

LAW COLLEGES AND LAW STUDENTS IN BIHAR

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UNDER BRITISH RULE, THE INDIAN legal profession was alone in offering to the talented an opportunity of gaining both wealth and prestige, and its lure to the young was equalled only by the Indian Civil Service. But the foundations upon which the profession's preeminence was based have now eroded. Rent suits, the principal source of its rural income, have all but disappeared. In 1935, of the 224,709 civil suits instituted in the courts of what is now the state of Bihar, 80% were rent suits, by 1962 the number of civil suits instituted in the courts had dropped to 43,978, and only 5% of these were rent suits.¹ The departure of the British opened new, competing, career alternatives, and a widening net of education undercut the advantages of wealth, family and caste. New social conditions have not only required the advocate to rely upon different sources for his legal income—they have begun to transform the nature of the profession itself. There has been a steep decline in the relative prestige it once enjoyed. Even those

AUTHOR'S NOTE: Research for this study was undertaken in Bihar in 1965–1966 while the author held an American Institute of Indian Studies Junior Fellowship. The study is a part of an inquiry into the Bihar Judicial Service and the administration of justice in the lower courts of Bihar. Some of the data supporting the paper were obtained through questionnaires distributed to law college students in Bihar. The questionnaire and a note on its distribution may be found in Appendix I.

1. GOVERNMENT OF BIHAR, REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE PROVINCE OF BIHAR AND ORISSA IN 1935 (1936) and GOVERNMENT OF BIHAR, REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE STATE OF BIHAR IN 1962, at table 3 (1966).

embarked on courses of legal studies attest to the low comparative prestige of law; the students rate only university teaching and business lower (table 1). The quality of students in the law colleges is mediocre,

TABLE 1
LAW STUDENTS' RATING OF SELECTED OCCUPATIONS HOLDING "HIGHEST"
AND "LOWEST" PRESTIGE IN BIHAR

Occupation	Law Students Rating Occupation "Highest" (Per Cent)	Law Students Rating Occupation "Lowest" (Per Cent)	
Indian Administrative Service	46	2	
Bihar Judicial Service	14	4	
Engineering	11	4	
Medicine	10	5	
Law	7	20	
University Teaching	6	28	
Business	5	37	
Total	99	100	
N	808	N	749
NA on "Highest"	250	NA on "Lowest"	309
Total N	1,058	Total N	1,058

their education poor. Yet, it is the present recruit into the profession who will chart its future course. Students' experiences in the law colleges will influence the functions which it will perform. The purpose of this paper is to examine the environment of legal education in Bihar, to assess the pressures and demands for its reorientation, and to explore the changing complexion of the legal profession by an appraisal of the law college students.

THE LAW COLLEGES

There are ten law colleges in Bihar, attached to the five degree-granting universities in the state. Patna Law College, the premier law college in Bihar, conducts law classes for the bachelor and master degrees in law granted by Patna University, and the remaining nine colleges are split up amongst the other universities.² The universities in

2. Bhagalpur University (law college in Bhagalpur); Magadh University (law colleges in Patna, Gaya and Arrah); Ranchi University (law college in Ranchi); Bihar University (law colleges in Chapra, Darbhanga, Motihari and Muzaffarpur).

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Bihar were reorganized in 1960–1961 in order to decentralize the centers of education and five of the law colleges were founded after that period, three of them in 1965–1966. Five of the colleges educate about four-fifths of the state's law students, and have enrollments ranging from 530 to 850. Though the enrollment totals in the colleges are misleading as an index of the number of students receiving legal education, because up to one-third may not obtain their degree for one reason or another, they do supply some indication of interest in law studies. This interest has increased greatly in the last decade, and in 1965–1966 there were four times as many students enrolled as in 1956–1957 (table 2).

TABLE 2

ESTIMATED ENROLLMENT IN LAW COLLEGES IN BIHAR IN ACADEMIC SESSIONS
1956–1957 THROUGH 1965–1966

Year	Number of Students Enrolled ^a
1956-57	1,033
1957-58	1,003
1958-59	1,195
1959-60	1,177
1960-61	1,553
1961-62	2,130
1962-63	2,462
1963-64	2,876
1964-65	3,388
1965-66	4,084
Total: 1956-57 through 1965-66	20,901

^a Information could not be obtained for the number of students enrolled at two small colleges of Magadh University in the sessions 1964-1965 and 1965-1966. An estimate of 150 students for 1964-1965, and 250 students for 1965-1966 is included in the totals for those years.

Source: Correspondence and interviews with Principals of the law colleges in Bihar.

In 1965, 1,003 law degrees were granted in Bihar as compared to 306 in 1950, but the popularity of other degree courses has increased at a faster rate than has that of the law course. The proportion of law degrees to all degrees granted in the state has fallen from 10% in 1950 to 5% in 1965 (table 3). Reliable educational statistics applicable to

TABLE 3

NUMBER OF DEGREES GRANTED BY BIHAR UNIVERSITIES IN THE YEARS 1950, 1955, 1960, AND 1965, AND PERCENTAGE OF BACHELOR OF LAW DEGREES GRANTED TO TOTAL NUMBER OF DEGREES GRANTED^a

Degree	1950	1955	1960	1965	Increase: 1950 to 1965
Ph.D.	0	0	0	85	—
M.A.	274	610	1,750	2,623	9.6x
M.Sc.	49	103	278	550	11.2x
Other master ^b	7	93	147	137	19.6x
Medical	135	169	218	588	4.4x
B.A.	1,598	2,525	3,335	10,765	6.7x
B.Sc.	189	487	710	2,954	15.6x
B.Commerce	367	519	297	899	2.4x
B.Sc. (Eng.)	50	81	131	1,099	22.0x
Education	91	171	175	1,036	11.4x
Other ^b	0	0	0	16	—
B.L.	306	387	270	1,003	3.3x
M.L.	0	0	0	5	—
Total	3,066	5,145	7,311	21,760	
Per cent of B.L. de- grees to total num- ber of degrees	10.0	7.5	3.7	4.6	

^a Excludes Kameshwar Singh Darbhanga Sanskrit University.

^b Excludes degrees in law.

