Reflections Of New Education Policy On Legal Education: NEP 2020

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Abstract

Vocational credentials in agriculture, engineering, law, medicine, and other fields will be integrated into mainstream higher education as part of the Education Policy (NEP) 2020 initiative. Historically, these fields have been taught mostly independently of one another. The objective is to deliver an education that is both internationally competitive and pertinent to India's development aspirations in the twenty-first century. This will be accomplished by emphasising interdisciplinary study and maintaining a high standard of academic rigour. Several of the NEP proposals that are applicable to the amelioration of legal education are examined in this article, together with their underlying principles and principles of spirit. In addition to this, several of the suggestions that were made in the Draft of National Education Policy (DNEP) 2019, which was a policy document that came before this one, are discussed here.

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INTRODUCTION

There has always been a clear distinction between professional and normal higher education in India. Under NEPs, governments have always attempted to enhance the nation's educational standards (NEP). NEP is a policy of the Indian government that aims to promote standard of education. This strategy applies to primary education, universities and colleges, and also professional education including urban and rural India. (Wadia, 2020)

The National Education Policy 2020 aspires as:

"National Education Policy 2020 envisions an India-centric education system that directly contributes to our nation's long-term transformation into an equitable and thriving knowledgeable society by offering high-quality education to everyone."

The Education Policy (NEP) 2020 seeks to integrate widely available professional education in areas such as agriculture, technology, law, pharmaceutics, and other fields with the mainstream educational courses, as well as to generate a multifaceted educational ecosystem from early childhood through all stages of education, including vocational courses, where each person is independent and has the right to acquire education regardless of educational streams. The goal is to provide a comprehensive and interdisciplinary curriculum which is of exceptional quality, has a high degree of global competency, and is appropriate to India's twenty-first-century development goals. The NEP 2020 is a possible document that sets out a broad scope for India's prospective higher education system, including liberalization and globalization of primary, middle and higher education, and also professional education.

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In keynote speech on NEP 2020, Mr. Ravi Shankar Prasad, former Honourable Minister of Law and Justice, Government of India, said, "As the law minister and a senior lawyer myself, I urge the Bar Council and all those involved with legal education to reflect upon the challenges and opportunities that the emerging contours of higher legal education offers." This statement alone emphasises NEP 2020's ambition and the untapped opportunities that this purpose-driven strategy wants to exploit. This statement aims to give a very futuristic strategy that focuses on globalisation and liberalisation of education along with the idea of economic, social, and political development of the country. (kurien & Chandramana, 2020)

Salient features of NEP related to Legal Education

Globalisation and Liberalisation

Globalisation and Liberalisation are the key features in NEP 2020. This policy has invited the best foreign law universities to set up campuses in India. The objective of incorporating this particular provision in NEP 2020 is provide access to standardise quality education and exposure to Indian students and also attract best international talent. Another objective is to improve the quality of education of private, state and National Universities.

Multilingual Education

In the past, English was the primary language of instruction in India. However, we all know that India is a varied country with numerous languages. India has 22 official languages, according to the constitution. This clarifies the importance of language in India. Keeping this in mind, NEP 2020 has included a bilingual option. This is an important element that had not been aggressively included in previous policies.

Equitable Quality Education

The NEP encourages higher education institutions to foster diversity in their classrooms, i.e., to enhance the quality of peer learning for students by offering scholarships to up to 50% of students from economically disadvantaged backgrounds. The NEP encourages such institutions to work actively to raise funds from corporate and charitable sources so that they can grant scholarships to up to 50% of students from "Socially and Economically Disadvantaged Groups" (SEDGs).

NEP 2020 has precisely extended the scope of disadvantage beyond the well-known provisions for equity and inclusion, to include multiple additional categories such as migrant children, abandoned children, urban poor, students from territorially disadvantaged regions such as hilly and remote areas, and more, into a much larger grouping known as the 'Socially and Economically Disadvantaged Groups (SEDGs).'These provisions include:

i) the creation of exclusive education zones, particularly in rural areas, to compensate for geographic disadvantages;

ii) the option for higher education institutions to provide higher education in Indian official languages

iii) a "Gender-Inclusion Fund" to tackle the widespread dropouts of women in all categories..

