

Comparative Analysis of Legal Education and the Provision of Legal Education Services in Public and Private Universities: The Cases of India and Uzbekistan

Doniyor Abduazizov

Teacher of Business Law Department, Tashkent State University of Law Republic of Uzbekistan

Gaurav Pathak

Assistant Professor, Jindal Global Law School, O.P. Jindal Global University, Sonipat, Haryana, India

Annotation: Legal education serves as a cornerstone for establishing competent legal professionals and promoting the rule of law in both India and Uzbekistan. While both countries recognize the strategic importance of legal education in state-building and legal reform, their regulatory landscapes differ markedly. India maintains a pluralistic and competitive legal education market shaped by colonial legacy, federal structures, and private sector participation. Governed primarily by the Advocates Act, 1961 and regulated by the Bar Council of India and University Grants Commission, India's legal education system includes both traditional LL.B. and integrated five-year programmes offered by a wide array of public and private institutions. In contrast, Uzbekistan's legal education remains largely state-controlled despite ongoing reforms. Although the legal framework permits licensing of private universities, access to the legal education market remains limited due to opaque administrative barriers. The licensing process, transferred to the Ministry of Higher Education, is formally governed by laws ensuring legality and transparency, yet implementation often restricts private entrants. This article offers a comparative legal analysis of regulatory frameworks in both jurisdictions, highlighting the need for Uzbekistan to enhance transparency, diversify legal education provision, and align practice with legislative guarantees of equality, academic freedom, and market participation.

Key words: Legal education, Higher education regulation, Public and private universities, Licensing barriers, Legal system reform.

1. Introduction

Legal education constitutes the foundation for shaping competent legal professionals capable of upholding the rule of law, administering justice, and contributing to the evolution of constitutional governance. Across various jurisdictions, legal education plays a pivotal role not merely in training lawyers but also in developing an informed citizenry capable of understanding and asserting rights and responsibilities. In both India and Uzbekistan, legal education forms an integral component of state policy aimed at building institutional and human capacity for the legal system. However, while both nations recognize its strategic importance, the historical and regulatory frameworks governing legal education diverge significantly, especially concerning the participation of private actors in this domain. India, with its long-standing tradition of legal pluralism and complex federal regulatory mechanisms, exhibits a diverse legal education market where both public and private universities play prominent roles. Uzbekistan, undergoing dynamic legal reforms in the wake of its independence and recent modernization efforts, is shaping a legal education system increasingly aligned with international standards while still under strong public oversight. This article aims to explore these differences through a comparative lens by examining the evolution, regulation, and structure of legal education

markets in both countries, with a particular focus on the legal frameworks governing public and private provision of these services.

2. Overview of Legal Education in India: Market, Regulation, and Historical Developments

2.1 Historical Development of Legal Education in India

Legal education in India has evolved through distinct historical phases, from traditional apprenticeship and scriptural learning to formal university-based instruction under colonial rule. One of the earliest formal efforts was the establishment of law classes at the Hindu College in Calcutta in 1797, initiated to impart a foundational understanding of English law to aspiring Indian professionals. A major turning point came in the mid-19th century. The first law college in Asia, the Government Law School (now Government Law College) in Bombay, was founded in 1855. By 1857, modern universities were established in Bombay, Calcutta, and Madras, each incorporating legal studies into their curricula as a formal course of study.

These programs focused on English statutes and case law, reflecting the transplantation of British legal doctrines. However, colonial-era legal education remained elitist and theory-centric, largely inaccessible beyond a privileged few and neglecting India's indigenous legal traditions.

After Independence in 1947, India urgently sought to overhaul legal education to align with the democratic and constitutional aspirations of the new nation. A milestone was the enactment of the Advocates Act, 1961, which established the Bar Council of India (BCI) as the apex statutory body to regulate the legal profession and legal education. Under this framework, the BCI was empowered to prescribe standards for legal education, set qualifications for enrolment as an advocate, and approve law colleges' curricula and infrastructure. The 1960s and 1970s saw numerous new law departments and colleges set up in universities across India to expand access to legal education.