Source: Registrars of the five Bihar Universities.

the whole of India are difficult to obtain,³ but the general trends in Bihar seem evident in the nation as well. The technological and scientific educational base in post-independence Bihar was comparatively undeveloped and advances in these branches of education have been proportionally greater than the Indian average. In 1952 approximately 4,500 law degrees were granted in India, forming approximately 8% of all degrees; in 1962, approximately 7,000 law degrees were granted,

3. Statistics given in official publications are often incomplete; figures published in different official publications and which purport to give the same information may vary widely (cf. GOVERNMENT OF INDIA, EDUCATION IN THE STATES 1960-61, at table IV (1965) and NATIONAL INSTITUTE OF EDUCATION OF THE NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING, THE INDIAN YEAR BOOK OF EDUCATION 1961, at tables 34-40 [1965]).

comprising approximately 4% of all degrees. In the same decade, medical degrees increased from 2,000 to 5,000 and engineering degrees from 2,500 to 8,000.⁴

Various aspects of the methods and scope of legal instruction in South Asian universities have been sketched by several scholars, both Indian and foreign,⁵ but it will be useful here to describe the conditions now prevalent in Bihar. In brief, the system of legal education suffers greatly from the absence of a corps of professional law teachers, from grossly inadequate physical and library resources, from an outmoded curriculum and a method of instruction which emphasizes rote learning, and from severe difficulties in communication caused by the students' imperfect command of English.

At Patna Law College there is provision for four full-time law lecturers and a full-time principal: the remaining twenty teachers are part-time. All of the teaching staff at all of the other law colleges in Bihar are part-time, though one or two colleges have full-time principals. The post of part-time lecturer carries a stipend of about Rs300 per month, and those attracted to the posts are motivated by the need to supplement the earnings of a mediocre law practice. Though occasional exceptions are to be found, the successful district advocate will not usually lecture at the law college: he gains no added professional prestige, the low remuneration does not attract him, and the hours of the day in which the lectures are scheduled conflict with those customarily used for conferring with clients.

The length of the course of study for the bachelor of law degree in Bihar is two years, the classes being held in the evening or in the early morning or at both times.⁶ These hours leave the student much free time, and about 15% of the law students surveyed held full-time employment, usually working for the government, in business or teaching. The classes are large, running to 200 students, and the lecture periods

4. GOVERNMENT OF INDIA, *EDUCATION IN INDIA, A GRAPHIC PRESENTATION* 44 (1966); *EDUCATION IN THE STATES 1960-61*, at table VI (1965); NATIONAL INSTITUTE OF EDUCATION, *supra* note 3, at tables 38, 40, 41.

5. K. K. Bhavnani, *Legal Education in India*, 4 J. OF THE INDIAN L. INSTITUTE 167-90 (1962); R. Braibanti, *Legal Research*, in *RESEARCH ON THE BUREAUCRACY OF PAKISTAN* (1966); K. N. Katju, *Legal Profession and Legal Education*, ALL INDIA RPTR. 132-33 (1965); Academic Council Committee on the Teaching of Law in the Patna University, *Report of the Academic Council Committee*, 41 PATNA L. COLLEGE J. 9-39 (1965); and A. T. von Mehren, *Law and Legal Education in India: Some Observations*, 78 HARV. L. REV. 1180-89 (1965).

6. A curriculum of study typical of all the Bihar law colleges is set out in Appendix II.

are short. Roll is always called, and in a large class this process consumes one-quarter of the available teaching time. Teaching is by the lecture method and demands little from the students. Library resources are all but nonexistent; two of the colleges possess about 5,000 volumes of all types; only Patna Law College has a set of the *All India Reporter*.⁷ In any case, the students feel no need, nor are they encouraged, to consult reports of cases or textbooks or the like. The annual examinations, held in July, encourage the rote learning of bare legal rules. With the exception of Patna Law College, if a candidate fails the first year July examinations, he may attend the second year classes and rewrite the first year examinations in the following January. He must pass these examinations before he is allowed to write his second year examinations. Patna Law College, through the efforts of an energetic principal, has made some effort to upgrade its standards and the first year examinations take a heavy toll: in 1965-1966 the first year enrollment was 519, that of the second year, 89. But the salutary effect of this pruning is considerably vitiated by wholesale transfer of unsuccessful candidates to other institutions where they may enter the second year and write the January first-year examinations and where the failure rate is less than 5%.

Two further aspects of the education itself bear mention. In all the colleges the student may in his first year take a combined M.A.-Law program. At the end of the year he must elect to pursue one of the two degrees alone in his second year. This program burdens the law colleges with large numbers of students who leave after the first year, and serves to reinforce the attitude that legal education is a part-time occupation. More important is the grave problem of the medium of instruction. The students' command of the English language, which is used in all the law colleges, has been deteriorating steadily for some years and has now reached a level that is really insufficient to an understanding of legal materials. In the colleges in the smaller towns, the English of the lecturers is barely adequate to the task of explanation. The standard of English can be expected to decline further in the future. There is a general awareness of the problem amongst the better educated members of the teaching staffs, but, perhaps because of the enormity of the problem, little exploration of ways to alleviate

7. The ALL INDIA REPORTER (Nagpur: 1914-present) is the most popular set of law reports. It includes both Supreme Court cases and cases decided by all the High Courts of the Indian states, and from time to time publishes official notices of interest to the legal profession, acts of Parliament, short articles and book reviews.

the difficulties. The senior members of the profession and of the judiciary are adamantly opposed to experiments with the use of the vernacular in any sphere of legal activity.⁸

