



**Conference of  
Vice-Chancellors of National Law  
Universities  
on  
Legal Education  
Reforms**

**1-2 September 2018**

**at**

**Plenary Hall,**

**Indian Law Institute, New Delhi**

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**Hon'ble Shri Justice Dipak Misra**  
**Chief Justice of India**

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*Chief Justice of India*  
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September 20, 2018

### **Foreword**

Law is an important tool to promote the welfare of people as mandated by the Constitution of India. And if law has to effectively engage in promoting welfare as well as keep pace with the fast moving, technologically savvy globalized world, the imparting of legal knowledge will have to be seriously interrogated. India produces a huge number of law graduates every year but the quality of lawyers in the recent past has been a cause of serious concern. Hence a need was felt to critically examine legal education and suggest reforms.

It was realized that the pedagogy and training needs have to be constantly assessed and remodelled to be able to produce socially sensitive lawyers ready to face the challenges of the 21<sup>st</sup> century. It needs to be emphasised that a law graduate must be trained holistically – not only in the letter of the law but also in a manner that he/she remains alive to the social realities of the State. For this purpose, community engagement is very crucial. Lawyering skills tempered with professional ethics along with training in alternate dispute resolution must be given due importance.

As a beginning, the Vice Chancellors of National Law Universities, members of the Bar and the Bench along with senior faculty members were invited to deliberate on the issues and challenges plaguing legal education in India, to explore research domains opened up by constitutional changes and to chalk out strategies for reforms in legal education

This Handbook spells out the problem areas, underlines the best practices and suggests reforms which will have to be immediately implemented for a vibrant and inclusive lawyering in India.

*Dipak Misra*  
[Dipak Misra]



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# Part I



SUPREME COURT OF INDIA



SUPREME COURT OF INDIA



# Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms

1 - 2 September 2018 | New Delhi



HON'BLE MR. JUSTICE DHANANJAY CHAUDHARY  
JUDGE, SUPREME COURT OF INDIA



HON'BLE MR. JUSTICE RANJAN GOGOI  
JUDGE, SUPREME COURT OF INDIA



HON'BLE SHRI DIPAK MISRA  
CHIEF JUSTICE OF INDIA



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# Law Universities Reforms Delhi



Inaugural Session of the Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms on 1 September 2018



Conference of  
Vice-Chancellors  
of National Law  
Universities on  
Legal Education  
Reforms

## BACKGROUND

Legal education in India has gone through various phases. The extant legal system and the concomitant method of imparting legal education owe its existence to the British legacy. Even after Independence, the changes in legal education were at best tardy with minimal intervention from various stakeholders. Erring in finding comforts in the borrowed methods and institutional apparatus - legal education in India remained largely complacent. The changes were slow and snail-paced even when there was realization that timely intervention is always needed to keep up with the challenges. So from the methods, which quintessentially were defining the yesteryears of legal education, such as part-time evening law classes taught by part-time faculty members to the presently full time, five years residential course taught by full time faculty members - the legal education took seven odd decades for the changes to materialize. The last thirty years have been even more significant with the establishment of the first National Law School, National Law School of India University, Bangalore in the year 1987.

It was a revolutionary idea mooted and introduced by Prof. (Dr.) N.R. Madhava Menon which brought a paradigm shift in legal education as for the first time the LL.B course was a part of the undergraduate program.

Consequently, the thriving model of National Law School of India University, Bangalore was replicated in other States. Within a span of thirty years, many Indian States came up with their own distinctive National Law Universities. But, unlike the success story of National Law School of India University, other law schools trajectories have not been equally promising.

The last three years has witnessed a new trend of the establishment of more than one national law school in a State. State like Maharashtra has established three National Law Universities at three different parts of the State. Madhya Pradesh has recently started its second National Law University.

New National Law Universities which were to become the flag-bearer in legal education have not only failed to overcome their teething problems but even after years of their existence their functioning has remained disarrayed and often very ponderous. These developments have thrown light on some of the intractable and systemic problems which require immediate attention in legal education. Problems like faculty crisis, lack of funding, non appointment of Vice-Chancellors, incomplete infrastructure seems to have plagued National Law Universities. To further compound the matter there has been a sharp rise in the students' protest against the administration which has only worsened the situation.

To take stock of these issues this conference was organized by the Supreme Court of India on 1<sup>st</sup>-2<sup>nd</sup> of September, 2018. Envisaged and conceptualized by the Chief Justice of India, the Conference was held to deliberate over the issues and to brainstorm the solutions to these seemingly intractable issues.

This Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms began with the following themes:

**Session I:** Legal Education in India: Issues and Challenges.

**Session II:** Exploring Research Domains Opened up by Constitutional Change and its Impact on Legal Education.

**Session III:** Innovative Methods of Teaching and Sharing of Best Practices.

**Session IV:** Necessary Reformative Steps for Improvement of the Legal Education.



Inaugural Session



**Inaugural Address by  
Hon'ble Shri Justice Dipak Misra  
Chief Justice of India**

Hon'ble Justice Ranjan Gogoi, Hon'ble Justice Madan B. Lokur, Hon'ble Justice Kurian Joseph, My Esteemed Colleagues from the Supreme Court, Hon'ble Judges from Delhi High Court, Mr. K.K. Venugopal, Learned Attorney General for India, Professor N. R. Madhava Menon, Professor (Dr.) Manoj Kumar Sinha, Director, Indian Law Institute, Vice-Chancellors and other delegates from National Law Universities, Faculty Members of the Indian Law Institute, Friends from the Electronic and Print Media, ladies and Gentlemen.

It is an honour for me to inaugurate this National Conference of Vice-Chancellors of all the prestigious National Law Universities, who have congregated here today to deliberate upon the long due legal education reforms in our country. The deliberation is meant to be one of sincerity and concern.

Dr. Sarvepalli Radhakrishnan had once said and, I quote<sup>1</sup>:-

*“The most important and urgent reform needed in education is to transform it, to endeavour to relate it to the life, needs and aspirations of the people and thereby make it the powerful instrument of social, economic and cultural transformation necessary for the realization of the national goals. For this purpose, education should be developed so as to increase productivity, achieve social and national integration, accelerate the process of modernization and cultivate social, moral and spiritual values.”*

Though, Dr. Radhakrishnan had said these words in context of the larger perspective of education but they are also apt in context of legal education.

To understand the seriousness and importance of the much-awaited legal education reforms, we need to understand

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<sup>1</sup> Report of the University Education Commission, (Dr. S. Radhakrishnan Commission), 1948-49

that the utility and usefulness of any structure or system depends upon the strength and firmness of its foundation.

The foundation of the Indian legal system, or for that matter any legal system, rests upon the law schools where legal education in a country is imparted. It is the education of law which trains the students to take up various roles in the society, it prepares them to become lawyers, judges, corporate executives, public servants, social activists as well as take up a career in politics.

That being said, it is axiomatic that law is ever-changing and ever-growing. The dynamic nature of law can only be understood with the help of right and contemporary legal education. Therefore, there is always a heavy onus on the law schools of a country to adopt and grow with the changing needs of the time so as to keep pace with the transformative nature of law.

Today, I welcome you all here at this National Conference to engage with my colleagues from the Supreme Court and

Senior Advocates on the diverse issues and challenges with which the Indian Legal Education System is being confronted so as to determine whether any legal education reforms are needed in our country and, if affirmative, then in what magnitude.

While saying so, I am absolutely aware that we have come a long way in transforming the legal education in our country. The experiment which we undertook in the late eighties and which led to the establishment of National Law School of Indian University, Bangalore has been, by far, the most successful reform in the history of Indian legal education. This, in turn, led to the establishment of other National Law schools across the country. Today, we have almost 25 National Law Schools and a few more are expected to be established soon.

The National law Universities, though are doing well yet they are plagued by their own set of problems. There is a heavy and immediate requirement of well-qualified and talented faculty members. The graduates of

the reputed NLUs do not opt for academia as a profession. They instead are lured by the corporate jobs and law firms. We may have to devise some mechanism for attracting young, dynamic pool of law professionals who can join teaching profession and meaningfully help to improve the quality as well as standards of legal education in the country.

