

“The Need for a New Legal Education Model for Combating Discrimination: A Comparative Analysis with a Specific Focus on India”

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1. ABSTRACT

“Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education. “

- Franklin D. Roosevelt

In an ever changing and developing world, we think that there is a growing sensitization towards discrimination. While the caste system has been abolished its remains still linger and plague society. Discrimination in the legal education system is increasing rather than decreasing. The legal education system in itself is experiencing substantial changes due to recent market trends and economic needs.¹ There is dire need for a competent legal education model that is devoid of discrimination based on age, disability, gender, nationality, race, or religion. While India is known for its vast cultural and linguistic diversification, these characteristics have become a basis of widespread discrimination within legal institutes. It is abundantly clear that discrimination in education occurs when a person or entity takes unfair, prejudiced or arbitrary action against people belonging to certain categories, thereby preventing them from enjoying a full right to education, and hence clearly violating fundamental civil rights of others. Law schools have to actively promote social engineering considering the plethora of problems faced by Indian legal system including poverty, corruption, extraordinary delays in the judicial system, a lack of governance and the paramount issue of discrimination. The necessity of proposing of a discrimination free legal education model has arisen for the purpose of resolving and tacking the discrepancies associated with legal education in India.

The legal system has a harsh reality today which is not as nearly as effective as it was intended to be. Contagious social stigma prevailing in various forms across most societal structures have found its way into legal education. There are talks about a "global village" today – an amalgamation of vast cultural and linguistic diversifications. However, these characteristics have steadily become the basis of widespread discrimination in law institutes. Discrimination in education occurs when a person or entity takes unfair action (or inaction) against people belonging to certain categories in enjoying a full right to education. Discrimination is a violation of civil rights.

¹ Legal Education in a Changing World, Report of the Committee on Legal Education in the Developing Countries, International Legal Center, New York, <http://nai.diva-portal.org/smash/get/diva2:275991/FULLTEXT01.pdf%3E>

A legal system by definition is meant to define and address violations of human rights and protect its citizens. If the system of its instruction is steeped in discrimination, various legal professionals being trained under it cannot be expected to inculcate the ideals of unbiased and protective law making and implementation.

2. LITERATURE REVIEW

While there are a number of studies on various aspects of discrimination in education; there is not much research done on the discrimination faced in legal education. The research on discrimination - particularly in legal education is a novel research area that requires exploratory and problem-solving research techniques.

This paper intends to undertake a critical assessment of discriminatory practices prevailing in the Indian legal education system by studying the IDIA's (Increasing Diversity by Increasing Access to Legal Education) survey while also referring the Racial Discrimination in Legal Education, 1950 to 1963 Journal². IDIA's Diversity Survey was conducted to estimate the percentage of students who faced harassment or bullying due to various factors, such as their family background, poor English language skills, dressing sense, knowledge of popular culture, caste or financial status.

In reference to the aforesaid discrimination analysis and assessment, an intellectual process of various new ideas pertaining to a legal education model will be proposed in order to eliminate the discrimination practices in the current system along with by doing a critical analysis and thereby suggesting recommendations and suggestions. The proposed changes to the existing legal education model is based on the observation of Carol Dweck, a Stanford University professor of psychology and the author of 'Mindset: The New Psychology of Success'.³ He states that growth mindset is the belief that one's abilities, qualities, and intelligence can be developed. Furthering this hypothesis is the observation of Freberg, a professor of psychology at California Polytechnic University in San Luis Obispo, who points out that having a growth mindset in the faculty is very important through which the faculty develop a sense of belief that their students can improve and learn.⁴ Both of these schools of thought focus on training of teachers and the faculty to assist in the prosperous growth of students without any discrimination. The observations of various eminent authors, the IDIA Survey, as well as Cardozo Michael's opinion on racial discrimination assisted in identifying the different levels of discrimination present in the Indian legal education system, and to also understand suitable models that can be proposed to eliminate the same.

