

AMIT YADAV¹, ANITA YADAV², ASHA RAWAT³, PREETI SANGER⁴

The Prospects of Indian Legal Education under the National Educational Policy 2020: A Paradigm Shift⁵

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Abstract

The authors explore the prospects of Indian legal education under the National Educational Policy (NEP) 2020, a sweeping plan to modernise the country's education system. The NEP 2020 prioritises students' all-around growth, interdisciplinary education, and 21st-century skill acquisition through a customisable programme. The article highlights various aspects of India's legal education system that are affected by the NEP 2020, such as interdisciplinary learning, curriculum flexibility, real-world experience, and technological advancements. The NEP 2020 is expected to have a profound impact on the education in law in India, with the potential to revolutionise the country's legal education system.⁶

Keywords: Indian legal education, National Educational Policy 2020, civil law tradition, common law tradition, foreign legal system, interdisciplinary education, curriculum adaptability.

¹ Amit Yadav, PhD – Manipal University Jaipur (India); e-mail: amit.yadav@jaipur.manipal.edu; ORCID: 0000-0001-9310-0112.

² Anita Yadav, PhD – University of Delhi (India); e-mail: ayadav@clc.du.ac.in; ORCID: 0009-0005-4070-9748.

³ Asha Rani Rawat, PhD – Banasthali Vidyapith (India); e-mail: asharanirawat@banasthali.in; ORCID: 0000-0002-5527-8750.

⁴ Preeti Sanger, PhD – Banasthali Vidyapith (India); e-mail: preetisengar@banasthali.in; ORCID: 0000-0001-5446-5784.

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⁶ Government of India, *National Education Policy 2020*. Available from: https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

AMIT YADAV, ANITA YADAV, ASHA RAWAT, PREETI SANGER

Perspektywy indyjskiej edukacji prawnej w ramach Narodowej Polityki Edukacyjnej 2020: zmiana paradygmatu⁷

Streszczenie

Autorzy analizują perspektywy indyjskiej edukacji prawnej w ramach Narodowej Polityki Edukacyjnej (NEP) 2020, szeroko zakrojonego planu modernizacji krajowego systemu edukacji. NEP 2020 traktuje priorytetowo wszechstronny rozwój studentów, edukację interdyscyplinarną i nabywanie umiejętności XXI w. poprzez program dostosowany do indywidualnych potrzeb. W artykule podkreślono różne aspekty indyjskiego systemu edukacji prawniczej, na które wpływ ma NEP 2020, takie jak interdyscyplinarne uczenie się, elastyczność programu nauczania, doświadczenie w świecie rzeczywistym i postęp technologiczny. Oczekuje się, że NEP 2020 będzie miał głęboki wpływ na edukację prawniczą w Indiach, z potencjałem zrewolucjonizowania krajowego systemu edukacji prawniczej.

Słowa kluczowe: indyjska edukacja prawna, Narodowa Polityka Edukacyjna 2020, tradycja prawa cywilnego, tradycja prawa zwyczajowego, zagraniczny system prawny, edukacja.

⁷ Badania wykorzystane w artykule nie zostały sfinansowane przez żadną instytucję.

Introduction

The two most influential legal traditions in the contemporary world are the civil law system, rooted in northern Europe, and the common law, originating in England. Political and economic factors have played a significant role in the global spread of both these systems, often shaping the legal frameworks of other nations. In some cases, the adopting societies shared social or historical conditions similar to those in which the imported system originally developed. However, more often – particularly in parts of Asia and Africa – foreign legal systems have been transplanted into societies with fundamentally different cultural values and social structures. The success of such legal transplants depends on several factors: the extent to which Western assumptions regarding law (e.g. the emphasis on predictability or the efficient resolution of disputes) align with local practices and communal expectations; the society's capacity to develop a professional class trained in legal administration; and the degree to which the new legal framework is understood and internalised by the broader population. The process of adoption and integration is both complex and gradual. The success of such legal transplants depends on several factors: the extent to which Western legal assumptions (e.g. the emphasis on predictability or the efficient resolution of disputes) align with local practices and communal expectations; the society's capacity to develop a professional class trained in legal administration; and the degree to which the new legal framework is understood and internalised by the broader population. The process of adoption and integration is both complex and gradual.

