

# AN INTRODUCTORY NOTE: NATIONAL POLICY ON HIGHER EDUCATION

N.L.Mitra\*

## Abstract

The National Education Policy 2020 (NEP 2020) is the first education policy of the 21<sup>st</sup> Century which aims to effectively address the need for restructuring the education framework in India.<sup>1</sup> It contains proposals for radical changes in higher education. Though the NEP 2020 excluded medical and legal professional education from the single point regulator but did not suggest the structure of the specific regulator for legal and medical education and framework of education, as such.<sup>2</sup> The paper starts with an enquiry as to why a national policy is required when the country dumped the structure of 'economic planning'. The NEP 2020 has given a structural direction for legal education as an indicator for regulating the legal education.<sup>3</sup> It has been highly influenced by the American education system of 'holistic' education. There could have been a consideration for 'integral education' as the philosophical foundation of higher education, its content and growth. The policy emphasises on vocationalization of higher education so that education can also enhance skills. Legal education has been directed to be globally competitive, adopting best practices and embracing new technology. The policy has also indicated some essential content of courses and appropriate pedagogy. Out of five parts in this paper, three parts have been devoted to NEP content analysis from the point of view of legal education, critical parts of future institutional framework and another part on the role of the BCI as a regulator.

## I Introduction

UNLIKE ITS previous two incarnations in 1968 and 1986, and revisited in 1992 as an 'open and shut' policy having nothing to provide for legal education, the present NEP 2020 has at least something to offer.<sup>4</sup> The NEP 2020 has spared a whole section providing positive directions for legal education in India.<sup>5</sup> Law (*dharma*) and legal culture, (*righteous path*) are, perhaps, the two most dominating factors which integrate India. Naturally, it would be short sighted to suggest that legal education is confined to litigation and courtroom management only. There are millions of conflicts amongst billion of persons that are resolved in our daily lives without germinating into courtroom litigation. *Nyaya panchayat* was very much imbedded in Ancient Indian culture; some

---

\* Former Vice Chancellors of National Law School Bangalore and Jodhpur. Member, Legal Education Committee, Bar Council of India.

1 The New Education Policy, 2020. (Ministry of Human Resource Development, Government of India, 2020), available at : [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf) ( last visited on Aug. 1, 2020).

2 *Id.*, para 18.3.

3 *Id.*, para 20.4.

4 S. C. Ghosh, *Education Policy In India Since Warren Hastings*( Nav Prakash, Calcutta, 1987).

5 *Supra* note 1.

reflections are perhaps still alive.<sup>6</sup> But in the last 100-200 years the system has degenerated in our social system in to *khap panchayat*.<sup>7</sup>

The '*nyaya*' that was attributed in any conflict situation in ancient days is required to be discovered today and to be infused in our children for reflecting the same on the unity of our cultural mosaic. The NEP 2020 reflects very briefly though on both the aspects of justice and rule of law. It, however, prefers to keep medical and legal education out of the ambit of the 'common, single point regulator of higher education sector, National Higher Education Regulatory Council (NHERC), the first vertical of Higher Education Commission of India (HECI).<sup>8</sup> So, NEP left legal education at that. Education is after all, a very serious business, especially when it is professional and legal!

## II Approaches to education and modern education system

### What is holistic education?

What is 'holistic education' that the NEP 2020 wants us to attain? The policy envisions it as "multidisciplinary and holistic education across the sciences, social sciences, arts, humanities and sports for a multidisciplinary world in order to ensure the unity and integrity of all knowledge".<sup>9</sup> Essentially, such holistic education develops a conscious ability of appreciating human problems and the ability to resolve these problems. Knowledge is not simply the command on a subject; it is the ability to resolve human problems. All human problems require resolution by way of the application of knowledge as a whole from many compartmentalized subjects and disciplines. In each effort of solution, there are also possibilities of multiple social and economic implications, the evaluation of which is dependent upon the ability of research. Problem-solving requires not only an application of mind and multidisciplinary knowledge but an innovation of newer technologies and their application also. Some academic pundits' consider this 'skill development' for problem solving as vocationalization of education. 'Holistic education', as used in the NEP 2020 has literally been interpreted as a multidisciplinary combination that would break the stereotype of our education system; the compartmentalized system with high walls scrupulously protecting the boundaries of different disciplines. In a sense, holistic education enables one to attain the freedom of movement in the domain of science, social science, art, literature and technology. It develops barrier-less knowledge domain, a sea of knowledge to swim across. It is horizontally holistic (quantitative, mixed

6 Upendra Baxi and Mark Galanter, "Panchayat Justice: An Indian Experiment in Legal Access", available at: [http://upendrabaxi.in/documents/Panchayat%20justice\\_%20an%20indian%20experiment%20in%20legal%20access.pdf](http://upendrabaxi.in/documents/Panchayat%20justice_%20an%20indian%20experiment%20in%20legal%20access.pdf) (last visited on Dec. 27, 2020); Jayant K. Krishnan, *Grappling at the Grassroots: Access to Justice in India's Lower Tier* 27 *Harvard Human Rights Journal* 151- 189 (2014).

7 Ranbir Singh, "The need to Tame the Khap Panchayat" *Economic & Political Weekly* (2010).

8 *Supra* note 1, para 18.10.

9 *Id.* at 5.

knowledge content cutting across the subject and content barriers for application of practical reasons in problem solutions). That horizontal interaction of knowledge in the transformative skill and direction of application constantly leads ability to research and innovate in the frontiers of technology to resolve problems faced by the society.

### Vedantic concept of 'integral' education

There is plenty historic evidence which indicates the distinct characteristics of Indian Education System (IES) not only in the good old ages but up until recently as well.<sup>10</sup> Many European, Chinese and Japanese scholars used to come to India to collect the flavour and content of Indian Education System.<sup>11</sup> In fact, Tagore's *Shantiniketan*, Sri Aurobindo's *Pondicherry* or Jiddu Krishnamurthy's *experimental schools* were attractions to the global educationists up until four decades back. We learn about the contemporary history of education in India in the writings of *Xuanzang* (602-664), *Ibn Battuta* (1304-1369), *Albuquerque* (1453-1515), *Tan Yun-Shan* (1898-1983). There were Chinese and Japanese Bhavans in *Shantiniketan* even in the last century which were fully operational with scholars from both sides.<sup>12</sup> Indian Education System was distinct because of its rich contents in educational philosophy, its liberal, innovative and transcendental methods and procedure. What distinguished the Indian System was that it was based on the *Vedanta* philosophy of 'integral education', integration of education through body, mind and soul, strong body; illuminative mind; and a transcendently radiant soul.<sup>13</sup> A body providing practices of winning over six passions or vices with determination and physical power; horizontal integration of knowledge across disciplines to develop wisdom that illuminates the mind and such a mind reaches the soul to transcend from consciousness to the supra mental stage. The present policy document mentions the Bana Bhatta's *Kadambari* describing good education as 'comprising 64 *kalaas* or arts'.<sup>14</sup> If one has to explain the list of 64 *kalaas*, one would understand that those 'arts' are not merely a catalogue 'in numbers' but are programmed

10 Albert Ferrer, "Integral Education in Ancient India From Vedas and Upanishads to Vedanta" 6(6) *International Journal of Research – Granthaalayah* 281-295, available at: <https://doi.org/10.5281/zenodo.1308951> (last visited on Dec. 27, 2020).

