DISSERTATION

India's Commitment to Quality Legal Education with Special Reference to the Sustainable Development Goals

SUBMITTED TO

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AS A PARTIAL FULFILLMENT OF REQUIREMENT FOR THE

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UNDER THE GUIDANCE OF

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<u>DECLARATION</u>

I, Hiral Pandey, bearing roll no. 19ML012, do hereby declare that the dissertation submitted is original and is the outcome of the independent investigations/ research carried out by me and contains no plagiarism. The dissertation is leading to the discovery of new facts/ techniques/ correlation of scientific facts already known. This work has not been submitted to any other University or body in quest of a degree, diploma or any other kind of academic award.

I do hereby further declare that the text, diagrams or any other material taken from other sources including [but not limited to books, journals and web] have been acknowledged, referred and cited to the best of my knowledge and understanding.

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CERTIFICATE

This is to certify that the dissertation entitled **"India's Commitment to Quality Legal Education with special reference to the Sustainable Development Goals"** has been prepared by Hiral Pandey under my supervision and guidance. The dissertation is carried out by her after careful research and investigation. The work of the dissertation is of the standard expected of a candidate for Master of Laws [LL.M] in Constitutional and Administrative Law and I recommend it be sent for evaluation.

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<u>AKNOWLEDGEMENT</u>

LIST OF ABREVIATIONS

AIR	All India Reporter
Anr.	Another
Ors.	Others
Vol.	Volume
No.	Number
Pp.	Pages
SC	Supreme Court
Vs.	Versus
SCC	Supreme Court Cases
SCR	Supreme Court Reports
SDG	Sustainable Development Goals
MDG	Millennium Development Goals
UN	United Nations
GCED	Global Citizenship Education
ODA	Official Development Assistance
CSS	Centrally Sponsored Schemes
UT	Union Territories
MOSPI	Ministry of Statistics and Program Implementation
NITI	National Institution for Transforming India
AISHE	All India Survey of Higher Education
IAEG-SDGs	Inter-Agency and Expert Group on SDG Indicators
UNHCR	United nations high commissioner for refugees
UNFPA	United nations fund for population activities
UNDP	United nations development programme
UNESCO	United nations educational, scientific and cultural organization
ESD	Education for Sustainable Development
SC	Scheduled Caste

ST	Scheduled Tribes
OBC	Other Backward Class
WCD	Women and Child Development
HRD	Human Resource Department
ICDS	*Integrated Child Development Services*
NMMSS	National Means-cum-Merit Scholarship Scheme
PMMMNMTT	Pandit Madan Mohan Malaviya National Mission on Teachers and Teaching
MSDP	Multi-Sectoral Development Programme for Minorities
NSIGSE	National Scheme for Incentive to Girl Child for Secondary Education
NSS	National Service Scheme
ADIP	Assistance to Disabled Persons
DDRS	Dindayal Disabled Rehabilitation Scheme
SIPDA	Schemes for the Implementation of the Persons with Disabilities Act
UPSC	Union Public Service Commission
NGO	Non-Governmental Organizations
BCI	The Bar Council of India
UGC	Universities Grant Commission
NKC	National Knowledge Commission
LCI	Law Commission of India
ISSN	International Standard Serial Number
ISBN	International Standard Book Number

LIST OF CASES

- Bar Council of U.P. vs. State of U.P, 1973 AIR 231.

- Bar Council of India vs. Board of Management, Dayanand College of Law, (2007),2, SCC 202.

- Prem Chand Jain vs. R.K. Chabbra, 1984 AIR 981.

- Osmania University Teachers vs. State of Andhra Pradesh & Anr, 1987 AIR 2034.

- University of Delhi vs. Raj Singh, 1994 Supp. (3) SCC 516.

- Prof. Yashpal vs. State of Chattisgarh, (2005) 5 SCC 420.

- Powell v Alabama, 287 US 45 (1932).

- Suk Das vs Union Territory of Arunachal Pradesh, AIR (1986) SC 990.

- Keshavananda Bharti vs State of Kerala, (1973) 4 SCC 225.

- Deepak Sibal vs Punjab University, AIR 1989 SC 493 33.

- Indian Council of Legal Education vs BCRI, AIR 1995 SC 691.

- Manubhai Pragaji Vashi vs State Of Maharashtra And Ors., AIR 1989 Bom 296, (1989) 91 BOMLR 13, 1989 MhLJ 344.

- Bar Council of India vs Aparna Basu Mallick, AIR, 1994 AIR, 1334 SCC (2) 102.

- V. Sudhir vs. BCI, (1993) 3 SCC 176.

CHAPTER 1
SYNOPSIS

1.1 INTRODUCTION

"Education is a fundamental human right and essential for the exercise of all other human rights".[1] Education works as an instrument, which affords a person with "knowledge, skill, technique, information and enable them to know their rights and duties toward the society and nation". An educated person has the competency to combat injustice, violence, corruption and many other bad elements in the society. Thus, Education is an important aspect that plays a huge role in this modern industrialized world.

In order to facilitate the above views the UN in 2015, agreed upon to serve the nations of the world with certain plans, which ultimately came out to be known as the sustainable development goals. It consists of 17 Global Goals, which officially known as the Sustainable Development Goals or SDGs. These goals comprises with the energy to build a better world by the year 2030 . The SDGs follow and expand on the Millennium Development Goals (MDGs), 2000, and were expired at the end of the year 2015. The Sustainable Development Goals (SDGs) is now expected to frame out its agendas by the political policies over the next 15 years.

After the successful progress of the Millennium Development Goals (MDG), the UN approved the SDGs in the year 2015. It recognises different goals laid down by the UN, which relates to different subject matters. The SDG Goal 4 deals with quality education. The Goal 4 aims to guarantee inclusive and equitable quality education and promote lifelong learning opportunities for all. It recognises the role of good quality and accessible public education in developing

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[1] Anish Kumar, Legal Education and Transnational Dynamics, Challenges and Prospects with Special Reference to India, Chapter 1, p.1

nations such as India. Knowledge, skills and expertise are the key enablers for maintaining our economic growth and momentum in a country.

The Higher Education sector of India has observed an incredible modification since the time of independence. Under this research, the researcher has mainly analysed the legal education system in relation to the SDG 4 of quality education. The quality of the education does include the standard of higher education through Goal 4. The local and state government, Universities Grant Commission, Bar Council of India and individual colleges, manages the legal education in India. Thus, this research is about whether the goal of quality education had any impact upon the legal education in India or not.

1.2 STATEMENT OF PROBLEM

A mentally skilled and developed person is the future of his country. Thus, investing in human development requires a heavy focus on education. The SDGs is an agenda for the development of humans and for establishing prosperity. The SDG encompasses with 17 goals among one deals with the quality of education. The goal dealing with the subject of education is SDG 4. The SDG 4 focuses on equity, inclusion and quality of education, and aims to build and upgrade education facilities that are sensitive to the needs of children and persons with disabilities.

It is believed that access to quality early childhood development should be adopted so that every child along with care and pre-primary education be able to access and afford "quality higher education". The basic schooling needs to be proper which is what India focuses upon. Although there are targets, which also pays attention to the quality in higher education , but still the majority of the targets emphasises its importance on quality of primary education that ignores the concern regarding the quality education in universities, which indirectly effects enhancement in quality legal education at universities of law. Legal education has gone through many transformations post-independence but still have to do a lot to keep up with the

growing necessity of legal education in the contemporaneous set-up. Thus, this research is about analysing the status of quality legal education in India with special reference to India's commitment to quality education under Goal-4.

1.3 LITERATURE REVIEW

1. "SUSTAINABLE DEVELOPMENT GOALS (SDGs): ARE WE SUCCESSFUL IN TURNING TRADE-OFFS INTO SYNERGIES?" BY CHRISTAIN KROLL, ANNE WARCHOLD & PRANJAL PRADHAN

Under this paper, the authors have put the brief about the 2030 agenda of the SDG programme by the UN. The paper also talks about the data and methods, which clarifies the status of the mentioned goads under SDG plan. Under this article, the authors have interlinked the different goals and have observed its results.

2. "SUSTAINABLE DEVELOPMENT GOALS: A NEED FOR RELEVANT INDICATORS" BY THOMAS HAK, SVATAVA JANOUSKOVA & BEDRICH MOLDAN

Under this paper, the authors have briefly introduced the development of the concept of sustainable development in United States. The paper further provides the framework needed for the present SDG implementation. The paper is followed by the progress ratio of this plan. It also discusses about the indicators for the SDG for its proper access and sustainability.

3. "ACHIEVING SDG4 IN INDIA: MOVING FROM QUANTITY TO QUALITY EDUCATION FOR ALL" BY BEENA PANDEY

The comprehensive emphasis under this paper is on the current approaches adopted by India to contextualise Goal 4 on education of the Sustainable Development Goals (SDGs). The paper further talks about the implications of the new policies by India and its effect upon achieving the quality education under Goal 4. This paper scrutinizes about the developments in education

at primary, secondary and tertiary levels in India and see the sights of some chief issues faced by the authorities in attaining the quality education and what are the problems in its accessibility.

4. "ROLE OF BAR COUNCILS AND UNIVERSITIES FOR PROMOTING LEGAL EDUCATION IN INDIA" BY KRUSHNA CHANDRA JENA

As the topic of this Article suggests that it deals with the Role of Bar Council of India in the promotion of legal education. It also discusses about genesis of these authorities from the Constitution of India. It does not explain the Indian situation and judicial pronouncements much effectively. Further, it provides some measures regarding the smooth working of legal education system in India. The researcher through this article aims to indicate the need of improvement in the present legal education in India.

5. "LEGAL EDUCATION SYSTEM AND ITS PROBLEM IN INDIA" BY SNEHA.S

Under this paper, the author has introduced the legal education. The paper further continues with the basic problems regarding the legal education. The author through this paper has also provided some recommendations regarding the challenges in the legal education. In addition, it states about the changes that should be brought in order to promote quality legal education in the law schools.

6. "LEGAL EDUCATION IN INDIA" BY ARJUN P. AGGARWAL

Under this paper, the author has compared the modern law education with that of at the time of the British. The paper deals with the law at the time of the British and how courts were established during that period. The paper then continues with the establishment of law schools in India. The paper discusses the change from the earlier period to the modern period in the law education system in India.

7. "LEGAL EDUCATION AND TRANSNATIONAL DYNAMICS, CHALLENGES AND PROSPECTS WITH SPECIAL REFERENCE TO INDIA" – A THESIS BY ANISH KUMAR

The thesis deals with comparative analysis of education at the world level along with Historical development of legal education in India. The researcher has attempted to find out the answer to the question relating to the development of Legal education in India. Thesis then covers "the statutory background of legal education in India. Lastly, this paper has provided the conclusion and suggestions regarding the research topic.

8. "LEGAL EDUCATION AT THE CROSSROADS" BY SUPRIYA ROUTH

This article propounds a substitute for the dominant concept of the legal education. The paper further continues to provide for various aspects of legal education like pedagogy, curriculum design and institutional framework. The article tries to describe about the progression of legal education in India over several periods to study about the attitude embraced by the then different governments and agencies. This throws some flash towards the policy makers, academicians and the members of the legal profession as well.

9. MP JAIN- INDIAN CONSTITUTIONAL LAW, EIGHTH EDITION, LEXIS NEXIS, 8TH EDITION, 2018

This book deals with the Constitutional law. The researcher has referred only those chapters of this book, which deals with matter related to the legal education and its related case laws. Under this book, Schedule 7 is the main area of this research. This book is informative to understand the concepts but does not cover all the aspects of the area under study.

1.4 AIMS OF STUDY

The researcher draws the following aims under this research:

1. To study the status of quality legal education in India.

2. To study India's commitment of quality education under the SDG.

3. To analyse the present legal education system in reference to the India's commitment to the quality education as one of the SDG.

4. To analyse the legal and policy framework for legal education in India in reference to India's goal to achieve quality education in India.

1.5 IMPORTANCE OF STUDY

The present study analyses the present legal education system in India, the legal and policy framework for quality legal education in India. This analysis contributes in understanding India's commitment to the sustainable development goal of achieving quality legal education, its limitations and the ways to improve it.

