

Imagining legal education in contemporary India

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I consider it an honour to be asked to deliver the 1st Prof. Shamnad Basheer Memorial lecture on a topic that was close to Shamnad's heart. Those who have known Shamnad will agree that he was a person with a vibrant mind who exuded vitality and positivity. A product of the National Law School of India University in Bangalore, Shamnad constantly interrogated the system of legal education in the country and particularly the process of transformation it underwent with the advent of the national law schools. As an academic Shamnad's primary passion was the field of intellectual property rights. Shamnad's work in the field of IPR, and particularly in the area of pharmaceutical patents, was influential in shaping the approaches to the complex issues in the field. The blog he founded in 2005, SpicyIP, is widely read even today. Shamnad will always be remembered as a 'provocative' teacher who challenged the young minds of several generations of law students who were fortunate to be taught by him at the NUJS Calcutta and elsewhere.

Shamnad's cherished dream was to make legal education inclusive. He was critical of the manner in which the Common Law Admission Test (CLAT) was devised and conducted. He was of the view that it kept out a large population of young underprivileged Indians from aspiring to join the national law universities. These concerns led him to conceive of and found early in 2010 the remarkable initiative: IDIA (Increasing Diversity by Increasing Access to Legal Education). IDIA's efforts saw the NLUs acknowledge the special needs of the differently abled students who might want to pursue a law course. A generation of daily wage workers, clerks, workers in stone quarries would see their next generation clear the CLAT, successfully navigate the five-year course in a national law school and become legal professionals. Undoubtedly, IDIA will be viewed as Shamnad's pioneering, transformative and lasting contribution to legal education in India. It is a great pity that Shamnad left us when he was at his peak. His untimely departure will continue to be an irreplaceable loss to the legal field.

Legal education in contemporary India has travelled a long way from 1855 when the first law department attached to the Bombay University commenced. Later this became the Government Law College (GLC). Legal education has moved a considerable distance from where it was in

1958 when the Law Commission of India in its 14th report noted that in a period of about 10 years “the position in regard to legal education ...has, it appears, definitely deteriorated.” The LCI’s lament at that point in time was that “The portals of our law-teaching institutions, manned by part-time teachers...are accessible to any graduate of mediocre ability and indifferent merits.” That no longer may be true.

In the past three decades, what has remained unchanged is the control of legal education by the Bar Council of India (BCI) and the University Grants Commission (UGC). Set up under the Advocates Act, 1961, one of the functions of the BCI, apart from laying down the criteria for enrolment of Advocates and disciplining their conduct, is to “promote legal education and to lay down standards of such education in consultation with the universities in India imparting such education and the Bar Councils of the States.” The role of the UGC, set up under a central enactment of 1956 on the other hand, is to co-ordinate and determine standards of teaching and examinations in Universities. The LCI in its 184th Report on legal education, in 2002, noted that the Universities and the UGC too were “concerned equally with standards of legal education, whether for practitioners or otherwise.” This apparent overlap in the functions of the BCI and the UGC is to be resolved by requiring each body to consult with the other while laying down standards of legal education, including prescribing the core and elective subjects required to be taught in a law course. Then there is the University to which the law school is affiliated, which too has a say.

A significant change in the three decades since 1987 is the emergence of the national law universities (NLUs). Although the five-year law course was introduced first in 1983 in seven institutions across the country, the 1st NLU offering an integrated B.A. LL.B. course was set up under a 1986 statute of the Karnataka legislature in Bangalore with its first batch commencing in 1987. Six years after the 1st batch passed out from NLUI Bangalore, two more NLUs were set up in 1998 in Hyderabad and Bhopal. The NUJS in Kolkata was set up in 1999. Today we have 23 NLUs all over the country, the most recent in Sonapat, Haryana, in 2019. These NLUs are subject to the further control of the government of the state where they are located. For the over 3,000 seats on offer in the NLUs, the admission in 22 of the 23 NLUs is through a Common Law Admission Test (CLAT), with NLU Delhi conducting a separate one, the AILET. Although there

were private law schools earlier as well, a recent trend is the corporatisation of legal education with business houses instituting private law universities, which too offer a large number of seats and hold their own entrance tests. Some of these PLUs charge tuition and other fees way above the NLUs. These PLUs too are subject to the norms laid down by the BCI, the UGC and the control of the respective state governments.