11 A. Chaube and S.P, *Education in Ancient and Medieval India* (Vikas, Delhi, 1999).

12 Thomas B. Kane, "Tagore's School and Methodology: Classroom without walls", available at: <https://core.ac.uk/download/pdf/146487369.pdf> (last visited on Aug. 18, 2020).

13 S.C. Sarkar, *Educational Ideas and Institutions in Ancient India* (Janaki Prakashan, Ashok Rapath, 1979).

14 Banabhatta, S.K. Chaturvedi and S.N. Tiwari, *Kadambari by Banabhatta* ;

Banabhatta was a powerful fiction writer in the court of Shri Harshavardhana, King of Kanauj (604-647 A.D.). He grew up in an intellectually and materially rich domestic atmosphere, imbibing the knowledge of all Shastras, arts and lores. Unfortunately he lost his mother Raja devi when he was a child and his father Chitrabhanu who nurtured him carefully also passed away when Bana was fourteen years old. His contribution to Sanskrit literature is unique. The father of an ornate florid style, Bana created a new genre of prose romances by writing a historical tale, the biography of his patron king, under the title Harshacharita and Kadambari.

to give the end-finish of how education would become good in the integration of, apparently in heterogeneity of arts but programmed to convert, homogenized intellectual pursuits in different combination to develop ‘internal being’ of the learner.<sup>15</sup> The Upanishads distinguish between the ‘supreme, primordial and highest education’ (*para vidya*) and ‘worldly, illusory and mundane’ (*apara vidya*) education. Any illusory knowledge about these arts would mean only the procedures, mere physicality, clear number and there would remain learner’s ‘external being’ non-permeable to build up his ‘internal soul.’ Here, the Indian system of integral education as the outer bound of realization of divine life is different from the contemporary Romano-Germanic or Anglo-Saxon system of education as those systems developed for simply skill for doing, physical and mental, at best, attainable with reasoning. Since the NEP 2020 has been drafted now, one would have expected that ‘wise people’ who were behind the drafting of the policy in such a beautiful and concise expression, to have done, perhaps, a better homework by having developed the policy after scanning the principles of education enshrined in *Vedantic* philosophy on ‘integral education’ based on Upanishads, instead of remaining completely captive to Anglo-American system of total or holistic education of today’s America, where a student’s first demand and choice of higher education is based on the prevailing market conditions. Education can really be commodified and modules can be traded on demand. NEP 2020 was perhaps got its inner call and always reminded about value education!

#### Features of distinction between holistic and integral systems of education

It is not that the NEP, 2020 is completely in oblivion of the ‘integral theory of learning’. On ‘experiential learning’, some very superficial level of understanding of integration has been suggested, but those integrations are only curricular and horizontal.<sup>16</sup> Yuga has been used as the physical exercise, sometimes adding material goals to the mind instead of having been used as the art of concentration of the mind. The transcendentalism in the educational process that results in the light that emanates from the creative mind of a learner where ‘self-interest’ of the learner is side-lined, is essentially what ‘holistic education’ misses out on. In integral education, the mind reaches the stage of illumination and transcends to the soul obviating the tangible barriers of ‘self’. This transformation makes the learner dedicated to the ‘whole’ which

---

15 *Ibid.* The Kadambari is one of the best romantic fictions of 7<sup>th</sup> Century by Banabhatta. An imaginative romantic story of love, technically in the ‘Katha’ form, the noel transcends the bounds of mortal existence and moves through three lives till the deep and passionate love finally attains its desired fulfilment. In this marvellous texture the world of human beings, animals and birds all merge together, as do human, semi-divine and divine characters; and the earth and the heavens combine in the universal bond of love and defies death and continue in the next birth, thus holding the entire creation together. It is these unique qualities of the heart and of faith that distinguish this classic of Bana from the usual love romances in other languages and bestow on it, a universality that no age can dim.

16 *Supra* note 1 at 12.

is an integral process for disconnecting from the self and self-interest. This is what Sri Aurobindo called the status of ‘supramental consciousness’ and what *vedantic* philosophy termed as the ‘salvation of the soul’ (*moksha*). *Sri Aurobindo Ashram* in its *Pondicherry* experimental education emphasising the integral educational process of developing body, mind and soul, body qualitatively strong enough to develop and hold experimental mind, mind in pursuit of knowledge competent to reach wisdom and finally the wisdom empowering and enlightening the ‘soul’ to reach super-consciousness for achieving the realm beyond the ‘self’ and self-interest.<sup>17</sup> It is there, Lord Krishna directed that one reaches the optimal realization of the ‘part’ of a ‘whole’, yet ‘equal’ to ‘whole’. Integral education is the process of education where an individual can rise over ‘the self’ and self-interest with a radiating mind and dedicate oneself for the benefit of the whole!

The benefit of education is not mere relative, it is absolute. It is not limited to the ‘highest benefit’ to the ‘largest number of people’. Here lies the world of difference between integral education and a holistic system of education. Holistic education liberates the system from the stereotype boxes of science, social science, humanities and arts and integrates it with Science, Technology, Engineering and Mathematics (STEM) to approach creativity, innovation and critical thinking.<sup>18</sup> A holistic and multidisciplinary education aims to develop capabilities – intellectual, aesthetics, social, physical, emotional and moral. The NEP suggests that such a framework would help develop well-rounded individuals in fields across arts, humanities, languages, sciences, social sciences, and professional, technical and vocational fields.<sup>19</sup> In integral education one learns duties and obligations first and not the gain, profit, benefit and the result. When education is integral and transcendental, one does not additionally think about value education. Holistic education may create more unevenness in the society and lead education to become a trade in services. Integral education, however, is concerned with knowledge of a learned mind when the person work for others’ benefit.