Vocational Education

According to the twelfth 5 year Plan (2012–2017), just about 5% of the Indian workforce aged 19–24 acquired formal vocational education. The NEP promotes universities to teach their students analytical reasoning, problem-solving skills, communication, teamwork, and other skills. Investigating alternative teaching strategies and practices, including such learning by doing, cooperation, and the integration of vocational education into normal schools and institutions, is the best way to achieve this. Vocational education provided by HEIs has the potential to bring HEIs nearer to businesses and communities while also producing jobs and contributes to economic growth. Given the plethora of legal difficulties that emerge as a consequence of the digital economy, particularly the gig economy, there will be plenty of opportunities to provide vocational training in relevant sectors. In its recent Circular [BCI 2021] on the wider reach and timely delivery of justice, the BCI has addressed vocational and paralegal education. (Ministry of Education, 2020)

Post-graduate Education, Research, and Initial Teacher Preparation

The Masters in Law had been regulated as a 2-year Masters degree course in this policy, eliminating the 1-year degree course with the help of Bar Council Of India (BCI) that was launched by the University Grants Commission (UGC) in 2013.The 1-year LL.M degree's overall

goal was to concentrate on teaching, research, and specialisation, as well as to educate teaching faculty for careers in legal education and to focus significantly on activities related to teaching and research. After an expert committee chaired by Prof Madhava Menon recommended the one-year Masters degree, it was discovered that it did not meet its purpose of preparing competent faculty and staff in these years. Although an LL.M degree is one of the requirement for teaching, the future will reveal whether the 2-year LL.M degree would provide appropriate starting preparation for aspiring faculty members or whether its duration will make teaching an even less appealing job than it already is.

Accreditation and Autonomy

One of the important characteristics of NEP 2020 is the concept of certification and autonomy, which promotes the transition from Accredited Colleges to Autonomous Institutions. The decision to create Multidisciplinary Education and Research Universities (MERUs) lends aspirations more weight (Dixit A. K., 2006).

Another significant development in NEP 2020 is the establishment of the National Testing Agency (NTA) as a prominent and autonomous testing body for UG and PG admissions in Higher Learning Institutions. Instead of every university each producing their own admission exams, NTA testing services would allow majority universities to have these standard entry exams, lowering the mental and financial strain on students, universities, and colleges.It will be up to each colleges as well universities to decide whether or not to employ NTA exams in their admissions processes. It also makes it easier for students to transmit their certificates and credentials to universities in other countries.

NEP's Impact on Legal Education

Higher Education Regulatory System

The NEP 2020 proposes that the Higher Education Commission of India (HECI) be established as a higher education regulatory body, excluding medical and legal education. What concerns today is what will occur to existing bodies like the UGC and AICTE?

The HECI initiative aims to restructure higher education by separating the academic and financial sides of the business. HECI will no longer have any economic capabilities, meaning it will not be able to regulate money under the new policy. The Ministry of Education, previously recognized as the Ministry of Human Resource Development (MHRD), will now handle the financial processes that were originally settled by the University Grants Commission (UGC). The regulatory tangle in India's Higher Education system will be redesigned as a result of this reform.

HECI is featured four verticals of its own -

- Higher education is regulated by the National Higher Education Regulatory Council (NHERC).
- General Education Council (GEC) for standard-setting, 2020
- Higher Education Grants Council (HEGC) for funding, and
- National Accreditation Council (NAC) for accreditation, (kurian and chandramana 2020)

Power of Governance and Autonomy to Higher Education Institutions(HEIs)

The (Draft National Education Policy) DNEP 2019 has given institutions and faculty members entire autonomy based on a critical accreditation system. NEP 2020 has taken a more cautious approach, granting graduated autonomy beginning with academic autonomy. The graded autonomy will aid them in enhancing their faculty, encouraging research, improving the current programs, creation, entrepreneurship, launching new courses, and marching towards excellence and worldwide standards. NEP 2020 has also guaranteed that these autonomous HEIs are governed by Board comprised of eminent individuals and former students who are committed to providing high-quality education and to the institution, ensuring that Vice-Chancellors receive the best possible academic and administrative support in order to increase innovation and realise their shared vision for the institution.

Teacher Education

J. S. Verma Commission of the Supreme Court of India, over 10,000 stand-alone Teachers Training Colleges are not even seeking to even provide authentic teacher education, but rather are selling degrees for a price. Regulatory systems have so far failed to decrease corruption in the system or enforce fundamental quality standards, and have had the unintended consequence of stifling the rise of quality and innovation inside this field. The NEP-2020 has

highlighted the role of teachers as well as the desirable traits of teachers for nation-building, recognizing the significance of academics in the educational system. Teachers have been placed in the middle of the most urgently required fundamental improvements in the educational system under this programme. Teacher, at all levels, have been re-established as the most valued and vital sections of the population, since they mould the country's future generation, according to the policy. The NEP-2020 has also emphasised on the transparent recruitment of competent teachers in order to offer autonomy while also fostering a feeling of duty and responsibility in every teacher.

