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INDIA

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REVIEW OF ACCREDITATION OF CENTRES OF LEGAL EDUCATION IN INDIA

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In India, higher education has witnessed considerable development since Independence with a remarkable growth in the number of Higher Education institutions (HEIs). Overall oversight of these HEIs is under the purview of the University Grants Commission (UGC) with support being provided by Statutory bodies as relevant to the different courses under consideration. In particular, the Bar Council of India (BCI) serves to offer regulatory insight for legal education in the country. Accreditation of HEIs was introduced in India in recognition of the significance of the quality of higher education relating to the achievement of the objectives of higher education. This article therefore attempts to scrutinise the current process of accreditation of HEIs in India under the auspices of the NAAC (National Assessment and Accreditation Council) with particular emphasis on centres of legal education. In this regard, the article scrutinises the regulatory authorities and quality reforms for higher education, and the relevance of accreditation and NAAC. Accreditation of centres of legal education as per the NAAC guidelines is also scrutinised along with the guidelines for accreditation specified by the BCI. In the light of these, the article provides recommendations to enhance the future accreditation of centres of legal education in India.

1. Introduction

Accreditation of educational institutions has been in existence for more than a century in the United States.² However, its implementation in India is of more recent origin and hence is in the nascent stages. The objective and rationale of introducing the concept of accreditation was to help institutions and its stakeholders the strength and weakness, meanwhile, help them to progressively realise perfection. Accreditation agencies in general look like the consistent quality improvement institutions have made over the stipulated time period. Although it is the endeavour of the government to ensure that all students, regardless of specialisation, receive the best higher education, the efficacy of the implementation of accreditation across domains is perhaps a different matter altogether. Consequently, the focus of this paper is to scrutinise

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² UNESCO, *Accreditation and the global higher education market* (2008). Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000163514> accessed on 23 July 2020.

the status of accreditation for centres of legal education in India with the objective of highlighting the shortcomings of the present accreditation process in this specific regard. This stands important in the current times, for the hyper and relevance accreditation holds. The over emphasised relevance of accreditation has begun to wonder, if academics has moved beyond just teaching learning.

Legal Education in India

Presently, legal education of India is offered in two modes: a three-year course, which is a postgraduate degree following a bachelor's qualification, and a five-year integrated law course, which follows immediately after higher secondary education.³ Legal education in India has witnessed various transitions starting from a two-year course, in the initial phases of formal legal education in India,⁴ to the present five-year programme. Although close to 1500 colleges offer legal education in the country,⁵ criticisms have been raised with regard to the quality of legal education. For example, it has been argued principally that the courses do not equip students for the legal profession. Moreover, fundamental lawyering skills are absent after completion of the course. Additionally, legal education in India has also encountered the criticism that it has been unsuccessful in equipping law students and further has desensitised them through education.⁶ The standards of teaching and the extent of discipline have also received severe criticism.⁷

2. Regulatory authority for legal education in India

In India, entry into the legal profession is currently is distinguished by the single window system.⁸ Therefore, a person having a professional law degree is regarded as an advocate without needing to meet any requirements mandated by the Bar Council of India (BCI), the professional body for lawyers in India. With regard to legal education in India, statutory powers

³ BCI, *Rules of Legal Education, 2008* (2008). Available at: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf> accessed on 23 august 2020

⁴ *Report of 14th Law commission of India on Reform of Judicial administration*, Chapter 25 <http://lawcommissionofindia.nic.in/1-50/Report14Voll.pdf> accessed on 25 August 2020

⁵ BCI, List of Law colleges having approval of affiliation of the Bar Council of India as on 2nd April, 2018, available on <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/List-of-Law-Colleges-having-approval-by-the-BCI.pdf> accessed on 3 September 2020

⁶ Jennifer S. Bard, *Practicing medicine and studying law: How medical schools, used to have the same problem we do and what we can learn from their efforts* 136-209 Seattle Journal of Social Justice (2011) available at <http://ssrn.com/abstract=1894498> accessed on 24 September 2020

⁷ *Law Commission of India 184th Report on The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956*, p. 52. Available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf> accessed on 24 September 2020

⁸ Before the passing of the Advocates Act 1961, a person had to pass an examination conducted by the professional body for practicing as a lawyer. This practice is followed by many countries even today

are endowed to four statutory bodies, namely the BCI, University Grants Commission (UGC), the State Government, and the University providing the legal education.

Bar Council of India (BCI)

The establishment of BCI was the outcome of the specifications of the Advocates Act, 1961. The responsibilities of the BCI encompasses different official tasks such as, determining of standards for professional conduct and etiquette of lawyers. Moreover, it exerts “disciplinary jurisdiction over the bar”.⁹ Further, standards for legal education are set by the BCI and it bestows recognition to institutes of higher education which award degrees in law that serve as prerequisite for registration as a lawyer.¹⁰ The BCI comprises different committees such as, Disciplinary Committee, Legal Aid Committee, Executive Committee, Enrolment Committee, and Legal Education Committee. Other committees may also be established to scrutinise specific issues which may periodically arise.¹¹

The responsibilities of the State Bar Councils include entry of advocates into the roll, deliberation and confirmation of occurrences of misbehaviour among the admitted advocates, and upholding their entitlements and welfare.¹² On the other hand, appellate jurisprudence is implemented by the BCI.

The BCI’s functions with regard to legal education as per the Advocates Act, 1961, are as follows:¹³

“(b) to lay down standards of professional conduct and etiquette for advocates;”

“(h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;

(i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities 3[or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf];”

⁹ Bar Council of India, *About the Council* (2020) available at: <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/> accessed on 20 September 2020

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Advocates Act 1961, Section 6.*

¹³ *Ibid*, Section 7.

Part-IV of the BCI Rules of Legal Education, 2008, sets down rules regarding the “standards of legal education” and “recognition of degrees in law for the purpose of enrolment as advocate and inspection of Universities for recognizing its degree in law”.¹⁴ The Rules also lay down the requirements for affiliation/recognition of institutions teaching law (centres of legal education/universities).¹⁵

The more recent Draft Rules of Legal Education – 2019 pertain to the establishing and maintaining of legal education standards and inspection of Universities.¹⁶ Chapter IV of these Rules pertain to Accreditation. In particular, the system and process of accreditation are described in S29 to S34. As per these proposed Rules, the accreditation of centres of legal education is to be performed by a Legal Education Accreditation Board (LEAB)¹⁷. This is an autonomous body which will report directly to the Legal Education Committee of the BCI and is composed of members from the highest levels of the judiciary and academia, along with other members. However, the Rules are silent about the criteria for accreditation.