There can be several measures to improve the quality of the faculty in law schools. Traditional teaching style involving one-way communication has possibly lost its acceptability and is ineffective in creating efficient law professionals. There is a requirement of introducing new teaching methodologies such as engaging in debates, collaborative teaching, learning through technology and exposing law students to real-life situations would lead to a more practical approach of the legal education. Use of modern technology can facilitate informal communications amongst the students and faculty, allowing more feedback to students and greater autonomy learning.

Legal education has to be both intellectually stimulating and socially relevant. The traditional methods of imparting legal education should be adequately supplemented by practical and clinical courses. Though Bar Council has prescribed four practical papers yet it has not been implemented seriously by majority of law colleges. The major challenge which lay ahead is to enhance a sense of practicality.

A time has come to realise the need to strengthen the faculty resources of the existing as well as the upcoming National Law Universities. It is to be borne in mind that faculty is the spine of imparting knowledge.

There is also lack of support from various State Governments in the form of funding. Apart from the initial seed money, State Governments have shown reluctance in granting funds for development and expansion of infrastructural needs of the National Law Universities. The current infrastructural challenges faced by the

National Law Universities need to be addressed at the earliest.

Another aspect that I would like to draw your attention to is that we have quite often seen that even the brightest of law school graduates are well versed with the Constitutional principles and other substantive laws but they lack tremendously in the understanding of the fine principles of procedural law of CPC, Evidence law and Code of Criminal Procedure. This is because they are perhaps never exposed to the practical side of these statutes during their law school days. Such courses require teaching under the supervision of the experienced lawyers and judges in order to provide the necessary exposure the students as to how the provisions of these procedural laws work out in reality.

Legal research is certainly one of the biggest areas where despite several revolutionary reforms of establishing NLUs, our country has not been able to make a mark in the international sphere. We need to

invest heavily in upgrading our research techniques and methods. Law Schools must view this quite seriously that they should make extra efforts of training their teachers in legal research and methodology, then only the quality of over all legal research and scholarship will improve.

I am aware of the fact that there is always resistance to change. But, there is an obligation which cannot be shrugged off by the law schools as well as those who are associated with the teaching of law, to adjust and embrace new and innovative teaching methods, to adopt a curriculum which is at par with the evolving international situation. In that context, I may quote a Chinese proverb which is to the following effect:-

*“The best time to plant the dream was 20 years ago,*

*The second best time is now”*

I am sure that Vice-Chancellors will make most of this Conference and indulge in meaningful dialogue to come up with a

meaningful solution in the three planned working sessions for this conference covering critical areas like - legal education in India; Issues and challenges; exploring research domains opened by constitutional challenge and its impact on legal education; and innovative methods of teaching and sharing of best practices. Tomorrow this will be followed by a concluding session on necessary reformative steps for improvement of legal education. I am sure we will be able to take a cue from meaningful dialogue and orchestrate a road-map for the future of legal education in India.

With these words, I wish you all a very thought provoking conference which would witness fruitful exchange of thoughts and experiences amongst the participants. This conference will, I am sure, go a long way in arriving at our targeted destination in a glorious manner.

Thank You.

**Summary of Special Address by  
Hon'ble Shri Justice Ranjan Gogoi**  
Judge, Supreme Court of India

**Hon'ble Shri Justice Ranjan Gogoi**, Judge, Supreme Court of India, began his address by congratulating Chief Justice of India for taking this initiative. The topics chosen for the Conference are appropriate for the present time. Today there are 1500 law colleges and about 22 National Law Universities functioning and some of them lack basic amenities like building, libraries and faculty members.

Speaking for the teaching community, if the teachers continue to remain unrecognized and marginalized then the future leadership of Bar and Bench will not be adequately equipped to meet the domestic and international challenges. There is a need to ponder aloud as to the reasons for inefficient and inadequate faculty members and pointed out the financial gap between reasonably successful members of the Bar and the teaching fraternity. Today, there is





absence of inspiring vision and leadership crisis to address these issues.

Highlighting the first phase of reforms in legal education which began during 1950-60s wherein the emphasis was to introduce professionalism in law teaching. In the second phase of reforms between 1960-70s, the impetus was given to curriculum development and upgradation of the quality of teachers. During the same time the Advocates Act was enacted and Bar Council was entrusted with the responsibilities of imparting and promotion of legal education.

The third phase of reforms began with the establishment of National Law School of India University in Bangalore in 1987. In this period three important innovations in legal education happened, those were academic autonomy, entrance through merit and integrated five year program. The previous phases of legal reforms focussed on academic content of law and quite unfortunately did

not relate to the functioning of legal system.

The question was raised if the reforms in legal education have any significance if they do not relate to the functioning of the legal system, and if they can succeed at all in a dysfunctional legal system. The reforms in legal education need to have assemblance to realities of judicial system, to be meaningful.

To conclude, the most challenging reality is the staggering volume of cases in courts and recommended that the fourth phase of legal education reforms should focus on the inter-linkages between the judicial system and legal education and admitted that this phase is to be ushered immediately.

**Summary of Address by  
Hon'ble Shri Justice  
Madan B. Lokur  
Judge, Supreme Court of India**

**Hon'ble Shri Justice Madan B. Lokur,**  
Judge, Supreme Court of India, quite

vociferously highlighted the lacunas in the legal education; however, he was optimistic regarding the possibility of bringing about the changes required to transform the system of legal education. The legal education in India went through the first generation of reforms from the 1960s to the 1985; thereafter, the second generation of reforms came in 1985. The formation of National Law Schools was a marked improvement which heralded a tremendous change in the legal education in India. In year 2011, there were discussions going on for the third generation reforms to be led by the Ministry of Law and Justice however, no such reforms have yet taken place.

Favouring the new reforms in legal education time has come for academia to introspect and learn from the shortcomings and meticulously work on the developments of the past thirty years so as to draw the route for the third generation reforms in India.

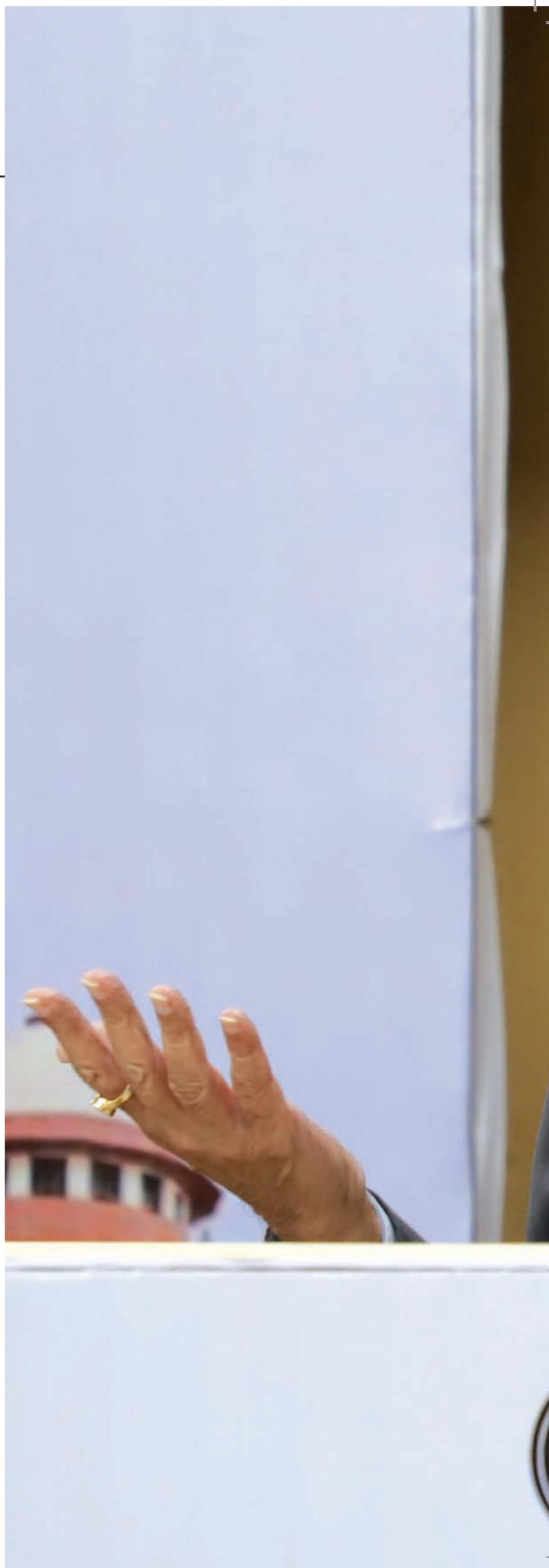
Today everyone has to examine the direction

in which we are heading and drew everyone's attention towards the grave problem of brain drain in India. Referring to the National Knowledge Commission's recommendation, he favored its implementation for being expedient and effective in attracting talented faculty. Justice Lokur, believed that for any meaningful discussion on legal education reforms, the Bar Council of India and Government of India should be brought on board so that these stakeholders could cohesively collaborate with academia and the judiciary in charting the path for new reform.

