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Decolonizing Legal Education: A Critical Study of Challenges and Reforms in West Bengal

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ABSTRACT

Western patterns of education continue to exercise effective control over Indian learning and pedagogy, with academic degrees from Western institutions being privileged in a manner that reinforces a "knowledge superiority syndrome." Decolonizing legal education involves assessing and reframing the ways in which law is taught and practised in West Bengal, a region embedded in colonial structures yet central to India's modern legal framework. With its foundational High Court and renowned law colleges established during the British era, India still retains colonial assumptions in its legal teaching, judicial practice and production of knowledge. This paper highlights the need to construct legal paradigms that secure socio-legal justice, tracing the gap between colonial legal studies and their continuing impact in the twenty-first century of an independent country. It surveys national measures intended to balance postcolonial legal thinking with colonial legacies and proposes reforms to teaching pedagogy and practical legal training, together with collaboration with international law schools, in order to make legal education more inclusive and socially responsive.

Keywords: Decolonizing, Legal Education, Challenges, Reforms, West Bengal.

I. INTRODUCTION

The glorification of Western structures sustains a sense of superiority within Indian education. India must therefore reconstruct its educational framework and give emphasis to local, customary and historical heritage.¹ The Government Law College in Bombay was established in 1855 during the British colonial era, and it was from this point that legal education in India originated. The principal purpose of legal studies at that time was to train an English-speaking class capable of working fluently for the British Government and the colonial courts.²

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¹ Kishore Singh, *Decolonising the Knowledge System in India*, Occasional Publication 118, India International Centre, https://aws-static.iicdelhi.in/s3fs-public/2025-07/IIC_OP_118_Final.pdf.

² Shivani Salunke, *Legal Education in India: Reflecting on the Past for a Brighter Future*, 12(2) SAGE JOURNAL (2024), <https://journals.sagepub.com/doi/10.1177/23220058241305560>.

India is now enacting transformative reforms to update its legal order in line with modern rules and principles. Colonial legislation such as the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure has recently been replaced by *Bharatiya* models, marking a landmark effort at colonial reform. The High Courts, earlier known as the High Court of Judicature at Fort William under the Indian High Courts Act, 1861,³ the Department of Law of the University of Calcutta, established in 1909,⁴ and Surendranath Law College under the University of Calcutta, previously known as Ripon College and established in 1885,⁵ together illustrate how Kolkata became the colonial centre for legal education and how these institutions were governed by colonial policies.

According to the Union Home Minister, the new criminal laws of 2023 will help citizens to move beyond colonial assumptions. The Government has also provided that Supreme Court judgments will be translated into Hindi and sixteen other regional languages. The abbreviations LL.B (*Legum Baccalaureus*) and LL.M (*Legum Magister*) are themselves derived from Latin. India's legal infrastructure is intended not only to deliver social transformation but also to engage with conventional practices and usages. The National Education Policy 2020, for instance, emphasises the inclusion of local and traditional culture and ways of life within the study of law. Ancient scriptures articulate concepts such as *dharma* and justice; the *Manusmriti* and the *Arthashastra* address rights, duties, governance and accountability; the *Mahabharata* and the *Ramayana* convey moral instruction; and the *Nyaya* and *Mimamsa* schools introduce logical methods of interpretation. India has recently repealed its colonial criminal law and brought the *Bharatiya* model of new criminal law into effect, a significant step towards decolonizing legal studies. These reforms will nevertheless remain incomplete unless the academic structure and teaching pedagogy are also developed.⁶

A. Objectives of this study

This study seeks to explore the colonial foundations of legal education in India; to evaluate how these colonial structures have affected legal studies in West Bengal; to analyse the challenges faced in decolonizing legal education in West Bengal; to present the national mechanisms for legal education reform; to reframe new strategies that can bridge postcolonial and colonial legal thinking; and to suggest reformative measures in this regard.

³ The Indian High Courts Act, 1861, 24 & 25 Vict. c. 104 (UK); see Calcutta High Court.

⁴ University of Calcutta.

⁵ Surendranath Law College, https://snlawcollege.ac.in/page.aspx?id=1&mn=About_Us.

