7% consider that there is probably a difference and 10% consider that probably there is no difference. The above information reflects that there is uncertainty among the people about the difference between a tribunal and a court. They need to be educated regarding the difference in the functioning and the power of the courts and tribunals.

CONCLUSION AND RECOMMENDATIONS

The hypothesis, as mentioned earlier, states that the people who are outside the legal fraternity do not have sufficient amount of basic legal knowledge. Through survey conducted by the researchers, it can be inferred that there prevails lack of awareness, ambiguity and absence of source of knowledge among the people. This paper focuses on the basic knowledge of RTI and judicial structure among the collegians, it is necessary for every individual to have certain basic legal knowledge and he should keep himself updated with changes and evolutions coming up in law. Indeed, there is a need for shaping consciousness amongst the students and at a larger scale among all the people.

Usually there is a greater probability, that people who are from legal fraternity have sufficient legal knowledge. The people who belong to any legal background or have knowledge about law could come forward and bring a change. These people should consider it as their responsibility to create awareness among the masses. If the population has some legal knowledge it will not only make their life easier but will also help in the development of the democracy. As an initiative, students in college should be given legal education by the people having reliable and sufficient amount of legal knowledge using various techniques. This research paper identifies the need to create awareness amongst the students through different means. The research paper proposes some of the ways through which awareness can be created.

The methods which can be used for creating awareness have been mentioned below as-

- **Seminars/workshops-** Seminars can be initiated by law students under the guidance of professors of legal fields. Through seminars, they can reach various institutions and universities. Students from various streams can be brought together and can be educated about the same. They can also include certified workshops and coursers on RTI and basics of judicial structure which would definitely help them conduct it on a larger scale.

- **Skill sessions/ Guest lectures-** Various journalists, activists use RTI as a weapon to expose the bad side of the governmental procedure, through guest lectures, by inviting such journalists and activists'

students can be made conscious about the RTI and judicial structure. This method would spread a lot of knowledge and motivate the youth to actually implement their rights.

•**Change in the curriculum-** Junior colleges including high school too should include the basic legal education. As a student, it is vital for them to know about their basic rights, duties, hierarchy of courts, jurisdiction of courts and a weapon like right "RTI" which is a strong tool to use against corruption.

•**Street play-** entertainment is the most reliable way through which people's attention can be gained; law students can take the responsibility to conduct street plays, skits. Through these plays they can convey the importance of the basic legal education and students can be made aware about the same.

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PINK IN BLACK AND WHITE – WOMEN IN LEGAL PROFESSION

AASTHA ARORA ; SHUBHANKAR NAGORI[1]

INTRODUCTION

"Every now and then, it helps to be a little deaf."

-Ruth Bader Ginsburg

Rolling back to our history, according to vedas, status of women in ancient India was always identical to that of men. As mentioned by the Rig Veda, the Vedic period reflects a highly evolved society. Women played a stellar role in the orienting life and the family. They were accorded equal status and privileges along with men and were second to none[2].

Women were encouraged to study the scriptures and were given Upanayana Samskara (initiation into learning). They were reflected to be the wardens of purity and perseverance. Some illustrations to shed a light on the happy position of women in the Vedic era are:

Yajur Veda 20.9 states that there are equal rights for men and women to get appointed as ruler[3].

Rig Veda 5.61.8 most forcibly express the idea of equality by stating that the wife & husband, being the equal halves of one substance, are equal in every respect; therefore both should join and take part in all work, religious and secular.[4]

Atharva Veda 7.38.4 & 12.3.52 talks about how women should take part in the legislative chambers and put their views on forefront[5].

Ultimately, the status of women began diminishing in medieval age and deleteriously continued in modern age. The hope was not all lost, condition of women started humanizing from the British rule. Areas such as education, sports, politics, media, art and culture, service sectors, science and technology, etc opened the gate for women to participate.

The dawn of gender equality was watched by the country through women's dynamic connivance in

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[2]*Devi NJ, Subrahmanyam K. Women in the Rig Vedic age. Int J Yoga - Philosop Psychol Parapsychol, 2:1,3. Available from: http://www.ijoyppp.org/text.asp?2014/2/1/1/157985*

[3]*Priyavrat Vedavachaspati, Mera Dharma; 24*

[4]*Arun R. Kumbhare, Women of India: Their Status Since the Vedic Times; 24*

[5] *Rajashi Ghosh, Gary N. McLean, Indian Women in Leadership; 172*

freedom brawl for independence and proved to be an equal asset for the nation. The feating of independence was perceived not only through the vigour and valour of men but also women freedom fighters!

Modelling India's laws, were 15 women who were either elected or chosen out of a 299 Member Constituent Assembly[6], for drafting the Constitution of India, without whom the plight of women in India would not have been even considered. The Constitution of India guarantees to all Indian women equality[7], no discrimination by the State[8], equality of opportunity[9], and equal pay for equal work[10]. In addition, it allows special provisions to be made by the State in favour of women and children[11], renounces practices derogatory to the dignity of women[12], and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief[13].

While grooving their ways in different fields, stepping into legal profession for a woman was still difficult inspite of being equally qualified in terms of education. But someday barriers had to be broken. Cornelia Sorabji: First female advocate in India, and the first woman to practice law in India and Britain;[14] Mithan Jamshed Lam: First Indian woman barrister and the first Indian woman lawyer at the Bombay High Court; [15]Anna Chandy: First female judge in India[16].; Violet Alva: First female lawyer to appear before a High Court in India (1944) and preside over the Rajya Sabha (1952)[17]; Fathima Beevi: First female appointed as a Justice of the Supreme Court of India (1989)[18] are a few picked legends who were the flag bearers, opening the channel gate for women to enter into legal profession.

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[6] Aparna Ravi, Vineeth Krihna, Constituent Assemble Members, Constituent Assembly Debates(CAD), Center for Law and Policy Research (January 26, 2016), https://cadindia.clpr.org.in/constituent_assembly_members
[7] Constitution of India; art. 14
[8] Constitution of India; art. 15, cl. 1.
[9] Constitution of India; art. 16
[10] Constitution of India; art. 39, cl. d.
[11] Constitution of India; art. 15, cl. 3.
[12] Constitution of India; art. 51A, cl. e.
[13] Constitution of India; art. 42
[14] Suparna Gooptu, Cornelia Sorabji: India's Pioneer Woman Lawyer: A Biography; 201
[15] Angela Holdsworth, Mithan Tata 1898 – 1981, First 100 years (October 19, 2016), https://first100years.org.uk/mithan-tata-1898-1981/
[16] Saumya Anand, Justice Anna Chandy: The First Female High Court Judge Of India, Feminism In India (October 18, 2018), https://feminisminindia.com/2018/10/18/justice-anna-chandy/
[17] Agamemnon Maverick, Violet Alva; 56
[18] Sanchari Pal, How a Kerala Woman Made History By Becoming India's 1st Female Supreme Court Judge, The Better India (January 13, 2018, 1:26 pm), https://www.thebetterindia.com/127700/fathima-beevi-kerala-indias-first-female-supreme-court-judge/

Today, according to the Department of Higher Education, Ministry of Human Resource Development (MHRD), the students enrolled in Law stream in year 2012-13 are 1.88 lakh out of which 68.1% and 31.9% are male and female lawyers respectively[19]. The students enrolled in Law stream in year 2017-18 are 3.74 lakh out of which 2.50 lakh are males and 1.24 lakh females supervening a staggering increase.[20]

HISTORY OF LEGAL LEGISLATION IN INDIA

Through The Legal Practitioner Act, 1879 to quota reservations in the legal education, India is struck with a stride of changing contours for women in the legal profession. The profession gained momentum in the first half of the 19th century by virtue of the Bengal Regulation XII of 1833 and the Legal Practitioners Act, 1846, which allowed persons with prescribed qualifications to enroll as pleaders irrespective of their nationality and religion.[21]

High Court established under Royal Charter beheld the power conferered by The Letters Patent of 1865, to make provisions in relation to the enrolment of legal practitioners. Consequently, it was on the mere whims and fancies of the High Court of Judicature at Fort William in Bengal to admit and enroll any person as Advocate, Vakil and Attorney. The Legal Practitioners Act, 1879[22], empowered High Courts, established other than by Royal Charter to make rubrics regarding admittance of persons as advocates of the court. However, women folk could not be enrolled as pleaders. In *Re: Regina Guha vs Unknown* on 29 August, 1916,[23] the Calcutta High Court held that women were not permitted to be enrolled as Vakils or Pleaders of courts subordinate to the High Court. In the judgment, it was held by Justice W. Chitty that "…So in the case before us the Legal Practitioners Act of 1879 was not framed to create a new profession but to regulate one which had been in existence for many years. The first Regulation which we find dealing with Pleaders' profession is Regulation VII of 1793. This described them as "men" and provided, that they must be Hindus or Muhammadans. Successive Regulations and Acts were passed, in which no doubt the class of persons eligible was gradually widened and enlarged, but in which there was never any question as to the sex of the profession."

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[19] *All INDIA SURVEY ON HIGHER EDUCATION (2017-2018) by GOVERNMENT OF INDIA MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF HIGHER EDUCATION NEW DELHI 2015 - http://aishe.nic.in/aishe/viewDocument.action?documentId=194*

[20] *All INDIA SURVEY ON HIGHER EDUCATION (2017-2018) by GOVERNMENT OF INDIA MINISTRY OF HUMAN RESOURCE DEVELOPMENT DEPARTMENT OF HIGHER EDUCATION NEW DELHI 2015 http://aishe.nic.in/aishe/viewDocument.action;jsessionid=9192C5E4D0983E6C8DC765ED82337EE9?documentId=245*

[21] *Legal Practitioners Act was the first enactment that applied to all pleaders in the Mofussil Courts in India. Section 4 of the Act made all persons irrespective of nationality and religion to practice.*

[22] *K. Rai, History Of Courts, Legislature & Legal Profession In India, 340*

[23] *Re: Regina Guha (1916) 21 CWN 74*

Patna High Court was confronted by an akin to the above case[24]. Miss Hazara secured a Calcutta University's B.L. Degree. Her enrolment as Pleader was rebuffed. She challenged this in the High Court of Patna. The Court ruled that the section of the Legal Practitioners Act referred to males and not to females. This was to be expected as since 1793 no women had ever been admitted to the roll of pleaders. Dawson Miller, C.J. observed: "…it is not shown that the women ever acted as pleaders in the courts of this country. On the contrary the enactments referred to show that they have been invariably excluded not by any direct prohibition but inferentially by words appropriate only to the male sex, as though the matter were one well settled by inveterate usage and requiring no express legislation."