Education in the Indian Context

A brief encounter with a rich and complex culture such as India's often yields insights that remain tentative and incomplete. In the West, where the complexity and speed of social change have increased dramatically, we have come to perceive law as a tool of social design. In this context, Indian law and legal education offer perspectives that may influence both theoretical inquiry and pedagogical practices elsewhere. That said, a few words are in order regarding the key challenges currently confronting legal education in India. There is a growing body of self-aware and confident legal scholars and practitioners in the West who believe that maintaining

social order should be aligned with the intelligent and equitable realisation of human potential. In academic and social contexts, perceptions of need – whether grounded in actual conditions or not – have had a powerful influence, particularly when those needs cannot be fully grasped by individuals whose primary role is academic in nature. Legal education, traditionally slow to adapt in real time, is now under increasing pressure to evolve.

The State of Indian Legal Education

The prevailing trend in legal theory today is the construction of frameworks that facilitate the more direct application of rules, principles, and standards for political and commercial ends. Both the civil and common law traditions have recognised this as a meaningful scholarly development. However, India's historical context is markedly different. In ancient Indian society, where the pace of social change was minimal, mechanisms of control did not primarily rely on formal legal systems.⁸ Instead, familial ties and community-based peer influence functioned as the primary means of regulating conduct. Elders held positions of authority, and respect for long-standing customs often replaced legal reasoning. For many, laws were valuable precisely because they had been embedded in tradition, even when their rationale was not explicitly understood or articulated. In such a context, there was little need for a codified, analytically rigorous legal system. Consequently, mnemonic techniques and linguistic analysis became central to the education of those who engaged with the law – if legal education in its modern sense could even be said to exist. Critical thinking and introspective inquiry were not strongly emphasised in the traditional legal milieu.

While the judicial system eventually evolved, this development was largely unguided and lacked critical scrutiny. During my observations, it appeared that while India did produce legal professionals, they often operated more like technical experts in a highly specialised and under-theorised system. The brilliance and deeper significance of the structure within which they worked often went unnoticed. The colonial encounter, beginning in the seventeenth century, dramatically altered this legal landscape. Western influence – particularly the introduction of British common law – coincided with a broader cultural and artistic renaissance in Europe. The subsequent acceleration of social and economic transformation posed new challenges for India's legal institutions. Traditional societies may have benefited

⁸ R. Das, *National Education Policy 2020: Implications for Legal Education in India*, "International Journal of Advanced Research and Publications" 2020, 4(6), pp. 7–13.

more from a gradual and culturally sensitive legal transition. Instead, the adoption of British legal norms imposed a rigid, foreign framework with little consideration for local conditions.⁹

This transplantation of law brought with it a host of theoretical complications. The rapid evolution of legal fields, combined with the prestige and perceived superiority of Western legal models, contributed to their largely uncritical acceptance. Political power, psychological conditioning, and institutional inertia all played roles in reinforcing a system that often failed to meet India's unique requirements. Despite its colonial origins and partial incompatibility with Indian realities, English law became entrenched, even in areas such as commerce, governance, and civil society. This unmodified importation of foreign legal structures hindered the development of an authentically Indian legal education system. It is now imperative to develop mechanisms that are both rational and suited to local needs.¹⁰ The Indian legal tradition – long rooted in the principle of the rule of law – deserves to be recognised not just as a colonial inheritance but as part of the world's broader legal and cultural heritage. Moving forward, Indian legal education must strike a balance between this legacy and the imperatives of a rapidly changing society.

The English Hangover of Indian Legal Education

The imprint of English law on India has been deep and lasting. Indian legal education, however, has evolved along a path that prioritises rote memorisation over the cultivation of analytical and critical thinking skills. Following independence in 1947, the primary goal of the legal community remained the promotion of dignity and fairness in social relations.¹¹ Yet, under conventional Western benchmarks, legal education in India failed to realise its full potential. Post-independence, there was mounting pressure on politicians, business leaders, and technocrats to drive reform. The objective of both public and administrative law was to facilitate this process. While private law and practising lawyers retained some influence, their role was limited and peripheral. Over time, the situation deteriorated. India's economy developed as a hybrid model, reliant on inherited legislation, regulatory frameworks, and large-scale planning. In this context, lawyers came to serve primarily

⁹ A. Garg, M. Singh, *National Education Policy 2020: A Paradigm Shift in Legal Education in India*, "International Journal of Trend in Scientific Research and Development" 2021, 5(3), pp. 184–188.