In 1966 the Legal Education Committee of the national Bar Council of India published a series of Rules that set out standards of legal education to which the law colleges were to conform by the 1967 academic session.⁹ Only graduates of law colleges meeting the Committee's requirements are eligible to be enrolled as advocates. The essence of the Rules is a lengthening of the course to three years of full-time or four years of part-time study, and an expansion in the extent of the curriculum. The only college in Bihar remotely capable of meeting this standard is Patna Law College: but in 1965 a report on the teaching of law at the college stated that an extension of the course from two years part-time to three years part-time was neither feasible nor desirable.¹⁰ The Patna Committee had a distinguished membership which included a justice of the Patna High Court, the Advocate-General of Bihar and the principal of the law college. Dr. B. P. Sinha, then chief justice of India, attended several meetings and advised the Committee. All sectors of the Bihar legal community—High Court justices, judicial officers, advocates, law teachers, and law students—display a marked unanimity in opposition to the directives of the national Legal Education Committee. These directives aim toward the establishment of courses in the law colleges that will give more rigorous and comprehensive instruction in the law to those who wish to pursue the study of law in depth and who have more than a passing interest in making a career in the law. This conception of legal education is not the one currently held by the legal practitioners, teachers or students in Bihar. Reluctance to substantial change in the present pattern is based on the following widely held convictions: an advocate's professional prosperity depends on factors other than his formal legal education, and his performance at law college bears no relation to his future career as an advocate; the extra year would be a waste of time and could be spent more profitably in other activities; three years is too long a period of time and would restrict the profession of law to the rich; a smattering of law garnered by many is more beneficial to the community than

8. *E.g.*, K. Subba Rao, *Address to the Gujarat State Lawyers' Conference*, in CHIEF JUSTICE K. SUBBA RAO, *DEFENDER OF LIBERTIES* 74 (V. D. Mahajan 1967).

9. Bar Council of India, *Resolution 2/1966 Standards of Legal Education and Recognition of Degrees of Law for Admission as Advocate*, ALL INDIA RPTR. J. 35-36 (1966).

10. Academic Council Committee, *supra*, note 5.

study in depth by a few; all should have the opportunity to take the law unhindered by onerous entrance requirements; cutting down the numbers of law college students would only increase unemployment; in any case, a three year program will not increase the quality of students. A small minority of those interviewed did state a need to upgrade the quality of legal education but suggested, as a means, concentration on one or two colleges in the state.

THE LAW STUDENTS

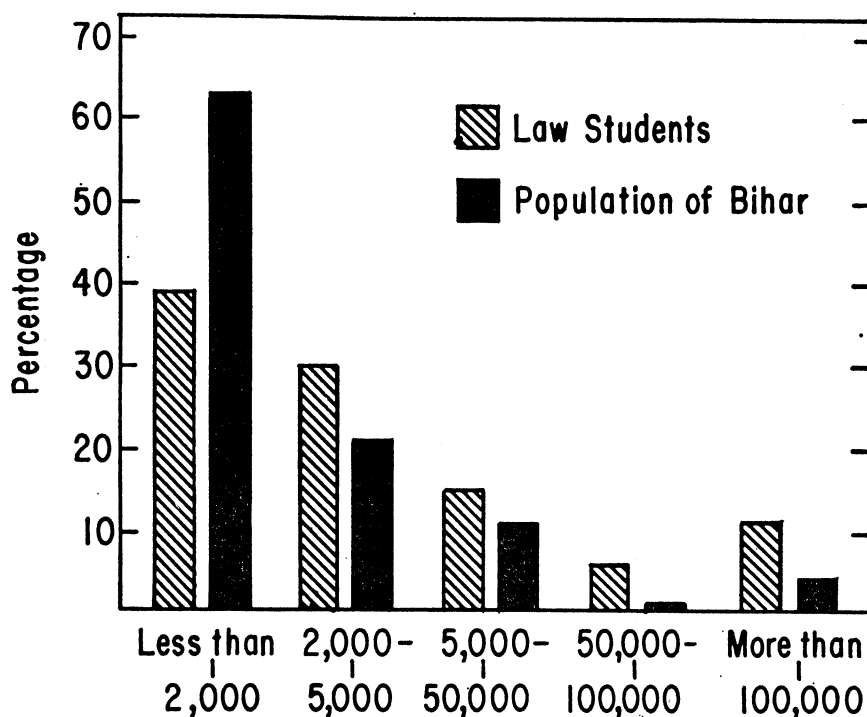
In view of the environment in which law is taught and of the attitude of the profession and the teachers toward the purpose and methods of legal education, it is not surprising that most students view law courses as requiring less than their full energies, and as providing a useful adjunct to some other desired goal beyond the boundaries of law rather than as an essential introduction to participation in the profession. Few students intend to follow a career in the law if they can avoid doing so; the students who do seek careers as advocates regard the law college as an obstacle that must be overcome prior to entry into the arena of practical experience and "real" legal education.

The social origins and religious and caste allegiances of the law students show that recruitment into the legal profession in the immediate future will take place from a much broader base than that which makes up the older generation of legal practitioners. Significant numbers of the law students come from low-income, low-caste, poorly educated and rural families. Bihar is one of the most rural of the Indian states; 85% of its people live in villages or towns of 5,000 or less. The students are more urban centered than the general population, but more than two-thirds have their "place of permanent residence" in these villages and towns (figure 1). Because of traditional Indian attachment to the village, the places of *effective* residence of the students' fathers may be more urban than that actually stated. What is clear is that the students are predominantly rural in origin.

As well as being one of the most rural of the states, Bihar is one of the poorest,¹¹ and the incomes of the fathers of the law students

11. Bihar is generally regarded as the state with the lowest per capita income in India. In 1967, it was ranked fourteenth out of fourteen for the years 1950-1951, 1955-1956, and 1960-1961 by the National Council of Applied Economic Research. In 1960-1961 Bihar's per capita income in 1960-1961 prices was listed as Rs222 per month, India's as Rs336, NATIONAL COUNCIL OF APPLIED ECONOMIC RESEARCH, ESTIMATES OF STATE INCOME, table 5 (1967).

