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The Law Commission of India has identified legal education as a science which imparts to students, knowledge of certain principles and provisions of law with a view to enable them to enter into the legal profession.¹ Legal education is a concept of great importance and plays a vital and significant function in the implementation of the cherished ideals of justice, liberty, equality and fraternity as embodied in the Constitution.²

The encyclopaedia of education defines legal education as a skill for human knowledge which is universally relevant to the lawyer's art and which deserves special attention in educational institutions. The first thing a lawyer must always keep in mind is that he/she must spiritualise the practice of law for service of the country. There are instances of several distinguished lawyers in all countries who led a life of self-sacrifice, and who dedicated their brilliant legal talents purely to the service of their country. Many such legal luminaries were the children of this country like Gandhiji, Sardar Vallabh Bhai Patel, Pandit Jawaharlal Nehru, to cite a few. The lawyer's role in society was once sacred, but over time, it has evolved, and societal changes, the economic downturn, and other factors have forced the lawyer to view the practice of law less as a profession and more as a business, which is a dangerous trend to

be nipped in the bud with the help of holistic and practical legal education.

The primary goal of legal education is to (i) Inculcate in law students the grasp and comprehension of operative legal rules, both substantive and procedural, (ii) Endow law students with sufficient knowledge of the historical and sociological background of the country's legal system, (iii) To furnish students with knowledge of the other legal systems of the world so that the students do not find themselves at a loss when it comes to adopting a comparative approach.³ (iv) Facilitate a platform where legal scholars can contribute to augment and boost in-depth understanding of law, (v) Investigate vacuum areas of law where law is needed, and (vi) Participate in growth, evolution and improvement of legal rules. To succeed in this new reality of globalisation, lawyers need to keep abreast of the changes so that they are prepared to assist, counsel, and advise their clients, which only an all-round and comprehensive legal education can foster. There are various factors to be taken into account and areas to be explored while imparting legal education to the future lawyers of this country, such as economic, demographic, political/legislative, social/cultural, competitive, and technological factors.

Globalization is a reality, to be faced by the Indian lawyers, probably even in small and medium-sized cities across the country. Law governs the world

and its people and is the paramount instrument of change. It has the potential to reform society and guarantees justice to its people. Principally, it is the basic element and facilitator of justice. It aids as a cardinal mechanism for achieving socio-economic development in society. The principal function of law is to maintain peace and order in society while guarding individual rights and freedom and is, therefore, a basic component of society. The well-being of society depends on the democratic nature of the country, which is further dependent on the law. Thus, law gives structure to the nation.

The provision of high quality legal education is a pre-requisite to high standard of legal practitioners, judges and Government law officers. The necessity for such education is felt not only in the developing and underdeveloped countries but also in the developed nations, who have considered it essential to evaluate and revise curricula and methodologies of law courses with an objective to update them for meeting new challenges and needs of their societies. Such a need is much greater in India not only due to its developing status but also because of its rapid economic growth.

Objectives of Legal Education:

The objectives of the Legal Education are multi-fold for a developing democratic country like India. Across the world they have been enumerated as follows:⁴

Socialization objectives: The use of education to develop perceptions and understanding of the environment, local and global to understand the problems of one's society, and to influence values and attitudes.

Manpower objectives: The use of total educational system to generate the kinds of skills and knowledge needed for tasks in society.

Opportunity objectives: The use of education to broaden opportunity and mobility in society, notably among groups who may have been historically deprived or repressed.

Research objectives: The use of educational facilities to develop research valuable to education and society.

Administrative objectives: The use of planning in the governance of institutions, and the use of more sophisticated methods in budgeting, managing and evaluating programs.

Constitutional Provisions:

The Constitution of India basically laid down the responsibility of imparting education on the States by including the matter pertaining to education in List II of the Seventh Schedule. But it now forms part of List III giving concurrent legislative powers to the Union and States.⁵ Legal profession along with the medical and other professions also falls under List III. There is no specific entry in Schedule VII to the Constitution of India that deals with legal education. The regulation of standards of legal education, therefore, is through the more generic entries pertaining to higher education and entitlement to practice before courts. Coordination and determination of standards in institutions for higher education is the subject matter of Entry 66 of List I of the Seventh Schedule to the Constitution of India.