Jwala Prasad observed: "…No doubt, the recent admission of Miss Sorabjee in the Allahabad High Court might create some anomaly, inasmuch as ladies enrolled as Vakils in the Allahabad High Court may claim to practice in occasional cases in the Courts subordinate to this Court under Section 4 of the Legal Practitioners Act, although no lady will be permitted to be enrolled in our own High Court. This again is a very good ground for changing the present law."

A similar argument was advanced in the case of *Bebb v. Law Society*[25]. In this case, evidently, the court considered women as comperes with men when it came to quotients of intelligence and competency. In spite of this view judges could not admit women as pleaders, as the legislation hampered them.

Till 1947, India was a British administered colony. British government used to tweak the law and administrative policies every now and then according to their whims and fancies. Introduction of the laws like Indian Penal Code (IPC), Civil Procedure Code (CPC) and Criminal Penal Code (Cr PC), establishment of institution of the Indian Civil Services are some examples that can be cited. In the twentieth century, menfolk were in ascendency in the legal profession in India. Even in the US, females had not been acknowledged for the esteemed law schools at this time.

For the first time in India, on 1st February 1922, for entry of women to the legal profession, Dr Hari Sigh Gaur, pioneering a movement for women's entry, moved the Central Legislative Assembly of India to remove the sex disqualification against women. The purpose was the inclusion on the electoral roll for the elections to the Legislative Assembly.

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[24] *Re: Sudhansu Bala Hazara (1922) ILR 1 Patna 104*
[25] *Bebb v. Law Society (1914) 1 Ch. D. 286*

The Government of India passed the Bill on 21st March 1923[26], which became a law on 2nd April 1923. In 1922, Ms. Cornelia Sorabji, enrolled as an advocate after the permission was granted by the Allahabad High Court. Once the ice was broken, several legislations were initiated, to remove any infirmities that might be attributed to enrolment of women in the legal profession, provided that they possessed the essential educational qualifications. The Legal Practitioners (women) Act, XXIII of 1923, was enacted to particularly provide that, no woman would by reason only of her sex disqualified from being admitted or enrolled as a legal practitioner or from practicing as such. Since this enactment, women started getting enrolled as legal practitioners and their total has been augmenting ever since.

WOMEN WHO BROKE HISTORY, TO CREATE HISTORY.

Cornelia Sorabji: Cornelia had a series of firsts to her credit. She became the first female graduate of Bombay University. She became the first woman to read law at Oxford University, on 1st February 1922, she was also the first Indian to study at any British university and most importantly, she became the first woman to practise law, in India and Britain[27].

She concluded her two-year-long law education at Oxford and returned to India in 1894, and straightaway started to fight for the rights of the purdahnashins. Sorabji was only permitted to file pleas at the behest these women, she couldn't take up their cases, by dint of the unmitigated ban on women from practising law in the Indian Legal System.

Cornelia took the LLB examination of Bombay University and soon after, the Pleader's examination of the Allahabad High Court as a remedying step. Nonetheless she prospered in both her endeavours, she wouldn't be recognised as a barrister until 1924, when the Legal Practitioners(women) Act came into picture and opened its doors to female lawyers.

Mithan Jamshed Lam: Graduated from Elphinstone College, she won the Cobden Club Medal, for standing first in Economics. She then convoyed her mother to London for appearing before the Southborough Franchise Committee. There she also got an opportunity to talk on the topic of Woman suffrage in India in front of the members of the House of Commons. She then decided to stay in London and to get admission in London School of Economics for her master's degree, and also studying law side by side to be licensed as a Barrister-at-Law of Lincoln's Inn in 1919[28], becoming one of the first Indian woman barrister.

[26] *Legal Practitioners (Women) Act,1923*
[27] *Cornelia Sorabji, India Calling: The Memories of Cornelia Sorabji, India's First Woman Barrister; 286*
Karunesh Tripathi, Role of Women in History, India Study Channel (September 04, 2011) https://www.indiastudychannel.com/resources/144743-Women-s-Role-History-A-brief-review-about.aspx

Lam returned to India in 1923, and joined Mumbai High Court as the first woman lawyer in its history, and became an associate of Bhulabhai Desai, a prominent legal representative and a freedom activist [29] for three years. She was then elected as a Justice of the Peace and executive magistrate and also a member of the committee on Parsi Marriage Act of 1865. Various amendment of the act was suggested and the act came to be branded as the Parsi Marriage and Divorce Act of 1936[30].

Justice Anna Chandy: Anna was born in 1905, and grew up in Trivandrum (Thiruvananthapuram), Kerala. She came from a Syrian Christian family[31]. Recognised and followed by various communities in Kerala, she was also aided by matriarchy. Brawling against odds, Anna became the first woman in Kerala to get a law degree. In 1926 she completed her post-graduation from the Government Law College, Trivandrum and started practising as a barrister in 1929.

On being appointed as the munsif (judge) in Travancore in 1937, Anna became the first female judge of the country. Climbing career stairs, she became the District Judge in 1948[32]. And in row of making India proud, Anna became the first woman judge in an Indian High Court when she was appointed to the Kerala High Court on 9 February 1959. Not only India's first female judge, but Anna Chandy also became the first woman amongst the commonwealth nations to become a High Court judge establishing an extraordinary precedent.

Violet Alva: She was the foremost woman advocate in India, who argued a case before a full High Court bench, in 1944. In the same year, her women's magazine, 'The Begum', also came out, which was later retitled as 'Indian Women'. From 1946 to 1947, she was the deputy chairman of Bombay Municipal Corporation. She acted as an Honorary Magistrate in Mumbai, in 1947; and from 1948, she acted as the President of the Juvenile Court, till 1954. In 1952, she became the first woman to be chosen to the Standing Committee of the All India Newspaper Editors Conference[33].

In 1952, Alva was elected to the Rajya Sabha, where she made momentous contributions to defence strategy, especially the naval sector, family planning and rights of animals subjected to research.

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[29] *Homi Dhalla, Early Empowerment of Parsi Women, homidhalla (March 08, 2016) http://www.homidhalla .com/downloads/early_empowerment_parsi_women.pdf*
[30] *Mithan J. Lam, Autumn Leaves; 61*
[31] *Subharthi Bhattacharya, The Black Horse Of Indian Judiciary And The First Female High Court Judge – Read Out The Incredulous Story Of Justice Anna Chandy, Be An Inspirer (June 14, 2018) https://www.beaninspirer.com/the-black-horse-of-indian-judiciary-and-the-first-female-high-court-judge-read-out-the-incredulous-story-of-justice-anna-chandy/*
[32] *Aditi Shah, India's First Woman Judge, Live History India (September 26, 2017) https://www.livehistory india.com/herstory/2017/09/26/indias-first-woman-judge*
[33] *Streeshakti, Violet Alva, Streeshakti-The Parallel Force (August 19, 2017) http://www.str eeshakti.com/book V.aspx?author=8*

Alva went on to be selected as the Deputy Chairman of the Rajya Sabha, in 1962, becoming the first female to preside over the Rajya Sabha in its history. She served two consecutive terms in Rajya Sabha.[34] From 19 April 1962 to 2 April 1966 was her first term[35]. Her second term began with her election to the office of Deputy Chairman on 7 April 1966 and she held the position till 16 November 1969[36].

Fathima Beevi: After completing LL.B. from Government Law College, she became an advocate on 14th November, 1950, the year in which the Supreme Court was established. She soon started heading upwards in her career -- becoming the Munsiff in the Kerala Subordinate Judicial Services, as a Subordinate Judge, as a Chief Judicial Magistrate, as a District & Sessions Judge, as a Judicial Member of the Income Tax Appellate Tribunal -- to become a High Court Judge in 1983, and a Supreme Court Judge in 1989. She became the first woman Judge of a Supreme Court of India and Supreme Court of a nation in Asia. Besides she was also the first Muslim woman Judge to be appointed to any Higher Judiciary[37].

TRANSPIRING OF LEGAL EDUCATION IN FREE INDIA

Legal education gained pace and deserved importance in free India. A large number of citizen were poor and illiterate at the time when India gained freedom. Defeating inequalities and delivering basic amenities to millions of people was the foremost concern. With the espousal of a democratic form of government, it was expected that legal education will carry the legal system in accord with social, economic and political desires of the country. With the implementation of Constitution in 1949, the 'rule of law' became the rudimentary element of the Indian democracy. The spirit of free India was well stated in Art.14 of the Indian Constitution which entitles every person, equal protection of law to guarantee the enjoyment of justice, liberty, equality and fraternity; the four supreme ambitions of the Constitution.

Article 15 of the Constitution of India deals with prohibition against discrimination - It prohibits the state to make any types of discrimination against any citizen including women on grounds of race, caste, gender, ethnicity, religion, place of birth and socio-economic background. It states that all citizens are entitled to enjoy equal rights regarding access to schools, education institutions, public places etc. But the state has the right to make any special provisions for women and children and also for, scheduled castes, scheduled tribes and other backward classes.