There is a mushrooming of law colleges in India. The scenario today is best depicted in a recent 'resolution' of the BCI announced through a Press Release on 12th August 2019 proposing a moratorium on the 'opening of new law colleges in the country' for a period of three years. The resolution explains that the BCI was driven to take this step for the reason that:

“there are about 1500 law colleges; due to lethargy of universities and some State Governments, several colleges are running without proper infrastructure. State Governments seldom take interest in appointing law faculties in Government Law Colleges and the constituent units. State Governments are granting No Objection Certificates and universities are granting affiliations recklessly. Universities are unable to stop the use of unfair means at the law exams in most of rural areas; the State Governments do not show any interest in checking unfair means.”

The BCI does not spare the UGC either, alleging that due to its 'negligence', 90% of the law colleges do not get any grant to improve their standards. The BCI adds that because “it is very easy to get LL.M and Ph. D degrees” on account of the “total non-concern of the HRD Ministry and Universities”, there is “an acute dearth of 'good law teachers' in the country. That more or less sums up the BCI's view of the current status of legal education in the over 1500 law schools.

The BCI's angst notwithstanding, the push for newer law universities appears to be unstoppable. On 28th August 2020, the Punjab state legislative assembly, in a truncated three-hour monsoon session, found time to pass a law to set up the Guru Teg Bahadur State Law University in Tarn Taran.

Turning to the NLUs, a report prepared in 2018 by NALSAR, at the request of Ministry of Law and Justice, after surveying the situation in 16 NLUs, had, among many other findings, this to say:

“The institutions that were meant to be the torch-bearers of systemic reform are producing graduates which are diverted towards lucrative opportunities in the private sector while the

older institutions continue to be run with laxity. This has exacerbated the career ambivalence that has always existed in India's legal profession. At the top of the legal education pyramid, we have a small group of highly selective institutions that have become feeders for the leading commercial law firms and business entities while a vast majority of law departments and colleges continue to add to the pool of 'briefless barristers' and graduates who will never use their law degree to earn a living."

This was in a sense a confirmation of what was said in 2014 by legal scholars Jonathan Gingerich and Nick Robinson. They noted in their study titled 'Responding to the Market: The Impact of the Rise of Corporate Law Firms on Elite Legal Education in India' that:

"The impact of the corporate sector on elite legal education in India has become increasingly apparent as more and more graduates enter law firms and the administration and faculty of law schools navigate how they wish to situate themselves and their students in relation to this lucrative section of the legal market."

Gingerich and Robinson noted that the choice that students in the NLUs make about which courses they will opt for is dictated largely by the prospect of securing a corporate desk job. They gravitate toward electives that they think are likely to prove attractive to recruiters from law firms and in turn "have pushed their law schools to offer more such electives." The head of an elite law school was candid that "when students have an opportunity to choose electives, eighty percent will take Mergers and Acquisitions over International Humanitarian Law, because students and their parents think that completing course work on corporate subjects will make it easier to secure placement into a corporate desk job."

Corporates have also stepped up to fund research on specific topics, by instituting professorial chairs. Gingerich and Robinson note that of the 15 endowed chairs in the NLU at Bangalore, which include chairs on human rights, PIL, refugee law and so on, one on international finance and the other on ADR, have been instituted by large corporate firms. A major Indian company in the private sector has endowed a chair on corporate governance. A PSU and a large private sector Bank have endowed chairs in business law.