Elucidating the importance of technology, he advocated extensive use of technology which he believed should be given its due importance in the legal fraternity. He further supported the idea of introducing the use of latest technology in the universities and law schools in a bigger way than at the moment. Here, he mentioned that the medium of video-conferencing in the universities as well as in the courts has a great utility value.

Internship opportunities in the chambers of Judges of Supreme Court and High Courts should be explored and a mechanism should be in place, to have a follow-up on the process and students' feedback to ensure optimal benefit of the entire system. He favored the interconnectedness between social justice and internships and advocated internships in villages and talukas and Non Governmental Organisation. Flagging the issue of access to justice he opined that the law schools should sensitize the students in this regard.

He concluded by urging the participants to bear in mind the impact and benefit of legal education on the society and recommended that the students should be trained to fulfill the needs of society.







**Summary of Address by  
Hon'ble Shri Justice  
Kurian Joseph**  
Judge, Supreme Court of India

**Hon'ble Shri Justice Kurian Joseph**, Judge, Supreme Court of India, in his address underscored the need to distinguish the gap between legal principles and advocacy training. Stressing the need of practical advocacy skills in legal education he was of the view that legal education should involve a healthy mix of conceptual understanding of legal principles and practical advocacy skills so as to enrich the quality of advocacy at the Bar.

The Law Universities should emphasize on constructing social relevance in their legal education which according to him could well begin by operationalization of full-fledged Court in their campuses. He elaborated that such Court could be Family Court, Consumer Court or any other Court having jurisdiction over socially relevant matters. This would inculcate a feeling of familiarity and belongingness to the legal fraternity.

Referring to the importance of mediation, he advocated for the commissioning of mediation centres in Law Universities as a part of legal processes which he believed may be the first step in creating socially relevant infrastructure within the legal education.

He vociferously advocated setting up of a National Academy of Law Teachers at par with National Judicial Academy in other vocations in order to enhance the overall quality of legal education and continuing professional development.

He optimistically concluded that the Law Universities would be instrumental in producing 'thought leaders' in the society rather than mere law graduates.

**Summary of Address by  
Shri K. K. Venugopal,  
Attorney General for India**

**Shri K. K. Venugopal**, Attorney General for India, began his address by hailing Prof.

(Dr.) N. R. Madhava Menon as the father of legal education in India. He attributed him as the brain behind the genesis and the establishment of National Law Universities. Acknowledging the role of the National Law Universities, he appreciated them as the trendsetter which invariably have prompted other law colleges to emulate their professional ethos and practices.

He accepted that contemporary legal education has some problems and wondered if legal education could be regulated by a High Power Committee headed by Chief Justice of India and other Judges rather than by Bar Council of India. As the present licensing / permission system has stunted the growth of legal education. He recounted instances, where the officials visiting the law colleges for an inspection are unconcerned regarding the quality of education, infrastructure and faculty.

Speaking passionately about the model of 'Continuing Legal Education' he informed the audience that United States of America has

been successfully implementing Continuing Legal Education along with Canada. In these countries it is mandatory not only for the budding lawyers but also for the senior lawyers to acquire a certain number of points each year through this process of continuing legal education.

He congratulated Prof. (Dr.) N. R. Madhava Menon for working on Continuing Legal Education through his organization Menon Institute of Legal Advocacy Training (MILAT) and urged that Bar Council of India should replicate this in every State.

He suggested that the faculty member(s) of excellence should teach on weekends to benefit everyone across the country. Highlighting the role of technology, he emphasized that the dissemination of education should also be promoted through video conferencing.

Live streaming of arguments, if permitted by Supreme Court, especially of the important Constitution Bench cases would immensely

benefit the law students and this would in turn encourage the lawyers to present their cases in a sober manner and their presentation of cases would be of much higher level.

### **Summary of Introductory**

#### **Address by**

**Prof. (Dr.) N.R. Madhava Menon,**  
Hony. Director, Bar Council of Kerala  
MKN Academy For Continuing  
Legal Education, Kochi, Kerala

**Prof. (Dr.) N.R. Madhava Menon,** Hony. Director, Bar Council of Kerala MKN Academy for Continuing Legal Education, Kochi, Kerala, acknowledged the urgent requirement to critically analyse the existing legal education system. The first concrete step in this direction would be to identify the weaknesses in the Indian legal education and then to identify those important areas where reforms can be initiated. He recognized that the world around us is fast paced and changing rapidly. He said, the advancements





Participants at the Conference of Vice-Chancellors of National Law Universities on Legal Education Reforms

in technology, economic development and the hegemony of globalization cumulatively are changing the landscape of society wherein the role of law becomes very crucial and distinctive. Approving the urgent and timely action, he advocated for immediate action which would prepare legal personnel appropriately so that they can respond effectively to the changing times.

Evaluating the current situation, he pointed out that the legal institutions are increasingly becoming irrelevant due to the mindset of people who are overseeing these institutions. The prevalent mindset he lamented, doesn't correspond with the changing time thus thwarting proper implementation of the legal reforms. He pointedly stressed that the focus is urgently required to be placed on the personnel who are managing these systems of administering justice and governance.

Expressing disappointment at the state of affairs in legal education system, he said that the law universities must be the pacesetters for legal education reforms. He

ruled that these National Law Universities which command excellent infrastructure and facilities and reasonable resources which attract the cream of the talent often showcase a mismatch between the student-body and the teacher-body. Despite, sufficient changes in the curriculum to make it world-class, if the teacher-body remains incompetent, the realization of goals would remain distant and unrealistic. He warned that the prevailing mismatch should not be taken lightly as these Universities cannot shy away from the role of nation building.

The following examples demonstrate slackness of Indian legal education system vis-a-vis world class institutions:

- Lack of focus on legal research and writing with the same emphasis as in western world.
- Little study on the impact of globalization in law and legal institutions.
- Inadequacy in the area of imparting negotiation skill in law skills.
- Lack of emphasis on the study of interface between constitutional principles vis-

a-vis individuals and the society in the curriculum.

- Superficiality of the study of Constitutional Law as not being studied as a living document changing and shaping lives of the nations and people.
- Lack of engagement of students outside the classroom unlike in western world.
- Utter lack of focus on post-graduate studies at the Masters and Doctoral level in the National Law Universities.

Pointing out the aforementioned defects he stated that the law graduates should be practice-ready, and should be trained with lawyering skills so that they may start legal practice on their own when they graduate.

He rooted for ethics education as an integral part of the legal education system which should be taken care of along with developing constitutional culture and imbibing the values of responsible citizenship. Drawing attention towards lack of competent mediators, it was pointed out that Mediation is all together a different ball game which

requires different set of skills than regular lawyering.

Flagging on areas which require urgent attention, he suggested the ways to produce competent law teachers by stressing that the onus squarely lies on National Law Universities.

Focusing on 'Continuing Legal Education' he pointed out that in India, due emphasis is yet to be given to this concept and signalled that very scant regard has been accorded to professional development.

He opined that 'Law' keeps on changing and currently becoming highly diversified and at each sphere it is shaping up as a highly specialized field. Therefore, adequate stress should be given to time-to-time-training in the form of continuing legal education and professional development to keep oneself abreast of changes. We must take cue from the United States of America and Canada which have effectively executed 'Continuing Legal Education and Professional

Development Systems’.

