

## **Impact of National Education Policy on Legal Education: An overview**

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### **Abstract**

The National Education Policy (NEP) aims to create a potential in individual which will prepare him for a fruitful and productive life. It is a policy that goes beyond just the development of cognitive capacities of an individual. It aims to develop in them ability of critical thinking together with the augmentation of social and emotional capacities. This paper focuses on how the provisions in NEP affect Legal education. It tries to identify how the provisions of NEP are not new to the field of Legal education but are rather supplementing the already existing basics, like interdisciplinary methods, experiential learning to name a few. It also establishes that Legal Education will benefit from NEP in crucial areas.

Key words: NEP, Legal Education, cognitive, supplement, crucial

*Education is fundamental for achieving full human potential, developing an equitable and just society, and promoting national development. -NEP 2020*

The National Education Policy (NEP), 2020 is a third of its kind since our Independence. It replaced the National Education Policy of 1986. It aims to change the education system in both the rural as well as urban India. This time frame for the achievement of this change was 2030 to realise the Sustainable Development Goals. The highlights of the NEP are foundational literacy, warranting access to education, restricting dropouts, experiential learning, multilingualism, curriculum which integrates core subjects with skills and capacities etc. It is inclusive and aims to deliver on equity by providing the disadvantaged groups to get out of ‘cycle of disadvantage’

In the NEP, the provisions for Professional Institutions are incorporated in Part III under the title ‘Other Key Areas of Focus’. According to the NEP Professional preparation must include training on the importance of ethics and public purpose, training on the field, and training on practice. It must focus on critical and interdisciplinary thinking, discussion, debate, research and innovation. To achieve this, the professional education should not be in isolation but rather in collaboration, i.e. interdisciplinary. The policy further states especially regarding Legal Education, that Legal Institutions must adopt best practices, incorporate new practices and be globally competitive. It underlines that the use of Technology is fundamental for broader access to justice. The syllabi of Legal education should be illuminated and guided by the constitutional values of social, economic and political justice. The focus should be on national reconstruction through the means of democracy, the rule of law and human rights. It emphasises that Law school curricula needs to be socio-cultural and evidence-based, with an understanding of history of legal thought, principle of justice, practice of jurisprudence, etc. The NEP also states that the agencies of State should consider to provide bilingual legal education; in English and the local language of the state in which the facility is located.

To realize these objectives, legal education needs to be revamped in certain areas while in some areas the requirements have already been fulfilled. Here are some key highlights of the NEP's impact on legal education:

1. Integrated Undergraduate Programs: The NEP encourages multidisciplinary education and offers the option of integrated undergraduate programs combining law with other disciplines like humanities, sciences, or management. This allows students to gain a broader understanding of various fields and fosters interdisciplinary thinking. The Integrated Five Year Law Course is available in all Central and State Universities with nomenclatures like BA LL.B., BSc LL.B., BCom. LL.B., BSW LL.B. etc.

2. Interdisciplinary approach: The NEP emphasizes the importance of interdisciplinary education and encourages the integration of different subjects. In legal education, this could mean promoting collaborations with other disciplines such as social sciences, technology, and business, to provide a well-rounded education and equip law students with a broader understanding of various societal issues. This can provide law students with a broader understanding of the societal, economic, and political dimensions that influence legal systems. The above mentioned 5 Year Integrated Law Courses are interdisciplinary and equip the student humanities, arts, social work, science, computer science etc.

2. Clinical Legal Education: The NEP emphasizes the importance of practical training in legal education. The NEP acknowledges the significance of clinical and experiential learning opportunities. It promotes the establishment of legal clinics and encourages law schools to offer experiential learning opportunities, such as internships, legal aid programs, and moot court competitions. This helps students develop practical skills and real-world understanding of the legal profession. Legal education institutions may incorporate clinical programs where students can engage in real-world legal work, such as legal aid clinics, legal research projects, and internships, to gain practical experience and contribute to the community. Under the Bar Council of India (BCI) Statute Part 4 provisions for Legal Institutions, Clinical Legal Education has already been provided for in Schedule II. It is the form of internships, moot court, chamber visit, court visits, legal aid and advice.

3. Professional Skills Development: The NEP emphasizes the need to equip law graduates with essential professional skills which is a shift from rote learning to a skill-based approach. It encourages law schools to focus on skills like legal research, legal writing, oral advocacy, negotiation, mediation, and alternative dispute resolution methods. This shift aims to make law graduates more industry-ready and adaptable. In legal education, this could entail a greater emphasis on practical skills, such as legal research, writing, advocacy, negotiation, mediation, and clinical legal education, to prepare law graduates for the demands of the legal profession. The BCI has in its provisions emphasized the development of critical thinking, problem-solving, communication, and other essential skills like advocacy, through subjects like Professional Ethics, Advocacy Skills, Alternative Dispute Resolution, Moot Court etc. It also incorporates practical skills such as legal research, drafting, negotiation, and mediation.