There have been concerns about the security of tenure of the teaching and non-teaching staff of the NLUs. The NALSAR report pointed out that most of the NLUs have on average engaged 30-40 % of their full-time teachers on an 'ad-hoc' or 'visiting' basis. Only three NLUs had engaged more than 80% of their faculty members in permanent positions. At most of the NLUs, the non-

teaching staff members are also largely occupying temporary positions. The rapidly growing sector of private law universities (PLUs) were doing no better. They had “a natural preference for contractual appointments that make it easier to ‘hire and fire’ talent as per the fluctuating needs of an employer.” There have also been protests by students in the NLUs over a range of issues. The students voices need listening to and their concerns factored in the measures thought of to take legal education forward in the NLUs.

The trend of an NLU or a private law university graduate preferring a job in a corporate law firm to litigating in courts may be changing. Those that have come into litigation are doing well, setting new benchmarks for the bar, and have in a short span grown to being designated by many of the High Courts and the Supreme Court. Many of them have risen to the rank of partners in large firms both locally and internationally. As Law Researchers, they have made a significant contribution to the work of judges. They have joined the judiciary too. Some of them have come into academics, where again they have distinguished themselves. The other areas to which they have diversified are legal research, law coaching centres for CLAT. They have branched out into other disciplines like anthropology, writing and even film making. For a variety of reasons, not unexpected, the gap in the quality and competence of those graduating from the NLUs and PLUs and those from other law colleges remains.

Yet, every year 60 to 70,000 law graduates enrol as advocates, a majority of them passing through the non-NLU law schools. There are estimated to be over 1.7 million lawyers in the country, 15% of whom are women. There is a glut of lawyers in law practice. The legal profession has grown increasingly competitive. The distribution of the available work is skewed. It is estimated that 80% of the litigating work is in the hands of less than 20% of the lawyers. The fastest growing entities are the large law firms which seek to cater to a variety of legal service needs not just of body corporates but of governments and other entities as well. In the major metropolises, the individual lawyer is a vanishing breed. Instead, one is witnessing the growth of a number of small and medium-sized law firms aspiring to capture the work left over by the large corporate firms.

It is in this state of legal education in ‘contemporary India’ that we are asked to imagine the future of legal education. But the scenario need not be as gloomy as the above reports suggest. There are some positive changes in the past three decades which can, I believe, be built upon to realise their full potential.

I know that the available time will not permit me to deal with all possible issues concerning legal education in the country. I will therefore dwell on a few of them, the foremost being that of accessibility, primarily in the context of the NLUs. IDIA’s diversity reports have, since they were first brought out in 2014, focussed on the issues that students of the NLUs, coming from diverse backgrounds, face. A significant finding in the most recent report for 2018-19, and which reflects a consistent pattern, is that over 80% of the students joining the NLUs come from wealthy, urban and English-speaking backgrounds. The average course fee (inclusive of tuition and boarding expenses) in an NLU could range between Rs.15 and 18 lakhs and in PLUs it could go up to Rs. 28 lakhs per annum. More than 85% of the sampled students had enrolled themselves in expensive coaching classes or online courses to prepare for CLAT. Nearly 88% received funding from the parents and only 9% of the students opted for bank loans. Unsurprisingly the survey found that there was very little representation in the NLUs of low-income students. The provision for reservation in the NLUs, including domicile-based reservation, has not been able to increase sufficiently the accessibility to the NLUs primarily because of the high costs of legal education combined with the relatively few scholarships on offer.

While this may seem a hopeless situation, that is not how Shammad viewed it. The remarkable thing about IDIA was that it was able to identify students, with some aptitude for the study of law, from less privileged backgrounds, ‘the key identifier being that of income’, followed by a round of interviews with their parents and teachers. IDIA’s team then took them on board for training for and clearing the CLAT. Training was provided at the some of the well established coaching institutes with prior arrangement. A 2014 piece titled ‘The Making of Legal Elites and the IDIA of Justice’, authored by Shammad and three of his colleagues, explains what the driving motive behind IDIA was:

“that all who are part of the legal juggernaut have a collective responsibility in ensuring that marginalised sections are able to directly deploy the instrumentality of law to improve their lot and to contribute towards the creation a more just and fair society. Secondly, an influx of diverse student populations makes for a more optimal mix of views and perspectives at such law schools and consequently enriches the process of education itself. The statement of objectives also notes that enhanced diversity would, in the long run, translate to diversity within the upper echelons of the legal profession as well.”

