Accreditation of Centres of Legal Education in India

Rhea Roy Mammen

Abstract

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.

Key words: Centres of Legal Education, Higher Education Institutes, Future Accreditation

I. Introduction

This article seeks to examine the accreditation of Higher Education Institutes (HEI) in India, in general, and for Centres of Legal Education, in particular. By doing so, this paper seeks to provide insights regarding how accreditation is presently accomplished in India and the different modes of assessment.

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Moreover, the paper seeks to highlight how accreditation has affected centres of legal education in particular.

Accreditation of educational institutions has been in existence for more than a century in the United States. However, its implementation in India is of more recent origin and hence is in the nascent stages. 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 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.

The paper is organised in the following manner. First, the present structure of higher education in India is introduced including legal education. This will be followed by a scrutiny of the regulatory authorities for higher education in India with particular emphasis on the regulatory authority for legal education. The third section will discuss quality reforms for higher education in India whereas the fourth section will scrutinise the relevance of Accreditation and the National Assessment and Accreditation Council (NAAC). In this regard, the parameters and process of accreditation will be scrutinised. This will be followed by an examination of the accreditation of centres of legal education, colleges accredited by NAAC, and NAAC criteria and the role of BCI. Finally, recommendations on key indicators that must be considered for accreditation of centres of legal education are provided.

II. Higher Education in India

The higher education system in India is one of the globe’s largest. The fundamental infrastructure of this system, both from the perspective of policy and organising, falls under the purview of the Department of Higher Education

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of the Ministry of Human Resources Development (MHRD).\(^4\) The Department is responsible for expanding access to Higher Education together with qualitative enhancement by means of superlative Universities, Colleges, and other Institutions. In keeping with its Vision to “realize India's human resource potential to its fullest in the Higher Education sector, with equity and inclusion”,\(^5\) the Department includes promotion of the “quality of Higher Education” in its Mission. This it endeavours to achieve by “investing in infrastructure and faculty, promoting academic reforms, improving governance and institutional restructuring toward the inclusion of the hitherto deprived communities”.\(^6\) Accordingly, a couple of the Functions of the Department are to “improve quality and to promote academic reforms” and “Setting up of new educational institutions and also capacity expansion and improvement of the existing institutions”.\(^7\)

Since Independence, the Indian Higher Education sector has seen the count of Universities/Institutions at University level and Colleges increase tremendously. According to the MHRD website, Universities have increased in number by almost 34 times between 1950 (20 Universities) and 2014 (677 Universities). Of these, 45 are Central Universities (the MHRD is responsible for 40 of these), 318 are State Universities, 185 are State Private Universities, 129 are Deemed to be Universities, 51 are Institutions of National Importance under MHRD (IITs, IISERs, and NITs set up under Acts of Parliament), and four are Institutions set up under different State bills.\(^8\) The responsibility for Higher Education is shared by both the Centre and the various States in India. Standards in Universities and Colleges are managed and regulated by the University Grants Commission (UGC) and other statutory regulatory bodies. The definitions of the different categories of Higher Education are summarised in Table 1.


\(^5\) Ibid.


\(^7\) Ibid.

\(^8\) Ibid. IIT-Indian Institute of Technology, NIT – National Institute of Technology, IISER - Indian Institute of Science Education and Research
Table 1: Definitions of Higher Education Categories

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>University</td>
<td>“a University established or incorporated by or under a Central Act, a Provincial Act or a State Act and includes any such institution as may, in consultation with the University concerned, be recognised by the University Grants Commission (UGC) in accordance with the regulations made in this regard under the UGC Act, 1956.”</td>
</tr>
<tr>
<td>Central University</td>
<td>“A university established or incorporated by a Central Act.”</td>
</tr>
<tr>
<td>State University</td>
<td>“A university established or incorporated by a Provincial Act or by a State Act.”</td>
</tr>
<tr>
<td>Private University</td>
<td>“A university established through a State/Central Act by a sponsoring body viz. A Society registered under the Societies Registration Act 1860, or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956.”</td>
</tr>
<tr>
<td>Deemed-to-be University</td>
<td>“An Institution Deemed to be University, commonly known as Deemed University, refers to a high-performing institution, which has been so declared by Central Government under Section 3 of the University Grants Commission (UGC) Act, 1956.”</td>
</tr>
<tr>
<td>Institution under State</td>
<td>“An Institution established or incorporated by a</td>
</tr>
</tbody>
</table>

