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## Legal Education in Indian Perspective

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**Abstract** - The vital aspect of legal education involves education the study of law. It encompasses the ability to use of law, to analyse and to criticize legal community. It mainly depends on individual focuses the individual freedom and development of the society, solidarity and strengthening the rule of law. The legal education is a prerequisite to high quality legal practitioners. Law is the guardian and vindicator of justice and liberty. Legal education had never been at the centre of country's development, right since the time of independence as compared to other disciplines which gained the attention of the intellectual and political class for the purposes of its surge towards excellence. The main goal of legal education is producing lawyers with social vision. In modern times legal education regarded as a legal instrument for social change. Currents studies in law have been directed towards the development of methodologies and institutional mechanisms for planning and decision-making, recurring and continuing education broadening access to and equity of opportunity through clinical legal education and legal aid to the poor, the use of new technologies, costs and financing of different programmes like legal literacy drives and pre-litigation conciliations and Lok Adalat, curriculum, institutional research; the governance and accountability of institutions of legal education.

The University education now stresses the importance of studying law roles, the use of law trained people, the work and socio-economic character and ideologies of lawyers.

Key Words: Lok Adalat, Lawyers, Legal Education, Social Change

### I. INTRODUCTION

Legal education in India generally refers to the education of lawyers before entry in to practice. Legal education derives its impetus from the economic, social and political set up of the society. Legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities for the creation and maintenance of a just society. Law is the vital agent of social engineering and is meant for social progress. The Supreme Court is one of the main pillars of the democracy and the law plays an important role in the administration of justice. The independence, efficiency and integrity of the judiciary can only be national by the best, legal education.<sup>1</sup> The strategy of legal education should be moulded in tune with the rapid contemporary changes occurring as a result of scientific and technological developments, especially by expansion of software technology.

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<sup>1</sup> Menon N.R. Madhava, (2008), "Clinical Legal Education in India", Eastern Book Company.



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Legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities all addressed to the creation and maintenance of a just society.<sup>2</sup> The concept of legal education provides occasions for articulation of theories of a just society and teaches us that articulation must be grounded in historical realities so that the truth of the working of the legal order is brought to the forefront. It is a subject of great importance in view of its dynamic role in moulding and envisioning the legal system of the country- thus being instrumental in the accomplishment of the cherished objectives of justice, liberty, equality and fraternity of a sovereign, socialist, secular, democratic republic.

### **II. HISTORICAL BACKGROUND IN INDIA**

The main source of Law can be said to be Vedas and Upanishads which is being accepted as the divine texts, albeit mixed with the religious precepts, the concept of Dharma 'permeated the life of all human beings. Dharma can be said to be the rules which show the path to conduct the affairs of one 's life. In 1672, the first British Court was established in Bombay. However, the first concrete step towards the organised legal profession can be said to be through the Regulating Act, 1773 which had the provisions relating to the enrolment of advocates and Attorney-at-law to the Supreme Court which was established in Fort William in Bengal by Charter of 1774. For the first time through Bengal regulation VII of 1793 a regular legal profession for

the East India Company 's courts were created which paved the way for the appointment of Vakils in the courts of Civil judicature in Bengal, Bihar and Orissa.

After 1857 the control passed to the British Crown. The Legal Practitioners Act, 1846 opened the legal profession to all persons regardless of their nationality or religion. The formal legal education can be said to have established in India in 1855 with the establishment of first Professorship of Law in the Government Elphinstone College, Bombay.

The Mughal period gave way to the British Rule which brought with it the era of legislations. The Bar Councils Act, 1926 provided for making rules relating to the qualification of the Advocates and for giving facilities of legal education and training. After Independence, the Advocates 'Act, 1961 has become the focal point of legal education system and the Bar Council of India rules framed under it governs the curriculum for imparting legal education, including the infrastructural requirements of the institutions which impart the legal education, and are amended from time to time. Court systems for all matters, Civil or Criminal, were essential features of many ruling dynasties of ancient India.<sup>3</sup> The Mauryas and the Mughals had an excellent secular court system. The panchayat system continued to exist during the Mughal period, which had introduced the system of courts to adjudicate all types of cases.

### **III. OBJECTIVES OF LEGAL EDUCATION**

The goal of Legal education should be not only to produce good lawyers but also to create cultured law-abiding citizens who are inculcated with concepts of human values and

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<sup>2</sup> Indraiyan, N.k. 'The challenges of legal education' Indian bar review, 2001, pp.107-112.