² Cardozo, Michael H. "Racial Discrimination in Legal Education, 1950 to 1963." *Journal of Legal Education*, vol. 43, no. 1, 1993, pp. 79–84

³ CAROL DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* (Ballantine Books, 2006)

⁴ Philip Preville, *How Faculty Can Apply a Growth Mindset To their Teaching*, TOP HAT (December 12, 2018), <https://tophat.com/blog/growth-mindset-teaching/>

3. Discrimination in the Indian Legal Education System

The examination of legal education in a society provides a window on its legal system. Here, one sees the expression of basic attitude about the law: what law is, what lawyers do, how the system operates or how it should operate.⁵ A legal system is a subsystem of a social system, and the system of legal education is a subsystem of the legal system.⁶ Each country has its own set of biases and resulting weakness in the legal education system. Most countries are continuously struggling to remove major discriminatory practices; however, there are many subtle ones out there lurking like termites quietly chewing the system hollow.⁷

3.1 Discrimination in Legal Education in India

The Constitution of India grants equality to all of its citizens. It was the euphoria of time when the British empire was overthrown and powers were bought in the hands Indian rulers who promised of a free India through law. Moreover, Dr Ambedkar, the maker of India's Constitution, was also the leader of the untouchables, the lowest in the caste hierarchy, and was fervently committed to employing law as the tool of justice.⁸ Today, after 73 years of independence, yet, the legal machinery still has to imbue the constitutional principles. It is more of an irony how you can find discrimination within the legal education system as well. Discrimination in India is often based on language, region, caste, outer appearances, financial disparity, family background, etc. The discriminatory action can be perpetrated by teachers, administrators or students and the victims are not only students but at times staff and faculty too. Concern about the increasing discrimination in the culture of legal education and profession has certainly driven an urge to curb this social injustice. Therefore, the legal educators and bar leaders are devoting a considerable amount of time with a vision to eradicate this malpractice. However, a mere enactment of laws against discrimination is not enough; the legal education system must be modified and planned in a manner to produce generations of competent law professionals. A Legal Education Model should be structured in a manner that it can easily deal with the myriad instances of discrimination prevalent in legal education in India. Specific instances of such discrimination are:

3.2 Discrimination on the basis of Caste:

Around 16 percent of India's population stems from untouchable castes, also called Dalits. Despite a flattering growth in civilization, technology and modernization the grim reality is that the Indian society is still chained to caste discrimination. Dalits are relegated to particular districts, they have minimal exposure to education and experience regular abuse by the authorities, in the form of police, as well as the people from the upper castes. Discrimination varies from physical isolation to denial of a position of privilege or even education. The Caste

⁵JOHN HENRY MERRYMAN, "Legal Education There and Here: A Comparison". Stanford Law Review, vol. 27, No. 3 (Feb., 1975), pp. 859-878

⁶*Id*

⁷*Id*

⁸ SAMEENA DALWAI, *Caste in Legal Education : A Survey of Law Schools in Delhi*, ASIA JOURNAL OF LEGAL EDUCATION (November 20, 2017), <https://journals.sagepub.com/doi/full/10.1177/2322005817730153>

system, which goes back to the ancient Vedic period, has taken a toll over the society by its own people. The caste-based practice has sadly become a common practice in many law schools.

As per IDIA's⁹(Increasing Diversity by Increasing Access to Legal Education) Survey of various National Law Schools, around 20 percent of the surveyed students faced harassment or bullying because of various factors such as their family background, poor English language skills, dressing sense, knowledge of popular culture, caste or financial status.¹⁰ Also, 35 percent of those surveyed had trouble fitting into the student community in their college because of their background. Lack of fluency in English has become a very common factor of discrimination among students. This practice has an adverse effect on the performance of these students in activities such as debates and moot court competition which are considered crucial to the course thereby also affecting their overall grades.