University Grants Commission

The University Grants commission (UGC) also has certain statutory powers with regard to the coordination of standards of legal education.¹⁸ As mentioned previously, the UGC is empowered to take all necessary measures to support and organise university education, and to define and preserve standards for instruction, assessment, and research in universities. Moreover, under Section 12(3), the UGC may propose the measures required to improve education in any university and further provide guidance to the university with regard to the actions to be performed to implement these measures.¹⁹ Fees charged by law colleges and penalty for infringement by disaffiliation are addressed by Section 12a (5) of the UGC Act, 1956. On the other hand, inspection of law colleges is addressed by Section 13 of the UGC Act, 1956, while Section 14 deals with the consequences if universities fail to obey the recommendations of the UGC.²⁰

¹⁴ BCI, *Rules of Legal Education, 2008* (2008).

¹⁵ *Ibid* at 37.

¹⁶ BCI, *Part – IV Rules of Legal Education – 2019*.

¹⁷ *Ibid* see S.30.

¹⁸ K. C. Jena, *Role of Bar Councils and Universities for Promoting Legal Education in India*, *Journal of the Indian Law Institute* 44 4 pp. 555-568. Available at: [http://14.139.60.114:8080/jspui/bitstream/123456789/12561/1/028_Role%20of%20Bar%20Councils%20and%20Universities%20for%20Promoting%20Legal%20Education%20in%20India%20\(555-568\).pdf](http://14.139.60.114:8080/jspui/bitstream/123456789/12561/1/028_Role%20of%20Bar%20Councils%20and%20Universities%20for%20Promoting%20Legal%20Education%20in%20India%20(555-568).pdf) accessed on 22 September 2020

¹⁹ *Ibid* at 557

²⁰ *Ibid.* at 566

State Governments

The role of State Governments in legal education is principally connected to the setting up of private universities. It is necessary for private universities to contact the State Government and present an application in compliance with the rules of the state's private university Act or any other recommendation published by the State.²¹ However, the application format and details needed varies across states. Further, the process and the schedule for returning applications also varies.²²

At the state level, state governments are enabled by Entry 32 of the State List to enact laws with respect to unification, regulation, and termination of universities.²³ Many states have enacted umbrella Acts over the past twenty years to bring transparency and prerequisites for the establishment of private universities.²⁴

Universities

Universities, as per the stipulations of the UGC Act 1956, are required to take the lead in developing new programmes, syllabi for courses, training of teachers, and monitoring programmes.²⁵ As mentioned earlier, universities are categorised depending on the type of management. Additionally, the courses conducted by them are regulated by professional councils (e.g., BCI). The over-arching regulatory body is the UGC.²⁶

The different types of universities (see Table 1) offer different levels of freedom to the colleges in their control with regard to administration and academics. For example, private colleges affiliated to government universities are especially constrained regarding administration and academics. While all universities have their own set of definite rules concerning affiliation,

²¹ Centre for Civil Society, *Regulatory Structure of Higher Education in India* (2015). Available at: <https://ccs.in/sites/default/files/research/research-regulatory-structure-of-higher-education-in-india.pdf> accessed on 23 September 2020.

²² Ibid at 564

²³ Ibid at 560

²⁴ Ibid at 561

²⁵ K. C. Jena, *Role of Bar Councils and Universities for Promoting Legal Education in India*, Journal of the Indian Law Institute 44 4 pp. 555-568. Available at: [http://14.139.60.114:8080/jspui/bitstream/123456789/12561/1/028_Role%20of%20Bar%20Councils%20and%20Universities%20for%20Promoting%20Legal%20Education%20in%20India%20\(555-568\).pdf](http://14.139.60.114:8080/jspui/bitstream/123456789/12561/1/028_Role%20of%20Bar%20Councils%20and%20Universities%20for%20Promoting%20Legal%20Education%20in%20India%20(555-568).pdf) accessed on 23 September 2020

²⁶ Centre for Civil Society, *Regulatory Structure of Higher Education in India* (2015). Available at: <https://ccs.in/sites/default/files/research/research-regulatory-structure-of-higher-education-in-india.pdf> accessed on 23 September 2020

their processes for affiliation are somewhat the same. It must be noted that private colleges cannot commence admissions without pursuing affiliation first.²⁷

3. Relevance of Accreditation and NAAC

Accreditation is a system “for recognizing educational institutions and professional programs affiliated with those institutions for a level of performance, integrity, and quality which entitles them to the confidence of the educational community and the public they serve”.²⁸ Further, accreditation refers to “the action or process of officially recognizing someone as having a particular status or being qualified to perform a particular activity”²⁹ In the Higher Education perspective, accreditation is utilised as a procedure to evaluate quality parameters of programs or institutions with regard to their educational methods, performance, results, syllabus, teaching-learning, assessment, governance, and other associated facets which control the quality of education.³⁰ Typically, the process of accreditation is performed by an external objective body and involves scrutiny and assessment of an educational institutions or programme to make sure that it fulfils the norms issued by an accrediting organisation.³¹ In case the norms are satisfied, the organisation grants accreditation status to the institution or programme.³²

At this point, it is necessary to highlight that accreditation differs from affiliation as the former indicates the giving of official authorisation to an educational institution whereas the latter signifies the official association or connection of an institution with a university.³³ Also, it does not follow that all institutions established according to the recognised guidelines are accredited.

In the opinion of the researcher, accreditation has grown in prominence in India and consequently there is a great drive towards achieving accreditation among institutions so much so that they have lost focus on the purpose of their establishment. Centres of legal education

²⁷ Ibid.

²⁸ AOTA, *Overview (ACOTE History, Meetings, Members)*. Available at: <https://www.aota.org/Education-Careers/Accreditation/Overview.aspx> accessed on 26 August 2020

²⁹ *Definition of Accreditation*. available at: <https://www.lexico.com/en/definition/accreditation> accessed on 26 August 2020.

³⁰ NAAC, *Manual for Self-study Report for Teacher Education Institutions* (2019). Available at: <http://naac.gov.in/images/docs/Manuals/TeacherEducationManual-15-11-2019.pdf> accessed on 23 September 2020.

³¹ Accreditation.org, *About accrediting bodies*. Available at: <http://accreditation.org/accreditation-resources/about-accrediting-bodies> accessed on 23 September 2020

³² Data.Gov.in, *Educational Accreditation (AISHE Survey)*. Available at: <https://data.gov.in/keywords/educational-accreditation> accessed on 23 September 2020.

³³ Franchise School, *What is the Difference Between School Recognition, Affiliation and Accreditation?* Available at: <http://www.franchiseschool.in/difference-school-recognition-affiliation-accreditation/> accessed on 20 September 2020.

are also subject to accreditation as per the directive of the UGC and consequently law schools are moving towards obtaining accreditation.³⁴ On one hand, there is a belief that accreditation ensures the gradual enhancement of quality and progressive growth in institutions. On the other hand, accreditation is criticised as being the outcome of subjective evaluations of institutions with inadequate rigour and the use of “unfair means” to achieve accreditation in spite of a teaching-learning setting of inadequate quality.³⁵

Nevertheless, laying aside the criticism, if accreditation is examined in its intended sense, it is worth noting and appreciating that the purpose of accreditation in the educational context is to develop the quality of education provided by HEIs in India. According to the NAAC website, the following advantages are associated with accreditation:³⁶

- “Institution to know its strengths, weaknesses, and opportunities through an informed review process
- Identification of internal areas of planning and resource allocation
- Collegiality on the campus
- Funding agencies look for objective data for performance funding
- Institutions to initiate innovative and modern methods of pedagogy
- New sense of direction and identity for institutions
- The society look for reliable information on quality education offered
- Employers look for reliable information on the quality of education offered to the prospective recruits
- Intra and inter-institutional interactions.”

