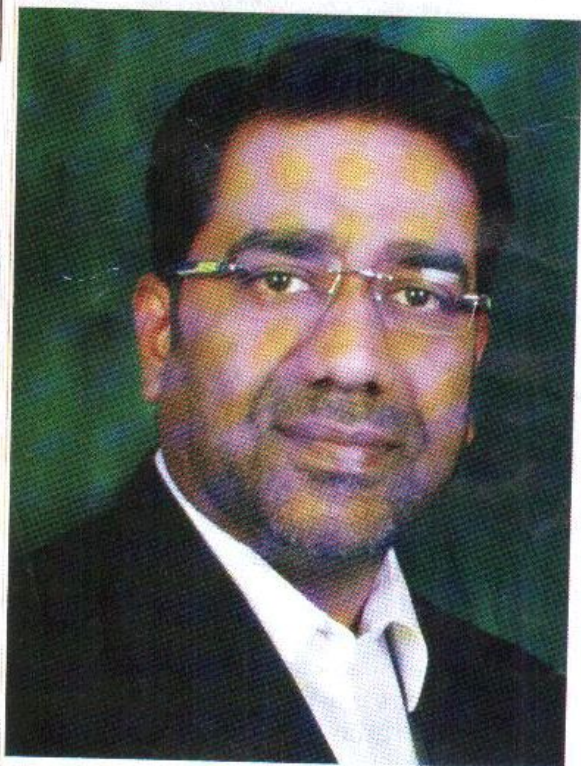


IMPROVING LEGAL EDUCATION IN INDIA

Legal education is imperative not only to produce good lawyers but also to create cultured law abiding citizens, who are inculcated with concepts of human values and human rights. We must have a legal education which can fulfil the needs of society and the country as well. India is not a laissez-faire economy but a welfare State and in a welfare society law plays a very important role in every affair of human beings.

By Rakesh K Singh



RAKESH K SINGH, Advocate

Over the years, there has been a considerable degeneration of academic standards within these law departments with little scope for innovation in the design of courses, development of appropriate teaching modules, formulation of research agenda including undertaking of research projects, and also the promotion of advocacy. The departments also suffered from lack of independence and institutional autonomy, as they were within the

university system whose priorities did not always match. As a result, the ability to attract talented students with a passionate commitment to study law in all its ramifications dramatically reduced culminating in institutionalized mediocrity in law faculties across the country. There is no doubt that the establishment of the national law schools starting with the National Law School of India University (NLSIU) in Bangalore followed by some other places successfully challenged this institutionalised mediocrity and succeeded in attracting talented students to the study of law. In fact, the study of law has received better attention among high school leavers in the country with the introduction of five-year integrated programmes.

But where these schools face significant challenges is in attracting faculty members who are top researchers in the field of law and can combine sound teaching methods with established track records of research. The lack of researchers in law and absence of due emphasis on research and publications in the existing law schools have led to the absence of an intellectually vibrant environment.

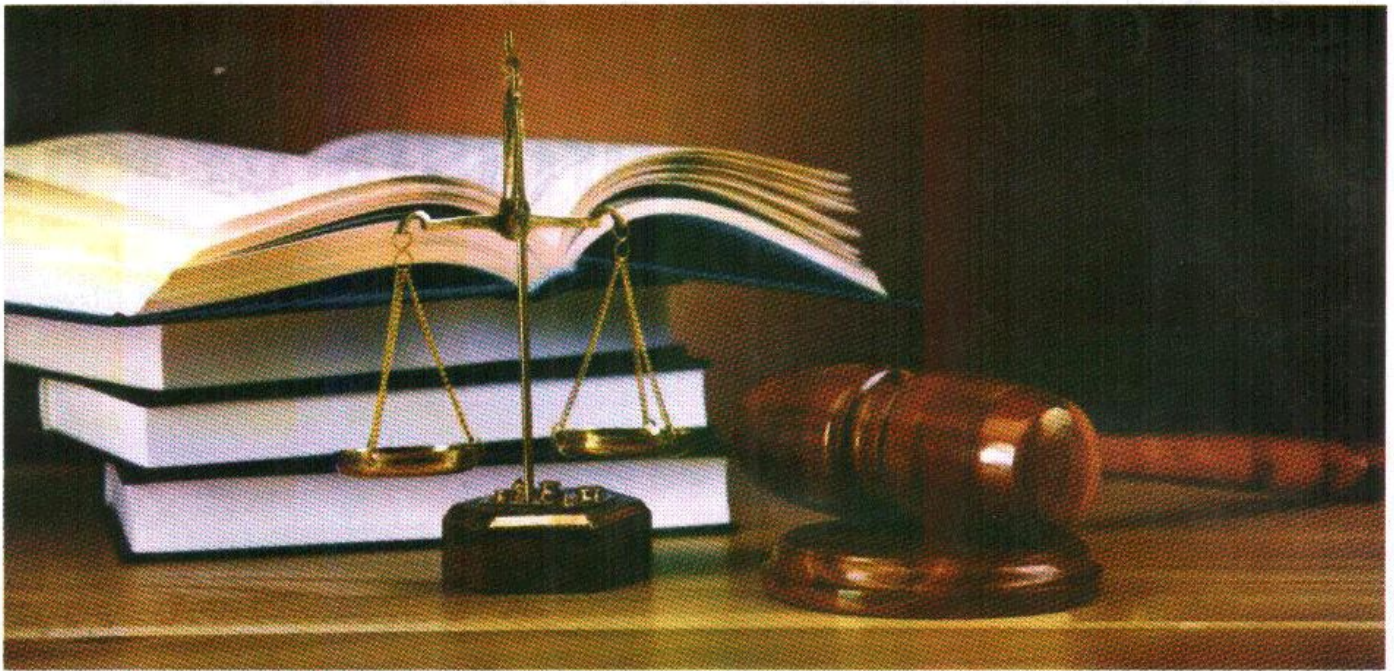
Research can contribute significantly towards improvement in teaching and, more importantly, addressing numerous challenges relating to law and justice. If one were