He concluded by emphasizing that the institutions involved in legal education must have a mission with a vision for the realization of meaningful legal education. He firmly believed that National Law Universities must own up their deficiencies as Bar Council of India cannot be blamed for every failing and the shortcomings.

#### **Vote of Thanks by**

**Prof. (Dr.) Manoj Kumar Sinha,**  
Director, Indian Law Institute

**Prof. (Dr.) Manoj Kumar Sinha,** Director, Indian Law Institute, gave vote of thanks by welcoming all the dignitaries and delegates. He thanked them for their participation in

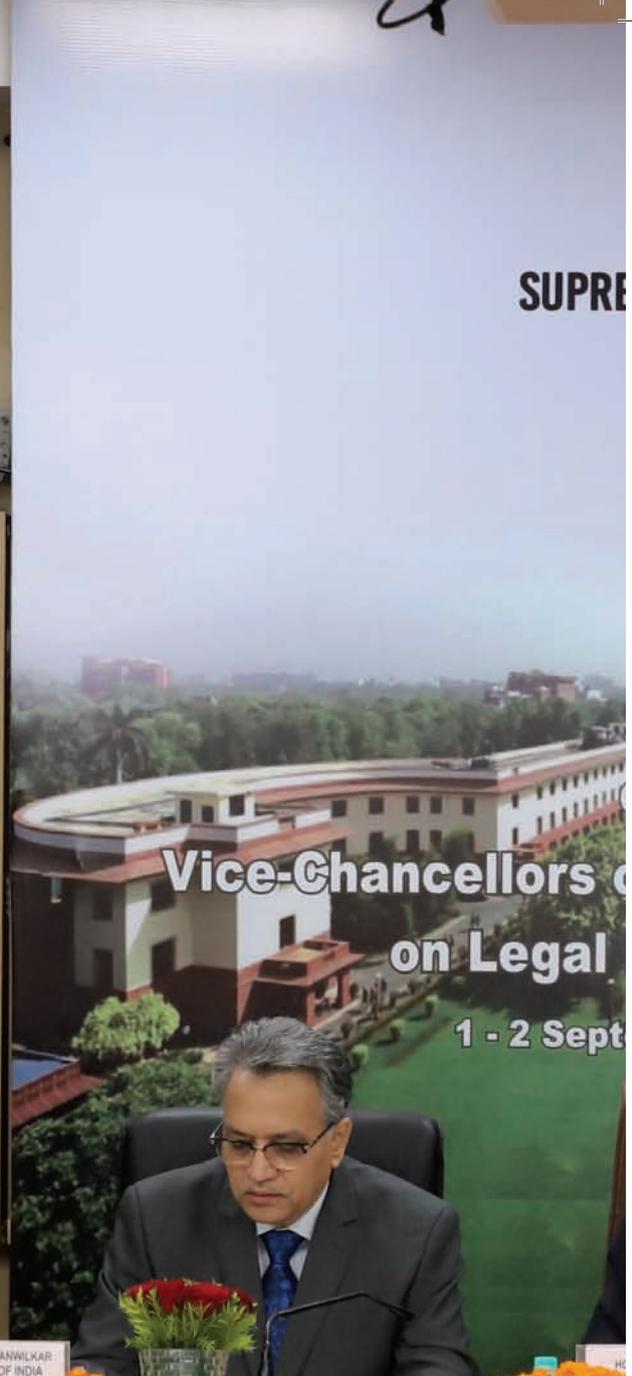
the seminar. He gave a short introduction of the initiatives undertaken by the Institute towards improving the quality of legal education. He apprised the august gathering that training programme for law teachers are already being organised by the Indian Law Institute. He also informed that the training through video conferencing has already been introduced in the Institute and this has facilitated in organization of numerous programmes benefitting law students studying in institutions located across the country. He concluded his address by expressing his gratitude towards Hon’ble Chief Justice of India for having conceptualised the Conference and he hoped that it would prove to be a milestone in achieving the desired results in legal education.



Session I



  
SUPREME COURT OF INDIA



DR. SIDHARTH LUTHRA  
SENIOR ADVOCATE

PROF. DR. B. VEENKATA RAO  
VICE-CHANCELLOR, NATIONAL LAW SCHOOL, DELHI

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
JUDGE, SUPREME COURT OF INDIA





**SUPREME COURT OF INDIA**



**SUPREME COURT OF INDIA**



**Conference of  
Chancellors of National Law Universities  
on Legal Education Reforms**

September 1-2 | New Delhi



HON'BLE MR. JUSTICE MADAN B. LOKUR  
SUPREME COURT OF INDIA

PROF. DR. I. RANBIR SINGH  
V.P. CHANDLER, NATIONAL LAW SCHOOL OF DELHI

DR. S. S. KHANNA  
V.P. CHANDLER, NATIONAL LAW SCHOOL OF DELHI

Session on 'Legal Education in India : Issues and Challenges' on 2 September 2018

# Legal Education in India: Issues and Challenges

Chair: **Hon'ble Shri Justice Madan B. Lokur**, Judge, Supreme Court of India

Co-chair: **Hon'ble Shri Justice A.M. Khanwilkar**, Judge, Supreme Court of India

Speakers:

**Prof.(Dr.) Ranbir Singh**, Vice-Chancellor, National Law University, Delhi

**Prof.(Dr.) R. Venkata Rao**, Vice-Chancellor, National Law School of India University,  
Bangalore

**Prof. (Dr.) Poonam Saxena**, Vice-Chancellor, National Law University, Jhohdhpur,  
Rajasthan

**Shri Sidharth Luthra**, Senior Advocate, Supreme Court of India

**Hon'ble Shri Justice Madan B. Lokur**, Judge, Supreme Court of India, chaired the first session. He called everyone's attention to the recommendations of the National Knowledge Commission, which identified some issues and challenges. He ruefully expressed that only some of these recommendations have been implemented. He said that we have failed to find solutions to many identified issues, which must now be addressed with utmost sincerity for true accomplishment.

Informing the audience of the recommendations made by the National

Knowledge Commission, he stated that some of the suggestions included the creation of a Standing Committee for Legal Education which would replace the current body of Legal Education Committee of the Bar Council of India. Sharing his own experience as a former member of the Legal Education Committee of Bar Council of India, he expressed his dismay at the working of the Committee.

He said that it is the commitment of the members rather than the quantity of members which mattered most and stated that these members must have a forward

looking approach. He also said that there is a need to document past mistakes and successes in order to learn from them and take legal education forward.

The other issue which was greatly emphasized by him was regarding curriculum development. Favoring the setting up of our own trend rather than depending completely on foreign countries, he advocated for change in mindset. He underscored that our Constitution is a living document and pointed out that the laws keep evolving with time. Recollecting his experience in Germany, he referred to the new trend where the mixture of civil and common law system is increasingly being incorporated and practiced and pitched for a similar adoption in India, wherein some of the aspects of civil system are integrated. He asked everyone present to reflect on the extent of our understanding of this system. He strongly advocated for the curriculum development so as to include various topics such as cyber law, cyber crimes, laws of privacy, technology etc.

Speaking on the issue of shortage of faculty, he considered it as a very frightening condition. Though recognizing the efforts of some of the National Law Universities in this direction, he maintained that the sole efforts of individual institutes will not redeem legal education.

Reflecting on the issue of research, he pointed out that special attention needs to be given for producing quality research since it is more important than quantity of research. He acknowledged that young lawyers and law clerks are good at learning nuances of research but after receiving all the domestic knowledge and expertise, they tend to migrate to foreign universities. He regretted in our sheer inability in retaining these talented people and believed that this trend can be reversed. Speaking passionately on the issue of the use of technology, he pitched for its extensive usage and utilization by academia, judiciary and legal fraternity. Indicating the benefits of technology, he underscored its significance in the areas such as forensics, DNA profiling etc.

Lastly, speaking about the three pillars of justice delivery system i.e. judiciary, lawyers and academia; he stated that the academic pillar in this system requires a serious revamp since an active contribution from this pillar is conspicuously missing. He informed the audience that many judges in Germany are appointed from the academic field, which is quite contrary to the practice in India. He concluded by saying that it is about time that these changes are set in motion.