9Ibid.
<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislature Act</td>
<td>State Legislature Act.</td>
</tr>
</tbody>
</table>

Source: MHRD\(^{10}\)

Higher education in India is delivered through different types of colleges: “(i) University/ Constituent College - A college maintained by the university (ii) Affiliated College.”\(^{11}\) A further category of Higher Education is autonomous colleges. These colleges are permitted to “determine and prescribe their own courses of study and syllabi, and restructure and redesign the courses to suit local needs, make it skill oriented and in consonance with the job requirements”. Moreover, autonomous colleges may “prescribe their own admission rules; evolve methods of assessment, conduct of examinations and notification of result; promote research in relevant fields” and so on.\(^{12}\) Degrees are awarded by the different universities. In the case of colleges, the universities to which they are affiliated award the degrees.\(^{13}\) It must be noted that the regulations and rules of the university, college, and course, affect the instruction provided at the classroom level.\(^{14}\)

**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.\(^{15}\) Legal education in India has witnessed various transitions starting from a two-year course, in the initial phases of formal legal education in

\(^{10}\)Ibid.


\(^{14}\)Ibid.

India,\textsuperscript{16} to the present five-year programme. Although close to 1500 colleges offer legal education in the country,\textsuperscript{17} 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.\textsuperscript{18} The standards of teaching and the extent of discipline have also received severe criticism.\textsuperscript{19}

\textbf{III. Regulatory Authorities for Higher Education in India}

Overall oversight for higher education in India is the responsibility of the University Grants Commission (UGC). This body was set up due to the passing of the University Grants Commission Act 1956.\textsuperscript{20} This Act was itself the outcome of entry 66 of List 1 of the Seventh Schedule of the Constitution of India, that is, “Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.”\textsuperscript{21}

\textsuperscript{16}Report of 14\textsuperscript{th} Law commission of India on Reform of Judicial administration, Chapter 25\url{http://lawcommissionofindia.nic.in/1-50/Report14Vol1.pdf} (last visited on March 30, 2020).
It is stated in the Act’s Preamble that it is “An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission”. 22

The Powers and Functions of the UGC are listed out in Chapter III, Section 12:23 Specifically,

“It shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities”

In other words, it is the responsibility of the UGC to take necessary steps to determine and maintain the “standards” of higher education in India.

i. Regulatory authority for legal education in India

In India, entry into the legal profession is currently isdistinguished by the single window system.24 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 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

23 Ibid.
24 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
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. 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.

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. 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:

“(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 [or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf];”

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

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26 Ibid.
27 Ibid.
29 Ibid, Section 7.
its degree in law.”\textsuperscript{30} The Rules also lay down the requirements for affiliation/recognition of institutions teaching law (centres of legal education/universities).\textsuperscript{31}

The more recent Draft Rules of Legal Education – 2019 pertain to the establishing and maintaining of legal education standards and inspection of Universities.\textsuperscript{32} 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)\textsuperscript{33}. 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.