1.6 SCOPE OF STUDY

This study presents the humble attempt of the researcher to augment the knowledge on the concept and various connected issues as well as to prepare a groundwork for the larger understanding of law, legal education and educative systems as they undergo a paradigm shift in the contemporary times. The researcher under this study has tried to find the impact of SDG 4 upon the present legal education system in India by analysing the policy and framework made by the Government. The scope has been limited to the SDG 4 although rest of the SDG will just be there for the brief introduction of the overall SDG plan. The research is also limited to the implementation of the SDG 4 only in India. The researcher has tried to find the link between the quality education with the quality legal education system by analysing the policies and framework of the government regarding the achieving the goal of quality education described under SDG. Thus, the overall research is based upon the India's commitment to the goal of quality education under the SDG and how does it improves the quality of legal education in India.

1.7 RESEARCH QUESTIONS

This research tries to find the answer of the following questions framed by the researcher below:

1. What work the Central Governments has done for promotion of commitment of quality of education under SDG in India?

2. What is the legal and policy framework for achieving quality education as part of India's commitment to SDG?

3. What are the issues and challenges regarding the present legal education system in India?

4. How to achieve quality legal education in India with respect to the India's commitment to the Quality education under SDG?

1.8 RESEARCH METHODOLOGY

The study would be doctrinal in as much as it pertains to building the conceptual understanding of legal education in India and its relation with the SDG goal of quality education. This doctrinal research would involve a study of the relevant contexts of the COI, 1950 and Advocates Act, 1961. Other sources, which have been gone through, are various reports of Committees constituted by the Government of India and other agencies, Law Commission Reports, University Grants Commission and Bar Council of India mandates on the subject, as well as Reports of various other governmental and non-governmental initiatives.

1.9 CHAPTERIZATION

CHAPTER 1 – INTRODUCTION

CHAPTER 2 – THE IDEA OF QUAITY EDUCATION IN INDIA WITH SPECIAL REFFERENCE TO SUSTAINABLE DEVELOPMENT GOALS

CHAPTER 3 – CHALLENGES REGARDING THE FULFILLMENT OF THE TARGETS UNDER SDG GOAL 4 AND IT'S PROGRESS

CHAPTER 4 – GOVERNMENT POLICIES AND FRAMEWORK FOR IMPROVING THE QUALITY OF EDUCATION IN INDIA UNDER SDG 4 AND ITS PROGRESS

CHAPTER 5 – THE IDEA OF LEGAL EDUCATION IN INDIA

CHAPTER 6 – ISSUES AND CHALLENGES REGARDING QUALITY LEGAL EDUCATION IN INDIA

CHAPTER 7 – CONCLUSION AND SUGGESTIONS

CHAPTER 2
THE IDEA OF QUAITY EDUCATION IN INDIA WITH SPECIAL REFFERENCE TO SUSTAINABLE DEVELOPMENT GOALS

2.1 INTRODUCTION

"Education liberates the intellect, unlocks the imagination and is fundamental for self-respect. It is the key to prosperity and opens a world of opportunities, making it possible for each of us to contribute to a progressive, healthy society. Learning benefits every human being and should be available to all."[2]

Education is a very significant for the progress of humankind as well as for the development of modernization in civilization. In every regime, education is considered the most important pillar that holds the whole country together and leads the state towards ultimate victory. There are various definitions that can define education as its value, but education is a discipline that cannot be defined in a statement or decision. Getting an education is the best way to learn morals, rules, values, etiquette and develop the skills and knowledge to live a life of luxury. We can experience education as a human asset that enhances knowledge, skills, talents, abilities and potential to make a person's life more valuable. In every country, there are certain communities who are limited with access to education caused by ample boundaries.

In 2000, 189 nations swore to lift people out of extreme poverty and many deprivations. The Initiate was named as Millennium Development Goals (MDGs) accomplished by 2015. MDGs have eight goals, one of which is to achieve universal basic education. Over the past 15 years, MDGs have made progress in a number of key zones: reducing income poverty, increasing access to water and sanitation, reducing infant mortality and improving maternal health. It also

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[2] The Global Goals for Sustainable Development Goals, Goal 4 for quality education.

launched the global movement for free primary education so that inspired countries can invest in their future generations. Most importantly, MDG has made great progresses in fighting HIV / AIDS and other remediable diseases such as malaria and tuberculosis[3]. Since it focuses only on the improvement of basic education, the education system needs to find some changes in its development. Fifteen years after reaching its goals, some goals are still incomplete. Therefore, they were modified with some changes by including some ideas in it. New initiations were brought in to pursue the remaining and newly launched goals[4]. In 2015, members of the UN adopted Agenda 2030 as the SDG. Under this, there are seventeen goals, each of which sets its goals and is poised to achieve its indicators by 2030. In total, the 17 Sustainable Development Goals have 169 targets and 231 indicators for monitoring Agenda 2030 implementation.[5]

Under SDG, Goal 4 speaks of ensuring inclusive and equivalent quality education and promoting lifelong learning opportunities for all. Education allows socio-economic consciousness to rise and it is crucial to escape from poverty.[6] Education is also needed to achieve other Sustainable Development Goals (SDGs). When people are able to get quality education, they can get out of the cycle of poverty. Quality education supports in diminishing discriminations and influence gender equivalence.[7] Education everywhere gives people the right to live healthier and more sustainable lives. Education is also important to build tolerance among the people and to contribute to peaceful societies. SDG Goal 4 has 10 targets and 11 indicators.[8]

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[3] United Nations Development Programme, Sustainable Development Goals, Background of Goals.
[4] Achieving the Sustainable Development Goals in India- A Study of Financial Requirements and Gaps, p.11.
[5] United Nations Development Programme, Sustainable Development Goals, What are the Sustainable Development Goals?
[6] United Nations, Sustainable Development Goals, Goal 4.
[7] Sustainable Development Goals Fund, Goal 4- Quality Education.
[8] High level political forum on Sustainable Development, Review of SDG implementation and interrelations among goals, discussion on SDG"4 for Quality education, 9 July 2019, 3:00 PM-6:00 PM

The most effective tool to achieve sustainable global development is purely quality education. Education can bring about fundamental changes in an individual's values, actions and responsibilities. A well-distributed education promises employment, better incomes, health and a stronger economic background. Governments, teachers, and schools have an important role to play, along with parents and students. The process begins by pointing out the gaps in high quality and equal education. This huge gap has created a learning crisis in global education, which is also widening social gaps. To fill these gaps, a strong educational approach is urgently needed.

2.2 QUALITU EDUCATION UNDER THE SDG

Education is an important component that contributes extensively to human development indicators. This helps in achieving the goal line of sustainable over-all progress. Sustainable development is commendable if it creates awareness among the people. Since the completion of the 2015 agenda through the Millennium Development Goals, 2000, many targets were left unaffected. Those objectives has not get hold of the 2015 closing date and an unremitting accomplishment got sudden importance for the fulfilled demand of the preceding incomplete program. Goal 4 of 2030 Agenda for Sustainable Development slot in quality education and gives equal impetus and promotes long lasting knowledge openings for everyone. The UN World Conference at Johannesburg held in the year 2002, highlighted that the quality education the key for the sustainable world. Education for Sustainable Development (ESD) works for the stimulation of knowledge, talents, skills, understanding, morals and activities obligatory for the establishment of supportable sphere. In addition, the focus is also lied on protection of environment and elevation of collective impartiality and financial constancy. ESD origins from the environmental education, that strive for the expansion of "information, abilities, morals and approaches in the social order for ripening a sense for the environment. The purpose of ESD is empowering society for creating its pronouncements without compromising on the planet and

to take steps to improve our quality of life. Its goal is to integrate the values inherent in sustainable development in all areas and at all levels of learning.

UNESCO, World Bank, UNFPA, UNDP, UN Women and UNHCR jointly hosted the World Education Forum 2015 by the Republic of Korea in 2015 in Incheon, Republic of Korea. More than 1,600 participants from 160 countries have adopted the Incheon Declaration for Education 2030, which sets a new vision for education for the next fifteen years. UNESCO member states adopted the Education 2030 Framework for Action in Paris on 4 November 2015. The development of the framework was guided by the UNESCO-convened Education for All (IFA) Steering Committee and finalized the framework for education by the Drafting Group for 2020.[9]

The UN has 10 targets and 11 indicators for SDG 4. The targets and indicators awe set and recognized in such a way that the world intends to be acquainted whether these goals are realized. Implementing SDG 4 requires national, regional and global policies for governance, accountability, coordination, monitoring, compliance and review, reporting and evaluation. It also requires launching strategies, including partnerships and financing.[10]The fundamental resolution of this goal is to keep up for any actions taken for the success of a nation. To be highly effective, these mechanisms are integrated, participatory and transparent. They build the existing system as much as possible.[11]

2.2.1 THE TARGETS AND INDICATORS UNDER SDG GOAL 4

Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) developed the global indicator framework for Sustainable Development Goals. They agreed upon it at the

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[9] Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4, Hosted by Republic of Korea, 19 May to 22 May 2015.
[10] Dr. Neeta Khandelwal & Dr. Harish Gupta, Indian Education System and Current Status of Education in India, p.3.
[11] Supra Note 6

48th session of the United Nations Statistical Commission held in March 2017. The global indicator framework was later adopted by the General Assembly on 6 July 2017 and is contained in the Resolution adopted by the General Assembly on Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development. According to the Resolution, the indicator framework will be refined annually and reviewed comprehensively by the Statistical Commission at its fifty-first session in March 2020 and its fifty-sixth session, to be held in 2025. Indicators at the regional and national levels, which will be developed by Member States, will complement the global indicator framework.

The SDG Goal 4 contains 10 targets and 11 indicators, which are as follows:

Target 4.1 says that – By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes[12]

Indicator 4.1.1- Proportion of children and young people:

(a) In grades 2/3

(b) At the end of primary

(c) At the end of lower secondary achieving at least a minimum proficiency level in

(i) Reading

(ii) Mathematics

Target 4.2 says that- By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education[13]

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[12] United Nations, Department of Economic and Social Affairs for Sustainable Development, Goal 4, Targets and Indicators
[13] ibid

Indicator 4.2.1- Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being

Indicator 4.2.2- Participation rate in organized learning (one year before the official primary entry age)

Target 4.3 says that- By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university[14]

Indicator 4.3.1 -Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months[15]

Target 4.4 says that- By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship[16]

Indicator 4.4.1- Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill

Target 4.5 says that- By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations[17]

Indicator 4.5.1- Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict-affected, as data become available) for all education indicators on this list that can be disaggregated

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[14] ibid
[15] ibid
[16] ibid
[17] ibid

Target 4.6 says that- By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy[18]

Indicator 4.6.1- Percentage of population in a given age group achieving at least a fixed level of proficiency in functional

(a) Literacy

(b) Numeracy skills

Target 4.7 says that- By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development[19]

Indicator 4.7.1- Extent to which

(i)   Global citizenship education and

(ii)   Education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in:

(a) National education policies

(b) Curricula

(c) Teacher education

(d) Student assessment

Target 4.a says that- Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all[20]

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[18] ibid
[19] ibid
[20] ibid

Indicator 4.a.1- Proportion of schools with access to: (a) electricity; (b) the Internet for pedagogical purposes; (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic handwashing facilities

Target 4.b says that- By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, Small Island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries[21]

Indicator 4.b.1- Volume of official development assistance flows for scholarships by sector and type of study

Target 4.c says that- By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and Small Island developing States[22]

Indicator 4.c.1- Proportion of teachers in: (a) pre-primary; (b) primary; (c) lower secondary and (d) upper secondary education who have received at least the minimum organized teacher training pre-service or in-service required for teaching at the relevant level in a given country

Education is very clear on the new programme regarding giving worth to the education for which it is planned as an individual target (SDG4) but there are also a number of education-related figures apart from targets under goal 4. These targets are health and well-being (Target 3.7), gender equality (Target 5.6), decent work (Target 8.6), responsible consumption and growth (Target 12.8), and climate change mitigation (Target 13.3).[23] Thus, it can be concluded

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[21] ibid
[22] ibid
[23] Supra Note 8.

from these targets and indicators that the education 2030 strongly affirms education as a human right and a basis for the realisation of other rights. It grants education's role as fundamental in achieving complete human development, dignity, social justice, poverty eradication, peace, and sustainable development.