National Accreditation and Assessment Council (NAAC)

As mentioned briefly, the NAAC is an independent body established by the UGC for the assessment and recognition of HEIs in India³⁷ following the recommendations of the National Policy in Education (NPE 1986). This Policy focused specially on the maintenance of the

³⁴ R. Mutthirulandi, *INDIAN COUNCIL FOR LEGAL EDUCATION (ICLE) & NATIONAL ACCREDITATION AGENCY FOR LEGAL EDUCATION (NAALE): FOR DEVELOPMENT OF LEGAL EDUCATION IN INDIA AND FOR AMELIORATION OF PREVAILING AFFLICTIONS IN THE FIELD* (2016). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2767266 accessed on 23 September 2020

³⁵ P. K. Nanda, *Govt shifts focus from HRD inspection to self-disclosure for university accreditation* (2017). Available at: <https://www.livemint.com/Politics/UwCBKzxf3s8vduPzkH6GCI/Govt-shifts-focus-from-HRD-inspection-to-selfdisclosure-for.html> accessed on 23 September 2020.

³⁶ NAAC, *Benefits of Accreditation*. available at <http://www.naac.gov.in/assessment-accreditation> accessed on 24 August 2020

³⁷ Vision of NAAC, available at: <http://www.naac.gov.in> accessed on 24 August 2020.

quality of higher education in the country. The NPE and the Plan of Action (PoA-1992) supported the establishment of an independent national accreditation body to deal with quality issues. The NAAC was setup as a result in 1994 and is headquartered in Bangalore.³⁸

The vision accompanying the establishment of NAAC was to make quality “the defining element of higher education in India through a combination of self and external quality evaluation, promotion and sustenance initiatives”³⁹ This was to be achieved through “periodic assessment and accreditation”, stimulating the “academic environment for promotion of quality in teaching-learning”, by encouraging “self-evaluation, accountability, autonomy and innovation in higher education”, to have institutions engage in research, “consultancy and training programmes”, and to work together with “other stakeholders” in the evaluation.⁴⁰

In order to achieve NAAC’s vision and mission, assessments, which are equivalent to quality assurance (QA) agencies at global level, are implemented to promote the following five core values, i.e.,

- To contribute to the country’s development,
- To nurture universal skills among students,
- To instil a system of values among students,
- To support technology usage, and
- To pursue excellence.⁴¹

It is in this light that legal education is also assessed.

The NAAC manual provides for the following types of institutes:

- a) University
- b) Autonomous colleges
- c) Constituent/Affiliated colleges

There are specific key indicators which is applicable to each of the category. Though most key indicators are suitable for law institutes, they fail to capture the unique activities of the institute.

³⁸ Ibid. at 1

³⁹ NAAC, *NAAC (Vision and mission)*: available at: http://naac.gov.in/docs/Promotional%20Materials/Vision_Mission_Value.pdf accessed at 20 September 2020

⁴⁰ Ibid.

⁴¹ Ibid.

As the scores are system generated, it is necessary to have the questions also formulated to include those that can capture the different practices of the professional course.

Parameters for Accreditation

NAAC has identified seven parameters for assessing institutions. These parameters are common for all the disciplines irrespective of the type of institution. The parameters are termed as criteria and are the backbone of accreditation and assessment. They are identified based on the core activities of an institution and are as follows:⁴²

Criteria 1: Curricular aspects

Curriculum is the backbone of a higher education institution (HEI). Therefore, a curriculum is required that is suitable to the demands of society, meeting the requirements to attain the necessary skills and values, academic flexibility, etc. NAAC looks into how institutions have best utilised the curricular aspect to ensure that the institutions are providing the best to the stakeholders. From the perspective of a university or autonomous college, it is important to look into how the curriculum is designed and developed. The key indicators therefore look into how a “need-based curricula” is best developed. It also considers the programme options that are made available and the frequency with which the curriculum is updated. As far as an affiliated college is concerned, the prime factor is how best the institution has implemented the curriculum taking into account the values and sensitivities emphasised. One of the key areas of curricular aspects is the academic flexibility enjoyed by the institutions. Another determining factor for NAAC is the effectiveness of the “Feedback System” and how well it is utilised by an HEI.⁴³

Criteria 2: Teaching-learning and evaluation

One of the prime requirements of education is that higher education is accessible to all and that it is inclusive. NAAC evaluates HEIs based on their ability to provide inclusive education to students not only from different strata of life but also of varying learning capacity. As Accreditation is related to outcome-based education, the consideration is how best the teaching and learning process has been student-centric and students are involved. Accrediting agencies move beyond mere policies and principles to look at how effective the teaching and learning

⁴² NAAC, *Manual for Self-study Report Universities* (2019). Available at: <http://naac.gov.in/images/docs/Manuals/University-Manual-11th-January-2019.pdf> accessed on 30 September 2020)

⁴³ Ibid at 10-12.

has been and how students are benefited. This is also the reason why it is necessary to ensure that stakeholders are aware about the outcomes of the programme and course. More importantly, NAAC looks at the evaluation of the attainment of the said outcomes.⁴⁴

Criteria 3: Research, Innovations and Extension

University and Autonomous institutes are given higher weightage for activities related to research such as, promotion of research, mobilisation of resources, innovation ecosystem, research publications and awards, etc. While encouraging research culture in the institution, NAAC also looks at how social responsibility is inculcated in students through extension activities. Extension activities include NSS, NCC,⁴⁵ and other outreach programmes. Criteria III also requires institutions to ensure academia-Industry interlinking.⁴⁶

Criteria 4: Infrastructure and Learning Resources

The focus of this criteria is to see if institutions have adequate facilities to support the holistic development of students. This includes the robustness of physical facilities, IT and campus infrastructure, and the library and collection of materials in the library.⁴⁷

Criteria 5: Student Support and Progression

Student support looks at how students are assisted through placement, welfare measures, grievance redressal, etc. Moreover, it examines holistic development of students through provision of extracurricular activities such as, social, leisure, and cultural. An institute's strength comes from how the students are placed in their life after the higher education. Therefore, details of the activities undertaken for student progression are necessary. This criterion also provides aspects to measure the successfulness of the alumni engagement and how students are rooted to the institution.⁴⁸

Criteria 6: Governance, Leadership and Management

Criteria VI looks at the strategic planning adopted by management to ensure effective utilisation of human resources and other benefits available for an employee of the institution. Key indicators for this criterion include “institutional vision and leadership”, “strategy

⁴⁴ Ibid at 12-14.