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[34] *Violet Alva dead,The Indian Express, November 20, 1969, at pg. no. 1, 6.*
[35] *Rajya Sabha Members Biographical Sketches 1952 – 2003, Rajya Sabha website, http://rajyasabha.nic.in/rsnew/pre_member/1952_2003/a.pdf*
[36] *Biographical Sketches of Deputy Chairmen Rajya Sabha, Rajya Sabha website, http://rajyasabha.nic.in/rsnew/pre_member/1952_2003/deputy.pdf*
[37] *Apoorva Mandhani, India's First Female Supreme Court Judge, Justice Fathima Beevi, Turns 90, LiveLaw (May 1, 2017, 8:28 pm), https://www.livelaw.in/indias-first-female-supreme-court-judge-justice-fathima-beevi-turns-90/*

After that, parliament legislated the Advocates Act, in 1961. This gave birth to All India Bar Council for the first time. There are several function of The Bar Council. To promote legal education and to lay down standards of legal education in consultation with the universities imparting such educations are the foremost and most important function of The Bar Council.

After liberalization, most of the evident changes comprise a growth in the figure of law students, as well as an exponential upsurge in women students/lawyers both in litigation and corporate law. After independence, there has been a sea of changes in both the legal industry and legal education. The journey from just a handful of women to present scenario where in the total of Indian women graduating from the five-year law programme was at par with the total number of men. In fact the ratio in CLAT for 2015, for the UG course (B.A, LL.B) was, 37,358 students appeared, out of whom 20,392 were boys and 16,965 girl students. For PG (LL.M) 4,863 candidates appeared, out of whom 2,292 were boys and 2,571 were girl students[38].

LEGAL PREOFESSION AND BIAS

According to Article 19 of the Constitution of India, every citizen including women have the right to freedom of speech and expression. This article gives women many many rights along with right to practise any profession or to carry on any lawful trade or business in accordance to one's own aspirations.

Though the figures are running parallel of law aspirants in terms of boys and girls in UG level, in PG level female representation is even a step ahead than that of their male counterparts. So it can be deduced that, while there is no eerie sentiment amongst females of not pursuing law as a future endeavor, there are still various dynamics which halt them when they progressively elevate themselves in advanced platforms. Gender biasness can be modelled as one of the credible explanations of such shrinking percentage of their presence.

Like other working women, women lawyers too are required to select between careers and children. 75% of women employed in law firms, 52% in litigation and 43% working in companies acknowledged the fact that maternity break had an antagonistic impact on their careers. Women in law firms gave the idea to be the worst affected, tailed by women in litigation.

The Indian legal industry has observed an unprecedented growth, especially law firms, post liberalisation. But how does this flourishing legal industry maintain its women lawyers? Why do women lawyers withdraw as we move up the reputed corporate food chain?

[38] *Staff Reporter, Martinian clinches all India 6th rank in CLAT, The Times of India (May 20, 2015, 01:19 am), https://timesofindia.indiatimes.com/city/lucknow/Martinian-clinches-all-India-6th-rank-in-CLA T/articleshow /47349696.cms*

Equality in legal profession is just a hoax. Despite equality being shown in this profession, interviews conducted with Delhi, Mumbai and Bangalore women lawyers, publicized that gender biases and discriminatory practices are widespread. Gender bias consist women being apportioned simple and cushy work which are not at all challenging, being enforced to struggle with lesser professional pay than their male equivalents and also refutation of benefits and promotions in corporate jobs[39].

Maternity leave is another seed for gender bias. Not surprisingly, 84% of women in law firms and companies ranked their employers below mediocre on the consideration of childcare assistance programmes and 74% of them sensed their employers as ordinary and below ordinary in endorsing or mentoring women in the organizations[40]. Many corporate firms are reluctant to devote in women's talent. They assess maternity leave and benefits as a drain on their resources.

Expectedly, for many females in law firms and companies, discrimination on the basis of gender is more conspicuously prevalent. In job interviews women are many times bombarded with question in marital status and children. On the other hand, inquiries concerning marital status and children are unlawful in the United Kingdom under the Equality Act 2010.

Not that litigation fairs any better. There is nothing like standard 12 weeks of maternity leave for Women in litigation, because of the structure of court practice. But the practice bargains them more elasticity, claimed many women litigators. According to senior advocate Pinky Anand, "Women in litigation have to face gender bias harder as they have to face clients, lawyers and judges, most of whom are male, on a daily basis. In a way, they have to confront gender bias at several levels."

Legal sector which demands continuity of a lawyer by clients and employers, absenteeism from work, however short-term, puts women's careers to a detriment. Networking, an indispensable function of the profession, is additional aspect that women grapple with when they take a brief hiatus.

A data of 2007 states that out of 955013 total lawyers registered in State Bar Councils of 20 Indian provinces, only 98556 were female lawyers.

For many women litigators nonexistence from court corridors, which are fundamental space for networking, exchanging cards and kowtowing, frequently curses doom for their careers. Further,

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[39] *Sangita Chanda, Women In Legal Profession, 149*

[40] *Sonal Makhija, Indian women legal lawyers face many challenges, The Sunday Guardian, http://www.sunday-guardian.com/analysis/indian-women-legal-lawyers-face-many-challenges*

mentoring programmes that could comfort the shift from maternity break to work are principally lacking. These programmes could act as an guarantee to employers of women's commitment to their careers and contest the assumptions of "what women want" after having a child. Sure, women lawyers need careers that bid them enhanced work-life balance, flexibility, mentoring support.

Judicial section of legal profession is no better. According to a statistics, currently there are 16660 judges in all over India including all courts. Out of them, only 26.9% (4487), consist of women and 0.9% (150) consist of unknown[41]. At present, women lodge disproportionately low number of judicial positions. It is interesting to note that in 2014 there was only one female judge in the Supreme Court [42] and till 2019 the number has a slight increase to 3 female judges out of 27 judges. Out of the total authorized strength of judges across the 24 High Courts in India in 2015 a mere 64 (appx.) are women.[43] The brawl for women to achieve judicial posts and to move through the echelons of the judiciary seems discouraging in the face of stark under-representation. The insufficiency of female judges, point toward the failure in implementing the Constitutional guarantee of equality in Articles 14- 16 within judicial composition. The Late Justice Sunanda Bhandare said that

"A woman is inferior to no man though she has to be twice as good to go half as far".

A truism that is reflected in the legal profession.[44]

Under section 3 of the Judicial Appointments Commission Bill, 2013 the Judicial Appointments Commission is to comprise of the Chief Justice of India , two senior most Judges of Supreme Court next to Chief Justice of India, Union Minister in-charge of Law and Justice and two eminent persons to be nominated by a Committee. The Secretary to Government of India in the Department of Justice would be the convener to the Commission[45]. The Standing Committee had recommended that with respect to the composition and functions of the Judicial Appointment Commission, there should be three eminent persons, instead of two. At least one of the three members should be an SC, ST, OBC, woman, or minority, preferably by rotation[46]. The Constitution 121st amendment Act incorporated the above recommendation.

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[41] *Gender of Judges, Vidhi Legal Policy, http://data.vidhilegalpolicy.in/dashboard/VidhiLegalPolicyAllCourts.html*

[42] *Ministry of Law and Justice, Department of Justice, http://doj.gov.in/sites/default/files/userfiles/sup_court_1.12.14.pdf.*

[43] *Ministry of Law and Justice, Department of Justice http://doj.gov.in/sites/default/files/userfiles/high_court_1.12.14.pdf.*

[44] *Report of High Level Committee on the status of Women in India. Government of India, Ministry of Women and Child Develpoment, New Delhi, June, 2015*

[45] *Report No. 64th, The Judicial Appointments Commission Bill, 2013, Rajya Sabha Department Related Parliamentary Standing Committee on personnel, Public grievance, Law and Justice at page 17.*

[46] *PRS Legislative Research, Legislative Brief, the Constitution (120th Amendment) Bill, 2013 and Judicial Appointments Commission Bill, 2013 on 5th December 2014.*

ANKITA MEENA - A CASE OF PREGNANT LEARNER

India is presently standing in an era where people who belong to legal fraternity are demanding a new and advanced ethical code for them, they are heading towards redefining the legal practice and art of advocacy. And while talking about legal world in its strict sense women are now taken as its indispensable part. But ironically when at one point there is a plan that the ethical context of the concerned profession needed to be taken to another level of refined form, the ethics get compromised at some point of time when there is a differential and discriminatory behaviour towards the female legal practitioners in the country. The recent case of Ankita meena shows the discriminatory behaviour towards female law aspirants.

Critically examining, the recent case of *Ankita Meena v University of Delhi*[47], where a law student, pregnant woman, had knocked at Delhi HC's doors before, but didn't get relief. The court held that a professional course like “law” cannot be put in the same category as other general courses of the Delhi University, and that the student cannot be allowed to appear for her examinations due to lack of attendance, though her pregnancy was recognised as a 'compelling health issue'. Meena, who gave birth in February, had an attendance of 49% in her fourth semester, as against a mandated minimum of 70%.

The law student had knocked at Delhi HC's doors before, but didn't get relief. Finding merit in the Respondents's contention, the judges affirmed, that LL.B. is a special professional course where no relaxation can be granted contrary to the Bar Council of India Rules, which specifically governs the field , once Rule 12 of Rules of Legal Education of the Bar Council of India prescribes a mandatory attendance of 70% in each semester of LLB, no reliance can be placed on Rule 2 (9) (d) of Ordinance VII of Chapter III of Delhi University, which is a general provision that does not deal with a professional course like LLB. Justice Rekha Palli placed reliance on the judgements of *University of Delhi & Anr. v. Vandana Kandari & Anr*[48]. and *Sukriti Upadhyay v. University of Delhi*[49]. Further the Supreme Court dismissed the special leave petition, stating its too late to apply for the maternity benefit and backing the High Court's decision.

But will a woman have to choose between two fundamental rights? There has been a clear infringement of Articles 14, 19 and 21 along with reproductive rights of the woman.

