IMPLEMENTING NEP 2020 IN LEGAL EDUCATION: POST-INDEPENDENCE DEVELOPMENTS AND FUTURE PROSPECTS – A

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ABSTRACT

The Indian freedom movement was greatly aided by lawyers and jurists. Historically, themost of the freedom fighters and legends practiced law which significantly contributed to the freedom struggle.

This artefact explores the evolution of legal education following independence. The artefact also reviews the implication on legal education under National Education Policy 2020 (NEP 2020/Policy) which was released in the year 2020 on legal education. The Policy was proposed to improve and revamp the structure in education, regulation and governance.

In this background, this artifact offers insight into the Legal Education under the NEP 2020 and provides a roadmap for future to implement the same by the 75th anniversary of Indian Independence, highlighting its congruence to the NEP's aim and objectives, manifesting the vision of Atmanirbhar Bharat and ideologies of the freedom fighters.

Keywords: Prospect of Legal Education, National Education Policy 2020, NEP 2020, Roadmap to implement NEP 2020

1.1 Prologue

Education illuminates the key to success. A right education imparts knowledge about the subject matter and also teaches important values like integrity, compassion, honesty, punctuality, discipline, perseverance, dedication and respect.

Education in Law has gained tremendous momentum, along with mainstream higher education in the arts, humanities, social sciences, and sciences. It offers a good platform for professional development. A career in law has gained as most-noble career. Since liberalization, privatization, and globalization, India has become an integral part of the global economy. Indian legal education must follow the globalization process and adapt to the demands and keep pace with the global world and address challenges posed by globalization. Lawyers are not merely professionals representing clients; they are Social Engineersⁱⁱⁱ and often carry the connotation as Jack of all trades, master of none^{iv}, but oftentimes better than a master of one. It is important to recognize that legal education prepares students for careers in legal and judicial institutions and for roles such as lawyers, judges, academicians or researcher scholars and social activists who help provide access to justice for the public. Consequently, defining a country's legal system, and as such, in accomplishing the set goalsof justice, liberty, equality, equality, and fraternity.

1.2 Remembering the Legends^v

It is a fact that Indian freedom movement has been aided greatly by lawyers and jurists it is equally important to remember their contributions. Historically, the legendary freedom

fighters and legends who practiced law were Dadabhai Naoroji, Sundernath Bannerjee, Madan Mohan Malviya, Motilal Nehru, Bal Gangadhar Tilak, Asaf Ali, Bhulabhai Desai, C. Rajagopalachari, Lala Lajpat Rai, Saifuddin Kitchlew and Chitta Ranjan Das. It is inconceivable to overlook eminent by Mahatma Gandhi, Sardar Vallabhbhai Patel, Rajendra Prasad, Bhimrao Ramji Ambedkar and Jawaharlal Nehru which cannot be forgotten their contributions made in the cause of liberty, equality, justice, and truth.

1.3 An Overview of the Post-Independence Legal Education System inIndia

Legal education in India has ancient roots and was developed in the modern era during the British colonial rule. The landscape of legal education has changed considerably since Independence and in recent years.

Under the Constitution of India, there is no specific entry in the VII Schedule that deals with legal education. However certain legal education forms part in "Coordination and determination of standards in institutions for higher education" is the subject matter of Entry 66 of List I of the VII Schedule to the Constitution of India. Entry 25 of List III also pertains to education: "education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I of the VII Schedule; vocational and technical training of labour."

In *State of Maharashtra Vs. Manubhai Pragaji Vashi & Ors*^{vi} the Hon'ble Supreme Court held in para 16 of the judgement that –"The need for a continuing and well organized legal education, is absolutely essential reckoning the new trends in the world order, to meet the ever growing challenges. The 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. Specialisation in different branches of the law is necessary. The requirement is of such a great dimension, that sizeable or vast number of dedicated persons should be properly trained in different branches of law, every year by providing or rendering competent and proper legal education".

1.4 A Dual Legal Education System with Different Core Curriculum

Today there more than 1500 legal institutions as recognised by Bar Council of India (BCI), under the parent act i.e. the Advocate Act, 1961 regulating the legal education. It evident to note today there is a dual legal education system offering different core curriculum. There are namely:

- One System of Legal Education is Three-Year Law Course introduced by BCI in 1967. For admission in Three-Year Law Course, a person must be a graduate having Bachelor's Degree in the discipline of Science, Arts, Commerce, Medicine or Engineering, etc. whatever an individual like to do.
- Second System of Legal Education is is Five-Year Law Course re-introduced by BCI in 1982. This system has since been gradually adopted in various Universities and Colleges as BA-LLB, BBA-LLB, etc. In 1987, National Law School(NLS) (now known as National Law School of India University) was established at Bangalore by BCI.