Figure 1. Size of Place of Permanent Residence of Families of Law Students in Bihar, and Comparable Distribution of the Total Population of Bihar



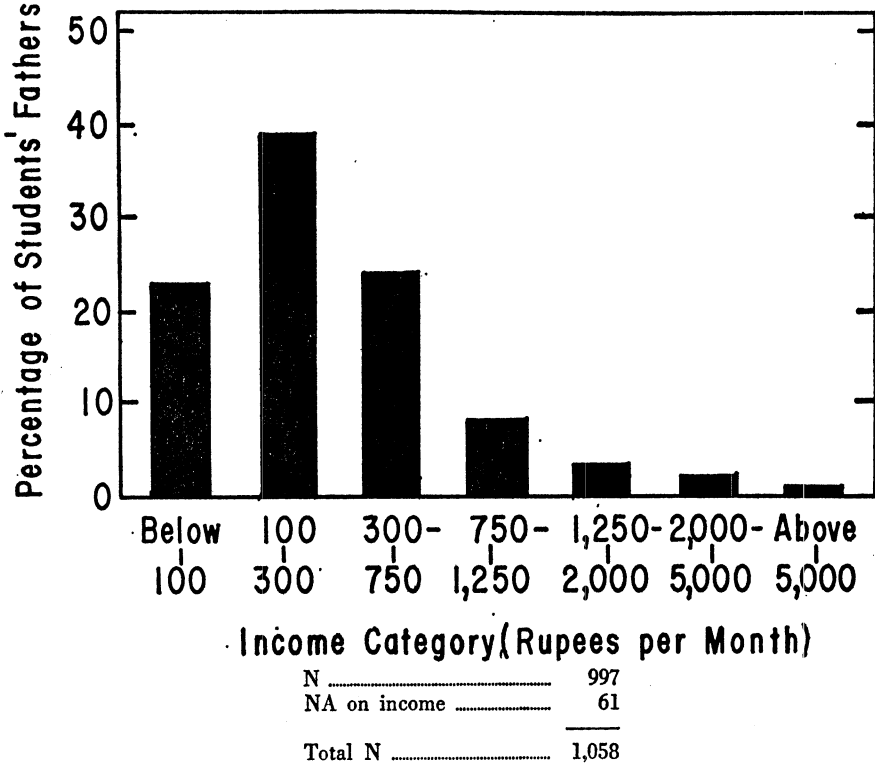
Size of Place of Permanent Residence

N	997
NA on residence	61
Total N	1,058

Source for Bihar Population: 4 Census of India, 1961, pt. II-A, *General Population Tables—Bihar*: Tables III-A and IV-A (1963).

reflect this poverty (figure 2). The truth of the responses cannot be very well evaluated. However, there is a general tendency to conceal or understate income, and the stated incomes probably err on the low side rather than on the high. Even so, the low income levels are striking. Taking the responses at face value, more than 85% of the family heads earn less than Rs750 per month and nearly two-thirds earn less than Rs300.

Figure 2. Incomes of Fathers of Law College Students

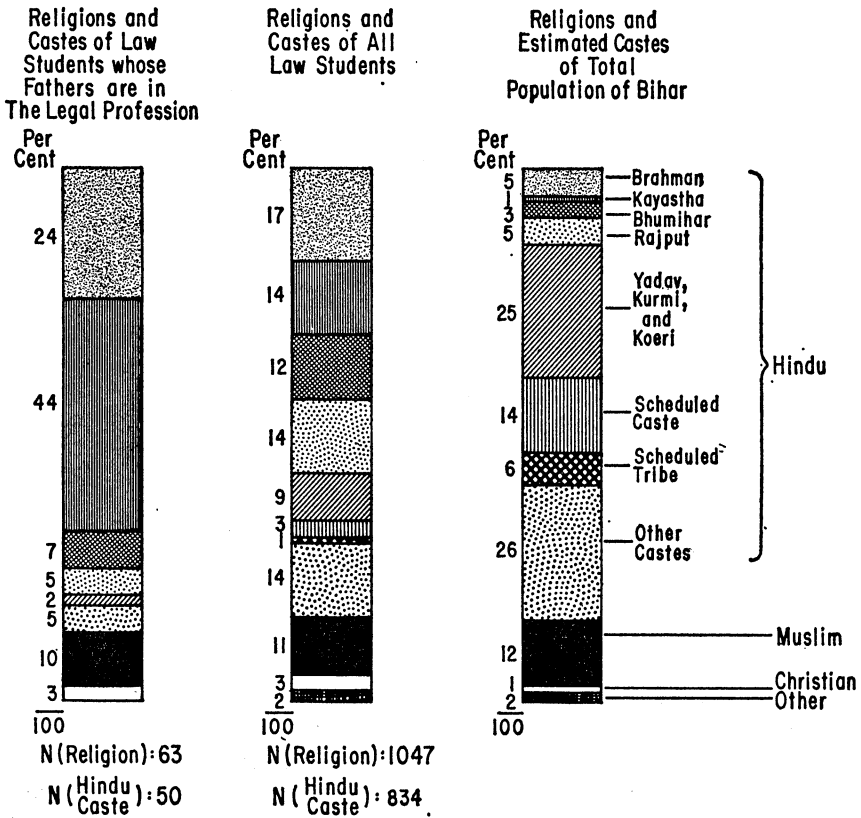


The religion and caste responses also illustrate the percolation into law of students from all strata of society, even though the traditionally learned castes still dominate. These castes, the Kayasthas and Brahmins, furnished the majority of legal practitioners and judicial officers of the students' fathers' generation. In 1935 the provincial judicial service received fifty-five applications from recent law graduates in Bihar for the junior post of munsif. Eleven candidates were Muslim. Of the forty-four Hindus, twenty-five were Kayastha, six were Brahman, and six other castes were represented in the remainder.¹² A very similar

12. Each candidate for the judicial service was required to obtain a certificate of approval from the district judge of his district. The district judge then forwarded this certificate and other data concerning the candidate, including his religion and caste, to the High Court. The High Court selected certain of the candidates for an interview and then chose those whom it wished to appoint. This procedure was changed in 1938. The data presented here are taken from files in the Patna High Court, Administration Department. In 1935 Bihar and Orissa were joined in one province; the candidates from Orissa districts have been excluded.

caste distribution is found among those law students surveyed who indicated that their fathers were in the legal profession (sixty-three). In figure 3, this distribution is compared with the caste and religious distribution of all law students, and with the caste and religious distribution of the total population of Bihar.

Figure 3. Religions and Castes of Law Students Whose Fathers Are in the Legal Profession, of All Law Students, and Religions and Estimated Castes of Total Population of Bihar



NOTES: (1) Questionnaire data for law students whose fathers are in the legal profession: (a) religion:—NA: nil; Total N: 63; (b) caste:—NA: 5; Total N: 63. Questionnaire data for all law students: (a) religion:—NA: 11; Total N: 1,058; (b) caste:—NA: 35; illegible or unknown: 15; Total N: 884.