4. Technology Integration: The NEP recognizes the significance of technology education and promotes its integration across disciplines as also in the legal field. It encourages the use of technology in legal education, including online learning platforms, virtual classrooms, and digital resources. This integration enables students to familiarize themselves with the advancements in legal technology and better prepare for the digital age of law practice. In legal education, this could involve leveraging technology for online legal research, virtual courtrooms, online learning platforms, and other digital tools to enhance the learning experience and make legal education more accessible. Embracing technology can expand access to legal education and provide opportunities for lifelong learning.

The BCI prescribes for subscription of online databases for student research. It has made the use of ICT mandatory across all legal institutions. During the pandemic, it has encouraged Legal institutions to adopt and adapt to e-learning and its methods. With the supplementary provisions of NEP, the legal institutions can and must achieve education through technological integration to create dynamic and tech savvy advocates.

5. Accreditation and Regulation: The NEP emphasizes the importance of quality assurance and accreditation in legal education. It recommends the establishment of an independent regulatory body for legal education to ensure compliance with standards and

guidelines. This move aims to enhance the overall quality of legal education institutions in India. The BCI is the statutory, regulatory body for legal institutions. It is responsible to maintain quality in legal institutions and ensure that they regulate the way the institutions function. Of course, a lot more is expected from them as there is a common voice growing in India that the BCI needs to be proactive in regulating and ensuring quality education for students. The Legal Institutions are faced with regulation from three fronts viz., the State Government, the BCI and the UGC causing a dilemma regarding their functioning.

6. Professional ethics and values: The NEP underscores the importance of inculcating ethical values and promoting professionalism among students. In legal education, this could involve integrating courses or modules on legal ethics, professional responsibility, and integrity, to instill a strong ethical foundation in future lawyers. The syllabi for law provides for compulsory subjects like Professional Ethics, Alternate Dispute Resolution which imbibe in them the essential professional ethics for an advocate. Every Legal Institution is to have a Legal Aid Clinic which trains the students again in ethics of their professions as well develops in them values of empathy and tolerance regarding the clients and the society at large. In his book, 'The Seven Lamps of Advocacy' Judge Abbott Parry highlights 'honesty, resourcefulness, courage, clarity, diligence, eloquence, discernment and fellowship' (Ravi M. K., 2023) as the ethics essential for advocacy.

7. Research and innovation: The NEP encourages research and innovation in higher education. In legal education, this could mean fostering a research-oriented environment, promoting legal scholarship, and encouraging faculty and students to engage in legal research and contribute to the development of the legal field through their academic work. Legal education institutions can promote research-oriented learning by encouraging students and faculty to engage in legal research, publish scholarly articles, and contribute to policy discussions. This can foster a culture of academic excellence and contribute to the development of the legal field.

Legal Institutions encourage research and innovation in students through various means. The Moot Court is part of the syllabi, in which the students research the cases provided to them before presenting their side of the case. It also results in innovation as students work up their remedies to the cases before them. Other than this Competitions like Judgement writing, Critique writing, drafting Legislations are a common to all legal institutions. As expressed by a faculty member of Lloyd Law College, 'Advocacy is a profession which requires legal research for each case that is taken up' (Faculty Blog, 2019). Simply put, policies like research through NEP or other Government initiatives automatically apply to the field of Legal education.

8. Flexibility and Choice-based Credit System: The NEP promotes flexibility and choice-based learning, allowing students to pursue a variety of subjects and build a customized learning experience. Legal education can adopt a similar approach, offering students the flexibility to choose from a range of elective courses and specializations that align with their interests and career goals. The Choice-based Credit System is functional in most of the Legal institutions, and where they are not will now have to under NEP.

It is important to note that the implementation of NEP recommendations in legal education would require the collaboration and support of legal education institutions, regulatory bodies like the Bar Council of India, and the government. The specific details of implementing the NEP in legal education would need to be worked out by relevant stakeholders to ensure its effective application and alignment with the requirements of legal profession and practice. It is important to note that the applicability and implementation of the NEP's provisions in legal education would require concerted efforts from legal education institutions, regulatory bodies, and policymakers. The

specific changes and reforms will depend on how these stakeholders interpret and incorporate the NEP's recommendations into their respective frameworks and practices.

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