This vision also explains why IDIA’s support to its scholars does not stop at the point of their entry into an NLU. IDIA arranges for their financial support. As a first step, it appealed to the various NLUs to grant scholarships and/or fee waivers/fee reductions to the IDIA scholars who gained admission. While three NLUs agreed to a full fee waiver, one did to a partial waiver. With a majority of the NLUs expressing inability to offer any financial assistance, IDIA began raising funds from individual and institutional donors, including partners at premier law firms around the country. It also helped IDIA scholars secure internships which would in turn help enhance their employment prospects. IDIA’s efforts since 2010 has ensured that of the 40 to 50 students from underprivileged background it identifies, around 15 are able to clear the CLAT and secure admission in an NLU. The others are able to find entry into non-NLU law schools and other graduate courses.

The issue of inclusivity has also sought to be addressed by IDIA. Its latest survey for 2018-19 states that hardly 3.4% of the NLU students were from rural areas or educated in vernacular medium schools. Less than 4% of the students in the leading NLUs were Muslim. There was an abysmally low representation from the north-east of India. Disturbingly, nearly 54% of the surveyed students alleged discrimination and insulting or disparaging remarks against them on the grounds of political religious beliefs, social economic backgrounds, language, caste, appearance etc. There was a recent tragic incident when a student of the NLU in Jabalpur committed suicide allegedly because of his poor proficiency in English. Nearly 55% faced culture shock. A large number of students cited lack of confidence, social awkwardness and language barriers as reasons for not participating in either co-curricular or extracurricular activities. Over 50% were unable to understand or cope with the curriculum.

IDIA’s experiment has ensured that a wide cross-section of the less privileged sections of our population could enter the portals of the NLUs. In 2013, among those IDIA scholars that made it

into the NLUs, eight were differently-abled (visually impaired), thirteen were girls, nine from the scheduled castes and five from the scheduled tribes. There was significant geographical diversity as well, with scholars hailing from the Sunderbans in West Bengal, Gudemaranahalli in Karnataka, Machhilipatnam, Kurnool and Nellore, in Andhra Pradesh, Rae Bareilly in Uttar Pradesh, Phagwara in Punjab, Barmer in Rajasthan, Pitij in Jharkhand, Chhinga Weng in Mizoram, Kollam in Kerala and L. Gannom in Manipur. To help them navigate law school life both academically and socially, IDIA scholars are allotted multiple ‘mentors’ comprising at least one senior student from within the law school, one from the profession, and one faculty member. IDIA has conceived of strategically designed training programmes to enhance soft skills (well spoken English) and resilience of its scholars, such that “they are able to withstand a hostile, isolationist and discriminatory outside environment to some extent.” The idea was also to impart special leadership training programs. IDIA’s Research and Policy (RAP) team has *inter-alia* helped challenge arbitrary eligibility criteria at the NLUs for admitting differently abled students. It has advocated for a fairer testing framework through CLAT - one that does not disadvantage socially and economically disadvantaged sections of society. It has also advocated for a disabled-friendly entrance examination and made representations before the CLAT Committee highlighting the disadvantages faced by students with disability.

ALL ABOUT LAW

The question that one is tempted to ask is this. Can the IDIA experiment be scaled up? By the state? Can its reach extend to the thousands of law schools across the country? This has been a successful experiment with encouraging results and there is no reason it should not be expanded to serve a larger population of students from underprivileged backgrounds. The hallmark of this experiment is the possibility of making legal education inclusive.

Law schools, in the words of Prof Baxi, must be viewed “as sites for not only excellence in legal education but also of equity.” Indeed, they must be affordable, accessible and most importantly, they must foster socially relevant legal education. They must lay the basic foundation for the student in democratic practices and constitutional values of equality and non-discrimination, inclusivity and pluralism, in the broadest sense of those terms, and in the personal sphere. If a

law school cannot teach its student to respect difference and dissent in a civil manner, it would have failed in a very fundamental way.