Role of Regulatory Bodies in Legal Education:

Legal education in India is regulated by Central and State governments, Universities Grant Commission, Bar Council of India and respective Universities. For various reasons, the quality and standard of legal education is not satisfactory. Several attempts were made to reform curriculum

of legal education by the BCI. On the guidelines of BCI, several national law schools have been established, but the result is not up to the mark. The Bar Council of India was set up under Section 4 of the Advocates Act 1961. Under Sec. 7 of the Advocates Act, one of the most important functions of the Bar Council of India is to promote legal education and to lay down standards of such education in consultation with the universities in India imparting such education, and the State Bar Councils. The problems and challenges facing legal education in India have been time and again studied. Law Commission of India-14th Report (1958) and 184th Report (2002) and National Knowledge Commission Report in 2007 are notable apart from the several High Court and Supreme Court Judgments⁶ and the various seminars and conferences held throughout the country. Law Commission of India felt that "Legal Education is fundamental to the very foundation of the judicial system"⁷ and took up the study of legal education *suo motu*.

There are various Institutions imparting legal education in India namely, private law colleges, private law colleges coming under grant-in-aid, government law colleges, national law universities, deemed universities, global universities, etc. The AIBE (All India Bar Examination) reflects the distrust which BCI has on the law colleges and universities recognized by BCI itself, especially considering the fact that the syllabus for the examination is the same as that for the LLB course. In an open book examination extending to 3 and a half hour, BCI proposes to decide on whether the law graduates shall be eligible for the certificate of practice. The Law Commission of India, the National Knowledge Commission and the Supreme Court called for the reintroduction of the bar examination. All these aspects show that there are

some lacunae in legal education being imparted in our country.

Factors Influencing Legal Education:

Legal Education is influenced by a multitude of factors like (1) Governmental Policy, (2) BCI (Bar Council of India), (3) UGC (University Grants Commission), (4) Affiliating Universities, (5) Private Governing Body of Law Colleges, (6) National Litigation Policy, (7) Developments in Legal Profession, (8) Developments in the Legal System, (9) The socio-cultural and financial background of students who enrol, (10) The Calibre and Commitment of the Faculty, (11) The Infrastructure available, (12) Technological advancements, (13) The Developments in other fields of Education, (14) The Changes in Society.

Changing Society and Role of Legal Education:

Change is a natural and continuous process. However, a change may cut both ways and may also be undesirable and negative. Law strives to influence the process of change to give it a desirable direction. Law functions within a society and not in a vacuum, and a society is often value-based which makes cold hard logic hard to apply in all situations.⁸ Legal institutions and the State are at the core of all social discipline. Legal education focuses on developing good lawyers who are educated in human values and human rights, besides the law itself.

New laws are framed in accordance with the changes in development and the cultural milieu. In consonance with the forever evolving consciousness and circumstances of society, the government lays down new policies and laws for certain issues like Gender Equality, Women Empowerment, Equal wage for equal work etc.

This is a tough task in India due to the populace belonging to different cultures and faiths.

Issues and Challenges Surrounding Legal Education:

Infrastructure and Ease of Entry:

The number of colleges imparting legal education has increased dramatically. Statistics show that in 1955-56 there were a total of 7 University departments of law and 36 law colleges under 25 universities with 20,159 students on their rolls. However, in 1982-83 there were 302 law colleges with over 2, 50,000 students on their rolls.⁹ Unfortunately, this rapid increase was not the result of careful planning and growth. During the 1960s and 70s, legal education increasingly came to be perceived as a business, rather than an abode of scholarship. The private Bar made full use of the heightened demand for legal services to start new colleges without any proper infrastructure, staff or books or even the permission of the Bar Council of India. As a result, law colleges became appendages of Arts colleges and students who had not satisfactorily completed the required formal course of teaching in a college were also eligible for the entrance examinations.¹⁰

Thus, legal education has fast come to be perceived as a strictly entrepreneurial activity, with the mushrooming of a large number of colleges in order to extract maximum profits out of the market, rather than to contribute to the improvement of legal education.¹¹ The Universities also regarded law colleges as a lucrative source of income to finance other activities of theirs which were unconnected to the law college or the profession itself.¹² The Bar Council of India also had no authoritative control over the colleges during this period.

