

# CONTEMPORARY LEGAL EDUCATION IN NEPAL AND RELEVANCE OF ITS CONTRIBUTIONS

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## ABSTRACT

In the abstract the writer of this article intends to present a brief observation on and analysis of prevailing legal education and relevance of its contributions for developing Nepalese legal system and other sectors. It is worthnoting that qualitative legal education received by the people in the country plays crucial role for the promotion of legal system and development of society. Legal education can play significant role in establishing just and equitable society. Inflexibility of thought and lack of legal research hinder the process of strengthening legal development and development of society. It is apparent that one of the reasons of reformation of Nepalese laws is said to be contributed by the legal education and legal training obtained by the people. Legal academics are performing organizing information, providing primary training, recommending reforms, teaching as well as providing and conducting legal research on pressing legal issues. Legal education is the basic requirement for sitting in the legal practitioner's examinations conducted by Nepal Bar Council and obtaining licenses for law practice. Law graduates produced by Tribhuvan University have been serving in various government offices, corporations, companies, NGOs, International institutions and INGOs and other educational institutions and private sectors. We witness that publications of legal journals and magazines have increased, diversified and have become regular which means these developments are definitely connected with the promotion of legal education in Nepal. Nevertheless, higher legal education in Nepal is not without problems, it is also facing the emerging global challenges amidst other problems. It is important to note that Nepal has formally become the member of World Trade Organization (WTO) on April, 2004 and with regards to Nepal's entry to WTO commitments made by Nepal are varied, so further liberalization of service sectors and trade sectors, modification of outdated laws, enactment of new laws in compliance with WTO rules and Agreement on Trade Related Aspects of Intellectual Property (TRIPS) are required. Currency of knowledge on different avenues of law are required and the current legal education system in Nepal, particularly at post-graduate levels, can be said to have been serving this purpose. The existing post graduate level of legal education has all set to inculcate knowledge on comparative jurisprudence, Nepalese legal system, commercial law, constitutional law, criminal law, international law, international humanitarian law, environmental law and legal issues on various avenues of law, strengths and weaknesses of globalization for the least developed countries like Nepal, issues of globalization versus regionalism, issues and trends of jurisprudence and legal multilateralism, legal researching,

emerging legal issues related to copyright piracy, trademark infringement, patent protection issues and questions of fair competitors, open content with the advent of new electronic technology particularly, Internet.

It is advisable that legal system of Nepal is also required to be instrumental for elimination of impoverishment and improvement of quality of life of Nepalis. More research and study is required in various avenues of law including legal institutions, legal profession and legal education. Like legal system, legal education has dynamic aspects which must evolve, develop and grow as per the need of the society, time and situations. It is accepted that legal education in Nepal has developed from "*Shrestha Pathshala*" (first elementary school) which used to provide legal training with the objective of producing clerical level manpower now to Ph.D. in law. Equally, the Nepalese jurisprudence has been evolving, growing, developing with pace of social, political, technological, economic developments. It is accepted that legal education is professional education which requires doctrinal knowledge of law as well as practical skills of application of laws, advocacy and drafting of legal documents. During NESP period courses of certificate and diploma levels consisted of law subjects and other humanities and social sciences subjects, but the curriculum of 3 year LL.B consists only law subjects which is intending to provide only professional legal education. Obviously, prevailing legal education in Nepal has been serving to prepare required legal manpower in the country with firm grounding in the Nepalese legal system and its relation with other legal systems of the world. In summation, the existing legal education system of Tribhuvan University needs to be equipped with all the required physical facilities of existing institutions of higher legal learning of Tribhuvan University, instructional materials and required and affordable educational technologies as well as teachers involved in post-graduate law teaching and research should be provided with adequate incentives, so that they will always enthusiastically and willingly strive to work very hard for promoting and improving legal education in Nepal in compliance with the global emerging trends and practices. There are many areas of law in Nepal which remain to be explored. From the aforesaid observation it may be said that legal education should be aimed at preparing highly competitive and qualified legal professionals in the country.

## INTRODUCTION

Every society gives high priority to education. There must be some qualification of the modern doctrine that the best education allows a child to develop entirely as his/her nature prompts. Education is taken as the forms of investment, production, consumption and saving as well as it has social, political, technological, religious, cultural and human resource development considerations. Education is the most crucial factor for achieving overall development of an individual and any society. Education is the medium for all round development of a nation. It is to be noted that importance, purpose and role of education are varied. (Mukhia, 2003: 236-37). Fundamental transformation of society is brought by changes in the organization of knowledge and technology.