This grave discrimination has suffocated the lives and hindered the education of many Other Backward Class (OBC) Schedule Caste and Schedule Tribes (SC/ST) students in India.¹¹ The high rate of suicides in these institutions is only the tip of the iceberg, reflecting only a fraction of the harassment and hostile environment around them.

3.3 Discrimination on the basis of Language, Region and culture:

India is a country with vast linguistic and cultural diversification. However, instead of being celebrated, these characteristics have become the basis of widespread discrimination in law schools. The ancient preconceived notion about status differences between various cultures has influenced the current legal education system, with the result that discrimination is experienced by the victim from both classmates and teachers. Culture and education are interdependent. The educational pattern of an institute is highly influenced by the language and cultural patterns of its majority section. This often results in a feeling of superiority amongst the majority and favoritism shown by the teachers towards the segment. The minority experience neglect and isolation while there is no strict actions or condonation taken against students who perpetrate such discriminatory behavior.

3.4 Discrimination on the basis of individual's appearance, gender, behavior and background:

"Lookism" is a phrase which is generally not talked about or discussed but has a huge social value. It is defined as discrimination based on physical appearance. It is one of the most extensive prejudices in our society. The conclusions drawn on basis of one's physical

⁹ The IDIA (Increasing Diversity by Increasing Access to Legal Education) project is a pan India movement to train underprivileged students and help transform them to leading lawyers and community advocates. IDIA is premised on the notion that access to premier legal education empowers marginalized communities and helps them help themselves.

¹⁰ Shamnad Basheer And Geetanjali Sharma, *IDIA Diversity Survey (2013-2014): Analysis And Policy Recommendations*, IDIA Diversity Survey Results, 1, 2 <https://idialaw.com/wp-content/uploads/2015/02/Top-5-Analysis.pdf> (Last accessed on 18.07.2018)

¹¹ Other Backward Class (OBC) is a collective term used by the Government of India to classify castes which are educationally or socially disadvantaged. It is one of several official classifications of the population of India, along with Scheduled Castes and Scheduled Tribes (SCs and STs).

appearance overshadows the intellectuality, technique and skills of a person. The victims are subjected to constant public harassments and insult. Young people especially are prone to discrimination from educational authorities and fellow classmates because of their sexual orientation or gender expression. They have often been declined admission or expelled from the institute.¹² Also, extremely prevalent is the practice of favoritism based on gender and appearances among professors and job selectors in law schools

Another factor is the discrimination perpetrated by the faculty to the students on the basis of class presence, grades and the attitude they have towards him/her. Confronting such types of discrimination is very difficult as acceptance of critique of the faculty is rare. Consequently, such outlier students are awarded lower grades which subsequently impacts their future career graph as most hiring firms use a student's overall grade to provide an indication of his/her potential as a law professional.

4. Discrimination in Legal Education across the Globe

When people, irrespective of age, disability, gender, nationality, race, or religion, are denied their full rights to education, this inevitably leads to discrimination in the education system and a violation of their civil rights. Discrimination in the legal education system can be perpetrated by teachers, the administration or by the students themselves. This is not a phenomenon limited to India as there are many observed instances across the globe which are enumerated below.

4.1 Discrimination across Legal Education in the United States of America

The United States of America has several federal civil rights laws that prohibit discrimination in programs or activities that receive federal or financial assistance from the Department of Education. Some of them are:

- Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the bases of race, color, and national origin
- Title IX of the Education Amendments of 1972 - prohibits sex discrimination
- Section 504 of the Rehabilitation Act of 1973 - prohibits disability discrimination
- Title II of the Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination on the basis of disability. (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance)
- Age Discrimination Act of 1975 - prohibits age discrimination

The existence of discrimination in the legal education system is evident in American law schools. A recent example would be the nondiscrimination policy issued by the Yale law