⁶ K. Sindhu, *Decolonizing Justice: Reclaiming Bharat's Legal Identity*, Stop Hindu Dvesha (Nov. 11, 2025), <https://stophindudvesha.org/decolonizing-justice-reclaiming-bharats-legal-identity/>.

B. Methodology

This study is conducted through both doctrinal and empirical approaches, combining analytical and descriptive methods. The data are drawn from past literary work, books, journals, law college syllabi, court notifications and Bar Association guidelines. Empirical data were gathered through interviews with retired judges of the Calcutta High Court, court officials, currently practising advocates, and professors of the University of Calcutta and other universities and private law institutes.

II. FROM PRECOLONIAL TO POSTCOLONIAL LEGAL EDUCATION

In the ancient and medieval periods, law and religion were closely linked. For Hindus, *dharma* guided the code of conduct; for Muslims, *sharia* performed a comparable function.

In the earliest period, legal education was closely associated with moral and ethical values. During this era the *gurukul* mode of education and the texts of the *Manusmriti*, the *Yajnavalkya Smriti* and the *Narada Smriti* were significant. Pupils lived with their *guru* and acquired knowledge under his guidance. Legal concepts were based on four primary sources: *Shruti* (that which is heard), *Smriti* (that which is remembered), *Aachaara* (customs) and *Vyavahara* (judicial decisions). Early legal study was available chiefly to the higher castes, yet it retained a concern for the social justice of the citizenry.

During the medieval period, *sharia* law exerted a significant influence in the field of law. *Madrasas* served as important centres of education, providing ideological, theoretical and logical interpretation to students in a manner useful to future lawyers and adjudicators.

Hindu customary and personal laws applied to the Hindu community, while Muslims observed their own rules. This plural legal system accommodated diverse usages and practices across religious communities. No formal training was provided to judges or legal practitioners, and legal assistance in this era was correspondingly restricted.

The British introduced the English common law system. In 1797, Hindu College in Calcutta commenced courses in law under the influence of the common law. A significant change emerged in 1857 with the advent of the modern universities in Calcutta, Bombay and Madras, which introduced law programmes combining theoretical and practical knowledge. Leaders of India such as Mahatma Gandhi and Dr. B. R. Ambedkar received legal education, which served both India's struggle for freedom and the framing of its Constitution.

After Independence, India set out to reshape its legal framework to meet the needs of a democratic nation, and numerous law schools now exist across the country. Many of these

schools, however, have been criticised for outdated syllabi and teaching pedagogy. The National Law School of India University in Bengaluru introduced a five-year integrated B.A. LL.B course in 1986, with merit-based admission through a national entrance test and an emphasis on a multidisciplinary approach, clinical legal education and critical study. Law institutions have also commenced several diploma and certificate programmes.

The National Education Policy 2020 has put forward proposals such as a digital model of education, greater transparency and accountability in admissions, and professional training with foreign assistance in order to achieve universal standards. Law is increasingly to be studied alongside artificial intelligence and interdisciplinary methods. A well-framed curriculum and international partnerships with foreign universities can provide students with global exposure and opportunities.⁷

III. COLONIAL LAW INSTITUTIONS IN WEST BENGAL

The abolition of the *zamindari* system and the introduction of land and tenure law had an impact on the decolonization of legal education. In 1909, the Department of Law under the University of Calcutta was founded under the guidance of Sir Asutosh Mookerjee, who envisaged it as an ideal centre of learning. At the outset, law classes were conducted in day and evening sections within a Government-aided college; this institution, however, was not provided with sufficient facilities or skilled professors.

In 1983, the Department launched graduate and master's programmes in law at the Hazra Campus, with S. C. Bagchi appointed as its first Principal. The college introduced moot courts, practical classes and clinical papers modelled on the practice of Harvard and Yale Universities. The Department later developed library and scholarship facilities through Government aid and donations from Maharaja Manindra Chandra Nandi and Prodyot Kumar Tagore. It is now recognised by the Bar Council of India under the University Grants Commission.⁸

Surendranath Law College, one of the pioneering law colleges and previously known as Ripon College, was established in 1885 by Surendranath Banerjee during the British period under the University of Calcutta.⁹

After the abolition of the *zamindari* system in the 1950s, Uday Chand Mahtab, the last ruler of the Burdwan Raj, donated his property to the state government. Dr. Bidhan Chandra Roy

⁷ Shabnam Akbar Pathan, *Legal Education in India: Historical Evolution and the NEP 2020 Vision*, Int'l J. for Multidisciplinary Rsch. (2025), <https://www.ijfmr.com/papers/2025/1/34995.pdf>.