**Hon'ble Shri Justice A. M. Khanwilkar**, Judge, Supreme Court of India, began his address by pointing out that it was during the time of Hon'ble Shri Justice R. C. Lahoti, that the first Vice-Chancellors' Conference was held and this Conference was being organized after a very long gap. He stressed that if this meeting or Conference was held on a regular or periodic basis, there would have been a lot of progress on account of interaction, exchange of ideas and cross fertilization of thoughts and experiences. However, it is never too late, and since a new beginning has been initiated, efforts

should materialise in time. When the first meeting between the Vice-Chancellors was held, there were only five National Law Universities, compared to the significant increase in number of National Law Universities currently functioning in India. This is a great opportunity for all the Vice-Chancellors to interact on important matters with each other.

The National Law Universities have to compete with private law colleges, who have their own resources and capacity to modulate their education programs, whereas on the other hand, National Law Universities wholly depend on State funding.

In light of this, the first issue highlighted by him was to gauge other possible avenues to secure fundings for the National Law Universities so that they are not completely dependent on the State funding, thereby making the National Law Universities self-sustaining. This should neither be done with a business minded approach nor by compromising with the quality of education.

The shortage of faculty members can be effectively tackled with collaborative efforts among all the National Law Universities. They can work collectively under one umbrella instead of having an individual approach. The talent and experience available in one law school can be exchanged with the other law school, thereby benefiting the students. There can be rotational exchange programs, where lecturers teaching same subjects in different law schools can come together and interact, thereby developing and strengthening the legal education.

Another area highlighted was access to law schools, which he believed excludes those candidates who cannot afford it. Language barriers and unfamiliarity with computer programs further limit access to the National Law Universities.

Regarding the current system of holding entrance examinations, where a rotational pattern is followed by the National Law Universities, he suggested forming a permanent Board to conduct Combined Law

Admission Test (CLAT) and discontinue the present model of conduction of CLAT.

**Prof (Dr.) Ranbir Singh**, Vice-Chancellor, National Law University, Delhi, began his address by acknowledging and thanking Hon'ble Shri Justice Dipak Misra, Chief Justice of India, Hon'ble Judges of the Supreme Court and all the other Vice-Chancellors. He said that the transformation of legal education is good news. Speaking statistically, he informed that there were around 60,000 aspirants who appeared in CLAT and 20,000 in other exams as a choice, which is very contradictory to previous trends where students used to come to law faculties not by choice but by chance. He informed that the brightest of the students are leaving preferred fields like Medicine and Engineering, to join law schools with great expectations. In this situation, he pointed out that the National Law Universities often fail to meet the required standards.

To this effect, he shared recent news articles highlighting various grievances of the

students against the administrative wing of the National Law Universities. Some of the grievances shared by students highlight the indifference of administration and lack of systematic accountability in the institutions. Students also raised concerns about lack of transparency in allocation of funds, lack of infrastructural development, absence of administrative support, vacant faculty positions and even lack of basic necessities like moot court rooms and auditorium. The objective with which the National Law Universities were created is thus not being fulfilled. The current condition is worrisome and casts a doubt about the survival of National Law Universities.

He pointed out that there are candidates available for the post of Assistant Professors but for the posts of Professors and Associate Professors, finding suitable candidates is a daunting task. The reason for this condition has been government policies and lack of funds. He highlighted the example of Delhi University, which did not have selection committees for many years and many senior

Professors retired. But posed with acute vacancies, they had to recruit around 120 new Assistant Professors. The Assistant Professors cannot be expected to do research at par with the Professors who have much more experience.

He shared from his experience that the candidates having doctoral research degrees and many years of experience are offered meagre salary by universities including National Law Universities. He expressed that such practices hamper the goal of creating world class universities.

He highlighted that the funds are a necessity for creating facilities for students like the basic infrastructure, classrooms, library, technology upgradation etc. but political hurdles have been experienced while availing State funds. He opined that sole reliance on the State Government for funds is detrimental and various methods to raise funds should be explored, cue can be taken from practices of foreign universities.

Brimming with optimism he congratulated the universities, who are still doing some great work despite the constraints and pressures. He admitted, as a Vice-Chancellor one may face many hurdles and lack of support from the authorities but the work towards the legal education must continue. He supported and endorsed the students' right to agitate, if the institutes fail them.

Emphasising on the use of technology, he shared initiatives of the National Law University, Delhi including the E-Pathshala program available on UGC portal, where students can benefit from the audio visual lectures, and the MOOC initiatives. He further suggested that faculty members from various National Law Universities can be invited for guest lectures and students can benefit from their experience.

He called upon his fellow Vice-Chancellors to work hard towards the cause and concluded with advocating mutual trust and team effort for the reforms in the legal education in the country.

**Prof (Dr.) R. Venkata Rao**, Vice-Chancellor, National Law School of India University, Bangalore began his speech by thanking the Hon'ble Chief Justice of India, Shri Justice Dipak Misra for taking the initiative of holding this epoch making conference. He said that the establishment of National Law School of India University, Bangalore, is considered as the the first 'paradigm-shifting' event; and the ongoing Vice-Chancellors Conference should be hailed as the second paradigm shifting event in the present context. He hoped that the tempo will be maintained and it could become an annual feature, with the Hon'ble Chief Justice of India presiding the event.

He reiterated that this kind of introspection is absolutely essential to prevent National Law Universities from becoming 'notional' law schools. He said that his involvement with National Law Universities for almost a decade has given him a unique vantage point to witness the unfolding of legal education and to think about its future.

The first issue flagged by him was regarding the trend of establishing new law schools as seen throughout India and asked whether mere increase in quantity of National Law Universities would help in revamping legal education and wondered if market competition should be the solution for the problem at hand. He further queried that with the mushrooming of so many private law colleges, will the best colleges with the best pedagogy, survive the wave of changes. And given the fact that legal education is for public good, should the State in its regulatory power step in while maintaining its judicious distance.

He brought to everyone's attention some observations made by a 2001 report "The new vision for legal education in the emerging global scenario", prepared by the faculty and students of National Law School of India University, Bangalore. It was observed in the report that a new and radical approach is needed to deal with the issues of legal education. He further added to this by saying that while the previous phases of reforms

were purely inward looking, focusing on just the academic content of law, teaching and organizational aspects of the institute, we now need to go beyond that. He emphasized that a broader contour has to be adopted to usher changes in legal education in this new age.

He suggested it is time for the Ministry of Human Resources (Dept. of Higher Education) to think seriously and consider granting the status of Institutions of National Importance to few National Law Schools, without any delay. This will help the premier law institutes to focus on the following important parameters, which are absolutely important for the revival of National Law Universities. The first parameter is research. A shift from quantity of research to quality of research is needed. The next parameter is attracting and retaining of good faculty members. Third is to enhance the possibility of expansion of interdisciplinary scholarship in the Law Universities. And finally, to work and research on the ethos of Constitutional goals and imparting justice oriented legal

education. The achievement of these parameters is possible only if institutes of national importance emerge in the realm of law also. He humbly acknowledged that National Law School of India University, Bangalore, which is ranked as number one by the National Institutional Ranking Framework (MHRD), and by the virtue of being the eldest member of the family, has a special responsibility and pious obligation to lead the change, which is overdue in the fourth phase of legal education reforms.

He emphasized that there is a dire need that the legal educators should focus on the rapid changes occurring in all the aspects of human-societal relations and respond to them judicially; for this, new set of skills are needed. He referred to the book, "The Lawyer Bubble: A Profession in Crisis", by Steven J. Harper, which talks about the failure of the legal profession's mission. The Lawyer Bubble is about lawyers, as well as about the mentality that has accompanied the corporatization of America's most important institutions, including the legal profession.