Indian law schools would do well to site the study of law in a context: social, economic and political. The study of law must provoke curiosity about lives of people, about processes and powers at work whether state, corporate, civil society, political activists, mass movements. In addition, exposure to all kinds of politics would be essential. As Einstein would remind us: "The value of college education is not the learning of many facts but the training of the mind to think." Harvard Professor Duncan Kennedy, while reminding us that "law schools are intensely political spaces" also asks us to be aware that the present design of the law course will end up invariably in reproducing the existing legal hierarchies. This requires to be constantly challenged through rigorous analytical interrogation. We need to ask, he says, why are we teaching and why are students being taught what is being taught? What is learnt at the law school invariably dictates how one approaches issues later as a lawyer, as a judge or as an academic.

This approach to legal education will entail asking a whole set of questions.

"Who legal education is helping, how and what does it mean for them? Does it help graduates get jobs, and if so, what sort of jobs? What benefits accrue to our community by investing in the legally literate leaders of tomorrow – support for civil society, its institutions and the rule of law? Does legal education increase access to justice, advocacy for the vulnerable or the voiceless? Do current offerings entrench a legacy of exclusivity, status, prestige and competitiveness? Is there opportunity to create an alternative legacy of inclusivity, opportunity, access to justice, innovation, entrepreneurship? If so, for whom?"

In further imagining the future of legal education we need to ask: What should be taught? And how? In the Indian context, the vernacularising of law would have to constitute an important objective of legal education. This in turn would entail simplifying legal language, demystifying legal processes, making law accessible and understandable. (For e.g., a Street Law Project, chronicling people's histories of encounters with the law) In a course on social justice, the literature on the lived experiences of the scheduled castes, preferably translated versions of rendering in regional languages should be part of the compulsory readings. In studying the law on untouchability, or of the prohibition of manual scavenging, the student will need to listen to the voices of the affected communities. From another perspective, what the teacher should be

attempting to do is to help the student question the language of the law. Is it framed in the 'dominant voice'? This is similar to the feminist critique of the 'male voice' of the law relating to rape and sexual assault.

The current approach of the BCI is to prescribe a minimum of 18 core subjects, 6 optional subjects and four compulsory practical papers (moot court, ADR, drafting pleading conveyancing, professional ethics and accountancy) to be completed in either a five year or a three-year law course. Much of this is geared towards thinking and training to be a lawyer.

The practical papers underscore the larger role for the lawyer, not restricted to litigating in the court. The rationale is that:

“Mere analytical skills of problem solving will not be sufficient to solve broader socio-legal problems. Members of the legal profession need to play the role of educator, planner, and counselor. Therefore, lawyers must be trained in skills that provide for a broader understanding of various facets of legal problems. Fundamental lawyering skills are important to provide social justice; however, any set of skills confined only to traditional methods of problem solving would be manifestly insufficient”.

Legal education, therefore, should focus “not only on what lawyers actually do but on what lawyers ought to do.” Indian society “needs socially sensitive and community-oriented lawyers” which in turn would “require a curriculum that exposes students not only to law and legal process, but also to the many factors that influence clients and their lawyers.”

This brings me to the other aspect of legal education that I wish to dwell upon. Clinical legal education imparted at University law clinics. They provide an opportunity to the students to intermingle and understand the problems of the local population. They would understand the limitations of legal language and how much could be lost in translation when a problem is sought to be fitted within the understood and given dimensions of the formal written law. It might call for innovative approaches and creative thinking on the part of both the faculty and students to address these issues.

A study was conducted in 2011 jointly by the V M Salgaocar Law College, the Forum of South Asian Clinical Law Teachers, the Government of India and the United Nations Development

Programme of the Law School Based Legal Service Clinics in seven States viz. Orissa, Bihar, Chhattisgarh, Jharkhand, Uttar Pradesh, Madhya Pradesh and Rajasthan. The study was intended to understand the functioning of legal aid cells established in these states by the law colleges and suggest ways and means to improve their functioning to act as effective instruments of access to justice.

