
REIMAGINING LEGAL PEDAGOGY IN INDIA: HARMONIZING BAR COUNCIL REGULATIONS WITH THE NATIONAL EDUCATION POLICY 2020

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ABSTRACT

The National Education Policy (NEP) 2020 presents a progressive and transformative approach to higher education in India, with a strong focus on multidisciplinary learning, academic flexibility, and the development of a wide range of skills. Based on the Sociological School of Jurisprudence, especially on Roscoe Pound's fundamental idea of "law as social engineering" and the pragmatic principles of Legal Realism, this paper looks at how the guidelines of NEP 2020 can be constructively incorporated into the field of legal education. It thoroughly investigates the implementation of modern structural measures, including the Academic Bank of Credits (ABC), multiple entry and exit possibilities, and the addition of interdisciplinary subjects to the conventional law curriculum, so that legal training keeps pace with the present-day demands of society, technology, and the economy. The study also shows that the integration of regional languages and the improvement of clinical legal education greatly enhance practical training and increase access to justice for the general population. By considering legal education as a living tool for social welfare and for the evolution of institutions rather than as a fixed collection of separate rules, the paper sets out practical ways for law universities and the regulatory authorities to smoothly bring professional standards in line with the progressive aims of NEP 2020, thus helping to establish a modern, flexible and comprehensive legal education system in India.

Keywords: Multidisciplinary. Jurisprudence, Mechanisms, Institutional, Ecosystem.

INTRODUCTION

The legal education system in India has been a cornerstone of the country's justice-delivery mechanism. It has been primarily regulated by the Advocates Act, 1961,¹ which has enabled the Bar Council of India (BCI) to take charge and provide a consistent legal pedagogy across the country, resulting in the emergence of a competent and professional legal fraternity. The BCI has been instrumental in laying down the curriculum for three-year and five-year integrated LL.B. courses, which have enabled the country to churn out world-class legal professionals.² However, as society enters a new era, the requirements for lawyers will also change in a highly digitalized, globalized, and networked world. Law is no longer an isolated profession, but interacts with technology, economics, the public sector and social sciences.³ In line with the growing demands of the 21st-century education system, the Government of India launched the National Education Policy (NEP) 2020.⁴ This new policy focuses on providing a multidisciplinary, holistic and flexible higher education system. With progressive measures such as the introduction of the Academic Bank of Credits (ABC), multiple entry and exit opportunities and encouraging the use of regional languages in higher education, NEP 2020 aims to offer quality education to all and shape rounded personalities.⁵ For the field of legal education, this policy is a unique chance to enhance the curriculum and broaden the horizon of future lawyers.

This educational turn can find profound theoretical justification in the Sociological School of Jurisprudence, particularly in Roscoe Pound's foundational theory of "Social Engineering."⁶ Pound argued that law is not a set of inflexible rules but a practical and flexible tool which seeks to promote and balance the various interests in order to achieve maximum welfare for society.⁷

Interpreted through this jurisprudential prism, fitting legal pedagogy into NEP 2020 is a social engineering. By making future lawyers multidisciplinary, the education system ensures that they are capable of engineering viable legal solutions to the multifarious contemporary issues.⁸

¹ The Advocates Act, 1961, No. 25, Acts of Parliament, 1961 (India).

² Bar Council of India, Rules of Legal Education (2008).

³ Upendra Baxi, *The Crisis of the Indian Legal System* 34-40 (Vikas Publishing House 1982).

⁴ Ministry of Human Resource Development, Government of India, National Education Policy 2020 (2020).

⁵ V.D. Mahajan, *Jurisprudence and Legal Theory* 45 (5th ed. 2016).

⁶ Roscoe Pound, *Social Control Through Law* 65 (Transaction Publishers 1942).

⁷ R. von Ihering, *Law as a Means to an End* 33 (Isaac Husik trans., Boston Book Co. 1913).

⁸ G.W. Paton, *A Textbook of Jurisprudence* 55 (David P. Derham ed., 4th ed. 1972).

Furthermore, the basic theories of Legal Realism⁹ largely coincide with this idea, advocating that the practice and the reality of the law should be prioritized over the formalistic and unrealistic approach to the law. The introduction of clinical and socio-economic elements into the curricula of law schools perfectly coincides with this idea, as it enables the students to obtain knowledge and skills that are necessary for their future practice.¹⁰

The objective of this research paper is to find practical and constructive ways to reconcile the professional regulation requirements of the BCI with the progressive educational reforms introduced by NEP 2020.¹¹ Rather than being opposed to each other, professional statutory regulation and academic flexibility could be combined in a mutually reinforcing set of solutions.