2.3 GOAL 4 FOR QUALITY EDUCATION IN INDIA

Since independence, the Government of India has made efforts to increase access to general and technical and other related education. The post-independence history of India includes relevant law, number of commissions, periodic policies, national and state institutions, diversity of related programs and education financing. Due to these programs, general education and higher education have expanded. Attempts have been made to spread informal and adult education in all sections of the country and in all regions.

United Nations adopted the 2030 Agenda for Sustainable Development in 2015, which includes 17 Sustainable Development Goals (SDGs). SDGs are built on the Millennium Development Goals (MDGs) and have three dimensions of development: social, economic and sustainable. The Prime Minister of India, along with other world leaders, signed the Manifesto, which was warmly welcomed by India. In the current trajectory, at the centre and in the states, India has already set goals that are more ambitious in many areas of economic progress, inclusion and stability. The role of state governments in the implementation of these programs is central, as well as design convergence with SDGs to effectively influence all social and economic parameters to achieve SDGs. MDG 2 is a mandatory component of universal primary education. SDG 4mandates compulsory and equivalent quality education and promotes lifelong learning opportunities for all. This includes objective learning outcomes, pre-primary

education, secondary, tertiary and vocational education. Priority with access is on equity, inclusion and sustainability education.[24]

The duty regarding coordinating the 2030 Agenda for Sustainable Development Goals (SDG) has been entrusted to the NITI Aayog. Developed through a long-term inclusive process to achieve SDGs in 2016–2030. The SDGs addressed 17 goals and 169 related objectives at the UN General Assembly in September 2015. These SDGs promote, align, and complete actions over areas of critical importance to humanity and the planet over a period of 15 years. The work done for the NITI Aayog from time to time is not only to collect data on SDGs, but also to work towards maintaining high standards of quality, not just quantitatively. The Ministry of Statistics and Program Implementation (MOSPI) has already held parallel dialogue with the Ministries to develop indicators that reflect the SDG objectives and objectives. In consultation with MOSPI, mapping of targets and objectives was designed as a preliminary step on the proposed nodal and other ministries.[25]

Under the SDG Goal 4, India will be able to achieve all its goals over a period of 15 years, while SDG Goal 4 will provide a pre-requisite opportunity for the Indian youth to access quality and education. Have a minimum level of skill in reading and mathematics and a productive and skilled workforce for renaissance India. However, the range of programs and policies launched by India has already focused on quality and inclusion before adopting SDGs. In India, a number of major programs and policies have been constitutionally introduced as a fundamental right to provide free and compulsory education to all children between the ages of six and fourteen. The Ministry of Human Resource Development works through two divisions responsible for the universalization of primary education and the Department of School Education and Literacy

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[24] Research Note on Sustainable Development Goals (SDGs) and Achievements of India, pp.2-3
[25] Ibid, pp.6-7

is responsible for the Department of Higher Education that is engaged in establishing excellent institutions of higher education.

Education is a fundamental right[26] that empowers people and ensures that they can live productive lives in a globalized sphere. Recognizing this, the Government of India amended the Constitution in 2009 to include Right of children in the Free and Compulsory Education Act. It provides inclusive primary education and has a 25 per cent quota in private schools for economically disadvantaged children. The two schemes, Sarvashiksha Abhiyan and Mid-Day Meal Scheme, have had a wide impact and success in the country.[27] The lunch scheme will increase enrolment in primary schools as well as improve the nutritional status of primary school children. On the other hand, the SarvaShiksha Abhiyan aims to universalize primary education across the country.[28]

Although significant progress been made by India in quantum expansion and has equity in enrolment at the education level, it has many opportunities to strengthen quality parameters. Together, it became clear that full access to positive learning outcomes was inadequate. Therefore, it is important to make sure that quality education, equity and inclusion in the education system represent the key elements of SDG 4 and vision to measure progress by 2030. Quality is difficult to define but for measurement and monitoring, education must include access to health and nutrition as well as inclusion in all aspects of a child's overall development, including skills, knowledge, values and attitudes.

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[26] Article 21-A, Constitution of India, 1950
[27] Supra Note 10, p.11.
[28] Ibid, pp.18-19

CHAPTER 3
CHALLENGES REGARDING THE FULFILLMENT OF THE TARGETS UNDER SDG GOAL 4AND ITS PROGRESS

3.1 MONITORING OF THE TARGETS UNDER SDG 4

SDG 4 focus is broader than its predecessors, with the MDG 2 aimed to get Universal Primary Education" and MDG 3 aimed at Promoting Gender Equality and Empowering Women. SDG 4 handles many new concepts that measure globally, making goals more complex and creating a new challenge to develop indicators that can monitor progress towards SDG 4. The objectives set out below are very specific and measurable, which also contributes to the achievement of one or more of the goals defined under the SDGs. The SDG 4 has many different aspects among the ten educators. The seven goals mentioned are the expected results, while the other three goals are the tools to achieve these results. Some indicators follow these goals, which are signs of modification or continuousness and act as a strong pillar in calculating the track of improvement. Succeeding quite a few series of international discussions and summits with UN member states, international and regional organizations, businesses, non-governmental organizations (NGOs) and civil society, the United Nations General Assembly has formally called for the monitoring of the SDG 4 with 11 indicators in 2017 for monitoring it. Tier 1 and Tier 2 indicators have globally recognized methodology and standard, although Tier 2 indicators are not available to a significant number of countries. Tier 3 indicators require some improvement in its methods and implementation standards. Inter-agency and expert groups on SDG indicators (IAEG-SDGs) reject this responsibility to develop the methodology and standards of the specified mechanisms. The Inter-Agency and Group of Experts on SDG Indicators (IAEG-SDGs) is a team of 28 national statisticians worldwide. The United Nations Statistics Commission established IAEG-SDGs in 2015 to develop and implement the Global indicator Framework to monetize all SDGs. SDG 4 indicators are multidimensional and many

indicators require new approaches, classifications, calculation methods and substantial variations to national systems reporting data both nationally and internationally.[29]

3.2 CHALLENGES REGARDING FULFILMENT OF TARGETS UNDER GOAL 4

Every target under goal for defines its objective and purpose, which it would cover by the year 2030. Every such progress in the targets will lead to the success of the overall object of SDG Goal 4 by the year 2030. However, the things are not as easy as they seem to be because for the fulfilment of all these targets there happens to be many hindrances and challenges. Every target from 4.1 to target 4.7, there happens to be one or the other difficulties as laid down by the Quick Guide to Education Indicators for SDG 4. Under indicator 4.1.1, there occurs 3 chief difficulties in the course of fabricating learning index results on a nationwide comparable basis. The foremost challenge is that worldwide records for national data, regional levels are often collected on basic skills in literacy and statistics, nevertheless it does not support in comprehensive manner to create over-all representations for wisdom. Moving towards second challenge, it is regarding whether for nationwide checking the national and regional data are used or not and joint practical criteria must be established for certifying the records are of equivalent quality. The third challenge is to consider a number of approaches, such as identifying relevant learning areas where solutions should be recorded internationally, and creating at least fitting equilibrium in the middle of universal capabilities and impact of native guidance and goal line on learning. UNESCO Institute for Statistics (UIS) aims to develop a global content framework for instruction to teach children concerning their necessity, mend data value and recording beneath conjoint model. Another penalty area is to upkeep the use of existing national and cross-national assessments to facilitate the measurement and reporting of learning outcomes, rather than requiring all countries to use the same estimate for SDG

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[29] UNESCO Institute for Statistics (UIS), Quick Guide to Education Indicators for SDG 4, pp.7-8.

reporting purposes. In addition to the challenges mentioned above, it is important to note the considerable range of data available. Assessments are usually conducted within school systems referred to as school-based learning assessments. This index only covers children in school. Therefore, a household survey is needed to assess the ability of children and adolescents who are not in school.[30]

Moving to the target 4.2, its indicator 4.2.1 is facing difficulties in method development. It states that this work needs to ensure that the proposed measure agrees with the definition of on-track, which is generally linked to national standards for children in all parts of the world. Accurately reflects development in all countries. This requires the establishment of a standard development model, which has not yet taken place in most countries. In addition, more countries are required to include questions about childhood in their national housing surveys or to participate in one of the international projects that generate data for this index.[31]

Indicator 4.2.2 finds a challenge in participating in early-year learning activities that many children do not have full-time, i.e. exposure to learning environments outside the home varies in intensity. The indicator however measures the percentage of children exposed to organized learning, but not the intensity of the program, which limits the ability to make decisions about how far to achieve this goal. Much work needs to be done to ensure that the definition of learning programs is consistent with different surveys and that survey respondents to child-learning programs, which are defined in a way that is easily understood.[32]

Indicator 4.3.1 indicates that formal and informal education and training can be provided in a variety of settings, including schools and universities, office environments, and other locations, and includes different periods. Administrative data often captures terms only in official settings

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[30] Ibid, pp.23-24.
[31] Ibid, p.26.
[32] Ibid, p.27.

such as schools and universities. Finally, participant rates do not capture the intensity or quality of the facility or the education and training outcomes on offer.[33]

According to indicator 4.4.1, narrow coverage of the relevant skills that the target provides is thus a major challenge. In addition, the index is based on self-reported information. These surveys provided information about the activities they did, but not their efficiency level. It is impossible to verify the accuracy of these self-assessments, and more specifically, there may be large differences in reporting between groups of different cultural and personal backgrounds. It is also possible for a person from one country to ask a different question to a person from another country. In terms of population coverage, the goals of youth and adults emphasize the need to include young people specifically in the measure. The context is relevant and varies greatly from one country to another. Children in high-income countries can develop skills years ago in low-income countries.[34]

Indicator 4.5.1 speaks briefly about the data that oversees equity in education and its difficulty for efforts to create indicators. It should not come at the expense of data quality and should not be ignored due to weak conditions or lack of resources. To date, member states have fully integrated equity as part of their general national oversight of their education, although the new impetus given by SDG has prompted the need to develop a partnership and agreed strategy. This approach requires coordination mechanisms to define equity, common scales and criteria and to reduce transaction costs.[35]

Indicator 4.6.1 discusses its challenges, stating that some direct assessment is needed to measure youth and adult skills. The application of home-based assessment surveys to measure literacy and numbers is expensive, difficult to maintain, and difficult to assess in non-standard

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[33] Ibid, p.29.
[34] Ibid, p.31.
[35] Ibid, p.33.

methods that are crucial to daily life. The result is that everything that young people and adults know and can do can go wrong, especially in cultural contexts and with fundamentally variable basic skills in orthography.[36]

Finally, according to indicator 4.7.1, national measures do not show that they lead to desired changes in learning outcomes and do not directly predict learning outcomes. However, the evaluation of educational policies, curricula, teacher education and students are major intermediate outcomes of national commitment and efforts to effectively implement Global Citizenship Education (GCED) and provide a conducive learning environment.[37]

3.3 THE TARGETS UNDER SDG GOAL 4 AND ITS PROGESS

Goal 4 is designed to safeguard inclusive and equitable quality education and promote lifelong learning opportunities for all. Quality education and lifelong learning opportunities for all are essential elements for ensuring a full and productive life to all individuals and to the realization of sustainable development.

3.3.1 PROGRESS OF GOAL 4 IN 2016

Sustainable Development Goals visibly identifies the gaps under MDGs and expresses a desire to bridge it as much as possible. Goal 4 is designed for its practice, to achieve the goals set out below. Measuring learning success in early grades can help schools identify why children are failing to fulfil their commitments and prepare appropriate remedial actions. By the end of elementary school, children should be able to understand and use the basics of reading and writing and math. Since the end of MDG in 2015, approximately 40 percent and 90 percent of children failed to read the minimum proficiency level, in 2014 in ten African countries. In

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[36] Ibid, p.35.
[37] Ibid, p.37.

