

Legal Education In Regional Languages- Present And Future

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Introduction

In 1947, after attaining independence from the British, Indian leaders chose Hindi as the official language of India in the hope that it would facilitate regional communication and encourage national unity. A single language in India's multilingual environment was the medium of education as well. Later on Hindi and English share their status as official languages and medium of instructions in educational institute as well. Dealing with the topic of this paper it would be necessary to have look over the languages in India and the history and present scenario of legal education.

Languages In India

There are 22 major languages in India³ written in 13 different scripts, with over 720 dialects. The official Indian languages are Hindi (with approximately 420 million speakers) and English, which is also widely spoken throughout India.

Regional Languages Of India

Indian languages belong to a numerous linguistic families, but most of them being the Indo-aryan linguistic group, few are Dravidian linguistic family mainly concentrated on the southern India. Other languages spoken in india belong to the Austro-Asiatic, Tibeto-Burman and few minor language families, which are still uncategorized (mainly a mode of communication on the Himalayan states).

According to the census of 1961, there are 1652 regional or local languages in India, among them Hindi enjoyed the status of official language by the Indian Government. Reason stated that more than 40% of the population of India use Hindi as their main language. The

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Constitution of India under article 343 declares Hindi as official language. English is the secondary official language.

Choosing Hindi as an official language presents serious problems to every person whose "mother tongue" is not Hindi. This raised a huge trouble for the people who are more fluent to their regional languages(Assamese,Gujarati etc.) and also to them whose medium of instruction throughout their academic session was English.Without Hindi there are 21 more official language in India⁴.

Legal Education In India

Legal education in India is offered at different levels by the traditional universities and the specialized law universities and colleges recognized by the Bar Council of India. India is considered as a country with rich tradition in legal education from the Vedic times. During this period, India was supposed to have had an comprehensive legal system. This is perhaps why the concept of legal education is based on the notion of *dharma* and is closely tied with the study of ethics and morals. In those times there was no formal education or training in the field of law. Knowledge and expertise in the area was acquired through self-study and self-analysis or self-absorption.

However, once British Rule was established in India, this system was gradually replaced. Thus, the system prevalent in India today is yet another colonial hangover and was instituted after the establishment of British Rule in India. It was only subsequent to this that efforts were started to streamline the profession. This was because then only *mukhtars* and *vakils* were permitted to practice in *mofussil* courts and they were not acquainted with the rules of law at all. Subsequently, they were replaced by pleaders who were allowed to practice at the district level by virtue of having obtained a law degree. Those enrolled as advocates were permitted to practice in any court subordinate to the High Courts. In 1857, three Universities were set up in Calcutta, Madras and Bombay, which took the first steps towards imparting formal legal education by introducing the subject as part of their curriculum.

The legal sphere received an impetus when the British, subsequent to the 1859 revolt, enacted a plethora of statutes which resulted in a legal system in India which paralleled that in the United Kingdom. These statutes(Indian Evidence Act,1872 , Indian Contract Act,1872 and many more) were drafted in English resulting in the Court

proceedings to be undertaken in English. Since most of the Indian population was rural and illiterate, they faced insuperable difficulties in responding to the Courts. Even the urban population had trouble making sense of the web of laws that were prevailing. Therefore, there was a dire need for a class of persons educated in the area of law in order that proper access to Court was ensured. It is necessary to have qualified lawyers in order that the rule of law is preserved. The need for able advocates therefore cannot be denied and such persons can only enter the field if there were adequate institutions to impart the necessary education and skill.

Legal education came forward ever since the first Government Law School was established in Bombay in 1855. The subject has been examined by Calcutta University Commission of 1917-1919, the University Education Commission, 1948-49, the Bombay Legal Education Committee, 1949, the All India Bar Committee, 1953, the Rajasthan Legal Education Committee, 1955 and the Committee of Judges appointed by the Chief Justice of India as resolved by the Conference of Chief Justices, 1993. They last met in order to propose measures which may be taken in order to ensure that graduates acquired sufficient experience before they were entitled to practice in the Courts. Legal teaching was undertaken by colleges affiliated to the universities and a recognized university law degree was itself a sufficient qualification for entry into the profession, the Bar Council was under a heavy obligation to take necessary steps to enhance the prestige of the legal profession by ensuring a high quality of legal education.

