
IMPACT OF GLOBALIZATION ON LEGAL EDUCATION IN INDIA

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ABSTRACT

The globalization of legal education has brought new challenges and opportunities for India's legal system. This paper argues that Indian legal education must adapt to the changing global landscape by prioritizing global knowledge, faculty research, and curriculum development. It highlights the need for law schools to adopt a more international outlook, incorporate technology and communication skills, and foster critical thinking and analytical abilities. The paper also emphasizes the importance of attracting and retaining high-quality faculty, promoting excellence, and addressing the needs of marginalized communities. Furthermore, it suggests that legal education should be modernized to meet the current requirements of the legal profession and that immediate action is necessary to rectify the decline in legal education quality. Ultimately, the paper asserts that comprehensive and versatile legal education is crucial for cultivating human resources and idealism to enhance the legal system and contribute to the progress of the nation.

As legal professionals, advocates, and aspiring leaders in nation-building, we have a lot to gain from actively participating in the global movement to reform legal education. Globalisation has led to new challenges for universities and colleges, such as increased international competition in areas such as law. The definition of globalisation and its possible impacts on education worldwide have been extensively discussed in recent years. Historically, Indian law schools have exclusively focused on instructing their students in the principles of ancient Indian law. India's recent legal reform has had a positive impact on various sectors, including international law, intellectual property rights, environmental law, anti-terrorism legislation, anti-corruption legislation, copyright law, cyber law, bankruptcy law, and real estate law.¹

In order to remain relevant and competitive, future universities must incorporate a comprehensive global outlook into their educational programmes. The global academic and professional legal communities have made significant efforts to keep pace with the growth of the worldwide economy. Both the top-down and bottom-up approaches are employed in this context. There is a likely shift occurring in the economic foundations of international politics. Due to the increasing economic power of China, India, Brazil, and South Africa, the United States and the European Union have implemented significant policy changes. The global financial services sector is poised to reap significant advantages from future merger and acquisition endeavours. Any law school that is recognised and approved cannot disregard the practical aspects of globalisation. Academia and law are undergoing rapid changes. To uphold the legal system's status as a prominent provider of structure and process globally, the legal profession must adjust to evolving circumstances. There have been extensive discussions and deliberations regarding the topic of globalisation. Globalisation has had a significant influence on university education worldwide.

Importance of Global Law Education

Globalisation has enabled India to challenge the existing state of affairs. This is crucial for development. In order to remain abreast of global developments, lawyers and activists must acquire and implement new universal regulations that are applicable across all domains. Indian legislation holds significance, however, it falls short in a global context where individuals frequently transition between occupations. Lawyers in the contemporary society require not

¹ Sumit Kumar, *Legal Education: Impact Of Globalization On Legal Education In India*, legal service inida (Aug.20,9.00am), <https://www.legalservicesindia.com/article/311/Impact-Of-Globalization-On-Legal-Education-InIndia.html>.

only specialised knowledge but also cognitive skills that are applicable in diverse situations and cultures, encompassing the realms of social, political, economic, and legal domains. Aspiring lawyers should possess the ability to transition seamlessly between different legal domains in order to cultivate their cognitive abilities necessary for navigating complex and ambiguous scenarios. In addition, they must possess the ability to rapidly comprehend socioeconomic matters and formulate actionable conclusions.

Current Status of Legal Education in India

The key focus of this text is the superiority of national law school institutions compared to the first three categories of law schools, emphasising their advantages. These factors encompass enhanced academic independence, improved facilities, increased administrative independence, better financial resources, support from the Judiciary, government, and Bar, and an elitist nature. Other types of law schools have certain limitations, including a lack of independence in setting student fees, limited control over designing and revising courses, a prevailing belief that law is not a professional field, unprofessional attitudes among students, and a lackadaisical approach from teachers. The absence of infrastructure also diminishes the standing and reputation of conventional law schools. The key elements of this text pertain to the significance of law teachers in enhancing legal education and intellectual progress in India.