\textit{University Grants Commission}

The University Grants commission (UGC) also has certain statutory powers with regard to the coordination of standards of legal education.\textsuperscript{34} 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.\textsuperscript{35}

\begin{flushright}
\textsuperscript{31}Ibid at 37.
\textsuperscript{33}Ibid Section.30.
\textsuperscript{35}Ibid.
\end{flushright}
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.\textsuperscript{36}

\textbf{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.\textsuperscript{37} However, the application format and details needed varies across states. Further, the process and the schedule for returning applications also varies.\textsuperscript{38}

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.\textsuperscript{39} Many states have enacted umbrella Acts over the past twenty years to bring transparency and prerequisites for the establishment of private universities.\textsuperscript{40}

\textbf{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.\textsuperscript{41} 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.\textsuperscript{42}

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

\textsuperscript{36}\textit{Ibid.}
\textsuperscript{37}\textit{Supra note 12}
\textsuperscript{38}\textit{Ibid.}
\textsuperscript{39}\textit{Ibid.}
\textsuperscript{40}\textit{Ibid.}
\textsuperscript{41}\textit{Supra note 33, p. 555-568.}
\textsuperscript{42}\textit{Supra note 12}
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, their processes for affiliation are somewhat the same. It must be noted that private colleges cannot commence admissions without pursuing affiliation first.43

IV. Quality Reforms for Higher Education in India

The National Policy on Education (NPE) was formulated by India in 1986 in response to the movements across the world with regard to reforms in higher education by means of review and upgradation of policies, systems, and practices. The Programme of Action (PoA) followed the NPE in 1992. Giving prominence to quality education, both these bodies supported the introduction of an accreditation organisation in the country. In response, the National Assessment and Accreditation Council (NAAC) was launched in 1994, as an independent entity under the authority of the UGC for the accreditation of higher education institutions. NAAC’s directive was to totally appraise and authorise higher education institutions.44 The National Board for Accreditation (NBA) was established, also in 1994, by the All India Council for Technical Education (AICTE) to assess the programs of the country’s technical institutions periodically.45 More recently, the National Education Policy (NEP) released in 2019 included the recommendations and comments of academicians and visionaries, through consultative meetings with various distinguished academicians including Late Prof. (Dr) Madhava Menon, the Father of Modern Legal Education in India, with regard to legal education based on constitutional values and principles.46

A Deloitte report in 2012 indicated that the considerable development experienced by Indian HEIs has led to the country’s system of Higher Education

43Ibid.
becoming one of the world’s largest. Nevertheless, although the country could be more successful in its endeavour to grow by addressing the challenges of expansion and equity, the most noteworthy aspect of merit, that is quality, has been disregarded. As a result, four broad challenges have been encountered by HEIs in India “the supply-demand gap”, “the low quality of teaching and learning”, “constraints on research capacity and innovation”, and “uneven growth and access to opportunity”.

Consequently, accreditation was made mandatory for all Indian HEIs based on the UGC Mandatory Assessment and Accreditation of Higher Educational Institutions, Regulations, 2012, to deal with the challenges facing HEIs in India. In this regard, only institutions offering technical education were exempted.

The goal of mandating accreditation was to grant magnitude and credit to the quality of education provided by Indian HEIs. Further, it was to support greater funding and further motivation to meriting HEIs. Other aspects that impacted the stipulation for accreditation included supporting globalisation of alliances, research, and teaching-learning. Certainly, these systems have offered all stakeholders the opportunity to more closely understand Indian HEIs. Additionally, obligatory accreditation increases the answerability of HEIs to its stakeholders. As a result, it is imperative that serious attention is paid by HEIs to

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49 Ibid at 4.

50 Mandatory Assessment and Accreditation of higher educational institutions, 2012. Available at: https://www.ugc.ac.in/pdfnews/8541429_English.pdf (last visited on March 18, 2020).
quality of education if they wish to continue to provide education that is tailored to societal needs, both current and future.\textsuperscript{51}

V. 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”.\textsuperscript{52} 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.”\textsuperscript{53} 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.\textsuperscript{54} 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.\textsuperscript{55} In case the norms are satisfied, the organisation grants accreditation status to the institution or programme.\textsuperscript{56}