### **A different stark reality**

The first National Education Policy that focused on centralized education policy for the country was adopted in India in 1968. It was focused on standardization of the structure for school education. At that stage, several concepts were introduced in higher education, such as, ‘standard setting’ ‘accreditation’ and ‘credit rating’. The UGC, as the funding agency monitored all these ideas. Every branch of education had its

---

17 Chandana Rani, “A Study of Educational Vision of Aurobindo Ghosh” 5(1) *The International Journal of Indian Psychology*, Oct-Dec, 2017, available at: <http://www.ijip.in> (last visited on Aug. 19, 2020).

18 *Supra* note 1, para 11.2.

19 *Id.*, para 11.3.

own regulatory framework. The UGC being the finance commission for university education, used to oversee the general education in science, social science and languages.

In the name of determination of standards in higher education or research and coordination (Power allocated as per Entry 66 of Union List under Seventh Schedule of the Constitution of India), the UGC through its fund-allocation strategy commanded obedience to 'equity' in the education system through the structure of reservations in every aspect of higher education. Institutions lost their autonomy and ultimately the idea of experimentation. The present NEP is the third version. For the first time it has determined the guiding principles of the entire education system for the country with an identified space of variation.<sup>20</sup>

Though the policy centralises the power through a 'light but tight' regulatory framework to ensure integrity, transparency and resource efficiency, yet there is a silver line in the fine print of NEP 2020. It correctly suggests that the realization of Indian policy has to be derived from the Indian experience itself. It suggests that "the teacher must be the centre of the fundamental reforms in education system." The policy in its fundamental principles (i) outlines respect for diversity and respect for local context in all curriculums (ii) promotes multilingualism and the power of language in teaching and research; (iii) sets ethics and observes constitutional values including democratic spirit, pluralism, equality and justice, and (iv) emphasises on autonomy, good governance and empowerment in the outlook of the regulatory system. The policy is mindful that "education is a concurrent subject".<sup>21</sup>

#### *Why the national policy?*

The NEP 2020's prescription of top-down model of national plan has identified the following objectives: (i) To keep in view the Sustainable Development Goal 4 (SDG4) adopted by India in 2015; (ii) To keep pace with the rapid change of knowledge landscape; (iii) to adjust with the rapid change in the employment landscape; (iv) To bridge quickly the gap between the current learning outcome and the requirement with major reforms and (v) To create opportunities for equitable access to high quality education. However, one has to keep in mind that any national plan has an inherent delay in execution; execution is conducted through highly bureaucratic chain. Besides, there is always a fear that in a state driven education plan, there is a higher probability of entire students' community to be forced to have the same or similar learning outcomes, which would be beyond the market capacity to absorb, thereby creating unemployment.

---

20 *Id.* at 5.

21 *Ibid.*

### III How NEP 2020 looks at legal education

#### Legal education and NEP 2020

Examining the present system structure of legal education so that some of the policy issues in structural framework of NEP *vis-à-vis* legal education may be more clear. Legal education unlike other professional education can be seen both as a liberal discipline including policy science as well as professional education. NEP 2020 has two assumptions, that (i) legal education entirely falls within the realm of professional education and (ii) legal education is entirely needed for dispensation of litigated justice. The vision for legal education is included in a paragraph 20.4 suggested the following:<sup>22</sup>

Legal education needs to be competitive globally, adopting best practices and embracing new technologies for wider access to and timely delivery of justice. At the same time, it must be informed and illuminated with constitutional values of Justice – Social, Economic and Political - and directed towards national reconstruction through instrumentation of democracy, rule of law, and human rights. The curricula for legal studies must reflect socio-cultural contexts along with, in an evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence, and other related content appropriately and adequately. State institutions offering law education must consider offering bilingual education for future lawyers and judges - in English and in the language of the state in which the institution is situated.

The overall impression is that ‘the para’ only envisages justice through litigation in the court, which is by nature adversarial and the concept of justice is dependent more on argumentative interpretation that may not often necessarily end in justice. In adversarial jurisprudence if the argumentative skills of both the sides are not comparable, money may dictate justice. When legal education has been left out to the professional body, why is the NEP 2020 required to deal with the above issues even briefly? The answer to this query lies perhaps in a subtle direction within the two indicators, *viz.*, (i) is legal education entirely professional educational and (ii) has legal education anything to do with ‘value education’? It has been suggested that the NEP 2020 spared one entire paragraph in 20.4 on legal education *inter alia*, stipulating (i) legal education has to be globally competitive adopting best practices and embracing new technologies; (ii) ensuring wider access to timely delivery of justice; (iii) illuminating constitutional values of justice, social, economic and political; (iv) directed towards national reconstruction (does it indicate that the present construction was improper all together?) through instruments of democracy, rule of law, and human right. Let us dive deep into the matter narrated in the paragraph, line by line.<sup>23</sup>

---

22 *Id.*, para 20.4.

23 *Ibid.*

(a) The first sentence in the passage relating to legal education may probably suggest keeping in mind the interest of the country in relation to inter-jurisdictional trade, commerce and industries needing quick solutions to disputes through international arbitration. Except International Commercial Arbitration and the Dispute Resolution Body constituted by the WTO there is no other legal process to obtain justice. Over the years, the country has had to face defeat because our lawyers are not adequately abreast of the best practices and new technologies adopted in the above two dispute resolution bodies. The paragraph has also given a general direction for curriculum design, pedagogy and language skills. If one gets into critical analysis of the contents of the above paragraph, one would be able to observe as follows:

*Legal education 'has to be globally competitive'*

Which legal education we are being told about? Since paragraph 20.4 is in chapter 20 in Part III devoted to professional education, it can be understood that this legal education refers to professional legal education. A general reading of paragraph 20.4 leads one to understand from the sentence, that “*Legal education needs to be competitive globally, adopting best practices and embracing new technologies for wider access to and timely delivery of justice.*” In one sentence, the following fields are comprehended: (i) ‘globally competitive’; (ii) ‘adopting best practices’ and (iii) embracing new technologies and the object of these three should be ‘timely delivery of justice’.<sup>24</sup> The entire understanding of the education planners was misconceived as they believed that that law is only a litigation instrument and involves a dispute settlement process. Which law is generally globally competitive? administration of criminal justice is determined by national law or law of the land. How far international criminal law has to be in harmony with the national law has been a question which has been recently raised without having any substantial support from any state player beyond the area of war crime under the Geneva and Hague Conventions. Corporate and commercial law have been constantly under the process of global integration from hundreds of years. Ever since the WTO Agreements were put in force in 1995, this process of global integration has been intensified. Has it been suggested that with corporate and commercial trade disputes increasingly being referred to arbitration, business laws are bound to have global challenges both inside and outside the court and foreign lawyers would be growingly raise the standard of their arguments? Does the policy indicate that the profession has to be ready for foreign law firms and foreign lawyers moving in to protect the interests of multi-national companies and international trading communities?