A paradigm shift in Indian legal education began in the 1980s with the "national law school" movement. Pioneered by legal educator Prof. N.R. Madhava Menon, this reform responded to calls for improving the calibre of legal graduates and modernizing teaching methods. The first National Law University (NLU) -the National Law School of India University (NLSIU) in Bangalore -was established in 1986 as an autonomous institution with university status. NLSIU introduced a five-year integrated B.A. LL.B. (Honors) program directly after high school, combining undergraduate liberal arts education with professional legal training. This model emphasized rigorous entrance selection on merit (through a competitive exam), a residential campus, a credit-based curriculum, continuous evaluation, and pedagogies like the case method, moot courts, and clinical legal education. By weaving interdisciplinary study and skills training into legal instruction, NLSIU aimed to produce "practice-ready" law graduates with a broad societal perspective.

The success of NLSIU spurred the creation of a network of similar NLUs across various states -such as NALSAR University of Law in Hyderabad (est. 1998) and National University of Juridical Sciences in Kolkata (est. 1999) -all modelled on the five-year integrated program and high academic standards. Over the subsequent decades, these elite public law universities became synonymous with excellence, routinely producing top lawyers and judges, and injecting new vitality into Indian legal academia.

The late 20th and early 21st centuries also saw the proliferation of private law schools and university law departments, catering to growing demand for legal education. Some private institutions -for example, Symbiosis Law School (Pune) and later Jindal Global Law School (established 2009) -positioned themselves as competitive alternatives to NLUs, introducing global collaborations, specialized courses, and modern facilities. At the same time, many traditional public university law faculties (such as Delhi University's Faculty of Law) continued to operate large three-year LL.B. programs.

Structure of Legal Education and Types of Law Degrees

Contemporary legal education in India is primarily obtained through university degree programs at the undergraduate and postgraduate levels. The two main pathways to becoming a lawyer are the five-year integrated law degree and the three-year post-graduate law degree.

Five-year Integrated LL.B.: This program admits students directly after completion of secondary education (12th grade). Typically conferred as a combined degree (such as B.A. LL.B., B.B.A. LL.B., B.Sc. LL.B., etc.), it integrates a bachelor's curriculum in arts, business, or science with legal studies. The five-year LL.B. has become the flagship program of the National Law Universities and many leading private law schools, emphasizing a holistic education. Students undergo ten semesters of coursework that include foundational subjects (history, political science, economics, etc.), core law courses (e.g. constitutional law, contracts, criminal law), and a range of electives. The curriculum mandated by the BCI also requires practical training components -such as moot court exercises, drafting projects, internships, and clinical legal education modules. The integrated approach is designed to produce well-rounded graduates versed in both liberal education and professional lawyering skills. It is now common for top students to choose this route, entering law school at age 17 or 18 and emerging with a professional degree by 22 or 23.

Three-year LL.B.: Despite the rise of five-year courses, the traditional 3-year LL.B. (post-graduate bachelor of laws) remains widely offered, especially by older public universities and some private colleges. This pathway requires a prior bachelor's degree in any discipline, after which the law degree is completed in six semesters (typically by students in their early 20s or later). Universities such as the University of Delhi, Banaras Hindu University, and many state universities continue to run respected three-year LL.B. programs. The course content is largely similar to the latter part of the five-year stream, covering core areas of law, but without the additional liberal arts coursework. The three-year LL.B. provides an avenue for those who decide to take up law after completing another undergraduate degree, and it tends to draw a more diverse age group.

2.2 Regulatory Framework and Key Institutions

Legal education in India is governed by a dual regulatory framework involving both professional bodies and general higher-education authorities. The Bar Council of India (BCI) and the University Grants Commission (UGC) are the two most influential regulators, each with distinct roles mandated by law. Their oversight is supplemented by inputs from the judiciary, government education ministries, and periodic expert commissions.