(2) Source for total percentage for religions in Bihar: 4 Census of India, 1961, pt. II-C, Social and Cultural Tables—Bihar, table C-VIII

(1965); source for scheduled caste population in Bihar: 4 *Census of India, 1961*, pt. V-A, *Special Tables for Scheduled Castes and Scheduled Tribes—Bihar* xii (1965).

(3) Note on scheduled tribes: Nine per cent of the state's population are "scheduled tribes": 1% of Biharis are Christian scheduled tribes, 6% are Hindu, and 2% follow tribal religions (*id.* Table SCT IV-B). Of the Christians in Bihar, 83% are scheduled tribes, and of the "other religions," 86% are scheduled tribes. Of those indicating "Christian" on the questionnaire, 30 out of 31 were scheduled tribes; 12 of the 17 "other religions" were scheduled tribes.

(4) Note on estimating caste distribution: The Hindu caste percentages for Bihar, with the exception of the scheduled castes and tribes, are estimated by projecting caste figures published in the 1931 Census of the province of Bihar and Orissa [7 *Census of India, 1931*, pt. II, *Tables—Bihar and Orissa*, Imperial Table XVII (1932)]. In calculating the figures presented here, a slightly larger percentage increase is allowed for the lower caste groups. In 1951, the Census categorized 16% of the state's population as belonging to the "Backward Classes" [5 *Census of India, 1951*, pt. II-A, *General Population Tables—Bihar*, table D-III (1953)], but in the 1961 Census this category was not published. About 60% of the category "other castes" in this figure are Backward Classes. Finally: caste estimations for Bihar in this figure must necessarily be regarded as approximate only.

The pattern of caste distribution among the law students is substantially different from that existing in the legal profession of the past generation, and the trends apparent now can be expected to alter radically the composition of the legal profession in the future. Only 30% of the students are Kayastha or Brahmin. The Kayasthas particularly are still greatly overrepresented, but other castes are entering the colleges. The Rajputs and Bhumihars are now politically powerful and wealthy. Though only 26% of the law students, they account for 40% of the students' fathers earning more than Rs750. The Bhumihars are popularly reputed to be the richest major caste group in Bihar, and this is supported by findings which list 17% of the Bhumihars in the higher income category, the highest percentage of any caste group. The Rajputs are second with 13%. Bhumihars and Rajputs have traditionally not been well-educated, but they are rapidly eliminating this deficiency.

Scheduled Castes and Tribes are both underrepresented in the law colleges, but given their social and economic starting line, can be said

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to have made a respectable showing. The Scheduled Tribes in comparison to the Scheduled Castes have made good progress in education because of the efforts of missionaries in the tribal regions of south Bihar. The remaining castes—the Backward Classes, various *vaisya* and *bania* castes, and the increasingly powerful rural lower castes such as Yadavs, Kurmis and Koeris—all lie between the scheduled castes and the Rajputs and Bhumihars in terms of representation. The 11% figure for Muslims and the 3% figure for Christians are probably overestimates of students of those faiths on a statewide basis, as the colleges not surveyed (which contained 17% of the total law student enrollment) are situated in districts where the Muslims and Christians are proportionately less numerous.

Parental occupation is a significant indicator both of the social origins of students and of the relative prestige of the career that the students are pursuing. The occupations of the fathers of the law students and the proportion of the members of each category declaring incomes of

TABLE 4

OCCUPATIONS OF LAW STUDENTS' FATHERS, AND PERCENTAGE OF FATHERS STATED BY STUDENTS TO HAVE AN INCOME OF RS750 PER MONTH OR HIGHER

Occupation Category	Fathers		Per Cent With Income of Rs750 per Month or Higher
	(Per Cent)	(Number)	
Legal profession	6	63	44
Other profession	6	57	7
Business	14	141	25
Government service	12	118	9
Clerical	2	16	0
Skilled worker	1	10	0
Unskilled worker	1	11	0
Cultivation	52	533	10
Miscellaneous	3	27	4
Not stated (but other than law)	4	46	10
Total	101	1,022	
	N	1,022	
	NA on occupation	36	
	Total N	1,058	

Rs750 per month and above, are given in table 4. Over one-half of all fathers are engaged in agriculture, 10% of these being in the higher income category. Most of the remainder of the fathers are in business, government service or one of the professions. Of the fifty-seven fathers listed in the "other profession" category, thirty-nine are teachers in secondary or primary schools, and are practitioners of indigenous medicine. Both these professions have little prestige among the Western educated. In 1961 there were 247,000 persons in Bihar following what can broadly be described as professional occupations.¹³ Engineers, architects, surveyors, social scientists, university teachers, medical practitioners (Western), artists and writers, when all combined represent 20% of this group. Yet they contributed only seven students of the 1,022 responding to the occupation question, all from families with incomes less than Rs750. One implication arising out of the failure of the Western educated professional classes to guide their sons into careers in the law is that the legal profession offers fewer prospects of high income and social prestige than other occupations. This implication is supported by the low prestige rating awarded to law by the law students themselves, who placed it below engineering and medicine. A high socioeconomic status is generally associated with a higher academic performance,¹⁴ and the absence of students from these families tends to reinforce the impression that the law college student body is of a rather mediocre academic quality.

The "business" category of table 4 covers a wide range of activity and includes moneylenders, small shopkeepers and employees of larger commercial firms. One-quarter of these are in the high income category of Rs750 per month or more. The Indian trading and commercial classes have not traditionally followed professional careers, and the large number of students from these families, many of them with substantial incomes, indicates another alteration in the complexion of the legal profession. There were few (eleven) sons of senior government officials (earning over Rs750) studying law, and these clearly regarded law as an aid to passing into the civil service, for only one did not intend to sit for the Indian Administrative Service competitive examinations.

The legal profession provides the remaining major source of law students (6%), and their relatively high income is noteworthy, twenty-

13. 4 CENSUS OF INDIA, 1961 pt. II-B (ii), *General Economic Tables—Bihar*, table B-V (1965).