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[47] *Ankita Meena vs. University of Delhi - W.P.(C) 5194/2018*
[48] *University of Delhi & Anr. v. Vandana Kandari & Anr., LPA 662/2010*
[49] *Sukriti Upadhyay v. University of Delhi, LPA 539/2010*

LIMITED REPRODUCTIVE RIGHTS TO PREGNANT PUPILS IN LAW FIELD

Reproductive Rights embrace certain human rights that are already recognized in national laws, international laws and international human rights documents and other consensus documents. These are some elementary rights of everyone to choose without any pressure and maturely the number, spacing and timing of their kids.

India lacks a lot when it comes to issues like maternal mortality and morbidity, unsafe abortion and poor quality of post-abortion care, lack of access to the full range of contraceptive methods and reliance on coercive and substandard female sterilization, child marriage, and lack of information and education on reproductive and sexual health. According to U.N. human rights experts and bodies there is a gross violation of reproductive rights in India.

Since the previous decade, women's reproductive rights are protected by Indian courts in various judgements under the umbrella of fundamental right to life. Recently in unprecedented judgments, the courts have even accepted reproductive rights as vital for women's equal stand in society and asked to respect women's rights and her decision regarding her pregnancy.

There are heartbreaking cases of refusing of proper maternal health care to women as they belong to lower strata of society and living below the poverty line. In 2011, the Delhi High Court issued a landmark joint decision in the cases of *Laxmi Mandal v. Deen Dayal Harinagar Hospital & Ors.*[50] and *Jaitun v. Maternity Home, MCD, Jangpura & Ors*[51]. The Court stated that "these petitions focus on two inalienable survival rights that form part of the right to life: the right to health (which would include the right to access and receive a minimum standard of treatment and care in public health facilities) and in particular the reproductive rights of the mother." Citing CEDAW and ICESCR, the decision held that "no woman, more so a pregnant woman should be denied the facility of treatment at any stage irrespective of her social and economic background...This is where the inalienable right to health which is so inherent in the right to life gets enforced."

There are limitations forced by statutes like the Medical Termination of Pregnancy Act, along with the absence of transparency on the position of privacy as a fundamental right. In tackling the important issue of the 'woman's right to privacy, dignity and bodily integrity' in the background of reproductive rights, the bench recognized the woman's right to choose, albeit in a very restricted sense.

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[50] *Laxmi Mandal v. Deen Dayal Harinagar Hospital & Ors, W.P.(C) Nos. 8853 of 2008*
[51] *Jaitun v. Maternity Home, MCD, Jangpura & Ors. W.P. No. 10700/2009*

Under Article 21 of the Indian Constitution, to make reproductive choices by a woman is regarded as a constitutional right of a woman in the Puttaswamy judgement[52]. It is considered as a part of personal liberty under Article 21. The bench also echoed the judgement given in *Suchita Srivastava v Chandigarh Administration*[53]. The bench stated that, "reproductive rights include a woman's entitlement to carry a pregnancy to its full term, to give birth, and to subsequently raise children; and that these rights form part of a woman's right to privacy, dignity, and bodily integrity."

However, even after all this, in the recent judgement, Delhi High Court provides no hope. In the judgement the court upholds right to undertake examination even if a candidate has availed maternity leave. In the present case of *Dr. Ankita Baidya v Union of India and Ors*[54]., where a medical student of AIIMS was permitted to give her examinations as has been allowed maternity benefit under the act. A note to be made, here, is that a course in the field of medical science is also considered to be a 'professional course'.

CONCLUDING RECOMMENDATIONS BY AUTHORS

"Reproductive rights are not a new set of rights" stated by ICPD. Nations like, The United States of America and Africa, attempts to ensure that pregnant women and girls do not face the above mentioned problem of missing examinations or studies just because they are pregnant:

Title IX of the Education Amendments of 1972 which is guaranteed by The U.S. Department of Education's Office for Civil Rights (OCR) defends individuals from discrimination in education programs or activities that receive Federal financial assistance, just because of their sex. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) necessitates all African member states, to take steps to keep girls in schools. The African Youth Charter entails signatory states to eradicate discrimination against girls, and requires states to remove all blockades in the education system that act like barriers for pregnant pupils from

[52] *Justice K.S.Puttaswamy(Retd) and Anr. vs Union Of India & Ors. (AIR 2017 SC 4161)*
[53] *Suchita Srivastava v Chandigarh Administration (2009) 9 SCC 1*
[54] *Dr. Ankita Baidya v Union of India and Ors. W.P.(C), 8748 of 2018*

attending school.

Based on the above policies and schemes of the above mentioned countries working towards reproductive rights and their education rights, India, too, can work towards this section-
The Ministry of Women and Child Cevelopment in collaboration with the Bar council of India and the University Grants Commission should constitute a body in order to make rules for pregnant women who want to pursue legal education.

In addition, or as an alternative, to developing its own plan of action, a NHRI could develop a joint plan with relevant partners. Such partners could include other independent commissions (some countries like India have for example women's commissions or ombudspersons), ministries or departments within government.

Policymakers should engage pregnant and parenting girls in the process of crafting solutions to the educational barriers they face, making sure to include a diverse set of voices. (One way of doing this is by creating youth advisory committees like the Young Women's Initiatives, first launched in New York City.

The co-authors recommend a bridge course for pregnant women when they resume their education who want to pursue legal education. Such bridge course should adhere to needs of women with normal pregnancy and women who are prescribed to take complete bed rest for the duration of their pregnancy. Such bridge courses should be voluntary and not compulsory. If a woman wishes to give her examination with the set time table, then she should be allowed to do so. Provisions regarding such an allowance should be laid down. Institutions should not force pregnant or parenting students into alternative programs. If any institution/university introduces separate programs for pregnant or parenting students, these programs must be voluntary and offer equal opportunities as other students. A pregnant student must be allowed to remain in her regular classes and school if she so chooses. If a school offers a voluntary alternative program, that program must provide academic, extracurricular, and enrichment opportunities comparable to those provided to the students in the regular school program.
Additional guidelines would include:

- The government should provide technical assistance to legal institutions to help them comply with prohibition against discrimination because of pregnancy and related health conditions. For eg- E-classes and other studying material for pregnant women should be provided by the universities or a common portal should be set up for these pregnant women.

- A proper procedure has to be set out as to how and when should a woman apply for a maternal leave. List of all the documents that are required should also be set out and the time at which they should be submitted.
- Rules should also be made for women who resume legal education after pregnancy, for instance, certain requirements should be mandatory for institutions, maybe, to provide breastfeeding students with an appropriate space and breaks to breastfeed, special infra structure facilities should be available for e.g ramps, lifts, for convenience of pregnant ladies.
- Provide equal access to legal education for pregnant or parenting students, including equal access to extracurricular activities. For example, an institution cannot require a doctor's note from pregnant women to participate in activities unless necessarily required.
- Excuse all absences related to pregnancy or childbirth for as long as deemed medically necessary by a student's doctor. A student must also be given a reasonable amount of time to make up any missed work and at the conclusion of the leave "must be reinstated to the status that she held when the leave began".
- Must ensure that the policies and practices of individual teachers do not discriminate against pregnant students.

While we take up or propose to take up these initiatives, the real initiative would be to : that women cannot fit in the definition of "a legal practitioner" from our orthodox dictionaries. We ought to be defined through our skill and competence and not through our gender. Through ages, women have been striving, not for recognition but for basic respect in their field of work. Women do not want appreciation for juggling through all their chores, they just need to be treated as any man on this Earth would want to be treated and respected. They don't demand anything above anyone, they want what they deserve after all the skill and hard work they put in.

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CRITICAL ANALYSIS ON PRACTICAL TRAINING SUBJECT PRESCRIBED BY BCI FOR LEGAL EDUCATION IN INDIA

SMITA BANSODE

INTRODUCTION

The law is a tool to give a shape to the society, our spiritual guru always believes in the Shasana provided by king. With the help of Shasana king can control at the same time protect his subjects from the evils of society. Shasana means king made law, custom, or anything approved by king and followed collectively by society. In ancient India king was the fountain of Justice. King can never be wrong. In those days, there was no one written law that existed. The justice system totally depended upon the situation based. But taking into consideration that, society is a changing phenomenon the laws are going to be developed as per society's need. With the legal aspect of education in India, we should look into today's legal education system. No doubt we have a good education system, but that is not sufficient. With the legal education the student must be served with the practical knowledge during the law course.

It is a well-established fact that the world of academics often equates with the professional realm. While the students are guided by the curriculum of subjects, once they are out to face the world with a degree, things often turn out to be different than what was expected. Hence, a well-versed student might also find himself or herself intimidated by the professional standards and expectations. That is why practical training during the course study offers these students a taste of the real world.

In case of law students pursuing their degree courses, practical training can be imparted through internship and moot court sessions conducted in various law institutions. It offers a hypothetical situation mimicking the scenarios of a real court of law. Here, a team of students are presented with a hypothetical case and they are required to prepare the case and present it before the presiding judge. In these sessions, students get an opportunity to understand the cases and do research accordingly. While doing so, they are able to hone their research skills along with developing a knack for analysis and advocacy. As they prepare to appear before a judge, they are able to frame their arguments and prepare a brief which would allow them a better understanding on the interpretation of law.

Besides understanding the law, moot courts help the students learn the courtroom etiquettes which help them later in their professional lives, in case they opt for litigation. They also get to meet as well as work with legal professionals which enrich their professional network. Once they begin their practice, these

contacts often give them a professional mileage.

INTRODUCTION TO PROFESSIONALISM

It is important to enhance academic-industry partnerships and engagement through the involvement of students in professional work, and encourage teachers to conduct research, publish papers and participate in different projects. The business school adopted this model to help create relationships and interactions between teachers, students, participating organisations and the broader local community. The idea was to prepare students for all aspects of work, and also provide practical knowledge for teachers and professors.

ENHANCEMENT IN QUALITY OF EDUCATION

Assessing the quality of education is incredibly important in ensuring that students acquire practical skills. Assessment must not only measure the effects of learning of individual students but also the sum of student experiences defined in a meaningful system of performance indicators. It can be difficult to measure the consequences of education because many of its outcomes can only be seen much later in the professional and social activities of former students. However, this is only another reason to try to measure the quality of education.