⁴⁵ National Service Scheme (NSS), National Cadet Corps (NCC)

⁴⁶ Ibid at 14-16.

⁴⁷ Ibid at 17-18.

⁴⁸ Ibid at 18-19.

development and deployment”, “faculty empowerment strategies”, “financial management and resource mobilisation”, and “internal quality assurance system (IQAS)”.⁴⁹

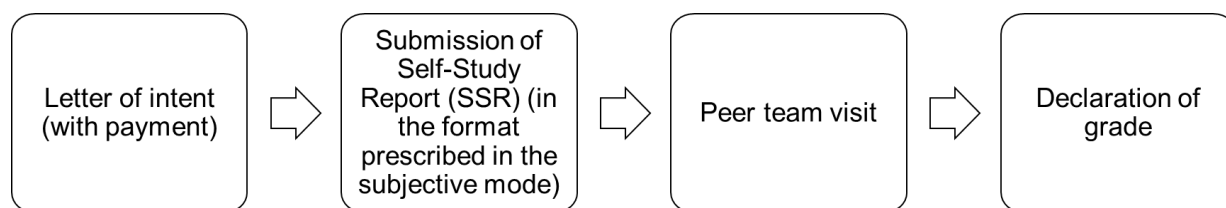
Criteria 7: Institutional values and best practices

NAAC assesses HEIs beyond their academic contributions to know how institutions have catered to different needs so as to inculcate the sense of gender sensitivity, harmony, environmentally friendly practices, etc. They also require institutions to have internal best practices.⁵⁰

Under each of the criteria, various quality indicators are defined. The indicators vary between the three kinds of institutions: University, autonomous college and affiliated colleges. The key indicators carry weightage based on which scores are awarded for grading.⁵¹

Process of Accreditation

Since its inception, NAAC has set out clear-cut procedures for accreditation. Recently, a revised process was launched which is effective from July 2017. Before considering the revised assessment and accreditation framework, it is necessary to look into the initial system of accreditation. Figure 1 depicts the process of accreditation prior to July 2017.



*Figure 1: Process of Accreditation prior to July 2017*⁵²

Source: Researcher’s compilation

This process faced criticism as it was dependent on the subjective discretion of peer team members with 80% score of accreditation and only 20% value to the SSR submitted. Thus, there were challenges to ensure transparency.⁵³ Nevertheless, this process had its own

⁴⁹ Ibid at 19-20.

⁵⁰ Ibid at 20-21.

⁵¹ Ibid at 23-25, 48-104. See also *GUIDELINES FOR ASSESSMENT AND ACCREDITATION* 20-22. Available at: https://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/Manual_for_Universities_23012013.pdf accessed on 24 September 2020.

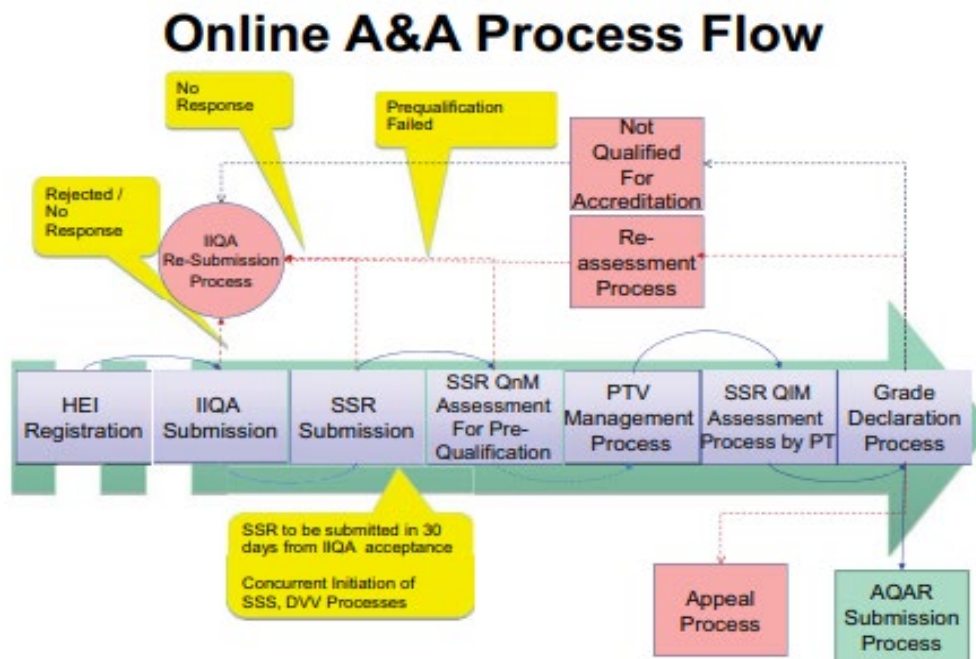
⁵² Researcher’s understanding of the process before the 2017 scheme

⁵³ Revised Accreditation Framework, NAAC (2017), Available at [http://www.naac.gov.in/docs/Revised%20Accreditation%20Framework%20\(RAF\).pdf](http://www.naac.gov.in/docs/Revised%20Accreditation%20Framework%20(RAF).pdf) accessed on 24 September 2020)

advantages as the institutions of a particular discipline were able to justify the parameters as suitable for them.

The revised framework⁵⁴ has introduced “system generated scores” (SGS) combining online evaluation (~70%) and peer assessment (~30%). Further, the distribution of scores for qualitative (Q_iM) and quantitative metrics (Q_nM) is given clearly by NAAC. However, this is where the institutes of legal education have faced challenges. These challenges will be considered at a later point, as this requires consideration of the set parameters. The revised framework has tried to simplify the process and enhance transparency in accreditation which is definitely likely to increase the credibility. It has made a shift from the qualitative peer team assessment to a quantitative indicator framework (QIF).⁵⁵ The revised system also provides the involvement of Student Satisfaction survey (SSS) and the minimum marks that must be obtained to qualify for the visit from the peer team. The highlight is the “third party validation” of data provided by the institution.⁵⁶

Figure 2 depicts the revised framework.



⁵⁴ Ibid at 8.

⁵⁵ Ibid. 8

⁵⁶ Ibid.

Figure 2: Revised Framework for Assessment and Accreditation⁵⁷

Source: NAAC

However, it has been found that this revised process has made it more difficult for institutions to comply with the generic parameters, especially institutes of legal education.

4. Methodology:

The research is analytical and evidence based on the data obtained from the accrediting agency.