¹²SATARUPA SEN BHATTACHARYA, *Labelled, bullied, humiliated: What LGBT student in our school go through*, CITIZEN MATTER (June 11, 2018), <http://citizenmatters.in/india-city-schools-homophobia-lgbt-discrimination-gender-research-6863>

school.¹³ Heather Gerken, the dean of Yale law school further said that “*going forward, we will not fund the work of an employer that refuses to hire students because they are, for instance, Christian, black, a veteran or gay. Without that policy, we would be forced to subsidize employers that discriminate against our own students*”.¹⁴ She also stated that the law school would create “*an accommodation for religious organizations and a ministerial exception, consistent with antidiscrimination principles. Yale does not want their students to be discriminated on basis of religion, race, gender, veteran’s status, sexual orientation, or gender identity.*”

It is also been observed that American Bar Association has kept lower Law School Admission Test score (LSAT) as well as Undergraduate Grade Point Average (UGPA) requirements for differently colored people.¹⁵ However, it should be noted that the bar only accredits those institutions which produce high average scores front their graduate cohorts.¹⁶ Law schools with higher percentages of non-white students will consequently have lower averages and hence are not generally accredited by the American Bar Association. This is a major reason why the number of African-American lawyers are extremely low. Also, people from accredited colleges end up with jobs at the top law firms.¹⁷ It is clear that American Law school and institutions avoid taking students of other color. This is a form of institutional racism. Institutional racism occurs when an institution adopts a policy, practice, or procedure that appears neutral prima facie but has a disproportionately negative impact on a racial or ethnic minority group. Recent studies by a Stanford university student research team states that the conservative and libertarian law professors often face discrimination in top-tier, elite schools as compared to their liberal counterparts.¹⁸

A few facts pertaining to the USA regarding discrimination still prevalent in the legal education system:

1. Many potential minority law professors do not apply for positions for fear of hostility in US law schools.
2. African-American constitute 13% of the population out of which nearly 4% are in this profession. They have failed to get admissions in American law schools due to racial discriminatory admission criteria.
3. United States has banned transgenders from serving in the Military. Many law schools have therefore prohibited JAG recruitment on its campus as such recruitment camps

¹³ Statement From Yale Law School on Nondiscrimination (April 4, 2019), <https://law.yale.edu/yls-today/news/statement-yale-law-school-nondiscrimination>

¹⁴ *Id*

¹⁵ Transcript Sumarization <https://www.lsac.org/applying-law-school/jd-application-process/cas/requesting/transcript-summarization>

¹⁶ Selected Reading on LSAT and Minority Admission , <<http://academic.udayton.edu/Race/03justice/LegalEd/Legaled05.htm>>

¹⁷ GEORGE B. SHEPHERD " *No African Lawyers Allowed: The Inefficient Racism of the ABA's Accreditation of Law School*" RACE, RACISM AND THE LAW (March 2001) <https://racism.org/articles/basic-needs/education/268-education-legal-education/the-whitest-law-schools/law-school-admission-discrimination/2908-no-african-american-lawyers>

¹⁸ James C. Phillips, a non-resident Fellow with the Constitutional Law Center at Stanford Law School <<https://www.campusreform.org/?ID=11278>>

conflict with the non-discrimination policy of the schools. However, this is done at the cost of federal funding given to these institutes, which provides financial support to many students. Therefore, schools like Boston University have had to allow the JAG to participate in this year's recruitment season.¹⁹

An incident of major discrimination in the legal education of America was observed in the law entrance exam wherein LSAT was sued by US Department of Justice for not giving extra time to physically disabled student appearing for LSAT.²⁰ Reputed law schools such as the Harvard law school are also facing lawsuits for alleged discrimination in admission practices.

