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Legal Education in India and UK: A Comparative Analysis

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ABSTRACT

Humans dwell in societies that are administered by the Rule of Law. Law is a driving force that instructs human behaviour and brings out a society that has law as its fundamental value rather than the historical view of divinity rule. Imparting the legal views in public, administrations have developed legal education systems. Human science, which provides knowledge, skills, philosophies, theories that are of great importance to teach a universally acceptable art of law, is legal education. Legal education is an umbrella concept that includes legal teaching, legal research, and the practical legal skills of advocacy required in the court of law. This research on Legal education In India and the UK: A Comparative Analysis was inspired by the massive number of young minds whose future is shaped by this very legal education provided to them. Law professionals act as a saviour of justice in the court of law and should make revolutionary changes to the community. The present curriculum frameworks of legal education could not provide legal teaching, legal research, and the practical legal skills of advocacy required in the court of law. This research aims to identify how the legal education imparted to the students is far from its purpose that aimed at creating law professionals that are an asset to society. This research identifies that the gap between the theories of legal education and their practical implementation was huge and needed bridging research that would help bring the change. The major aim of this study is to bring out the differences between the two systems in the context of the legal knowledge imparted to the students and the curriculum adopted by the two. In this research, I have tried to highlight the comparative element that was the basis of comparison.

I. INTRODUCTION

Humans dwell in societies that are administered by the Rule of Law. Law is a driving force that instructs human behaviour and brings out a society that has law as its fundamental value

rather than the historical view of divinity rule. Imparting the legal views in public, administrations have developed legal education systems.

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Human science, which provides knowledge, skills, philosophies, theories that are of great importance to teach a universally acceptable art of law, is legal education. Legal education is an umbrella concept that includes legal teaching, legal research, and the practical legal skills of advocacy required in the court of law.²

In the UK, the students registered for the law degree were around 29,000 as per *The Law Society Report of 2019-2021*³. Whereas, according to the statistics in the *All India Survey on Higher Education (2015-2016)*⁴ in India, around 30,000 plus students have enrolled themselves as students for legal education.

Moreover, according to the *Annual Statistical Report for 2019 (Law Society)*⁵, the UK has recorded the highest number of 146,953 solicitors with practising certificates in the year 2019. UK curriculum has shown a worldwide approach that has allowed swelling the demand for UK-based legal representatives outside the nation. At the same time, the *National Knowledge Commission Report*⁶ has pointed out that the present Indian Legal Education system is far from accomplishing a curriculum that has no gap between theory and the practice of law. This wide gap between the applications of law

theories has kept Indian Law Schools out from the top 300 global law schools.

This research on Legal education In India and the UK: A Comparative Analysis was inspired by the massive number of young minds whose future is shaped by this very legal education provided to them.

Law professionals act as a saviour of justice in the court of law and should make revolutionary changes to the community. The present curriculum frameworks of legal education could not provide legal teaching, legal research, and the practical legal skills of advocacy required in the court of law. This research aims to identify how the legal education imparted to the students is far from its purpose that aimed at creating law professionals that are an asset to society. This research identifies that the gap between the theories of legal education and their practical implementation was huge and needed bridging research that would help bring the change.

The major aim of this study is to bring out the differences between the two systems in the context of the legal knowledge imparted to the students and the curriculum adopted by the two. In this research, I have tried to highlight the comparative elements that were the basis of comparison.

² K.L.Bhatia, Legal Justice Education: Vision Plan for Legal Schools, 1 (Deep & Deep Publications Pvt. Ltd., New Delhi, 2006)

³ The Law Society, The Law Society Report of 2019-2021, 4th December, 2021 & 15:00, <https://www.lawsociety.org.uk/en/career-advice/becoming-a-solicitor/entry-trends>

⁴ Ministry of Human Resource Development, Department of Higher Education, New Delhi, AISHE(All India Survey on Higher Education (2015-2016)), December 2nd, 2021 & 15:00,

https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/AISHE2015-16.pdf

⁵ The Law Society, Annual Statistical Report for 2019 (Law Society), December 6th, 2021 & 13:00 <https://www.lawsociety.org.uk/en/topics/research/annual-statistics-report-2019>