*Best practices to be adopted:*

There have been international attempts at codifying the best practices through two international movements. First, through the UNCITRAL, model drafts of business

---

24 *Ibid.*



and commercial laws are made available to member-states so that such drafts can fertilize the national legislative process. Second, under WTO negotiations, commercial and trade law procedures are, by and large, uniformised or globalized. This includes the World Intellectual Property Organization pressurising and uniformising the intellectual property protection regulations. Besides these two official endeavours, there are many global non-governmental standard setting bodies like International Standard Organization (ISO), Transparency International (TI) and the like. These non-governmental organizations create constant qualitative pressure on national legal systems. If that had been the intention, the statement would have been otherwise. If the 'parts of speech' are thoroughly probed, it would transpire the intention that the 'best practices' would 'quicken the process of delivery of justice'. So it may mean that a well-orchestrated dilatory tactic and strategy presently practised by a legal service community has to be minimised in the practice of law. In fact, such a practice only exposes the poverty of the legal system.

*Technology is required in execution of law and justice*

It is true that in legal education, technology is neglected. The use of technology has been increased in the case of dispensation of justice through the court system. The education policy envisages four elements in the timely delivery of justice mechanism if we leave the best practices (BPC) from the process. These are as (i) marching of the law in the global tracks; (ii) adopting technology driven procedural laws; (iii) learning fact-based evidential process for critical assessments and (iv) national reconstruction is required through the instruments of democracy, rule of law and human rights. Legal educational curricula in the Legal Education Rules, 2008 of the Bar Council of India in its Schedule II specified the same idea. The policy indicated use of new technologies for wider access to and timely delivery of justice.

(b) The second sentence concerns itself with constitutional litigations in which a new interpretation of justice as a value has to be based on national reconstruction by judges and lawyers committed to the guiding principle of democracy. Critiques may argue that so far the construction of social justice as a parameter got the preference of secularism as the dominating yardstick and 'socialism' as the guiding principles for economic justice. Does the NEP 2020 instead regard the democratic principles based on the rule of law and human rights to be the newly constructed guidelines?

(c) The third sentence has been an advice on the preparation of curricula reflecting the evidence based on the socio cultural context meaning thereby that the application of law has to be based on national history of legal thinking and historical evidences. Fact-based evidences are forensic in character and relates to the discovery of fact situation in any litigation.

(d) The fourth sentence advices on the linguistic context of teaching-learning process of law to be bilingual. Legal institutions may be conducting classes in two languages

separately. The spirit of bilingualism is that each student has to gain competence of deliberating in both the languages in court proceedings. With many of the state governments using state language in the trial courts, the competence of the lower level of the district courts has been put to test. Bilingual education is a confusing term. Education may be through State language or through the English language. Rural India predominantly depends upon state language especially in the Hindi speaking states. Correspondingly law schools in cities especially in metropolitan and state capital cities still teach in English. This is really not bilingual. If teachers are competent to teach a subject both in the state language as well as in English and indulge in mixed language to conduct the class based on the participation of the students in the class in both the languages, it is only then that education becomes truly bilingual. The problem is that law books are not available in state languages to the exception of Hindi. Unless there is any incentive for the authors to write text books in the state language, it would be difficult to implement bilingual methodology of teaching-learning.

#### *Value education*

The NEP 2020 indirectly mentions about legal principles in value education in School level. It has also briefly mentions the Verma Committee Report on Value education.<sup>25</sup> The report suggested how teachers' education has become a mockery. At the hand of these teachers value education had to become the first casualty. Most of the Indian values developed in the Indian living and culture that have fertilized our constitutional principles. Yet the plan did not give a clear indication as to how value education is required to be ingrained into the system.

Indirectly however, through some emphasis on the direction to the academic leaders to value based education,<sup>26</sup> the constitutional parameter of Indian values and ethos has been repeatedly emphasised. One may naturally argue that these values are not enshrined in the Constitution by way of a first time prescription but these values are drawn from the Indian tradition and culture which have permeated into the constitutional parameter. Presently, it is argued that the policy furthers the fact that constitutional principles and values are required to be interpreted in light of the centuries old Indian value system and not the other way round.

Thus, when the Indian Education Policy remained silent about legal education, there was a possibility of interpreting that law and justice had nothing to do with legal education. The NEP 2020 on the other hand, mentions about the course to be adopted in legal education but the tenor of the voice of NEP 2020 has similar underlying thoughts which are manifested when it repeatedly addresses the constitutional values in education in general and emphasises on value education highlighting democracy, justice social, economic and political, human rights and fundamental duties without

---

25 *Supra* note 1, para 15.2.

26 *Id.*, para 4-6.

mentioning any legal discourse. It however does not mention once about some other constitutional values like secularism, fundamental rights and equality. Does that mean that these constitutional values would be kept as a 'no concern' for value education? Does that also result in meaning that the people have taken fundamental rights too far through social activists but they have remained unconcerned about fundamental duties? Secularism was added as a constitutional value later on to be interpreted as pseudo-secularism and to be imposed through the instrumentalities of the state.

*Is legal education entirely professional?*

It would be irrelevant to ask whether medical or dental or engineering education is fully a professional education or not. One cannot take up medical education just to collect information. If one does not have the ability to treat the patient, such an education does not have value. A medical professional becoming an officer of the Indian Administrative Service is no longer considered as a 'doctor'. Such a person is simply a bureaucrat unless he remains in practice. The NEP 2020 puts the entire system of legal education under the head of professional education. This is, perhaps, based on an axiom that knowledge is always required to be tested in a fact-based environment, otherwise such knowledge becomes futile. Knowledge of law, logic and reasoning is such a kind of knowledge, which 'unless practised loses its bite'. So professionalization lies in the core of the legal education.

#### **IV NEP 2020 and Bar Council of India**

##### **Lessons for BCI from NEP 2020**

There are some very important indicators provided for legal education as well as general education in the NEP 2020. They areas follow:

- (i) Legal education has to be multidisciplinary
- (ii) It is an Integral part of higher education
- (iii) Law Schools shall not remain affiliated to a University and have to be self-degree confirming, autonomous and self-governing institutions
- (iv) State institutions are required to provide bilingual education, high quality in translation & interpretation
- (v) Highest level accreditation is to be achieved in next 15 years.