Students will get good exposure: -

Many times, the students do not find themselves wanting to go out of their way to gain practical experience. That maybe due to fear or simply disinterest. With all these factors influencing the administrators, the teachers, and students of schools, it is no surprise to find that students leave schools without adequate practical knowledge or training. The reasons behind our educational system becoming complacent are complex. It can be argued that in the pursuit of providing basic education to the massive population of the country, corners have been cut to fit the fast-paced needs of this generation. So, the system is developed with a mindset that students eventually will learn things during their career. It is true to an extent, but we cannot overlook the importance of practical education.

Difference between Indoor education and Practical Training: -

Just having knowledge based on books has a drastic effect on the skills of students. For one, students will always begin their career treated as a novice who has zero experience in using or operating even the simplest of tools. Two, they will no longer be in a learning environment, which means that the new work process could be unpleasant and dangerous. Therefore, at least to prepare a student for the rigors of a job, practical education at a school level is important.

Acquiring Skill:-

Another important aspect of practical knowledge is the acquiring of skills. A country is always in need of good, skilled workmen. When it comes to fields like carpentry or metal working, the country still relies mostly on informally trained personnel and their experience. If schools and especially colleges offer practical subjects with intent, the country will be able to produce graduates who have skills in such areas. This useful experience with the additional theoretical knowledge would prove an asset to the economy, thus increasing the opportunities that are available to the students.

Socially, it seems that somewhere along the development of Indian civilization, the respect and recognition that was given to craftsmen and workmen has reduced. This state can be tackled at its most fundamental level by exposing students to the crafts and trades in question. It might displace the stigma attached to such jobs and in turn, open up new avenues for students. Students could also learn new skills they might not know they possess.

CRITICALANALYSIS

Learning of law and practice:-

Learning in law school and actual practice of law are two different experiences. It is often felt that there is a gulf between what is taught in law school(s) and what is needed to navigate in the early stages of a career in law. Law schools train to "think like a lawyer" by developing skills for identifying issues, legal research, drafting documents, and framing legal arguments. But there are many practical aspects which are not adequately addressed during the years spent in the law school. Ironically, they are the foundational tools which budding legal professionals need to build their careers.

Advocacy is a skill:-

While some facets of what lies ahead are complex like the art of skillful negotiation and how to handle/manage conflict, some are as basic as what exactly a career in law entails. Even as law schools attempt to scale up practical training in their curricula, fresh law graduates rarely start their careers as "practice ready." The making of a lawyer involves not just knowledge of substantive law, but also an orientation in several soft skills like communication skills, client etiquette and expectations, management, to name a few. Reading endless pages of case law(s) and condensing the same into a crisp piece is a valuable skill that helps a lawyer at every stage of legal career. But despite being a critical skill set, it does not help in grasping other aspects of the practice of law. Typically, law schools do not focus on familiarizing students with what working in different practice areas of law involves. To cite an example, students gain in-depth knowledge of a particular area like contracts/agreements (usually taught for more

or learn how to advise clients without actually meeting a single one. In the midst of lectures, tutorials, assessments, exams; law schools fail to emphasise that every case that is studied in the classroom and every tutorial problem that is solved is in fact a reality for someone else. In the mind of a law student, these are simply exam problems. Unless one is actively involved in a variety of activities like legal clinics, mock trials/moot courts, research and presentations, and take up worthwhile internships, chances are that most facets of legal work will be learnt on the job.

Selection of Elective subject:-

In this context making the right choices of elective subjects also becomes vital, another aspect whose importance is not sufficiently emphasized to law students. Nevertheless, a good balance between compulsory and elective subjects needs to be struck. Those who want to pursue litigation or work for a law firm are more likely to choose practical elective subjects such as corporate law, labour law, intellectual property etc. Others may choose subjects out of sheer interest in them or owing to their applicability to other streams; for instance, media law, human rights law, international law, to name a few. It is ultimately upon students to do their research and make viable and relevant choices by reaching out to their professors and/or legal professionals who are working in the particular area of law.

Communication Skills:-

The importance of communication skills for lawyers and legal professionals cannot be over-emphasized. Although the popular perception is that only litigating lawyers need be to good communicators, all lawyers in any area of law must be able to communicate effectively in all kinds of circumstances. While it appears self-explanatory, communication skills (in particular client counselling, listening skills, relationship-building skills) are not "taught" in a classroom and need to be worked on through personal endeavours. Negotiation Skills and Interpersonal Skills While activities like mock trials and legal clinics help in developing advocacy skills, new lawyers also need exposure to mediation and negotiation techniques. It can also be particularly challenging for new lawyers to learn interpersonal skills on the job, both in dealing with senior lawyers and managing client relationships. This is an area where mandatory workshops/clinics can go a long way in fresh law graduates being "practice ready". There is a concern that law schools focus on litigation/advocacy at the cost of transactional practice.

Law studies curriculum:-

It is being suggested that the law curriculum should be widened to provide a stronger base for the underlying aspects of transactional law like drafting transactional/corporate documents, research on regulatory issues and structuring deals. Opportunities to understand transactional practice in a more

concrete way would give the new lawyers a greater clarity on transactional law. Law students learn the law and how that law applies in hypothetical situations. Professionalism and accountability are, however, learnt only in the early years of the profession. So while law schools teach how to think like a lawyer, exposure to real world experience is needed in order to learn how to "work" like a lawyer. A prior hands-on experience is invaluable when starting out in the legal career. It's a given that no amount of course work in a law school prepares you to understand and appreciate the stakes involved in what you are working on and that it all depends on how well you do it. Law schools rarely teach ways of engaging in conflict in a constructive and healthy manner without jeopardizing civil relationships. Merely talking about civility as an abstract concept is not enough. The understanding that the budding lawyers will be part of the larger legal community, and that today's opposing counsel could well be tomorrow's judge, co-counsel, colleague is vital. Valuing emotional intelligence, tact and grace over aggression is important for handling or managing conflicts. While there are different conflict styles, one needs to develop and be familiar with one's own conflict style together with the understanding that conflict can also be used as an opportunity to grow and strengthen a relationship.

Legal Practitioner as a career:-

Career decisions are some of the hardest to make and should, therefore, not be rushed. To increase the odds of being content in the long-run, deciding which option suits/works the best for an individual, temperamentally and intellectually, is the key. Clearly, this decision needs to be made before graduating from law school. While some law schools do a good job of implementing career education, many schools typically fail to focus on it. Career centers/help desks can provide with valuable one-on-one guidance, yet these departments are often neglected and underfunded as a result of which students make the mistake of ignoring them. In a bid to chasing high percentages/grades for landing a high-paying job, little or no time is devoted to self-exploration and introspection before graduating from the law school. Not surprisingly, many students do not focus on possible career options until law firms or other organizations visit for campus selection/recruitment. For those whose experience with campus selections is not successful, it is common to wait until they graduate and then think about it. That situation can be avoided if students make optimal and timely use of the career services/support staff within the college/law school. For those who are doubtful if a career in law is the right choice- it is not the end of the world, and completing the degree could well be the best choice for future career. The subject of law also opens up doors to a wide range of careers in judiciary, civil services, management, even economics. The buzz in most law school campuses centers around obtaining high grades to get the best jobs in the top law firms/organisations. There is, however, another reality which gets overshadowed- that there are many who are willing to apply their legal knowledge to alternative career paths. While most will advise you not to attend law school if you don't want to be a than one semester) without

actually drafting one; lawyer in the first place, some may decide -upon graduating from law school - that they want to pursue alternative paths rather than being unhappy in law practice. It is important to keep all options open. Legal education trains students in research, analysis, communication, problem-solving and engaging in wide ranging discussions- all of which are useful in a variety of professions.

Market value of law Degree:-

In a competitive employment market, a degree in law is a strong qualification which can give you an edge. As someone who has recently graduated from law school, be aware of the many variations of practice of law. If you do not end up liking the chosen area of law, consider switching to a different practice area, for that might be a better fit. If you are not inclined to be part of a highly competitive law firm culture, consider those alternatives which offer a degree of work-life balance- NGOs, LPOs, Think-tanks, legal publishing, legal journalism, legal start-ups, academics etc. It is now being increasingly felt that if law schools encourage the belief that it is tenable to opt for an alternative or related career path, there would be fewer unhappy/unsatisfied legal professionals. For many law graduates, law degrees will not be a burden if they are aware of the alternatives. Legal education can help in developing a range of skills viz, drafting, investigation, identifying or spotting issues, suggesting solutions, persuasion etc. Not all employers will be in a position to ascertain the individual skill sets. Identifying and presenting those skills appropriately is upto the individual. Persuasively articulating individual skills which make you the right candidate for a particular job description, is not something that is taught in law schools. Before embarking on a legal career, the ability to articulate your skills -both on paper and in person- has to be honed. Since all practical legal skills are rooted in "tacit knowledge" -the type of knowledge that cannot be transferred through traditional ways of writing down or verbalizing- experience the practice of law to acquire the practical skills. Clearly, a legal internship is the most viable and accessible route to gain those skills. The extent to which practical skills can be acquired during an internship may vary dramatically depending on the workload. To optimize the internship experience, meeting the workplace demands and focussing on investing in your own learning simultaneously go a long way. Mastering the subject of law requires not just an intuitive mind, but also time. In law, any degree of specialization comes with professional exposure to a variety of legal issues, which takes time to develop. The learning gathered in the initial stages of a legal career is critical because the practice of law is not just substantive, but also stylistic. And developing an individual style of lawyering that is authentically yours comes with time and practice.

