

TRANSFORMING LEGAL EDUCATION - A FUTURISTIC PERSPECTIVE

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Abstract : Improving the quality of legal education in emerging democracies is fundamental to promoting the rule of law. Legal profession in the 21st Century must focus on the rapid changes in legal education and legal profession that are taking place throughout the world, the phenomenon that is often referred to as the “globalization of legal profession”

In this paper the author is forwarding insights and deliberations for -

- Transformation of legal education in order to meet the global challenges.
- Law to act as a catalyst for bridging the gaps in society.

The research is doctrinal and the researcher has adopted secondary method of data collection. The researcher has reviewed various books, e- journals, newspapers, and legislative debates. The nature of research is purely exploratory

Access and equity are important considerations in higher education, and this is particularly so in law education.

INTRODUCTION

Legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities all addressed to the creation and maintenance of a just society, thus providing articulation of theories of a just society, Law and legal systems have dynamic role in moulding and envisioning the objectives of justice, liberty, equality and fraternity of a sovereign, socialist, secular, democratic republic. Legal education is a broad concept, which includes the profession which is practiced in courts, law teaching, law research, administration in different branches where law plays a role and commercial and industrial employments and all other activities which postulate and require the use of legal knowledge and skill.

Improving the quality of legal education in emerging democracies is fundamental to promoting the rule of law. Legal profession in the 21st Century must focus on the rapid changes in legal education and legal profession that are taking place throughout the world, the phenomenon that is often referred to as the “globalization of legal profession.” Access and equity are important considerations in higher education, and this is particularly so in law education

The primary purpose behind the development of the lawyers' training program is to standardize the training of future generations of lawyers in the globalization era. Achieving this goal is critical to ensure that lawyers' attain a minimum level of legal knowledge and advocacy skills before they take on the responsibilities associated with representing clients before the courts. Additionally, the training plan should be designed to increase public confidence in the legal system by setting clear ethical standards for the practice of law and training future lawyers about their ethical obligations to society and the role they play in promoting the integrity of the legal system. Transformation of legal profession and the role of judicial system for eliminate injustice from society is Herculean task to be met with. Article 39-A of the Constitution of India mandates that the state shall provide “by suitable legislation or schemes or in any other way” to ensure that opportunities for seeking justice are not denied to any citizen “by reason economic or other disabilities”. It imposes a duty on the State to secure that the operation of the legal system promotes justice, on a basis of equal opportunity and in particular State shall provide free legal aid to ensure that opportunities

for securing justice are not denied to any citizen by reason of economic or other disabilities. Access to Justice is recognized as a fundamental right. An effective justice delivery system requires that (i) justice be made available at the door step of people. (ii) We should have talented, dedicated and qualified legal professionals who serve at the grass root level. So far as providing justice at the doorstep is concerned, we have courts at the District and Taluka levels. Now, we also have 'Gram Nyayalaya' at village and intermediate level. There is no dearth of talented and dedicated law graduates at grass root level but there is no motivation and encouragement for them to come forward and stay in legal profession at district, Taluka and village level. Result is, despite their ability most of these young lawyers are not getting proper opportunity and exposure in the profession.

The Supreme Court in the case of State of Maharashtra Vs. ManubhaiPragajiVashi has observed that the need for a continuing and well-organised legal education, is absolutely necessary for reckoning the new trends in the world order, to need the ever-growing challenges.

INTERNATIONALLEGAL EDUCATION TO PURSUE GLOBAL CHALLENGES

A critical issue in legal education in the times to come is international legal education. The law schools, academicians,professionals throughout the world have to respond to this need. Enormousdevelopments are taking place in the global economy. Initiatives are beingtaken from the top down, and quite literally, from the bottom up. Changes in economic foundations of the world political economy are already evident. Financial services, telecommunications, manufacturing, e-commerce, and investments are all areas where globalization is entrenched and continues to grow at a rapid rate. Legal educators and legal practitioners will have to work in the context of this rapidly changing environment of political economy, trade, and investment. Even areas of law with a strong domestic focus such as family law, estate planning and criminal law are increasingly the subject of international issues and complications. One might add certain activities such as child pornography on the internet or the regulation of biotechnology developments such as human cloning call for a collaborative response transcending anyone legal system in order to achieve an effective outcome.

