

CLINICAL AND CONTINUING LEGAL EDUCATION: A ROADMAP FOR INDIA. Edited by S. Sivakumar, Prakash Sharma, and Abhishek Kumar Pandey, Commonwealth Legal Education Association and Thomson Reuters, Gurgaon, 2021. xlv + 486 pp., Rs. 1450, ISBN: 978-93-90673-00-1.

Exordium

THE ONGOING dramatic global transformations demand emerging economies to respond through external and internal dimensions. This requires development of capacity to assert interest both at international as well as national administrative fora.¹ This aspect is firmly understood within the typology of contemporary legal practice that witnesses constant engagement of corporates legal firms with global economy.² As a result, days are gone wherein a series of structural features of litigation and the judiciary in India plays a dominating role in perpetuating grand advocates and the culture they inhibit.³ The time has come for Indian legal education and profession to move out from the conditioned and constrained claims, and advance towards improving a quality justice-delivery mechanism that promotes access to justice and rule of law.

Having said this, the first and foremost task is to correct the existing order. For all intent and purposes, we still consider the profession of law as one of the well-regarded professions in our society. Our law schools, in order to provide a cohort and established opportunities for students, have developed practical experience, which enables them to offer a valuable service to the local community.⁴ As a result, with its importance recognized and well-established, clinical legal education (CLE) became an essential program in preparing law students to practice law effectively.⁵ However, over the years a need is felt wherein measures to tackle professional misconduct, coupled with exposed challenges from a globalized knowledge dissemination system was found desirable. Further, in order to serve clients adequately, lawyers must be able to apply specialized knowledge in a skillful and effective way. They must be abreast with the

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- 1 Shuvro Prosun Sarker and Prakash Sharma, "Bridging the Gap: Understanding the Trends in Indian Legal Education from Recent Developments" 7(1) *Asian Journal of Legal Education* 57-72 (2020). See also Prakash Sharma, *A Review of Journal of Indian Law Institute in Legal Education* 4(1) *Asian Journal of Legal Education*, 61-70(2017).
 - 2 See David B. Wilkins, Vikramaditya S. Khanna, and David M. Trubek (eds.), *The Indian Legal Profession in the Age of Globalization: The Rise of Corporate Legal Sector and its Impact on Lawyers and Society* (Cambridge University Press, New Delhi, 2018).
 - 3 *Id.* at 455.
 - 4 See B.C. Nirmal, "Legal Education in India: Problems and Challenges" 20(1) *IJUM Law Journal* 139-167 (2012).
 - 5 N.R. Madhava Menon (ed.), *Clinical Legal Education* (Eastern Book Co., Lucknow, 2019). See also N.R. Madhava Menon, *The Transformation of Indian Legal Education, Harvard Law School Program on the Legal Profession* (2012, available at: https://clp.law.harvard.edu/assets/Menon_Blue_Paper.pdf (last visited on May 16, 2022)).

ever-expanding legal horizons. Thus, a need is felt to not just avail degree but also to continuously update one with the changing demands of the profession.

The concept of continuing legal education (Cont.LE) for the legal profession is not novel. Elsewhere, the system of mandatory continuing legal education is in vogue. The studies in United States, United Kingdom, Australia, Germany, France, *etc.* clearly show that Cont.LE is mandatory for all lawyers throughout the entire period of their practice at the bar.⁶ At the same time, incorporation of Cont.LE has its own limitations such as time constraints, lack of incentive to participate in Cont.LE programs, lack of quality instructors, lack of reach of Cont.LE schemes to *taluka* level and diversity of language as a means of instruction. Indeed, these would act as major roadblocks in implementing Cont.LE schemes in the Indian context.

It is a fact that the need for continuing education for the legal profession in India is urgent and important.⁷ Further, the ongoing COVID-19 pandemic scenario has advanced a case for more reliance over technology.⁸ Taking cue from these developments, implementing Cont.LE programs/schemes are perhaps much easier and accessible to a larger audience if done through the use of technology. We have the examples of the recent webinars before us that were, and still are being, successfully conducted by using technology.⁹

The book

It is in these perspectives; the propitious book proposes a constructive roadmap for future legal practice in India.¹⁰ One of the great challenges of any book that styles itself as “roadmap” is that it will either overgeneralize or overcomplicate the subject matter. That risk becomes even more substantial when the subject being compared is the reach of both CLE and Cont.LE across Indian as well as global legal systems. It

6 Prakash Sharma, “Continuing Legal Education: Rethinking Professional Ethics and Responsibility in India”, 5(2) *Asian Journal of Legal Education* 152-168(2018);

7 There are some academic efforts done over the years with respect to Cont.LE. See Anirban Chakraborty and Yashomati Ghosh, “Promoting Continuing Legal Education: A Step towards Implementing the Second Generation Legal Reforms for Creating Competent Lawyers in the New Century” 2(1) *Asian Journal of Legal Education* 29-45 (2015); Prakash Sharma, “Continuing Legal Education: Idea, Need, and Relevance” 46(4) *Indian Bar Review* 399-407 (2019).