Knowledge can be acquired appropriately through formal education. With the development of information and communication technology (ICT) the developed world community is moving from industrial age to virtual age of knowledge based industry. Knowledge is formed in and shared among collective minds, evolves with experience. Ten percent of the gross domestic product (GDP) in the developed countries is re-invested in knowledge development (Tiwana, 2004: 5, 15-16, 36-37). In the present day world people can have accessibility of instant information on sea of things and subjects with the help of Internet facilities. In this it would be quite appropriate to state that Technology Policy 2000 in Nepal has, also, set the objectives of establishing knowledge based industries with the view to create knowledge based society.. Preparation of competent manpower equipped with required knowledge, skill, competent in science and technology, promotion, development and expansion of skills useful for life for all round development of the country is one of the objectives of education set out by the High Level National Education Commission, 2055 B.S. (Ministry of Education and Sports, 2057 B.S.: 1).

Contemporary legal education in Nepal caters theoretical (doctrinal) knowledge of law encompassing positivism, historical school, sociological school, economic or socialist school, realist school and natural school of jurisprudence at both the graduate level (LL.B.) and post-graduate level (LL.M.) programme as well as it imparts recent trends and issues such as economic analysis of law, feminist jurisprudence, liberalism and post liberalism, political dimensions of law, social dimension of law, critical legal studies, post-modernism, cosmopolitan nature of discipline of law, legal pluralism, complex and pervasive impact of globalization on legal theory, contemporary legal paradigm and future direction of law and so on at the post-graduate level (LL.M.). Prevailing legal education incorporate the curriculum to inculcate knowledge of substantive law, procedural law and practical skill such as rules and skills of advocacy and legal drafting such as preparing law suit (complaint), first information report, charge sheet, defense reply (rejoinder), power of attorney, authorized power of attorney, application/petition, probate/letter of agreement, usufruct mortgage deed, deed of mortgage in the sight of assets, re-mortgage deed, deed of bail/hostage, deed of will, loan deed, contract paper, exchange deed, sale deed, legislative drafting, legal writing and legal research and so on to the law students, particularly of LL.B. level students. The existing curricula of academic programmes of law have set the employable teaching strategies such as lecture method, participatory method, discussion method, case study method, moot-court method, interactive method, research method, seminar method etc. During National Education System Plan (NESP) period courses of certificate and diploma levels consisted of both the law subjects and other humanities and social sciences subjects, but the curriculum of 3 Year LL.B. introduced in year 2053 B.S. (1996) incorporates only law subjects intending to provide only professional legal education to the students. One of the most significant objectives of LL.B. level education is to prepare law graduates for new roles and to fulfill needs of the legal professional manpower both for national development and private enterprises. Competent and professional jurists, legal academicians, legal consultants are required to be prepared with firm grounding in the legal doctrines, legal traditions, lawyering skills of their nation

and those of other legal systems worldwide, thus LL.M. programme of Tribhuvan University has incorporated one of the objectives as follows to prepare legal scholars, jurists and academicians to enter the profession of law teaching, research, judicial and government services and legal consultants for public and private enterprises.

#### **INSTITUTIONS AND POLICIES OF HIGHER EDUCATION IN NEPAL**

Tribhuvan University was founded in the year 1959 under the Tribhuvan University Act 1959. with three major objectives: (i) Accumulation, advancement and dissemination of knowledge (ii) Preservation and strengthening of Nepal's historical and cultural heritage (iii) Organization and development of an academic culture with emphasis on research. The University executes its academic and administrative functions through three different organs: the Tribhuvan University Council headed by the Chancellor; the Academic Council and the Executive Council with the Vice Chancellor as chairman (Tribhuvan University, Information Section, 1999). Tribhuvan University is taken as one of the universities of great pride in South Asia. Tribhuvan University has been entrusted with the responsibility of preparing required manpower for the all round development of the country. Thus, it is persistently working to achieve the purpose. Now, there are 278 campuses under Tribhuvan University including both constituent campuses and affiliated campuses. Multi-university concept has taken concrete shape in the country, but 92% students are studying in Tribhuvan University (Singh, 2061 B.S.: 1).

