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LEGAL EDUCATION IN INDIA

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ABSTRACT:

As the title suggests, the main aim of this article is to through light and knowledge on what works to prevent crime by bringing together leading evidence-based research and the various interventions being organized to prevent crime. This article talks about legal education - its historical context and its importance. It focuses on the evidence-based approach, juvenile delinquency, and correctional treatment of in-prison inmates. How can juvenile delinquency be achieved? It also highlights the role of therapeutic jurisprudence in achieving juvenile delinquency prevention through transformative criminal law clinics. Additionally, the article proposes suggestions to fortify legal education, contributing to a stronger and self-reliant nation. By exploring these topics, the article provides valuable insights into the realm of crime prevention and legal education, ultimately aiming to foster a safer and more resilient society.

What Is Legal Education?

Legal education is not only for lawyers and judges but also for the layman as the law is dynamic and pervasive. From owning a house to running a company basic knowledge of law is quintessential. Today the law is not just an instrument of social control but also social change and therefore lawyers are known as social engineers. Law, legal education, and development are interrelated terms in modern societies that help develop the socio-economic situation of the people. Law and legal education are two interrelated concepts where it elevates the socioeconomic condition of the people.

Historical Context

Legal education has grown in India post-independence, but it has exponentially grown in the last three decades.¹ This accelerated growth has coincided with the liberalization of the Indian economy. Legal education is *sine qua none* as it does not only create law-abiding citizens but also produces inspiring jurists and astounding lawyers. Our Constitution has granted the

¹ Jayaram, R. and Swarup, A. *Legal Education in India, The Higher Education Review*, (July. 01, 2023, 9:29 PM), Available at: <https://www.thehighereducationreview.com/opinion/recruiters-angle/legal-education-in-india-fid-95.html>.

fundamental right to educated to each citizen of the country. Honorable Justice Krishna Iyer made an accepted proposition that ‘the profession of law is a noble calling and the members of the legal profession occupy an esteemed status in the society’.² The Constitution of India has laid down the duty of imparting education to the States under List - II of the Seventh Schedule.³

Why Legal Education?

By imparting legal and moral values we can create law-abiding citizens who will be inculcated with human values and rights. In a welfare state like India law plays a very important role in the socio-economic development of the society. Law is like the cement of a society. By imparting legal education it can still knowledge about public affairs and democratic culture and can make an individual into law-abiding citizens of the country. Ignorance of the law is no more an excuse but a ‘sin’. We are no more a *laissez-faire* state but in a welfare state like India law plays a very imperative role and acts as a precursor in identifying your legal and human rights. One of the most crucial functions of legal education is to produce good lawyers within a developing country like India.⁴

How Can Legal Education Prevent Crime?

1. Evidence-Based

Approach⁵

Crime prevention should be rational and based on the best-produced evidence. There are many programs that be considered for putting an end to effective crime. For example, there may be different Governmental priorities, such as military defense spending, environmental protection, etc. An Evidence-Based Approach attempts to mitigate crimes by ensuring that the best evidence is considered and creates systematic feedback to provide continuous improvement in the quality and achievement of the police. It is crucial to use the highest quality of evaluation designs to investigate the effects of these crime prevention programs and whether a Particular crime prevention strategy like

² Kaushal, P. (2022) *Legal Education in India*, Law Corner, (July. 01, 2023, 9:29 PM), Available at: <https://lawcorner.in/legal-education-in-india/>.

³ *Legal Education In India* (2014) *bharatiyavidhisansthan.org*. Available at: (July. 01, 2023, 9:29 PM), <http://www.bharatiyavidhisansthan.org/legalEdu.aspx>.

⁴ Kaushal, P. (2022) *Legal Education in India*, Law Corner, (July. 01, 2023, 9:29 PM), Available at: <https://lawcorner.in/legal-education-in-india/>

⁵ Evidence-Based Crime Prevention (2006). London: Routledge.

parental, developmental, etc can do the needful.

There are various programs and methods that can be designed to prevent crime.

1. A systematic review method is the most rigorous method for assessing the effectiveness of these crime prevention programs.
2. The meta-analysis method⁶ examines the interventions for reducing recidivism in youth. It helps in interventions that embody 'therapeutic philosophy' that help and aim at nurturing and directing the young crowd in a positive direction by developing the practice of having programs like child skills training, behavioral parent training (BPT), family functional therapy (FFT) which we will discuss later in this article.