Bar Council of India (BCI): As the statutory apex body for the legal profession, the BCI wields primary authority over standards of legal education. The Advocates Act 1961 entrusts the BCI with the power to "promote legal education and lay down standards of such education" in consultation with universities. In practice, the BCI (through its Legal Education Committee) prescribes the curriculum framework for LL.B. and LL.M. courses, sets eligibility requirements (for instance, the minimum qualification to enrol in an LL.B. is 10+2 for five-year or a bachelor's degree for three-year, with age limits now removed), and inspects and approves law colleges across India. A law degree is recognized for purposes of the Bar only if the college is approved by the BCI. The BCI's rules impose infrastructure norms (library size, faculty-student ratios, etc.) and it periodically issues directives to ensure compliance. For example, BCI inspections ascertain whether a university has adequate classrooms, moot court halls, full-time faculty with required qualifications, and whether it adheres to the mandatory course contents. In recent years, the BCI has grown more assertive in its regulatory stance -even attempting to halt the "mushrooming" of sub-par law colleges by imposing a temporary moratorium (2019-2022) on new institutions. The Council has warned that many law colleges lack basic facilities and quality, and it has sought stricter oversight in collaboration with state authorities.

University Grants Commission (UGC): The UGC is a statutory body that oversees standards in all university education in India, and it plays an important role in legal education alongside the BCI. The Constitution of India enables both the central and state governments to legislate on education, and accordingly the UGC Act 1956 empowers the UGC to coordinate and determine standards for universities. In the context of law, the UGC sets norms for faculty qualifications, disburses grants for university development (which can include funding law school infrastructure in public institutions), and encourages curriculum development and research innovation. Generally, the UGC and BCI have a cooperative but occasionally overlapping relationship: the BCI focuses on professional competency and core curriculum content, while the UGC emphasizes academic quality, research, and integration of law colleges into the university system. Universities cannot award degrees (including LL.B. and LL.M.) unless they are recognized by UGC and comply with its regulations.

Public vs. Private Legal Education: Accessibility, Affordability, and Quality

Legal education in India is imparted by a wide spectrum of institutions, broadly categorized into public (government established or aided) and private (self-financed) universities/colleges. A comparative look at public and private law schools reveals significant differences in terms of who can access them and the cost of obtaining a law degree. Below is an analysis of these aspects:

- **Accessibility:** Public law schools -including central/state university law departments and the National Law Universities -have competitive admissions that generally favour merit and also implement affirmative action policies. Entry into the premier public institutions (like NLUs) is through national exams such as the Common Law Admission Test (CLAT), where tens of thousands compete for a few thousand seats, making them highly selective. In contrast, many private law universities have their own admission criteria -some conduct entrance tests or university-specific exams, while others admit based on past academic performance. Generally, private colleges have a higher intake capacity and more flexible admission processes, which can make them easier to get into for those who can afford the fees. They often do not follow the stringent nationwide reservation policies (aside from state-mandated quotas in certain cases), so access for marginalized students depends on scholarships or state regulations. On the whole, capacity is less of an issue in private sector (which has expanded seats rapidly), but equitable access is a concern. The proliferation of private law colleges has improved geographic access to law programs, but oversight has been uneven, leading to situations where some colleges operate with minimal attendance or entry criteria, undermining standards.
- **Affordability:** A sharp divergence exists in the cost of legal education between public and private institutions. Publicly funded university law departments charge relatively nominal tuition fees, keeping legal education affordable for a broad segment. For instance, an entire three-year LL.B. at a state university law college might cost only a few thousand rupees per year, and even the top NLUs -which operate on a self-financed model -charge around ₹2–2.5 lakh (approximately \$2,500–\$3,000) per year in tuition and fees. While NLU fees have risen (especially at newer NLUs that get limited state subsidies), they are still significantly lower than the fees at elite private law schools. Private universities such as Jindal Global Law School or Symbiosis International can charge on the order of ₹8–10 lakh (several times higher) per annum for a five-year program, placing them out of reach for many middle-class families. The high cost of private legal education raises concerns about socioeconomic exclusivity. Scholarships and financial aid in private institutions are improving (merit scholarships, need-based grants, etc., are offered in some top private law schools), but these reach only a fraction of students. In public institutions, besides low tuition, students often benefit from government scholarships (for minority, reserved categories, or low-income students) and have access to hostel facilities at subsidized rates, further reducing the cost burden. The opportunity cost of preparing for law entrance exams also factors into

affordability: intensive coaching for CLAT and other exams has spawned an industry, and as noted, a majority of NLU students invest in coaching costing upwards of ₹100,000..