⁸ University of Calcutta, Department of Law, <https://www.caluniv.ac.in/academic/Law.html>.

⁹ Surendranath Law College, https://en.wikipedia.org/wiki/Surendranath_Law_College.

subsequently established the University of Burdwan on 15 June 1960. Its Department of Law, founded in 1971, offers the LL.B (Hons.), LL.M and Ph.D. programmes.¹⁰

In 1825, Chinsurah came under British rule. A committee chaired by T. B. Macaulay rejected the idea of a religious minority institution and instead proposed a non-religious college. The institution that became the Government Centre of Legal Education was earlier known as the Law Section of Hooghly Mohsin College at Chinsurah.

This was the first law college in Asia to offer law courses, having begun in West Bengal in 1853. It was established with the charitable endowment of Haji Muhammad Mohsin and was subsequently recognised under the University of Calcutta in 1857.

It is now affiliated to the University of Burdwan. The Government Centre of Legal Education, earlier known as the Law Section of Hooghly Mohsin College at Chinsurah, offers three-year LL.B (Hons.) and LL.M courses.¹¹

Vidyasagar University, the University of North Bengal, Kalyani University, Bankura University, Kazi Nazrul University and various private universities now conduct three-year and five-year LL.B and LL.M programmes, together with Ph.D. programmes and a range of certificate courses in law. Bankura University seeks to give emphasis to local and cultural heritage in rural and tribal areas.¹²

IV. GOVERNMENTAL INITIATIVES

The SWAYAM programme is an Indian Government initiative that promotes equitable, standardised education from Class 9 to the postgraduate level, including law, free of cost and through an audio-visual mode.¹³ The National Institute of Open Schooling, under the Ministry of Education, has introduced subjects under Group E, including Introduction to Law (338),¹⁴ in its senior secondary course. The National Education Policy, revised in 1992, introduced remarkable changes in legal studies, emphasising that legal learning should not be confined to textbooks but should be pursued through a multidisciplinary and practical approach.¹⁵

The concept of decolonization, or the postcolonial, originates in jurisprudence, which forms part of the law curriculum and investigates how colonial law continues to affect the present day.

¹⁰ University of Burdwan, History, <https://www.buruniv.ac.in/Demo/Template.php?menu=AboutUs&submenu=History>.

¹¹ Government Centre of Legal Education, <https://www.gcle.ac.in/About-college.aspx>.

¹² Bankura University, <https://ukly.vercel.app/about/>.

¹³ SWAYAM, About, <https://swayam.gov.in/about>.

¹⁴ National Institute of Open Schooling, Ministry of Education, Government of India, <https://nios.ac.in/departmentsunits/academic/secondary-course-equivalent-to-class-x.aspx>.

¹⁵ Reform of Judicial Administration, Ministry of Law, Government of India, vol. I, Fourteenth Report (Feb. 26, 1959), <https://elibrary.sansad.in/server/api/core/bitstreams/01fa1c94-2e86-4619-8885-85194970a287/view>.

Critical Legal Studies, a topic within the jurisprudence component of the LL.B, examines the structure and basis of the traditional legal system. From these fields the idea of the postcolonial period in legal theory is derived from various writers who illuminate how the colonial system shaped present-day statutes.