Today there is a feeling felt by the Judges^{vii} that even after the implementation of Five-Year Law, the quality of legal of education has not been improved and there should be give a face-lift to the legal education.

Background and Underline Principles of National Education Policy, 2020 (NEP

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1.5.1 Background

2020/the Policy)

The Indian Government introduced the most ambitious educational policy in history the NEP 2020 on 29th July, 2020. With NEP 2020, India aims to achieve a comprehensive, multidisciplinary education that is globally competitive, holistic, and pertinent to the needs in the 21st century. This reform is only the second time that pertains to legal education. The Policy gives a vivid description of the legal education in professional education but does not elaborate on how it intends to reach that future vision for legal education. The Policy fails to address several challenges viii faced in the current legal education system. The Policy instead leaves it up to stakeholders to make their own decisions, a task requiring thoughtful leadership from university administrators and faculty members. It is therefore essential that the stakeholders gain a deep understanding of NEP 2020 pertaining to legal education to make the best decisions throughout its implementation process and set the roadmap to achieve i.e. by 2040, India must have an education system that is second to none, with equitable access to the highest-quality education regardless of social or economic background.

1.5.2 Underline Principles in NEP 2020

The underline principle in NEP 2020 is that education should develop cognitive capacities i.e.foundation skills and higher-order' and also emotional capacities and dispositions^{ix}. It also focuses that the students are at the centre of the educational process, ensuring that he/she is provided with a rigorous education that integrates arts, humanities, social sciences, sciences, as well as professional, technical, and vocational subjects. The aim of the Policy is to provide a holistic education that promotes and preserves constitutional and cultural values and to help students identify their strengths, interests, and aspirations.

1.6 Legal Education under NEP 2020

Legal education must be treated on a par with other subjects and the resources of the State should be used adequately towards ensuring the same. Legal study as an elective or optional subject is likely to reduce the effectiveness of the initiative. The law should be taught to all students, since the law would affect their lives in both personal and professional ways, regardless of whether they become scientists, accountants, engineers, or entrepreneurs. The citizens of the country should be aware of their legal rights as well as their responsibilities and duties, both toward the State and other citizens. In addition, NEP 2020 requires that students be able to choose from a variety of subject options, regardless of their core discipline.

1.7 Regulatory Bodies in Legal Education under NEP 2020^x: Status of BCI not known

NEP 2020 relating to legal education falls under the Higher Education and Professional Education and raises concerns regarding regulatory framework with University Grant Commission (UGC) which would emerge into as Higher Education Commission of India (HECI). The first vertical of HECI will be National Higher Education Regulatory Council (NHERC). It will function as single point regulator for the higher education sector and the excludes medical and legal education. Thus the question regarding BCI to continue as the Professional Council which regulates the legal education in India making the entire realm of legal education to regulate. BCI in such pursuit issued a Notification in the regulate the Higher

Education in India in accordance with present Legal Education Rules, 2008 under the parent act i.e. the Advocate Act, 1961 and simultaneously the draft Legal Education Rules, 2019^{xii} are yet to be finalised. However, the validity of the said Notification is challenged before the Apex Court in the matter of *Tamanna Chandan Chachlani V/s Bar Council of India &Ors*^{xiii} and the same is pending for final outcome.

1.8 Curriculum to Reflect Socio-Cultural Contexts^{xiv} and MultilingualEducation^{xv}

Under the NEP 2020 feature regarding the curricula for legal studies must reflect sociocultural contexts along with, in an evidence-based manner, the history of legal thinking, principles of justice, the practice of jurisprudence, and other related content appropriately and adequately. The same can be taught by practising advocate expert on the subject on visiting basis on the important subject like Constitution of India and procedural subjects such as Code of Civil Procedure, Code of Criminal Procedure giving them practical position and applicability than an academician.