##### **Multidisciplinary legal education**

The Bar Council of India always thought that since legal education is itself multidisciplinary instead of its qualifying examination being multidisciplinary, law students come from each discipline of education. There are two fundamental questions, *viz.*, (i) why legal education is required to be multidisciplinary and (ii) in what way may it become multidisciplinary.

Legal education has to be multidisciplinary because all legal issues have to have some matters of fact on which some principles of law are required to be applied.<sup>27</sup> Legal principles are not built up in vacuum. Facts around us are either matters or human behaviour or both. So, one needs the study of material sciences to critically analyse material facts. To clearly understand social circumstances and social implication in any human behaviour, one needs to learn social sciences and behavioural sciences. A structural combination of matters is analysed in engineering sciences. A lawyer of a class has to be conversant with the domain knowledge so that appropriate legal principles can be applied. In all litigations or conflict of interest between parties, there are matters of fact and matters of law. A lawyer worth the salt must have complete command over the matters of fact and matters of law so as to argue as an advocate or decide a matter as a judge. There has to be an industry focused lawyer, a company-focused lawyer, a trade focused lawyer, an investment focused lawyer, a technology focused lawyer, a taxation focussed lawyer just like the generic type of criminal lawyer or civil lawyer or constitutional lawyer. In the modern system, one may require a power lawyer, a steel lawyer or a petroleum lawyer as one can have an environment lawyer or a cyber lawyer. Naturally, domain knowledge shall be an integral part of legal education. There can be two models of multidisciplinary education. The American model is that there must be a very strong 'four year undergraduate education' providing strong fundamental base-level education in various disciplines. Thereafter, one has to take a three year law education at the post-graduate level. A British model is one in which some papers (two or three subjects) of social sciences are included in legal studies. For example, sociology, history, economics and political science with one or two papers in each subject are included in a legal curriculum in an undergraduate three-year program. In India, we follow both these models with some adjustments in the three year and the integrated five year models. Unfortunately, both these models are seriously compartmentalized and are rigidly un-adjustable in nature. In the United States, due to the strong currents of professional negligence, continuing education has become very important and has taken the lead role in professional education. As such, lawyers, after periodical intervals go back to the university to earn new credits in domain knowledge and/or substantive legal inputs as may be required by them from time to time.

### **Legal education as an integral part**

In order to make multidisciplinary education truly and efficiently applied, the NEP 2020 lays down a very well-thought out direction for legal education,<sup>28</sup> which directs the parameter of professional education, like legal education, to be an integral part of

---

27 D'Amato, Anthony, "The Interdisciplinary Turn in Legal Education" Northwestern Public Law Research Paper No. 6-32 (Dec. 2006), *available at*: <https://ssrn.com/abstract=952483> (last visited on Dec. 27, 2020).

28 *Supra* note 1, para 20.2.

the overall system of higher education. It has been very rightly pointed out that, in a multidisciplinary university, multiple faculties can put academic design in concert for a program with multidisciplinary input. Students can have various choices. As at present, law students do not have options of choosing from various subjects of the social sciences. They have a fixed menu of economics, political science, history and sociology along with law in their integrated legal education. If any of them wants to take philosophy, psychology, anthropology, physics, mathematics, material sciences, engineering sciences or health sciences they are helpless. There is no system of mobility of students' intra-educational program. One example may make the things clear. IITs are seating on the heap of merit and intellectual capacity. IIT alumni, are present in all sectors like general administration, policing, tax administration; health administration *etc.* through the Indian Administrative Service. They top the bureaucracy of the state, corporates, trade and commerce. But not a single of them are still found in judiciary. Why is the judiciary unattractive? The NEP 2020 indicates the path that all institutions offering either professional or general education will aim to organically evolve into institutions/clusters offering both seamlessly and in an integrated manner by 2030.<sup>29</sup>

Law students, under the limited attempt of multidisciplinary education introduced by the BCI for the last decade are deprived from taking any subject from sciences, fine arts, management sciences, physical sciences or material sciences. The reason is obvious; an affiliated law school cannot have faculty members from all the subjects. A law student may have a keen interest in learning forensic sciences in order to argue on fact-based evidence but such options are not available. In a multidisciplinary university, such a privilege can be obtained. The BCI has already shown that education, especially professional education, must be multidisciplinary. But the BCI does not have any financial power to enforce such education to nearly 1600 affiliated institutions.<sup>30</sup>

The fundamental weakness of the Indian Legal System (ILS) is also the same because of the absence/weakness in multidisciplinary legal education. That has resulted in causing the complete break-down of the two most fundamental wings of the justice delivery system, 'investigation' and 'prosecution' in the criminal side and 'fact-based evidences' and 'professional ethical standards' in the civil side. Unfortunately, with the mushrooming of National Law Universities, especially in light of the facts and circumstances of neglect of the Union Government towards legal education in general, the need for multi-faculty composition of the teaching staff in particular, cannot be catered to. Fortunately, today the NEP 2020 raises this issue again. Legal education is now captive in its prison of isolation. It has to feel internally that the change is necessary

---

29 *Ibid.*

30 Manoj Kumar Sinha and Jupi Gogoi, *Directory of Law colleges in India* (Indian Law Institute, New Delhi, 2015).

to make the second liberation of legal education in India. However NEP 2020 indicates some of the requirements:

*Adequate fund flow*

The NEP 2020 identifies the need for the availability of ‘robust funds’ for multidisciplinary education to be an essential requirement. Professional legal education, by and large is presently carried out in private initiatives unlike any other form of education. There is no legal educational institution of national importance, or an institution of excellence or eminence run or regulated by MHRD. As such, the MHRD does not undertake any responsibility towards legal education in speciality. However, a few general universities, such as the Banaras Hindu University, Aligarh Muslim University, and Delhi University have their Law departments offering undergraduate and postgraduate research programs. The law schools of Banaras Hindu University, Aligarh Muslim University and Delhi University are in any case, maintained by the UGC directly on advice of the MHRD just like any other disciplines run by these universities (including the law school) declared by Constitution as institutions of national importance. Whenever any of these universities face shortage of funds or any cash-crunch, their law schools face budget cuts. There have been several efforts to bring at least some National Law Universities, if not all, under a Union ministry like Medical education (like AIMS) and Engineering education (like IIT). The efforts of the last two decades have not succeeded beyond making a draft of a bill for taking over the institutions. However, the draft was never seriously taken. Now that the NEP 2020 keeps the entire legal education as professional education out of the regulatory system of the HECI, the prospect of the above Bill has further been receded.