Mentor/Experts in law:-

While your superior might be an expert on the subject at hand, your colleague could be an expert on drafting, and your subordinate may be highly tech savvy. Ultimately, it is about learning from whoever is

the best teacher and this realization –importance of being open to learning from everyone- comes only on the job. While looking for the first job, or trying to build a client base, or for connecting with other like-minded professionals, being active in law school alumni associations, bar associations, legal community groups helps. But merely having name on a membership roster is not enough. For building a network, get involved, attend the meetings, volunteer, and contribute to the organization's work. Law school does not teach how to network, but not stepping out may result in lost opportunities. Limiting network to only lawyers may not be the best approach, for opportunities and learning grow exponentially with the more diverse set of people that one meets. Having said that, networking styles may vary and different approaches work for different people. It is a skill which is developed over a period of time and students may well start honing it while still in law school. At every place of work, there will be people who others want to be around and there will be people they would want to avoid. In the end, attitude is everything. One may choose to be positive or negative at work; but bear in mind that colleagues and seniors can sense the difference. Someone who is genuinely enthusiastic regardless of the nature of work/assignment is always valued. Lawyers tend to take their "zealous advocate" role too far and place client loyalty above all else, including important values like respect for truth and justice. Be mindful that every lawyer is akin to an ambassador for his or her employer. The individual people behind a firm or a senior lawyer are the ones who "create" the public impression. Despite the opinion that lawyers are held in low regard, there is an implicit respect for the subject of law, and every lawyer plays a part in reinforcing that positive notion. The practice of law and the people who are drawn to it are highly competitive. And yet in the course of the legal career, there will be people who will seek your assistance as also help out or recommend you. If you get the opportunity to attend or speak at an event, reach out to the coordinator (who might be a lawyer too).

As Lawyer Goodwill in society:-

If you are invited to write an article and are unable to do it, suggest someone who could do it. If someone forwards a worthwhile résumé, assist the candidate. Such gestures are not only appreciated, but also reinforce goodwill and eventually help in one's own overtures to others being well-received. Regardless of whether law schools attract students who are competitive, or law schools train them to become so, understand that even in adversarial situations, cooperation is often critical in moving towards a resolution. Interestingly, law schools impart a brand of training that is invaluable even if one decides against a career as a lawyer. The ability to think analytically, to write logically and cogently, as also to speak confidently, are all factored in the learning process that takes place in a law school. All these skills play an equally important role as the substantive subjects which are taught. Given the many challenges facing the new lawyers, law schools could do with continuing to update and recast the law.

CONCLUSION

In conclusion, it seems that giving importance to practical education could lead to a better economy, skilled labor, and newer opportunities. When this practice starts early at the school level, then the advantages increase as time advances. Young minds are more susceptible and capable of learning concepts faster.

Simply put, all the theory, physics, mechanics and what not about cycling can be learned. But unless one gets on the cycle and tries to ride it, one will never learn the art of cycling. That, in essence, sums up the importance of practical education.

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LEGAL CAREERS

SNEHA MEGHANI[1]

INTRODUCTION

As the world becomes a smaller space and the business more complex each day, the presence of law can be felt more strongly in almost every aspect of life. The purpose of this study is to explore the various sectors and industries that a law graduate can build a career in, in the modern world. It also examines the traditional and alternative career options available to a law graduate in the modern world. The paper investigates the connection between the change in number of law graduates in India before and after the establishment of National Law Universities in 1986.The paper briefly discusses the relationship of law and society as well as law and its influence in economics and management. Finally the paper analyzes the pros and cons of choosing a career in the field of law along with challenges faced by law professionals on day-to-day basis and suggest measures to deal with them.

Law is all pervasive; it governs our conduct from cradle to the grave. It is an ongoing continuous process; the fast evolving concept of law affects the daily lives of people, services, business, thereby encompassing all facets of human life in a civilized state.

We live in a society which has developed a complex body of rules to control the activities of its members. The gradual change in the occupational structure of the mankind metamorphosed the small settlements into highly urbanized society, in which great number of people live close together and are ever more dependent on each other's actions. This has led to an increasingly active and creative role of the conscious law-making instrumentalities of the State.

Law over the past couple of decades has evolved and so has the need for lawyers. Law is no longer confined to the four walls of the courtroom. Lawyers of today can be found in various work settings doing multifarious tasks.

Around the globe lawyers have been at the forefront in shaping the future of countries. Most popular leaders in the past and the present have pursued Law at some point of time in their lives. The Indian freedom struggle was won by the army of lawyers who used words for ammunition[2].

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[2] *UKEssays, The Role of lawyers in India's freedom struggle, November 2018, Available at: https://www.ukessays .com/essays/law/role-of-lawyers-in-indiasfreedom-struggle.php*

Last century witnessed an enormous contribution of lawyers in legal implementations of social changes as members of the parliament, legislative draftsmen and as social workers. The lawyers have played a major part in the continuous process of legislative adjustment.

In the current scenario with our society being dominated by commerce and environmental awareness being deep-rooted in our mindsets, the role of lawyer is bound to change. The lawyer's function as a defender of individual rights and interest will continue to be important with rising threats to personal liberties as and when intolerance and the growing power of the government increase the danger of interference with the freedom of opinion and information. There are many occasions when it will be lawyer's duty to act as a brake on zealous politicians who will try to usurp individual rights and privileges for personal benefits. The active and enlightened role of the lawyer in the complex process social engineering is indispensable.

The study of law is not only useful for the self but also for those around and to the public at large. The law helps in development of nations and civilizations.

The study of law and society rests on the belief that legal rules and decisions must be understood in context. Law is not autonomous, standing outside of the social world, but is deeply embedded within society[3]. Law is seen as the 'glue' that holds the fabric of society together. The law protects us from complete social disorder and anarchy.

When individual as well as society are not one simple homogenous entity rather highly heterogeneous with multifold complexity one cannot depend on a single aspect, stream, discipline and line of knowledge without integral understanding of various subjects and issues of the society[4]. The law is not like any other faculty rather it is a special faculty that links other faculties under the common roof of professionalism and national development.

One cannot talk about various careers in law without having the basic understanding of what is law? The law is a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another.

[3] *Lynn Mather , Law and Society, the Oxford Handbook of Political Science, Published on July, 2011. Available at: http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-015*

[4] *K Parameswaran, Integral Dimensions of Law, First Edition, 2015; page no.6*

DIVISIONS OF LAW

Law can mainly be divided into two categories i.e. Civil and Criminal Law. Civil Law relates to rights, duties and obligations of the individual members of the community among themselves. Criminal Law relates to public wrongs or wrongs against the order and well-being of the society in general. Persons guilty of such wrongs are prosecuted and punished by the state.

There has been a significant increase in students opting to choose Law as a career. From around 12,000 aspirants in 2008, the CLAT 2015 expected to see nearly 40,000 aspirants. What is the reason behind this significant increase?[5]

Firstly, law as a career is extremely prestigious; the father of our nation Mohandas Karamchand Gandhi was a lawyer. Lawyers are extremely respected and looked up to. Secondly, in the long run with dedication and hard work one can expect to earn a good salary; the best law firms in India now pay law graduates (from top tier law schools) around twelve lakh rupees annually. Thirdly and probably the most important reason to become a lawyer lies in the pride and the responsibility of being a part of "justice being done". Justice is the ultimate aim of every civilized society. Finally, establishment of National Law Universities has played a role. Law today is completely different from what it used to be a decade ago. People no longer assume that law is for those who cannot get into any other course.

A National Law University, abbreviated as NLU is an educational institution designated as autonomous law school, for imparting legal education as directed by Bar Council of India (BCI). The NLUs were established with aims to improve legal education throughout India, revitalize legal profession by transforming law as a professional degree. Thereby in the late 80's, the concept of offering five-year integrated law programmes took birth.[6] The five year integrated B.A./B.Sc./BBA/B.Com LL.B. courses have added the much needed rigour to the legal education, and have enticed law aspirants with tempting options.

The first such autonomous law school was National Law School of India University (NLSIU), Bangalore established in 1987. At present there are a total of eighteen NLUs which offer the five-year integrated law programmes. The National Law Universities of India today offer jobs that are at par with graduates of the IITs and the IIMs. A degree in law from the NLUs arms an individual with all the requisite skills required in the profession and offers a plethora of opportunities suited to every student's personality.

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[5] *Tanuj Kalia, Law as a Career, First Edition, 2015*

[6] *Career 360, All about NLU's, Available at: https://law.careers360.com/sites/default/files/pdf/All-about-NLUs.pdf*

"The legal career *thali* caters to variety of tastes." The black robe donning litigator, who argues in the court, is just one type of lawyer. Law as a career option offers a lot more than what is popularly known. It has something for everyone[7].

Conventionally the scope of building a career as a lawyer was limited to litigation and working for the government this has changed.

OPPORTUNITIES IN THE FIELD OF LAW

With the rapid growth in trade and industry in the era of globalised liberalization, new avenues of opportunities have opened in law. Legal profession is no more a mere "court affair". As law incorporates diverse fields, it opens various options for law graduates. The demand for savvy law school graduates, with the requisite skills to handle key positions at leading organizations across diverse sectors, has surged dramatically. A law graduate can work for the government, private law firms or be self- employed.

Government: Government Jobs are often considered to be a safe and stable career opportunity for many. Broadly, the legal profession consists of lawyers and judges, who administer, interpret and apply law. As a law graduate an individual is eligible to work for various government organizations and services such as the Military, Judiciary, Public Sector Undertakings and as Public Prosecutors.

- **Public Prosecutors:** Lawyers who appear on behalf of government, public bodies and local authorities are known as Public Prosecutors. At district levels, such lawyers are called Assistant District Attorney. Their main duty is to protect the citizens and carry out criminal proceedings for the Government. In order to become a Public Prosecutor one must be a practicing advocate for not less than 7 years. She/he should then appear for examination that is set by the Union Public Service commission (UPSC). The written test is followed by an interview after which the candidates are selected.

- **Judiciary:** One of the most coveted and prestigious job is to be a Judge. It makes one responsible for dispensing justice and commands immense respect. In order to become a judge one must either litigate or wait for seven years to get promoted or appear for Judicial Service Exams organized by High Courts of the States. A judge is not constantly deciding cases and passing judgments there is a lot of reading and administrative work that goes into it.

