

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., Price INR 1450, ISBN: 978-93-90673-00-1.

CLINICAL AND Continuing Legal Education: A Roadmap for India is clearly an outcome of academic rigour undertaken to explore the not so explored arena, which forms the genesis of legal profession, *i.e.*, ‘legal education’. Evidently in India, legal education more or less ends just after the completion of requisite qualification for legal profession and seldom there occurs occasions when the demand for ‘continuing legal education’ gains momentum. Law is regarded as a discipline that evolves with society to cater its changing needs and to re-establish the faith of citizenry in law. But legal education and practice doesn’t always evolve with this pace of society and on occasions reflects archaic roots. This book made an attempt to address the issue at hand by putting forward the idea of ‘Continuing Legal Education (CLE)’ to continuously enhance new and better forms of knowledge. In great detail and synchronized manner it dwells into untapped horizons of legal education, to cater the interests of lawyers, judges, policymakers, academicians and others with interest in the profession of law.

Time and again questions have been raised over the quality of legal education in India. In the ‘Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms’<sup>1</sup> the moot question raised was ‘the issues and challenges plaguing legal education in India.’ Moving a step further Supreme Court has pushed for a complete overhauling of legal education system in the country and recommended that the Bar Council of India bring in a slew of reforms.<sup>2</sup> The book not only cater these issues, but also, dig deep into more fundamental issue of making legal education a life-long learning process. Thereby, it sets the tone to ensure that the legal education and legal practice goes hand in hand, to re-define legal professionalism in India. While attempts to revive the legal education in India limits themselves to curriculum at law schools, infrastructure, pedagogy and entry-level examination for practice in law but it is time to broaden the horizon of this viewpoint to include the best practices of other nations in legal education, look for relation between CLE and rule of law, analyse the factors for plunge in quality of legal education in India, understanding

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1 Supreme Court of India, “Conference of the Vice-Chancellors of the National Law Universities on Legal Education Reforms” (2018) *available at*: [https://main.sci.gov.in/pdf/PublicationOther/proceeding\\_book051018.pdf](https://main.sci.gov.in/pdf/PublicationOther/proceeding_book051018.pdf) (last visited on June 29, 2025).

2 Legal Education Needs Full Revamp: Supreme Court, *available at*: <https://www.hindustantimes.com/india-news/legal-education-needs-full-revamp-supreme-court-101647542554973.html>. (last visited on June 29, 2025).

the impact of transnational events on legal education and locating professional accountability through CLE. In tune to plug these contemporary issues, there comes the significance of the book.

This book comprises 25 chapters spread over 485 pages, showcasing the depth and detail with which the book ponders over the idea of CLE and Clinical Legal Education (Cl. LE).<sup>3</sup> The eloquently crafted foreword<sup>4</sup> by R. F. Nariman J., builds the narrative by invoking N. R. Madhav Menon's vision on CLE and emphasises on the value of reforms in legal education in cultivating a new generation of lawyers, who imbibe and protect the rule of law and constitutional values. The book has twenty-five chapters, but on a closer reading, it can be segregated into five broad themes. Chapters 1, 2, 3, 4, 6 and 7 deal with the current state of legal education in India, its critique and how various best legal education practices across the nations can be incorporated into Indian setup. Chapters 5, 11, 12, 14 and 21 deals with various unconventional ideas of legal education, starting with the role that CLE plays in building responsible citizenry and strengthening rule of law, need to incorporate animal law in legal education, enhancing the quality of legal aid through CLE and lastly, breaking the colonial mindset of legal education and reinvigorating the young legal minds through holistic capacity-building FDP's. Chapters 8, 9, 10, 13, 22 and 23 look into Indian Legal Education by tracing its roots, role of National Law Schools (NLU's) in value addition to Cl. LE and CLE, imprint that globalization left on Indian legal education and how CLE and Cl. LE addresses the challenges of legal research. Chapters 15, 16, 17, 18, 19 and 20 build a case for 'Ensuring Professional Accountability and Responsibility of Lawyers and Judges through CLE'. Under this theme, authors made a strong argument for continuing legal education to ensure greater access to quality justice and strong rule of law in the Indian legal system. In the concluding chapters,<sup>5,6</sup> the ideas of two legal luminaries, N.R. Madhava Menon and Upendra Baxi were taken up to advance their legacy in the field of Indian legal education, particularly in connection to human rights education.

The introductory chapter by S. Sivakumar, does a threadbare analysis of the status of legal education in India and in a heavy-handed manner criticised the existing clinical teaching in law schools by referring to it as 'co-curricular' activity. Moving further on similar lines, B. C. Nirmal highlighted the core issues plaguing the law teaching in India like, lack of qualitative legal writings due to mandatory API score

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3 S. Sivakumar, Prakash Sharma, *et. al.*, (eds.), *Clinical and Continuing Legal Education: A Roadmap for India* (Commonwealth Legal Education Association and Thomson Reuters, Gurgaon, 2021).

4 *Id.* at xi.