to look at the faculty profile of the world's top law schools, one will find that there is great emphasis on research and publications among academics. Besides teaching, they contribute in significant ways by initiating and developing research projects in cutting edge areas, by professional contributions to international organisations, law firms and corporations, and by playing an important role in government policy formulation and promoting civil society activism.

Law schools and academics in India need to go a long way in developing an institutional culture that promotes and encourages research that has the capacity to foster many positive changes in society at large.

CHANGE IN CURRICULUM

The emphasis from traditional laws to contemporary subjects has to be addressed and taught in legal education. In fact the conventional role of a lawyer is changing from resolving disputes within the Court room to that of a policy planner, business advisor, mediator, law reformer, etc. The lawyer has to interact with other professions on an equal footing and must be able to relate to scientific and technical knowledge. The law curriculum for the future must provide an integrated knowledge of biodiversity, bio-technology, information and technology, environmental



THE LACK OF RESEARCHERS IN LAW AND ABSENCE OF DUE EMPHASIS ON RESEARCH AND PUBLICATIONS IN THE EXISTING LAW SCHOOLS HAVE LED TO THE ABSENCE OF AN INTELLECTUALLY VIBRANT ENVIRONMENT.

sciences, ocean and marine sciences, public health and other related subjects. Then alone, the unmet legal needs of different sections of society and the impact of globalisation can be addressed to and the students will be equipped to contribute to the society when they leave the portals of their alma mater. In order to do so, the institutions must be given a free hand in choosing the subject so that the students are able to conduct research work in their respective fields. The Bar Council of India must perform only a supervisory role in equipping and funding the libraries.

HIRING GOOD TEACHERS AND RESEARCHERS

There is a need to fundamentally re-examine the context of legal education in the country. The present system does not sufficiently recognise the key problem with regard to legal education — lack of faculty members who are good teachers as

well as sound researchers. There is need to identify talent among young lawyers so that they can be encouraged to consider academia as a career option. There is no doubt that poor financial incentives discourage many young and brilliant lawyers from considering a career in academia. It is important to address this issue as well. But there could be other factors where improvements and changes are feasible: such as career development opportunities within the law schools; development of research infrastructure including the resources to organise and participate in national and international conferences, and undertake serious research; a harmonious environment that fosters mutual respect; governance of the law schools in a transparent fashion; and, above all, faith in the leadership of the institution that excellence will not only be promoted as a general policy, but affirmative efforts will be taken to

encourage and support excellence.

EFFECT OF GLOBALIZATION AND FREE TRADE

Globalisation and the changing dimensions of the Indian economy and policy have thrown up new challenges of governance. Rule of law in all its dimensions remains the single most important challenge the country is facing. The criminal and civil justice systems are under severe stress. The role of law schools in imparting legal education and developing lawyers who are rational thinkers and social engineers is central to the future of legal education and the development of a knowledge economy in India. This can be done only if the law schools are able to attract some of the best and the brightest lawyers to make a lifelong commitment to teaching, learning, and research so that they are able to inspire generations of students to work towards establishing a rule of law society in India. ■

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