5. Accreditation of centres of legal education

The mushrooming of law colleges across India has led to concerns over the quality of legal education and whether the course has ensured professional training in colleges.⁵⁸ Similar to other universities and colleges, institutes of law have also been accredited by NAAC, and the results are interesting to note. It is necessary to have a quality benchmark and push institutions to attain the set benchmark. But it is also important to understand basis of the bench mark. Setting a standard, that is not tailored for law institutes, will adversely effect the education system. Which seems to be the result in hand now

For instance, it is noteworthy that there is a considerable difference in the grade of the institutes between the prior and revised schemes. Table 2 summarises the status of accreditation of centres of legal education.

Table 2: Accreditation status of centres of legal education

Accreditation period	Number of colleges accredited
Prior to 2017 revised framework	44 ⁵⁹
After 2017 revised framework	32

Source: Researcher's compilation

⁵⁷ NAAC, *Online A&A Process Flow*. Available at: <http://www.naac.gov.in/docs/Flowcharts%20of%20A%20and%20A%20process-%20v1.pdf> accessed on 23 September 2020.

⁵⁸ P. Thakur, *As law colleges mushroom, concern over quality of advocates being churned out* (2017). Available at: <https://timesofindia.indiatimes.com/home/education/news/as-law-colleges-mushroom-concern-over-quality-of-advocates-being-churned-out/articleshow/57302886.cms> accessed on 23 September 2020.

⁵⁹ Data collected from the accreditation results released by NAAC and compiled by the researcher.

Table 3 provides the breakup of institutions accredited under the different frameworks by grade.

Table 3: Breakup of accredited centres of legal education by grade

Grade	A++	A+	A	B++	B+	B	C	D	Total
Number of institutes pre-2017	0	1	14	5	11	10	3	0	44
Number of institutes post-2017	0	0	3	1	4	16	8	0	32

Source: Researcher’s compilation

Figure 3 depicts the breakup by grade of centres accredited prior to 2017 while Figure 4 depicts the breakup by grade of centres accredited after 2017. Figure 5 depicts the comparison by grade of Centres accredited prior to and after 2017.