*Law universities to be multidisciplinary*

It is really heartening to note that the NEP 2020 feels that law universities must be made multidisciplinary by 2030 so that legal education can benefit from the vertical growth of knowledge and multidisciplinary research could also develop. The policy has been candidly clear about the task. It identifies<sup>31</sup> that stand-alone law universities should aim to become multidisciplinary institutions offering holistic and multidisciplinary education. There has to be a seamless mobility of the students between multi-faculty facilities to organically evolve holistic knowledge and develop professional competence to solve social problems.

*Higher Education Grants Commission*

The third vertical of the HECI is the Higher Education Grants Commission (HEGC) which may be the new name of the UGC.<sup>32</sup> Legal education does not come under any

---

31 *Supra* note 1 at 20.2.

32 *Id.* at 47.

separate nodal ministry of the Government of India unlike medical education. It has been argued several times that the Ministry of Law and Justice should be the nodal ministry for legal education. Such attempts have not succeeded so far. In a total multidisciplinary framework of higher education, the first integration required is the integration of professional education with general and technical education. Hence, law universities as a class of higher education institutions are bound to be considered for funding as multidisciplinary universities. Similarly, general universities running legal educational programmes must also be considered as schools of the university for the requirement of funds for increasing the mobility of knowledge from one school to the other as a cluster of higher educational institutions.

*Affiliation system to bid good bye*

The biggest shake up of NEP 2020 would be the abolition of the 'affiliation system' having a track record synonymous to British education introduced in India. This would be the biggest challenge of the NEP 2020 and hardest job for BCI which will have to consolidate nearly 1600 affiliated institutions. The NEP 2020 diagnoses that the present affiliation system has been the cause of lowering the standard of education in India. University education system from its inception was designed to reach people through affiliated colleges, first in big cities, then to district cities and finally to subdivisions, blocks and tehsils. The affiliation system provides arteries in the present system of higher education. University education reaches rural areas through these arteries of affiliated colleges. As the affiliation system expanded, more and more rural areas could be covered. College education gradually came within the reachable limit of lower middle class families in the lowest income groups extending to the rural poor. Most of these institutions were privately run without having the means to keep up with the standards.

Presently nearly 80% of the law colleges are affiliated by state universities. Many of these private institutions running law colleges are started by persons of low investment capacities excepting those colleges which are run by religious and charitable institutions of various religious dispensations and business families. If education cities are to be built for establishing or restructuring affiliated colleges to have big enrolment capacities, students of higher education will have to move in from the rural hinterland. High investments would be needed to build up educational cities. Student communities moving from several directions to cities and towns for locating universities/autonomous colleges would necessarily require huge investment in the higher education sector. Many facilities, such as residential facilities, facilities for sports and games, health and health care, commercial complexes and chains, eateries, hotels and restaurants would be required. Corporate houses will have to be invited to plunge into the education sector to sponsor higher educational institutions with public-interest based on 'philanthropic ideals'.

**Options for affiliated colleges**

In legal education, the weakest limbs of our regulatory system as of now is the impossibility of setting any standards in most of the ill-conceived, ill equipped, and affiliated colleges providing the stamp of 'law students' to thousands of unemployed and unemployable youths. Now these affiliated institutions have the following options under NEP 2020:

- (i) An affiliated law college may become an autonomous college of a university meaning thereby that it is permitted to conduct the examination and offer the degree;
- (ii) A law school may form a cluster with general/technical educational institutions and the cluster can be converted into a cluster of autonomous colleges which agree to run colleges and confer their own degrees as provided by the cluster;
- (iii) A/some law college/s may be acquired and merged with a bigger multidisciplinary college to become a big degree-conferring autonomous college;

Presently out of the 1600 affiliated law schools, not even 10% are worth being converted into constituent colleges of a university. There are four to five dozens of law schools which can venture big and become autonomous self-degree conferring HEIs. The remaining law colleges run by the state or private persons with small means must carry on restricting schemes. Law colleges run by the state can be merged with general/technical colleges and they can form autonomous HEIs and subsequently award their own degrees. The process of consolidation of all small private institutions into clusters with other general/technical colleges would be very critical. The work has to be initiated with the schemes of mergers, acquisitions and take overs.

There are two types of law universities in India. A few states have one law university under which all affiliated law colleges are brought. Such an affiliating university shall now have to become a multidisciplinary university with other faculties to be developed, such as faculties of social sciences, sciences, commerce and management. The affiliating university will also be required to have its own law faculty. This may require amendments to be made to the statute of such a university. The university may also convert some local affiliated good law colleges to be its constituent college/s by taking over those colleges from the present private/state enterprises which are running those affiliated institutions. The university shall also start other courses and establish centres for multidisciplinary research and studies.

In order to become multidisciplinary in the true spirit, National Law Universities will have to amend their legal structure under their respective Act and statutes. These institutions have the time up to 2040 to become really multidisciplinary universities by developing various other faculties which would make education really multidisciplinary in nature. Legal education, that has been the lifeline of National Law Universities, has to be multidisciplinary in nature. These universities may have to give more emphasis



on research initially. Social and policy sciences will have to become a separate faculty with their own tailored courses and research centres; Sciences and technology would have to become another faculty; Languages will have to be a third faculty; commerce and management will have to be the fourth faculty along with the existing law faculty. Each of these four additional faculties may have to consist minimum of six to ten members including a professor/associate professor of the faculty. With the new faculties, established academic programs may have to be diversified and a new culture of legal research will have to be developed. Since all of these universities are creations of the state, the states are the sponsors and therefore states will have to treat these universities like any other state university. All universities of the Centre/state/private sponsors/deemed to be universities have a legal framework to be multidisciplinary universities. However, the programs run by these universities are not multidisciplinary as of now. It would be easier for these universities to now look at the plan of the BCI to lead these institutions in starting multidisciplinary courses. Thus, legal education has to face a stiff task at the transition period.

#### **A fresh air for legal education reform**

However, the NEP 2020 has shown the scope of new lung-space for legal education as well. It allocates a target of 15 years for phasing out the system of affiliated colleges and to develop such colleges by restructuring them into autonomous multidisciplinary self-degree-conferring colleges.<sup>33</sup> The policy suggests that these affiliated colleges are required to develop capabilities and achieve (i) minimum benchmark in academic and curricular matters; (ii) teaching and assessment; (iii) reform of governance; (iv) financial robustness and (v) administrative efficiency and (vi) the required benchmarks over time to secure the prescribed accreditation benchmarks and eventually become autonomous degree-granting colleges. The policy envisages a spectrum of universities ranging from research-intensive to teaching-intensive universities, the former giving teaching and research equal emphasis and the latter laying emphasis on teaching but still conducting significant research.