The academic programmes of Tribhuvan University are offered through five Institutes viz. Institutes of Medicine, Engineering, Forestry, Agriculture and Animal Sciences, Science and Technology, and four Faculties viz. Faculties of Humanities and Social Sciences, Management, Education, Law. These five Institutes and four Faculties are headed by Deans. In addition there are four Research Centres headed by Executive Directors. The National Education Commission in its report in 1992 (2049 B.S.) recommended the establishment of four universities by integrating Tribhuvan University campuses and private affiliated campuses in the Eastern, Central, Western, Mid-Western and Far Western Regions of the country. The Commission in its report of 2055 B.S. (1998) further specified the regional and multi-university concepts. Mahendra Sanskrit University and Kathmandu University were established prior to the recommendations of the regional concepts of multi-universities in the country. The Universities as follows have become the part and parcel of higher education scenario in today's Nepal: (i) Tribhuvan University (largely government funded), established in 1959, (ii) Mahendra Sanskrit University (largely government funded), estd. 1986, (iii) Kathmandu University (private funded), established in 1990, (iv) Purbanchal (Eastern) University (community funded), established in 1995, (v) Pokhara (Western) University (community funded), estd. 1997 and (vi) B.P. Koirala Institute of Medical Sciences (deemed university largely government funded). Besides the existing universities in Nepal more universities are in pipeline viz. Brijlal Kedia Hindu University, Narayani, Lumbini International University, Agriculture and Forest University, Science and Technical University,

Women University, Sidhartha University Nala, Mid-western Region University, Open University. The government has invited private capital in education but has failed to develop effective mechanism to control excessive profits in the name of providing education (Mukhia, June 2003: 249).

#### **POLICIES AND STRATEGIES OF HIGHER EDUCATION IN NEPAL**

- (i) Continue the policy of subsidizing the universities by providing grants to develop and strengthen physical, human and educational resources;
- (ii) Adopt multi-university policy and the policy of establishing Open University on order to increase access to higher education;
- (iii) Open new universities in agriculture, forestry and other feasible technical areas to supply high -level human resources required for national development;
- (iv) Adopt the policy of developing the regional clusters of Tribhuvan University Campuses into separate universities in order to make the higher education system manageable, qualitative, and competitive and also fulfill the regional needs;
- (v) Transfer the general stream of certificate level programs under Tribhuvan University into the higher secondary education and technical education to the CTEVT;
- (vi) Relate higher education policy with the country's need for occupational human resource and with the agricultural and industrial policy;
- (vii) Encourage basic and technological research in higher education develop a mechanism to make the outcome of the research available to concerned sectors agencies (Mukhia, 2004: 226 & <http://www.doe.gov.np/>).

#### **BRIEF GLANCE AT THE ORIGIN AND DEVELOPMENT OF LEGAL EDUCATION IN NEPAL TILL NESP PERIOD**

Shrestha Pathshala, established in the year 1962 B.S. (1905) was the first elementary school for legal training whose main objective was to produce clerical level trained manpower for working in the administration of justice in the country. A Law College was established in Kathmandu in the year 1954 affiliated to Patna University of the Indian State Bihar with the objectives of producing legal manpower in the country. LL.B. programme commenced with the establishment of the Law College in Nepal and offered the courses of study which consisted of the doctrinal components of law and Indian laws for LL.B. Neither the courses of study matched the traditional national legal system nor it was concerned with projecting the national needs on healthy legal environment. The Law College was de-affiliated from Patna University in 1959 and was placed under the Tribhuvan University. After its coming under the umbrella of Tribhuvan University, courses of study was revised and incorporated the Nepalese laws but suffered due to lack of professional orientation. The Supreme

Court of Nepal used to provide the license of advocate to those who applied for it after the completion of LL.B/B.L. degree.

In the year 1971 (2028 B.S.) National Education System Plan (NESP) was implemented with the objectives of producing necessary, competent manpower of different levels (low level, middle level, higher level and specialized level) in different areas to meet the country's manpower needs for its development goals. Higher education was therefore put up at four levels viz. Certificate Level, Diploma level, Degree level and Research level. Thus, names replaced the former names viz. Intermediate, Bachelor, Master and Doctorate respectively. Each level was expected to produce specific level of manpower as follows: (1) the first level or the Certificate Level aimed at producing lower level manpower, (2) The second level or Diploma level aimed at producing middle level manpower, (3) the third level or the Degree level aimed at producing high level manpower in the country and (4) Fourth level or Research level aimed at producing specialized manpower. These aims were to be achieved by Tribhuvan University through the 12 Institutes as follows: (i) Institute of Agriculture and Animal Sciences, (ii) Institute of Business Administration, Commerce and Public Administration, (iii) Institute of Applied Science and Technology, (iv) Institute of Education, (v) Institute of Engineering, (vi) Institute of Forestry, (vii) Institute of Humanities and Social Sciences, (viii) Institute of Law, (ix) Institute of Medicine, (x) Institute of Nepal and Asian Studies (xi) Institute of Sanskrit (xii) Institute of Science.