[7] *Supra 6*

- **Public Sector Undertakings:** PSU's in India are divided into Maharatna, Navratana and Mini-Ratna. According to judicial decisions, all recruitment of Public Sector Undertaking (PSU) should be done through national level entrance test. Some PSU's have started hiring on basis of CLAT LL.M score as well. PSUs hire candidates as a Legal Executive Trainee, Assistant Legal Advisor or Legal Advisor. Counsels are also required in Government Agencies and Public and Nationalized banks as well. These government organizations usually recruit lawyers through a written competitive exam followed by an interview.

- **Judge Advocate General's (JAG):** JAG's specialize in military, navy and airforce law. They act as legal advisors for military personnel on their day to day matter. The primary role of a JAG officer is to deliver independent, operationally-focused, solution-oriented legal advice and services across the full spectrum of military law towards supporting military operations and a sound military administration. In order to be eligible to be a JAG Candidate applying person must be an Indian citizen, between the age group 21-27 with 55% marks in LL.B. Preliminary short listing of application is done by Recruiting Directorate. This is followed by interview by Service Selection Board (SSB) and a two stage Psychological Aptitude Test. On clearing both the tests there will be a rigorous medical test following a 49 week training program at Officers Training Academy (OTA), Chennai after which successful candidates are granted commission rank of a Lieutenant.[8]

Private Sector: Globalization of legal services has induced improved standards of service into the legal profession. This has given rise to a stronger and more competitive private sector.

Law Firm: A law firm is a group of lawyers that work for various clients. Law Firms are able to provide more or/and specialized services under one roof. Getting a job in a top law firm is the dream destination for most law graduates. For a young graduate, working in a law firm would mean getting good money for the hours one puts in, working with complex legal issues, being pushed into doing your best which is always a good thing. However the work schedule can be extremely hectic. Young associates are often not asked to work on the high profile cases and asked to do a lot of filing. Even senior employees who cannot get clients or manage teams are often shown the door. Top law firms pay an annual salary anywhere between Rupees 10-14 lakh, mid-tier law firm would probably pay about Rupees 5-10 lakh annually with smaller firma paying Rupees 2.5-5 lakhs a year.[9] An associate can become a senior

[8] *Available at: https://joinindianarmy.nic.in/alpha/writereaddata/Portal/NotificationPDF/JAG_19_NOTIFICATION.pdf*
[9] *Tanuj Kalia, Law as a Career, First Edition, 2015*

associate in 2-4 years and a partner in 8-15 years. Salary increments of 10-50% are not unusual. Some of the well known top- tier law firms in India are AZB & Partners, Kochhar &Co., Amarchand Mangaldas, Luthra& Luthra, J Sagar Associates, Khaitan and Company and Trilegal.

Corporate Counsel: In-House counsel are hired by a corporation's law department to handle a range of legal issues affecting the company, among them employment, policy, tax and regulatory matters. More prevalently, they play a managerial role, overseeing work that's been outsourced to attorneys at independent firms[10]. Only two types of tasks are outsourced, one which requires specialized legal knowledge and second is where volume of the task requires routine work. Legal advisory work and transactional work are two major types of tasks an in-house counsel performs. Legal advisory work entails legal research and drafting, and transactional work can involve due diligence, vetting, reviewing and drafting agreements as well as handling negotiations. A in-house counsel should also take other departments of the company under confidence and warn or advise them about the possible legal repercussions of their actions/plan. He gets to be the jack of all trades. The only thing an in-house counsel cannot do is practice in court and thus litigation is often outsourced to senior counsels. Almost all multi nationals and huge private companies have a legal department including Wipro, Google, Bajaaj, FMCG such as Hindustan Unilever and Nestle, Construction companies like L&T. As an in-house counsel the work pressure is not intense as the deadlines come from your own teammates and not from a client.

Banking: Banks also have their in-house legal departments. Banking is also a regulatory-intensive business, so whenever the government introduces a draft of new banking regulations, the legal team has to come up with an action plan to comply with them[11].

Legal Process Outsourcing (LPO): In the last few years, the rise of new technologies combined with the renewed drive to cut costs in the wake of the global downturn has increasingly forced law firms and corporate legal departments alike to reevaluate how they operate and to consider outsourcing the more mundane tasks associated with the legal profession. This has led to the rise of legal process outsourcing (LPO) along with numerous new and unfamiliar firms, many of which are based offshore.[12] Law firms of expensive countries can therefore focus on high end tasks. Major law firms in the USA would take as

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[10] *Chambers Associates, In-house Counsel, Available at:https://www.chambers-associate.com/where-to-start/alternative-careers/in-house-counsel*

[11] *Sissi Wang ,What Does An In-House Counsel At A Bank Actually Do?, Pre cedet JD, Published on: 21st April, 2017, Available at: https://precedentjd.com/career/what-does-an-in-house-counsel-at-a-bank-actually-do/*

[12] *Cobra Legal Solutions, Outsource Portfolio, Available at: ttp://www.cobralegalsolutions.com/pdf/cobra Top10.pdf*

much as $15,000 for putting together and filing a patent application, while an Indian firm would do the same in $3,500. This enables companies to file a lot more patents in the budget of one patent application.

India has emerged as a top destination for setting up LPO companies because India follows the 'Common Law' practice as the United Kingdom and United States of America. Indian lawyers also communicate well in English and their labour is much cheaper. A LPO employees primary task is 'document review', here the client sends the LPO a large pile of documents and the employees job is to identify the documents that are relevant for the situation in hand. In a LPO a competent, hardworking law graduate can move quickly up the management ladder. Salary in an LPO can vary from Rupees 15,000- 30,000 per month. Some of the top LPO's are Cobra Legal, Legal Ease and LEX outsourcing.

Most lawyers working in law firms, companies and LPO's have not seen the inside of the courtroom.

Litigation: The traditional career path is to “practice law” in the courts. Lawyers in private practice, either on civil or criminal practice advise their clients on their legal rights and legal issues affecting their personal and professional interests and also represent them in court. It is vital to note that a litigator does not receive any salary. He receives fees. A fresh law graduate can start his career in litigation by working under a senior lawyer for the first four to five years or by working for a litigation team of a law firm before one can think about starting his own practice. Pre-requisites for the field of litigation include: an LLB degree, a valid bar council license and a functional grasp of the English language, and the regional language of the High Court of one's state of practice/residence. For many in litigation, it provides them a feeling of satisfaction and accomplishment on winning a case. But being a litigator is a difficult process for beginners as it often pays very little or nothing. In Delhi High Court it can vary anywhere between Rupees 12,000 – 18,000 per month. It is believed that litigation pays in the long run. Some of the well known lawyers are Ram Jethmalani, Harish Salve, P. Chidambaram (former finance minister of India) can charge anywhere between Rupees 5 to 25 lakhs per appearance. Successful lawyers often tend to make the jump into politics as well. Recent examples would be Mr. Kapil Sibal, Mr. Arun Jaitley and Mr. Prashant Bhushan, to name a few.

Advocates in addition to being professionals are also officers of the court and play vital role in administration of law. The rules of professional standards that an advocate needs to maintain are mentioned in Chapter II, Part VI of the Bar Council of India Rules.

Academics: Law just like Teaching is considered to be a noble profession. Therefore teaching law can be the noblest of all professions! With about more than 1300 law schools in India building a career in

legal academia is often a popular one among those who love to read, think, analyze and write. Teaching is a fairly relaxed career choice as compared to litigation or working in a firm. This means they can concentrate on other areas of interest such as research which is important for evolving of any field, even law. Research generates new knowledge, which can take months and even years. Reading a lot for class and for research becomes necessary which not only increases knowledge of an individual but also helps them identify the gaps in the literature. Despite the great level of flexibility and autonomy working as a law profession is not very lucrative, there is an upper limit to what one can achieve. In order to be an Assistant Professor in Law one requires good academic record with at least 55% marks in the LL.M. Degree. Also, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC (University Grants Commission), CSIR or similar test accredited by the UGC.

However, the candidates who have been awarded a Ph.D. Degree are exempted from the requirement of the minimum eligibility condition of NET. A Ph.D. Degree is a mandatory qualification for the direct appointment of Professors. One of debatable topics is that can a law professor also practice as an advocate. According to Rule 49 an Advocate cannot be a full time employ of any private or government institution[13] an exception to this rule is Rule 51 which permits lecturing of law or non-law subjects not exceeding three hours in a day[14].

Legal Journalism: As professions both journalism and law require a similar set of skills viz. researching and communication. Legal journalism refers to specialized reporting about all matters pertaining to the field of law. It covers legal proceedings in courts, arbitration events, criminal matters, etc., which are disseminated to the public. Legal Journalism is one of the unconventional career paths a law student can opt for. A law school curriculum involves a lot of writing (research and drafting) therefore a law graduate is already equip with a journalists ability of researching and getting to the depth of the issue. One has the option of reporting on legal issues for which no additional training is required. The only thing to be kept in mind while writing as a journalist is not using too many legal jargons. One

[13] *Rule 49. An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practice, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears and shall thereupon cease to practice as an advocate so long as he continues in such employment.*

[14] *Rule 51 permits the lecturing and teaching subjects, both legal and non-legal. However, this right is subject to the Advocates (Right to take up Law teaching) rules, 1979. According to rule 3 of the said rules an advocate may, while practicing, take up teaching of law in any educational institution which is affiliated to a University within the meaning of the University Grants Commission Act, 1956 (3 of 1956), so long as the hours during which he is so engaged in the teaching of law do not exceed three hours in a day. When any advocate is employed in any such educational institution for the teaching of law, such employment shall, if the hours during which he is so engaged in the teaching of law do not exceed three hours, be deemed, for the purposes of the Act and the rules made there under, to be a part-time employment irrespective of the manner in which such employment is described..*

should write on legal issues in a manner a layman can understand. This takes time, practice and experience. A fresher can expect anywhere between Rupees 15,000- 35,000. Currently in India there are not many media publications exclusively devoted to legal reporting. Some of the popular magazines are Lex Witness, LawZ Magazine and Legal Era and a few popular websites are Legally India, Live Law and Bar &Bench. Some of the common publishing houses and legal data bases are Lexis Nexis, Manupatra, Thomson Reuters, SCC Online & Universal Publishing.