¹⁰ S. Kapoor, *National Education Policy 2020: Impact on Legal Education*, "Journal of Education and Practice" 2020, 11(24), pp. 38–43.

¹¹ N. Sinha, *National Education Policy 2020: Implications for Legal Education*, "Indian Journal of Law and Public Policy" 2020, 2(2), pp. 21–29.

as advisors, while the bulk of managerial responsibilities fell to professionals for whom legal training was not a prerequisite – except in cases of legal disputes. The Constitution of India, a detailed and comprehensive legal document, arguably requires a sophisticated and agile judiciary capable of responding to the complexities of a multi-ethnic and rapidly evolving society. However, the scarcity of fresh legal talent has hindered the growth of a competent legal workforce. Before independence, many lawyers were educated abroad – typically in the United Kingdom – and played central roles in the freedom movement. Today, as access to international legal education has diminished, India has become increasingly dependent on its domestic legal institutions.

Despite this, the legal profession still holds the potential to attract ambitious young individuals, drawn by the profession's perceived financial rewards, social prestige, and the opportunity to influence the country's development. Yet, modern India presents a paradox.¹² While legal frameworks are actively being created to support a new socio-economic order, there remains a shortage of lawyers capable of understanding, interpreting, and applying these frameworks effectively. The ability of the law to function as an instrument of social control is currently undermined by a host of systemic issues.

First, many of the assumptions and institutions underlying common law remain either alien to Indian traditions or increasingly misaligned with the nation's contemporary social and economic needs. The legal theory imported from the West is often based on assumptions that do not translate neatly to the Indian context. A more adaptable legal structure – sensitive to India's cultural diversity and socio-economic realities – may be necessary.

Moreover, there is a widespread perception that the legal profession operates in contradiction to prevailing societal norms. In contexts where the formal law diverges from lived realities, lawyers are often seen as manipulative or even complicit in wrongdoing. This perception is exacerbated in developing countries, where lawyers may lack meaningful engagement with broader social reform. Nevertheless, this reputation can evolve if lawyers align themselves more closely with social progress. In India, private law has had limited impact. Like in many other developing nations, legal systems often remain on the periphery of real social transformation, which is more directly influenced by political movements, economic policy, and infrastructural development.

The legal profession, particularly in rural areas, continues to offer meagre earnings, and many lawyers operate in poorly resourced environments. Given that

¹² S. Chakraborty, S. Mohapatra, *National Education Policy 2020: Its Impact on Legal Education and Practice*, "International Journal of Law Management and Humanities" 2021, 2(1), pp. 8–13.

India's modern economy is driven largely by public sector institutions, the private sector has reduced its reliance on legal professionals, whom it no longer considers essential. Despite this, the legal establishment has yet to adopt a coherent or widely accepted stance within Indian society. Public institutions continue to drive India's modern economy, diminishing the demand for private legal practitioners, who are no longer seen as essential in many sectors. Furthermore, contrary to popular belief, legal regulatory bodies have yet to articulate a coherent and widely accepted vision for the role of the legal profession in contemporary Indian society – unlike in some Western contexts, such as the United States.¹³ Outside the bustling legal scenes of major urban centres and the time-consuming appellate proceedings, law remains an unrewarding profession for many – both financially and in terms of social esteem. In a competitive, opportunity-driven modern world, young professionals are drawn to careers that promise both material security and a sense of purpose. If the legal field cannot meet these expectations, it risks losing its brightest minds to other sectors. Consequently, most contemporary Indian barristers find themselves in an underpaid profession, expected to manage an expansive range of legal issues without the benefit of specialisation or adequate support for continuous professional development.

Economic Challenges for Attaining Legal Education

The final and perhaps most formidable barrier to accessing legal education in India is its cost. In a country emerging from colonial rule, it was only natural that poverty reduction would be prioritised – particularly in light of the urgent demands of modern industry. Yet even the wealthy have not been immune to long-term economic pressures and the difficulty of navigating structural comparisons between past and present. When nuance and careful planning are continually deferred, the opportunity to build a solid foundation is lost – so much so that the original, pressing problems remain unresolved.¹⁴ This situation should concern anyone invested in India's future – especially those who recognise the vital role that the rule of law plays in realising a nation's full human potential. Ultimately, I believe that education in law is not only the best path forward, but perhaps the only one. At the heart of the problem lies a failure to take a practical approach to legal issues – resulting in a narrow and rigid understanding of the law. Over time, shifts in

¹³ A. Gupta, P. Gupta, *National Education Policy 2020: A Game Changer for Legal Education in India*, "Indian Journal of Law and Justice" 2021, 12(1), pp. 19–28.