Interestingly the study picked out seven law colleges for their 'best practices' in the area and made a comparison with their counterparts in the U.S.A and South Africa. These seven institutions had innovated in devising outreach programmes that would reach legal services to the doorstep of the rural poor by locating some of the legal aid clinics there. They would have panels of lawyers and medical experts who could be reached out to by the student para legals in the clinics for actual interventions with the authorities or in the courts.

The downside, as far as the 38 other law schools studied, was that although nearly 82% of them had designated faculty to conduct legal aid activity in the clinics, only a miniscule of them provided the facility of academic credit to the faculty in terms of workload/lecture hours and for the students in terms of grades or marks. This in turn considerably reduced the enthusiasm for legal aid activity. It was considered burdensome or additional work. Also, lack of financial support and resources meant that the law colleges spared little effort in informing the community about their existence and availability of services.

The National Legal Services Authority (NALSA) has a set of regulations to guide the working of university law clinics. These need to be implemented. If the work of the University Law Clinics can be dove-tailed into the work of the District Legal Services Committees, it would give the clinics statutory backing which in turn would persuade the authorities at a local level to be more responsive. This could include offering a wide range of legal services in a rural setting like ensuring the disbursement of the MNREGA wages, pensions, rations, benefits under various welfare schemes, mutation in land records and so on.

My takeaway from the 2011 study is that there are excellent examples of fully functional and effective legal aid clinics in a small clutch of law universities and colleges that can be emulated.

Their techniques and practices can form a template for replication. The offering of legal services in university law clinics requires to be viewed as a work in progress and made an integral component of the law curriculum.

Much has been written and spoken about teaching methods in law schools. I do not wish to go over that here. However, I do wish to talk about the need for a law school, in the Indian setting, to exploit to the full its geographical location. Mahatma Gandhi is attributed with saying: “True education must correspond to the surrounding circumstances or it is not a healthy growth.” The law school as an institution would have to communicate with its environment geographically and sociologically and account for the cultural specificity of its immediate surroundings. For instance, the law school in Ranchi would give students an opportunity to mingle with and understand the surrounding population in an area much of which is governed by the V Schedule to the Constitution, which preserves the customary laws and practices peculiar to those areas. A law school in the north-east should be able to expose the students to the diversity of customary tribal practices and laws and to understand the tensions that exist between the formal legal system and the traditional but informal legal systems that continue to govern those societies. In the context of the exploitation of valuable natural resources which are the common property of communities for several generations, in the pretext of development, the location of a law school at or near the site of such contestation might provide an opportunity to not only the students but also the faculty to engage with the local population and understand their resistance to development from the cultural and spiritual standpoints.

Also taking the student to the place where the event is occurring changes dramatically the student's perspective and understanding of the issue. While teaching *Olga Tellis* might it not be useful to have the students visit a slum cluster, interact with its inhabitants in order to understand what issues they face in the course of a forced eviction drive? From my personal experience of teaching credit courses on economic social and cultural rights, I found that the next best device, if it was not possible to take students to the site of contestation, was the use of audiovisual techniques. The screening of a documentary on forced displacement on account of a power project, for e.g., in which one can hear people speak about their problems in their own words helps the student understand much better than any classroom lecture.

That brings up the issue of orienting law teachers to innovate teaching methods specially suited to a particular legal environment. Perhaps it is time to explore the idea mooted by Prof. Baxi way back in 1974 of setting up a Legal Pedagogy Institute to provide teacher training and faculty improvement programmes. One of the recommendations of the Rajya Sabha Standing Committee on Legal Reforms in 2016, which needs serious consideration, is the setting up of academies for lawyers for providing continuing legal education and training. The learning of the law has to be a continuous exercise, for judges, lawyers and academics, to enable coping with the changes occurring all around us.