The other key feature of NEP 2020 is the program's emphasis on Indian languages at the state's institutions of higher education, which should consider bilingual education for future lawyers and judges - both in English and in the language of the State in which the institutionis located. Legal education will greatly benefit from the policy which provides for educating whole generations of students bilingually and multilingually since proceeding at the lower courts are mostly in the local languages while those in the High Courts and the Apex Court are in English as provided in the Constitution of India^{xvi}. There is already series of litigation pending before the various Hon'ble High Courts. In a question raised currently before the Hon'ble High Court of Karnataka in the matter of *Samskrita Bharati Karnataka Trust v. Union of India*^{xvii} whether Kannada language as a compulsory subject while pursuing degree courses. However, the Hon'ble High Court had stayed the State direction to make Kannada language compulsory in degree courses till further orders and the matter is currently sub- judice. Another question pertained before the Hon'ble Madras High Court in the matter of

Arjunan Elayaraja v. The Secretary & Ors^{xviii} wherein the Hon'ble High Court had observed that it wouldn't be harmful if Hindi is taught in educational institutions as a third language, along with Tamil and English and the matter is currently sub-judice.

1.9 Professional Education and Integration of Vocational Education

NEP strives to provide Legal education needs to be competitive globally, adopting best practices and embracing new technologies for wider access to and timely delivery of justice. The NEP encourages Higher Education Institutions (HEIs) to provide critical thinking, problem solving, communication, collaboration, and other 21st century skills to the students. This can best be done through the exploration of alternative pedagogies involving learning by doing, teamwork etc, and through the integration of vocational education into mainstream schools and colleges Providing vocational education through HEIs has the potential to not just provide jobs to students and contribute to the economy, but to bring HEIs closer to businesses and communities - valuable connects that are either weak or non-existent at present. Given the many legal challenges that arise from the digital economy and even the gig economy, there will be considerable opportunity to introduce vocational education in related areas. The BCI in its Notification ^{xx} had defined vocational education as Professional skill learning on the job conducted by the Bar Council of India, State Bar Councils, or any continuing legal education with the assistance of Advocates in practice and includes clinical legal Education.

1.10 Student Mobility and Learner-Friendly

The Academic Bank of Credits^{xxi} (ABC) proposed in the shall be established which would digitally store the academic credits earned from various recognized HEIs so that the degrees from an HEIs can be awarded taking into account credits earned Under the ABC, students will be given multiple entry and exit options. This enables students to leave a degree or course and get a corresponding certification and re-join studies after a certain time and be able to start from where they had left. It will also provide students with the flexibility to move between institutes while pursuing one degree or leave a course. The UGC has launched ABC under the Regulation^{xxiii} and presently covers minimum Eligibility Criteria^{xxiiii} to register with ABC. The Government in recent development is considering^{xxiv} bringing all HEIs under ABCwhich will boost the standard of education.

1.11 Anecdotes from the Vice-Chancellors Conference^{xxv}

The Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms was held on 1-2 September 2018 at Plenary Hall, Indian Law Institute, New Delhi. The Conference was attended by Hon'ble Shri Justice Dipak Misra, Chief Justice of India; other Judges of the Supreme Court which included Hon'ble Shri Justice Ranjan Gogoi; Hon'ble Shri Justice Madan B. Lokur; Hon'ble Shri Justice Kurian Joseph; Justice A. M. Khanwilkar; Hon'ble Dr. Justice D. Y. Chandrachud and Shri Justice A.K. Sikri. There were other dignitaries included Prof. (Dr.) N. R. Madhava Menon Hony. Director, Bar Council of Kerala MKN Academy for Continuing Legal Education, Kochi; Prof. (Dr.) Manoj Kumar Sinha, Director, Indian Law Institute; Prof. (Dr.) Ranbir Singh, Vice-Chancellor, National Law University, Delhi; Prof. (Dr.) R. Venkata Rao, Vice-Chancellor, National Law School of India University, Bangalore; Prof. (Dr.) Poonam Saxena, Vice-Chancellor, National Law University, Jodhpur, Rajasthan; Prof. (Dr.) Balraj Chouhan, Vice-Chancellor, Dharamshastra National Law University, Jabalpur, Madhya Pradesh; Prof. (Dr.) Faizan Mustafa, Vice-Chancellor, NALSAR University of Law, Hyderabad; Prof. (Dr.) Yogesh Kumar Tyagi, Vice-Chancellor, University of Delhi, Delhi; Prof. (Dr.) Paramiit S. Jaiswal, Vice-Chancellor, Rajiv Gandhi National University of Law, Punjab; Prof. (Dr.) Srikrishna Deva Rao, Vice- Chancellor, National Law University, Odisha had attended. Shri Sidharth Luthra, Senior Advocate, Supreme Court of India Shri Shyam Divan, Senior Advocate, Supreme Court of India, Shri Lalit Bhasin, Advocate, Supreme Court of India shared their valuable thoughts. The Conference had a session on Necessary Reformative Steps for Improvement pertaining to the state of Indian legal education. The important points which emerged were