¹⁴ R. Bhaskar, S. Choudhury, *National Education Policy 2020: Its Impact on Legal Education in India*, "International Journal of Research in Social Sciences" 2020, 10(3), pp. 63–73.

society and the economy may prompt a transformation in legal thinking. However, legal education – which shapes the individuals who will grapple with these issues – offers the best hope for accelerating and intentionally guiding this process. Left to evolve on its own, meaningful change could take decades. As it stands, the substance and delivery of legal education in India remain sorely lacking, and few among the nation's brightest minds are eager to study or teach in the field.

Infrastructural Challenges Faced By Legal Education

One of the most underdeveloped aspects of legal education in India is access to resources – particularly library collections, which are critical to both teaching and research. Full-time law faculty in India typically teach between 15 and 18 hours per week, often for modest pay. There is no formal requirement for professors to engage in legal research as part of their academic responsibilities. Combined with a lack of materials and heavy teaching loads, it is difficult to imagine how meaningful research could realistically be sustained. Most law schools employ only a handful of full-time faculty members, relying heavily on part-time instructors during teaching terms. In top-tier institutions, staff may work full time, but even these schools face limitations. Gender imbalances among faculty members further restrict the professional development of promising young men, while a rigid academic hierarchy – dominated by part-time lecturers at the base, a few permanent readers in the middle, and one or two full professors at the top – makes it difficult to recruit and retain talented educators. Without clear career pathways or top-level positions, many bright young scholars choose other academic disciplines or professions with better opportunities and rewards. This talent drain results in overcrowded, under-resourced institutions where students are often discouraged from pursuing academic excellence, and the already limited pool of capable teachers is spread too thin. Hierarchical faculty structures can also foster internal politics and resentment. Professors often end up overloaded with administrative and committee responsibilities, leaving even less time for teaching and mentorship.¹⁵

These structural issues – combined with the high status accorded to the legal profession and the central role of lawyers in Indian society – help explain why India lacks a strong tradition of legal scholars, educators, and academic leaders. The most talented legal minds tend to pursue careers in the higher judiciary, elite corporate firms, or as judges, rather than in academia. The traditional model of legal teaching in

¹⁵ P. Jain, *National Education Policy 2020: A Boon for Legal Education*, "International Journal of Research and Analytical Reviews" 2021, 8(1), pp. 231–235.

India is classroom-based and lecture-heavy, focused on the systematic presentation and verbal analysis of existing rules and theories. There is limited attention given to the philosophical foundations of law or the evolving mechanisms through which legal systems change or create new norms. Class discussions are typically superficial, with minimal student or teacher preparation. Courses often combine foundational subjects like contracts, torts, civil and corporate law, and international law with topics such as legal philosophy, Hindu law, and Muslim law. Many students – particularly those aiming for careers in government or business – enrol in law school not out of intellectual curiosity but as a temporary stopgap or a means of gaining social status. The high failure rates in the first year (often above 50%) do little to deter those who remain; by the second year, students often become indifferent to the academic challenges. Notably, many prominent Indian scholars and public figures have succeeded in law despite, rather than because of, their formal legal education – a pattern that remains the norm rather than the exception. There are, however, signs of progress at the LL.M. level, where the quality of education has markedly improved.¹⁶

Although the overall number of students in LL.M. programmes remains relatively low, the proportion of those actively engaging in their studies has increased significantly – even though attrition rates have not changed. The quality of education has also improved. In fact, at the postgraduate level, the few outstanding Indian law teachers tend to give their full commitment to the courses they teach. As we’ve already seen, reforming India’s underperforming legal education system involves several interlinked “chicken-and-egg” dilemmas. Graduates from Indian law schools would be more inclined to pursue their intellectual interests if they received better preparation during their studies. Moreover, lawyers – despite often holding a modest economic and social status – could significantly improve their position if they stopped perceiving their role solely as litigators. A more sophisticated and detailed understanding of law among practitioners could foster a more transparent and inclusive legal environment, even if the broader public continues to struggle with recognising law as a tool for social regulation and reform. Transforming legal education in India requires sustained effort, creativity, and commitment. Even then, it alone cannot resolve the deep-rooted challenges facing the Indian legal system. However, educational reform remains the most promising entry point for broader systemic change and offers one of the most effective avenues for meaningful progress.¹⁷

¹⁶ A. Kumar, *National Education Policy 2020: A Revolutionary Change in Legal Education*, “International Journal of Applied Research” 2020, 6(11), pp. 696–701.