⁶ All India Council For Technical Education, Knowledge Commission Report, December 4th, 2021 & 14:00 <https://www.aicte-india.org/reports/overview/Knowledge-Commission-Report>

II. CONNOTATION OF LEGAL EDUCATION

Humans dwell in societies that are administered by the rule of law. Law is a driving force that instructs human behaviour and brings out a society that has law as its fundamental value rather than the historical view of divinity rule. Imparting the legal views in public, administrations have developed legal education systems.

Human science, which provides knowledge, skills, philosophies, theories that are of great importance to teach a universally acceptable art of law, is legal education. Legal education is an umbrella concept that includes legal teaching, legal research, and the practical legal skills of advocacy required in the court of law.⁷

Legal education strives to develop a system of academic expertise that is willing to instil in students the legal knowledge that expands their vision on principles and provisions of law to enable them to enter into the professional field of law.

Legal education qualifies law professionals by providing them with aggressive structured training programs. A law professional as such include all the people who are equipped with the knowledge of the law and does not just strict to the practice of law in courts.

With the present Legal education, the modules are planned to provide the students with basic legal awareness in their grad courses with no special emphasis on a particular subject.

Various undergrad programs, along with extensive research postgrad programs, help the individuals who are seeking to find their space in academia, research or sectors which involve in-depth knowledge of the legal subject. In various countries, an extraordinary opportunity for students is delivered to undergo five years or three-year courses which enrich them with the objectives of justice and law in society.

Three major purposes of legal education were identified by *Lord Denning* when he addressed the *Society of Public Teachers of Law*.⁸ He pointed out that legal education mainly demonstrates how the legal rules have come into being and the major motives that are essential to their existence.

He also states that legal education brings out a relationship between social and legal history. Further, he adds that it is used to categorise the core fundamentals that make the already prevailing legal provisions. Moreover, he mentioned that legal education is a tool that can pay away for future development in the legal field.

Legal education should embark on creating law professionals that are an assent to the society; not only do they act as a saviour of justice in a court of law, but they also should be able to make revolutionary changes to the society.

III. LEGAL EDUCATION IN THE GLOBALISING WORLD

With the ongoing era of globalisation and the world hit by the COVID pandemic, it is

⁷ *Supra* note 14

⁸ *Supra* note 9

necessary that the legal education system should also shift its traditional theoretical approach to a more practical market-friendly approach. Around the world, countries have adopted legal education systems that have a progressive effort.⁹

Globalisation has formed varied opportunities through legal education, by which law graduates can use their qualifications and can gain experience and license to work in more than one jurisdiction. The globalisation of legal education was influenced by increasing digital technologies. This advancement of technologies has created opportunities for the application of legal knowledge and skills on an international level.

However, there is a lack of an internationalist curriculum for legal education. A common curriculum on the international platform will help to create more employment opportunities for budding lawyers.

So, the authorities regarding supplementation of legal education around the world require significant and continuous development in regards to investment in human, organisational and material resources to incorporate existing and emerging issues in relation to legal education.

IV. PERSPECTIVE OF THE LEGAL EDUCATION SYSTEM IN UNITED KINGDOMS

History & Overview

Legal Education in the UK has shown a ginormous development during the past years. It has come a long way from the teachings of *Inn of Court* to the reformed legal education standards of *Cambridge and Oxford*.¹⁰ According to the *Annual Statistical Report for 2019 (Law Society)*¹¹, the UK has recorded the highest number of 146,953 solicitors with practising certificates in the year 2019. UK curriculum has shown a worldwide approach that has allowed swelling the demand for UK-based legal representatives outside the nation. Their approach of regulating their legal education system to bring out a model competitive with the present globalising world is what has put them top of the list.

Legal education in the UK is majorly on the regulations of the legal education system in England and Wales. Legal education in England and Wales has a definite distinction between their academic, vocational, and continuing stages of legal training.