Autonomous colleges would be large multidisciplinary institutions of higher learning that grant undergraduate degrees and are primarily focused on undergraduate studies.<sup>34</sup> However, the organic growth of such an institution from a college to a university has not been ruled out. As per the NEP 2020, these autonomous institutions shall aim to have a student population of at least 3000. The autonomy of the public institutions will be backed by adequate public funding for support and stability. Private institutions with a 'public-spirited commitment' to 'high quality equitable education' will be encouraged. The policy keeps a target of achieving 50% Gross Enrolment Ratio by

---

<sup>33</sup> *Id.*, para 10.12.

<sup>34</sup> *Id.*, para 10.3.

2035 from 26.3% as in 2018.<sup>35</sup> This would require the growth of many new institutions and the restructuring of the present ones following the process of consolidation by way of mergers, takeovers or acquisitions as well as a capacity growth initiative in present institutions. If this has to happen in next fifteen years and legal education has to follow the same pursuit, the BCI will be required to make a blueprint of restructuring the present affiliated colleges and developing autonomous colleges in immediate future.

### **Professional regulator and NEP 2020**

#### *BCI and 'Over-all' legal education framework*

In law, It may be pointed out in this connection that the soul and spirit of the Advocates Act, 1961 was to provide that legal education shall be overseen by the Bar Council of India. Section 7(1) (h) of the Advocates Act stipulates 'promotion of legal education' as the first task of BCI.<sup>36</sup> Literally speaking here, 'legal education' is used in its wider sense. Of course it can be argued that the use of the phrase 'in consultation with the university' may give us an idea that the component of legal education at the university stage is only the subject matter. As such, there is an argument that at all levels of university education (higher education), the BCI is directly responsible to promote legal education in consultation with the universities. Section 7(1)(i) on the other hand stipulates about 'professional legal education'. In this section BCI has been empowered to (a) inspect a university and (b) recognize a university whose degree in law shall be the qualification for enrolment. Section 7(1) (ia) empowering BCI to conduct seminars and organize talks on legal issues has been focused on 'continuing legal education'.<sup>37</sup> However, the BCI, unlike the Institute of Chartered Accountants of India has not been given the power of conducting its own professional course and does not have professional qualifications of its own. The power to confer a professional degree vests in the university. The BCI only has the power to recognize the degree for the purposes of enrolment. The BCI, of its own, kept itself confined to only 'Professional Legal Education' in strict sense of the term so far, until about six years earlier when the MHRD gave the present signal almost reversing the position of the previous governments.

### **Funding of legal education**

The Bar Council of India, which is in charge of legal education in the country, has not been an agency for the distribution of state funds to support legal education in particular. For its own running of office, the BCI receives an annual grant of a meagre sum from the Ministry of Law and Justice. As such, legal education currently, is seen as one of the social sciences and has been clubbed with the university education system which does not have the competence to run professional law courses on multidisciplinary

---

35 *Ibid.*

36 The Advocates Act, 1961.

37 *Ibid.*

inputs. Affiliated law colleges are mostly sponsored and run by the private sector (some are run by trusts, family houses, societies and individuals). However, in some states, the state governments run law colleges, most of which are in a very sad state of affairs due to the absence of infrastructure on account of the abysmally low fund flow from the state. In most of the states, it is free for all. This is because; it is very difficult for the state government to hike the school fees which has remained unchanged over the last six/seven decades. Legal education gets the lowest priority. The UGC treats legal education just as an obligation, not always without any reasons and seldom gives it the treatment which is given to any major science or social science subject. As the state investment is marginal in legal education, state institutions suffer from acute anaemia.

In this context, the responsibility of the BCI has been enlarged, which is disproportionate to its limited present structural framework.

The Bar Council of India under the present Act has restricted itself to a very narrow domain. It only assumes two responsibilities: (i) regulating professional legal education and (ii) taking decisions on matters of breach of professional ethics.

### **Two regulators, two regulatory styles**

One of the beauties of Common Law is that it provides a lot of flexibility in the administration of law and justice. It is highly dynamic in character. One example may be given. The Act provides in section 7(1)(h) that the BCI is required to promote legal education in consultation with universities and jointly develop various programs of legal education.

There are two ways of working together. Firstly, by taking organic orders through an adversarial system and secondly, by developing systems of cooperation and mutual support. The BCI took the 'inspection' power given by virtue of section 7 (1) (i) very seriously in an adversarial position, whereas the American Bar Association, having a similar common law system developed cooperative models from within a similar legal framework. The BCI has become structurally fragile to run an 'inspector raj' through an adversarial system. universities are unwilling due to their inability and non-committal history to legal education and often violate the BCI Rules blatantly, if not deliberately.

### **Professional academic route**

Can professional education be fully professionalized? The NEP 2020 does not mention anything about that. It only excludes two professional educations outside the ambit of National Higher Education Regulatory Council (NHERC) after showing broad directives. The NEP also does not mention anything about the National Medical Commission or the Bar Council of India.<sup>38</sup> So it leaves the matter of taking any decision

---

38 *Supra* note 1, para 18.3.

on the regulatory framework of medical and legal education to the Government of India. It can either continue with what is already in practice or decide upon a new course of action. It is quite understandable that any hasty action in the health and legal services is not at all in the public interest.

A regulatory body has been created for setting standards and inspecting medical or law colleges, as the case may be to oversee academic standards scrupulously maintained by the institutions.

### **High powered committee regarding policy on legal education**

Since the NEP 2020 specifically excludes legal education from the regulatory framework of NHERC and suggests a new outline of higher education institutions structures and strategies, it is now incumbent upon the BCI to immediately take its first step forward in order to ensure that a high powered committee is set up to suggest a plan of reforming legal education and legal educational institutions within the suggested new structural framework under the schemes laid down in the NEP 2020 by the Ministry of Law and Justice or by the BCI itself. Things are a bit clear in case of medical education because medical education was always overseen by the Ministry of Health and Family Welfare having a Department of Medical Education. As such, the Ministry of Health and Family Welfare has always been the nodal Ministry for medical education. Medical Colleges/Universities were never under the UGC for financial grants and regulatory purposes. The Medical Council of India had a long history as the designated regulator. This job has now been taken over by the Medical Commission of India. Legal education has not been put under the Ministry of Law & Justice as its nodal agency. Though higher legal education has been completely and entirely passed on to the Bar Council of India by way of section 7(1)(h) of the Advocates Act, the BCI as the regulator has never taken any regulatory function on any higher education matter in law to the exception of professional degree education under section 7(1)(i) of the Act. As such, legal education and law colleges/universities remain. The Ministry of Education remains completely silent and the UGC seldom acts when some notable legal educationists are active in the field of UGC.