¹⁷ S. Maheshwari, *National Education Policy 2020: A New Horizon for Legal Education*, “Journal of Legal Studies and Research” 2021, 7(1), pp. 21–27.

That said, for reform in legal education to have long-term impact, it must be accompanied by a broader evolution across the entire legal system. Innovations and insights gained through rethinking legal education should inspire parallel reforms in other areas of the legal framework. Ideally, these efforts will reinforce one another, creating a ripple effect throughout the profession. Given the scale of the current challenges, there is a clear and pressing need to improve both legal education and legal practice in India. The problem is so complex and far-reaching that key subjects – such as taxation, administrative law, government regulation of business, and (in most cases) conflict of laws – are often left out of law school curricula altogether.¹⁸

In many institutions, exams are administered by independent third parties. This limits the instructor's influence over what is considered important in the course content. (How else to explain, perhaps ironically, the enduring relevance of Salmon in Indian legal education?) Students often spend more time memorising model answers to frequently asked questions than actually understanding legal concepts – questions that tend to represent the lowest intellectual denominator. Defenders of this system argue that third-party testing is necessary to prevent favouritism. At some of the top law schools, internal assessments contributing to students' final grades have now been introduced, offering a more balanced approach to evaluation.

Both external and internal examinations place more value on rote memorisation than on critical thinking. Typically, students are asked to comment on short statements, and problems are rarely illustrated with concrete examples. Some law schools prefer a bachelor's degree as a prerequisite, but this is not a requirement for the vast majority. In most institutions, students can complete their J.D. in just two years of study. Afterward, they must pass the bar exam and, more recently, complete an additional year of instruction. However, the employment programme, still in its early stages, has yet to show any tangible results, and many leading legal academics agree that it currently offers little value. A significant portion of undergraduate students at certain schools opt to study law and earn an LL.B. (often in numbers exceeding a thousand). At these institutions, most students attend classes only sporadically, even at schools designated as 'full-time'. Rather than maintaining consistent study habits, many students engage in intensive last-minute preparation in the month leading up to their exams. It is estimated that 90% of LL.B. students have no intention of pursuing a legal career after graduation. Many of them end up in law school after being deemed unsuitable for other fields or after failing to apply the legal principles they were exposed to elsewhere. India needs a high-

¹⁸ A. Nigam, *National Education Policy 2020: A Step towards Holistic Development of Legal Education in India*, "Journal of Legal Studies" 2020, 6(1), pp. 48–56.

-quality legal education system more than any other nation, as its current legal system is ill-equipped to adequately address the pressing concerns of its citizens.¹⁹

NEP 2020: A Way Forward

On 29 July 2020, the Indian government introduced the National Education Policy (NEP) 2020, a comprehensive plan to modernise the country's education system. The policy places a strong emphasis on the holistic development of students, interdisciplinary education, and the acquisition of 21st-century skills through a flexible curriculum. This article explores the potential impact of NEP 2020 on legal education in India.

Key Features of NEP 2020

Several key aspects of India's legal education system align with the NEP 2020²⁰:

The National Education Goals 2020 (NEP 2020) stresses the importance of an interdisciplinary approach to education. Students will have the opportunity to explore subjects such as law, finance, history, and politics. This will allow them to gain a more well-rounded understanding of the world and its complexities.

Curriculum adaptability is also emphasised in the NEP 2020. Students will have greater autonomy in shaping their educational journey, enabling them to focus on subjects that pique their interest. This approach will help develop essential 21st-century employability skills while encouraging personal growth and academic freedom.

The NEP 2020 also emphasises "holistic development," which is discussed at length. This encompasses not only academic success but also physical, emotional, and social well-being. Schools will prioritise the overall growth of students, equipping them to face the challenges of modern society as well-rounded individuals.