The Law in England is more of an undergraduate nature rather than graduate education. As for the law, unlike other courses, the students must first complete a three-year qualifying law degree or equivalents.¹²

⁹ *Supra* note 10

¹⁰ Andrew Boon, & Julian Webb, *Legal education and training in England and Wales: Back to the future*, Journal of legal education, JSTOR, 58. 79-121, (2008) <https://www.jstor.org/stable/42898365>

¹¹ The Law Society, Annual Statistical Report for 2019 (Law Society), December 6th, 2021 & 13:00 <https://www.lawsociety.org.uk/en/topics/research/annual-statistics-report-2019>

¹² The Bar Council Of India, Brief History of Legal

Under these courses, the knowledge imparted to the students included not only the theoretical aspects but also the vocational courses. The graduates are required to fulfil a period of employment training under the mentorship of a qualified practitioner.

The two major vocational stages of training, Bar Vocational Course (BVC) and Legal Practice Course (LPC), involves functionally distinguished programs for pursuing barristers and solicitors, respectively. All these offered courses are full-year academic courses; however, few of the European universities do offer part-time study options too. The English legal education and training work as the catalyst to the legal profession.¹³

In the UK largely, legal education was a slow developer but was rather a constant one. The development started with the onset of the establishment of universities that taught law. In 1758, the very first common law university was created at the Vinerian Chair at Oxford. Many more universities emerged all over Europe. As in London, the law schools at University and King's Colleges were followed by the founding of a law school at the newly established London School of Economics (in 1895).

Ormrod Committee on Legal Education

The major contribution that was made to the English legal education system was made by Ormrod Committee Report¹⁴. The Ormrod Committee framed its perception of the problem

facing legal education as one of inefficiency and overlap. The emphasis on professional control, exercised through examination, meant that the law degree had not achieved any significant status as a professional qualification in its own right and that there was little coherence across the work of the academic and s and colleges.

The construction of the professional examinations too had come to dictate both the content and methods of professional preparation, leading to "coaching" and "cramming" for the examination and too little emphasis on the actual skills required of an intending practitioner.

In the Ormrod report solution to the perceived inefficiencies was to emphasise the need for a planned training regime involving academic, vocational, and continuing stages. It suggested that professional skills and techniques should be taught throughout a lawyer's career.

V. PERSPECTIVE OF LEGAL EDUCATION IN INDIA

History & Overview of Indian Legal Education

In India, the initial concept of law that prevailed in the Vedic period was the concept of dharma. King, as such in that period, was considered the saviour of justice. Through various changes in the legal system, the development of legal education took place during the Ancient period, Mughal and British period and also the post-independence period.

Education in the UK, [barcouncilofindia.org](http://www.barcouncilofindia.org), 6th December, 2021 & 18:34, <http://www.barcouncilofindia.org/about/about-the-legal-profession/brief-history-of-legal-education-in-the-uk/>

¹³ Dr. Abdullah Al Faruque, Legal Education System in the UK: An Overview, Chancery Law Chronicles, 2nd May 2009, <https://www.clcbd.org/journal/9.html>,

¹⁴ *Supra* note 13

However, the legal education system in India was not a very well-developed system till the early 1920s. There were very few or no opportunities with regard to the legal field. As there was a curriculum for legal education in India, many Indian lawyers were usually an Oxford or Cambridge product and usually had their enrolments at an Inn of Court. The latter half of the 19th century witnessed the growth of Indian Law Colleges such as Government Law College, Faculty of Law on Delhi University, ILS Law College in Pune and a host of other colleges in various states and universities across the country that made legal education accessible in India.¹⁵

The evolution of Indian legal education started when the Bar Council of India established the National Law School of India University, a premier law school in Bengaluru. They established this university to bring a paradigm shift in the teaching of and research in law. Further, the Bar Council of India, to promote good quality legal education formulates the standards and inspects all law colleges across the country to check whether or not they are complying.