The book highlights how the Deans of these American law schools inflated their schools' rankings with incomplete and misleading information and encouraged prospective students to pursue dreams in their respective universities. Vulnerable young people after pursuing the degree got a reality check when they entered the professional world and were unable to secure a full time job as an attorney. As a result many law students ended up suing the American law schools for their deceptive conduct. The judiciary although dismissed the suit, observed that if lawsuits like this have done nothing else, they have at least attracted the focus and attention of all constituencies on this current problem of legal education. The Courts pointed out that all must take a long and hard look at the current situation with utmost seriousness. All the heat generated along the way over this issue therefore, must be replaced with a renewed sense of responsibility by the stakeholders, starting from the law students and extending to the entire law industry.

He concluded with a cautious note and warned that the National Law Schools may be heading towards the same disaster if attention is not paid soon.

**Prof. (Dr.) Poonam Saxena**, Vice-Chancellor, National Law University, Jodhpur, Rajasthan began her address by bringing everyone's attention to the purposes with which National Law Universities were created and inquired, whether we have been able to achieve those purposes. She said that to understand this we must look at the status of legal education in India prior to 1985, and compare it with the current status. She insisted that the attitude of younger generations towards legal education must also be taken into account. She agreed with Prof. (Dr.) Ranbir Singh when he said that a few generations ago, legal education was not a choice for students, but merely a chance. But today the scenario has changed. The younger generation is focused and they prepare for CLAT and other law entrance exams intensively, even if they have to drop a year and take help of coaching institutes.

She said the students are very aware these days and do their homework while choosing law schools. Sharing her experience as a counsellor for sessions of CLAT, she said that often candidates, when asked about their reason for selecting the legal field come up with all kinds of answers- like their passion to contribute to the cause of social justice, helping people gain legal awareness etc. However, when the parents are asked the same question, they said that they wanted their children to have a well paying job since, law schools provide good placements. Parents categorically stated that they send their children to law schools in the hope that by the last semester, their children will have a good placement offer.

She noted that a new trend is developing where only less than 50 percent of the students opt for campus placement, as they want to go into litigation. Many even go for higher studies, and substantial numbers of students go for judiciary and civil services. So, if job security is the factor which attracts students to legal education then that purpose

has been served. It is time to look beyond that.

The fundamental issue with reference to National Law University, Jodhpur as highlighted by her, was the locational problems of the institute which results in difficulty in attracting and retaining faculty. She pointed out that while trying to find out the issues and challenges confronted by the law schools, the fact that each law school is not identically placed in comparison to other law schools must be acknowledged. Younger law schools have different kind of challenges compared to other older institutes. Referring to National Law University, Jodhpur, she said that Jodhpur is a small town, and the institute has lost many faculty members due to the inability of the highly qualified faculty spouses in finding an equally good job therein.

She reminded everyone present that while institutes need good faculty, a good teacher cannot be defined by their higher degrees. The essential qualities of good teacher is that

they must be very effective communicators, have substantive knowledge content, must be keen researchers, and most importantly, must be updated and aware of the recent changes. She insisted that a teacher may not be very fluent in English but if they are able to communicate to the students by their conduct and knowledge and if they are updated and sincere in their field, they will be appreciated and respected by the students. In light of this, she pointed out that UGC regulations for faculty appointment and promotion is problematic, as it ignores all the above qualities and brings everything down to merely the degrees they hold. These regulations must be changed if the law schools want to recruit quality teachers. She concluded this issue by saying that teachers must have integrity. After years of working hard they often tend to become lazy, liberal and start adopting easy ways. This becomes apparent in their work. This, she said, is the starting point of deterioration of faculty-student relations. She suggested that a good academic culture and discipline in the institutions can solve this problem.

She concluded her speech by sharing National Law University, Jodhpur's practice on how they have decided to cope up with lack of faculty. She informed everyone that National Law University, Jodhpur is starting with an experimental solution. Retired faculty from Delhi University and other universities who are not keen on private law college jobs have been requested to give series of lectures for the benefit of young faculty members and students through Skype video conferencing. This she insisted will solve their issue of locational problem where no one has to waste time on travelling and staying over for days for a few hours of class. She also mentioned some of the good work that National Law University, Jodhpur is doing in areas of social justice and public work, by adopting several nearby villages and having the students volunteer in various services like teaching underprivileged children and helping spread legal awareness.

**Shri Sidharth Luthra**, Senior Advocate, Supreme Court of India, began his address by

pointing out to everyone that in spite of the fact that some 60,000 students apply in the Common Law Admission Test for National Law Universities, we cannot ignore the fact that around 3.5 lakh students are actually studying law in India. He agreed that while National Law Universities might represent the elite, they, however, do not represent the number of lawyers that are coming out of this country. Therefore, to improve the overall legal education of India, he implored the Vice-Chancellors along with their faculty members to interact, engage and collaborate with other non-national law universities as well. He pointed out that one of the purposes of creating National Law Universities, was to create a breed of litigating lawyers, but he rarely finds students from the National Law Universities litigating, especially at the trial court level.

Agreeing that the Supreme Court is an exciting place owing to the nature of cases before it which piques everyone's interest but, he pointed out, for budding lawyers, there cannot be shortcuts. Flagging certain

relevant issues he said that - as a lawyer of the appellate courts - he finds it difficult to understand young lawyers' disinclination in working in and gaining experience in trial courts. He specifically mentioned that without the basic training of the trial court, one cannot become a good lawyer in the appellate courts. The experience on the original side is invaluable. This is a serious concern and he believes that it is the duty of National Law Universities to address this issue.

His second concern was lack of collaboration amongst National Law Universities themselves. He said that the experience and quality that one institute has, must be shared among all the institutions, and for this the senior National Law Universities must take a lead. He pointed out that the recent appointment of faculty in Delhi University was the result of the Public Interest Litigation that was filed and fought for six years.

The third issue he raised was regarding

curriculum development. He remarked that it is a great time to be a lawyer, as areas of work have changed since the time he started practicing in the year 1991. As a result, many new areas of law have come up, for instance- IT law, sports law, media law etc. Speaking on the recent trend, he said that one could have not contemplated that there would be so much of interdisciplinary cross pollination between law, philosophy, politics etc. in India, as it has happened overseas. That having happened, he said, he is seriously concerned about the ability of the law schools to keep up with these changes. Even though National Law Universities have two years' preparatory programs, the training of students in areas of other disciplines is inadequate and not in-depth.

He said that without a proper in-depth understanding of all the disciplines, lawyers would be lacking in their competence and would be incomplete lawyers and practitioners of law. Therefore, he advocated for the modification of the curriculum by taking examples from foreign law

universities. He suggested that one year programs could be dedicated to clinical training, skill building and learning of other languages, to broaden a student's horizon. New languages, he said, could give students access to other European country laws and cultural exposure.

The next issue raised by him was regarding internships. He pointed out that the internships have become greatly mechanical in nature. To check this trend, he suggested that it is the duty of National Law Universities to make sure that the students report their experiences of internships to the faculty for a proper appraisal. He also pointed out that these days students rely heavily on internet for information, as a result, they are not able to develop analytical thinking. He suggested that it is the duty of the faculty, to direct the students towards textbooks and literature. While lawyers have the duty to train the students interning with them - to think and analyze information - it is also the duty of National Law Universities to prepare the students for these internships. He therefore

suggested that internships at trial courts' level must be enhanced since it will not only teach them court craft but also enhance their analytical and critical thinking power. With exposure to the practical aspects of law, he hoped that more students will be attracted towards litigation.

He also raised the issue of quality research and pointed out that research is not about compilation but rather it is about analysis. He shared his experience meeting with young interns where, when they were asked to do research, the interns turn to online resources and bring back information without even evaluating them. He said that the current trend is quite a departure from the earlier years where the students had to actually read the textbooks, judgments, commentaries and had to go into the source of law. He said that online tools are meant to expedite the process of research but they do not make them adequate. Therefore, an attitudinal change is necessary amongst the tech-savvy students these days. They must be encouraged to turn to textbooks, which

represents years and years of research and hard work. The books will make a stronger foundation of knowledge than online resources alone.

He concluded by underscoring the importance of training in drafting skills and averred that the students must be rigorously trained

in this sphere of law. He quoted the example of some badly drafted sections of legislation, and pointed out that this needs to be changed.

Lastly, he asked everyone present to adopt a collaborative mindset and quoted, “Law requires constant learning unlearning and relearning. Change is the only constant.”