Self Employment : Besides jobs available to the law graduates, self employment opportunities are plenty. It is an approach which offers individuals greater control than is often possible within a traditional employment relationship. One has to enroll oneself with the local State/ Central Bar Council. After enrolment an individual can practice law in any court as per the rules. As a self-employed lawyer, an individual is not obliged to work exclusively for one client. The downside of this would be that there is no guarantee of work from your clients and, conversely, there is no obligation to take on every work that is offered. Out of the plethora of specializations available in the legal profession, one has to decide a particular field of practice. Some of the areas of specialization are elaborated below:

- **Tax law-** Tax law or revenue law is an area of legal study which deals with rules and laws applicable to taxation. It involves assisting business organizations and individuals in advising on tax loopholes. A prerequisite for becoming a tax lawyer is the basic understanding of principles of commerce such as the balance sheet and the profit and loss statement.

- **Family Law-** Family law is the field of law that addresses family relationship. Family lawyers deal with legal issues like divorce, child custody, child support, maintenance, domestic violence, Inheritance, alimony and adoption. Family courts are special courts which specifically handle matters of family law.

- **Intellectual Property Law-** Intellectual property (IP) rights are legal rights which govern the use of creations of the human mind and work. IP deals with copyrights, patents and trademarks. IP law along with Competition law, Media and entertainment laws are some of the emerging areas of law due to the rise of internet

- **Cyber Law-** Many believe that as the internet has developed in the absence of laws, so no laws should be applied to the internet. Since internet defies geographical boundaries, national laws can no longer be applied in the internet sphere. Given the internet's unique situation it becomes necessary for internet to govern itself, therefore a entire new set of rules are created these laws

that govern the cyberspace are known as cyber laws. Though a product of technological innovation, cyberspace has thrown and continues to pose newer challenges to mankind. The digital space is constantly changing and the final word of the law on many technology law related aspects has not been written. Cyber laws are being made and amended in front of our eyes and getting to be a part of that process is intellectually challenging and exciting. A cyber lawyer deals with a variety of issues. This may include working with cases of defamation, stalking, hacking, bullying or nuisance on social media, dealing with domain name disputes, e-commerce disputes and data thefts.

- **International Law-** International law defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries. It also regulates the global commons, such as the environment and sustainable development, international waters, outer space, global communications and world trade.[15] A International lawyer deals with multinational companies, international issues such as human rights violations, anti-dumping, Foreign Direct Investment, import export matters and international dispute resolution.

- **Environmental Law-** Environmental rule of law is central to sustainable development. It integrates environmental needs with the essential elements of the rule of law, and provides the basis for improving environmental governance.[16] Today, environmental law is budding not only in the policy side but also for the corporate sector. Environment Lawyers are not only fighting for tribal's or displaced people. They may also represent corporate companies and government for their business and development projects.

There are many more streams of law that an individual can specialize in such as Maritime Law, Constitutional Law, Criminal Law, Civil Law, Consumer Law, Sports Law, Property Law, Labour Law, Securities Law and Insurance Law.

Social Work: If one is socially conscientious, human rights lawyering might be the right career choice for them. For someone who is passionate about socio-legal issues can work with NGO's and Civil Organizations at a national level to find a solutions on contemporary social issues like gender and caste discrimination, child labour, human trafficking etc. At an international many law graduates are offered opportunities to work for the United Nations. At an NGO or Think Tanks (for example: Niti Aayog), one is broadly expected to do three types of work: research about the issue or the legislations, advocating

[14] *United Nations, Available at: http://www.un.org/en/sections/what-we-do/uphold-international-law/*
[16]: *United Nations Environment Programme , Available at: https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0*

ones views and opinions to the concerned authority in order convince them about the seriousness of the issue at hand and litigation if the matter is taken to court (filling a PIL). Salaries are low usually about Rupees 15,000- 20,000 per month but the work is generally satisfactory. Non- governmental organizations (NGO's) such as Human Rights Law Network (HRLN), Alternative Law Form (ALF) & Lawyers Collective have done some pioneering work in this space.

Alternate Dispute Resolution (ADR): Traditional courts in India have today become infamous for delays & rigid procedural rules. This has led to development of alternate channels of dispute resolution out of this arbitration and conciliation occupy a place of prime importance. Certain kinds of disputes such as matrimonial disputes, family disputes and several other categories of petty civil and criminal cases, which form substantial percentage of pending litigation, can be resolved more efficiently by organized means of arbitration and mediation. These processes often allow for greater consideration of local customs. Mediation is the process of dispute resolution where mediator helps to resolve disputes between two or more parties through negotiations. A mediator decision cannot impose his/her decision on the parties. In Arbitration, one or more arbitrators become the judge in a dispute. The dispute is submitted to the arbitrator by an agreement between the parties. Arbitration is less cumbersome and a lot more efficient than litigation. Although no formal qualifications are required to be an arbitrator, one cannot just graduate from law school and decide to become an arbitrator. Most arbitrators in India are experienced people like retired judges of the Supreme or the High Courts. Arbitrators just like judges have to maintain some distance in their personal and professional relationships. An arbitrator can either charge a lump-sum amount for a case or charge on the basis of sessions (usually 2-3 hour). A young arbitrator can charge upto Rupees 2,500-3000 per session. Experts and judicial arbitrators can charge a lot more. ADR has emerged as an alternative, complementary and supplementary mechanism to the existing process of litigation in traditional courts.

Higher Studies: Before charting out a career in law, one should have a clear idea whether one would pursue higher studies or start working directly after LL.B. Acquiring a degree will not only cost a person a lot of time and money but also deprive him/her of valuable years of experience. It should be made clear that possessing a higher degree is neither a pre-requisite for a practicing lawyer nor does it guarantee success. LL.M. is being offered in both 2 years full time course and 3 years part time course for working personnel. LL.M. provides an opportunity to pursue in-depth analytical and comparative study in specialized branch. It gives an individual a much wider perspective and proper insight towards law. Those who are serious in pursuing LL.M. in India or abroad should perform consistently in the LL.B. Prestigious law school offering LL.M. would include National Law University, Bangalore and Delhi. Some well-known law schools outside India would be Harvard, Yale, Columbia in the United States of America and Cambridge and Oxford University in United Kingdom's.

For a hardworking and determined individual passionately wanting to be successful in law, sky is the limit but it comes with its own set of challenges.

The legal profession is graphically described as a "pyramidal structure" in which those occupying the top have work, wealth and fame beyond limits, and those in the middle, have reasonable opportunities of making a living and prospects for joining the fortunate few at the top, the vast majority constituting nearly 50% of the profession are left to struggle for work and survival. In many cases, they opt out of the profession to be able to survive. The irony of the situation is that there is a growing demand for legal services and large area of unmet legal needs in society, yet the surging numbers of advocates are unable to get employment unless they have godfathers in the profession or abundant political patronage.

Indian legal education system is often said to be over regulated and under-governed. Outdated syllabus is being taught for years without reflecting the realities of the legal practice. Legal education has stagnated in most colleges and rather than creating legal experts it is producing clueless law graduates. Basically law school leaves a law graduates ill-prepared to practice in a real court or in actual life situation. The irony of this situation is that Bar council, body of several accomplished lawyers is the regulating body of legal education in India and then it is the same lawyers that claim the education to be inadequate.

CONCLUSION

The Indian Justice system suffers from proved corruption and professional incompetence at lower levels. This is the apparent reasons for judiciary arteries getting clogged with burdening number of court cases. The time has come to look outside the court based system of dispute resolution. The judiciary and lawmakers should not only improve the fairness and efficiency of the existing judicial system but also promote alternative mechanism of dispute resolution. This would be a very modest beginning for the long journey from legal system to justice system.

With the world getting smaller and more complex, clients are becoming sophisticated procurers of legal services expecting more "on- demand service". At the same time lawyers no longer have the monopoly on the provision of legal services, allowing clients to seek legal assistance from artificial intelligence technology that is available to everyone, such as virtual assistants and legal self-help sites. As the cost of legal services continues to rise, new legal delivery models will continue to emerge and gain momentum in the coming years. Without a doubt, the legal sector is undergoing considerable change and law firms need to pay heed and deliver a better client experience.

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In order to become a successful lawyer an individual should possess the virtue of patience as success does not come overnight, especially not in law. A lawyer really learns at the expense of his clients. A lawyers stock in the trade is not merely winning the case but the fact that he put up a good fight. A lawyer should not only be ethical but also morals in his dealings.

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Education is the milestone of a society committed to nurturing values and principles for a better world. A road map to such an endeavour must include a strong legal structure holding its people both free and answerable. The torchbearers of such a fundamental structure need to be prepared to ensure justice in a society. Thus, legal education, trusted with the responsibility of preparing young minds to be efficient lawyers, holds a crucial place in the making of such a society. Today, with the intriguing process of globalisation, digitization, and modernisation, law schools need to engage in an all-encompassing process of education. Along with traditional litigating skills, and the expanding corporate workspace, legal education needs to include an inter-disciplinary, technologically-enhanced edifice. To achieve this, it is imperative that stakeholders from across academic and professional disciplines engage in an all-inclusive discussion.

With this aim, the conference endeavoured to facilitate a national-level forum for discussion on redefining legal education in India. The purpose of the conference was to bring forth suggestions and recommendations by legal practitioners and allied stakeholders to arrive at a comprehensive curricular model. In the course of these academic dialogues, crucial deliberations on legal education served to provide effective academic outcomes. The proceedings of the conference bring to the reader these valuable inputs paving way for a futuristic framework for legal education.

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