

AN IDEA OF A LAW SCHOOL: IDEAS FROM THE LAW SCHOOL (2019). Edited by **N.R. Madhava Menon, Murali Neelakantan and Sumeet Malik, Eastern Book Company, Lucknow, Pp. 392, Price INR 995.**

LEGAL EDUCATION in India witnessed a turning point with the establishment of the National Law School of India University (NLSIU), Bengaluru (Law School), in 1986. Professor Upendra Baxi has discussed the desire to transform legal education in his note “Towards a socially relevant legal education” which was a consolidated report of the workshops organized by the University Grants Commission (UGC) on the modernization of legal education between 1975 and 1977.¹ The experiment to introduce an integrated course of law, at graduate level commenced in the 1980s was translated into reality in 1986 by Professor N. R. Madhava Menon.

To celebrate 25 years of the establishment of NLSIU, a seminar was organized to bring together the alumni and founding faculty members of the law school. The book, “*An Idea of a Law School: Ideas from The Law School*,”² is a compilation of 31 talks and papers by the alumni. It is a testimony to the success of the institution and how it exceeded the vision of the founding members.

Legal education is beyond preparing human resources for the Bar, but for multiple avenues where social engineers are required. Every dispute is not about litigation but can be settled through other means. NLSIU, through the five-year course, emphasized it. It is evident from the success story of NLSIU alumni which is showcased in this book. Success is not only of NLSIU but to the five-year law course introduced, contributing a broader perspective to the legal profession. The credentials of the contributors testify the success of law school and feel like a walk-through memory lane.

NLSIU alumni has set an example for some of the bold steps that has been taken such as Ms. Menaka Guruswamy in *Navjet Singh Johar v. Union of India*;³ Professor Shamnad Basheer as

¹ Upendra Baxi, *Towards a socially relevant legal education: A consolidated report of the University Grants Commission’s Workshop on Modernization of Legal Education (1979)* (A Working Paper for the UGC Regional Workshops in Law 1975-1977), available at: <https://www.ugc.ac.in/oldpdf/pub/report/1.pdf> (last visited on May 2, 2020).

² N.R. Madhava Menon, M. Neelakantan, et.al. (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

³ (2018) 10 SCC 732.

the Amicus Curiae in *Novartis AG v. Union of India*;⁴ Dayan Krishnan in *Mukesh v. State for NCT of Delhi*⁵ to name a few.

The book is split into three parts – (a) legal education, (b) legal profession and legal services, (c) judiciary and access to justice. It captures a broad range of experience containing contributions from Justice Rajendra Babu, former Chief Justice of India, the oldest contributor, to Mansi Sood, Rhodes Scholar, NLSIU Batch 2016, the youngest. The differences in ideology regarding how different generations perceive legal education and the responsibility of the legal profession. The panel discussion titled “The Legal education in flux- The NLS experience: Legal Education and what comes next” among advocate Alok Prassanna Kumar, advocate Murali Neelakantan, advocate Laila P Ollapally and Professor Sudhir Krishnaswamy, which was based on this book, gives valuable insight and background of bringing out a publication such as this.⁶

Part one of the book discusses the various stages of transitions, which legal education in India has undergone and which is something to boast. Professor Menon, in his article on “Transformation of Indian Legal education”⁷ which was also presented at the Harvard Law School, points out how law schools have transformed, especially with the demands of the globalized world. The five-year law course was introduced as “Justice Education” to meet the constitutional goals of justice.⁸ With globalization came the need to ensure that law students are equipped to handle the complex web of the transnational nature of law. It is the responsibility of law schools to equip them for the same by bridging the gap between theory and practice.⁹

⁴ (2013) 6 SCC 1.

⁵ (2017) 6 SCC 1.

⁶ A.P. Kumar, M. Neelakantan, *et.al.*, *The Legal Education in Flux – The NLS experience: Legal education and what comes next*, Panel discussion on the book “An idea of a Law school – Ideas from the Law school”, held at Bengaluru on Oct. 22, 2019, available at: <https://youtu.be/Y24e74fLc3M> (last visited on June 8, 2020).