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addition, 40 percent and 90 percent of children in those 9 countries did not achieve the minimum level of proficiency in mathematics.[38]

The negation of primary education is very much similar to the end of compulsory education. At this level, young people should be able to learn subject-related knowledge and skills and have personal and social skills. Data from 38 countries in developed countries show that in most parts of those countries, at least 75 percent of young people have achieved at least a minimum skill in reading and in mathematics. This is true only for five of the 22 developing countries where data is available . The full rate of primary and lower secondary education has been steadily rising since 2000. In 2013, the full rate for primary education in developed and emerging sectors exceeded 90 percent. At the lower secondary level, the gap between developed and developing areas is greatly reduced , but is still at 20 percent points in 2013 (91 percent for developed areas and 72 percent for developing areas). Quality early education provides children with basic cognitive and language skills. Of the 58 countries available for the period 2009–2015, more than half of children between the ages of 3 and 4 years identified development in the following three domains: literacy, numeracy, physical development, social general development and learning. Goal 4 strongly supports the reduction of inequalities. Worldwide, in 2013, two-thirds of the 757 million adults (aged 15 and over) were women . Worldwide, in 2013, 1 in 10 girls dropped out of school and 1 in 12 boys. Children from the poorest 20 percent of families drop out of school almost four times more than their wealthy. Children's school rates are higher in rural areas and in homes led by those with less than basic education. Africa is subjected to the the biggest challenges in this regard, with 7 out of 10 countries facing serious problems. Shortage of trained primary school teachers. In 2013, only 71 percent of teachers in sub-Saharan Africa and 84 percent in North Africa were trained by national standards. Official development assistance for academic scholarships from 2011 to

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[38] Report of the Secretary-General, Progress towards the Sustainable Development Goals, E/2016/75

2013 was approximately $ 1.1 billion. It was $ 1.2 billion in 2014, with Australia, France and Japan the largest contributors.[39]

3.3.2 PROGRESS OF GOAL 4 IN 2017

According to the 2017 Progress Report, maximum efforts are needed for an equal 'quality education' that includes all of sub-Saharan Africa and South Asia. Two out of three children worldwide attended pre-primary or primary education in the year prior to the official entry age for primary school admission in 2014, the report said. Less developed country. In 2014, the adjusted net enrolment rate was 91 percent for elementary education, 84 percent for lower secondary education, and 63 percent for higher secondary education. About 263 million children and adolescents dropped out of school, including 61 million children of primary school age. Seventy per cent of the world's population is excluded from primary and secondary education in sub-Saharan Africa and South Asia. Although more children are going to school than ever before, basic skills in reading and math are still lacking.[40]

Recent practice assessment studies include nine of the twenty-four sub-Saharan African countries and six of the fifteen Latin American countries with data. By the end of elementary education, less than half of students have achieved a minimum level of proficiency in mathematics. Of the twenty-four sub-Saharan African countries where the data are available, less than half of the six students who completed primary education have achieved the minimum skill level in reading. As expected for this issue, equity issues in education are a big challenge. In all countries, children of the   wealthiest twenty percent homes strive to reach better reading skills at the end of their primary and lower secondary education, which is 20 percent lower than

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[39] Ibid.
[40] Report of the Secretary-General, Progress towards the Sustainable Development Goals, E/2017/66

that of poor children. In most countries where data is available, urban children score higher on reading than rural children.[41]

The shortage of trained teachers and the poor condition of schools in many parts of the world are undermining the opportunities of quality education for all. Sub-Saharan Africa has the lowest percentage of teachers trained in pre-primary, primary and secondary education, at 44 per cent, 74 per cent and 55 per cent, respectively. In addition, most schools in sub-Saharan Africa do not have access to electricity or drinking water. Based on data from sixty-five developing countries, we know that the average percentage of schools for primary and secondary education for computer and Internet teaching purposes is over 60 percent. However, in more than half of the sub-Sahara countries where the data is available, this share is less than 40 percent. Official Development Assistance (ODA) for scholarships fell by $ 1 billion in 2015 and $ 1.2 billion in 2014. Australia, France and the United Kingdom of Great Britain and Northern Ireland were the largest donors.[42]

3.3.3 <u>PROGRESS OF GOAL 4 IN 2018</u>

According to Progress, half of the world's children and adolescents do not meet the minimum proficiency standards in reading and mathematics, according to a 2018 report. Change is needed in efforts to improve the quality of education. This report highlights the inequalities in education and the problem of gender lines in urban-rural areas and other aspects. These become obstacles to the goal of this goal. According to the 2018 Progress Report, the participation rate in early childhood and elementary education in 2016 was 70 percent worldwide, which is better than in 2010, which was 63 percent. The lowest rate was found in sub-Saharan Africa, at 41 percent and 52 percent in North Africa and West Asia. There are 617 million children worldwide and primary and lower secondary school age children, 58 percent of whom have not

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[41] ibid
[42] ibid

achieved the minimum proficiency in reading and mathematics, according to the report. In 2016, approximately 85 percent of teachers in elementary schools worldwide were trained, and the proportion to South Asia was only 71 per cent to sub-Saharan Africa, compared to 61 per cent. In 2016, only 34 per cent of primary schools in LDCs had electricity and less than 40 per cent had basic hand washing facilities, and the government was serious about improving the quality of teaching in higher education.[43]

3.3.4   PROGESS OF GOAL 4 IN 2019

Notwithstanding the momentous improvement in enrolment and participation in education in preceding years, 262 million children and young people between the ages of 6 and 17 dropped out of school in 2017, and more than half of children and teenagers meet the minimum proficiency standards in reading and maths. Speedy technical deviations have chances and contests, but have not accelerated the learning environment, the efficiency of teachers and the quality of education". In seventy two countries with the latest data, seven out of ten children between the ages of three and four are on at least three developmental tracks in the subsequent areas: literacy-number, physical development, socio-emotional development and learning. In 2015, there were 617 million children worldwide and primary and lower secondary school-aged adolescents, over 50 percent, who did not achieve the minimum skill levels in reading and mathematics. Of these, two-thirds attend school, but do not learn in class, or are expelled from school. Among 750 million adults, from which two-thirds of women in 2016 were illiterate. Half of the world's illiterate population lives in South Asia, and a quarter in sub-Saharan Africa. Many developing countries still lack the basic facilities and facilities to provide an effective learning environment. Sub-Saharan Africa faces the biggest challenges. Less than half of schools at the primary and lower secondary levels have access to electricity, internet, computers

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[43] "Report of the Secretary-General, The Sustainable Development Goals Report 2018"

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and basic drinking water. In 2017, ODA has awarded 1.3 billion for the scholarships. Companies in Australia, France, Japan, United Kingdom and Northern Ireland and the European Union account for two-thirds of the total. Worldwide, there has been very little progress in the percentage of trained primary school teacher and it has been stable at 85 percent since 2015. This ratio is the lowest in sub-Saharan Africa, which is 64 percent.[44]

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[44] Report of the Secretary-General, Special edition: progress towards the Sustainable Development Goals.

CHAPTER 4
GOVERNMENT POLICIES AND FRAMEWORK FOR IMPROVING THE QUALITY OF EDUCATION IN INDIA UNDER SDG 4 AND ITS PROGRESS

4.1 THE NITI AAYOG

NITI Aayog oversees the implementation of SDGs at the national level. As part of this implementation process, the NITI has mapped out all SDGs, Union Ministries and Centrally Sponsored Schemes. It conducts consultations at the national and regional levels with other stakeholders, including states and union territories . Among other documents, NITI Aayog released SDG India Index baseline Report 2018 (December 2018) and Localizing SDGs: Early lessons from India, 2019 (July 2019). On the grounds of performance of the States and UTs, the NITI Aayog not only classifies them as achievers, front Runners, performers and aspirants, but also identifies more than 100 aspirational districts for centralized interventions.[45]

The United Nations Summit resolved 17 goals and 169 related objectives on 25 September 27, 2015, indicating the status of Honorary Prime Minister of India. These and SDGs promote, align, and complete actions upon subjects of importance to humanity and the planet over a period of 15 years.

 NITI Aayog not only periodically collects data on hand, but also to target work, not only quantitatively, but also undermine the goals and objectives of maintaining high quality standards. The Ministry of Statistics and Program Implementation (MOSPI) has already held parallel dialogue with the Ministries to develop indicators that reflect the SDG objectives and objectives. The Ministry of Statistics and Program Implementation (MOSPI) has played a major role in the implementation of SDGs. As indicators are important to measure the progress

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[45] Research note on Sustainable Development Goals (SDGs) and Achievements of India, pp.6-7

and objectives of targets and objectives in India, MOSPI has developed 309 national indicators in line with the 169 SDG Objectives and Global Indicators Framework. Out of 306 indicators, 62 priority indicators have been identified to identify important development goals for India.

Concerned ministries in consultation with MOSPI codified a draft mapping of targets and indicators. In addition, as an example, the Centrally Sponsored Schemes (CSS), which include core of core, and alternative schemes implemented by the states, have been identified through some of the programs recently launched by the Central Government. In addition, ministries are implementing central sector schemes and states are merging various state schemes with one or more SDGs.

4.2 SCHEMES BY THE CENTRAL GOVERNMENTS REGARDING QUALITY EDUCATION AND THEIR CONCERNED MINISTRIES

The NITI Aayog is responsible for monitoring the progress of SDGs in India. NITI is trying to fulfil India's commitment to STGs through various schemes. The Central Government will introduce these schemes as per the relevant objectives provided for each target. Quality education for SDG Goal 4 consists of 10 objectives and 11 indicators. The Central Government seeks to focus on equity, inclusion and quality of education under "SDG Goal 4" with the aim of building and upgrading educational facilities that cater to the needs of children and the disabled. This target is connected to SDGs 3, 5, 8, 10, 12 and 13. These schemes have been put on alert by various ministries to ensure proper implementation of such schemes. SDG Mapping provides for the mapping of schemes of the Central Government and the respective Ministries.[46]

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[46] NITI Aayog, Sustainable development goals India, Mapping of Central Sector Schemes and Ministries of Government of India

Target 4.1 ensures free education for all girls and boys and equal and quality primary and secondary education[47]. Target 4.1 also includes effective learning outcomes. Under this objective, the Central Government has launched 16 schemes with various ministries allotted to them. Relevant Ministries under this objective are the Ministry of Human Resource Development, the Ministry of Social Justice and Empowerment, the Ministry of Tribal Affairs, the Ministry of Minority Affairs and the Ministry of Labour and Employment. [48]

The schemes under this objective are as follows:

Sarva Shiksha Abhiyan, Mid-Day Meal (MDM), Rashtriya Madhyamik Shiksha Abhiyan , National Means-cum-Merit Scholarship Scheme (NMMSS), Strengthening of Teacher Training Institutions, Pandit Madan Mohan Malaviya National Mission on Teachers and Teaching (PMMMNMTT), National Scheme for Incentive to Girl Child for Secondary Education (NSIGSE), Pre-matric scholarships for SC, OBC and vulnerable groups , Pre-matric scholarships for children of those engaged in unclean occupations and prone to health hazards , Pre-matric Scholarship to students with disabilities, Other scholarships & fellowships for SC, OBC Students, Free coaching for SC students, Hostels for SC & OBC students Social Justice & Empowerment, Pre-matric scholarships for ST students Tribal Affairs, Pre-matric scholarships for minority students Minority Affairs, National Child Labour Project (including grants-in-aid to voluntary agencies & reimbursement of assistance to bonded labour)[49]

The next target 4.2 ensures quality access to early childhood development, care and pre - primary education so that they are ready for primary education for all girls and boys[50]. To this end, the Central Government has launched a single scheme, the Umbrella ICDS (Anganwadi

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[47] Supra note 12.
[48] Supra note 46.
[49] Ibid.
[50] Supra note 47.

Service) and which is under the Ministry of WCD and the Ministry of School Education and Literacy.[51]

Target 4.3 Ensures equal access for all women and men to affordable and quality technical, vocational and tertiary education, including universities[52]. To achieve this goal, the Central Government has launched 16 schemes, which are divided into different ministries for proper implementation. The relevant ministries under this objective are the Ministry of Human Resource Development, the Ministry of Social Justice and Empowerment, the Ministry of Tribal Affairs, the Ministry of Minority Affairs and the Ministry of Skill Development and Entrepreneurship. [53]

The schemes undertaken by the Central Government to achieve this goal are as follows: Rashtriya Uchhatar Shiksha Abhiyan, Scholarship for College and University Students, Interest Subsidy and Contribution for Guarantee Funds, Technical Education Quality Improvement Programme, Post-matric scholarships for SC, OBC and other vulnerable community students, Post-matric scholarships for ST students, National Fellowship and Scholarship for Higher Education of ST Students, Vocational Training Centres in Tribal Areas, Post-matric scholarships for minorities student, Merit-cum-means based scholarship for minorities students for professional and technical courses undergraduate and postgraduate, Free Coaching &Allied Scheme for Minorities, Support for minorities students clearing preliminary examinations conducted by UPSC, SSC, State PSCs, etc., Interest subsidy on education loans for overseas studies for minorities students, Maulana Azad National Fellowship for minorities students,

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[51] Supra note 49.
[52] Supra note 50.
[53] Ibid.