- Focus on Legal Aid Clinics and Mediation Centres within the Universities to enablestudents on Alternative Lawyering Skills.
- Students should be sensitized to promote Social Justice, and should use the internshipopportunities to make them work at the grass root.
- Students should be allowed to take up their chosen specialisations in the final years oflaw schools like judiciary, litigation, academics etc.
- The use of technology should be given focus in the legal profession.
- Mechanism should be made to get feedback from the students regarding the internship which they take up.
- Academicians should focus on twin aspects of quality and governance in legal education.

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- Law schools should analyse the trends in legal development across the globe which will give the future lawyers the knowledge they need, to perform better and accordingly contribute to the legal profession.
- Idea of removing Indian legal education system beyond the purview and control of BCI was mooted.
- Continuing professional development for periodic training of legal professionals and live screening of proceedings of the hearings of important constitutional cases in the Supreme Court was deliberated.
- Law schools to focus on collaborating and cooperating to create institutes of world class standards in both teaching and research.
- Vice-Chancellors should take time out for teaching within their institutions and engage with the students. They should introduce innovative teaching mechanisms and make it more dynamic and engaging. Vice-chancellors to address the issue of inequality between the 'intellectual haves' and 'intellectual have nots'.
- Implementation of National Knowledge Commission report.
- Law school should be promoted to take amicus briefs on various important constitutional matters.
- Efforts to be made to bridge the gap between social order and legal order. The law schools should use the opportunity of legal aid clinics and clinical education in the communities and in the rural areas to bridge the gap.
- Law schools should engage in research on the study of the impact of judgments at the grassroots level, also law schools should not just teach law, but also encourage the students to think about law.
- A multi-disciplinary, multi-modal approach needs to be adopted in teaching constitutional law in the Law Universities.
- Professional education should be separated from other liberal legal education.
- Professional legal education should be rigorous.
- Future lawyers should be equipped to work in at least two Indian languages. Focus should be on teaching Alternative Dispute Lawyering Skills like Arbitration and Mediation to law students.

1.12 Roadmap for Implementing the Future of Legal Education in line with NEP 2020

In light of the above, it is important to have a roadmap for HEIs which constantly have to compete with the National Law Universities (NLUs) to have a best practice in shaping the future and bright students in the field of legal education.

1.12.1 Roadmap: I: A Structured Education Life-Cycle

The authors believe that a structured education life-cycle may be developed in the manner asmentioned below:

Legal Education life- cycle Stage	Features ^{XXVi}	Suggestion
Secondary education	Four years of Secondary school education is	Addition of a new legal

Stage	designed to provide multidisciplinary subjects including Liberal Arts education. This stagewill be built on the subjectoriented pedagogical and curricular style with greater depth, greater flexibility, greater critical thinking, and attention to life aspirations, Students are exposed to the semester system and will study 5 to 6 subjects in each semester. There will be	stream. At present, there exist 'arts', 'humanities', and 'sciences' in the curricular. Part-I 4.9xxvii of NEP, 2020 empowers student through flexibility in course choices. Therefore a new line to start legal stream can be adopted to build budding legal professionals and give them the insightto start early with methodical study and
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	Board exams at the end of 10th and 12th standards.	choice legal/law as a careeroption.
Under-graduation Education Stage otherthan NLUs	The Undergraduate degrees in every subject will be of either three- or four-year duration with multiple exit options including a certificate after passing first year, a diploma after passing second year, or a Bachelor 's degree after passing third year. The four years undergraduate degree programme is preferred with major, minors and research projects.	Students can choose and opt to study HEIs which gives equally world-class legal education to NLUs. The Student should not be burdened with four-year duration of Bachelor's degree in legal education. A standard of five-year in legal education may be made.
Post-graduation Education Stage (other than NLUs)	The Master's degree – a one- year for four years bachelor degree students, a two-year degree for three years bachelor degree students, and an integrated five-year degree with a focus on high quality research in the final year. The Masters' degreewill consist of a strong	The Master's degree – a two- year with specialisation or general should be an ideal with certain published research papers. Recognising virtual/online LLM courses (such e- LLM) or Post Graduate

research component to strengthen competence in the professional area and toprepare students for a research degree.	Program in Law(PGPL) in virtual mode can beincluded as Master Degree Course in General category or Specialized category can be opted for the student having a minimum Post Qualified Experience for certain agegroup. A feature similar as Post Graduate Programme offered by the Indian
	Institute of Management.