This paper will attempt to fully cover the ways in which law universities could adopt multidisciplinary curricula, implement the Academic Bank of Credits in a graceful manner, provide local clinical training while maintaining high professional and ethical standards as required by the Bar Council.¹²

In essence, this paper seeks to outline an implementation-focused roadmap towards the development of a legal pedagogy that would prove to be responsive and relevant to contemporary Indian society.

THE JURISPRUDENTIAL ANCHOR: SOCIOLOGICAL JURISPRUDENCE AND LEGAL REALISM IN MODERN PEDAGOGY

The theoretical basis for transforming legal education in India would be the Sociological School of Jurisprudence developed by Roscoe Pound. According to this school, law is a social engineer, that is, a technique for achieving specific social goals, such as settling disputes and satisfying wants with the least amount of trouble and waste. In other words, when developing the curriculum for law schools, one should adopt the viewpoint of social engineering. Only in this way will legal education be able to develop in such a way as to enable lawyers to understand that they are not only experts in the procedures and forms of court proceedings but

⁹ John William Salmond, *Jurisprudence* 45 (Glanville L. Williams ed., 10th ed. 1947).

¹⁰ N.R. Madhava Menon, *Clinical Legal Education* 15-18 (Eastern Book Company 1998).

¹¹ *V. Sudeer v. Bar Council of India*, (1999) 3 SCC 176 (India) (discussing the statutory powers of the BCI regarding legal education standards).

¹² *State of Maharashtra v. Manubhai Pragaji Vashi*, (1995) 5 SCC 730 (India) (the Supreme Court underscored the necessity of robust infrastructure and state grants to maintain the quality of recognized law colleges).

also engineers who can solve specific social problems by introducing the most rational legal relations and legal techniques. Teaching legal studies through the prism of the NEP 2020 allows the legal educators to shape the social engineers of tomorrow by supplementing the traditional legal studies with economic, informational, ecological, and other aspects.

Another theory that should serve as the basis for restructuring legal education in India is Legal Realism. Realists such as Oliver Wendell Holmes Jr., Karl Llewellyn, and Jerome Frank focused on practice rather than the abstract speculations of jurisprudence. According to the Realists, judicial decisions are not the results of logical deductions made by judges from generally accepted legal principles but rather the products of the judge's personal experiences. In other words, a realistic approach to legal studies supposes special attention to the practical sides of law, such as arbitration, advocacy, and judicial expertise. For this reason, the case study method, which is part of the NEP 2020, is entirely consistent with Legal Realism. This curriculum module allows students to consider law in the context of actual social practice rather than in the abstract framework of theoretical jurisprudence. Moreover, the NEP 2020 suggests that legal studies should include the teaching of courtroom practices, which aligns with the Realist view of law as a practical discipline.¹³ It ensures that legal education remains grounded in empirical social realities, enabling law graduates to serve as pragmatic problem solvers.

INTEGRATING MULTIDISCIPLINARY LEARNING WITHIN BAR COUNCIL REGULATORY FRAMEWORKS

The National Education Policy 2020 promotes an open, flexible and multidisciplinary curriculum aiming to do away with academic compartmentalization. In legal education, it is important that the vision is worked out by aligning constructively with the Bar Council of India's Rules of Legal Education.¹⁴ Rather than seeing regulatory standards as barriers to innovation, law universities can take advantage of the academic leeway that comes with existing frameworks to incorporate more progressive interdisciplinary electives and joint degree modules..¹⁵ A possible implementation could be found in expanding integrated law degree structures to include relevant emerging fields, such as Artificial Intelligence and Law, Forensic Sciences, Quantitative Economics, and Public Policy Analysis, among others, as

¹³ Karl N. Llewellyn, *The Bramble Bush: On Our Law and Its Study* 12 (Oceana Publications 1930).

¹⁴ Bar Council of India, *Rules of Legal Education* (2008).

¹⁵ Law Commission of India, 184th Report on the Legal Education & Professional Training and Proposal for Constitution of a National Council of Legal Education 45-50 (2002).

electives or honours papers. For example, the law of contracts could include smart contracts and ownership of digital assets, and environmental law could intersect with climate finance and impact assessment, among others.