Multi-Sectoral Development Programme for Minorities (MSDP) and Pradhan Mantri Kaushal Vikas Yojana.[54]

Target 4.4 states for the substantial increase in the number of youth and adults having relevant skills, which includes technical and vocational skills, for employment, decent jobs and entrepreneurship[55]. It is to be implemented through three schemes namely –

Pradhan Mantri Kaushal Vikas Yojana. This scheme comes under "the Ministry of Skill Development & Entrepreneurship. Another schemes are the Vocational Training Centres in Tribal Areas, which comes under the Ministry of Tribal Affairs followed by the Umbrella Programme for Skill Development of Minorities to be monitored by the Ministry of Minority Affairs.[56]

Target 4.5 speaks of ending gender inequality in education and ensuring equal access to all levels of education and vocational training for persons with disabilities, indigenous peoples and children with vulnerable conditions[57]. To achieve this goal, the Central Government has launched 14 schemes, which are overseen by the concerned Ministries. The Ministries related to the schemes under this objective are the Ministry of Human Resource Development (School Education and Literacy), the Ministry of Social Justice and Empowerment and the Ministry of Skill Development and Entrepreneurship. Relevant Ministries oversee the following schemes namely- "National Scheme for Incentive to Girl Child for Secondary Education (NSIGSE), Prime Minister's Girls' Hostel, Assistance to Disabled Persons for purchase of Fitting Devices (ADIP), Dindayal Disabled Rehabilitation Scheme (DDRS) Scholarships for students with disabilities, Support to Establishment or Modernization or Capacity augmentation of Braille

[54] Ibid.
[55] Supra note 52.
[56] Supra note 54.
[57] Supra note 55.

Presses, Establishment of Colleges for Deaf, National Program for Persons with Disabilities, National Fellowship for Persons with Disabilities, Pre-and post-matric Scholarship to students with disabilities, National Overseas Scholarship for Students with Disabilities, Free Coaching for SC and OBC Students, Boys and Girls Hostels, SIPDA (Schemes for the Implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Pradhan Mantri Kaushal Vikas Yojana.[58]

Target 4.6 guarantees all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy[59]. Following schemes has been introduced by central government namely

Saakshar Bharat, which comes under the Ministry HRD (School Education & Literacy), Vanbandhu Kalyan Yojana Development of Particularly Vulnerable Tribal Groups (PVTGs). This comes under the Ministry of Tribal Affairs, National Service Scheme (NSS) and Schemes for Youth development & Education (Nehru Yuva Kendra Sangathan, National Programme for Youth and Adolescent Development, etc.) which comes under Ministry of Youth Affairs & Sports. [60]

Target 4.7 ensures that all learners acquire the knowledge and skills needed to promote education, sustainable development and sustainable living for global citizenship, as well as human rights, gender equality, peace and non-violence and appreciating the contribution of culture to cultural diversity and sustainable development"[61]. Under this objective, the Central Government has introduced six schemes for the supervision of various Ministries. The relevant ministries are the Ministry of Human Resource Development (School Education and Literacy),

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[58] Supra note 56.
[59] Supra note 57.
[60] Supra note 58.
[61] Supra note 59.

the Ministry of Tribal Affairs, the Ministry of Youth Affairs and Sports, the Ministry of Culture and the Ministry of Skill Development and Entrepreneurship.[62]

Relevant Ministries look after the following schemes: Saakshar Bharat ,Vanbandhu Kalyan Yojana, National Service Scheme (NSS), Schemes for Youth development & Education (Nehru Yuva Kendra Sangathan, National Programme for Youth and Adolescent Development, etc.), Kala Sanskriti Vikas Yojana and Pradhan Mantri Kaushal Vikas Yojana.[63]

The target 4.a guarantees to build and upgrade children's safe, non - violent, inclusive and effective learning environment, disability and gender sensitive educational facilities.[64] The target includes six schemes through the Ministries of HRD, WCD, Social Justice and Empowerment, Tribal Affairs and Minority Affairs.[65]

The concerned Minister oversees the following schemes: Sarva Shiksha Abhiyan, Umbrella Programme for Education of SC, ST, OBC and minorities students, Umbrella ICDS, Umbrella Programme for Education of SC, OBC and vulnerable group students, Umbrella Programme for Education of ST students and Umbrella Programme for Education of minorities' students.[66]

Target 4.b plans to reach out to developing countries around the world to expand the number of scholarships, especially in underdeveloped countries, small island developing states and African countries, in technology and higher education, including vocational training, information, communication technology, engineering and scientific programs, in developed countries and in other developing countries.[67] This goal recognizes the success achieved

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[62] Supra note 60.
[63] Ibid.
[64] Supra note 61.
[65] Supra note 63.
[66] Ibid.
[67] Supra note 64.

through the Ministries of School Education and Literacy, Higher Education, Foreign Affairs and Tribal Affairs.[68]

The ultimate target of 4.c awaits a significant increase in the supply of qualified teachers, including international assistance for teacher training in developing countries, especially in less developed countries and small island developing states.[69]Pandit Madan Mohan Malviya planned this goal with two projects, the National Mission on Teachers and Teaching and Teachers Training and Adult Education. The Ministry of Human Resource Development and the Ministry of Foreign Affairs will oversee the schemes.[70]

4.3 THE PROGRESS OF TARGETS UNDER SDG GOAL 4 IN INDIA

The SDG India Index 2019-2020 gives the information about how far the targets of the SDGs has come so far. Under the SDG Goal 4 there are total 10 targets and 11 indicators, which are believed to be essential for the implementation of the promise made by SDG 4. Under this index report, nine national-level indicators have are identified, for calculating India's performance in achieving the Goal of quality education, which capture four out of the ten SDG targets for 2030 outlined under this Goal. Out of 10 targets, the progress can be seen in target 4.1, target 4.3, target 4.5 and target 4.c.

As it is already discussed that target 4.1 ensures that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes by the year 2030[71]. Under this the indicator for adjusted Net Enrolment Ratio in Elementary Classes from class 1 to class 8 and Secondary Classes from class 9 to class 10 education was aimed to be 100%. However, as per the SDG Index of 2019-20 enrolment ratio

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[68] Supra note 66.
[69] Supra note 67.
[70] Supra note 68.
[71] Supra note 69.

at Elementary (Class 1-8) and Secondary (Class 9-10) schools in India is 75.83. All States and UTs are yet to achieve the target of 100 per cent enrolment. Tripura holds up the highest enrolment ratio of about 94.72 among all the states, while Delhi states the ratio with 92.95 among the union territories. Sikkim provides for the lowermost ratio at 45.47 among the States, while Jammu & Kashmir located itself at the bottom by having 57.22 figure among the UTs.[72]

The next subject was to check upon the percentage of children dropping out of schools among the age group of 6-13 years. This percentage was supposed to be 0%. However, in the SDG Index 2019-20 around 2.97 per cent of children in the age group 6-13 years are out of school. Among all the states, Goa is the best-performing state with no child in the age group 6-13 years out of school. Puducherry performs the best among the UTs with an impressive figure of 0.18 per cent. About 6 per cent of the students in the age group of 6-13 years in Odisha are out of school, the highest in the country. In addition, the average annual dropout rate at secondary level was aimed for 10%. The "average annual dropout rate at the secondary level is 19.89 per cent", with Himachal Pradesh performing best among states with 7.03 per cent and Chandigarh among UTs with zero. At 39.73 per cent, Bihar has the highest percentage of dropout at the secondary level, followed by Jharkhand at 36.64 per cent. This target was followed by the aim of having 100% of students in grade III, V, VIII and X achieving a minimum proficiency level in terms of nationally defined learning outcomes to be attained by pupils at the end of each of above grades". According to the SDG Index, around 71.03 per cent of students in grade III, V, VIII, and X achieve at least a minimum proficiency level in Language and Mathematics, in terms of nationally defined learning outcomes. The target is to achieve 100 per cent

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[72] SDG India Index and Dashboard 2019-2020, pp. 64-65.

proficiency, which no state or UT has achieved so far. The best-performing state is Rajasthan at 81.25 per cent and Chandigarh performs the best among the UTs at 79.19 per cent.[73]

Target 4.3 ensures for equal access for all women and men to affordable and quality technical, vocational and tertiary education, including universities.[74] Under this target, the aim was set at the 50 per cent Gross Enrolment Ratio in higher education for the age group of 18-23 years. According to AISHE report of 2018-19, around 26.3 per cent of students in the age group of 18-23 years are enrolled in higher education. The target is yet to reach it to 50 per cent by 2035. Sikkim among States and Chandigarh among UTs have the highest enrolment ratio at 53.9 per cent and 50.6 %, respectively. "Among the States, Bihar has the lowest enrolment at 13.6 per cent.[75]

Moving on to the next target, Target 4.5 promises to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, which includes the persons with disabilities, indigenous people and children in vulnerable situations.[76] Under this target, the Gender Parity Index for higher education for the age group from 18 to 23 years was aimed at reducing to 1 per cent. According to AISHE report 2018-19, the all India GPI value was reported to be 1 per cent, which implies parity between females and males in Higher Education of age group 18 to 23 years in the country. Fifteen States and eight Union Territories have achieved gender parity in Higher education. GPI is lowest in Bihar at 0.79 per cent. After having achieved the progress for the above-mentioned target the next target in the row was for the Disabled children. As per the 2011 Census of India data on disability, it states that around 61.18 per cent of children with special needs in the age group 5 to 19 years are attending an educational institution in India. However, the target was to reach

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[73] Ibid.
[74] Supra note 71.
[75] Supra note 72.
[76] Supra note 74.

the 100 per cent but none of the state or UTs have been successful in achieving this rate. The state leading with the highest percentage is Goa having 73.35 per cent and Lakshadweep among the UTs having 69.53 per cent. Enrolment of children with special needs is lowest in Nagaland among all the States having 50.82 per cent and Daman and Diu among the UTs having 44.55 per cent.[77]

Another target that showed a little development agreeing to the SDG Index 2019-20 is the target 4.c. it insures for the substantial increase in the supply of qualified teachers through international cooperation for teacher training in developing countries, especially in the least developed countries and Small Island developing States.[78] Under the SDG Index report of 2019-20 the initial aim for the ratio of qualified instructors for schooling at elementary and secondary level was 100 per cent. As per the report, approximately 78.84 per cent of teachers in elementary and secondary schools are trained in India. The 2030 national target is to have 100 per cent trained teachers in schools. The percentage is highest for Karnataka among States and Chandigarh among UTs with more than 99 per cent trained teachers. Assam, Daman and Diu and Puducherry have less than 20 per cent trained teachers at the elementary and secondary levels as per the report. The other indicator was relating to the percentage of schools with Pupil Teacher ratio less than or equal to 30 and this was aimed at 100 per cent. Under the report of SDG Index 2019-20 around 70.43 per cent of schools in India have achieved a Pupil-Teacher Ratio of less than or equal to 30 and now it targets to have at least one teacher for every 30 students in all schools. Lakshadweep has already achieved this target. Sikkim is a best-performing state with 99 per cent of schools having an ideal Pupil-Teacher Ratio. In Bihar, the

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[77] Supra note 75.
[78] Supra note 76.

target has met its ratio at 21.75 per cent. Among the UTs, Delhi has the lowest share of schools

with an ideal Pupil - Teacher ratio at 46.43 per cent.[79]

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[79] Supra note 77.