4.2 Discrimination across Legal Education in Australia

Australia has laws that prohibit the discrimination of anyone on the grounds of age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment.²¹ Australia's federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The department also administers the Australian Government Guidelines on the Recognition of Sex and Gender. There are a few important aspects of discrimination in legal education in Australia.²² One such aspect is found under the Sex Discrimination Act 1984 (SDA). Section 38 of the Act exempted religious schools/ educational institutions based on religious ideologies from practicing discrimination on basis of sexual orientation, gender identity, relationship status or pregnancy. This discrimination is based on the doctrine preached by these institutions. In 2013, LGBT+ was also included in this exemption. The discrimination is believed to be in good faith. It is seen that law schools are still engaged in discriminatory practices with the contracts of teachers being terminated and students being expelled from the schools. Though the Australian Government later excluded LGBT+ from this exemption, it still gave the religious schools enough scope to design policies/rules which discriminated the LGBT+ indirectly. These religious schools are significantly funded by government or to say indirectly funded by taxpayers who are subjected to this discrimination. Even though direct prohibition on discrimination exists, indirect discrimination is still in widespread practice

¹⁹KATHRYN RUBINO, *Student Protest Law School For Inviting Military Recruiters On Campus*, ABOVE THE LAW(Feb 12, 2019) <https://abovethelaw.com/2019/02/boston-university-law-students-protest-law-school-for-inviting-military-recruiters-on-campus/>

²⁰ *Does the LSAT Discriminate Against the Visually Impaired?*, HARVARD CIVIL RIGHTS- CIVIL LIBERTIES LAW REVIEW (March 13, 2015), <https://harvardcrcl.org/does-the-lsat-discriminate-against-the-visually-impaired/>

²¹ Australia's anti-discrimination law <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australias-Anti-Discrimination-Law.aspx>

²² Australia and New Zealand Journal of Law and Education, 2009, 14 (1), pp. 5 – 22 <http://classic.austlii.edu.au/au/journals/IntJILawEdu/2009/2.pdf>

4.3 Discrimination in Legal Education across the United Kingdom

The Legal education system in the UK is based upon the Common Law system which had been developed through the judicial decisions and customary laws crystallized through the practices and tradition followed over hundreds of years. There are three separate legal jurisdictions within the United Kingdom - England and Wales, Scotland and Northern Ireland. All three are based upon the Common Law system. Both in terms of academic quality and professional training, their legal education system is one of the most developed legal education systems in the contemporary world.²³ However, according to a Government audit there is rampant discrimination within British schools as well.²⁴ According to the newly published audit into racial disparity in public services, it highlights the vastly different experiences of ethnic groups in UK's schools, workplaces, hospitals and justice system, and reveals huge regional disparities. Commenting on the audit, Chris Keates, General Secretary of the National Association of Schoolmasters Union of Women Teachers (NASUWT) said the union "*welcomes the publication of this audit as a step to confirming the well-documented problem of racial discrimination at work and in our public life*".²⁵

It is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on the grounds of race, sex, disability, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief in admissions, access to benefits or services, exclusions, and in the employment of staff. There are some exceptions so as to allow for the maintenance of faith schools and single-sex schools; some disabled pupils and pupils with a statement of "special educational needs" may be segregated in special schools, and schools may temporarily or permanently exclude pupils for disciplinary reasons. The EHRC is a public body in England and Wales which promotes and enforces equality and non-discrimination laws in the UK. It hopes the inquiry will show how widespread racism on university campuses is and what can be done to tackle it. Despite the existence of clear non-discrimination laws, there are recent instances about discrimination in education in UK.²⁶

- There have been several racism-related incidents at universities in 2018 which have made national news headlines. In May, a WhatsApp group at Exeter University was uncovered which, alongside jokes about rape, included racial slurs about other students. "*Ignorant jokes are one thing, and genuinely appearing to have some form of prejudice towards people of colour is a total other thing,*" student Arsalan Motavali told Radio 1 Newsbeat at the time.²⁷

²³ Dr. Abdullah Al Faruque, Legal Education System in the UK: An Overview, Chancery Law Chronicles, May 2, 2009, <https://www.clcbd.org/journal/9.html>