### **Preparatory steps: A policy paper**

The BCI has now prepared a policy paper on how to restructure and reshape legal education and educational institutions keeping in view the following issues.

#### *Adopting new structure of curricula*

In a multidisciplinary curricula students will have wide options to choose his/her own curriculum based upon the horizontal (subject-wise) and vertical (module-wise) options allowed in courses offered in a University or an autonomous college or a cluster of Colleges. Students are entitled to opt for a paper of a subject as a whole or one or more modules of a paper but not the entire paper. A pass in the module will

entitle the student concerned to earn the grade point. Subject-wise options are on the horizontal span (X axis) and module-wise options are on the vertical span (Y axis). There may be a minimum allocation period within which the score has to be collected and compounded but there would be no maximum period. As such, 60 credits may be required to be collected over a minimum period of one academic year/two semesters; 128 credits may be collected in two academic years/four semesters and 200 credits may be collected in three academic years/six semesters. The committee has to consider the nature of the curriculum, the credit or grading system, the evaluation and credit rating system, the credit accumulation and credit banking system, the digitization of performance records, the accreditation and assessment system, the offering of multiple courses etc.

#### *Adopting new academic institutional structure*

In the new university system, a university at a product range and branding would form a new landscape of knowledge building. For that purpose, a new institutional structure would be required to be built. For the said purpose, there would be new project plan for which project finance and investment would become necessary. The committee has to determine the strategy of reconstruction. There may be several modalities of reconstruction of affiliated institutions based on locational patterns and facilities of reaching out.

#### *Use of technology in legal education*

Technology can reach places where one can ordinarily attempt. Technology can reduce the gap between rural India's capacity for legal education and urban India's reach towards standard legal education. One of the positive impacts of the fear of Covid-19 has been that the Higher Judiciary in India has effectively started using technology to get things going instead of closing down its affairs completely for months altogether. However, the benefit of the uses of technology has to percolate to the district courts and the *Gram Nayalaya(s)*. It is true that in the capital city, Courts in some sensational criminal cases have conducted trials through IT connectivity. In order to use technology more widely in our judicial system, legal education will have to seriously invest on technology. The main problem of legal education is the mushrooming of affiliated institutions. Nearly 1600 affiliated institutions are there in which the affiliating universities have no responsibility of extending the facility of online and digital education to the students. Technology has to be used in the class room as well as out of the class room.

#### *Use of online and digital education*

One of the most important directives of the NEP 2020 for legal education, as was earlier noted is "embracing new technologies for wider access". Only technology can integrate all judges, lawyers, law scholars, law students, law administrators and the consumers of the state discipline of law and Justice. It is technology which can ensure

equity. The NEP 2020 incorporates two important issues on the use of technology, *viz.*, Entry 23 dealing with technology use and integration and Entry 24 dealing with online and digital education. Though India is ‘one of the global leaders in information and communication technology and in other cutting edge domains like space science’, the NEP 2020 cautions us by pointing out that there are serious limitations like the digital divide which are very visible in India. This is essentially due to the short supply of affordable computing devices and the lack of training to teachers for making online education effective.

*Use of university home-rule*

In many affiliated institutions, conditions are so pathetic that even now more than 50% of these affiliated institutions do not having 50% of the required teaching faculty. In some affiliated institutions, there has been one or two faculties only. Most of the private institutions do not pay the UGC scale salaries to the faculty members. In fact, other pecuniary benefits and non-monetary incentives are completely missing. Most of these institutions do not receive any plans or grants from the UGC. The conditions of the building and their construction and maintenance are far from satisfactory. In most of the law colleges the books and journals collection are very poor and these libraries are run without any internet facilities. If workshops increase the ratings of engineering colleges, laboratories increase ratings of science, libraries are necessarily indicative of the standard of legal education in the institution. It is necessary for the BCI to prepare a detailed status report on the institutions imparting legal education. It is necessary for the BCI to publish a directory of legal educational institutions with details of status reports on legal education in each of the institutions at least once every five years if not annually.

An affiliating university has a statutory obligation to inspect the affiliated colleges periodically so as to oversee that the affiliation conditions and regulatory requirements are in conformity. If there is any non-conformity, the matter has to be brought to the knowledge of the executive council of the university the regulator. Any default in this regard would be treated as fault on part of the university. In fact, if an affiliating university performs its statutory functions, the BCI would be able to move towards the self-regulatory system and devote more resources on the accreditation and credit rating system. However, if an affiliating university does not discharge its statutory responsibility, the BCI's inspection can hardly improve the situation. It is therefore necessary for the BCI to inspect the universities more to strictly and enforce their home-rules. This would automatically strengthen its regulatory power.

*New language policy*

The NEP 2020 advocates for bilingual education for future lawyers and judges – in English and in the language of the state in which the institution is situated. In most of the states, district judiciary has been asked to move to the state language. General

higher education in social sciences has already moved to the state language in most of the institutions. Correspondingly, state administration is now predominantly run in the state language. All these arguments favour legal education to be closer to people's life and their living. As such, trial courts can hardly carry on work only in English. It would, thus, be beneficial for local lawyers if they are trained to handle trial cases in the state language. However, lawyers have to update their knowledge of the law, especially case law, in English. As such, legal administration and supportive education can hardly switch over completely to the state language. Bilingual education is a new format of education using two languages in the class. This will encourage writing of text books in the state language and the translation shall also improve.

### **V Conclusion**

The NEP 2020 “recognizes the importance of leveraging the advantages of technology while acknowledging its potential risks and dangers”. The strategy suggested by the NEP that until the Digital India movement is able to eliminate the digital divide, “the existing digital platforms and ongoing ICT-based educational initiatives must be optimized and expanded to meet the current and future challenges in providing quality education for all”.<sup>39</sup>

It is understandable that the NEP 2020 very rightly emphasises on the knowledge upgradation in technology and communication and digital learning so that teachers can adapt ‘learner-centric pedagogy’ and creating ‘high quality online content’. An effective legal education requires (a) a commitment of the people to the observance of legal principles as the righteous path, and (b) the epistemological basis of the justice education to be a sound and time-tested requirement. This is certainly a challenge for the regulator of legal education.

At the same time, autonomy of the universities must be protected by all means. Thus, when there is a conflict between ‘in consultation with universities’ (for the course design in legal education) and ‘inspect the universities’ (for approving the degree in law to qualify for enrolment), the BCI has to respect the autonomy of a university for a mutual consultation on any issue of legal education and resolve the matter on the standard-setting of legal education with the objective of securing the long term interest of the students.

---

<sup>39</sup> *Id.*, para 24.1.