Significantly, NESP made a great breakthrough in the legal education system as well in the country by incorporating Nepalese laws in the courses of study. The Institute prepared a 2 Year comprehensive curriculum for legal education which consisted of Elementary Law subject and some Humanities and Social Sciences subjects for the Proficiency Certificate Level and 3 Year Diploma curriculum which also included the advanced level law subjects together other Humanities and Social Science subjects. The Institute of Law in 2030 B.S. considering the professionalization of legal education some of the practical subjects like Seminar, Moot -court, Court Observation were incorporated and conducted successfully. Tribhuvan University underwent massive restructuring the above mentioned institutes were converted to five Institutes, four faculties and four Research Centres in 1983 and yearly system of examination was also introduced. In the beginning of the establishment of Institute of Law, there were four campuses throughout the country and the number of campuses increased to thirty six (36) out which 15 were the constituent campuses of Tribhuvan University and 21 were private affiliated to Tribhuvan University. After the commencement of phase out of the Certificate level in Law, the number of campuses reduced to twelve (ten T.U. constituent campuses and 2 private campuses affiliated to T.U.)

#### **PREVAILING LEGAL EDUCATION IN NEPAL**

National Education Commission of 14 Members was formed in the year 2047 B.S. (1990) and it submitted the report suggesting the needs of the reformation of managerial aspects of education and programs for raising the quality of education in the year 2049 B.S. (1992). The National Education Commission

in 1992 (2049 B.S.) has set the National Objective of Education for all levels of education from pri-primary education to higher education in Nepal as follows:

- (i) Education should assist to bring out the inherent genuine and potentialities of personality development in every person;
- (ii) Education should help for healthy social life by protecting and promoting sovereign human value and national and social norm and conviction in every person;
- (iii) Education should consolidate social unity by helping the socialization of individual;
- (iv) Education should help for sociable life living of person, by maintaining his/her identity in national and international surroundings;
- (v) Education should develop human resources for national building by assisting in modernization of society;
- (vi) Education should help to protect and well utilize the natural environment and national heritage;
- (vii) Education should help in include socially backward people into national main strea.

Higher Secondary Education Act 2046 B.S. (1989) and its amendment of 2049 has opened the door of 10+2 Education at the school level and thought that Tribhuvan University would be relieved of the Proficiency Certificate Level Education. His Majest Government also took the decision of phasing out the Proficiency Certificate Level from all the campuses of Tribhuvan University and affiliated to T.U. campuses from the year 2057 B.S. (2000), But Proficiency Certificate Level of Education has not been phased out from all the campuses till the academic year 2061/62. However, Tribhuvan University phased out Proficiency Certificate in Law from all campuses both constituent campuses and affiliated to T.U. private campuses in the year 2052 B.S.

#### **THREE YEAR LL.B. OF TRIBHUVAN UNIVERSITY CONDUCTED IN T.U CAMPUSES AND AFFILIATED TO T.U CAMPUSES**

In conformity with recommendation made by the National Education Commission of Nepal 1992 and in view of the trends and practices of the universities of the world, particularly in the SAARC region, Tribhuvan University introduced three Year Bachelor's degree programme in Nepal in 1996. Faculty of Law initiated to phase out the Proficiency Certificate level in law in the year 1996 (2052/53). Curriculum of 3 Year LL.B. incorporated thirty-three law subjects among which 15 are compulsory and out of 18 optional subjects students are required to select only 6 optional subjects throughout the duration of the study. LL.B. degree can be obtained after passing all the subjects prescribed and advocate license can be obtained after passing written and oral examinations of advocate conducted by Nepal Bar Council. Major objectives of 3 Year LL.B. have been incorporated in the curriculum such as (a) to provide in depth knowledge of law and develop intellectual skills of reasoning, investigation of

law and analysis and critical thought as well as practical skills of legal profession (b) to broaden the intellectual horizon and to develop the personalities of law students (c) to promote the values of justice, equal rights and liberty as well as to make the law graduates (LL.B. completion) from Tribhuvan University be able to compete with other law graduates from the universities of Asia at least, SAARC region (d) to prepare law graduates for new roles and to fulfill needs of the legal professional manpower both for national development and private sectors LL.B. programme is conducted in ten constituent campuses of T.U. and two private affiliated campuses to T.U. As per the record of Nepal Law Campus the description of number of students enrolled in the LL.B. programme after Bachelor's level at Nepal Law Campus since the introduction of the LL.B has been presented in the Annex.