REVIEW OF LEGAL EDUCATION IN LAW SCHOOLS

A well administered and timely relevant legal education can, therefore, be said to be the only choice for the future. Achieving the next level of paradigm for legal education is possible with the presence of a faculty which is sensitive to the changing times. Hiring of good faculty is a challenge in law schools in India and abroad. Success depends upon the schools ability to provide the right kind of intellectual environment and financial and other incentives for Indian or foreign scholars to teach and pursue research in India and to contribute to its growth story. There is also the serious problem of law teachers – a vexed problem of numbers, quality and diversity. We need good law teachers to shape and nurture young legal minds. The sad reality is that when we look for experts to head new law schools and the new faculties, we have precious few to choose from. There is an obvious need to provide more uniform but calibrated and better salaries, accompanied by considerably improved terms of service for our teachers. It is worthwhile to learn from the experiences in other countries where the shortage of teachers and faculty has been addressed by video-conferencing of lectures by foreign faculty.

The law schools of the future ought to provide academic space for engaging in teaching and cutting edge research on issues of global significance. There is the issue of making our legal curriculum multidisciplinary, creative and flexible. It is only relatively recently that areas like ethics in the judicial profession, clinical legal education, alternative dispute resolution, rights of refugees, rights of prisoners and women and child rights, are being given their legitimate due in the legal curriculum. There is an urgent need to integrate these and other areas into a national, uniform course module with fewer exceptions and fewer divergences.

The law libraries are too few and woefully stocked. They must be provided with the latest tools of research to our students, scholars and practitioners. Law schools should be linked with the best sources of knowledge globally. The legal education should sensitize society to identify its problems and ensure social and economic justice through rule of law and to eradicate injustice, poverty, corruption and nepotism from the society. The legal education stands for enhancement of human sensibility and injects a sense of protecting human liberty and equality before law. The curriculum of legal education should be thought of in terms of its objectives. Internship and post degree placements must also be regulated to match applicants and recipients appropriately.

There is a recognized need worldwide, that in order to ensure a thriving legal profession within a justice system, it is essential that a programme of continuing legal education is in place. Given the deep

impact globalisation has had on our lives and the legal profession, there is a greater need for continuing legal education for active practitioners, legal professionals and jurists. While the concept of continuing legal education and training programs shall address the basic issues of enhanced lawyer competency, and more important it will keep professionals abreast with the developments in the national as well as international legal arena. The legal professionals shall get a deeper understanding and an awareness of the challenges involving the global community and the changes taking place in contemporary times. For example; The English Legal system provides an example of an unusually ambitious and successful program that increases the proficiency of practicing lawyers: Professional Accreditation Programme. On the similar lines is the Diploma in Legal Practice in Scotland.

Experienced and established legal luminaries, judges and other law professionals to submit to periodic and continuing legal education programmes. Today, there are revolutionary changes taking place in information systems, communications and technology which require corresponding changes in our legal system. Highly specialized areas of law such as intellectual property law, corporate law, cyber law, cyber-crimes, human rights law and international commercial law require specialized training and skills that should be imparted by our law schools. The opening of trade and capital markets as a result of the processes of globalization and the retreat of the State from some of its traditional roles have raised new legal issues concerning the way in which the poor and marginalized sections can protect themselves from the adverse effects of these changes. The very nature of law, of legal institutions and the practice of law are in the throes of a paradigm shift

LEGAL EDUCATION TO CATER NATIONAL AND GLOBALIZED STANDARDS.

One of the most challenging tasks in legal education in India is to strike a proper balance to ensure that our 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 of globalization, where domestic legal mechanisms interact with both international and foreign legal systems.

Meanwhile, the recommendation of the Knowledge Commission to set up a few advanced research centres for attracting available talent to plan and develop legal research is worthy of immediate attention. The Central government should invest, network with the law schools for mutual advantage. The initiative on Second Generation Reforms developed by the Union Law Ministry (2010) and the Task Force on Legal Education constituted by the Union Ministry of Human Resource Development should work together to develop a plan of action to push forward the agenda of legal education reforms. Bar Councils should set up a chain of continuing legal education centres, similarly tying up with law schools for mutual benefit. Today in India, the nation needs organised movement involving legal educators, lawyers and judges, for transforming law and legal institutions towards justice and good governance under democracy and rule of law.

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