3. Legal Education in Uzbekistan: Evolution, Regulatory Framework and Market failures

Following the attainment of independence in 1991, the Republic of Uzbekistan initiated a comprehensive reform of its legal education system with the objective of aligning it with democratic principles and the requirements of the rule of law. One of the earliest and most significant legislative measures in this regard was the adoption of the Law “On Education” in 1997, which established a two-tier structure of higher education comprising bachelor’s (LL.B.) and master’s (LL.M.) degree programmes, replacing the Soviet-era “Specialist” qualification level.

Despite the reforms undertaken, the post-Soviet legacy continued to influence the legal education system, which remained predominantly state-centric and theoretically oriented. Over the past decades, various efforts have been made to modernize curricula and teaching methodologies, with the aim of training professionals capable of operating within a market economy and a developing civil society. However, significant progress remains to be achieved.

3.1 Legal or Arbitrary Practice?

Despite active reforms in the sphere of higher education and the officially declared course toward liberalization, the system of legal education in Uzbekistan continues to be largely dominated by state institutions. One of the key challenges in this area is the restricted access of non-state higher educational institutions to the provision of legal education programmes. A notable example has been reported by the media, in particular by Kun.uz, which highlights that private universities such as Profi University and Central Asian University have repeatedly submitted applications for licensing in the field of “jurisprudence”; however, all such applications have been denied on the grounds of alleged formal deficiencies.¹

According to the rector of Profi University, Bektosh Khatamov, the university’s applications have been rejected despite its compliance with all the requirements prescribed by Cabinet of Ministers Resolution No. 80. At the same time, similar licences in other fields, such as medicine, have been successfully issued.² He notes that legal education, as part of the humanities, does not require extensive technical resources, and constructing a mock courtroom does not pose a significant challenge—unlike the expensive laboratory equipment required for medical programmes.

3.2 Existing Restrictions in the Licensing of Legal Education: The Problem of Legal Exclusion of the Private Sector

The licensing process is governed by the Unified Regulation “On the Procedure for Licensing Certain Types of Activities via a Special Electronic System,” approved by a resolution of the Cabinet of Ministers. Until January 2023, the licensing of non-state universities was carried out by the State Inspectorate for Quality Control in Education. However, due to administrative reforms implemented in December 2022, this inspectorate was dissolved and its functions were reassigned to two government ministries. The responsibility for issuing licences to higher education institutions was transferred to the Ministry of Higher Education, Science and Innovation, which has since become the competent authority on matters concerning non-state universities.

According to the Law of the Republic of Uzbekistan “On Licensing, Permitting and Notification Procedures,” the fundamental principles governing this field are set out, among which the principles of

¹ Kun.uz. «Nodavlat oliygohlarga yurisprudensiya yo‘nalishiga litsenziya berilmayapti. Bunga sabab nima?» (2024) – <https://kun.uz/25132290?q=%2Fuz%2F25132290>

² Id.

legality and transparency are of central importance.³ In particular, Article 13 of the Law stipulates that a licence shall be issued separately for each type of licensed activity, and further allows for the issuance of a licence for subtypes of the relevant activity, as per the application of the licence applicant.

The types of activities subject to licensing are specified through resolutions of the Cabinet of Ministers of the Republic of Uzbekistan. Specifically, Resolution No. 80 of 23 February 2022 approved the Unified Regulation “On the Procedure for Licensing Certain Types of Activities via a Special Electronic System,” with Annex No. 2 serving as a passport for licensing activities in the sphere of private educational services. An analysis of this document demonstrates that the list of educational areas subject to licensing regulation contains no restrictions with respect to particular branches of the humanities, including legal education.⁴ In other words, the normative act itself does not contain any formal basis for excluding legal education from the scope of areas for which private higher educational institutions may be granted a licence.