Lack of high-minded and hard-working Faculty and Teaching Techniques:

Most institutions have been unable to attract good fulltime faculty due to the prestige of the profession experiencing a downfall and measly pay packages. Also, most colleges do not expend much on their faculty, as they have been set up solely with a profit motive. The Advocates Act was amended in 1979 in order to permit full-time teachers to practice, thereby resulting in a profusion of part-time teachers. As a result, such teachers were unable to pay adequate attention to teaching and the functions associated with it. Legal education requires an optimum measure of dedication from the teacher and the amount a student imbibes depends on the ready availability of the teacher for the purposes of clearing of doubts and guidance. This is impossible if the teacher works in a part-time capacity. These colleges do not have adequate selection criteria for the appointment of faculty but teaching at such colleges would count as years of experience once the teacher applies elsewhere.¹³ Since, some of the colleges are government aided, they appoint minimal faculty so that their expenses are lower and they can obtain maximum profits out of the situation. Despite a number of recommendations and suggestions and reforms notwithstanding, the lecture method remains the method of teaching in most law colleges.

Outdated Curricula and Syllabi:

Universities have been requested time and again to revise their syllabi by the UGC and the Bar Council of India, but to no avail. Furthermore, there is always a struggle between the introduction of new and contemporary subjects at the cost of focusing on traditionally important and basic subjects. The curriculum does not reflect the changing role of law and teaching does not take into account the social

engineering skills which are imperative for a practicing lawyer today.

Medium of Instruction:

Most institutions administer education at the undergraduate level in regional languages. As such, many candidates in certain States are admitted to colleges without even having some basic fluency in the English language. Admittedly, a mastery of the regional language is helpful and sometimes even necessary if one wants to practice in the Trial or High Courts in a particular State. However, it cannot be denied that the quality of education suffers significantly if the medium of instruction is regional. This is because the faculty has to be fluent in the regional language as well, which precludes the colleges from having good visiting faculty or guest lecturers from eminent persons in the legal arena. Moreover, most of the statutes, cases, books and other material are all in English. There are not enough text books in regional languages to overcome these setbacks. Additionally, two papers on General English and one on Legal Language have to be compulsorily administered under the new scheme.

Drastic differences among Law Colleges:

Though India prides itself upon some reputed national law schools, there are also many institutions styling themselves as law colleges and freely giving degrees without caring to provide students with a proper education. Thus, the quality of students from different institutions is greatly different because of the extreme polarity and divergence in the scope and type of education they receive.

Motivation of Students and the Entrance Examination:

When the system of an entrance examination was not in existence, the intake of a number of colleges mostly comprised young people unable to procure employment elsewhere and undertaking the course as an interim measure till they found other employment. The drop-out rate from these colleges was also exceedingly high. Therefore, the move to have an integrated course which admits students after their XII Boards is seen to have a better effect on educational standards because it is perceived as attracting candidates actually interested in the field, rather than those who have not managed to procure seats in higher studies in any other field or those who have no other avenues of employment.¹⁴

Nevertheless, the present entrance examination system does not test the aptitude of the examinee in a manner that reflects his ability to be a good lawyer. Legal education does not even now reflect the general aptitude of the candidate because it follows a set pattern. Moreover, part of lack of motivation on the part of students stems from the teaching method and quality. The students find such classes uninteresting and only attend class to fulfil the minimum attendance requirement which has been set by the Bar Council of India.¹⁵ Unless interest is generated in students, they will lose any incentive to learn the subject, thereby defeating the purpose of legal education.