Session II



HMJ DR. D. Y. CHANDRACHUD  
Judge, Supreme Court of India

HON'BLE MR. JUSTICE KURIAN JOSEPH  
JUDGE, SUPREME COURT OF INDIA



Conference of  
Vice-Chancellors of National  
on Legal Education

1 - 2 September 2018 | New

PROF. BALRAJ CHOUHAN

VICE-CHANCELLOR, SRINIVASARAO NATIONAL LAW UNIVERSITY  
JAMALPUR, N.Y.

SHRI SHYAM DEWAN

Session on 'Exploring Research Domains Opened up by Constitutional  
Change and its Impact on Legal Education' on 2 September 2018

Exploring Research  
Domains Opened up  
by Constitutional  
Change and its  
Impact on Legal  
Education

Chair: **Hon'ble Shri Justice Kurian Joseph**, Judge, Supreme Court of India

Co-chair: **Hon'ble Dr. Justice D.Y. Chandrachud**, Judge, Supreme Court of India

Speakers:

**Prof. (Dr.) Balraj Chouhan**, Vice-Chancellor, Dharmashastra National Law University, Jabalpur, Madhya Pradesh

**Prof. (Dr.) Faizan Mustafa**, Vice-Chancellor, NALSAR University of Law, Hyderabad

**Shri Shyam Divan**, Senior Advocate, Supreme Court of India

**Hon'ble Shri Justice Kurian Joseph**, Judge, Supreme Court of India, began his address by welcoming everyone present in the conference and introduced the theme of the session *“Exploring Research Domains opened up by Constitutional Change and its impact on legal education”*.

Speaking poignantly over the issue of steady decline in the standards of legal education, he urged everyone to contemplate on this issue. He pointed out many deficits such as lack of quality faculty, funding issues and infrastructural deficiencies which he believed quite ominously and adversely affected the legal education in India. Speaking about the National Law Schools, he acknowledged their role in legal education but at the same

time pointed out the conditions prevalent in the majority of the law colleges in India. He pitched for a concerted and collaborative approach from all the stakeholders which he believed would only ensure revival of quality education in legal field.

**Hon'ble Dr. Justice D. Y. Chandrachud**, Judge, Supreme Court of India, began his address by drawing attention of the august gathering towards the dynamics of the Constitutional Law. Referring to the common perception which regarded the Constitutional Law to be within the confines of the 'doctrine', he stated that this perception is no longer true in the current scenario wherein the impact of constitutional

dynamism is increasingly felt in the lives of the individuals, courtesy the rulings of the Supreme Court. So be it, individual liberty, autonomy or myriad other issues the Court has defended and set the contour of rights by peering at the issue with the lens of spirit of the Constitution. And he said that this is the central message which is emerging in the whole lot of judgments which have come since 2017.

Sharing his own experience as a part of the Constitution Bench, he mentioned that there have been a series of cases which have emphasized on multidisciplinary perspective of law as in the case of Privacy judgment where judges had to focus on the interface between the law and technology. He pointed out the changing contour of the society which is increasingly fashioned by the preponderance of technology which governs our day to day lives. Speaking about the case of euthanasia, he stated that the judgment is a text book example of the impact of science in human society. Pondering over the contentious issue of 'death' - which as an esoteric realm is not

understood properly even today - he raised a question that at what point of time one can surmise decisively that the death has really occurred and similarly, at what point of time it would be permissible and judicially tenable to allow individual to take decision regarding ending one's life.

Speaking on the new dimensions emerging in the realm of law and public policy, he mentioned that in the emerging scenario each organ of the State is not merely working separately in its respective domain but, is rather complementary to the other organs. He quoted that the function of the legislature and judiciary is not always adversarial in nature, particularly in the context of the social welfare legislations.

Drawing an analogy he mentioned that whatever a parliamentary committee does to ensure accountability on the part of the executive in terms of the implementation of the social welfare legislation, exactly similar role is performed by the courts while dealing with the public interest litigation.

So he asserted that there is no adversarial relationship between the legislature and the judiciary and in fact courts discharge a complementary function in the area of public policy.

Referring to the National Capital Territory judgment, he spoke of the basic structure doctrine and enunciated the significance of this doctrine in the governance and the role it plays in vibrant democracy. He further highlighted the fact that government has increasingly failed itself particularly in the areas of governance and it is the court that intervened to read the horizontal rights provision of the Constitution. He maintained that in the prevailing time the horizontal theme of provisions are emerging in most of the judgments.

While introspecting on the issues of the relationship between court and the society, he wondered how the courts perceive the impact of their role in the society and furthermore interrogated whether the judges should not have a sense of assessment of what they

are doing. At this point, he suggested that there should be some element of research on the quantitative impact of the court's work being done today. He made an observatory statement that there has been very less of research on the analysis of judgments of courts. So as we see law as a discipline, it is being shaped continuously today by developments which are taking place in multidisciplinary fields. Does the law have any internal logic of its own or is law too dependent on the logic of multidisciplinary fields, he mooted on this specific question. Further, he suggested that this is one of the grave challenges of our time which needs to be resolved.

He shed some light on the role of the think-tanks in the area of research where he mentioned that in the large number of cases pertaining constitutional adjudication, assistance from the think tanks has been useful. Citing examples, he referred the case of leprosy which is being agitated in the Supreme Court. He said that the experts must come forward to tackle the issue

associated with leprosy and help the court in deciding the matter. He quoted that it is always an inspiration to talk to the law clerks and mentioned that he is highly appreciative of their contribution.

He welcomed the sea change in the quality of students where he finds no dearth in the assembly line of brilliance which is coming not only from the leading National Law Universities but also from the lesser known law schools. He mentioned that a lot of bright students cannot make it to the leading law schools for variety of reasons, one being not belonging to the English speaking background, to which National Law Schools primarily cater. He opined that there is a need to promote and emphasize upon the sense of diversity among such National Law Schools which must result in more and more mainstreaming of the Indian culture at the bar. Therefore, he appealed to all the National Law Universities to look into this issue, as this issue, he observed, requires immediate attention.

Later, he recommended that public law must be offered as a viable career option to the young generation of lawyers. It should not be the lesser best option for the students of law and that there should be some initiation for providing employment opportunity especially for the young women in the field of law. He remorsed that this profession of - practice of law - has weighted quite heavily against the women specially due to the instances of sexual harassment which are unfortunately becoming prevalent in the legal profession. He underlined the fact that the women are not able to lead a dignified life as a young lawyer therefore, he pleaded that these issues need to be resolved as the prevalent situation is simply shutting out a whole segment of our society from entering into the legal profession.

Emphasizing on the fact that judges must also go to the universities, he strongly advocated that the Judges should go back to the universities after certain years of experience, not to teach the law but to imbibe law and to learn what is happening in the

field of law and to work with law professors and teachers. They should also learn the new methods of research through this exercise.

Expressing his anguish, he said that the Constitution has now taken a backseat in the High Courts as well as in the Supreme Court and that the Constitutional Law has ceased to be the very purpose of the existence of the Supreme Court. He reflected on the fact that Supreme Court has lost its central purpose and essence and that it must always use Constitutional Law as a focal point for its endeavours. He said that now no more constitutional judges and lawyers are being generated in either of the constitutional courts therefore, he solicited to buck the trend by putting Constitutional Law back at focus in the High Court as well as Supreme Court.

He said that there is an urgent need that the law teachers must be made alive to the changes taking place in the legal sphere and also the teaching techniques. He stressed that there is a need to bring a quantum shift

where teacher would not only be perceived as the one who teaches but also as somebody who thinks about the law and somebody who is going to ask others to think about the law. Lastly, he urged the teachers to impart ability to the students to think what the law should be. Bringing in this trend would only help in producing quality research.

**Prof. (Dr.) Balraj Chouhan** Vice-Chancellor, Dharmashastra National Law University, Jabalpur, Madhya Pradesh, began his address by inquiring the purpose and need of a University. He quoted: *“University is a great store house of learning and training. It’s a place for creation of knowledge and dissemination of knowledge and for making the knowledge makers”*.