2. Juvenile

Delinquency⁷

Disruptive behavior in children can be exposed them to an array of behavioral problems that can include stealing, cheating, lying, and sexually coercive behaviors. Exposure to such a legal psychiatric field will help diagnose their disruptive behavior and can help treat adolescents psychiatric disorders. Assessing these behaviors can help determine whether they are sanctioned by law or not as such behavioural issues can lead to delinquency. Therefore all these calls for a parenting program that be offered to poorly educated mothers to reduce delinquent behavior in adolescence. Home visitation programs right from a lady's pregnancy to two years following the birth of a child can be aimed at targeting the maternal physical and psychological development and physical health, and parenting skills. These programs can have a long-term impact on the quality of the family environment which can be a key to delinquency prevention. Schools can offer family counseling where they are educated in reinforcing helpful behavior and addressing anger management this can help prevent the rate of suicides in our country. The quality of a parent-child relationship can have a great impact and can facilitate the child's foundation right from the beginning and can control impulsive and aggressive behavior.

⁶ Ross, A. et al. (2011) *Prevention And Reduction: A Review Of Strategies For Intervening Early To Prevent Or Reduce Youth Crime And Anti-Social Behaviour*, UK Government. Available at: (July. 01, 2023, 9:29 PM), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/198954/DFE-RB111.pdf.

⁷ Farrington, D.P. and Welsh, B.C. (eds.) (2007) *Preventing Crime : What Works for Children, Offenders, Victims and Places*, Springer. New York, NY: Springer, (July. 01, 2023, 9:29 PM), Available at: <https://link.springer.com/book/10.1007/1-4020-4244-2>.

Since children spend so much time in school and after school work schools are important in shaping a child's criminal and orientation behavior from the youth itself. A study—proves that attending school and obtaining credentials reduce a child's criminal behavior. There are so many drug-related offenses that take place in schools. If schools are well publicized and offer exclusionary punishments or active police involvement it can achieve crime prevention in juveniles. Schools with the help of Governmental funds can invest in extensive school security and a disciplinary infrastructure. By offering additional after-school recreational activities a child would be engaged and can enhance their set of skills and development.

3. **Correctional Treatment or Education To In-Prison Inmates⁸-**

Many states like Florida, Illinois, California, etc are slashing correctional education budgets due to budget crises. But it's the state's responsibility to ensure public safety.

How can Juvenile Delinquency be achieved⁹?

The effectiveness of correctional treatment was commissioned by the state of New York to review the most effective means to rehabilitate prison inmates. This includes treatments like educational and vocational training, individual and family counseling, medical treatment, etc.

There are two types of correctional educational programs - vocational training and literacy development courses. It is believed by researchers and scholars that these courses are designed in such a way that improves the cognitive skills of the inmates in such a way that helps them to live a crime-free life.

1. Education - Evidence suggests that the education programs for inmates increase literacy resulting in increased education plus income. This can prevent them from

⁸ Vacca, J.S. (2008) 'Crime can be prevented if schools teach juvenile offenders to read', *Children and Youth Services Review*, 30(9), pp. 1055–1062. doi:10.1016/j.childyouth.2008.01.013.

⁹ Bazos, A. and Huasman, J. (2004) *Correctional Education as a Crime Control Program*, *UCLA School of Public Policy and Social Research*. UCLA School of Public Policy and Social Research. Available at: (July. 01, 2023, 9:29 PM), https://books.google.co.in/books/about/Correctional_Education_as_a_Crime_Contro.html?id=ZEYYnQEACAAJ&redir_esc=y.

further breaking of laws as people choose fewer crimes over increased income with a legal job.

2. Socialization- Adequate training in prisons can increase socialization and help them boost their social skills and development as they get an opportunity to learn pro-social norms. It helps inmates interact with educators that can transform them into law-abiding citizens of the country and reduces alienation and recidivism in them.