Making Law Students Expert Learners:

The law colleges have been unsuccessful to tutor their students to be adept learners. A more effective *formative assessment* in doctrinal courses, lawyering skills courses and clinics is needed to be utilised in order to better prepare students for the practice of law. **Formative assessment**, including *diagnostic testing*, is a range of formal and informal assessment procedures conducted by teachers during the learning process

in order to modify teaching and learning activities to improve student attainment.¹⁶ It typically involves qualitative feedback (rather than scores) for both student and teacher that focuses on the details of content and performance.¹⁷ It is commonly contrasted with *summative assessment*, which seeks to monitor educational outcomes, often for purposes of external accountability.¹⁸

Practice in a classroom is formative to the extent that evidence about student achievement is elicited, interpreted, and used by teachers, learners, or their peers, to make decisions about the next steps in instruction that are likely to be better, or better founded, than the decisions they would have taken in the absence of the evidence that was elicited.¹⁹ The goal of formative assessment should be to move legal education away from a focus on an end-product to the underlying process of developing these products.

Writing Instructions, Technology and Legal Research:

The course called “Legal Method” is not introduced in the 3-year law course in some of the universities. But in all the 5-year integrated law courses, this course is compulsorily taught. This course instruction needs to be improved. The slow development of legal education in India is due to the lack of researchers in law. The absence of due emphasis on research and publications in the existing law schools have led to the absence of an intellectually vibrant environment. But hopefully, the changes in legal research methods and instruction will certainly come with the increasingly fast growth in the amount and kinds of legal research materials being produced.²⁰ Another reason to anticipate significant changes in the way legal research and writing will be taught is the

development of computerized legal research such as LEXIS and WEST LAW.

Curriculum of Legal Education and Globalisation:

As our nation is a member of WTO agreement it is bound by the general agreement on Trade in Services (GATS), which will give rise to tough competition between our traditional and foreign lawyers. To grapple with the situation and to compete, it is necessary to impart quality legal education as well as global legal education with the help of advances in information technology and telecommunication to our law students. Curriculum development should necessarily include expanding the domain of optional courses, providing deeper understanding of professional ethics, mainstreaming legal aid programs, developing innovative pedagogic methods and modernising clinic courses. With the advent of globalisation, it has become increasingly critical to include international and comparative law perspectives.

In the era of globalisation, attention should be paid to four important factors in order to improve the standard of legal education, viz., global curriculum, global faculty, global degrees and global interactions. Law is always in a constant state of flux, as it has to constantly reinvent itself according to the changing societal and global circumstances. Dynamism is the life blood of law. Thus, a law divorced from life will die its natural death. We have to think globally but act locally. So, to keep pace with the changing situation of the society and the world, legal education also has to undergo reforms to keep itself in step with the emerging global trends.

Continuous Legal Education:

As per Prof. Madhav Menon, Indian Legal Faculty lacks in practice of Continuous Legal Education (CLE). CLE is a significant component in industry for professional development, better delivery of legal services & is also a measure of the accountability of the profession (Menon, 2012). It is at a very nascent stage in India, but is common in countries like US & UK. Colleges can foster knowledge & instruct students in skills but practice through observation and participation is possible only through CLE. CLE took its roots in India in the late 1960s. But CLE became integral part of curriculum only when BCI introduced four practical papers to improve standards in legal education in late 90's (V. M. Salgaocar College of Law, 2015). A perusal of the CLE as it exists today would suggest that the "clinical" or "practical" instruction is only an extension of the classroom teaching and not practical in any real sense of the term (Routh, 2009). Therefore, it is high time to include CLE in all the specializations of legal field. Linking CLE with Legal Services Authorities and Courts can play an important role in implementing Article 39A, Article 8 of the Universal Declaration of Human Rights & Section 4(K) of the Legal Services Authority Act.

Measures needed in the field of Legal Education:**Setting Goals:**

- Law schools should display a commitment and set goals to prepare their students for bar examinations and for law practice.
- Law schools should engage in a continuing dialogue with academics, practitioners, judges, licensing authorities,

and the general public about how best to accomplish this goal.

- Law schools should clearly articulate their educational goals and share them with their students.
- The primary goal of legal education should be to develop competence, in terms of the ability to resolve legal problems effectively, responsibly and speedily.
- Law schools should inculcate in the students: a) the attributes of effective, responsible lawyers. b) self-reflection, self-discipline and lifelong learning skills, c) intellectual and analytical skills, i.e., 1) core knowledge and understanding of law, 2) professional skills, and 3) professionalism.

