

**National Consultation for Second Generation
Reforms in Legal Education**

(May 1, 2010 – Vigyan Bhavan, New Delhi)

Special Address by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India

Dr. Manmohan Singh (Hon'ble Prime Minister of India)

Dr. M. Veerappa Moily (Union Minister for Law and Justice)

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Mr. Gopal Subramaniam (Solicitor General of India and BCI Chairman)

Distinguished guests, and Ladies and Gentlemen,

There is no doubt that the wider socio-economic changes that have taken place in our country over the last two decades have created many promising career avenues for law graduates. Apart from mainstream litigation, the choices range from openings in commercial law firms and companies to careers in research, teaching and public services. Such an expansion of choice can of course be attributed in part to the establishment of several National Law Universities, which marked the first generation of reforms in legal education. However, as noted by the *National Knowledge Commission* in its note on legal education (2006), we cannot rely on a few elite institutions to bring about whole-scale improvements in our legal system. There is a compelling need to strengthen teaching and research activities in all of our law colleges, especially those located in remote and far-flung areas.

With respect to the curriculum, it is noteworthy that the emphasis seems to be shifting from rote-learning to more participatory methods which help the students to develop their capacity for critical thinking and comprehensive research. In this sense, we must strive for a certain degree of uniformity in the standards of our law colleges while at the same time showing a healthy regard for academic freedom, both in the institutional and individual sense. This means that there should be transparency and independence in aspects such as recruitment of teachers and admission norms so that institutions are free from any undue influence by vested interests. At the same time, full-time teachers should be allowed to pursue research and consultancy-related work, since that may attract more talent to the teaching line.

Many of our law colleges and departments are perennially cash-strapped and struggle to retain qualified and motivated law-teachers. Some colleges also function in a highly politicized environment, where serious academic pursuits often take a backseat. Instead of establishing more colleges, the first priority should be to ensure that a basic standard of legal education is being delivered in the existing colleges. This may entail some tough measures such as frequent inspections and even de-recognition in some extreme cases. That is a price which we must be willing to pay if we have to improve the overall standards of legal education.

There must of course be a robust discussion on the proposals to segregate the regulation of legal education from the regulation of the entry into the legal profession. If and when the proposed *National Council for Standards and Quality of Legal Education* comes into being, there should be meaningful representation of all the stakeholders, namely the bar, the bench, academia and even the consumers of legal education, i.e., the students. The holistic improvement in the administration of law colleges as well as the performance of teachers can only be ensured if there is accountability to all the concerned stakeholders.

The proposals for introducing vocational training after the completion of a law degree as well as a mandatory bar exam, also warrant an extensive debate. These proposals are in line with the practices followed in some Western countries and are intended to improve the quality of those who enter the legal profession. The suggestions for vocational training in three tracks - namely those of litigation, transactional lawyering and public lawyering, are well conceived, but we must also examine the practical ramifications of the same. It will indeed be a challenging task to ensure that students from diverse socio-economic backgrounds get access to a uniform standard of vocational training. The onus would then be on experienced lawyers to take an active interest in such

vocational training, rather than allowing it to become a mere formality. Similarly, a bar exam designed to regulate entry into the profession must account for the linguistic, cultural and socio-economic diversity which prevails in our country. As suggested in the background note for this consultation, it would perhaps be viable to administer the Bar Exam through the various State Bar Councils, wherein the content of the Exam could be customized to account for local needs.

All of you are well aware that the legal profession itself is undergoing massive changes. In order to prepare for such complexities, legal education must promote a strong interdisciplinary agenda. The insights gained from disciplines such as political science, sociology, economics, history, philosophy and literature enrich our understanding of the evolution of laws and help us to engineer reforms for the future. With the growth of specialised practice areas such as those related to natural resources, international trade, intellectual property and technology among others, such interdisciplinary inputs must also come from the natural sciences as well as commerce-related subjects.

Traditionally, legal education has stressed on the development of skills needed to conduct meticulous research, speak effectively and respond to arguments. While these are essential traits of a good lawyer, there is also a need to imbibe

values such as tolerance and empathy. We need to forcefully convey the idea that it is far more important to come up with mutually beneficial solutions rather than simply winning arguments.

Exposure to social diversity, both within and outside the classroom, is essential for a meaningful legal education. In order to ensure inclusiveness, the entrance tests for admission to the law colleges must not unduly disadvantage applicants from low-income backgrounds. While the focus of the curriculum tends to be on the absorption of theories, doctrines and case-law, the peer-to-peer interaction helps in dissolving the traditional social boundaries based on caste, religion, class and regionalism. In recent times I have visited several law colleges and I am extremely happy to note that with each passing year, more and more female students are taking up legal studies and performing exceedingly well.

Our law schools must be viewed as spaces that encourage rational and critical inquiry into socio-economic realities. Meaningful practical experience through participation in legal literacy programmes and regular visits to institutions such as courts, police stations and prisons among others will give students a chance to observe the 'law-in-action' as opposed to the 'law-in-the-books'. For many communities of the urban poor and those in remote villages, there is little

awareness of even the most basic rights given under our family laws, property laws and criminal laws. By disseminating what they learn through legal services programmes, law students can actually be the agents of real social change.

In the present day and age, we can readily access legal materials such as the decisions of Indian as well as foreign courts, legislations, treaties and academic writings through the medium of computers and the internet. Such research facilities were unthinkable for our generation and I would urge the teachers and students to make the best use of these resources in order to produce legal scholarship of such a high standard that judges, administrators and legislators would be compelled to read the same. In the long-run it is the quality of research and publications coming out of an institution which shape its reputation and I sincerely hope that our law colleges endeavour to improve the same.

With these words, I would like to thank the Ministry of Law and Justice, the Bar Council of India (BCI) and the National Law University Delhi for taking on the mantle of organizing this consultation. I sincerely hope that these efforts will lead to some meaningful improvements in the state of legal education in our country.

Thank You!