#### **LL.M PROGRAMME OF TRIBHUVAN UNIVERSITY**

Preparation of experts and specialized professional manpower was felt because of the modernization and growth in various fields of law in Nepal. Development of sound, strong legal system in the country requires jurists, legal academicians, legal consultants with firm grounding in the legal traditions of their nation and those other legal system worldwide. The Master of Laws (LL.M.) programme was needed to develop highly trained jurists, scholars and lawyers in the country. Prior to the establishment of LL.M. programme in Nepal, all the advanced degree holders in law were educated and trained in foreign countries without resources to research and write about the unique aspects of Nepalese laws or their relations to laws elsewhere. In addition, the LL.M. programme was thought of promoting scholarship among the law Faculty which is neglected in the undergraduate law programmes (B.L./ LL.B.). The need for this LL.M. programme is crucial for achieving the goal of legal excellence backed by a body of highly trained jurists, scholars and lawyers of national standing as well as of international status in Nepal. Tribhuvan University established the first post graduate programme i.e the Two Year Master of Laws (LL.M.) in the Faculty of Law in the year 1996. The courses of study incorporated in the 2 year LL.M. programme consists of Comparative Jurisprudence, Seminar, Research Methodology, Nepalese Legal System and Thesis of 200 full marks as compulsory subjects where the specialization subjects offered in the LL.M programme are Commercial law, Criminal Law (introduced in the year 2061 (2004), Environmental Law (introduced from the academic year 2062 (2005), International Law (First Year) as well International Humanitarian Law (2<sup>nd</sup> Year).

Qualitative improvement of education heavily relies on quality of teachers and teachers make best use of the curriculum.. The aim of education is not only to award certificates but also to inculcate required level of standard of education in students. In this connection it may be stated that all the teaching academics involving in the LL.M. level programme of Central Department of Law, Nepal Law Campus, T.U. are advanced academic degrees holders (most of them have possessed Ph.D. degrees in International law, Commercial law, Environmental law, Criminal law, Jurisprudence, Intellectual Property Law's branch i.e Copyright Law etc.) and are highly experienced in teaching



profession.. Based on the record of Nepal Law Campus the number of students enrolled in the LL.M. programme since the introduction of the LL.M. has been presented in the Appendix- 2. Besides the the description of enrollment of students in LL.B. and LL.M. at Nepal Law Campus the number of students enrolled in Bachelor's Level in Law and Master's Level in Law based on the Statistical Pocket Book Nepal, 2002, published by Central Bureau of Statistics, HMG has been presented in the Annex.

#### **PH.D. IN LAW AT THE FACULTY OF LAW**

Tribhuvan University has been running Doctor of Philosophy (Ph.D.) in Law in the Faculty of Law with the objectives of preparing specialized manpower for enhancing research in various avenues of law, developing Nepalese jurisprudence and strengthening the Nepalese legal system. Furthermore, the doctoral level scholars are expected to achieve high standard of academic excellence and contribute to legal theory and legal system by conducting original research. Since the introduction of Doctor of Degree of Philosophy (Ph.D.) in Law in the Faculty of Law the enrollment to this doctoral programme has started in the academic year 2054 B.S. It is intended to enhance research and developments in the country and the admission are open for those who wish to develop their career in teaching, research and development in different avenues of law. The doctoral students are expected to achieve high standard of academic excellence and contribute to legal theory through original research . total number of students enrolled in the Ph.D. in Law academic programme of Faculty of Law, Tribhuvan University has reached to sixteen (16) . from academic year 2054 till the 1<sup>st</sup> of Magh 2061 B.S. and out which, so far, two lecturers have accomplished all the requirements of Ph.D. in law in the year 2060 B.S. (2003) and 4<sup>th</sup> Poush, 2060 (December 19<sup>th</sup>, 2004), viz Dr. Surendar Bhandari and Dr. Bal Bahadur Mukhia and most of the Ph.D. scholars so far enrolled are undergoing their studies.

#### **ACADEMIC LEGAL PROGRAMMES OF KATHMANDU SCHOOL OF LAW, AFFILIATED TO PURBANCHAL UNIVERSITY**

Besides the academic programmes conducted by Tribhuvan University in its Faculty of Law, Campuses and affiliated campuses Kathmandu School of Law (KSL) affiliated to Purbanchal University has been conducting 5 Year LL.B. programme. after 10+2 and 2 year LL.M programme. Yet first batch of LL.B has not completed the fifth year of study. Courses of study of the 5 year LL.B. consists of both the Humanities, Social Sciences, Management subjects (Political theory and thought, Nepalese economics, History of Nepal, Sociölogy, Fundamental Management, Legal English, Legal Nepali, Legislative Priniciples) as well as law subjects. The LL.B. program of KSL comprises wide variety of areas of law. At the LL.B. level there are 4 basic areas of specialization which begins from the 4<sup>th</sup> year onwards viz. Criminal law and Justice, Constitutional and Administrative Law, Commercial law, Environment and Development Law. KSL offers specialized courses in three functional areas of law for the LL.M. program such as LL.M. in Human Rights and Gender Justice, LL.M. in Crimnal Law and Justice and LL.M. in Business and International Trade Law.