The Fourteenth Report of the Law Commission of India on the Reform of Judicial Administration noted, in the words of Justice Muthuswami Iyer, that students in Madras had earlier been taught law through traditional techniques rather than scientific methods directed at the protection of individual rights. The Bombay University Reforms Committee of 1925 opposed this earlier approach and emphasised case studies and legal practice, recognising that the lawyer plays a vital role in dynamic socio-economic and political transformation.¹⁶

The 142nd Report of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, titled 'Strengthening Legal Education in View of Emerging Challenges before the Legal Profession' and presented on 7 February 2024 under the chairmanship of Mr. Sushil Kumar Modi, addressed the reform of legal education, including the functioning of the Bar Council of India, the strict inspection of law college standards, course curricula, the introduction of new legal programmes, and compulsory practical papers with proper training.¹⁷

The Department of Justice, Government of India, has commenced a programme to advance Legal Literacy and Legal Awareness. This teaching aid is intended to make justice available to vulnerable sections of society.¹⁸ The Vidhi Centre for Legal Policy is a research institution focused on improving laws and governance for the public good. With offices in Delhi, Bengaluru and Mumbai, Vidhi works with the Government, the courts and public colleges to frame better policy that supports positive change in society.¹⁹

In 1950, a declaration was made to establish a comprehensive Bar Council. On the recommendation of the relevant Committee, the Advocates Act, 1961 was enacted, creating the statutory bodies of the State Bar Councils and the Bar Council of India.²⁰

¹⁶ Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, *Strengthening Legal Education in View of Emerging Challenges before the Legal Profession*, Report No. 142 (Feb. 7, 2024), https://www.sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/18/191/142_2024_2_12.pdf?source=rajyasabha.

¹⁷ Department of Justice, Government of India, Legal Literacy and Legal Awareness, <https://doj.gov.in/legal-literacy-legal-awareness/>.

¹⁸ Vidhi Centre for Legal Policy, <https://www.cede.co.in/empanelled-network/legal-organisations-and-ngos>.

¹⁹ Bar Council of India, History, <https://www.barcouncilofindia.org/info/history>.

²⁰ The Government of India (Allocation of Business) Rules, 1961 (Jan. 14, 1961), https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1_Upload_1191.pdf.

The Government of India (Allocation of Business) Rules, 1961 entrusted the Department with specified responsibilities. The Department of Legal Affairs deals with legal matters as prescribed from a constitutional perspective.²¹

The University Grants Commission acts as a statutory body responsible for maintaining the quality of teaching and for recognising higher legal degrees in private and public universities.²²

On 20 May 2024, the Bar Council of India published mandatory regulations aimed at high-quality, globally competitive legal education. It emphasised constitutional and socio-economic values together with interdisciplinary study, and directed the incorporation of subjects such as artificial intelligence. The Bar Council recommended that mediation be incorporated as a mandatory paper in the legal curriculum, disapproved of certain online and distance law programmes, and addressed the recognition of foreign law courses.²³ Several notable committees have shaped Indian legal education. In 2001, the University Grants Commission proposed to modernise the legal curriculum and introduced the Choice-Based Credit System, enabling students to select their subjects. Workshops were recommended to train teachers, and the Commission also suggested the use of digital law libraries and Information and Communication Technology (ICT) based teaching.

The Bar Council of India Legal Education (Amendment) Rules, 2022 focus more closely on faculty quality. The Legal Education Accreditation Rules, 2023 monitor law schools so as to maintain transparency in legal studies. The BCI Trust for Legal Research and Innovation, 2024 was established to fund innovative research. The One India One Legal Education Framework, 2025 aims to provide online training on legal resources, e-books and the use of artificial intelligence applications.

V. CHALLENGES

Colonial legal studies face several challenges. Even after Independence, some law colleges remain governed by their parent universities and have not established adequate internal structures. By contrast, the National Law School of India University, Bengaluru, has developed its courses with a robust infrastructure and a multidisciplinary legal curriculum.

²¹ University Grants Commission.

²² Bar Council of India, Comprehensive Legal Education Reform (May 20, 2024), https://images.assettype.com/barandbench/2024-05/116c7330-7431-486a-a3e0-3f6d3c6d8183/BCI_circular_on_reforms_to_be_introduced_in_law_schools.pdf.

²³ Mashroofa T, *Evolution of Legal Education Reforms in India: An Analysis of Commissions and Committees*, 8(5) INT'L J. LAW MGMT. & HUMAN. (Oct. 20, 2025), <https://ijlmh.com/paper/evolution-of-legal-education-reforms-in-india-an-analysis-of-commissions-and-committees/>.