⁷ N. R. Madhava Menon, “Transformation of Indian Legal Education”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

⁸ Ranbir Singh, “Globalisation and Legal Education: Challenges Ahead” in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

⁹ Prabha Kotiswaran, “Case for a Transnational Approach in Legal Education” in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

One of the greatest criticisms referred to in the book is the disappointment about the curriculum.¹⁰ The discontent is despite the Rules of Legal Education, 2008, where four clinical papers are mandatory as part of the legal education curriculum. However, based on Professor Menon's recommendation that the clinical curriculum must ensure that law graduates are practice-ready, it was proposed to have eight clinical papers in the final year with clinical courses based on the career choices of the students.¹¹ It is necessary to ensure that law graduates are professionally ready; therefore, they must be allowed to prepare themselves on that level.

Part two of the book talks about the legal profession. The quality of legal professionals reflects the quality of their education. Consequently, the presence of NLSIU alumni in prominent posts echoes the success of the law school. Globalization opened the doors to lawyers capacities as litigants, corporate legal advisory, drafting and conveyancing, in house counsel etc. at both national and international arena.¹² The Bar Council of India (BCI) initially objected to the entry, but in 2016, entry into the profession was permitted through conditions laid down in "Bar Council of India Rules for Registration and Regulation of Foreign Lawyers in India, 2016."¹³

Law school attracted the criticism of not being socially relevant or ensuring the attainment of social justice. This criticism has persisted ever since the first batch of graduates of the law school advocate Nandan Kamath and advocate R. Seshank Shekar,¹⁴ and advocate Nandan Nelivigi¹⁵ offers their perspectives as answers to this long-standing criticism.

¹⁰ Mansi Sood, "Legal Education in India: The Role of the National Law Schools and Their Outcomes", in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹¹ N.R. Madhava Menon, "Innovative Clinical Curriculum for Enabling Law Graduates to Become Practice-Ready" in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹² Ekta Bahl, "Defining or Redefining "The Profession of Law" in India", in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹³ N.R. Madhava Menon, "Foreign Lawyers in India and Indian Lawyers Abroad: Prospects for Trade in Legal Services", in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹⁴ Nandan Kamath and R. Seshank Shekar, "Pro Bono" Legal Services in India: An Opportunity to Bridge the Access to Justice Gap", in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹⁵ Nandan Nelivigi, "Legal Profession in India: Need for Radical Reforms", in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

The involvement of alumni into *pro bono* activities, encouraging corporate social responsibility in their respective firms, have been highlighted by the alumni. They also raised the concern of multiple variables that have limited law school students to reach out to the society completely. This calls for consideration of multiple variables that makes achieving socially relevant legal education difficult. Some of the critical areas such as funding of law school, the high values and ethics taught into them through the law schools make it difficult for them to reach the grass-root level *etc.*¹⁶

One of the key areas that could have been considered in the discourse was the responsibility of law school as a model institute for other colleges. One of the arguments pointed out in justifying the contribution of law graduates to the profession is that the majority of lawyers in the Bar are from traditional institutions. Therefore, it is difficult to make a substantial change to the system. As NLSIU was to set an example, to lead, and to assist other colleges, one of the grey areas that could have been considered is how they have assisted other law institutes to attain the expected benchmark. It is without dispute that the law school experiment has been a success, but the disconnect between the category of the institute lies in the profession and how they are regulated.

BCI retains the monopoly in regulating legal education along with “practice of law”, and there exists a conflict of interest. One of the grey areas is the non- recognition of other professions outside litigation. This is evident from the academia-industry disconnect. It was emphasized by advocate Srinivasa Raghavan¹⁷ where non- recognition of academia by BCI is a reason for the disconnect, which is reflected in the profession. The stand of BCI to suspend the license of advocates in case of “full time” employment other than litigation calls for criticism.

Involvement of academia into the profession can be identified in a few areas, which must be improved. In very rare cases has the involvement of academicians been seen as “*amicus curiae*”, which is permitted under the law. One of the examples cited in the book is of the “Citizens Legal Awareness Programs Committee”¹⁸ that was recommended for BCI to initiate with the involvement of legal aid clinics of law school. It is proposed that it must involve the

¹⁶*Ibid.*

¹⁷ V. Srinivasa Raghavan, “Ideas for Reducing Pendency in Courts” in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

¹⁸ Elizabeth Seshadri, “Role of our bar council in a time of diminishing brand equity of the legal system” in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

legal aid clinics of law schools and other institutions. One of the reservations to the book is wherein one of the articles mentions the success of NLSIU as “accidental”.¹⁹ It is true that authorities have failed to draw out the necessary skills and values expected from a law graduate. But while setting up NLSIU, *Mac Crate* report was relied upon for identifying the skills and values, and it was incorporated into the clinical papers that are offered.