\textsuperscript{52} AOTA, OVERVIEW (ACOTE HISTORY, MEETINGS, MEMBERS), https://www.aota.org/Education-Careers/Accreditation/Overview.aspx (Last visited on March 31, 2020).
\textsuperscript{53} DEFINITION OF ACCREDITATION. available at: https://www.lexico.com/en/definition/accreditation (Last visited on March 17, 2020).
\textsuperscript{55} Accreditation.org, ABOUT ACCREDITING BODIES. Available at: http://accreditation.org/accreditation-resources/about-accrediting-bodies (last visited on March 31, 2020).
\textsuperscript{56} Data.Gov.in, EDUCATIONAL ACCREDITATION (AISHE SURVEY)., https://data.gov.in/keywords/educational-accreditation (Last visited on March 31, 2020).
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.\textsuperscript{57} 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 are also subject to accreditation as per the directive of the UGC and consequently law schools are moving towards obtaining accreditation.\textsuperscript{58} 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.\textsuperscript{59}

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:\textsuperscript{60}


\textsuperscript{60}NAAC, BENEFITS OF ACCREDITATION, http://www.naac.gov.in/assessment-accreditation (Last visited on March 31, 2020)
• “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.”

 i. 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 India following the recommendations of the National Policy in Education (NPE 1986). This Policy focused specially on the maintenance of the 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.

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”. 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.

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62 Ibid.
63 Ibid.
64 Ibid.

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.\(^{65}\)

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 are 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. 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.

\textbf{ii. 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:\(^{66}\)

\textit{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

\(^{65}\)Ibid.

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.  

**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 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.

**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

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67 *Ibid* at 10-12.
include NSS, NCC,\textsuperscript{69} and other outreach programmes. Criteria III also requires institutions to ensure academia-Industry interlinking.\textsuperscript{70}

**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.\textsuperscript{71}

**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.\textsuperscript{72}

**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 development and deployment”, “faculty empowerment strategies”, “financial management and resource mobilisation”, and “internal quality assurance system (IQAS)”.\textsuperscript{73}

**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

\textsuperscript{69} National Service Scheme (NSS), National Cadet Corps (NCC)

\textsuperscript{70} Ibid at 14-16.

\textsuperscript{71} Ibid at 17-18.

\textsuperscript{72} Ibid at 18-19.

\textsuperscript{73} Ibid at 19-20.
sensitivity, harmony, environmentally friendly practices, etc. They also require institutions to have internal best practices.  

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.  

**iii. 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.

![Diagram of accreditation process](attachment:image.png)

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

*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. Nevertheless, this process had its own advantages as the institutions of a particular discipline were able to justify the parameters as suitable for them.

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76 Researcher’s understanding of the process before the 2017 scheme
The revised framework has introduced “system generated scores” (SGS) combining online evaluation (~70%) and peer assessment (~30%). Further, the distribution of scores for qualitative (QM) and quantitative metrics (Qn,M) 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). 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.

Figure 2 depicts the revised framework.
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.

**iv. 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. Similar to other universities and colleges, institutes of law

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have also been accredited by NAAC, and the results are interesting to note. 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

<table>
<thead>
<tr>
<th>Accreditation period</th>
<th>Number of colleges accredited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to 2017 revised framework</td>
<td>44(^{83})</td>
</tr>
<tr>
<td>After 2017 revised framework</td>
<td>32</td>
</tr>
</tbody>
</table>

Source: Researcher’s compilation

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

<table>
<thead>
<tr>
<th>Grade</th>
<th>A++</th>
<th>A+</th>
<th>A</th>
<th>B++</th>
<th>B+</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of institutes pre-2017</td>
<td>0</td>
<td>1</td>
<td>14</td>
<td>5</td>
<td>11</td>
<td>10</td>
<td>3</td>
<td>0</td>
<td>44</td>
</tr>
<tr>
<td>Number of institutes post-2017</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>16</td>
<td>8</td>
<td>0</td>
<td>32</td>
</tr>
</tbody>
</table>

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.

\(^{83}\) Data collected from the accreditation results released by NAAC and compiled by the researcher.
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
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, 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.