Organizing the Program of Instruction:

- Law schools should organize their curriculum to develop knowledge, skills, and values progressively.
- Law schools should integrate the teaching of theory, doctrine, and practice, and teach professionalism pervasively throughout all three/five years of law school education.

Delivering Instruction:

- Law schools should create and maintain healthy teaching and learning environments.
- Law schools should enhance the quality of their programs of

instruction with technology and by making appropriate use of practicing lawyers and judges.

- Law schools should use teaching methods that most effectively and efficiently achieve desired educational objectives, employ context-based instruction throughout the program of instruction, and employ best practices when using any instructional methodology.
- Law schools should have effective *teacher development programs* and establish *state of the art* learning centres.

Assessing Student Learning:

Law schools should use best practices for assessing student learning, including criteria-referenced assessments, multiple formative and summative assessments, and various methods of assessment.²¹

Evaluating the Success of the Program of Instruction:

- Law schools should regularly evaluate their effectiveness and use best practices for conducting such evaluations.
- Many of the recommendations do not have cost or time implications and others have none beyond the initial effort involved in making the transition from current practices. It will require hard work and, perhaps, additional or reallocated

resources to implement some of the recommendations.

The major impediment to reforming legal education is a lack of vision and commitment, not a lack of resources.

Suggestions to conquer challenges ahead:

The law profession is a highly competitive sector and, therefore, the highest qualifications and abilities are expected from law students. There is, therefore, the need to articulate a clear long term vision on legal education in India, where such a vision will be guided by a focused commitment to excellence.

The classic ingredients of legal training consist of qualified faculty, research centres, sound infrastructure, and updated legal literature, which are the demand of the emerging world situation.

The BCI, the State Bar Councils, the State Governments, the University Grants Commission and the Universities should work without any conflict to explore new avenues in the legal field in the era of computer applications and information technology, and potential uses of internet in the practice of law and legal education. They should find out the ways and means to meet the new challenges and provide better tools of research and methodology of learning for the generations to come.

In the opinion of Dr.N.R. Madhava Menon, legal education in India should be liberated from the dominant control of the Bar Councils and entrusted to legal academics with freedom to innovate, experiment and compete globally.

The legal education in India should consider globalisation and its implications in the legal field at national and international levels.

A comprehensive re-look of the entire legal education is required by a high power committee, in the wake of globalisation.

Legal education needs to be modified by increasing global exposure, achieved by adding courses, hiring more qualified faculty, sponsoring more international academic programs, opening research centres with global connections, and augmenting the number of formal international linkages.

Due to privatisation and globalisation, there is an immediate need to conduct in-depth research into the subjects like Transnational Crimes, International Human Rights, Intellectual Property Rights, Alternative Dispute Resolution, Cyber Law and International Business Transactions.

Legal education should also prepare professionals who will be equipped to meet the new challenges and dimensions of internationalisation, where the nature and organisation of law and legal practice are undergoing a paradigm shift.

The law imparting institutions and law schools must connect themselves with the outside world and reconstruct their academic agenda to work with actors in the international community, such as NGOs, multinational corporations, governments and legal systems of other countries.

Entry of foreign law firms in India poses tough competition to Indian law professionals and legal education, which must be effectively met by pragmatic and up-to-date legal education.

We should establish a world class legal education and legal profession to sustain the challenges posed

by globalization and convert the threat into an opportunity.

Accreditation and quality assessment of law schools must be done by the UGC and BCI quickly to build up a sense of competition between the different law schools.

Clinical programs, moot court competitions, study-abroad courses, debate clubs and an increased reliance on non-legal disciplines such as economics, psychology, political science, anthropology, and sociology have made the study of law very wide. Teaching must focus on building up the skills of analysis, language, drafting and argument in law students.

In Private Law Colleges and Universities, the well qualified and young aspirants must not feel that the teaching profession is lesser than litigation, in any respects. It is the need of the hour to give better pay scales and handsome increments even to teachers in private institutions.