## **CONTRIBUTION OF LEGAL EDUCATION IN NEPAL**

### **CONTRIBUTION TO THE DEVELOPMENT OF LEGAL SYSTEM IN THE CHANGED CONTEXT**

We witness legal reformation in the areas as follows private law, public law, criminal law, constitutional law, administrative law, commercial law, contract law, arbitration law, intellectual property law, environmental law, tax law, human rights law, communication and media law and so on. Legal Education and legal training are some of the reasons of reformation of Nepalese legal system. Political and economic changes technological and scientific development, economic liberalization and globalization of economy are other factors for legal system reform in Nepal. Further developments are needed after Nepal's formal entry into the World Trade Organization (WTO) April, 2004.

The contemporary legal education has greatly contributed the legal academics to become aware and acquire knowledge about the development of vast jurisprudence regarding the origins of law, legal concepts or legal doctrines, recent trends and issues of jurisprudence, legal systems.

In common law system sources of law are divided into two sources viz. primary sources of law such as constitutions, statutes, rules, regulations, orders, executive orders, proclamations, case law and secondary sources such as treaties, restatements, law reviews, legal encyclopedia, hornbooks, (Fien, 1999). The analysis of law and legal system have augmented from the traditional methods to more sophisticated, scientific and modern analysis to meet the growing needs of the society. Contemporary legal systems and concepts have developed over a long periods of time. The students of law are expected to be equipped with all the legal doctrines developed by various jurists as well as they are expected to develop their intellectual horizon and skills in developing new theories, analytical approach, new skills for developing Nepalese jurisprudence and reforming legal system in Nepal. Furthermore, students certainly gain historical roots and evolutionary pattern of Nepalese legal system. The laws of the country determines the family of legal systems (common legal system, civil legal system, customary legal system, socialist legal system) relying on the values and goals endorsing by the society, roles and functions of the legislature, judiciary. The legislative enactment, rule of law and case law do not belong to indigenous origin in Nepal. Civil and criminal jurisprudence in Nepal from 750 B.C. till 1951 (2007 B.S.) was depended on customary law and dharmashastras.. The Nepalese legal structure has been addressing socio-economic justice enshrined in Directive principles and state policy, fair society, fair justice, equality, rule of law, liberty, gender equality.. Furthermore, changes in the areas of legal system in Nepal after 1951 fall under investigation system ,prosecution system, law making system and adjudication system Law covers all the social, political, economic, scientific and technological dimensions as well as ordering human, social relationship, resolving disputes legally and amicably for this development of sound, strong legal system in the country requires (Mukhia, 2004: 721-31).

**CONTRIBUTION OF LEGAL EDUCATION FOR THE DEVELOPMENT OF LEGAL PROFESSION IN NEPAL**

There was a time in the common law when the administration of law was a matter of closed partnership between practicing lawyers and judges. The post world wars have been a noticeable change in this attitude. The legal profession is now seen as a three way partnership in which the academic branch of the profession by no means the least important. It devotes to the study and research of complex legal problems, which neither Bench nor Bar can afford. In the civil law system the role of jurists was always one of leadership (Weeramantry, 1998: 215-16). Academics perform other functions i.e. organizing information, providing primary training, recommending reforms, providing advice (Mukhia, 2004: 685) and imparting research methodology for conducting various disciplines including multiple doctrinal and practical avenues of law. Institutions of higher learning prepare legal professionals to fulfill the requirement of the country and in pursuance of this the lawyer of today has a vast role to play. One might almost say the world is his domination. In the international field when consensus is required for any branch of activity, human rights, land sea frontiers, extra-territorial claims it is lawyers who occupy the front seats. Even when national issues are at stake, people watch the stand that lawyers take an explosion in a coal mine, riot killing several people, a plane crash, a collision at sea, corruption amongst officials all these instantly evoke in the public mind a judicial inquiry (Nariman, 1993, 33, 62 & Mukhia, 2004: 231).