![Comparison of Pre 2017 and Post 2017](image)

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

**Source:** Researcher’s compilation

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

<table>
<thead>
<tr>
<th>College name</th>
<th>Previous grade (Prior to 2017) (Last cycle prior to 2017 framework)</th>
<th>Post 2017 Framework (Subsequent cycle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1(JSS Law College, Mysore)</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>C2 (V.M. Salgoacar College of Law, Panaji)</td>
<td>A</td>
<td>B+</td>
</tr>
<tr>
<td>C3 (SDM Law College, Mangalore)</td>
<td>A</td>
<td>B++</td>
</tr>
<tr>
<td>C4 (Ismail Saheb Mulla Law College, Satara)</td>
<td>B++</td>
<td>A</td>
</tr>
<tr>
<td>C5 (JSS Law College, Hubli)</td>
<td>B++/B</td>
<td>B</td>
</tr>
<tr>
<td>C6 (SS Maniyar Law College, Jalgoan)</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>C7 (ILS Law College, Pune)</td>
<td>A+</td>
<td>A</td>
</tr>
<tr>
<td>C8 (ManikchandPahade Law College, Aurangabad)</td>
<td>A</td>
<td>B+</td>
</tr>
<tr>
<td>C9 (I. M. Nanavathi Law College, Ahmedabad)</td>
<td>B</td>
<td>B</td>
</tr>
</tbody>
</table>

Source: Researcher’s compilation

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 appropriately reflects the quality of the institute.

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

85 Gathered from NAAC website and respective websites of the college for the purpose of research.
Legal Education Reforms that was organised on 1st and 2nd September, 2018, in Delhi.\(^8\) 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\(^8\), Teacher Education Institutes\(^8\), Health Sciences\(^9\), Dual Mode Universities\(^9\), etc., have been released by NAAC but these do not contain anything specifically related to law institutes.


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 2019\(^9\). The Rules of Legal Education are covered under Part

\(^8\) Conference of Vice Chancellors of National Law Universities on Legal Education Reforms, held on 1-2 September 2018 at ILI, New Delhi.


IV of The Bar Council of India Rules 2008\textsuperscript{92} for the purpose of laying down the standards of legal education and regulating the quality of legal education. Under R.28,\textsuperscript{93} 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.\textsuperscript{94}

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.\textsuperscript{95} The performance analysis referred to by the BCI has three components: academic, administration and financial\textsuperscript{96} 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 recordkeeping
(ix) student-computer ratio

\textsuperscript{94}Ibid S. 29
\textsuperscript{95}Ibid R.31 (i).
\textsuperscript{96}Ibid R.31 (iii).
(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  
(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 assistance 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) 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.

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97 Ibid R. 31(d).  
99 NAAC, INSTRUCTIONS TO THE INSTITUTIONS (HEIS) FOR SUBMISSION OF IIQA. http://www.naac.gov.in/images/docs/apply_online/Instructions_HEI.pdf (last visited on April 1, 2020).
VI. 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.

i. 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 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.\textsuperscript{100}

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.\textsuperscript{101}

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 1.3.4\textsuperscript{102} be

\textsuperscript{100}Supra note at 65, Key indicator 1.1.3

\textsuperscript{101}Ibid Key indicator 1.2 (academic flexibility).

\textsuperscript{102}Supra note at 65, p. 51
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 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.

**ii. 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.

**iii. 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.

**iv. 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.
v. 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**: 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 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.

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103 *Ibid*, Indicators 5.1 and 5.2.
• 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.

vi. 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.

vii. Institutional values and best practices

The generic provisions of ensuring environmental practices, promoting gender awareness, etc., seem appropriate for centres of legal education also.

VII. Conclusion

This article attempted to provide insights regarding how accreditation is presently accomplished in India and the different modes of assessment. Moreover, the paper sought to highlight how accreditation has affected centres of legal education.

It could be seen that the present scenario of NAAC being the sole accreditation authority in India had resulted in some shortcomings with regard to the accreditation of centres of legal education. It was therefore recommended that the key indicators be modified to be more appropriate for evaluation of centres of legal education and suggestions for the same were provided.