Part three of the book highlights the concern of access to justice. The idea of the quality of legal education and bridging the gap between the legal profession and education is ultimately to ensure access to justice to the people of the country. As it was discussed in the beginning, “Justice Education” was the focus of introducing the five-year law course. It is at this point that Part III of the book opens discussions on access to justice through reporting of judgments,²⁰ and the importance of Alternative Dispute Resolutions (ADR). Lawyers are to be peacemakers rather than problem creators. It was for the ability of lawyers to come to an amicable settlement that a noble character was attributed to them and the profession.²¹ Courtroom arguments and litigation were once the last resort opted for by people. While considering access to justice, one of the crucial and mounting areas is ADR and to settle disputes through one of the following means: negotiation, conciliation, mediation, and arbitration. Only in the event, that settlement does not arise from any of these mechanisms, should litigation be sought. Justice delayed is justice denied and ADR can be a means to overcome this challenge.²² Hence, it is necessary that well-trained lawyers are available for this. Legal education must be able to train students for humanistic, experiential and participatory methods of dispute resolution as pointed by advocate Laila T. Ollapally.²³

¹⁹ Murali Neelakantan, “State of the India Legal profession: Where can we go from here”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

²⁰ Sumeet Malik, “Access to Justice: Role of Judiciary and the Role of Law Reports”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

²¹ Harish Narasappa, “Role of Judiciary, Judicial Delay and Access to Justice”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

²² Poornima Hatti, “Thoughts on Alternate Dispute Resolution Mechanisms: How can We Make It More Inclusive?”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

²³ Laila T. Ollapally, “Mediation: A Way to Deal with the Docket Crisis in India”, in N.R. Madhava Menon, M. Neelakantan, *et.al.* (eds.), *An Idea of a Law School: Ideas from The Law School* 278 (Eastern Book Company, Lucknow, 2019).

Daksh, an organization, established by one of the alumni of the law school, made an attempt to understand the pending cases at the lower courts. The alarming results require immediate attention along with the use of technology and the involvement of artificial intelligence (AI) to speed up the remedy.²⁴ As advocate Sajjan Poovayya also recommends the use of technology is required at the lower courts to overcome procedural bottlenecks.²⁵ In fact, it is worth mentioning at this point that this became a reality in 2020 when courts were partially shut down due to the global health emergency of COVID-19, leading to courts urging and recommending e-filing and online dispute resolution.²⁶ It is also worth considering the involvement of institutes of legal education for ADRs. Mediation centers in law institutes must be one of the means to settle disputes. Moreover, faculty expertise in the subject matter can be utilized to provide solution-based norms.

Legal education sets the foundation for a strong democratic system, and a strong justice delivery system. It is, therefore, necessary to look into the attributes inculcated in the students. One of the areas that could have been considered was how law institutes could be used as a mechanism for dispute resolution.

Law school experiment was able to succeed for the space that it received to have legal creativity, as pointed out by Late Shamnad Basheer²⁷ and the freedom they enjoyed experimenting with their beliefs and dreams. The procedural bottlenecks and regulatory requirements have shunned the developments in legal education to a great extent. It is time to lift the benchmark for the professional course. And to ensure they enjoy the academic flexibility to meet up to the demands of the society.

Overall, the articles contained in this book complement each other and overlapping has been avoided. The sequence and structuring give the readers a wonderful experience of how legal education translates to effective legal practice to achieve access to justice and how legal education can be involved in multiple ways to ensure access to justice. However, along with

²⁴*Supra* note 17.

²⁵ Sajjan Poovayya, "Role of Judiciary and Access to Justice", in N.R. Madhava Menon, M. Neelakantan, *et al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

²⁶ Livelaw Network, "Supreme Court to introduce court proceedings through video conferencing, e-filing will be available 24/7", Livelaw, March 15, 2020, available at: <https://www.livelaw.in/top-stories/breaking-covid-19-sc-to-introduce-court-proceedings-through-video-conferencing-e-filing-will-be-available-247-153876> (last visited on Mar. 21, 2020).

²⁷ Shamnad Basheer, "In Search of the Self: Less is More" in N.R. Madhava Menon, M. Neelakantan, *et al.* (eds.), *An Idea of a Law School: Ideas from The Law School* (Eastern Book Company, Lucknow, 2019).

the others earlier mentioned, what may not be appealing about the articles is that the competency of faculty has been greatly criticized. Nevertheless, there may be an underlying fact that a lack of recognition in academia has forced the depletion of quality.

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