Legal profession is accountable to the people. Its profession to serve History of Legal Profession in Nepal is fairly short. Late Hari Prasad Pradhan, the then Chief Justice of Supreme Court (Pradhan Nayalaya) initiated the arrangement of legal professional, though Supreme Court Regulation 1957 (2013 B.S.) has made the legal provisions of legal professional. Bar Association was established in the year 1957 (2013 B.S.). Supreme Court started awarding license to the legal professionals as well as legal action and punishment in case of violating the Code of Ethics since 2013 B.S. Since 1977 (2034 B.S.) since the first National Conference of Nepal Bar Association demanded the establishment of Nepal Bar Council but it was not materialized till 1992. Only in the year 1994 (2051/4/26 B.S.) Nepal Bar Council Act was enforced and in pursuant of this Act Nepal Bar Council has been established. With the establishment of Nepal Bar Council the responsibilities of conferring licenses to legal professionals and taking legal action against those who violate the code of conduct of the Supreme Court have been transferred to it. From July-August, 2000- July-August, 2001, Nepal Bar Council updated the record of the license holders which comprises 37 Senior Advocate, 8,310 Advocates, 9,222 Pleaders, 1,104 Writers (Nepal Bar Council, 2000-2001) Nepal Bar Council conducts examinations of qualifying the legal professionals of various levels, awards licenses to them who are qualified in the respective level of profession, take action even withdrawing license against those who violate the Code of Ethics relating to Legal Profession. Legal practitioners practise individually and/or sometimes with other fellow practitioners as well as directly deal with the clients for working on behalf of them by missing.

**CONTRIBUTION OF LEGAL EDUCATION FOR THE DEVELOPMENT OF LEGAL PROFESSION IN NEPAL**

All the graduates with law degrees do not enter into the service of law practice. Law graduates with adequate knowledge and skills can be able to enter into services of other sectors such as businesses, banking, technological sectors, property dealer markets, other areas of government services viz. law officers, administrative officers, government attorneys as well as other INGOs and NGOs. Many students who accomplished LL.M. programme from Faculty of Law, Tribhuvan University have been rendering services in government offices, private legal sectors, banks, teaching, Human Rights Commission, NGOs, International Organizations, teaching in campuses both public and private etc.

**CONTRIBUTION IN OTHER LEGAL RESEARCH AND PUBLICATIONS**

LL.M. levels students compulsorily undertake research orientated preparation and presentation of seminar papers on various avenues of law. Similarly the LL.M. second year students are required to accomplish 200 marks theses which is purely based on legal research. Consequently, these studies contribute a lot to explore various areas of law in Nepal and as well as comparative study of Nepalese Laws in relation to other systems of laws prevalent in other countries which ultimately enhance legal development in Nepal. The Law teachers, scholars of Ph.D. in Law together LL.M. students are contributing research based articles to concerned institutions viz. Nepal Law Campus, Nepal Bar Association, Nepal Bar Council, Commercial Law Society, Curriculum Development Centre, Information Section of T.U. Nepal Law Society etc for publication in Nepal Law Review, Nyayadoot, Annual Survey of Nepalese Law, Constitutional Essays and so on.

**SUGGESTIONS TO OVERCOME IMPEDIMENTS AND CONCLUSION**

At the time of the formulation of the 9<sup>th</sup> Plan (1997-2002) it was estimated that the poor comprised 42 percent, however, the Central Bureau of Statistics (CBS) based on the findings of Nepal Living Standard Survey said that the Nepal's poverty headcounts has declined to 30.85% in 2003 (04 from 41.76% in 1995/96. Per capita income has touched US \$271/- from US \$247/- recorded in 2002/03. Therefore, legal system of Nepal is required to be instrumental for elimination of impoverishment and improvement of quality of life of Nepalis. There are multiple issues relating to enactments and application directing towards the elimination of impoverishment, protection of children, women, family welfare, non-discrimination, judicial creativity, economic and industrial enhancement, transparency of government, gender equality, backward classes and so on. Adequate and appropriate enactments and their application are necessary focusing on the elimination poverty, improving the quality of life of the people, providing justice to the weak, vulnerable, down-trodden and backward classes of people, advanced technology like cyber-crime, e-commerce, broadcasting and communication technologies. Reactive and pro-active participation of people from all communities and professional association in law making process may be helpful for constructing a just and equitable society rather than making legislation and

administrative regulations favouring only higher echelon people in society. Legal education is required to be instrumental to address all these issues as well as legal research is to be conducted to discern the legal issues and provide predictable solutions to the concern authorities and institutions for further reformation.

Prepared legal manpower will be able to bring positive changes in society. We come to understand that fundamental transformations of society is brought by changes in the organization of knowledge and technology. But there is still a big gap of information rich (population of urban area) and information poor people (population of rural area) in Nepal. Literate and educated people in urban areas of Nepal have the access to all communication facilities whereas people of rural areas are still deprived of such facilities. 60% of the villages have not been provided with telephone facilities. Literacy rate is yet found dismal in Nepal. Literacy rate has reached only to 57.3 %. On account of these factual situations quantitative expansion and qualitative improvement of education at all levels pre-primary, primary, lower secondary, secondary, secondary, higher secondary, higher education levels are needed. Literacy rate will increase from 57.3 % to 70 % within the Tenth Plan and to 100% by the year 2015.