<sup>3</sup> Repot of 'The Curriculum Development centre in Law, Vol. U.G.C., New Delhi,1990, p.12



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human rights; who can serve humanity in various capacities such as administrators, law teachers, jurists, judges and industrial entrepreneurs, arbitrators etc. <sup>4</sup>The Purpose of legal education is not just to produce professional lawyers. In addition to the litigating lawyer, who argues before the court of law, the term “professional lawyer” also includes all persons trained in law, who is either the employment or services are directly or indirectly dependent on their degrees in law. The legal education should aim at equipping law students with legal techniques and profession. Further the use of planning in the governance of institutions; the use of more sophisticated methods in budgeting, managing and evaluating programs could aims to fulfil its administrative objectives. Various organizations including academic institutions and statutory authorities have described various aims of legal education in their context and relevance.

#### **IV. EFFECT OF GLOBALIZATION ON LEGAL EDUCATION**

Globalization on legal education has thrown up new challenges to legal profession. It is the process by which a given local condition or entity succeeds in expanding its reach over the globe and by doing so, develops the capacity to designate a rival social condition or entity as local under its impact. Globalization makes it increasingly difficult for legal study to be contained within the territorial boundaries of national legal systems. The Indian legal rules including the constitution of India are flexible because a rigid law can't survive in progressive society and in context to this the law

usually changes from time to time towards the progressive future of Indian society.

To have a successful legal system, there must be a 'rule of law', and to contend this we need some qualified soul and in this regard the role of lawyers and the judges mainly in interpretation is very crucial. So, we need to robust the mettle of the future lawyers and further the mythology of the law colleges according to global legal education system. <sup>5</sup>

The effective legal system provides all the facilities and fulfils all the requirements of the peoples. The Indian legal rules including the constitution of India are flexible because a rigid law can't survive in progressive society and in context to this the law usually changes from time to time towards the progressive future of Indian society. To have a successful legal system, there must be a 'rule of law', and to contend this we need some qualified soul and in this regard the role of lawyers and the judges mainly in interpretation is very crucial. So, we need to robust the mettle of the future lawyers and further the mythology of the law colleges according to global legal education system. At present the legal education is inadequate to the tasks ahead calling for an all-out effort by taking stock of past attempts and chalking out the future cause of action. The basic element of a free and fair society is a 'well-functioning legal system.'

There is a need to expand the list of concepts includes in general jurisprudence to provide more apposite terminology e.g. group, dispute, institution, process, function, decision, regulation, efficiency, effectiveness etc, for enhancing

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<sup>4</sup> Agarwal S.K., 'A Report on Legal education in India' (1972) p.73

<sup>5</sup> UGC released guidelines and course structure for One Year LL.M degree on 9 February 2013. This may be introduced from academic year 2013-14



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understanding across legal cultures<sup>6</sup>. To meet challenges of globalization, a lawyer needs to have a vision of emerging problems, zeal to serve the cause of justice and the ability to forge new tools and techniques appropriate to the changing needs and times.

### V. CONCLUSION

The forthcoming shall witness an extremist change in the content as well as methods adopted to impart legal education in India. Law school model established post independent Indian legal education has done a great job in development of legal education in India with a strong commitment to improve existing legal infrastructure. Certainly, with this spirit, these schools have also phased critical changes in syllabus and structure to cater to the new generation of lawyers. There is now a profound consciousness not only among the law teachers, judges, and enlightened professional lawyers, but also among others that has to play a crucial and vital role in a democratic society that law has to serve as vehicle of economic and social change in a developing society and democracy and respect for law and rule of law will be strengthened in India by promoting legal education and research in law. The focus of the legal education has remained confined either to the preparation of legal professional or servant from corporates and MNCs. Legal education in India requires, indeed a revamping, however, a new technique of restructuring needs to be devised instead of repeating earlier futile experiments.

### VI. SUGGESTIONS

1. The technique of teaching should be upgraded and the combination of lecture method, case study

method along with tutorials and other modern techniques of imparting legal educations such as power-point presentations, audio-visual demonstrations, video conferencing etc.

2. Worldwide transnational curriculum should be developed keeping in view the challenges of globalization; high technology crimes and changing concept of sovereignty.
3. There is need for original and path breaking legal research to create new legal knowledge.
4. The lawyers must be trained to specialize in international trade practices, comparative law, conflict of laws, international human rights law, environmental law, gender justice, space law, bio-medical law, bio-ethics, international advocacy etc.
5. Legal education must be socially relevant and justice oriented.
6. There is an urge to actively seek and encourage philanthropic initiatives in the field of legal education.
7. The structure of creating endowments both individual and corporate has to be significantly promoted.

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<sup>6</sup> The Legal Education and Professional Training, 184 Report, Law Commission of India, 2002, at 53



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