CHAPTER 5
THE IDEA OF LEGAL EDUCATION IN INDIA

5.1 WHAT IS LEGAL EDUCATION

An organization of law in a nation not only provides a systematic working of departments but it also affects the social, political, economic and cultural features of that nation. The education of Law provides the framework within which society operates, regulating almost all aspects of their lives. Thus it can be stated that the, legal education derives its stimulus from the economic, social and political set up of the society. A properly controlled and socially relevant Legal education is a sine qua non for a proper indulgence of justice in a country. Legal education is a broad and comprehensive concept. Legal education is not a subject that covers the scope of the only law, but it extends its branches to the social, political, historical and economic ground as well. It not only includes merely the profession that is practiced in court of law, but also covers the teaching of law, law research, administration system in different offices relating to the law or where law plays a role and, in fact, commercial and industrial employments and all other activities which suggest and require the use of legal knowledge and skills. It is multi-disciplined and may be helpful in developing the human resources and idealism needed to strengthen the legal system - a lawyer, a product of such education would be able to contribute to national development and social change in much more constructive manner.[80] The Legal education prepares the future generation lawyers, judges, administrator, counsellor and legal scientists to fashion and refashion ways of peaceful and ordered attainment of ideals of human governance on the one hand and democratic right on the other.[81]

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[80] S.P. Sathe, Access to Legal Education and the Legal Profession in India, 1989, p. 165.
[81] The Report of the Curriculum, The Curriculum Development Centre in Law, vol.1, UGC New Delhi, 1990, p.14.

Legal education is an instrument to reserve the rule of law, which is the fundamental principle on which the political and legal foundations of the modern societies rests. The law education has now became a tool, which helps in governing the significant and authoritative function of examining the arbitrariness in the society. It has experienced uninterrupted changes in its field in order to be in alignment with the changing notions of the socio-legal philosophy and the nature of the law institutions.

Legal education plays an important role in the up keeping of the Rule of Law in a country. An institution can achieve success only if it moulds itself according to the changes in the society. The same fact is applicable on the institution of legal education in India. The present way of teaching is antiquated and this is a reason why there is a considerable amount of teaching but no substantial learning. Over the years, the same system has been carried forward without any transformation in the true sense. This needs to be changed if we want to compete with the top global law schools. We need to make our teaching methodology more practical and dynamic.

5.2 LEGAL EDUCATION IN INDIA- ITS HISTORICAL BACKGROUND

5.2.1 LEGAL EDUCATION IN ANCIENT INDIA

Legal education on Indian land may be derived from early times as the sacred text age, which is based on the thought of Dharma. However, there is no hint of any formal legal education as at that point, the coaching in law was self-learning and largely the kings themselves dispensed justice. Often, judges were appointed to administer justice. These judges were not formally trained in administration of justice however were accepted for his or her righteousness and justness and for following Dharma. The Vedas considered to be the primary or first foundation of law, and the Smiritis proclaimed the message of the Vedas. The Smritikars were great jurists, of which, Gautama, Bondhayana, Apastambh, Harita and Vaishta were particularly respected for his or her Dharmasutras that were thought-about most ancient expositions on law. In ancient period, the primary thought of education in ancient India was to produce correct direction

within the varied spheres of life. Education was aimed at teaching Dharma, morality, recognizing that Man is probably divine, but is the victim of his mental object, passions and immoral tendencies, created by his own past actions(karma)[82] so, the goal of education, as well as the Hindu religion, is to overcome these weaknesses. Furthermore the idea of Dharma was not confined to faith, however was understood to have two facets, which is faith and law. Dharma being the central plan of the Hindu faith, the separate coaching appreciating trendy legal education was not felt to be necessary. Throughout the traditional period, legal disputes were settled by mediation, negotiation and a few style of arbitration. Thus, what we now understand to be trendy the todays Alternate Dispute Resolution mechanisms were the same old methods for partitioning dispute in ancient India. Further, the law was believed to be clear to all, requiring no complicated human interpretation. Thus, there is little question that parties to a dispute in ancient Hindu law had a right to represent.[83] However, such representatives do not appear as a trained third person similar to the Advocates or Vakeel. Therefore, in absence of a need for trained legal professionals, there was no institutionalization of legal education as a separate branch but the same could be said to have been imparted as a part of general education that revolved around the notion of Dharma.[84]

5.2.2 THE LEGAL EDUCATION UNDER MUGHAL EMPIRE

Origin of Mughal Empire in Indian subcontinent commenced with the conquest of Babur in 1525 and expanded to the rise of British domination in India. Throughout this era, the emperor was the pinnacle of the judiciary. Since Muslim jurisprudence comes from the holy book Qur'an, it is considered as unchangeable by any human being. Furthermore, Sunna has become an important resource that has helped to explain the Qur'an.[85]A system of courts was

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[82] Bansi Pandit, Hindu Dharma, p. 55
[83] Lud0 R0cher, Lawyers in Classical Hindu Law, XIII (3&4), Indian Bar Review,353(1986)
[84] Emerging trends in clinical legal education, a thesis by Manish Chahar, Chapter 3, p.107
[85] Sushma Gupta, History of Legal Education, p.51

established with Mughal rule following official procedures for adjourning criminal and civil cases. Acceptance of evidence or evidence has provoked further issues and demands for justice in the administration. These changes in the system require the involvement of legal advisers, who were called Vakils.[86] In addition, two Mughal concepts called, the Figh-e-Firoz Shahai and the Fatwa-e-Alamgiri were adopted to modify the duties of Vakils.[87]Therefore, legal professionals began to play very important roles in the administration of justice. However, the extension of the Mughal system was mostly to cities, the disputants were permitted to resolve the disputes according to their religious procedures for non-secular subjects.[88]In addition, at rural stand, the panchayats sustained their powers to resolve most disputes except for serious crimes. However, a party that considers itself dissatisfied can appeal against the arbitral award before a court established under Mughal law. Thus, the complexity of the administration justice made the need of legal help more significant. Further, such scenario additionally meant that disputants not having sufficient money resources were placed in harmful situation.

In the supremacies of two major sovereigns named Shahjahan and Aurangzeb, the Vakil appointed by the State for this purpose were called as Vakil-E-Sarkar. Although a system of third party was formalized in Mughal era, people who may perform intrinsically representatives do not seem to own their demanded specialised legal education and there is no proof of formal legal education system.

5.2.3 LEGAL EDUCATION UNDER BRITISH PERIOD

Contemporary legal education since the British rule to the Indians was with the courts of Madras, Bombay and Kolkata in 1726, although some kind of description was in front of the adjoining authorities. Nevertheless, there was no such clause of specific qualifications have

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[86] B.B. Misra, The Indian Middle Classes, pp. 162-163
[87] L. Sujanaingh, Legal Aid: Human Right to Equality, p.72
[88] Phillipis L. Calenis, A Note on Lawyers in Muslim India, XIII(3&4),Indian Bar Review,373(1986)

been established for those who serve or argue as legal practitioners before these courts. This trend continued even after the passage of the Charter in 1753 and Control Act, 1773. The enactment that brought little stability in the field of law was the Bengal Regulation VII of 1793. The provisions under this code standardizes nomination of the vakil in the civil judicial courts in the provinces of Bengal, Odisha and Bihar and gives exclusive rights to appoint lawyers in the Sudar civil courts. This provision was enacted with the aim of strengthening the legal profession so that bar members act as trustees for their clients, thus acting in good governance of justice. First-time regulation of the company's senior legal profession. Following the Bengal Regulation, XXVII of 1814, the Sudar Diwani Adalat facility was extended to the Provincial Courts and empowered the petitioners to act as arbitrators and make legal recommendations for fees.[89]The occupation gained momentum in the first half of the nineteenth century based on the Bengal Regulation XII of 1833 and the Legal Practitioners Act, 1846, which allowed those with specific qualifications to file lawsuits regardless of their nationality or religion. The legal profession in India was further developed in 1857 by the establishment of a unified judiciary under the Indian High Court Act, 1862. At the time of the establishment of the Law Commission targeting the institution of law in India, diversity in the legal profession was recognized in 1883.[90] High Court established under the Royal Charter was conferred with powers to make provisions regarding the enrolment of legal practitioners under the Letters Patent, 1865.

In 1921, a resolution recommended by Munshi Iswhar in the legislative Assembly consisted of a vison to create an India Bar for the removal of all differences between Barristers and Vakils. In the year 1923, under the chairmanship of Sir Edward Chamier, the Indian Bar Committee was set up which recommended the establishment of a Bar Council in each High Court and

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[89] P. Mehhta and Susma Guppta, Legal Education And Profession In India, p.42
[90] S.K Sharma, Legal Profession In India, Sociology Of Law And Legal Profession: A Study Of Relations Between Lawyers And Their Clients, p.43

directed to investigate cases on disciplinary action against its counsel. On the other hand, the idea was not favoured. In 1926, the Indian Bar Council Act was passed, which sanctioned Bar Council to make rules subject to the approval of the relevant High Court. However, the power to appoint attorneys rests with the High Court and advises only on the working nature of the BCI.

Officially, legal education introduced 1855 with the introduction of the first law professorship in 1857 in government colleges at the Universities of Bombay, Madras and Kolkata. At the time, English was the language of British law, so anyone with its knowledge was entitled to investigate law and to be a legal representative.[91] Legal education during the British India era was a two-year program with outmoded lecture method.[92] Students were taught only abbreviated pamphlets and everybody used cribs and aids for passing the examinations[93]. As stated by the Unemployment Committee appointed by the UP government in 1935, the quality of legal education was very unequal during the colonial period. Therefore, the diversity of committees assesses the status of legal education and suggests anything or the other for its improvements.

As a result, background of legal education throughout British period reveals the unified legal education system prevailing throughout this era. The start of formal legal education in 1855 and the requirement of reformation in the legal education created evidently demonstrates deficiency of gravity in providing the quality legal education. The method of solemnizing legal education was relaxed and minimum efforts given on raising the standard of legal education. Thus, it can be summed up that, efforts to improve legal education were mainly confined to

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[91] Iqbaal Ali Khan, "State of Legal Education in India- Legal Education in India In 21st Century Education in India: Problems and Perspectives", p.173.
[92] 14th Law Commission Report on Reform of Judicial Administration, 1958.
[93] Ibid, para.44.

institutionalization and regulation of legal education rather than considering content pedagogy of legal education.

5.3 CONSTITUTIONAL RECOGNITION TO LEGAL EDUCATION IN INDIA

Under the COI, there is no specific entry in Schedule VII to the Constitution of India that deals with legal education. The regulation of standards of legal education, therefore, is through the more generic entries pertaining to higher education and entitlement to practice before courts.[94] Legal profession along with the medical and other professions falls under List III Entry 25 of the Constitution of India. Synchronization and determination of standards in institutions for higher education is the subject matter falling under Entry 66 of List I of the Seventh Schedule of the Constitution of India. Entry 25 of List III also connects to education and reads as follows:

Education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.[95] Entries 77 and 78 of List I are concerned, inter alia, with the entitlement of persons to practice before the Supreme Court and the High Courts. The Entries read as follows:

Entry 77- Constitution, organization, jurisdiction and powers of the Supreme Court (including the contempt of such court) and the fees taken therein; persons entitled to practice before the Supreme Court.[96]

Entry 78- Constitution, organization (including vacations) of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practice before the High Courts.[97]

According to reference of Entries 66, 77 and 78 of List I the Parliament had enacted laws for the regulation of professional legal education in India. The two statutory bodies contributes

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[94] Report of 3-Member Committee on Reform of Legal Education, p.1.
[95] List III, Entry 25, Schedule Seven, Constitution of India, 1950
[96] Ibid, List I, Entry 77.
[97] Ibid, Entry 78.

the regulation of the discussed legalities, are The Bar Council of India as the apex professional body concerned with the standards of the legal profession, and The University Grants Commission as an umbrella organization for all institutions of higher education.[98]

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[98] Supra Note 94, p.2

CHAPTER 6
ISSUES AND CHALLENGES REGARDING QUALITY LEGAL EDUCATION IN INDIA

6.1 PRESENT SCINARIO OF LEGAL EDUCATION IN INDIA

India has seen major modifications since its independence, whether socially, economically, or politically, after the freedom from the British rule. During the year, 1950, India had a federal form of government. The enactment of the Advocates Act was in the year 1961, became one of the crucial point of the legal education system in India, which is presently in existence . The Bar Council of India (BCI) Rules, instated under The Advocates Act 1961, lays down the prospectus for imparting legal education in India. Furthermore, BCI Rules have been governing all the relevant procedural aspects of legal education, like which subjects are to be taught, directing the mode of examination, conferment of the Degrees to the successful students and many other tasks.