Meanwhile, interdisciplinary areas such as psychology, sociology, and business studies could be applied in the relevant fields of law to expand the skill set of prospective lawyers. For example, a module on crime, psychology, and the law would benefit students studying criminal and family law by equipping them with the social skills to interact with potential clients and conduct psychological assessments. Similarly, a unit on advanced corporate governance would be a huge advantage to students hoping to venture into company law, given the complexity of modern businesses. By taking advantage of the elective and honours paper options in the BCI's curriculum, universities would be at liberty to implement their own interdisciplinary law modules without breaching any of the statutory requirements.

This way, the mandatory credit requirements for core legal fields would be met, and the requirements for interdisciplinary studies would also be satisfied. This would ensure graduate lawyers are not only technically proficient in their chosen fields but also broad-minded as the modern job market demands.¹⁶

OPERATIONALIZING THE ACADEMIC BANK OF CREDITS AND FLEXIBLE PATHWAYS

One of the structural innovations of NEP 2020 is the Academic Bank of Credits (ABC). The ABC is an electronic database that will store the credits of students who study at accredited higher educational institutions.¹⁷ The ABC framework facilitates student mobility with credit transfers, providing flexibility for students to enter and exit programs. Although legal education is a professional course requiring accreditation by appropriate authorities, the ABC framework can be integrated into legal education by a gradual credit transfer mechanism

One way to achieve flexibility in the curriculum while maintaining standards of professional legal education is by allowing credit transfer for online certified courses offered through national platforms like SWAYAM and special topics offered by foreign universities with which

¹⁶ Bar Council of India v. Bonnie Foi Law College, (2023) SCC online SC 130 (reaffirming the critical need to elevate the qualitative standards of modern legal education).

¹⁷ University Grants Commission, Guidelines for Establishment and Operationalization of Academic Bank of Credits (ABC) Scheme in Higher Education (2021).

the law schools have tie-ups. A regulatory body or academic councils can formulate a list of courses eligible for credit transfer. While core professional courses like Constitutional Law, Criminal Procedure, and Evidence Law, would continue to be a part of the core curriculum of residential law programs, students would have the flexibility to earn credits for seminars, electives, and humanities courses through the ABC repository and credit transfer system. The suggested approach would maintain the professional integrity of legal education while giving students the choice and flexibility of a generalized education.¹⁸

Furthermore, the adoption of the ABC system in legal education requires collaboration between universities and the Bar Council of India (BCI). To begin with, it is necessary to establish institutional mechanisms that would ensure the security of the stored information about students' credits. This system will benefit the students because it will enable them to combine fundamental legal knowledge with other subjects, for instance, with artificial intelligence, crime scene investigation, or environmental law. As a result, there will be legal professionals who will have a broad understanding of different subjects and, thus, be able to address various issues that modern society has to face.

CLINICAL LEGAL EDUCATION, REGIONAL LANGUAGE INTEGRATION, AND ACCESS TO JUSTICE

The application of legal knowledge is the central part of legal teaching. It fits perfectly into the tenets of Legal Realism, according to which the National Education Policy 2020 focuses on experience, skills, and vocational training. Speaking about the law field, it can be concluded that the NEP 2020 can be compatible with the ongoing reforms to improve the quality of clinical legal education, which is led by the Bar Council of India. The latter has been implementing changes to the curriculum, such as introducing moot courts, internships, and legal aid clinics, and other practical training programs. The integration of NEP 2020 can help clinical legal education further develop and become more than just a tool to meet the requirements of the Bar Council, but also provide the best quality services to society and solve real-life cases.¹⁹

To implement this experience, the law universities should create advanced legal aid clinics of

¹⁸ University Grants Commission, Guidelines for Multiple Entry and Exit in Academic Programmes Offered in Higher Education Institutions (2021).

¹⁹ Law Commission of India, 117th Report on Training of Judicial Officers (1986).

a high technological level to serve the needs of the oppressed groups. In this case, the universities would fulfill Roscoe Pound's concept of social engineering. The legal clinics could go beyond the role of counselors and consultants by conducting field studies and producing policy studies for the local community and offering various services such as mediation and conciliation. This way, the students would acquire more practical knowledge and would not be limited to just rote learning of the law texts and their objective interpretation.²⁰

Furthermore, One of the most innovative recommendations of the National Education Policy 2020 is the promotion of the use of regional languages in higher education. In the field of legal pedagogy, the language is a barrier and a bridge, as most of the district and subordinate courts operate in regional languages, while legal education is imparted in English; this alienates the young lawyers from the social fabric, particularly the rural society, which they are expected to serve. Such inclusion of regional languages in the law curriculum would be a pedagogical and jurisprudential level measure to take legal justice to the common man, which is in consonance with the sociological aims of the National Education Policy.²¹

The successful implementation of the regional language would be a phased and collaborative process. Regulatory agencies and autonomous universities can work together to develop a comprehensive translation project which would render significant legal texts, landmark judgments, and commentaries on statutes accessible to the people who understand regional languages.