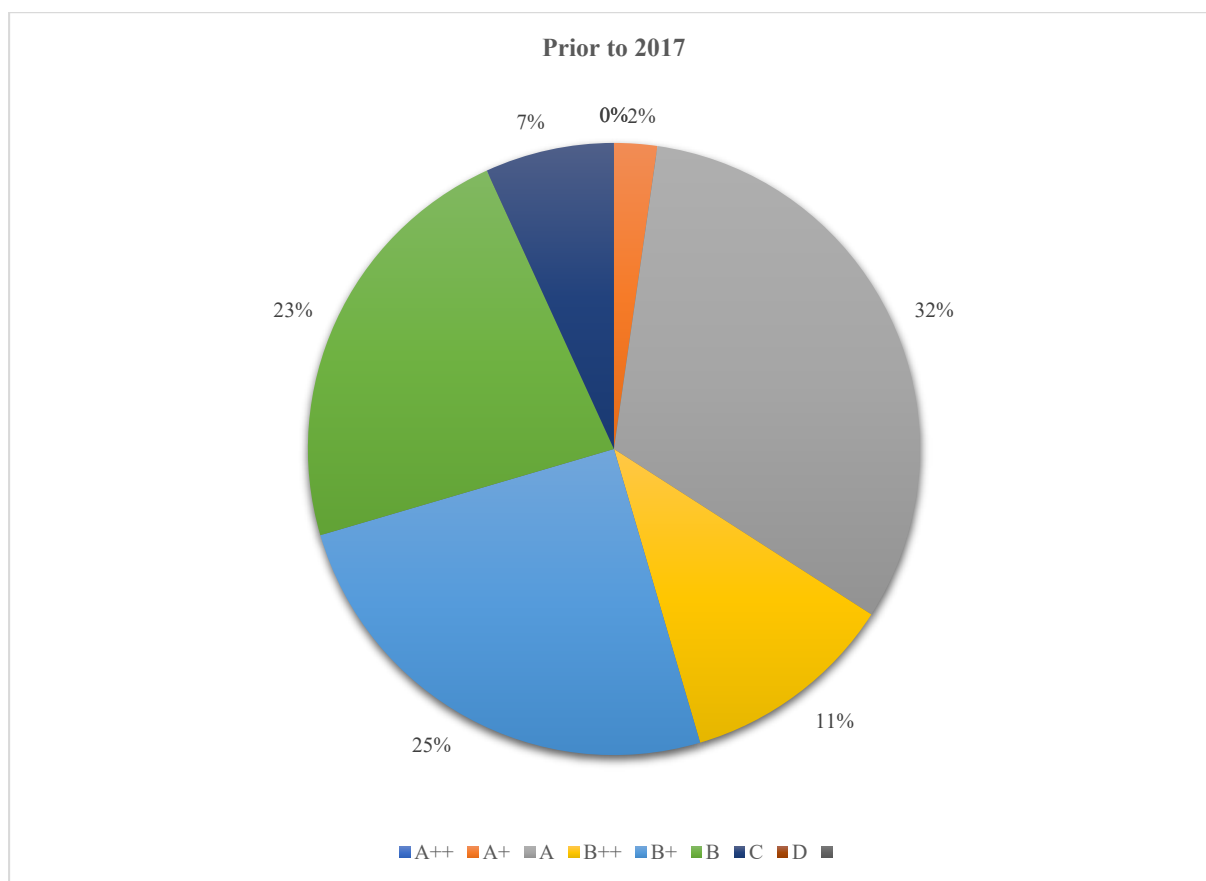


Figure 3: Centres accredited prior to 2017 – breakup by grade

Source: Researcher’s compilation

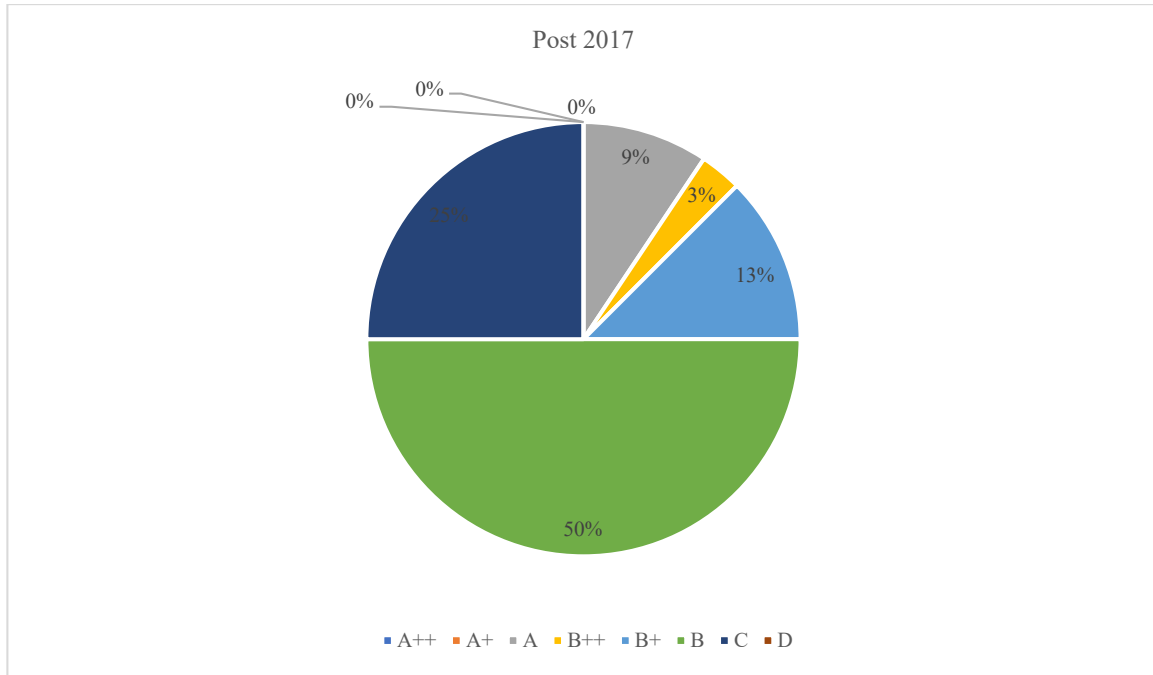


Figure 4: Centres accredited after 2017 – breakup by grade

Source: Researcher’s compilation

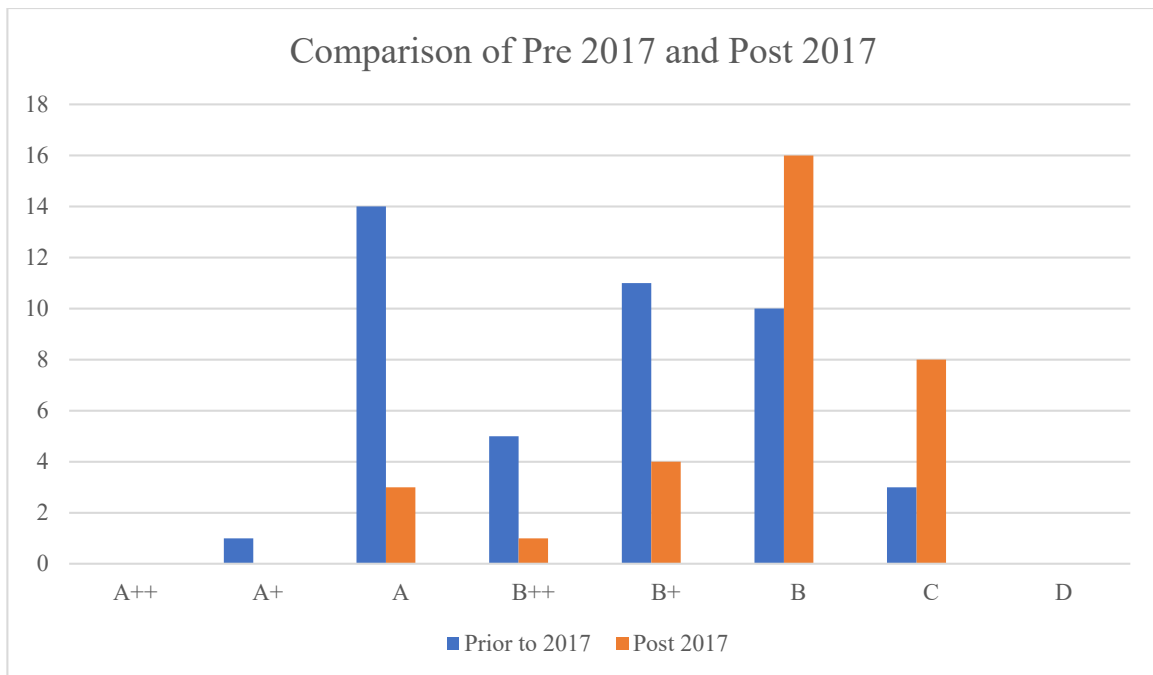


Figure 5: Comparison by grade of Centres accredited prior to and after 2017

Source: Researcher’s compilation

Some of the above-mentioned colleges had their subsequent accreditation cycles after 2017. This has raised a concern regarding the applicability of the generic parameters for law institutes as this has caused several of the colleges to be downgraded. For instance, prior to 2017, there were 32% law colleges with ‘A’ grade, which has decreased to 7% in the post 2017 scenario.

Further, there is only one university with A+ grade, in centres for legal education. Although there is an overall diminution of grade,⁶⁰ law colleges appear to be the most impacted as can be seen from the analysis above. Table 4 provides an indicative list of law colleges which have been downgraded in their subsequent accreditation cycles.

Table 4: Law colleges which have been downgraded (indicative list)

College name	Previous grade (Prior to 2017) (Last cycle prior to 2017 framework)	Post 2017 Framework (Subsequent cycle)
C1 (JSS Law College, Mysore)	A	B
C2 (V.M. Salgoacar College of Law, Panaji)	A	B+
C3 (SDM Law College, Mangalore)	A	B++
C4 (Ismail Saheb Mulla Law College, Satara)	B++	A
C5 (JSS Law College, Hubli)	B++/B	B
C6 (SS Maniyar Law College, Jalgoan)	A	B
C 7(ILS Law College, Pune)	A+	A
C8 (Manikchand Pahade Law College, Aurangabad)	A	B+
C9 (I. M. Nanavathi Law College, Ahmedabad)	B	B

Source: Researcher's compilation⁶¹

From the above results it can be gathered that, the generic parameters have impacted the centres of legal education adversely. In such a scenario, the grade cannot be regarded as one that

⁶⁰ P. Gholap and P. Kushare, *A Comparative study of Accreditation Grades of NAAC vis -a- vis NBA for Quality Improvement of Higher Education in India* (2019) International Journal of 360 Management Review 07 02.

⁶¹ Gathered from NAAC website and respective websites of the college for the purpose of research.

appropriately reflects the quality of the institute. It is also hard to presume that, the initial grades were a result of bias in peer team.

There is no denying the fact that the streamlining is definitely required to ensure quality and transparency in accreditation. However, it is evident that certain aspects of implementation require reconsideration. This matter was taken on priority at the Conference of Vice Chancellors of National Law Universities on Legal Education Reforms that was organised on 1st and 2nd September, 2018, in Delhi.⁶² It was suggested and urged that separate parameters be set out by NAAC for accrediting centres of legal education. Presently, it is still hearsay that NAAC is likely to come out with the manual and parameters, but no official notification has come out in this regard.

Manuals for Open Universities,⁶³ Teacher Education Institutes⁶⁴, Health Sciences⁶⁵, Dual Mode Universities,⁶⁶ etc., have been released by NAAC but these do not contain anything specifically related to law institutes.

i. Accreditation under BCI – Rules of Legal Education, 2008

While NAAC presently enjoys the autonomy of accreditation, it must be noted that as far as legal education is concerned, the BCI Rules of Legal Education, 2008, also made reference to accreditation.