In India, legal education is traditionally given as a three-year undergraduate degree. This structure has changed since 1987. The Law Commission of India and the Bar Council of India have established specialized law universities for legal education as recommended. National Law School of India University, Bangalore was first such University. Other law universities were then established, the main one being the traditional three-year undergraduate degree as well as the five-year integrated law degree program. These law universities intended to provide a multi-disciplinary and comprehensive approach to legal education. This is therefore the first time that the degree other than LLB. or BL given in India. After successfully completing the five Year Law Course these, National Law Schools grants the degree for BA, LLB (Hons) or BSc, LLB (Hons) or B.Com LLB. (Hons) or BBA, LL .B. (Hons). Subsequently, a five - year integrated law degree program was established in various law schools across the country under

the Advocates Act, 1961. It was a law passed by Parliament on the subject of legal education. Today, the legal education must meet not only the needs of the bar and the new needs of trade, commerce and industry, but also the needs of globalization.

6.1.1 REGULATORY BODIES REGARDING LEGAL EDUCATION IN INDIA

In India the BCI and the Universities mainly regulates the legal education in an attempt to produce skilled and trained lawyers.

- **The Bar Council of India(BCI)**

The Bar Council of India was formed under Section 4 of the Advocates Act, 1961, the highest figure for "legal profession in India. The Supreme Court in the matter of "*Bar Council of U.P. vs. State of U.P*"[99] held that, the Advocates Act, 1961 under Section 4 of which the Bar Council of India has been constituted, is an enactment made pursuant to Entries 77 and 78 of Schedule VII. It is with respect to the subject matter of persons entitled to practice BCI is envisaged as the apex professional body for regulating and enforcing the standards to be observed by members of the Bar. In consonance with the various State Bar Councils, BCI is responsible for all matters relating and incidental to admission, practice, ethics, privileges, regulations, discipline and improvement of the profession. Section 7 under Advocates Act, lays down the functions of the BCI. Under Section 7(i), it is empowered to recognize universities whose degree of law is the qualification for enrolment as an advocate and to visit and inspect universities for that purpose or may cause the State Bar Councils to do the same on their behalf. Under Section 7(h), it promotes legal education and lays down standards of such education in consultation with the universities of India imparting such education. Section 10 of the Advocates Act contemplates the constitution of a Legal education committee as a standing

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[99] Bar Council of U.P. vs. State of U.P, 1973 AIR 231.

committee by BCI.[100] Under Section 49 of the Advocates Act, BCI is empowered with the rule-making power with respect to legal education and its incidental matters.

The Supreme Court, in case of "*Bar Council of India vs. Board of Management, Dayanand College of Law*"[101], surveyed the statutory powers provided to BCI under the provisions of the Advocates Act, 1961. The court also observed the Rules framed thereunder, and concluded that the BCI is a body concerning with the legal education in the country.[102]

Actually legal education in India comes within the jurisdiction of the Bar Council of India (BCI), University Grants Commission (UGC) and the universities. In addition, each university has its own sovereignty in matters that crucially affect the upgradation of legal education for example, size of enrolment, the nature of examination system, policies regarding college affiliation, provision of law libraries etc.[103]

- **The University Grants Commission(UGC)**

As recognized under Supreme Court case "*Prem Chand Jain vs. R.K. Chabbra*"[104] that the UGC was established under Section 4 of the University Grants Commission Act, 1956 through Entry 66 of List I under Constitution of India. UGC got authority for either recommendation required for the alteration or improvement or both of University education to advise the University concerned upon the action to be taken for implementing such recommendations . "UGC has to act as an expert body to advise the Central Government on problems connected with the coordination of facilities and maintenance of standards in Universities. UGC, in consultation with the University concerned, has the power to cause an inspection or inquiry to

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[100] Section 10, Advocates Act, 1961
[101] Bar Council of India vs. Board of Management, Dayanand College of Law, (2007),2, SCC 202.
[102] Supra Note 94, p.8.
[103] Meenu Paul, "Legal Profession - One of the Objectives of Legal Education and the Role of Bar Councils in Legal Education in India in 21st Century", Id. at 312-313.
[104] Prem Chand Jain vs. R.K. Chabbra, 1984 AIR 981.

be made of any University and to advice on any matter, which has been the subject of an inquiry or examination".[105]Further, referring to the role of the UGC, the Supreme Court in its case "*Osmania University Teachers vs State of Andhra Pradesh & Anr.*"[106] Said, The UGC has therefore greater role to play in shaping the academic life of the country. It shall not falter or fail in its duty to maintain a high standard in the universities. Consequently, a university should play a projecting part in development new programmes, course curriculums, training of teachers, monitoring of the programme.

The Supreme Court had stressed upon the role and obligation of UGC relating to the regulation of standards of higher education in India. The wordings of the Supreme Court in the dispute titled as "*University of Delhi vs. Raj Singh*"[107] held that Principles laid down by UGC proposing credentials for being in a teaching staff would predominate and prevail over all other legislations in this regard, including Parliamentary enactments. The Supreme Court in the case of "*Prof. Yashpal vs. State of Chattisgarh*"[108] in short wordings has repeated about the regulatory character of UGC. The UGC established by virtue of Entry 66 of List I shall also cover any University established under the provisions of a State Act under Entry 25 of List III. Those universities would also be subjected to the requirements, rules and regulations consisting under UGC Act.[109]

The role of University comes under the University Grants Commissions Act, 1956. It states that the commission shall have the duty to consult with the universities or other concerned bodies, regarding the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research in

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[105] Supra Note 94, p.9.
[106] Osmania University Teachers vs. State of Andhra Pradesh & anr., 1987 AIR 2034.
[107] University of Delhi vs. Raj Singh, 1994 Supp. (3), SCC 516.
[108] Prof. Yashpal vs. State of Chattisgarh, (2005), 5, SCC 420.
[109] Supra Note 94, p.11.

university. Section 12(d) of this act provides the UGC has authority of recommending regarding necessary measures to any university, concerning the advancement of the level of education in a university and for that purpose they may instruct the concerning university for implementing of such recommendations through legal actions. Further under section 13, the UGC may, cause an inspection to be made in after consultation with the university. Section 14, of this act relates to the commission's power to hold back the grants from the university projected to be made out of the deposit of the commission if any university: Grants affiliation in respect of any course of study to any college in contravention of section 12A (5), fails to comply with any recommendation made by the UGC under section 12 or 13 within reasonable time, Contravenes the provision of any rule made by the UGC under section 25(2)(f)(g) (i.e. submitting information regarding finances and standards of teaching and examination maintained therein and relating to inspection of universities), Contravenes any regulation made under section 26(e, f & g) (relating to qualifications of teaching staff defining the minimum standards of instruction and regulating the maintenance of standards and the coordination of work or facilities in universities),

A committee constituted with Justice A.M. Ahmadi, Judge of Supreme Court of India, as the head, tried to discuss some relevant ideas concerning the same. The committee recommended reconstruction of the legal education committee of the Bar Council of India so it reflects the participation of representatives of the judiciary, Bar Council of India and the University Grants Commission. Further, it stated to have a test for entrance level at the time of admission in the law colleges and the university and the affiliated law colleges. The committee also suggested for having a 5-year law course immediately after passing out from the school. Another recommendation was regarding Rule 21 of the Bar Council Rules. It directed that universities must be attempting to encourage the enhancement of practical method sideways to the lecture method, tutorial and other modern techniques for conveying legal education. It must be

amended and must take account of problem method, moot courts, mock trials and other aspects and make them compulsory. The participation of students in moot court, mock trials and debates must be mentioned as a compulsory activity and as part of their curriculum. Practical training of drafting, pleadings and contracts can be established in the final phase of the graduation and students must make a visit at various levels to the courts, which must be regarded as an obligatory activity to provide them an exposure to their battleground. Lastly, the committee recommended establishing a National School type of college in each state.

6.1.2 THE DEVELOPMENTS UNDER LEGAL EDUCATION IN INDIA

The Law Commission of India (LCI) around two decades back had accompanied a comprehensive Suo Moto evaluation upon the arrangement and parameter of the professional legal education system in India. The Report prepared by LCI, titled as the 184th Report on the legal education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956 analyses in detail the conjoint responsibility of BCI and UGC towards the regulation of professional legal education. The most important consideration of the LCI in its 184th Report was the introduction of an examination for admitting law graduates to the bar. LCI in its report also records its dissatisfaction with the inspections carried out by BCI for the purpose of granting permission or recognition to law colleges. LCI in its Report analyses the of consultation quality predicted between BCI and the Universities under Section 7(1) (h) of the Advocates Act, 1961. The Report records the obligation of BCI in guaranteeing standards of Legal education, and that of UGC in guaranteeing standards of education are, not in clash but construed harmoniously.

The National Knowledge Commission (NKC) in the year 2007, made report to Prime Minister of India on reform of legal education" which renowned "that the vision of Legal education is to provide justice-oriented education essential to the realization of values enshrined in the

Constitution of India. Many recommendations were made by the NKC in its report as follows:[110]

- Firstly the Creation of a supervisory organization involving eminent lawyers, BCI members, judges, academicians, representatives from trade, commerce and industry, economists, social workers, students and others for restoring Legal education.
- Development of Rating System for assessment of standard of all law teaching institutions for guaranteeing   constant academic quality throughout the country
- Thirdly, the endowment of the specialised branches of law by the Centre and State.

Many legal luminaries and academicians also recommended concerning reform of legal education in India. The recommendations includes the establishment of a new apex body replacing the BCI, lack of the funding in the legal institutions , reformation in procedures of inspection and recognition of law colleges by BCI, conduction of the bar examination for being eligible to practice and need of accreditation or the rating system for legal institutions for the maintenance of its quality. Thus after analysing all these recommendations the BCI adopted Rules on Standards of legal education and Recognition of Degrees in Law for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law which is also known as the 2008 Rules.

The rules of Bar Council of India divides itself four sections in the following series: Chapter II deals with the standards of professional legal education. Chapter III of it contains the provisions relating to inspection, accreditation and accreditation. Chapter IV relates to the establishment

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[110]Supra Note 94, pp. 18-22

of the directorate of the legal education, and lastly Chapter V provides recognition for a degree in law of a foreign university.[111]

6.2 JUDICIARY'S CONCERN FOR LEGAL EDUCATION THROUGH THEIR VERDICS

In 1857, three Universities were setup in Calcutta, Madras and Bombay, which took the first steps towards imparting formal Legal education by introducing the subject as part of their curricula[112]. Numerous Committees were set up periodically to consider and propose reform in legal education. In the Case *"Powell v Alabama"*[113], Supreme Court preached on the necessity of an advocate in the following words,

"Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, if determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Convict Left without the aid of council he may be put to trial without a proper charge, on improper evidence or evidence irrelevant to the issue or otherwise inadmissible. He then lacks both skills and knowledge to adequately prepare his defence, even though he may have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he may not be guilty, he faces a danger of conviction because he knows not how to establish his innocence. If that be true of men of intelligence, how many more trice is if of the ignorant and illiterate, or those of feeble intellect."

India's condition post-independence was entirely transformed. India adopted its Constitution on 26 November 1949 and it came into force on 26 January 1950, India adopted Democratic

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[111] Ibid, p.27.
[112] B.K. Nahaata, Legal Education and Profession- An Introspection, 4 AIR (Journal) 83, 85 (2002).
[113] Powell v Allabama, 287 US 45 (1932).

form of Government under which rule of law became foundational doctrine . Hon'ble Supreme Court of India echoed its sentiment in "*Suk Das vs Union Territory of Arunachal Pradesh*"[114], by stating, that the absence of legal education and lack of its awareness was responsible for the deception, mistreatment and deprivation of rights and benefits of the underprivileged ones. Under this status quo, law terminates itself to act as a guardian of the publics it as the public is uninformed of the protection extended to them.