²⁴ ANUSHKA ASTHANA, HELENA BENGTTSSON, *Audit lays bare racial disparities in UK school, court and workplace*, THE GURDIAN (October 9, 2017) <https://www.theguardian.com/uk-news/2017/oct/09/audit-lays-bare-racial-disparities-in-uk-schools-courts-and-workplace>

²⁵ EDUCATION INTERNATIONAL, *UK: Racial discrimination is a reality in school and classroom*, EDUCATION INTERNATIONAL (November 10, 2017) <https://ei-ie.org/en/detail/15446/uk-racial-discrimination-is-a-reality-in-schools-and-classrooms>

²⁶ *Racism at university: Inquiry launched by UK's equality body*, BBC (4 December, 2018) <https://www.bbc.com/news/newsbeat-46432710>

²⁷ *Id*

- A student was banned from the University of Warwick for life after racist and misogynist messages from a Facebook group were made public. Another two were banned for 10 years and other members from a group of 11 were suspended for their involvement with the group.²⁸
- Earlier this year a 19-year-old student from Nottingham Trent University was fined £200 and ordered to pay £500 compensation after admitting to chant "*we hate the blacks*", saying the phrase was just banter between friends.²⁹

4.4 Observation

It is very surprising to see that developed countries like USA and UK have such prevalence of discriminatory practices pertaining to legal education, irrespective of several federal civil rights laws which prohibit discrimination through various legislations. It can also be seen that the paramount discrimination type in American legal education system pertains to racism, wherein people of color are discriminated against during admissions in law schools on the basis LSAT test scores and the discriminatory practices of American Bar Associations which are biased of not admitting black people to the American Bar.

The Australian as well as British legal education system have a prevalence of discriminatory practices on the basis of sexual orientation, gender identity, or relationship status. These aforesaid discriminatory practices not only affect the legal education system of their respective nations but also affect the mindset of the future law students who feel as if they have restrictions in pursuing law, or any kind of education for that fact. Such practices affect the motivation of young law students and hampers their growth and over-all development. Discrimination in any capacity jeopardizes the stability and personal growth of an individual.

5. Legal Education Model Proposal:

Neptotism has always been a culture in the law profession. One's family background plays an important role in deciding the extent of struggle and need for hard work to enjoy a successful career. Well deserving and intellectual candidates are bound to face a long phase of the struggle if they lack an illustrious legal family background. The proposal intends to propose a few potential solutions for addressing the prevailing issues in the Indian Legal Education System. The proposal intends to further research on the legal education models and other possible solutions. In order to overcome these obstacles of discrimination in any sense in the Indian legal education system a proper legal education model must be proposed and backed by the University Grant Commission and Government of India, and be efficiently implemented in a timely manner.

5.1 Language classes in Law schools

Language classes or legal education in various languages can be proposed in law schools for the purpose of eliminating discrimination. Potentially providing education in some of the National Languages as well as the dominant Regional languages can attempt to eliminate

²⁸ *Id*

²⁹ *Id*

isolation and promote cultural harmony in the nation. Language learning whether regional or international should be an important part of the curriculum in law schools. This education methodology in law school would assist in eliminating discrimination on the basis of culture - as students while learning other regional or international languages will start respecting the native language of other students which will enable harmony in global law institutes, wherein law faculty are engaged in academia from and around the world. The Indian Legal Education System should be modified in such a way that the essence of every culture and language is maintained. The education pattern, grading system and selection system should be common throughout the country.