5 Ch. 24: Professor Neelkantha Ramakrishna Madhava Menon and the Idea of Continuing Legal Education, authored by Shuvro Prosun Sarker and Naveen Chandra Sharma

6 Ch. 25: Upendra Baxi and Legal Education: An 'Open' Reflection of Illustrious Career, authored by Prakash Sharma, Partha Pratim Mitra and Aaditya Vikram Sharma

for selection and promotions, inadequate critical engagement in law schools, widening rift between law in books and law in action. Nirmal advocates for the inclusion of judicial behaviourism and jurimetrics in legal curriculum to equip law students with both content of law, as well as its application in real-life situations. While Jernej and Ziga in chapter 3 and Lisa and Ajanli Thakur in Chapter 7 provided a comprehensive view of best practices in legal education as imparted in Europe, Australia, Canada, Russia and South Africa. Both, affirm to the idea that the future of the constitutional democracies and rule of law hinges on the quality, integrity and commitment of new generations of young lawyers and to ensure this Lisa backed the idea of ICT- enhanced innovative pedagogies, teachers training, multidisciplinary education and professional ethics as mandated by NEP-2020. Taking a stride further, Goda explains various stages of empirical research and how deploying empirical research in Cl. LE, impact studies of legislations and Supreme Court decisions can be carried out, which will eventually benefit all the stakeholders. The central chord of theme focuses on transforming law students from 'practice-ready to profession-ready' with constitutional values in focus.

The book also takes on a few unconventional ideas, which need to be incorporated in legal education in India. Kiran had shown concern over declining standards of legal education and profession in India, resulting in loss of public trust and confidence. Kiran cautioned against the transplantation of western idea of rule of law, which is culminating in neo-expansionism and for its curtailment she advocates for rights-based approach to the rule of law in conformation to local context. Another unconventional idea of inclusion of 'animal rights' in legal education<sup>7</sup> in particular aspects like, prevention of cruelty to animals, protection of performing animals, perennial debate between animal rights and cultural rights of individuals and evolving jurisprudence on animal rights, is truly a novel idea that needs to be there in Indian legal education. In chapter 14, Raja Bagga highlights the pathetic state of legal aid in India. The author argues that in India, legal aid has both constitutional<sup>8</sup> and statutory<sup>9</sup> backing, but the quality of representation of legal aid lawyers defeats the purpose of legal aid in itself and serves injustice to poor people. To address this Raja stresses on the need of CLE for lawyers empanelled for legal aid. Lastly, UGC mandated faculty developments programmes (FDPs), are becoming fashionable today, but least has been written over their quality. Mohd. Umar<sup>10</sup> argues that law faculties need to be

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7 The National Academy of Legal Studies and Research (NALSA), Hyderabad introduced *one-year advanced diploma* in Animal Protection Laws and two-year postgraduate course in Animal Protection Laws. The initiation of courses on such themes is both laudable and gives fresh impetus for the launch of other unconventional themes under law.

8 Constitution of India, art.22 (1) and art. 39A.

9 Legal Services Authorities Act, 1987, s. 12(g); and Code of Criminal Procedure, 1973, s. 41D.

10 Ch. 21: Law FDPs in India: Setting the Agenda, authored by Mohammed Umar.

updated with new and emerging vistas of knowledge, to ensure that law students also learn about these vistas. To ensure this, the author suggests that it is high time for law schools to design FDPs in a way which allows law faculties to understand law beyond its colonial roots and engage in constructive criticism of existing legal framework by unlocking their minds. To overhaul FDPs, law schools must take ‘academic social responsibility.’ These innovative and novel ideas for Indian legal education serve dual purposes, these allow law students and other stakeholders to ponder over emerging jurisprudences, thereby breaking the continuity with archaic ideas and simultaneously secures justice for underprivileged and underserved.

The book compendiously explores the origin of CLE, by making reference to the role played by the American Bar Association and American Law Institute and its conferences, *i.e.*, Arden House Conferences. Manan Dardi beautifully traces the roots of CLE to the New York Bar Association and provides a seamless journey of it through World War I and II, Arden Conferences and culminates it with The Maccratre Report. Dardi touched upon CLE literature, programmes, techniques, financing and professional responsibility. Chapter 8 and 9 discussed the role of law schools in the development of Indian legal education. Authors pondered upon issues like globalisation of legal education, privatisation of law, lack of research culture and flaws in traditional legal theory. Both chapters in their concluding remarks stressed that in near future ‘practical understanding’ and ‘practical learning’ will be given utmost importance and its high time for NLUs to revamp legal research, integrate theory with practical application and frame curriculum by understanding the new and emerging transnational fields of law. Lastly, R.K. Chaubey, while highlighting the challenges to legal research, provided suggestions for good research.<sup>11</sup>