1.12.2 Roadmap: II: Curriculum & Pedagogy: Shift and drift to the newparadigm

Curriculum relating to state law(s)/legislation(s) and its practices: The legal curriculum is supposed to be a practical affair. It is advise that the regulation to add the state law(s)/legislation(s) and consider teaching the same in bilingual language where the HEI(s) is situated. It is observed the students after graduating are not sufficiently competent in litigation and choice to join corporate law firms which exclusively practice the central law(s)/legislation(s).

- Innovative thinking/ Practical Method with use of technology i.e. Artificial Intelligence (AI): AI is gaining popularity in the legal sector such as creating automated contracts, agreements and legal opinions, clients counseling. The Students should be able to identify and understand the actual implication of such automated contracts, agreements, and legal opinions. Contract-management is not mere a copy- paste exercise. The creativity thinking and legal reasoning in time bound situations to the students to understand each and every term and their implication should be taught. Plagiarism is a significant factor that impacts academic writing quality the use of language can be instructed by the facilities. The Student should actively participate for their betterment and learning. It is observed that there is lack of interest from Students the method of lecture teaching, Hence the teachers will have to be innovate in their teaching methods such as
 - Socratic-dialogue^{XXVIII} method of law teaching is worth the importance as a method taught at Harvard University and other Universities in the United States of America. The method helps the students to real-world problems, have a strong discussion component, and encourage hands-on learning and problem solving through a variety of exercises.
 - Langdell's Method^{XXIX}: The method reverses of Socratic —dialogue where the Students must read the cases and came prepared to analyse them during Socratic question-and-answer sessions in class.
 - **Flipped classrooms**^{XXX}: A flipped classroom a method also taught at Harvard University, in which a prerecord content and the student leave classroom sessions for deeper discussion, is an ideal way to ensure students come to class ready to engage and eager to participate.
 - **Learning from virtual courts:** The Students can learn from the arguments made by the eminent advocates and senior advocates which can be viewed from YouTube on important law-points. The High Court Gujarat has its YouTube channel^{xxxi} where

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live streaming of daily proceedings is recorded. Similarly, even the High Court of Karnataka^{xxxii} records the important proceeding before the Chief Justice Court. The Student can impart the expertise and experience of these eminent advocates and senior advocates while arguing a particular point and the lessons on how the submissions are made while addressing the Court and learn the art of advocacy.

1.12.3 Roadmap: III: Learning Outcome and assessment

The marking system should be reduced and the learning outcome to the students in understanding the concepts through practical exercise should be judged and assessment through open-book exams for assessment be adopted. There have to be specific regulations by BCI or the single governing body as the case maybe should be made. The facilities to opt and choice the subject under ABC will be give positive outcome to the students.

1.12.4 Roadmap: IV: Establishment of a Single Governing Body Relating to Legal Education

It is evident there is ambiguity regarding the role of BCI and UCG. The establishment of a single regulatory body related to imparting legal education. It is the need of the hour regulating the legal education. Late Prof. N.R. Madhava Menon has expressed his opinion xxxiii that, 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 and even the Judges of the Supreme Court in the Vice-Chancellors Conference the expressed similar view.

Conclusion

It makes all of its decisions with students' interests in mind and strives to provide them with educational opportunities that prepare them to face the challenges of a rapidly changing world. It envisions ushering in a new era of cultural transformation with the realization of a multi-dimensional and vibrant knowledge society. Cultural transformation can only be achieved when all stakeholders in the education system recognize its importance, define their own roles, and work towards it diligently and consistently. Implementing the recommendations made by NEP 2020 could revitalize legal education. By enabling students to capitalize on all opportunities that are available to them and to the nation, the revised system of legal education will be holistic, integrated, interdisciplinary, pluralistic, and socially relevant, and contribute significantly to the economy of the country. We can forge a stronger path to success by focusing on quality education and staying on top of the changes.

The struggles of the freedom fighters should be always kept in mind and their values for the developing the nation in light of the vision of Atmanirbhar Bharat.

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