In India, the major changes in the curriculum were presented by the *National Knowledge Commission Report*¹⁶ has pointed out that the present Indian Legal Education system is far from accomplishing this vision. But the curriculum adopted in the Indian law universities

has the gap between theory and the practice of law that has kept Indian Law Schools out from the top 300 global law schools.

As there is this huge gap between the Indian and the other prevailing legal education systems, it is evident how India is not able to compete on the global platform, and lawyers from India are not as acceptable outside India due to their lack of knowledge and incompetency for the actual market.¹⁷

The Indian course modules lack a dynamic nature that has an understanding of theoretical depth-integrated with practical intuitions such as clinical legal education, legal aid, legal workshops, legal writing skills, etc. It should also have a multidisciplinary approach to ensure legal professionals are equipped with knowledge of the overall marketplace to enable them to survive in this globalising world.

Originally in India, there was only a three-year graduate degree, but before that, an applicant must have done a Bachelor's degree to be eligible for the law degree. However, this norm has changed with the adoption of a five-year integrated course of graduate and a law degree.

The Indian legal education system tries to absorb the concept of *Rule of Law* that was upheld by the apex court in the case of *Keshvananda Bharti vs. the State of Kerala*¹⁸ for the first time in India. Hence, designing an education system that can

¹⁵ Universal group of Institutes, Brief History of Legal Education in India, UNVIVERSALINSTITUTIONS, 4th Dec, 2021, <https://universalinstitutions.com/brief-history-of-legal-education-in-india/>

¹⁶ *Supra* note 5

¹⁷ Ahmad, Tabrez, *Legal Education in Indian Perspective*, Legal Education eJournal, JOUR,

10.2139/ssrn.1513826, (2009), 12th Dec, 2021, https://www.researchgate.net/publication/228242784_Legal_Education_in_Indian_Perspective

¹⁸ Shristi Suman, *Keshvananda Bharti Vs State of Kerala*, (1973), blog.ipleaders.in, 9th December, 2021 &15:19, <https://blog.ipleaders.in/kbharatikerala/>

portray the real essence of the Indian legal vision becomes a necessity. The *National Knowledge Commission Report*¹⁹ has pointed out that the present Indian Legal Education system is far from accomplishing this vision.

The curriculum adopted in the Indian law universities has the gap between theory and the practice of law that has kept Indian Law Schools out from the top 300 global law schools. As there is this huge gap between the Indian and the other prevailing legal education systems, it is evident how India is not able to compete on the global platform, and lawyers from India are not as acceptable outside India due to their lack of knowledge and incompetency for the actual market. The Indian course modules should be dynamic in nature that has an understanding of theoretical depth-integrated with practical intuitions such as clinical legal education, legal aid, legal workshops, legal writing skills, etc. It should also have a multidisciplinary approach to ensure legal professionals are equipped with knowledge of the overall marketplace to enable them to survive in this globalising world.²⁰

VI. COMPARATIVE ANALYSIS

My research on '*Legal education In India and the UK: A Comparative Analysis*' was inspired by this gigantic number of fledgling minds, whose future is shaped by this very legal education provided to them.

Through my research, I could identify that the legal education imparted to the students was far from its purpose that aimed at creating law professionals that are an asset to society. Law

professionals act as a saviour of justice in the court of law and should make revolutionary changes to the community. The present curriculum frameworks of legal education in India could not provide legal teaching, legal research, and the practical legal skills of advocacy required in the court of law. Through my research, I identified that there is a huge gap between the theories of legal education and their practical implementation. The present Indian legal system concentrates more on the grades of the students for evaluation rather than their actual knowledge about the subject. This creates a lack of interest in students towards extensive research in the legal fields or to concentrate on developing their skills for future practice in the legal field. The students strive to enter into the best colleges so that their future is in secured hands, but it is sad to see how the lack of a structured legal education system is landing students unemployed after years of education and hefty fees.

However, the legal education imparted in the UK is far more comprehensive and has an elaborated structured curriculum. Legal Education in the UK combines the academic or theoretical part efficiently with the vocational or the practical aspects. The theoretical knowledge conveyed to the Law students involves studying legal concepts, legal principles and legal doctrines. With that, UK legal education provides provisions that help law students to work on their advocacy skills; they provide them with on-

¹⁹ *Supra* note 5, 26

²⁰ *Supra* note 27

ground training etc., to give them real-life experience.