The BCI, under the Rules of Legal Education, had specific mention of accreditation in the 2008 Rules and these were further expanded in the Draft Rules submitted in 2019⁶⁷. The Rules of Legal Education are covered under Part IV of The Bar Council of India Rules 2008⁶⁸ for the purpose of laying down the standards of legal education and regulating the quality of legal

⁶² Conference of Vice Chancellors of National Law Universities on Legal Education Reforms, held on 1-2 September 2018 at ILI, New Delhi,

⁶³ NAAC, *Institutional Accreditation Manual – Self Study Report Open Universities*. Available at: <http://www.naac.gov.in/images/docs/Manuals/OpenUniversity-Manual-11-12-2019.pdf> accessed on 2 October 2020.

⁶⁴ NAAC, *Institutional Accreditation Manual for Self-Study Report for Teacher Education Institutions*. Available at: <http://www.naac.gov.in/images/docs/Manuals/Teacher-Education-College-Manual-04-03-2020.pdf> accessed on 2 October 2020

⁶⁵ NAAC, *Manual for Health Sciences for Universities*. Available at: <http://www.naac.gov.in/images/docs/Manuals/23Sept19-revised-HSM-University.pdf> accessed on 2 October 2020

⁶⁶ NAAC, *Institutional Accreditation Manual for Self-Study Report Dual Mode Universities*. Available at: <http://www.naac.gov.in/images/docs/Manuals/final-Dual-Mode-University-Manual-7feb2020.pdf> accessed on 2 October 2020

⁶⁷ BCI, *Part – IV Rules of Legal Education – 2019*. Available at <http://www.barcouncilofindia.org/wp-content/uploads/2019/11/Draft-Rules-of-Legal-Education-2019.pdf> accessed on 2 October 2020

⁶⁸ BCI, *Rules of Legal Education, 2008* (2008). Available at: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf> accessed on 2 October 2020.

education. Under R.28,⁶⁹ an accreditation system was laid down by BCI so as to provide accreditation rating based on performance. The 2008 Rules also provide for the constitution of the accreditation committee which shall be responsible for accreditation of an institution.⁷⁰

The Rules for accreditation (R31) mention that accreditation of centres of legal education can be done either through the Accreditation Committee of the BCI or through the NAAC.⁷¹ The performance analysis referred to by the BCI has three components: academic, administration and financial⁷² compared to the seven criteria referred to by the NAAC.

Further, the 2008 Rules mention that the data required from institutions will be for five years and there must be complete disclosure of records. It is necessary to note that, under R. 31(vi), with regard to the academic part, mention is made of the following required data:

- “(a) faculty student ratio
- (b) system of detail curriculum development and teaching practice sessions
- (c) number of working days annually
- (d) number of working days lost with reasons
- (e) qualification of the faculty
- (f) class performances of the students and class records
- (g) system of clinical program and internship
- (h) evaluation system and record keeping
- (ix) student-computer ratio
- (i) on line library facility
- (j) capital investment of the institution per student
- (k) library investment per student
- (l) residential facility
- (m) outside the class hour of the faculty advice and interaction per student
- (n) career counselling opportunities
- (o) quality of the body of alumni
- (p) publication by faculty and students in journals

⁶⁹ BCI, *Part – IV Rules of Legal Education – 2019*. Available at <http://www.barcouncilofindia.org/wp-content/uploads/2019/11/Draft-Rules-of-Legal-Education-2019.pdf> accessed on January 29, 2020. Accreditation system: There shall be an accreditation and performance rating system for any institution having regular approval (p. 14)

⁷⁰ *Ibid* S. 29

⁷¹ *Ibid* R.31 (i).

⁷² *Ibid* R.31 (iii).

- (q) laboratory and moot court room exercise facilities
- (r) per student procurement of books and journals
- (s) class room environment
- (t) status of Free Legal Aid centre and legal literacy program run by the Centre of Legal Education and
- (u) any other information needed by the committee.”

The detailed proforma required is yet to be uploaded by the BCI under Schedule IX of the Rules, further showing the lack of coordination between NAAC and the BCI. The 2008 Rules further mention the heads that must be included for the financial assistance⁷³ while submitting the record.

In 2019, the BCI submitted the draft of amendment to the legal education rules where Chapter IV is dedicated to Accreditation. It is interesting to note that Schedule IX in the draft is also silent about the parameters of accreditation. However, the Draft Rules provide details regarding the Legal Education Accreditation Board (LEAB)⁷⁴ and their functions.

Thus, the current role of BCI in the accreditation of centres of legal education is limited to the provision of recognition/approval letter for the present academic year in its role as Statutory Regulatory Authority for such centres.⁷⁵

6. Key indicators that must be considered for accreditation of centres of legal education

Based on the scrutiny of the current accreditation process, the researcher proposes certain key indicators that must be included for accrediting legal education institutions. These are on the lines of the criteria specified by the NAAC.

Curricular aspects

Universities have the responsibility of curriculum development, and as far as legal education is concerned, the curriculum must include a component of experiential learning and integrate this into the course through simulation, clinics, etc. For this key indicator, the accreditation body must seek from the University the percentage of experiential/ hands-on training included

⁷³ Ibid R. 31(d).

⁷⁴ BCI, *Part – IV Rules of Legal Education – 2019*. Available at <http://www.barcouncilofindia.org/wp-content/uploads/2019/11/Draft-Rules-of-Legal-Education-2019.pdf> accessed on 3 October 2020

⁷⁵ NAAC, *Instructions to the Institutions (HEIs) for submission of IQA*. Available at: http://www.naac.gov.in/images/docs/apply_online/Instructions_HEI.pdf accessed on 3 October 2020



in the curriculum. Though the number of courses for employability/entrepreneurship/skill development is presently asked, it is also necessary to ask how a component is included in every paper.⁷⁶

Further, it is necessary to understand how universities guide the affiliated colleges and what is the academic flexibility they enjoy with regard to introducing their own courses.⁷⁷

Universities also enjoy a monopoly when it comes to deciding the academic requirements of all the colleges. However, it is also a fact that a university will have different categories of colleges with different capabilities. Laying down minimum standards is definitely necessary, but to have the exclusive power to introduce courses, limits the academic flexibility. It is necessary that college must be given freedom to cater to the growing demands of the environment and students.

Moreover, colleges must be provided with guidelines to facilitate practice of and implementation of the experiential component. Additionally, internship is a mandatory requirement under the BCI and it is necessary for students to complete a mandatory requirement of 20-week internship to successfully complete the course. It is therefore necessary that key indicator 1.3.4⁷⁸ be structured in such a way that the data of college of students completing the 20-week internship is also captured.

Autonomous colleges enjoy the academic flexibility of universities. It is therefore necessary to modify the percentage component of each course to cater to the experiential learning. Further, the recording of the internship of 20 weeks must be made mandatory.