Language presents a further challenge. Students are often more comfortable reading law in their local language than in English, yet almost all law books are now written in English, which creates difficulty in understanding and interpreting legal terminology.

Several subjects, such as the law of torts, remain based on Western and common law patterns, and the associated teaching pedagogy has remained largely unchanged. Postcolonial learning must therefore maintain a high-quality approach aligned with social needs in order to resolve such issues.

During the colonial period, students learned in coaching centres because the Government failed to provide sufficient funding for libraries and other facilities. Today, students at some private law colleges also rely on tuition, even though, as a matter of national policy, private tuition is strictly prohibited.

The COVID-19 pandemic permanently transformed higher education, compelling law students and educators to move to online learning. This shift created challenges such as isolation, restricted library study and reduced engagement of teachers in research-oriented work.

VI. JUDICIAL RESPONSE TO COLONIAL INFLUENCE

In *Harshit Sharma v. State of U.P.*, the court observed that the honorific 'Hon'ble' (Honourable) derives from British administration rather than from Indian usage, and noted that its continued use in the twenty-first century reflects a lingering colonial influence.

The Preamble to the Constitution of India, which begins with the words 'We, the people of India' and the phrase 'sovereign democratic republic', signals the rejection of colonial assumptions.

In *Raghunathrao Ganpatrao Patil v. Union of India*, the Supreme Court made clear that India should move beyond colonial norms, holding that the Constitution ensures equality and does not preserve colonial titles carrying special protection.²⁴

In *Navtej Singh Johar v. Union of India*, the Supreme Court characterised Section 377 of the Indian Penal Code as a colonial provision that conflicted with the individual right to privacy, and recognised the rights of LGBTQ+ persons as fundamental rights.²⁵

In *K.S. Puttaswamy v. Union of India*, the Court affirmed privacy as a fundamental right and disapproved colonial notions of state supremacy.²⁶

²⁴ *Raghunathrao Ganpatrao Patil v. Union of India*, (1994) Supp (1) SCC 191 (India); see <https://indiankanoon.org/doc/400294/>.

²⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

²⁶ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

In *Kedar Nath Singh v. State of Bihar*, concerning Section 124A of the Indian Penal Code on sedition, the Court has in recent years prompted questions about the continued relevance of the provision in a democratic society.²⁷ Taken together, these cases illustrate how the Indian judiciary has shifted away from colonial values towards constitutional freedom and the assurance of justice.

VII. REFORMS

This study is expected to support the following reformative measures. First, the identification of colonial influences that continue to shape legal education in West Bengal. Second, a critical understanding of the language barriers and institutional challenges faced by students and teachers; in this regard, communicative English should be made compulsory in all law institutions. Third, a rigorous evaluation of the effectiveness of current legal education policies.

Teachers should make greater use of library and e-library resources and conduct classes through the ICT model, so as to engage students more effectively and improve communication with them. It is further recommended that every law school arrange legal aid, legal counselling, legal awareness and dispute resolution mechanisms, such as clinical legal education, within its curriculum, so that marginalised sections of society in rural and semi-urban areas of West Bengal may benefit. Several Indian universities currently collaborate with foreign institutions in order to reform teaching pedagogy through Faculty Development Programmes and refresher courses, reflecting an effort to overcome colonial legacies.

VIII. CONCLUSION

The decolonization of legal education requires the reframing and restructuring of modes of teaching and practice in West Bengal, a region whose strong colonial past continues to affect its systems today. This paper has analysed the colonial legacies, challenges and opportunities of legal studies in relation to postcolonial legal thinking. Postcolonial learning must sustain high-quality teaching pedagogy in the institutions of West Bengal. Merely replacing colonial law does not in itself secure the social justice of the country, and India's traditional teaching techniques should not be ignored. The Indian Government has undertaken multiple steps to address colonial legal education and has introduced several strategies for reform. Legal education must therefore deliver social transformation, respond to multiple challenges and engage with the national interest alongside international legal developments.

²⁷ *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955 (India); The Indian Penal Code, 1860, No. 45, Acts of the Imperial Legislative Council, 1860, § 124A (India).