14. J. A. DAVIS, UNDERGRADUATE CAREER DECISIONS appendix I (1965).

eight members or 44% of the group reporting an income of over Rs750. Of these twenty-eight, five are members of the judiciary and nine of the remainder listed an income of over Rs1,000. Though it is difficult to estimate the income of the profession in the state, the proportion of advocates in Bihar earning over Rs1,000 is probably less than that indicated by the data from the students. It might be supposed that sons of high income advocates would be more likely to pursue a legal career because of assured practices to step into, but this supposition is dubious in the light of other findings, discussed below, which do not demonstrate any major difference as regards career intentions between those whose fathers are high income advocates and those whose fathers are low income advocates. The proportion of Bihar law students who have lawyer fathers is not high as compared with American experience: in a 1950 study,¹⁵ reinforced by Zelan and Warkov,¹⁶ it was found that 23% of lawyers sampled had lawyer fathers. The explanation for the wide difference between those findings and these may lie in part in the great numbers of first generation university students in Bihar, and in part in a preference by Bihar lawyers for their sons to follow a more prestigious occupation.

The law colleges seem to draw 85% of their students from lower status or more traditional backgrounds. Of the remainder, half come from households of wealthier cultivators and businessmen and half from those of Western-oriented professionals (excluding nonuniversity teachers) and of a handful of senior government administrators. These data roughly correlate with information given by the students concerning their parents' education. Eighteen per cent of the fathers are university graduates, 33% have some high school education, 42% are literate and 6% are illiterate (N: 1,006; NA: 52). The corresponding figures for the mothers are: 1%, 15%, 51%, and 32% (N: 967; NA: 91). These educational attainments are far superior to the Bihar average for those aged thirty-five and above,¹⁷ but they do further stress that the students do not come from the families of the Western-educated elite.

A prerequisite for admission into one of Bihar's law colleges is the successful completion of any university degree course. The student

15. N. Rogoff, *Recent Trends in Occupational Mobility, 1950* (unpublished doctoral dissertation, Univ. of Chicago, cited in S. WARKOV & J. ZELAN, *LAWYERS IN THE MAKING* [1965]).

16. WARKOV & ZELAN, *supra* note 14, at 43-44.

17. In the age group of 35 and above, 70% of the males in Bihar are illiterate and 96% of the females (4 CENSUS OF INDIA, 1961, pt. II-C, *Social and Cultural Tables—Bihar*, Table C-III, pt. A [1965]).

enters the university at an age several years younger than that of his American counterpart, and the first year law students are comparatively youthful: 60% are twenty-one or younger and only 13% are twenty-five or older (table 5). As the public service commissions establish upper

TABLE 5
AGE OF FIRST YEAR LAW STUDENTS ON ENTERING LAW COLLEGES

Age (Category)	Age (Per Cent)
19 or younger	18
20	21
21	21
22	15
23-24	12
25-29	9
30 or older	4
Total	100
	N
	NA on age
	Total N
	677
	23
	700

age limits of twenty-two, twenty-three or twenty-four for those who wish to sit for the competitive examinations for the various services, the student often has the opportunity to complete his law courses before the age limit is reached. The existence of a paper in law on the executive service examinations and the belief that legal study can measurably increase a candidate's chances of success substantially add to the numbers of students reading law. There are thirty optional papers from which candidates attempting the Indian Administrative Service/Indian Foreign Service/Central Services/Indian Police Service must choose. Though only three of these are in law (international law, mercantile law, and law), together they form over 25% of all papers written.¹⁸ Less than 10% of the students had already attempted one of the executive service examinations, but about two-thirds intended to attempt

18. GOVERNMENT OF INDIA, FOURTEENTH REPORT OF THE UNION PUBLIC SERVICE COMMISSION 1963-64 (1964); GOVERNMENT OF INDIA, FIFTEENTH REPORT OF THE UNION PUBLIC SERVICE COMMISSION 1964-65 (1965); GOVERNMENT OF INDIA, SIXTEENTH REPORT OF THE UNION PUBLIC SERVICE COMMISSION 1965-66 (1966), at appendix VII-A.

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them in the future (table 6). Over three-quarters intend to attempt the judicial service examination. The services are able to draw upon a wide selection of candidates and in contrast to the past generation of advocates when the ablest law graduates proceeded into practice, the

TABLE 6
INTENTION OF LAW STUDENTS TO SIT FOR COMPETITIVE GOVERNMENT SERVICE EXAMINATIONS

Intention of Law Students	Indian Administrative Service Examinations (Per Cent)	Bihar Civil Service (Executive Branch) Examinations (Per Cent)	Bihar Civil Service (Judicial Branch) Examinations (Per Cent)
Does intend to sit	60	69	77
Does not intend to sit	28	24	17
Does not know	11	7	6
<hr/>			
N	688	N	731
NA-IAS	370	NA-Ex.	327
<hr/>			
Total N	1,058	Total N	1,058
<hr/>			

reverse now seems to be the case. Attachment to the state judicial service seems the most preferable career goal for the majority of law students, though this may stem from a more realistic appraisal of their chances of acceptance by the Indian Administrative Service. But the judicial service offers limited opportunities. In 1965-1966, approximately 400 young lawyers competed for places in the judicial cadre, but the government appointed only five candidates to probationary posts. The great majority of graduates from the law colleges are, therefore, forced to pursue a legal career or else pursue some other course of action and make subsidiary use of their law degree.

Slightly over one-third of the students indicated that the practice of law was their first choice as regards a career, 38% indicated it to be their second choice, 10% their third choice, and nearly one-fifth rated it their last choice. The percentages tabulated separately in turn for those students whose fathers were in the legal profession, whose fathers were in the high income category and who were in the legal profession, and whose fathers were not in the legal profession, are all very nearly

identical, ranging from 32 to 35% for "first choice" and from 17 to 23% for "last choice." Caste, income and father's education make little difference to the responses. Kayasthas and Brahmins were a little less enthusiastic (32% placing law as their first choice) than the other castes, 38% of whom chose law first. Only slightly more students (38%) from families with an income of more than Rs750 per month chose law first than did the lower income groups (34%).