I may digress here to share some personal insights of my learning differently about law and life through class action and public interest lawyering. Collaborating with an urban planner, visiting the slum cluster facing eviction, sitting down with its inhabitants there to discuss the case filed for them in the High Court, planning with them the strategies, appraising them of the developments after each hearing was a huge learning experience. Likewise, with those involved in manual scavenging or the victims of the Bhopal Gas Disaster. Listening to them articulate the concerns in their voices, discussing with them the draft of the petition that was being filed, and later explaining what had transpired during the hearing contributed immensely to understanding the issue from a legal, sociological and political perspective. It was a constant reminder that it was their voice that had to be heard in the court. That had to be preserved from being engulfed or distorted by the language of the law and the court.

I turn now to the last part of my talk. The challenge of having to deal with the changes brought about by technology. Richard Susskind anticipates that in the not too distant future, the legal services sector might witness major changes and perhaps might be supplanted by the use of technology, interactive online dispute resolution (ODR), transaction planning, discovery and document management, legal filings, and even defence in certain petty criminal cases of traffic violations. In this context, academician Carrie Menkel-Meadow asks:

“Should we be teaching students how to develop, design and manage such dispute systems? Should we be teaching about or worrying about how those with little computer literacy or ability (the aged, the disabled, the poor) will access such services? Those in the field of law and

technology claim that AI will be a boon to access to justice and we must reorient our teaching and training to it; others document how ‘algorithmic justice’ may be very dangerous (in both under and over inclusiveness in data-driven decision-making).”

Another academician, Sally Kift has a different take. She pertinently asks:

“Obviously, the acquisition of digital literacies is critical, but the ethical ambiguity inherent in automation, and AI in particular, will place a high premium on ethical standards, moral judgment and criticality. Moreover, legal educators will need to be constantly vigilant and iteratively scanning for other desirable 21st-century skills, particularly those that are harder to automate (such as, for example, emotional intelligence, interpersonal skills, human logic, creativity, inter-disciplinarity (and its enabler of collaboration skills), adaptability, resilience, design thinking, strategy, leadership, self-regulation and empathy).”

And in the context of the recent #MeToo movement, which saw extensive use of Twitter and other social media “to aggregate and publicize legal claims” with concerns arising about due process, Carrie Menkel-Meadow asks: “What will our new law students think of law as social media allow postings of ‘fake news’ and judgments without formal proceedings or trials? What kind of legal ethics will this ‘brave new world’ require?” Also, in India, there is a very real issue of the digital divide.

Legal education itself is undergoing other kinds of transformation. We now have Massive Online Open Courses (MOOC) and other forms of distance learning being offered by leading law schools. Recently, in India too there has been an attempt at offering a virtual law course. The covid pandemic is no doubt a crisis that has thrown up a huge challenge in how we live and function but has offered a new set of opportunities. The possibilities of expanding the frontiers of knowledge, it would seem, is endless.

The present system of media houses ranking law schools on parameters that include the ability of a passing out batch to secure placements in leading corporates houses and firms can hardly be considered reliable. Unfortunately, this to a large extent determines the choice of the top rank holders in the CLAT in opting for an NLU. In this context, among the many useful suggestions in the 2018 report of NALSAR, worth considering, is one pertaining to evaluating the performance of law colleges. It asks for “an authoritative ranking of the NLUs by a publicly reliable source” and suggests that “the National Institutional Ranking Framework (NIRF)

introduced by the Ministry of Human Resource Development (MHRD), Government of India should include the NLUs as one of the sub-categories in their annual exercise of ranking higher educational institutions in India.”

Hopefully the parameters that such a body would deploy to evaluate a law school would read something like this.

If a law school teaches its student to

be open to new ways of thinking, respect others' choices while not imposing one's own

retain civility in dissent and argument

embrace difference, inclusivity, and pluralism

never abandon the constitutional values of liberty, freedom, equality, fraternity and dignity

imbue constitutional morality as an uncompromising value of life

question, confront, challenge, abuse of authority and power

recognise and fight injustice by lawful means

be ever open to change and learning

it would have served its purpose.

Thank you.