The responsibilities of this position differ based on the institution they work for, the students' attitudes, the infrastructure, the rewards for academic and pedagogic achievements, and the evolving areas of legal education. Law instructors can significantly contribute to enhancing legal education through various means, such as revamping the curriculum, implementing clinical legal education, establishing para-legal programmes, conducting objective evaluations of students' exams, developing innovative academic programmes, and ensuring students are proficient in utilising computers in both legal education and the legal field. Law professors must play a crucial role in the aforementioned areas. Nevertheless, they lack autonomy in academic matters, adequate infrastructural facilities, exchange programmes with other institutions, government sanctioned projects, and sufficient funding from the parent institution. In order to enhance the quality of legal education in India, it is imperative for law instructors to enhance their knowledge, familiarise themselves with the utilisation of computers in the legal field, produce insightful and innovative articles and papers on significant and current advancements in law, embrace a comprehensive and interdisciplinary approach in teaching law,

and foster a strong collaborative bond between law schools, the judiciary, the Bar, and the corporate sector. A single inept educator has the potential to negatively impact multiple generations of students and have detrimental effects on society as a whole.² The key points in this text are that it is the responsibility of the state, Bar Councils, UGC, and the University to regularly reward skilled law teachers, offer sufficient resources for high-quality education and research, ensure financial stability, and provide ample opportunities for knowledge enhancement. The Bar Council of India, the UGC, and the judiciary have a responsibility to acknowledge "law" as a professional course, shift their focus towards traditional law schools and teachers, and involve them as collaborators in the effort to enhance the quality of legal education in India. It is expected that all the relevant individuals will engage in thorough self-reflection on this matter and on the impact of law teachers in providing a superior legal education. The salient aspects of this text pertain to the tripartite stages of legal education reforms in India during the 20th century.

The phases encompassed the process of professionalising, establishing and upholding rigorous academic criteria, and ensuring social significance. The subsequent stage should be geared towards challenging the fundamental paradigm of the role of law in India and formulating a fresh perspective on the role of law, in which legal education would play a distinctive and significant role. In order to excel in their role in the 21st century, law teachers must consider several important factors. These include the evolving role of the state, the increasing international aspects of economic transactions, the emergence of trans-national law and institutions, the growing number of courts due to advancements in communication, transportation, and information technologies, the intricacy and specialisation of legal matters, the new risks faced by marginalised groups, the acquisition of crisis.

Globalization and Legal Education: The Challenges

Globalisation is an inexorable process that involves the integration of economies through international trade, financial transactions, technological and informational exchange, and the movement of individuals. The quantity of multinational corporations has significantly increased from a small number in the 1960s to the extent that references to multinational corporations typically only include the top 500 companies. Due to the widespread phenomenon

² Justice Rajesh Bindal, *LEGAL EDUCATION - A GLOBAL PERSPECTIVE*, (Aug.01,4.00am), https://highcourtchd.gov.in/sub_pages/top_menu/about/events_files/GlobalSpeech.pdf

of globalisation, disputes, whether they are related to business or personal matters, have now transcended national boundaries and become international in nature. This could result in the convention being applied to any disputes that arise from the sales transaction. The lawyer must possess the ability to identify the circumstances of a foreign insolvency proceeding and comprehend the specific regulations that govern simultaneous insolvency proceedings in multiple jurisdictions. The recent developments have heightened governments' concerns regarding international matters, including the expansion of international trade, travel, and communication. Law schools in developed nations have reacted to the effects of globalisation by creating and promoting international exchange programmes. These programmes invite foreign law professors to serve as visiting teachers and occasionally establish long-term connections between law faculties., it has also created an opportunity to question and potentially change the existing state of affairs, which is a necessary prerequisite for any kind of reform. India faces significant obstacles in promoting legal and judicial reforms in order to establish a society governed by the rule of law. The role of lawyers and judges will be crucial in addressing future governance challenges. The training provided to future lawyers and judges in our law schools should be carefully reassessed to align with the ongoing social and economic transformation in the country. The subsequent matters are of significant importance and should be given careful consideration in order to advance the development of global legal education in India.

Globalization of Legal Practice: Challenges before the Indian Bar

Liberalisation and globalisation are anticipated to facilitate the inclusion of the services sector in international trade. This will significantly influence the structure and provision of legal services in India. The legal profession operates within a highly competitive market system with minimal regulation and supervision. In a liberalised economy, the role of a lawyer is primarily that of a skilled negotiator who can effectively collaborate with other professionals as part of a team. In order to be effective, he should possess the ability to collaborate with regulatory, administrative, and enforcement agencies by anticipating their approach to decision-making, rather than focusing solely on predicting judicial rulings.