Nepal has, formally become the member of World Trade Organization (WTO) on April, 2004.. Foreign Investment and Technology Transfer Act 1992 has prohibited the legal, accounting, engineering and management consultancy services for foreign nationals, but in future service sectors will be more liberalized and opened for foreign nationals as well. Nepal needs to open more service sectors after its accession to WTO and needs to modify outdated laws in compliance with rule based system of WTO as well as educational institutions including the institutions imparting legal education will have to be prepared to cater legal education in terms of international standard so that the law graduates of Nepal enhance their capabilities to compete with any law graduates from any part of the world. With the globalization, development of information and technology, explosion of knowledge and information it has necessitated to impart qualitative and competitive education to law students in Nepal. More research and study are required in various avenues of law including legal institutions, legal profession and legal education. Legal education can play significant role in establishing just and equitable society. Inflexibility of thought and lack of legal research hamper the process of promoting and strengthening legal development and development of society. Many areas of law in Nepal are remained unexplored. So law students and research level scholars are to be inculcated adequate legal knowledge and skills by effective teaching methodologies.

Contemporary legal paradigm is seen shifting from reactive services to pro-active services, from restrictive to empowering, from defensive to pragmatic, from legal focus to business focus, from legal problem solving to legal risk management, from dispute resolution to dispute pre-emption, from dedicated legal profession to legal specialists and information engineers. Pursuance of this, specialists in intellectual property law, information and communication technology, information and communication technology law, corporate law, environmental law, criminal law etc. will be required to deal with the

technological and legal issues because the provisions of Agreement on Trade Related Aspects of Intellectual Property (TRIPS) of WTO will be applicable from January, 2006. as well as the provisions of Paris Convention for the Protection of Industrial Property other multi-lateral treaties will be applicable to which Nepal has acceded to.

It is apparent that education has changed from domination to liberalization. Education is dynamic. Education is not limited only to the children of privileged and higher people in the society like provision of education during Rana regime. Let me write again that there are six existing universities including Tribhuvan University and one deemed university i.e. B.P. Koirala Institute of Medical Sciences at Dharan in the country more universities are in pipeline, in pursuance of this it may be suggested that Tribhuvan University, the pioneer university in the country shouldering heavy responsibility of preparing required manpower for the country must be equipped with highly qualified, trained and motivated academic teachers, required staff, adequate physical facilities, adequate incentives and other benefits to the T.U. teachers for their secured livelihood so that they may work enthusiastically and willingly for the promotion of higher education and development of the country. In fact, the quality of legal education in the country has quite improved with the addition of post-graduate programmes in Law education in Nepal, still there are challenges of teaching learning, research works and addition of more subjects in post graduate programmes like intellectual property law, cyber law, competition law etc. Institutions of higher legal education are needed to be equipped with adequate infrastructure facilities and highly qualified and trained teachers and academicians, appropriate curriculum for promoting legal education at par with technological development, global trends, competition and practices. It is expedient to have coordination between Tribhuvan University, existing universities and other related governmental and non-governmental institutions to reform and promote legal education in Nepal.

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**ANNEX****Table 1: Description of students enrollment in LL.B at Nepal Law Campus**

Academic Year	Number of students enrolled in LL.B programme
2053 B.S. (1996)	72 students
2054 B.S. (1997)	150 „
2055 B.S. (1998)	237 „
2056 B.S. (1999)	237 „
2057 B.S. (2000)	254 „
2058 B.S. (2001)	198 „
2059 B.S. (2002)	298 „
2060 B.S. (2003)	246 „
2061 B.S. (2004) till 2062/1/30	300 „

**Table 2: Description of students enrolled in LL.M.**

Academic Year	Number of students enrolled in LL.M programme
2053 B.S. (1996)	50+1 (one quota for administrative staff) students
2054 B.S. (1997)	49 „
2055 B.S. (1998)	48 „
2056 B.S. (1999)	48 „
2057 B.S. (2000)	48 „
2058 B.S. (2001)	47 „
2059 B.S. (2002)	50 „
2060 B.S. (2003)	49 „
2061 B.S. (2004)	48 „

**Table 3: Description of number of students enrolled in Bachelor's Level in Law and Master's Level in Law)**

Field of study and Level	1997/98	1998/99	1999/2000	2000/01
Certificate level in Law	-	-	-	-
Bachelor's Level in Law	4317	4655	3940	3740
Master's Level in Law	100	90	96	96