Nevertheless, access by the private sector to legal education remains arbitrarily restricted. During a meeting with scholarship recipients of the “El-Yurt Umidi” Foundation, Deputy Minister of Higher Education, Science and Innovation Otabek Makhkamov, responding to a question regarding the reasons for denying private universities the opportunity to offer programmes in jurisprudence, stated that legal education is linked to the implementation of a state programme and policy, and therefore is allegedly subject to special regulation under Resolution No. 80. However, neither the text of Resolution No. 80 itself nor any other applicable normative legal acts contain provisions establishing such an exception. Both ministry officials and representatives of private higher education institutions are aware of the absence of any legal restrictions of this kind.

In practice, however, legal education in Uzbekistan remains almost entirely concentrated in state-owned educational institutions. Among non-state universities, the only institution currently authorised to accept applications for legal education programmes is the Academy of Labour and Social Relations of the Federation of Trade Unions. In contrast, legal training in state institutions is carried out across a wide range of entities: Tashkent State University of Law, the University of World Economy and Diplomacy, the state universities of Samarkand, Termez, Fergana, Urgench and Namangan, the Andijan Institute of Agriculture and Agrotechnologies, Tashkent State Transport University, Karakalpak State University, the University of Public Security, the Academy of the Ministry of Internal Affairs, the Law Enforcement Academy, the Higher School of Judges, and the aforementioned Academy of Labour and Social Relations.

Thus, despite the officially proclaimed transparency and openness of the educational licensing regime, the actual implementation of these principles in the context of private legal education is confronted with non-transparent and non-formalised administrative barriers. Such a practice necessitates regulatory scrutiny and, where appropriate, revision of the administrative procedures in order to ensure compliance with the constitutional guarantees of the right to education, freedom of entrepreneurship, and the provision of equal conditions for all participants in the education market.

3.3 The Position of the Ministry of Higher Education, Science and Innovation

A correspondent from Kun.uz previously addressed a question to the Minister of Higher Education, Science and Innovation, Kungiratboy Sharipov, inquiring why non-state higher education institutions are not being granted licences to offer programmes in the field of jurisprudence, and whether artificial

³ Law of the Republic of Uzbekistan dated July 14, 2021 No. 739 “On Licensing, Permitting, and Notification Procedures” – <https://lex.uz/docs/5521103>. Article 4.

⁴ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 80 of 23 February 2022 “On the Approval of the Unified Regulation on the Procedure for Licensing Certain Types of Activities Through a Special Electronic System”.

barriers exist in the licensing process. In response, Minister Sharipov stated that allegations of artificial restrictions were unfounded and added that the licensing process falls under the jurisdiction of the Ministry of Justice.

“High standards are set for the field of jurisprudence. Authorisation to operate in this sphere is issued by the Ministry of Justice. On the one hand, we speak of a decline in the quality of education, and on the other — we ask why not everyone is permitted to train lawyers. The training of a legal professional is a very complex process. Therefore, it is the employer organisations that define the requirements. If there is currently no confidence in an educational institution, then there are grounds for restrictions. We are in a transitional period. If the institution earns public trust, I believe the Ministry of Justice will issue the necessary authorisation,” Sharipov stated.⁵

Dilshod Muydinov, head of the Department for Licensing and Coordination of Educational Institutions under the Ministry, informed Kun.uz that the non-state universities which applied for licences to offer legal education programmes failed to fully meet the licensing requirements established by law.

“We examine applications in accordance with the prescribed procedure. If all conditions are met, we issue a licence,” the Ministry’s representative added.

Kun.uz also contacted Sevara Urinbayeva, head of the Press Service of the Ministry of Justice, in order to confirm the Minister’s statement. According to her, the Ministry of Justice may provide an expert opinion on an application submitted by a non-state university, but the decision to issue or deny the licence rests with the Ministry of Higher Education.

It should be noted that a licence to offer legal education was previously granted to the Tashkent University of Technologies. However, in 2023, as in the case of other private universities, certain violations were identified in the operations of the institution, and the Ministry subsequently filed a legal claim to revoke the university’s licence.