Studies and evaluations have effectively revealed that as per the cost-effectiveness comparison analysis, i.e comparing the cost per crime prevented by correctional education programs to the cost per crime prevented through longer imprisonments or incarceration the crimes prevented through incarceration were 350 whereas, the same amount of investment in education will prevent more than 600 crimes. Correctional education holds the power to change the whole outlook of the offender by making them educated and job-oriented which can in turn reduce their likelihood of reoffending. Correctional education is a fundamental human right that helps rebuild the prisoners of our society. For example, solitary confinement is a process of isolation, and prisoners in solitary confinement face a number of challenges that can have a negative mental or physical impact on them. It can lead to anxiety, depression and can cause a feeling of Vengeance in them. Due to such feelings, it can be difficult for them to participate in such educational programs. But, despite all these such programs can be tailored to the specific needs of the prisoners by providing them individualized instruction, providing support services like counseling and mental health treatment can help them to cope with the challenges that they face in solitary confinement and can thus be transformed as crime-free Citizens of the country.

The Use of Therapeutic Jurisprudence¹⁰

How can therapeutic jurisprudence transform criminal law clinics?

Therapeutic jurisprudence is a model of lawyering where lawyers practice with an ethic of care and good interpersonal skills and seek to prevent legal problems for their clients through sensitive counseling and the use of ADR. Through legal counseling, lawyers can help penetrate

¹⁰ Wexler, David B. (2014) "Two Decades of Therapeutic Jurisprudence," *Touro Law Review*: Vol. 24: No. 1, Article 4. (July. 01, 2023, 9:29 PM), Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol24/iss1/4>

legal education in their clients known as “Clinical Legal Education” where the lawyers are called as Therapeutic Agents.¹¹

This process values the psychological well-being of the client and has the power to transform both the lawyer and the client. It helps in improving and enhancing the individual's emotions and emotional lives. Just like how a physician can give a medicine to prevent the disease, similarly periodical, clinical education can prevent legal difficulties for an individual. Sometimes, an array of emotions like hatred, anxiety, anger, etc can be produced while delivering dialogue between the attorney and client. Therefore, at this time understanding the client's needs and where they are coming from can act as a good strategy to curb the crimes and reduce recidivism. Criminal law students need to be taught how to identify these soft spots and can help adopt adequate strategies for them.

A ‘Rewind’ mechanism can be adopted by the clinical law student,

- Where they can assess what could be the problem?
- What should be the way to solve them?
- Or explaining to the client what could be a better way to react other than this?
- How to avoid reoccurrence?

Criminal defense attorneys also need to understand the rehabilitative options like plea bargaining etc. that could be available to their clients. Especially, to those who are a victim of drugs, mental illness, alcohol substance, etc. indulging in such sensitive communications and opening their eye to such rehabilitative institutions or programs may help with their treatment and creating a good community. The client may or may not respond to such treatments but acknowledging the same can be an equal achievement. Sometimes the trial and criminal charges alone can also act as a catalyst for the defendant to face the problem. Hence, in such situations, education or a rehabilitative option or opportunity can pave the way for the client. It is thus important for every law student to try and understand their client's needs, and preferences. Sometimes persuading the judge to adopt a rehabilitation program for a young

¹¹ Christopher Slobogin, Therapeutic Jurisprudence: Five Dilemmas to Ponder, 1 Psychol. PUB. POL'y & L. 193 (1995). (last visited July. 6, 2023).

client rather than a more traditional sentence of imprisonment can help transform society at large.

SUGGESTIONS:

A good lawyer shall and must possess good inter-personal listening and counseling skills where he can patiently listen to the other individual's point of view and shall have a critical understanding of human institutions and values, where the objective should only cater to changing the mindset of the criminal mind as a lawyer is most conversant with the problems of the society as a whole. Just like how at the Philadelphia meeting the Campbell Collaboration appointed a Crime and Justice Steering Committee to coordinate the work of the Crime and Justice Group (CJSC). The only mission that the group had was of preparing and dissemination of systematic reviews on the highest quality research of the effects of criminological interventions.

Similarly, this concept can be brought about in India wherein the group can appoint a few members and its representatives to improve the management of the criminal justice system and to suggest such punitive measures to prevent delinquency in such crimes. Legal counseling in schools can be provided in the form of legal advice and assistance to students, teachers, and other school staff. Topics like student rights, school discipline, school safety, and family and immigration law can fall within the ambit of legal counseling. Legal counseling can thus be beneficial to students for a number of reasons and can help them access legal services.