Lacuna in Legal Education

The character and competence of the legal profession depends almost entirely on the quality and content of the legal education that is obtained by the budding lawyers.

In an Education Report⁵ it states that "...our colleges of law do not hold a place of high esteem either at home or abroad, nor has law become an area of profound scholarship and enlightened research". Legal education is on an elevated plane and teachers of law enjoy a high respect, perhaps higher than those of any other field of instruction. We have no internationally known expounders of jurisprudence and legal studies. Our colleges of law do not hold a place of high esteem either at

home or abroad, nor has law become an area of profound scholarship and enlightened research.

There are a number of reasons why the standard of education in India has not reached the heights and prestige associated with the same abroad. These can be broadly classified into problems related to infrastructure, curricula, medium of instruction, availability of study materials in regional languages, faculty and students themselves.

Medium Of Instruction In Legal Education

Present perspective

A medium of instruction is a language used in teaching. It may or may not be the official language of the country or territory. Where the first of students is different from the official language, it may be used as the medium of instruction for part or all of academics. Bilingual or multilingual education may involve the use of more than one language of instruction. UNESCO considers that "providing education in a child's mother tongue is indeed a critical issue. In an education system riddled with inequities, language can also be an obstacle that comes in the way of learning. Educationists agree that it's best to teach in the mother tongue in the primary schools, but the issue is a complex and emotive one, given the diverse number of languages and dialects in the country and the attendant linguistic chauvinism that politicians are eager to exploit for their own gains. English, considered the passport to social mobility, is meanwhile becoming the preferred language of instruction among parents, many of who even put their children in unrecognised schools only because their signboards say 'English-medium'.

A number of institutions administer education at the undergraduate level in regional languages. As a result, a number of candidates in certain States are admitted to colleges without even having some basic fluency in the English language. Admittedly, a mastery of the regional language is helpful and sometimes even necessary if one wants to practice in the Trial courts or High Courts in a particular State and also helpful in the matters related to property disputes as most of the documents available from the past are made in Hindi or other regional languages. However, it cannot be denied that the quality of education suffers significantly if the medium of instruction is regional. This is because the faculty has to be fluent in the regional language as well, which

precludes the colleges from having good visiting faculty or guest lecture from eminent persons in the area.

Moreover, most of the statutes, cases, books and other material are all in English. There are not enough text books in regional languages to overcome these setbacks. Thus, not only does the student have adequate depth of understanding of the subject but also fails to develop necessary communication skills necessary to practice the profession properly. The BCI⁶ has tried to rectify this by providing that the medium of instruction shall be English but if it is not then it must meet the law graduate standard in order to qualify for enrolment as an advocate. Additionally, two papers on General English and one on Legal Language have to be compulsorily administered under the new scheme. If the medium of instruction solely sticks to any one language either Hindi or English then it would be difficult for those to cope up whose medium was neither Hindi nor English throughout their undergraduate academics.

Challenges during law courses – due to medium of instruction

In India, the medium of instruction varies among English, Hindi, and the respective states official languages. Private colleges and National law colleges usually prefer English, while central and state universities and their affiliated colleges tend to go with one of the last two. States and their languages –

- Assam-Assamese and/or English
- West Bengal-Bengali and English
- Karnataka-Kannada or English
- Goa-English or Konkani
- Maharashtra-English or Marathi
- Andhra Pradesh-English or Telugu. Few schools/institutes use Sanskrit, Hindi and Urdu
- Telangana- Telugu,Urdu, Hindi or English
- Tamil Nadu-Tamil or English
- Kerala-English or Malayalam
- Odisha-Oriya or English

In law colleges the medium of instruction is either English or Hindi let it be Central university or State university. Though in national law universities the medium of instruction is English which is the ground for clear rejection of those candidates who were taught in Hindi throughout

their academic session and even if they get selected to these universities they have to struggle a lot due to lack of English knowledge and even if the medium of instruction is Hindi the syllabus widely covered is available in English and whatsoever available in Hindi goes above head due to Hindi which cannot be easily understood by all but be understood by distinguished Hindi laureates only and is hard to translate in other languages by the students. Some of the languages have been considered as backward or language to be used only by illiterate by so called class and educated people who hide their relation with that regional language. The reason behind the less use of regional language is not that the followers of the same are less in numbers but the discrimination on the basis of their medium of education is the reason of its extinction.