This policy focuses on these essential issues and makes an attempt to accomplish them in a productive manner. This is stipulated in the policy, which states that HEIs conducting teacher education programmes must make available a diverse variety of experts in education and allied areas, as well as specialised courses. Each HEI will work closely with a web of state and private schools, where potential teachers will student-teach while simultaneously participating in other activities like as volunteer work, adult and technical education, and so on. PhD applicants are also required to have a specified number of hours of actual classroom teaching, which can be gained via teaching fellowships and perhaps other means. Ph.D. programmes at universities around the state will be altered to achieve this goal. (Dixit A. K., 2009)

Application and Integration of Technology

India is a world leader in ICT infrastructure, and other important disciplines like space exploration. The Digital India Campaign is helping to convert India into a digitalised society and economy. Because education is so vital in this change, technology plays a significant role in improving educational processes. As a result, there is a bidirectional interaction linking technology and education programs. This policy emphasises the use of technology, with the expectation that the education sector will be a major benefactor. This policy supports and adopts the use and inclusion of technologies to boost multiple aspects of education.

This self-governing organisation, the National Educational Technology Forum (NETF), was created to serve as a meeting place for educators and other stakeholders interested in discussing how technology may be used to enhance the teaching and learning process. (Ministry of HRD). The influence and increased usage of technology could be seen during the Covid-19 lockdown, when technology played a huge part in educating students in the digital media and a new digital paradigm for education was implemented at the same time. Today, a hybrid paradigm for delivering education has been developed, in which instruction is delivered by physical and virtual formats.

Opportunities in NEP 2020 :

Before NEP 2020 policy, there had been many challenges in our educational system. Some of these challenges were :

- Fragmented University Ecosystem;
- Insufficient educational outcomes and cognitive skill development in students;
- Discipline separation that is rigid and uncompromising;
- Lack of quality higher education in socio-economically disadvantaged areas;
- Poor autonomy of faculties and institutions;
- Faculty and institution leadership career plans and advancement are inadequate;
- Inadequate research grants in all fields;
- University's subordinate governance and leadership;
- Inadequate regulatory systems that stifle the expansion of outstanding and innovative institutions;
- Excessive partnerships with many universities result in low academic achievement;

NEP 2020 attempted to address these issues using a multidisciplinary approach. This policy is founded on the pillars of "Access, Equity, Quality, Affordability, and Accountability," and it will help India become a flourishing knowledge hub with new opportunities. This regulation allows for certain smooth transitions. These modifications are:

- Establishment of a higher education system consisting of large, multidisciplinary institutions;
- The transition from a demanding university curriculum to a diversified university education;
- Provide independence to faculty and institutions;
- Renovating curriculum, teaching methods, evaluation, and scholar support to improve student experiences;

- Recognize and reward faculty and institution leaders who have demonstrated their worth through merit-based appointments and advancement opportunities;
- Improve the management of institutions of higher education by independent, highly qualified councils;
- The establishment of a "light but tight" regulatory framework for higher education by a single authority;

Challenges in Implementation of NEP 2020

Private and self-governed institutes are undergoing a significant transformation under NEP 2020, from being viewed as associated to, more autonomous framework. This 'autonomy' will now grant economic and educational independence to groups and institutions. Organizations will eventually turn to students if they do not receive support from government organisations. A massive hike in the university tuition would be seen under the pretext of such a autonomy and structure. Multiple departure possibilities at universities might hike drop - out rates, further splintering already splintered institutions, and making students less committed to the courses they choose because they now have so many options and won't be able to stay focused on any one stream. As a result, there's a good chance that pupils will be sluggish and careless about their education, and that the variety of learning possibilities might confuse them.

The administration declared that it wants to promote the integrity and autonomy of higher education, yet it has demolished the University Grants Commission ['UGC'], which is a key institutional and regulatory agency in the field. Education will become more commoditized and centralised as a result of this. Similar changes were attempted by the Atal Bihari Vajpayee government, but they were met with significant opposition. The current education changes exist only because they have been enacted behind closed doors, without the agreement of parliament or a suitable code of behaviour.

Professionals must be prepared to deal with changing circumstances as one of the most significant remedies As part of the entire higher education system, professionals need to learn about ethics, the importance of societal purpose, trans disciplinary reasoning and thoughtful appraisal, public dialogue, innovation and research in order to assume the mantle of their professions. A person's innate talents can be developed if they are not stifled by professional training.