Moreover, universities can also take up the initiative to organize bilingual instruction in classrooms and even allow students to prepare legal pleadings, take examinations, and participate in moot court competitions in their regional language. The faculty development programs should also be directed towards sensitizing teachers and making them adept at teaching law subjects in more than one language.

By being sensitive to the needs of diverse populations and building upon their experiential learning, Indian legal education can achieve the very objective of the Indian Constitution as well as contemporary jurisprudence, namely to make the legal profession relevant and accessible to all, and by doing so, serve at the forefront of justice delivery at the grassroots

²⁰ Khatri v. State of Bihar, (1981) 1 SCC 627 (India) (the Supreme Court held that providing free legal aid is a constitutional mandate, highlighting the importance of grassroots legal clinics).

²¹ Marc Galanter, Law and Society in Modern India 55-60 (Oxford University Press 1989) (discussing the sociological impact of the linguistic and formalistic divide in Indian law).

level.

TECHNOLOGY, ARTIFICIAL INTELLIGENCE, AND DIGITAL CLASSROOMS IN LEGAL PEDAGOGY

The rise of new technologies and artificial intelligence has significantly changed the way laws are practiced and interpreted nowadays. Courts in India are now embracing new technologies like video conferencing and online filing of cases. It is in this context that legal education cannot be disconnected from contemporary issues affecting the legal industry. The National Education Policy 2020 gives emphasis to technological innovation in higher education. It encourages digital literacy, online learning, and open-source education resources. For legal studies, the new policy directive concords with the Legal Realism movement whose proponents argue that legal education should be connected to the law practices. To contextualize the relevance of new technologies to legal education, law universities and colleges should consider developing courses on legal analytics, electronic discovery, and cybersecurity law. Alternatively, legal technologies can be used to complement traditional legal studies by making the learning process more engaging and exciting. For instance, artificial intelligence can be used to improve legal research skills among the Jurists. This will enable them to go beyond just finding the law and develop analytical skills.²²

The application of such technologies in legal studies will empower the new generation of lawyers and judges to practice law in a technologically advanced world. Using Roscoe Pound's social engineering perspective, technology can be utilized to make the justice system faster and more efficient.

FACULTY DEVELOPMENT AND INSTITUTIONAL CAPACITY BUILDING

The role of faculty is critical to the success of any educational reform. The challenges of multidisciplinary learning, credit flexibility, and technology-enabled learning envisioned by the National Education Policy 2020 necessitate building capacities among faculty members, especially in law schools. Legal educators need to be developed as multidisciplinary facilitators who understand the convergence of law with technology, economics, and social sciences. The institutional machinery and the regulators need to enable this transformation and provide the

²² Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* 20-25 (2nd ed. 2017).

much-needed ecosystem for facilitating this shift.

Universities can take the lead by organizing Faculty Development Programs focused on interdisciplinary teaching and learning, research collaboration, and use of innovative pedagogies for teaching law. Law schools can also develop exchange programs wherein law faculty members from different universities teach alongside their counterparts in other disciplines such as economics and computer science. Faculty members can also be encouraged to pursue additional qualifications in new pedagogies such as clinical teaching, empirical legal studies, and bilingual teaching methodologies. The issue of capacity building cannot be addressed without incentivizing faculty members at law schools and creating linkages between premier law universities and other law colleges at the national level. National Law Universities can collaborate with other law schools by initiating faculty mentorship programs and sharing resources such as online repositories of teaching materials. Similarly, faculty members can be encouraged to undertake research on emerging socio-legal issues in addition to publishing articles and monographs in law journals and traditional law-related subjects. Law schools should also promote secondments of faculty members to courts of law and policy think tanks. Research grants can also be mobilized to enable faculty members to conduct empirical socio-legal research. Capacity development activities for legal educators need to include workshops on artificial intelligence and legal research. By building capabilities among legal educators, higher education institutions will be able to ensure that the pedagogy of law and policy design contribute to the overall improvement of legal education in India.²³

STRATEGIC POLICY RECOMMENDATIONS AND COLLABORATIVE ROADMAP

To bridge the chasm between professional legal standards and the visionary objectives of the National Education Policy 2020, a convergent policy roadmap is crucial. Statutory regulatory bodies, autonomous law universities, state legal services authorities, and judicial academies must work in concert to forge a resilient pedagogical framework.