Affiliated colleges do not enjoy academic flexibility as they receive academic directives from the university. NAAC therefore considers only the implementation of the curriculum which is a qualitative matrix, providing enough space for college to explain innovative practices. It is also necessary to consider the number of bridge courses and add-on courses introduced by the colleges. It can be seen that though introduced in the 2017 revised framework; bridge courses are no longer present in the 2020 manual. Nevertheless, colleges must be encouraged to

⁷⁶ NAAC, *Manual for Self-study Report Universities* (2019), Key indicator 1.1.3. Available at: <http://naac.gov.in/images/docs/Manuals/University-Manual-11th-January-2019.pdf> accessed on 3 October 2020

⁷⁷ Ibid Key indicator 1.2 (academic flexibility).

⁷⁸ NAAC, *Manual for Self-study Report Universities* (2019). Pp 51. Available at: <http://naac.gov.in/images/docs/Manuals/University-Manual-11th-January-2019.pdf> accessed on 3 October 2020

introduce bridge courses with proper methods of assessment for students to showcase the skills that they have acquired.

Legal education stands apart for the **integrated course** that it offers. The five-year law course is a dual degree with a combination of multiple bachelor degrees varying from BA, BCom, BBA, BSc, and even BTech. In this regard, it is necessary that NAAC records how well the courses have been integrated to set a benchmark. The university has the freedom to set the curriculum. They are also at liberty to include interdisciplinary papers under the law course for completeness.

Teaching-Learning and Evaluation

One of the prime focus of teaching, learning, and evaluation, must be how exercises such as moot court, drafting, debate, etc., are integrated into the class room lectures. It must also ensure that out of class teaching is included. Moreover, an interdisciplinary approach must be adopted by colleges in law institutes.

It is necessary for NAAC to look at the percentage of evaluation distributed for internal assessment, especially with the universities and autonomous colleges. However, affiliated colleges have a limitation, as the mode of assessment is mandated by the university. In this situation, colleges must share how they conduct continuous internal assessments and maintain transparency.

Research, Innovations and Extension

Universities and autonomous colleges have higher weightage for research, innovation, and extension compared to affiliated colleges. In centres, of legal education, skill labs can replace the focus on incubation centres. These skill labs can include moot court training, debate training, and drafting workshops to upgrade research skills among faculty and students. Further, professional trainings for lawyers must be included.

Extension activities are also very important for law colleges. Apart from NSS, NCC, etc., *legal aid* is a unique practice followed by legal education centres. It is therefore necessary to specifically mention what comprises legal aid activities especially with regard to legal awareness, accessibility of legal aid clinic, number of cases received by the legal aid clinic, village adopted by the clinic, etc. This must not be considered at par with NSS, NCC, etc., but rather as an essential activity for all senior law students. Moreover, universities and

autonomous colleges must also seek for the list of lawyers enrolled with the clinic to extend support. It is also necessary for the accreditation body to consider the number of legal awareness and assistance extended by the Legal Aid clinics of a law school. Though affiliated colleges do not have to disclose the consultations.

Though the revised framework in 2020 included moot court as an additional activity, it is not sufficient to consider the research activities. There are multiple avenues where the centres of legal education engages themselves into in terms of research and extension.

Infrastructure and Learning Resources

Infrastructural requirements have to be in consensus with the statutory requirements of BCI. Moreover, it is necessary to build a database regarding the law books to be available in the institute library. However, the database should place emphasis on the authoritative books on the subject matter to be available in the library rather than merely a count of books. The number of books can be satisfied with an increased number of text books also and hence the library must be made more robust with further categories based on the stream that the college is offering. It is also necessary that the functional MOUs (Memoranda of Understanding) must not be with industries alone but must be with law firms, officers, and other NGOs (Non Governmental Organisations). This is because law schools are more likely to have interactions with NGOs and lawyers, as that is more crucial to a law student.

It is also necessary to look into infrastructural facility for moot court, legal aid clinics, specialised clinics, trial room, etc.

Student Support and Progression

For a law school, student progress and support are crucial in terms of the diversity it supports.

- **Student support:** Law graduates have multiple avenues of being placed, and one of the key areas is litigation. While providing capacity building and skill enhancement activities, skill labs must be considered as well.
- **Placement:**⁷⁹ Legal education's purpose is not limited to placing students with firms. The prime choice of a law graduate will be litigation, followed by in house legal advisory, academia, and public service. Therefore, it is necessary that placement has

⁷⁹ Ibid Indicators 5.1 and 5.2.

the option to provide choice of employment over the employee details. The most common placement method in law schools is to convert internships to placement. Consequently, the college's placement efforts are limited to facilitation which does not directly enhance placement.

Further, as far as placement is concerned, it will be apt to look at the placement related training that college is extending to the students, how institutions facilitate academia–industry interaction through open houses, lectures, etc., and it must be recorded with details. It can be a quantitative matrix, which is adopted by centres of legal education.

- **Student Participation and activities:** It is necessary to have holistic development of student. just as much as sports and cultural activities are important, it is also necessary to understand student performance in co-curricular activities. In law institutes, co-curricular activities contribute to skill and value development in the students. Key indicators must provide the number of moot court competitions (and how many they qualify to different levels), debate competitions, drafting competitions, essay competitions, judgment competitions, and trial advocacy competitions, that the student have participated in and their performance in the same. The true quality assessment of a college lies in their participation in these activities.
- It is also necessary to consider the number of student publications apart from faculty publications and student participation in seminars, conferences, and workshops. The students interact and network through these conferences and workshops.
- Though the number of cultural and sport activities organised is important, it is equally or more important to look at local/state/national and international moot court competitions, trials, debates, etc., being organised by colleges.

Governance, leadership and management:

- The present key indicators are suitable for law schools. However, it would be great if key indicators to understand institutional innovations for providing clinical trainings to faculty are also considered, as this is necessary to bridge the gap between theory and practical and have industry-academia interlinking.
- Centres for faculty training must be setup with list of trainers from the non-academic industry.



Institutional values and best practices

The generic provisions of ensuring environmental practices, promoting gender awareness, etc., seem appropriate for centres of legal education also. The social relevance of legal education can be tapped at this point.

7. Conclusion

Hence, setting down a common criteria for all educational institutions in India have some shortcomings with respect to the accreditation of Centres of Legal Education. It is therefore recommended that as suggested the key indicators be modified to be more appropriate for evaluation of Centre of Legal Education. For instance, as against the importance of settling up of incubators, the weightage could be for the importance to clinical legal education. SO also in the matter of placement, while management courses would look for the number of corporates visiting the institution and recruiting candidates. In the matter of legal education, law graduates working into litigation, research, academia etc. Therefore a reconsideration of parameters is an utmost importance.

It is also for the academic institution to note that, accreditation is not about documentation and data, it is about the gradual progression made by the institution over the stipulated period. If institutions can make quality their culture , then grading will step in. Legal Education institution can strive for excellence, and the current accreditation parameters must not be sole criteria.