Aiming to be multipurpose academic institutions should be the goal of all universities, including agricultural, medical, technical, and law schools. In addition, the English language is a critical issue that must be addressed if India is to maintain its global prominence as well as its ability to communicate with people from other Indian states. Under the proposed plan, English would only be taught at the secondary level. In countries where English is the primary or first language, abandoning English as the primary medium of instruction and learning could impede global competition. Western countries, where English is paramount, hegemonies career development, outsourced technical support, and talents.

There is a shortage of educated educators who are both familiar with the breadth of the laws and able to simplify them in a way that is understandable to the general public. It is necessary to train a new breed of teachers who are able to efficiently pass on legal knowledge to students while also capturing their interest and inspiring their creativity. Better results may be achieved at legal education institutions by employing recent law school graduates as adjunct professors to supplement the primary teaching staff. (Bajpai, 2021)

There's a claim that this policy favours centralization because it contains a section specifying the creation of a new teacher's training board for all types of instructors across the country, with the restriction that no state will be permitted to change it. As a result, the legal studies curriculum must incorporate evidence-based methodologies, history, legal principles and jurisprudence in order to represent socio-cultural situations. The language of the state in which the institution is located should be considered when delivering legal education to students. (Vardhan, 2020)

NEP and National Law Universities (NLU)

Students can benefit from a multidisciplinary institute, which is one of the policy's main recommendations, by networking and learning from scholars and students from various fields. However, this recommendation may not be practical due to a lack of physical space or financial support for such an institute. On the

other hand, most NLUs are already are having problems with capacity and are unable to take on the current student body. The state and local governments just need to contribute a small amount of money to run them. There is a risk of increasing costs and limiting access if they have to set up new departments in this case. The expansion of multilingual education in state law universities is one of the policy's primary recommendations, which is commendable but has some downsides. Legal education at NLUs can benefit from the policy, which is aimed at state institutes of higher learning. For NLU students, this only partially solves their language barrier. In spite of its advantages for students already enrolled in an NLU in his area, it provides no room for those who may be interested in applying elsewhere. De-emphasizing English in favour of regional languages is not the solution to improving legal education. Because English is the primary language used in the legal field, additional English courses/classes are needed to address this issue in addition to providing bilingual education across the board.

Recognize and reward faculty and institution leaders who have demonstrated their worth through merit-based appointments and advancement opportunities. The government has professed its wish to revive Vedic practices and Hindu sentiments on several occasions. With this in mind, the use of folklore, mythology, and tradition in discussions on legal education creates a difficult scenario. The document also said that law cannot exist without culture, and that classical law and writings should be studied. Some of the most famous policy texts have not clarified how historical and current education system will support each other in the present. Revisiting these writings in an educational context could cause problems and harm legal education more than good. With assertion, this is truly the case that law is a remembrance, and thus must obtain from its past; however, some remembrances can only serve as a reminder of the need to progress, and cannot be used as a text for law study. When it comes to legal education, it's worth noting that the policy makes no recommendations for creating laws schools more thorough. In both graduate and postgraduate studies, it maintains a calm attitude toward caste and gender issues. Its suggestions have the potential to exacerbate issues.

Overall, the NEP with respect to legal education is like all of its other ideas i.e. akin to a pie in the sky — appealing to the imagination but unlikely to be realised. It does improve things academically and conceptually, but putting them into practise will be a difficult undertaking.

Conclusion

Students can benefit from a multidisciplinary institute, which is one of the policy's main recommendations, by networking and learning from scholars and students from various fields. However, this recommendation may not be practical due to a lack of physical space or financial support for such an institute. On the other hand, most NLUs are already experiencing capacity issues and are unable to accommodate the existing student body. A minimal amount of money from the state and municipal governments is all that is needed to run them. Having to establish new departments in this situation could increase their expenses and restrict their accessibility.

NEP 2020 prioritises student's interest in all decision-making and aims to give them with high academic opportunities that are important to them and prepare them for a fast - changing world. It aims to usher in a new era of societal evolution in the framework of achieving a multi-dimensional and lively information society. Every educational stakeholder must recognise the significance for this revolution and react by recognizing his or her own responsibility in it and putting it into practise regularly and completely. The NEP 2020 ideas to overhaul legal education, if implemented correctly, might inject unparalleled vitality and innovation into the activity.

By ensuring a living salary, regard, decency, and independence, as well as incorporating quality assurance and reporting standards in the system, the NEP can help recruit the brightest and best to educate at all levels. The new education strategy has a commendable objective, but its success will be determined by its ability to properly integrate with other government policies in order to achieve a holistic structural transformation. As a result of policy interconnections, education policy can ensure India's expertise in working more proactively with the business world to build vocational and technical education and make it a success.

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