To fill the gap of skill-set required for a lawyer there should be one year diploma program which everyone aspiring to become a lawyer should pass.

Every state should have an academy of lawyers and emphasis should be given on improving communication and research ability of the lawyers.

A national level law academy is required to be established to train and upgrade the teaching standards of law teachers. Special emphasis should be given to improve the skill of research, teaching and ethics.

A diploma for the law teachers should be started to fill the gap of required skills as a law teacher.

Law schools, the bar and bench, should develop and encourage transitional training programs to

begin in law schools and continue through at least the first two years of practice. Transitional training programs should include testing and post-admission supervised apprenticeships. Continuing Legal Education should be given utmost importance to upgrade the standards of law teachers, lawyers and Judges.

The possibility of requiring new lawyers to take specialized training as a condition of practice must be explored. While some law students take training in practice skills and participate in clinical programs during law school, such courses are not compulsory before a new lawyer begins the practice of law.

More rigorous efforts are required to help law students obtain the core competencies needed to practice, including bridging the gap between analytical and practical knowledge, and the business of building an efficient practice (client relations, technology, billing, time-keeping).

Contribution of practising lawyers in legal education is very much required as their professional experience and acumen can be utilised by the law schools with much profit.

As the socio-economic conditions in India are different from other countries, the global legal education will be affordable only by the richer few. Necessary steps should be taken in these fields as per the local conditions of our country to find out how to make the education imparted to be adoptive by the majority of the students of our country.

Law subjects must be introduced at school level so as to ensure basic knowledge of law to students of all streams.

Conclusion:

Legal education is a hidden wealth. Law is the cement of the society which fertilises a barren land and makes the lives of people worth living in the society. There are some issues which need to be looked into for plugging the leaks in our current legal system, such as, emphasis should be laid on research and publication activities, need to reform curriculum at the earliest, trained faculty, imparting training based education, introduction of law subjects at school level as to ensure basic knowledge of law to students of all streams, etc. This will help in growth and development of legal education with increase in reputation of the profession, thereby fortifying the legal professionals to meet the challenges of the field, and to grow and contribute by providing fullest opportunity to law aspirants for the progress of the country.

Legal education should be able to meet the ever growing demands of the society and should be thoroughly equipped to cater to the complexities of the different situations. This is possible only if adequate number of law colleges with proper infrastructure including expertise, law teachers and staff are established to deal with the situation in an appropriate manner. The area of deficiency should be located and correctives should be affected with the cooperation of competent persons before the matter gets beyond control. Reforms in legal education cannot wait any longer, as we are neck-deep in water, and we need to produce a number of committed and dedicated teachers who in turn need to generate a new crop of hard working lawyers, honest judges and distinguished jurists.

National law school model 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. We have to prepare ourselves well with the purpose of keeping pace with the current developments and to meet demands of the future. Improving legal education through model law schools was second generation reform but now the third generation reform needs internationalization of legal education.

Legal education has to cover a long distance to reach its destination and the destination is peace, justice, equality, integrity and confidence of lawyers in the practical and the e-world. Thus, in one word, legal education must equip the law students with enough competence to tackle all the upcoming challenges.

There is the need to improve legal education, emphasizing the tools necessary for new lawyers to transition from law school to practice. The new lawyers are ill-equipped to step directly into practice, as they are lacking the core skills necessary to effectively participate in the practice. The result is damage to the lawyer, the lawyer's employer, and the client. In the new scenario the law schools must take responsibility for properly educating students to the demands of practice and frame and implement more rigorous course work with a primary emphasis on improving professional skills. While the practice of law has significantly changed over the last 100 years, the fundamental law school curriculum has not.

In conclusion, any overnight solution in this regard cannot be expected. But, at the same time, any dogmatic adherence to the old, traditional and existing system would be suicidal. Thus, a midway has to be found, and a balancing act has to be performed in order to change the entire fabric of

legal education system in India, keeping in mind the looming necessity of globalisation. Thus, we have to gird up our loins and tighten our belts to make aggressive changes in the existing legal education system, so that the sleeping leviathan rises again to meet the global challenges.

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