8 R. Venkata Rao and Prakash Sharma, “Legal Tech Start-ups: Lawyering 2.0” 49(1) *Indian Bar Review* 149-160 (2022).

9 Earlier, the study done for finding ways to implement Cont.LE schemes were carried out at a time when both technology and access to technology were scarce. See IIT Kharagpur, *Final Report: Designing the Continuing Legal Education System in India for Advocates* (Ministry of Justice, 2017), available at <https://doj.gov.in/sites/default/files/IIT%20Kharagpur%20Final%20Report.pdf>. (last visited on May 29, 2022).

10 S. Sivakumar, Prakash Sharma, and Abhishek Kumar Pandey (eds.), *Clinical and Continuing Legal Education: A Roadmap for India* (Commonwealth Legal Education Association and Thomson Reuters, Gurgaon, 2021) [hereinafter *Clinical and Continuing Legal Education*].

is in this context the book approaches the challenges with great care. The nice balance of addressing broad developments, at the same time, highlighting the need for continuous learning, brings a breadth of knowledge to the existing Indian legal education.

The book comprises of 25 chapters and argues that since the ongoing scenario of legal domain is an ever-expanding body of knowledge, it becomes all the more necessary to develop the habit of lifelong learning process which makes one adept to serve the demands of the profession. This perhaps is reflected in the paeon *Foreword* by Justice Rohinton F. Nariman.¹¹ The judge writes:¹²

The legal profession has always benefitted from initiatives in continuing education to ensure that lawyering and decision-making remains driven by just considerations, in tune with the changing realities of our country. However, the need for equipping the legal profession with ethics-based training and sensitization is more urgent now than it has ever been before.

Further, the editors have rightly opined in the *Introduction* that the scope of “legal aid, public responsibility and clinical methodology, till now has been largely restricted within the University set up.”¹³ In this regard, S. Sivakumar argues for bringing innovative clinical education scheme, which is also supported by a chapter by Kameswari Goda, wherein she argues how legal research could be helpful in advancing the goals of clinical education. Jernej Letner Cernic and Ziga Rejc argue for quality of law schools and commitment of both law professors and law students. B.C. Nirmal while reflecting on the quality of legal education, especially from private law schools, raised a pertinent question on delivering of law classes. T.V. Subba Rao referred and acknowledged the role of National Law Universities (NLUs). Similar observation was given by S.S. Jaswal.

While Lisa P. Lukose and Anjali Thakur reflect on the best practices of teaching in legal education, R.K. Choubey reflects on the challenges of legal research. Kiran Gupta argues how Cont.LE could impart principles of responsible citizenship. D.S. Prakasa Rao and Prakash Sharma argue how Indian legal education has moved beyond its transformation phase and therefore how a need is felt to reassess as well as fill the gaps. Mohammed Umar has referred to the Faculty Development Programs (FDPs) and how they must be designed in a manner that help to unlock the minds of law teachers. Partha Pratim Mitra argues for introduction of animal laws as subject in legal education. Abhishek Kumar Pandey reflects on transnational legal practitioner. Naveen Chandra Sharma opines on the need for enforcing professional accountability

11 *Id.* at xi.

12 *Ibid.*

13 *Id.* at xlv.

and ethical standards. Raja Bagga argues how compelling social inequalities and broken criminal justice system, make a perfect case for developing access to quality legal representation.

Other chapters reflect on the use of Cont.LE for judges, the historical background of Cont.LE, the impact of globalization in reshaping Indian legal education, and reassessing legal research funding. Perhaps the most highlighted part of the volume remains the final two chapters which notably acknowledge the virtuous contribution of two great Indian legal educators.¹⁴ The book also comprises of a *Draft Rules for Continuing Legal Education, 2021*,¹⁵ which flags the importance of Cont.LE in India and thereby suggests a legal framework for implementation of the mandatory Cont.LE system for all practitioners.

Concluding remarks

S. Sivakumar *et al.* deserve to be congratulated for bringing out such a luminous publication. With their powerful technique of deep editing, they have transformed every piece of writing into magnificent, sparkling prose.

The book, on the whole, is a great contribution by the editors and a value addition to the existing legal literature. There is no iota of doubt that this book is provocative, thoughtful, and a must read, and deserves to be part of the collection of law school libraries and individual book shelves. Keeping in mind the economic realities, the volume is moderately priced.

R. Venkata Rao*

14 I too have elsewhere acknowledged their astounding contributions. See R. Venkata Rao and Prakash Sharma, "An Assessment of Contribution of Professor N.R. Madhava Menon Towards Modern Legal Education: A Tribute" 3(1) *Contemporary Law Review* 1-11 (2019). R. Venkata Rao, "Book Review—Judicial Review: Process Power and Problems" 62(3) *Journal of the Indian Law Institute* 351-355 (2020).

15 Clinical and Continuing Legal Education, *supra* note 10 at 457-464.

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