Some aspects of India's legal education system affected by the NEP 2020

Legal education will see a significant shift towards an interdisciplinary framework. Law students will have the opportunity to study subjects like finance, history, and politics, allowing them to view legal issues through a broader societal, economic,

¹⁹ A. Rathi, *National Education Policy 2020: An Analysis of Its Impact on Legal Education*, "Journal of Indian Law and Society" 2020, 11(2), pp. 1–15.

²⁰ A. Sharma, A. Bhardwaj, *National Education Policy 2020: A Step towards Enhancing the Quality of Legal Education in India*, "Journal of Education and Practice" 2021, 12(16), pp. 19–25.

and political lens. This will enable them to make more informed and well-rounded decisions in their legal careers.

Curriculum flexibility: Legal education will be greatly influenced by the flexible curriculum promoted by the NEP 2020. Students will have the freedom to tailor their academic experiences to align with their personal interests and career goals. This flexibility will help prepare students with the skills necessary to thrive in the legal profession.

The NEP 2020 emphasises the need for students to gain practical experience as part of their education. Legal education will therefore place more emphasis on practicums, moot courts, and practical training. These experiences will provide students with the hands-on skills needed to excel in their legal careers.

The NEP 2020 also highlights the growing importance of technology in education. In the future, online classes and digital learning materials will become an integral part of legal education. This approach will equip students with the technical proficiency needed to succeed in an increasingly digital world.

Conclusion

Advantages

- ❑ **Interdisciplinary Approach:** NEP 2020 promotes interdisciplinary learning, encouraging students to engage with subjects such as law, finance, politics, and history. This broadens their understanding of complex societal and economic issues.
- ❑ **Curriculum Flexibility:** The policy allows students to tailor their education according to their interests and career aspirations, fostering a more personalised and meaningful learning experience.
- ❑ **Holistic Development:** With a focus on overall well-being, social and emotional intelligence, and professional preparedness, NEP 2020 supports the development of well-rounded individuals capable of meeting modern challenges.
- ❑ **Emphasis on Practical Training:** Practical components such as moot courts, internships, and experiential learning are prioritised, narrowing the gap between theoretical knowledge and real-world application.
- ❑ **Integration of Technology:** The increased use of digital tools and online learning platforms enhances students' technological proficiency, an essential skill in contemporary legal practice.
- ❑ **Foundation for Social Justice:** Legal education plays a crucial role in raising awareness of rights and empowering future lawyers to address the concerns of marginalised and underrepresented communities.

- ❑ **Global Perspectives:** Exposure to international legal systems, including common law and civil law traditions, helps students cultivate a broader and more comparative understanding of the law.

Disadvantages

- ❑ **English-Centric System:** The predominance of English as the medium of instruction in legal education can marginalise students who are not proficient in the language, thus limiting inclusivity.
- ❑ **Rote Memorization:** An overemphasis on memorisation weakens students' ability to engage in critical thinking and analytical reasoning.
- ❑ **Economic Barriers:** The high cost of legal education remains a major obstacle for students from economically disadvantaged backgrounds.
- ❑ **Inadequate Infrastructure:** Insufficient access to modern libraries, technological resources, and qualified full-time faculty adversely affects the quality of education.
- ❑ **Faculty Shortages:** The lack of dedicated and competent educators undermines the standard of instruction and academic mentorship.
- ❑ **Limited Practical Exposure:** Despite ongoing reforms, many institutions continue to fall short in providing meaningful experiential learning opportunities.
- ❑ **Misaligned Curriculum:** Legal curricula often remain disconnected from contemporary societal realities, with an excessive focus on outdated or Western-centric frameworks.
- ❑ **Lack of Incentives for Legal Careers:** The profession's limited financial rewards and declining social prestige discourage talented individuals from pursuing long-term careers in law.
- ❑ **Overburdened System:** Academic staff frequently face overwhelming workloads, which restricts their capacity to offer personalised guidance and mentorship.
- ❑ **Social Perceptions:** In rural regions, lawyers often earn minimal incomes, and the profession continues to suffer from negative stereotypes that diminish its public esteem.

While NEP 2020 marks a progressive shift in the Indian educational landscape, including legal education, substantial systemic challenges remain. Addressing structural issues such as affordability, infrastructure, and access to practical training is essential if legal education is to fulfil its potential as a driver of justice, equality, and social development.

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