Thus, although the formal justification for licensing restrictions is based on the need to ensure high quality standards, in practice this results in the monopolisation of legal education by state-owned universities. Such a situation limits competition, impedes the development of innovative approaches to legal instruction, and runs contrary to the principle of accessibility and diversity of educational formats as proclaimed in the national strategy for the development of higher education. Future improvement of the legal and regulatory framework should provide for more transparent and objective licensing procedures, as well as a differentiated approach to assessing the readiness of private universities to implement legal education programmes, provided they meet professional training standards.

3.4 Recommendations for Ensuring Balanced Access of Private Universities to Legal Education While Maintaining Quality

In order to overcome current limitations on access by non-state higher education institutions to the licensing of legal education programs, and to ensure a high standard of legal training, it is proposed to implement a multi-stage reform model that incorporates both elements of liberalization and quality control mechanisms. The proposed model can be conditionally divided into three sequential stages:

Stage I: Development and adoption of public standards for the licensing of legal education programs.

At this stage, it is necessary to formulate and officially adopt requirements concerning faculty qualifications, educational infrastructure, academic content, and teaching methodologies. These standards should be made publicly available on the portal “licence.edu.uz” and be accompanied by methodological guidelines.

⁵ *Supra* note, 1.

Stage II: Implementation of a pilot project to launch legal education programs in 2–3 private universities that have undergone an accreditation selection process. The pilot project may be conducted over a period of three years, followed by an external audit. Selected universities must meet minimum benchmarks in terms of faculty qualifications, research infrastructure, partnerships with legal institutions (such as notary chambers and bar associations), and the practical training of students.

Stage III: Institutionalization – sustainable and competitive development

3.1. Introduction of a post-licensing education quality monitoring system using digital tools. This may include annual monitoring of graduate employment rates, teaching quality (based on student surveys), research and publication activity, and academic mobility.

3.2. Establishment of a unified national ranking of law schools, covering both public and private institutions.

The ranking will take into account academic indicators as well as the professional success of graduates, thereby fostering competition based on quality rather than administrative restrictions.

3.3. Gradual liberalization of access to legal education for private universities, accompanied by the development of a culture of legal responsibility and ethics.

The state should promote the development of programs in legal ethics, human rights, clinical education, and equal access to the profession, thereby ensuring the sustainability of reforms.

4. Conclusion

The comparative analysis of legal education in India and Uzbekistan highlights two divergent yet evolving systems shaped by distinct historical, political, and regulatory trajectories. India's legal education landscape reflects a matured and pluralistic structure, where public and private institutions coexist under a well-developed regulatory framework governed by the Bar Council of India and the University Grants Commission. The proliferation of National Law Universities and reputable private institutions underscores India's gradual success in aligning legal education with professional standards, accessibility, and innovation.

In contrast, Uzbekistan's legal education system, while undergoing modernization, remains heavily centralized and restrictive toward private sector participation. The prevailing licensing regime reveals structural opacity and administrative barriers that effectively exclude private universities from offering legal education programs, despite the absence of formal legal prohibitions. This monopolization by state institutions not only curtails competition and innovation but also undermines principles of transparency, equality, and accessibility.

To achieve a balanced and competitive legal education system, Uzbekistan must implement a phased reform strategy that ensures quality while liberalizing access. Transparent standards, pilot programs, and robust post-licensing oversight can help integrate non-state actors into legal education without compromising academic rigor. Doing so would promote institutional diversity, enhance the rule of law, and foster legal professionalism in a modern democratic context.

REFERENCES

Laws&Regulations

Law of the Republic of Uzbekistan dated July 14, 2021 No. ZRU-739 "On Licensing, Permitting, and Notification Procedures"

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On the Approval of the Unified Regulation on the Procedure for Licensing Certain Types of Activities Through a Special Electronic System"

Electronic databases

Kun.uz. «Nodavlat oliygohlarga yurisprudensiya yo‘nalishiga litsenziya berilmayapti. Bunga sabab nima?»