5.2 Training of Law Faculty in Law Schools

It is important for law schools to introduce mandatory training to teachers by language and cultural experts. Faculty training must include concepts of abolition of prevailing discriminatory practices including language, region, caste, outer appearances, financial disparity, family background, etc. They should further be trained by introducing mock session, practical demonstration training classes. The growth of the students should be the priority of an educator, faculty or teacher. However, it has been observed on occasions in practice that faculty operate with a fixed and stringent mindset. The observation of Carol Dweck, a Stanford University professor of psychology and author of the famous “Mindset: The New Psychology of Success”, stated that “*growth mindset is the belief that one’s abilities, qualities, and intelligence can be developed, while a fixed mindset believes that intelligence and one’s qualities are unchangeable*”.³⁰ We can all bring to mind some stalwart teachers and administrators who refuse to change and are stuck in their practice or reject new ideas. Just as we teach our students to continuously improve, grow, learn, and change, so must we train educators for the same mindset.³¹ Even the observation of Freberg, a professor of psychology at California Polytechnic University in San Luis Obispo, rightly points out that having a growth mindset in faculty is very important through which the faculty have a sense of believing that their students can improve and learn on a regular basis. A further flexible approach from the faculty and educator will discriminate the practice of them observing their students as bad and good students.³² Therefore, incorporation of a growth mindset is very important for the Indian law school faculty as it will assist in making them flexible in their approach which will lead to a better legal education for the students and decrease the practice of discrimination between students by the professors on various grounds.

³⁰ *Supra* 3

³¹ SHAZIA AHMED and LISA ROSEN, *A Growth Mindset: Essential for Student and Faculty Success*, FACULTY FOCUS (January 18, 2019) <https://www.facultyfocus.com/articles/philosophy-of-teaching/a-growth-mindset-essential-for-student-and-faculty-success/>

³² PHILIP PREVILLE, *How Faculty Can Apply a Growth Mindset To Their Teaching*, TOP HAT (Dec 12, 2018) <https://tophat.com/blog/growth-mindset-teaching/>

5.3 New set of Rules and Regulations for Universities and Law Schools

There is urgent need for the University Grant Commission (UGC)³³ to come up with strict rules and regulations. A strategic plan for this immediate implementation is needed to develop a sense of harmony between the students and the faculty. Every student should be considered equal and should be supported with classes pertaining to abolition of discrimination practices. Either individual teaching or working together in a team, the main goal is to educate the young and aspiring lawyers who will eventually benefit the legal profession as well as the society at large. In order to prevent discrimination in education and eradicate the hostile environment that such discrimination promotes the Indian government needs to enact and enforce statutory protections for the law schools. Imparting quality legal education indiscriminately to everyone who enrolls should be the paramount goal of the legal education system.

5.4 Developing a Clinical Legal Education Model

In India, Clinical Legal Education is an important aspect of legal education. This concept of educating future lawyers is growing at a rapid speed and also plays a vital role in bridging the gap between theory and practice. The Bar Council, Law Commission, Government of India and other private and public authorities have recognized the importance of Clinical Legal Education; however, this methodology is still in its nascent stage. A Clinical Legal Education method is completely based on learning laws and advocacy through a practical approach, which helps in acquiring the skills required by an advocate in India. It has been observed that Indian law schools offer “legal aid cells”, where students are required to provide legal services to weaker section of societies and communities.³⁴ It is an important aspect of teaching young law students, through which they hone their practical knowledge of law by learning valuable legal skills including legal research, writing, drafting, fact-finding, investigation, counseling, client interaction and problem-solving techniques. In addition to this, the law students also develop a sense of responsibility towards the society and understand the value of social justice through the process of legal aid programs and also realize the extent and effect of discriminatory practices prevailing in our country and legal education system.