The students were also asked whether they had definitely decided upon a career in the practice of law. Less than half replied in the affirmative. Again, income, caste and parental occupational background make little change in the responses. Those students with fathers holding university degrees are least resigned to a career in the law, 65% replying that they had not definitely decided to practice law. This deviation from the other students can perhaps be explained by the former students' more tenacious hopes in the civil service examinations.

CONCLUSIONS

The social status and prestige of the legal profession in Bihar is much below what it was prior to independence and is relatively less than that enjoyed by other professions today. This fall in standing is reflected in the law colleges. The colleges' initial selection base is limited, for abler students are attracted to courses in medicine, in engineering, or in science. Once in a law college, the student receives his education under trying conditions and is offered neither good teachers nor adequate physical facilities. Legal education is conducted in an environment that stresses instilling in the student a minimum amount of information learned by rote which is deemed sufficient to equip the industrious student to pursue a practical career in the law, and to supply the majority who do not contemplate such a career with a beneficial but supplemental asset. The students in the colleges view the profession of law as a career to resort to only in the event that they are unsuccessful in government service competitions, and what is left for the profession is necessarily of average quality.

The mixture of poor student, indifferent teacher, and insufficient and mechanically learned knowledge has gloomy implications. At a stage when its capabilities seem likely to decline, the legal profession must meet the increasingly sophisticated demands of industrialization, urbanization and development. In a society in which the executive administration wields enormous influence and power, much of the

responsibility for adhering to the rights and liberties articulated by the Constitution must rest upon the judiciary and the legal practitioner. The need to revitalize legal education is urgent. Abrupt modification of the course of instruction toward a socially oriented and intellectually demanding discipline does not seem possible, nor is the attempt wise. Rather, those monetary and human resources which are available should be energetically directed toward one or two centers of excellence in each state, and not wasted by futile excursions into rural colleges.¹⁹ Granted that the overall needs of a developing society dictate that the majority of the ablest students pursue careers in science and technology: but the state must provide facilities in which a few are given the opportunity of obtaining a useful and productive legal education. The Legal Education Committee's scheme seems unworkable because of practical difficulties and because of the profession's indifference and the students' vociferous opposition.²⁰ There is also opposition in Bihar legal circles to establishing elitist law colleges, but in fact considerable institutional stratification is already present. Up till now the leaders of the legal profession have been noticeably remiss in contributing their services to legal education, have been foremost in maintaining an adamant opposition on the language issue, and have nurtured a style and empathy with British legal paraphernalia which the newer generation may find increasingly superfluous.

In contrast to their poor academic quality and indifferent interest in the legal profession as a career, the social origins of the new generation of advocates give rise to some hope. As noted, the law student in Bihar is most likely to come from a rural family whose head has an income of less than 300 rupees per month. Over half the fathers of the law students are engaged in cultivation and over 80% have not progressed beyond high school. Encouraging numbers of the lower castes and previously uneducated classes are present and 70% of the students are neither Kayastha nor Brahmin. The lower castes and those from less educated families seem more inclined to follow a legal career

19. Proposals made by the Education Commission, though not made with regard to law colleges or with regard to provincial centers of education, look in a similar direction. The Commission recommended that six or seven universities in India be designated as "major" and that they be rapidly developed as elite centers of education (GOVERNMENT OF INDIA, REPORT OF THE EDUCATION COMMISSION 1964-66, at 279-284 [1966]).

20. The Legal Education Committee's "Rules" had not been implemented up to December 1967 (account of All India Bar Council Meeting in Patna in December, 1967, *The Searchlight* [Patna], Dec. 25, 1967).

than the higher castes and those from more educated families. Of importance is the absence of the sons of the Western educated, wealthy professional classes. This transformation in the social origins of the legal profession, taking place within a sterile legal environment may be expected to detach the coming generation from the norms and style of the senior advocates and judiciary. Though the profession may inculcate its characteristics in some of its junior members, the general drift of the young should be in new directions, and the slow divorce should have significant consequences. The rectitude of the profession and of the judiciary may suffer. But the wider caste base and lack of previous close association with the law may also produce more beneficial results. The standard of English may fall to the point at which use of the vernacular in the courts becomes unavoidable. The immense task of altering legal materials and procedure from English to the vernacular still has to be undertaken, and in the next decade, for the first time since independence, necessity should dictate that serious efforts be made to solve these problems. The law may also be more easily related to the needs of Indian society, and alterations in the procedure and substance of the law, and the closer integration of the advocate into rural society may soon become more possible. In the near future, the legal profession will be culturally and socially well suited to play a role in relating the elite governing classes to the rural Indian base. But whether the profession of the future will be able to attract and educate those who will be capable of meeting the demands which will be thrust upon it is now highly uncertain.

APPENDIX I

NOTE ON DISTRIBUTION OF THE QUESTIONNAIRE

The questionnaire was distributed in five law colleges in Bihar (Chotanagpur Law College of Ranchi University, Commerce College of Magadh University, T.N.B. Law College of Bhagalpur University, Patna Law College of Patna University, Muzaffarpur Law College of Bihar University) in March and April of 1966. It was not possible to visit all the law colleges, and the colleges selected were chosen on the following criteria: all five universities are represented by one college; they cover all the major geographical areas of the state; all cultural centers of the state are represented except the Maithili Brahmin center of Darbhanga (the Maithili Brahmins are well represented in the colleges at Muzaffarpur, Patna and Bhagalpur); in the five colleges over four-fifths of all Bihar law students are enrolled; the best two colleges in the state, and one of the poorest, were included. The questionnaires were handed out during the class sessions to as many of the students who were present as was possible. I gave a short talk to each class stressing the academic purpose of the questionnaire, the lack of any connection with government agencies, the complete anonymity of the student, and the necessity for honest responses. It is believed that the great majority of students answered the questions honestly and to the best of their ability. A lower rate of response on some of the "intention" questions and on the questions requiring the student to read a sentence of instructions may stem from an inability to answer the question because of the student's difficulty with the English language.

In three of the colleges the questionnaires were returned the same evening they were distributed; in two colleges, administrative difficulties rendered this procedure impossible and the questionnaires were returned the following day. At the latter colleges the rate of return (40%) was lower than that (79%) at the former three colleges. The overall percentage of questionnaires returned (1,058) to the number handed out (1,704) was 62; the percentage of questionnaires returned to the total enrollment of all law colleges in Bihar was 26; the percentage of enrollment of colleges in which the questionnaires were handed out to total law college enrollment in Bihar was 83.