Further, I want to bring attention to the lack of an Indian legal education system that fails to implement the actual practical needs of the students. The present Indian legal education system does not offer students a reality check about the future market they are about to face. It only provides students with the theoretical basis of all the legal provisions and statutes without actually giving them the practical applicability of the subjects. That the present legal system concentrates more on the grades of the students for evaluation rather than their actual knowledge about the subject creates a lack of interest in students towards extensive research in the legal fields or to concentrate on developing their skills for future practice in the legal field. The students strive to enter into the best colleges so that their future is in secured hands, but it is sad to see how the lack of a structured legal education system is landing students unemployed after years of education and hefty fees.

Not only this, the existing law colleges not only lack curriculums but also lack the basic infrastructures required to train the students. Only a few national and handpicked private colleges provide students with excellent infrastructure along with the legal training in respect to the Moot courts that are necessary to provide the law students really like the experience of the court of law. Not only this, but these colleges don't provide the student's exposure to learning professional legal skills.

By not providing internships latest technologies, the colleges create an absence of opportunities

for the student to learn advanced skills like using MS Office, Grammarly, online meeting platforms etc., along with professional skills like drafting legal documents.

The present legal education system provides students with the theoretical basis of all the legal provisions and statutes without actually giving them the practical applicability of the subjects.

This gap creates a huge drawback in the education system as the students are not really prepared for the needs of the market. There are various problems faced by the Indian legal education system not only relating to practical knowledge but also that it lacks a standardised structure in the law schools to ensure similar quality education.

VII. SUGGESTIONS

There is an urgent need for change in the Indian Legal Education System for producing more efficient, knowledgeable, and articulate advocates that know the basics of the law.

Some suggestions for the betterment of the Indian Legal Education System are:

The present infrastructures in the major law colleges are inadequate, as the colleges lack facilities like moot courts well-equipped libraries that are an essential part of legal education. Along with this huge number of colleges lack well trained and qualified teaching faculties who are not aware of the teaching techniques and leave out the practical aspects of education.

The legal education system in India suffers due to its unstructured syllabus or curriculums; hence it is necessary that there should be a standardised curriculum that is followed throughout the

country to give uniformity to it. Along with this, there is a need to change the examination pattern of the colleges. As the present system is just based on the test of the memorisation of a person, it lacks tools to test the real knowledge of a person as to whether or not a person is really competent or not.

India is a huge country with numerous law colleges and universities; hence it is the need of the hour that all these are brought under the same guiding principles, and there is a constant check on all these institutions as to whether or not they are following the framework given.

Government should come forward and help to fund the colleges that lack monetary help. They can help those colleges to have funds to build the required infrastructures needed for educational purposes. Further, more opportunities for placement of students should be created so that their years of hard work bear fruit. Government and colleges should help students to acquire varied job and internship opportunities, to help them advance in their careers.

VIII. CONCLUSION

The main aim of the research was to bring out the legal education structure in India and compare the same with the existing legal education structure in the United Kingdoms. Law experts act as a rescuer of justice in the court of law and should make groundbreaking changes to the community. Legal education endeavours to evolve a system of academic expertise that is willing to instil in students the legal knowledge that expands their vision on principles and

provisions of law to enable them to enter into the professional field of law.

Legal education qualifies law professionals by providing them with aggressive structured training programs. The current set of courses of legal education could not provide legal teaching, legal research, and the practical legal skills of advocacy required in the court of law. On the global level, too, we lack a curriculum that could make legal opportunities available to law graduates.

I identified that the gap between the theories of legal education and their practical implementation was huge and needed bridging research that would help bring the change.

With this research, I aim to bring out the differences between the two systems in the context of the legal knowledge imparted to the students and the curriculum adopted by the two. In the end, I have highlighted the problems they face and in what areas there is a need for development to overcome the lacunas.