First, the Bar Council of India and the University Grants Commission could consider setting up a Joint Standing Committee on Legal Education Reform, which would act as a permanent consultative body to review academic credit structures, issue standardized guidelines for

²³ Law Commission of India, 184th Report on the Legal Education & Professional Training and Proposal for Constitution of a National Council of Legal Education 45-50 (2002).

multidisciplinary electives, and lay down clear protocols for the credit transfer via the Academic Bank of Credits, ensuring that the academic innovation does not take place in a regulatory vacuum.

Second, law universities should adopt a modular curriculum that incorporates vocational skill certification alongside core legal studies enabling students to earn specialized micro-credentials in areas like legal drafting, mediation, data privacy compliance and legislative research which could be recognized in the Academic Bank of Credits framework as a testament to their practical expertise while retaining the overarching degree structure.

Third, state governments and law universities should earmark funds for regional legal translation and clinical legal infrastructure. Setting up regional legal resource centers within the state university systems could expedite the translation of landmark judgments, statutes and legal treatises into the official regional languages.

Meanwhile, law schools should collaborate with the District Legal Services Authorities to engage students in community legal literacy drives, pre-litigation mediation centers and legal awareness camps all of which would directly advance the sociological vision of access to justice enshrined within the National Education Policy 2020. Fourth, accreditation standards for institutions should explicitly factor in criteria to evaluate multidisciplinary research output, clinical legal engagement and faculty development. Rewarding institutions for their excellence in collaborative multidisciplinary scholarship will motivate law schools across the country to actively adopt the principles of the National Education Policy 2020.²⁴

CONCLUSION

The National Education Policy 2020 (NEP 2020) envisions a historic opportunity to transform higher education, and Indian legal pedagogy can evolve to meet the demands of a globalized and diversified world. The change would be from the compartmentalized approach to a more flexible, multidisciplinary, and socially relevant framework. This transformation should not require dismantling the professional qualifications but rather striking a careful balance between statutory regulatory oversight and a progressive outlook.

²⁴ Hussainara Khatoon v. Home Sec'y, State of Bihar, (1979) 1 SCC 98 (India) (emphasizing the dire need for legal aid and access to justice for the masses).

The Sociological School of Jurisprudence offers fresh insight into the process of such an overhaul of legal pedagogy. Roscoe Pound's thesis of law as a dynamic social engineering tool throws open the prospects of making law graduates multidisciplinary, tech-savvy, and socially conscious. Equipping them with the requisite pedagogical tools and regional language proficiency would enable them to better serve the democratic ideals in a globalized and digital world.

But to actualize the futuristic vision of the National Education Policy 2020, all stakeholders in legal education must converge on a common mission. There must be an end to the binary of statutory oversight by the Bar Council of India and the academic flexibility envisioned by the NEP 2020. Looking at the challenges of tomorrow, it would be entirely inadequate for the law graduates of today to rely solely on the foundational knowledge of statutes, case laws, and procedural rules. The modern-day legal professional needs to be exposed to quantitative techniques, public policy-making, and technological innovations like artificial intelligence (AI). Such an academic blend would make them not only socially conscious but also commercially astute.

A similar thrust must be given to a pro-poor legal education that makes poor and vulnerable sections of society equal partners in the development process. The accessibility to justice will be improved if the barriers of language and technology are dismantled. This would happen only when the curriculum, co-curriculum, and pedagogy are reworked in tandem. The Legal Realism is, thus, imperative to bridge the gap between law students, legal profession, and society.

The process of building a futuristic legal pedagogy and curricula that would enhance the employability and professional competence of law graduates while also advancing the democratic values and social justice requires statutory, academic, and professional domains' concerted endeavor. Indian legal education must rise to meet the challenges of tomorrow to graduate into a truly democratic, equitable, and technologically integrated system that NEP 2020 envisions. The mission is entirely possible by building a consensus among all stakeholders on a common agenda and continuously pursuing it through collaborative action.