THE QUESTIONNAIRE

Instructions

1. Please answer all twenty-five questions. All answers are anonymous and confidential. Do NOT write your name on the questionnaire.
2. Following some questions there are one or more brackets (). Place a checkmark in the bracket () applicable to you.
3. Some questions require a one or two word answer. Write this in the space provided after the question.
4. Read all questions CAREFULLY. Thank you very much for your co-operation.

* * * *

(1) Age on July 31, 1965

(2) Sex: M () or F ()

(3) Are you married () or single ()?

NOTE: Widows and widowers should check "single."

(4) Religion

(5) Caste

(6) Your family's place of permanent residence is in a place with a population of:

less than 2,000 () 50,000-100,000 ()

2,000-5,000 () more than 100,000 ()

5,000-50,000 ()

(7) From what District do you come?

(8) List all university degrees you now hold and class or division obtained in each:

Degree

Class/Division

1.

2.

(9) (This question to be answered ONLY by PART I students)

1. Are you taking a combined M.A./B.L. programme? Yes ()
No ()

2. If answer is YES, which degree will you finish next year?
B.L. () or M.A. () or Don't know ().

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3. Will you eventually complete both degrees? Yes () No ()
Don't know ().

(10) (This question to be answered ONLY by PART II students)

1. College attended for B.L. Part I
2. Division obtained in B.L. Part I

(11) 1. Are you now regularly employed? Yes () No ()
2. If answer is YES, what work do you do? (write in detail)
.....

(12) 1. Have you sat for the IAS/IPS/IFS examination in the last several years? Yes () No ()
2. Have you sat for the Bihar Civil Service (Executive Branch) examinations in the last several years? Yes () No ()

(13) In the future, do you intend to sit (either for the first time or for the second or third time) for any of the following examinations?

1. IAS/IPS/IFS Yes () No () Don't know ()
2. Bihar Civil Service (Executive Branch) Yes () No ()
Don't know ()
3. Bihar Civil Service (Judicial Branch) Yes () No () Don't know ()

(14) Have you DEFINITELY decided to practice law? Yes () No ()

(15) Have you any close relatives (Aunts, Uncles, Brothers, Sisters, or Cousins) who are now or who were before they died, any of the following?

Mukhtar	()	Munsif	()	District Judge	()
Pleader	()	Sub. Judge	()	High Court Judge	()
Advocate	()	Ad. Dist Judge	()	Supreme Court Judge	()

NOTE: If relative is or was a member of the Judicial Service write ONLY the highest position he reached.

If you have close relatives who are in the occupations listed above, about HOW MANY such relatives do you have? one () two () three () four () five () over five ()

(16) 1. Is/was your FATHER's occupation one of those listed in question 15 above? Yes () No ()

2. If answer is YES, write which occupation here

3. If answer is NO, write occupation of father here

(17) 1. Is/was your GRANDFATHER's occupation one of those listed in question 15 above? Yes () No ()

2. If answer is YES, write which occupation here

3. If answer is No, write occupation of grandfather here

(18) Income of father (Rs per month)

below 50 ()	300- 500 ()	1,250-1,500 ()
50- 100 ()	500- 750 ()	1,500-2,000 ()
100- 200 ()	750-1,000 ()	2,000-5,000 ()
200- 300 ()	1,000-1,250 ()	over 5,000 ()

NOTE: For the next three questions (numbers 19, 20, and 21) make sure to check ALL applicable brackets ().

(19) Education of FATHER

Post-graduate degree () High school ()

B.A., B. Com., or B. Sc. () Literate ()

B.L. degree () Illiterate ()

(20) Education of MOTHER

Post-graduate degree () High school ()

B.A., B. Com., or B. Sc. () Literate ()

B.L. degree () Illiterate ()

(21) Education of GRANDFATHER

Post-graduate degree () High school ()

B.A., B. Com., or B. Sc. () Literate ()

B.L. degree () Illiterate ()

(22) 1. Out of the seven different careers listed below, pick the one which you think holds the highest prestige in Bihar today, and the one which has the lowest prestige.

Against the career having the HIGHEST prestige, place an "H"

Against the career having the LOWEST prestige, place an "L"

medicine () judicial service () law () big business ()

engineering () university or college teaching () IAS ()

2. Would you rank the prestige of LAW first (), second (), third (), fourth (), fifth (), sixth (), or last ()?

(23) "The prestige of law in Bihar today is very much below what it was thirty years ago." With this statement, do you . . .

strongly agree ()? or agree ()?
or strongly disagree ()? or disagree ()?

OR If you don't know, check here ().

(24) "The system of nyaya panchayats in Bihar today is effectively meeting the need for a swift and inexpensive means of settling minor or petty disputes." With statement, do you . . .

strongly agree ()? or agree ()?
or strongly disagree ()? or disagree ()?

OR If you don't know, check here ().

(25) As a career, the actual practice of law is your

first choice () third choice ()
second choice () last choice ()

APPENDIX II

CURRICULUM, LAW COLLEGES OF MAGADH UNIVERSITY 1966-1967

Part I (First Year)

A. Four Compulsory Courses

1. Jurisprudence
2. Hindu Law and Mohammedan Law
3. Indian Penal Code; Criminal Procedure Code
4. Indian Contract Law and Law of Tort

B. Optional (any one to be chosen)

1. Ancient Law and Roman Law
2. Commercial Law
3. Constitutional Law, British and Indian
4. Public International Law

Part II (Second Year)

A. Four Compulsory Courses

1. Indian Evidence Act and Indian Limitation Act
2. Code of Civil Procedure; Indian Arbitration Act; Provincial Small Cause Courts Act
3. Transfer of Property Act; sections of the Indian Succession Act and of the Indian Registration Act
4. Bihar Tenancy Act or Chotanagpur Tenancy Act; Bihar Land Reforms Act

B. Optional (any one to be chosen)

1. Principles of equity including Indian Trusts Act and Specific Relief Act
2. Private International Law
3. Pleadings, Conveyancing, Drafting
4. Taxation Laws
5. Labor Law