The Government can provide free education to all citizens, regardless of their income or social status. The provision of free legal aid and education by the Government is an important way that justice and legal education are provided to all the citizens of the country and everyone has access to justice. It can help people to understand their rights and duties and help people find legal representation.

Post-release support services can also be provided to the inmates of prison by the Government. A thorough screening and examination of the inmates can be done. Drug treatment programs can be offered to drug offenders who are struggling with addiction such as medication, counseling, and other support groups can be formed in order to cater to their needs and understand their preferences. Post-release jobs can be offered to them that can help them to up

skills and find jobs. Mental health counseling can be offered that can help address those issues that have contributed to their incarceration.

In the USA, Multi-Dimensional Treatment Foster Care is established where young people are placed in short-term foster homes where they can receive individual therapy and behavioral counseling. Similarly, if the schools in India can offer additional after-school recreational activities on a mandatory basis the child will be engaged and can learn and develop a new set of skills for them which can help reduce the rate of recidivism in the country.

Legal counseling in schools can provide students with the knowledge and support they need to understand their legal rights and responsibilities. This can be especially important for students who are facing legal challenges, such as child abuse, bullying, or discrimination. Legal counseling can also help students develop problem-solving skills and learn how to advocate for themselves. This can be valuable for students in all areas of their lives, not just in the legal realm.

CONCLUSION:

1. Need for legal reform

It is essential for law schools, to bring about global perspectives and changes brought about by the wake of globalisation and impart such skills to students in this increasingly transnationalised legal world. The advent of globalization has made it mandatory for the courts and legal world to lay emphasis on the diversity of legal orders and to recognize other forms of legal ordering in addition to their domestic and municipal laws. In view of this transnationalisation today, we need lawyers who can look beyond the scope of their jurisdiction and forge new tools and techniques in accordance with the changing times and situations. In today's world and growing demand, I think lawyers should be trained in their profession in such a way with a man of great understanding and general knowledge of all the other subjects, incorruptible integrity, and a high sense of honor. Being a member and party to the General Agreement on Trade in Services India is duty-bound to give admissibility to foreign lawyers and universities in its country. Therefore India should re-structure and re-orient its legal education to meet the challenges of globalization.

2. Recidivism

Recidivism means the rate at which prisoners return to jail without considering the reasons for incarceration. Correctional education thus helps reduce recidivism by making such inmates self-sufficient so that they can be re-integrated back into society and become productive citizens of India. The Select Committee on Narcotics Abuse and Control (1993) study's proved that prison literacy and other vocational educational programs worked as incentives for encouraging inmates' participation when they saw clear opportunities for upskilling and improving their capabilities. Education teaches individuals to be more patient as this would discourage crimes. Schools and education have a correlation with each other where the school quality and type of schools affect the criminal behaviour in an individual.

3. Adult education¹²:

- Can adult education reduce crimes?
- Can adults improve their cognitive skills by attending academic courses?¹³

It's important to answer these key questions. Research and evaluations have shown that adults can benefit from education services in different ways. California and Ohio have proved that adults can gain a literacy level after a basic education program. The criminal law clinic is a good vehicle for teaching interviewing, trial preparation, and litigation skills. Helping the client to understand rehabilitation and its importance exposes the client to the subtleties of interviewing, counseling, and drug treatment. It's time for us now to expand the concept of criminal law clinics in this direction and train criminal lawyers to represent their clients in plea bargaining and rehabilitation.

¹² Hjalmarsson, R. and Lochner, L. (1970) *The Impact Of Education On Crime: International Evidence*, CESifo DICE Report. (July. 01, 2023, 9:29 PM), Available at: <http://hdl.handle.net/10419/167078>

¹³ Bazos, A. and Huasman, J. (2004) *Correctional Education as a Crime Control Program*, UCLA School of Public Policy and Social Research. UCLA School of Public Policy and Social Research. Available at: (July. 01, 2023, 9:29 PM), https://books.google.co.in/books/about/Correctional_Education_as_a_Crime_Contro.html?id=ZEYYnQEACAAJ&redir_esc=y