In the Landmark judgement of "*Keshavananda Bharti vs State of Kerala*"[115], the Supreme Court considered the rule of law as the basic foundation of our Indian democracy. Education comprises broader influence as it outlooks for the progress of a nation. The judiciary performs a pivotal role in edging out and determining the laws in a nation. Quite a few revolutionary judgments by the Supreme Court perfectly confreres that the legal education has to be changed repeatedly in India as per the growth and need of the society. The Supreme Court of India in its landmark judgment in "*Deepak Sibal vs Punjab University*" [116] has held that the study of law should be encouraged as far as possible without any unreasonable intervention. The Supreme Court has realized the importance of discrimination of legal knowledge and tried to impress upon the state to appreciate the same. Manifestly, the state or the standing bodies are very frequently found adopting a negative and discouraging policy regulating the Legal education.

In "*Indian Council of legal education vs BCRI*"[117] the BCI had set on to restrict the access of individual below 45 years into legal profession, which was eventually struck down to be unreasonable and unconstitutional. This type of restraint or regulations will certainly have an adverse effect on the new entrants into Legal education. The Apex court in "*Manubhai Pragaji*

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[114] Suk Das vs Union Territory of Arunachal Pradesh, AIR (1986) SC 990.
[115] Keshavananda Bharti vs State of Kerala, (1973) 4 SCC 225.
[116] Deepak Sibal vs Punjab University, AIR 1989 SC 493 33.
[117] Indian Council of Legal Education vs BCRI, AIR 1995 SC 691.

Vashi vs State Of Maharashtra And Ors"[118] observed that, the need for a continuing and well recognized Legal education is absolutely essential reckoning the new trends in the world order, to meet the ever growing challenges.

In "*Bar Council of India vs Aparna Basu Mallick*"[119],it was held by the SC that if the acquisition of a law degree is essential for being qualified to be admitted on a stat roll, it is obvious that the Bar Council of Indian must have the authority to prescribe the standard of legal education to be observed by the universities in the country. Conditions of standard laid down by the Bar Council of India as to attendance in the law classes, lectures, tutorials, moot courts, etc., must be fulfilled before enrolment as an advocate. The Bar Council of India (BCI) framed the Bar Council of India (Training) Rules, 1995 to bring back the apprenticeship system which were struck down by the Supreme Court in dispute titled "*V. Sudheer vs Bar Council of India*"[120]holding that once the express provisions regarding apprenticeship and bar examination under Sections 24(1)(d) and 28(2)(b), had been omitted by way of an express statutory amendment, the requirement could not be re-introduced by way of subordinate legislation, particularly when the rule-making power had also been expressly omitted. Nonetheless, the SC recapped about dropping values of the legal profession during striking down the 1995 Rules, and the desperate requirement of refining the position of legal education was also a topic of concern.

Legal education must be capable of meeting the ever-growing demands of the society and should be well equipped to cater to complexities of the different situations. The area of deficiency should be located and correctives should be affected with cooperation of competent person before the matter gets beyond the control. It is pertinent to say that, repeated and

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[118] Manubhai Pragaji Vashi vs State Of Maharashtra And Ors., AIR 1989 Bom 296, (1989) 91 BOMLR 13, 1989 MhLJ 344.
[119] Bar Council of India vs Aparna Basu Mallick, AIR 1334, 1994 SCC (2) 102.
[120] V. Sudhir vs. BCI, (1993) 3 SCC 176

competent academics should be taken into confidence and their services availed of, to set right matters. Thus, the aforementioned observations made by either the judiciary or the commissions reflects some or the other deficiency on the part of existing system and suggest need for the alternate mode of finance and management for the streamlining of legal education system in India.

6.3 ISSUES AND CHALLENGES

The quality and standard of legal education acquired at the law school is reflected through the standard of Bar and Bench and consequently affects the legal system. Local and state government, Bar Council of India and individual colleges manage legal education in India. For different reasons the quality and standard of legal education is not satisfactory.

- Deficient Infrastructure in legal education

In the present time of fast growing trend of law aspirants the law schools must be capable to satisfy the requirements of the changing global community and fully re-examine the training that is being transmitted to law students. The infrastructure in the law schools must be wide-open to remarkable alterations in providing up the resources to faculties and students for taking out the quality legal education. Library facilities in law schools need to be adequately upgraded, for which huge resources need to be mobilized. In particular, we need to increase the resources needed to meet global standards to provide global infrastructure for our law schools through library arrangements and private donations. Second, organizations should set up clinical labs, computer labs, legal aid cells and moot court rooms. These are the mandatory requirements of the five-year law course infrastructure as per BCI regulations.[121] However, the establishments of integrated five-year law colleges were so expensive that even the most boring institutions

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[121] S.K Aagarrwal, A Report on Legal Education in India-Problems and Perspectives, 1972.

could not meet the basic requirements of the structures and the sufficient number of law faculty. Although organizations do not have the availability of common factors, the compatibility of global lawyers and scholars is very difficult.

- Medium of instruction

Many institutes govern education at the undergraduate level in regional languages. As a result, a number of aspirants in certain States are admitted to colleges without even having some essential fluency in the English language. Admittedly, a command on the regional language is helpful and sometimes even essential if one wants to practice in the Trial or High Courts in a particular State. However, it cannot be refused that the quality of education suffers seriously, if the medium of instruction is regional. The reason behind this is that the faculty has to be fluent in the language as well, which excludes the colleges from having good visiting faculty or guest lecturers from famous persons in the area. Furthermore, most of the statutes, cases, law, books and all the other materials are in English. There are not adequate readers in regional languages to cover up these complications.[122] Consequently, it not only deprives a student to have satisfactory skill of understanding of the subject but it also miss the mark to create crucial communication skills prerequisite to practice the profession suitably.

- Lack of technology

The field of education has changed significantly with the advancement of technology. The use of technology, especially in colleges in small towns, has been found to be low. Therefore, it affects the overall quality of legal education. Lack of use of modern technology is a foremost

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[122] A.L. Aavasthee, Powerlessness of The BCI to Improve Standards of Legal Education, 46(1) Journal of Indian Law Institute 55 (2004).

challenge in legal education in India. Scheduling meetings and reminders such as Google Keep and Google Calendar requires the use of advanced skills in MS Word, Excel, grammatically, advanced tools and teaching methods. It will be more interactive and interesting for the students.[123]

- Drastic differences among law colleges

As India brags of some reputed national law schools, there are also a number of institutions, which call themselves as law colleges and freely give the degrees without bothering to give the students a suitable education. Thus, the quality of students from distinct institutions is immensely different because of the drastic difference in the extent and kind of education they gain.[124]

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[123] Sneha Santra, Challenges faced by the Legal Education Sector of India
[124] C.G. Pillayi, "Legal Education: In Search of New Vistas, 50(3) Journal of Indian Law Institute 399 (2007)".

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CHAPTER 7
CONCLUSION AND SUGGESTIONS

7.1 CONCLUSION

"Education is a basic right and elementary to human dignity".[125] The quality of education in India has always been a theme of apprehension as there happens to be countless issues and challenges due to which this aim miss the mark in its proper accomplishment. Although India has come across various changes since independence regarding the system of education but still there happens to be many challenges, which are hindering the endeavours to achieve quality education in India. India through the SDGs is trying to achieve its 17 goals by the end of the year 2030. Education is not only the subject of concern for Indian government but there are many other sectors, which are still lacking behind in its development. The matter of quality education is also discussed under these 17 goals under SDG Goal 4. Goal 4 principally emphases upon the progression the quality of primary education. The progress report of "Goal 4 since 2016 might have shown the upgradation for primary education of children, but the extent of an upgradation, which the higher education was expecting, is not yet accomplished.[126]

The commitment for the quality legal education thus runs through the overall development of quality of the education system. The SDG 4 considers its targets divided for different part of education system for achieving its object. The initiatives for quality education at universities is discussed through target 4.3, 4.a, 4.b and 4.c. The quality of legal education is a matter of concern since the colonial period who brought the modern legal education system in India. Although reforms in the legal education system, it is still undergoing in its quality upgradation.

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[125] High level Political Forum on Sustainable Development, Review of SDG implementation and interrelations among goals, Discussion on SDG 4 – quality education, held on 9 July 2019.
[126] Dr. Neeta Khandelwal & Dr. Harish Gupta, Indian Education System and Current Status of Education in India, p.34

The higher education institutions plays an important role in attaining the target of SDGs not only in relation to the fourth goal of quality education but also with other goals such as sanitation and environment, innovation, and global partnership.

Legal education in India is not taught at the schooling level. The student if chooses law as his or her career then acquires his legal studies from any recognised law institution. The Bar Council of India and the Universities concerned modifying legal education in India. The Bar Council of India, the State Bar Councils, the State Governments, the University Grants Commission and the Universities plays an important role in refining the standard of legal education in the country. The Bar Council of India and The University Grants Commission should discover for the new opportunities in the era of information and technology in the legal arenas. They should find out the ways and means to encounter the new challenges and provide better instruments of research and methodology of learning for the new generations of law students. Legal education in India should be delegated to legal academics with freedom to innovate, experiment and compete globally, apart from the dominant control of the Bar Council.

7.2 RESEARCH QUESTIONS ANALYSIS

The researcher has formed certain sets of research questions in the beginning of this research that has been tried to answer through the chapters under this research. A brief regarding the analysis as per the research question can be stated as follows:

- **"What work the Central Governments has done in order to promote the commitment of quality of education under SDG in India?"**

The work and initiatives of the Central Government has been mentioned under Chapter 4 of this research. The sources mainly includes the SDG Mapping index by the NITI Aayog. The

sources also includes the related articles, which discussed quality education in India and important schemes, which lead to the success of SDG Goal 4.

- **"What is the legal and policy framework for achieving quality Legal education as the part of India's commitment to SDG"?**

The subject of quality legal education has been a concern of India since long before the initiation of the SDG 2030 Agenda. This is under the historical development of Legal education in India as described under Chapter 5 of this research. The legal framework of the quality legal education includes mainly the Advocates Act, 1961 under which the BCI was established. Another legal framework concerning Legal education in India is University Grants Commission Act, 1956, which led to the formation of the University Grants Commission (UGC). The main source of these legal frameworks is The Constitution of India, 1950. These enactments plays an important role in the upgradation of the legal education in India. Their role has been discussed under Chapter 6 in detail under this research.

- **"What are the issues and challenges regarding the present Legal education system in India?"**

The major issues contains the infrastructure problem, lack of technology, the growing of private law colleges who are lacking the basic requirement for providing the proper legal education. All these heads has been discussed under chapter 6 of this research in depth. Although the new rules by the BCI in consultation with the UGC and universities have been proposed regarding the legal education system in 2019, but it has not been approved yet.

- **"How to achieve quality Legal education in India with respect to the India's commitment to the Quality education under SDG"?**

The quality legal education is the concern subject of the Universities. This ultimately directs towards the upgradation of the higher education system at universities. The SDG Goal 4 Target 4.3 focuses upon the quality higher education.

7.3 SUGGESTIONS

- It is suggested, that the problem-based questions must presented in the tests to an extent of about 75% in each paper, apart from 25% for theory. This will enable the students to apply their mind seriously to every subject. This will also eliminate the chances of copying or seeking help of invigilators.

- New technologies to be used which not only include the use of presentations in the classroom, but would also embrace web-based technologies that allow for collaboration and discussion amidst faculty and students across the country. This would also allow for the sharing of resources, and enabling access to resources for students and faculty who may not otherwise be able to access them.

- The inclusion of mediation should be there in curriculum of the law teaching institutions to enrich clinical legal education. It must be included in the co-curricular activity of the law students. Mediation helps the law student to develop their skills before entering the profession.

- The Bar Council should introduce an arrangement of benchmarking and evaluating the quality and standards of law schools across the country. Measures used to assess law schools include:

  ➢ choices set up by maximum students for taking admission in Law School
  ➢ Clearance proportion of ex-students from law colleges in All India Bar Exam
  ➢ School Quality and range of infrastructure and resources available in law school

Thus, it can be perceived that the effective reform in the Indian legal education system will require energy, imagination, and true devotion. For the reasons discussed above, however, education seems the most favourable point of entry and offers greater advantage for productive change than reform at any other point in the legal order. So much needs to be done even to understand the problem and to customise legal system for India that it needs.

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