Under the theme “Ensuring Professional Accountability, Development and Responsibility of Lawyers and Judges through CLE”, chapter 15, 16, 17, 18, 19 and 20 cumulatively advance the idea that systematic plunge of Indian legal education is resulting into degradation of professionalism in lawyers, keeps judges above and beyond the consciousness of the ‘social context’ and debases the rule of law. Naveen Chandra highlighted the case of *Verner v. Colorado*,<sup>12</sup> wherein it was held in context to CLE that, “A state can require an attorney to take reasonable steps to maintain a suitable level of competency.” Thus, elevating the status of CLE to that of statutory mandate. Similarly, Aaditya and Manini argue in favour of developing ‘career development programmes’ on the lines of FDPs for legal professionals to imbibe and enrich legal professionalism. On professionalism and efficacy of judges, Ashish Verma and Udit Raj Sharma in chapter 18, evaluates the judicial education and training in India. Both academicians noted that only through continuous judicial

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11 Ch. 10: The Challenges of ‘Legal Research’ in Clinical Training, authored by R.K. Chaubey.

12 *Verner v. Colorado*, 716 F.2d 1352 (10th Cir. 1983).

education ‘better judges’ can be crafted who will have scholarship, judicial ethics, social consciousness and honed interpretation skills. And all these will eventually ‘inspire the confidence in the common person towards ‘justice’ and ‘judiciary’. Anjay Kumar builds a philosophical bridge between the abstract ideas, *i.e.*, ‘access to justice and rule of law’ and ‘continuing legal education.’ By linking the two Kumar, showcased that CLE is the best route to indoctrinate sensitivity among legal stakeholders to strengthen rule of law and provide ‘quality justice’. By dedicating a significant number of chapters for legal professionals, editors augment the case in favour of the fact that, ‘true change lies in the hands of legal practitioners, who have power to incorporate theory into practical aspects and CLE and Cl. LE is the best way to make legal practice more professional.’

It is rightly said that, ‘knowledge is in the end based on acknowledgement.’ The editors of the book did so with gratitude by acknowledging the works of N. R. Madhav Menon and Upendra Baxi in the concluding chapters of the book. Chapter 24 by Shuvro Sarkar and Naveen Chandra presents a terse study of Menon’s work on Indian legal education. From delineating Menon’s core idea of legal education as, “to supply trained human resources at bar and bench to enlarge access to justice and enhance quality of justice for common man,” to enumerating third generation law reforms proposed by Menon and locating solution in CLE and Cl. LE for a myriad range of issues plaguing Indian legal education, authors truly paid the befitting tribute to the works of Menon. To address the issue of lack of facility for imparting CLE, Menon established Menon Institute of Legal Advocacy Training (MILAT) and ensured that professionalism becomes an attitude and a culture for continuing legal education is developed and sustained. Apart from this, chapter catalogue various other initiatives taken up by Menon for the cause of CLE and ultimately for the betterment of Indian legal education.

Concluding chapter recounts and acknowledges the various roles played by Baxi as a legal academician for the cause of social transformation. The authors recognize Baxi in two capacities, *i.e.*, Baxi in general and Baxi as an activist. Being a generalist, Baxi opines on numerous legal theories, primarily focussing on law and poverty, politics ‘of’ and ‘for’ human rights, transformative constitutionalism for upliftment of masses and three prudence: legisprudence, jurisprudence and demosprudence. While donning the hat of an activist, Baxi committed himself to the basic human rights of underserved and underprivileged sections of society. Be it for the victims of Bhopal catastrophe or women inmates of the protective home at Agra or the victims of ‘development’, authors vehemently stressed that, Baxi chose to remain an activist through his unorthodox knack of appreciating and speaking truth. Over his contribution to legal education in India, authors argue that Baxi worked for “better legal education and sustained legal research in India.” Lastly, without doubt Baxi’s work on human rights will remain unparalleled and as authors rightly mentioned in concluding remarks, Baxi represents an institution in itself.

Summing it up, S. Sivakumar, *et.al.*, arrived at a time, when nation and whole world had gone topsy-turvy due to coronavirus induced pandemic. While the world was at grinding halt, among others, the conventional modes of legal education had outlived their utility. The arrival of this book at this moment of halt provides an opportunity for policymakers to overhaul the Indian legal education using the roadmap laid down by the book. Reforming the existing state of clinical education in India on the lines of the book will for sure disturb the existing hierarchy, but will result into innovative pedagogies at law schools, professionalism and efficacy in legal practitioners and enhanced trust of citizenry in legal system. The forward vision of editors to take up unconventional, yet significant themes of legal education for book, truly showcases their erudition and the academic rigour they had gone through to lay out new roadmap for clinical legal education in India.

Last but not least, the book in true spirit advances the works of N.R. Madhava Menon, the foremost proponent of clinical legal education in India. While, Menon had written extensively on the needs of legal education in India and the mechanics of clinical teaching in law schools, S. Sivakumar through his editorial work made a forward stride by emphasising and addressing the emerging needs of 'Clinical and Continuing Legal Education in India'. The book without doubt is an excellent handbook for law schools and legal education policymakers, to design clinical programmes to overhaul the legal education system in India as desired by courts and academicians.

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