5.5 Schools should promote basic legal education in primary schools

The most conducive period to learn and grow for students is during the primary education they receive in schools. Indian schools should prepare students to fight and understand the real world outside the school, colleges, and work place. Schools should bring mandatory legal education programs in their curriculum and should further work on the development and

³³ The University Grants Commission of India is a statutory body set up by the Indian Union government in accordance to the UGC Act, 1956 under Ministry of Human Resource Development, and is charged with coordination, determination and maintenance of standards of higher education

³⁴ Report on National Seminar on Law School Based Legal Services Clinics Organized by National Legal Services Authority, New Delhi, https://www.academia.edu/34748423/Report_on_National_Seminar_on_Law_School_Based_Legal_Services_Clinics_Organized_by_National_Legal_Services_Authority_New_Delhi

enhancement of students. The Constitution of India should be included as a subject from Grade 7 wherein they should be taught about the fundamental rights of an Indian citizen prevailing in the Constitution. Teaching parts of the Constitution, including the preamble and the fundamental rights, will help in a better upbringing of students and also improve the mentality of teachers in the school pertaining to legal education in India and the concern of prevailing discrimination practices. The reading and understanding of Article 15 of the Constitution of India³⁵ which states that Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, should be made compulsory in schools and practical training for students and teacher should be conducted. This model will help in strengthening the educational base for students and the future faculty, and will further prepare them to abolish any kind of discrimination prevailing in the Indian legal system.

6. CHALLENGES IN THE PROPOSED LEGAL EDUCATION METHODS

The proposed legal education model will undergo various challenges. Some of them include: Considering the introduction of language learning method in law schools. This might not be a very practical solution as it requires significant manpower and monetary resources to implement. Most law students are also not willing to dedicate their efforts and time to learn a myriad of languages and aspects of cultures in India and are rather more inclined in learning about various precedents and relevant laws for their legal career.

Considering the introduction of faculty training method in law schools. This concept will increase the expenditure of law schools which will impact the charges of tuition of the students. Though this method will surely bring the required change and will strengthen the Indian legal education system, the resources required for the implementation is immense.

Considering the introduction of a new set of rules and regulations for law schools to avoid discrimination on the basis of an individual's appearance, gender, behaviour and background. Though this will be a productive and effective method to control discrimination, adherence to such rules and regulations by the law schools is not standardized and it is blatant that law schools and their academy autonomy will be a major obstacle to achieve this objective.

Considering the Clinical Legal Education model for law schools in India. Clinical Legal Education programs in Indian law schools are in a nascent developing stage. Efforts are being

³⁵Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to

(a) access to shops, public restaurants, hotels and palaces of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public

(3) Nothing in this article shall prevent the State from making any special provision for women and children

(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes

made towards enhancing the practical skills of law students and further assisting them in understanding the importance of social justice. It has been observed that students who have exposed to Clinical Legal Education are prepared to deal with the practical problems existing in the society, in forms such as poverty, discrimination, social exclusion, injustice and the crude reality. However, the Bar Council of India has faced various obstacles in the course of introducing such an advanced system of schooling and legal education within the nation.

Considering the introduction of legal education in primary schools to hone the understating of children about the Indian legal system and create awareness about prevailing discriminatory practices within the country. This addition to the current curriculum might be way more demanding for school children. Also, in the earlier stages it would be tougher to grasp the legal concepts or have a good understanding of the Constitution as it requires a lot of intellectual prowess.

7. CONCLUSION

Legal education plays an important role in establishing a law-abiding society. Therefore, law schools have to promote social engineering considering the plethora of problems faced by the Indian legal system including poverty, corruption, extraordinary delay in justice system, lack of governance and discrimination. The necessity of proposing a legal education model has arisen due to a clear decline in the standards of modern education. An imminent reason for the same is a lack of resources and infrastructure in law schools to deal and remedy fundamental deficiencies in the academic preparation for many of today's students. Through the discussion of discriminations prevailing in Indian legal education in detail, it is clear that there is an urgent need to deal with discrimination practices in law schools. Therefore, a meticulous method for same should be adopted. The journey towards achieving the objectives of eradicating discrimination in legal education is a long and tiresome process; however, these efforts will be integral to bring about changes in society.

Legal education is an immensely powerful tool through which an individual can be empowered to make huge differences. The primary motive to research on this topic arises from the ideal to propose a better model for legal education which will enhance the legal education system and eliminate the myriad of discrimination prevailing in the system.