During B.A.LLB (Hons.) course I came across batch mates from different states that are fluent in their regional languages, few of them were also well versed in English and few don't even know the basics of English. It is not that a student whose medium of instruction is Hindi is fully aware of the basics of Hindi, today education system has ruined our national language. Students from Hindi medium have to struggle a lot throughout their academic sessions for the availability of material in their known language covering syllabus. There is a compulsory paper of MOOT COURT in law course which is also conducted by many national, state, international and private institutes as a competition for which the medium is solely English which leave behind those students who are not fluent in English. Lecturers or professors whose medium is Hindi find difficult to survive where the ratio of English medium is much higher than the Hindi medium, same situation exists in terms of students as well. While pursuing law course have encountered with few one-liners from my near and dear ones-"what for you doing law to be a quack lawyer", "now you will be recognized as –VAUKEEL BABU by the district court visitors" and many more. This made me left with a thought that one person can make a difference; me and my batch mates decided to be a part of this change and for sure will change the setback theories of people about legal eagles. Language became the barrier for the talented ones, I always tried to help out those in need of material in Hindi and lucky enough to say that surrounded by so many grounded people who were ready to help others and keep promoting our national as well as regional languages.

Future perspective

Certainly much work has been done till now for the better education system though the implementation of all such schemes are not yet implemented properly to overcome the shortcoming in higher education. The foundation course i.e. primary education has to be taken care of on priority basis. One of the appropriate solution I found is the “Three language formula” for which is the dire need to implement it with utmost priority.

The Three-language formula

The National Curriculum Framework 2005, which lays down broad guidelines for teaching and learning, sums up the views of experts when it says: “A renewed effort should be made to implement the three-language formula, emphasizing recognition of children’s regional language(s) or mother tongue(s) as the best medium of instruction. These include tribal languages.” The framework recommends that English should find a place with other Indian languages. The three-language formula helps in fostering bilingualism and multilingualism, traits that improve “cognitive growth, social tolerance, divergent thinking and scholastic achievement.

Conclusion

To conclude I would like to mention the merits and demerits of regional language based legal education.

Merits of a regional language based legal education

1. A few researchers have shown that having a education in regional language enable the students to easily grasp the course content as they are used to the vocabulary.
2. Protecting and preserving regional languages.
3. In district level court proceedings, most of the old documents related to property disputes are available in regional languages. Thus, knowledge of regional language helps in understanding such documents.

Demerits of a regional language based education:

1. The students will have a painful shift at Law College when they are required to learn legal concepts in English who are not well versed with it. Many batch mates at college had Hindi based education and had to suffer a lot during the first two years at college.

2. Regional language based education promotes the mother tongue at the cost of the bridge languages (in India it is Hindi and English) that would enable the students to connect with the rest of the world. If the school/college doesn’t expose them to English, they will find it very hard in mastering the language (as their parents and surroundings don’t).
3. In the highly fluid world we are in, people need to be conversant with English.

To conclude, ideally we should have a blend of English and regional language, where the parents teach the kids in regional language/ mother tongue and schools/colleges teach in English with some sort of a bridge facilitated by both of them. In law colleges medium of instruction should be blend of English and regional languages and also the syllabus be covered in multilingual aspects.

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(Footnotes)

- 1 (as specified in the eighth schedule to the Constitution of India)
- 2 Assamese, Bengali, Bodo, Dogri, Gujarati, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi-It is a non-regional language, Tamil, Telugu, Urdu.
- 3 Radhakrishnan Commission University Education Report.
- 4 Bar council of India.