The future lawyer's role will primarily involve being an information analyst and communicator, with technology and communication systems playing a significant role in shaping the legal practice. However, many others do not fall under this model. Liberalisation and globalisation

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³ Sangeetha K, *New trends in legal education in india*, Volume 8; Issue 12 (A); December 2019., 10252-A-20190.pdf (journalijcar.org) (2024)

Effect of globalization: Development needed in India

The advent of globalisation has significantly transformed the political and social landscape, resulting in the emergence of world-class educational institutions and the implementation of a revised curriculum that meets global standards in India. In order to tackle this issue, it is necessary to create an autonomous Rating System that relies on a predefined set of criteria to evaluate the quality of all law teaching institutions. Curriculum development entails reevaluating the differentiation between mandatory and elective courses, contemplating the necessity to broaden the scope of elective courses, reimagining the content of individual courses, and formulating inventive teaching approaches. It is possible to modify the existing examination systems and create new evaluation methods that assess critical reasoning by promoting crucial analytical, writing, and communication abilities.⁴ Project papers, project and subject viva, as well as examinations, should be regarded as essential pedagogical methods for enhancing quality. Proficiency in a foreign language is crucial for lawyers in the global economy. Therefore, it is imperative that law students are given the chance to acquire fluency in a foreign language of their preference. Law students must cultivate their capacity to differentiate between pertinent and extraneous information, scrutinise evidence, and apply legal principles to the situation being examined. In order to attract and retain highly skilled faculty members, it is necessary to implement enhanced incentives, such as improved compensation and working conditions. In order to promote excellence, it is advisable to exclude faculty members from engaging in legal practice and instead establish faculty exchange programmes with prestigious foreign universities. University fees should account for a minimum of 20% of the overall expenses. However, there are two conditions that need to be met: financially disadvantaged students should receive fee waivers and scholarships, and universities should not face penalties from the UGC for using the additional funds raised from higher fees to offset their grants-in-aid. The central and state ministries should establish endowed chairs in specialised branches of law, with additional funding from the private sector.

It is worth considering the implementation of incentives, such as tax holidays, for donations that exceed a substantial minimum threshold. Institutions should be granted autonomy to develop their own inventive approaches to financing in order to optimise infrastructure and resource utilisation. In order to establish top-tier law schools, it is necessary to effectively

⁴ Dr.Fabian Ajogwu, *Legal Education & the Legal Profession – A Reality Check*, (Aug.02,2024, 2.00pm), <https://fabianajogwu.com/legal-education-the-legal-profession-a-reality-check/>.

address the increasing global aspects of legal education and the legal field. Efforts to encourage global viewpoints involve establishing alliances and affiliations with overseas universities, developing cross-border educational programmes, recruiting international faculty, offering courses with an international focus, and facilitating student exchange programmes. In order to achieve widespread distribution of legal knowledge, it is necessary to network and digitise all available information from various sources such as the Indian Law Institute (ILI), Supreme Court Library, Indian Society for International Law (ISIL), as well as law schools, universities, and public institutions across the country. This should be accompanied by the provision of sufficient infrastructure, including computers, law journals, legal databases, and high-quality libraries.

Conclusion

Legal education and the legal profession must prioritise the well-being and representation of marginalised individuals. In order to survive and effectively meet the needs of society in the 21st Century, Advocates must enhance their social relevance and technical proficiency.

In a recent ruling, the Supreme Court of India stated in the case of All India Judges Association vs. Union of India that the recruitment rules in the States should be modified to allow law school graduates without any prior experience to join the subordinate judiciary.. There is an immediate necessity for a thorough investigation into the calibre of legal education provided by multiple law schools. If it is discovered that the standards are subpar, it may be imperative to order the shutdown of these law schools.

The legal education provided by law schools should be modernised to meet the current requirements of the legal profession. The calibre of legal education directly influences the reputation of the legal profession. Hence, it is imperative to pinpoint the specific areas of failure and take proactive measures to rectify the harm. If immediate pragmatic measures are not taken, Legal Education will be negatively impacted, leading to a weakening of the country's justice delivery system. An organised effort from the legal profession, judiciary, and legal educators is necessary to enhance the declining quality of legal education. We must enhance our capabilities in order to not only keep up with the latest advancements but also fulfil the requirements of the future.

Legal Education is a comprehensive and versatile form of education that can cultivate the

human resources and idealism necessary to enhance the legal system. An attorney, who has received such formal education, would possess the ability to make a more positive impact on the progress of the nation and the transformation of society.