He stressed that for any university, research is directly connected with knowledge and therefore research is the pivotal aspect of any university and it should be earnestly nurtured as an inseparable aspect of education.

Recollecting his tenure at National Law University, Bhopal he shared his experience in one research assignment regarding the drafting of the Child Marriage Restraint Bill which was assigned by the State Government. He said that the draft was prepared by a team which included teachers as well as the students. He mentioned that the State Government appreciated the research work and paid handsome reward to the college. He attributed this success to the active participation and association of teachers as well as students.

He said that the law school is a place not merely to learn rather is a place to cultivate thinking and stimulate thought process in the students. Therefore, he suggested that teachers should engage the students in the activities that enhance their ability of critical enquiry. He appreciated the work done by the teachers in National Law Universities and said that the teachers are actually putting in a lot of effort these days and approvingly stated that the teachers get themselves voluntarily involved in every activity related

to academics.

He advised the teachers to carry out researches on important judgments of Apex Court so as to widen not only their knowledge in the field of law, but also to make teaching and learning more interesting. He maintained that research has different meaning at every level of education - be it undergraduate level, post graduate level or at doctorate level.

Asserting his views on the intrinsic connection between law and society he stressed that law and its research should focus towards socio-legal issues and stated further that the onus is on the law researcher to understand the social reality of the law if he/she wants his/her research to be useful and meaningful. He also focussed on lexical definition of law and brought to notice the existence of disparate perspective on the definition of law as understood by a particular community for eg., sociologists, anthropologists, judges, lawyers, legislatures, law teachers, common people, etc which he believed should be an

area of research.

He suggested that law teachers who are determined to perform well cannot really escape from quality research work. He appreciated various leading law schools for their contribution in the research domain.

**Prof. (Dr.) Faizan Mustafa**, Vice-Chancellor, NALSAR University of Law, Hyderabad, started his speech by illuminating that the National Law School graduates are assisting lot of senior lawyers these days through their research work. He regretted that these interns do not end up opting for litigation, as a serious career option, because their mentors i.e. the senior lawyers are very stingy in terms of paying these graduates. This he cited as one of the fundamental reason behind the trend of inclination of the students towards the corporate houses. More so, because they have to pay up for their education loans, right after their graduation gets over.

He also regretted that the senior lawyers do

not take classes at the law schools, which used to be the trend before, and lamented that there is an artificial separation between teaching and research in all the disciplines of education. Separate institutions have come up for exclusive researches, be it in the sphere of social sciences, agriculture, pure science, etc. and quoted that in the field of law, Indian Law Institute was established, which is based on an American model.

Speaking on the *raison d'être* for the establishment of National Law Universities, he said that National Law Universities were conceptualized to have the autonomy to bring changes in legal education. He lamented that the National Law Universities have not made optimum use of this autonomous power in terms of doing academic experiments and most of the National Law Universities simply tend to replicate Prof. Menon's model at Bangalore, i.e., NLSIU Bangalore.

Speaking on the issue of scarce legal research stemming from the National Law Universities, he pointed out that it is the

“Design Defect” which is the reason for this shortcoming. He said that all the National Law Universities are undergraduate centric and there is a considerable neglect towards research degree programmes such as LL.M and Ph.D because of which even the leading law schools struggle to fill their LL.M seats. He attributed the reasons for the poor research to the lack of good and experienced teachers who could supervise the researches and the inability of National Law Universities to retain and attract the efficient staff. He said that many National Law Universities are surviving on retired faculties as most bright students from the leading law schools are either taken up by the corporate houses or they go abroad to pursue higher education. He said people who end up pursuing LL.M from leading law schools come mostly from traditional universities and they do not have that rigor or research skills which are required for a LL.M degree. They have not previously faced the intensive research and writing requirements that are the norms in these highly selective institutions.

He suggested that LL.M or Ph.D should not be a requirement to teach and if someone has capability to become a teacher one should teach even after graduating. He also suggested that there should be LL.M in research as it is a global practice which is not followed in India.

Quoting Ernest Boyer’s model of Scholarship, which is an academic model advocating expansion of the traditional definition of scholarship, he categorized research into four types of scholarships:

- The ‘scholarship of discovery’ that includes original research that advances knowledge. This kind of scholarship is signified by the creation of knowledge.
- The ‘scholarship of integration’ where original research is interpreted. This kind of research involves the findings.
- The ‘scholarship of application’ involves the rigor and application of disciplinary expertise. This entails the possibility of knowledge in the applied form and solving problems.

- The ‘scholarship of teaching’ involving systematic study of teaching and learning processes. This requires a format that will allow public sharing and the opportunity for application and evaluation by others.

Deploring the fact that most of the major and important researches on Indian Laws have been done by foreigners or by social scientists, he quoted some prominent names such as Andre Beteille, Kalpana Kannabiran and Satish Deshpande who have produced important work on affirmative action policies, anti-discrimination laws and local governments. Similarly, for political theories research, he named, Niraja Gopal Jayal, Pratap Bhanu Mehta, Rajeev Bhargava and Nivedita Menon who have authored important books on themes such as citizenship, democracy, secularism and equality. He said that when it comes to the legal scholarships, we continue to look towards the works of foreign scholars. He cited the example such as Granville Austin’s book on the framing of the Indian Constitution and George Gadbois who has

produced what is perhaps the best work on judicial biographies in India.

He further observed that right now the courts are dealing with various difficult questions on which no research has been conducted.

Supporting his argument, he gave the example of triple talaq issue and stated that when this issue arose in the Supreme Court there were no research done by any law school in India. He said quite unfortunately, there was just one available research which was conducted by an NGO and that too had a sample of only around 400 people in which it was found that only one person had given divorce by phone or email. Similarly, there is no research work done on the Sharia code by any Indian law school. Rather it was an anthropologist from Chicago and Anandita Chakraborty from IIT Kanpur, who had done some work in this area.

Speaking on the limitation felt in National Law Universities, he mentioned that law schools by themselves cannot come forward and tell Supreme Court to seek their help

on important issues; rather it is the court which should take the initiative to get the researches carried out through the law schools. He raised certain issues and cases, such as Sabarimala matter, triple talaq case, Article 25 of the Indian Constitution, reservation in promotions, etc. on which lot of research needs to be carried out and was of the view that law schools must engage with these issues.

Further, he pointed that law schools are very poor in quantitative methods of research and said that remorsefully not enough research is being done on judicial behaviour, concurring opinions, opinions of two judges bench, privatization in Indian State etc. Therefore, he proposed that law schools should sit together and set the research agenda and decide as to what researches are to be undertaken.

He said that most of the law schools do not come up with good researches because there is no incentive for doing research. He explained that a fresh LL.M graduate can

very easily get a job as an Assistant Professor in any college and earn a good amount of money, whereas if they go for research they are paid in very meagre amounts or mostly not paid at all, coupled with the fact that it does not even count as an experience as per the UGC norms. Citing more reasons he said that UGC gives research funds only to Central Universities and not to State Universities. He regretted that a very small amount is given to national law schools that too once in five year and quite unfortunately the State Governments do not provide good funding for the research. Thus he underlined that the kind of money that is required for conducting good research is unavailable. Further, he stated that a good research also requires collaboration which is lacking in law schools and suggested that the law schools need to collaborate in a big way with the social scientists and activists who have spent their lives on the ground, carrying out meaningful researches and unless the law schools do that they will not be able to do authentic and authoritative research.

**Shri Shyam Divan**, Senior Advocate, Supreme Court of India, began his address by reflecting on possible opportunities and avenues for a law student after his graduation from the law school. He informed that many of the students after graduation join the Bar; few of them go to judiciary; some go to service sector and others drift elsewhere. Talking about the education reforms, he mentioned that the legal education has witnessed series of reforms during the past four to five decades, but lamented that most of the lawyers have a very anachronistic mindset.

He made reference to few papers from reputed law schools on very specific issues like “Slavery”, “Climate change and human rights”, “Rights of disabled people in the Asia-Pacific region” and “Principles of business and Human rights”. He praised these papers stating that they were of extraordinarily high quality, in terms of analysis, survey, writing skills and presentation. He stated that these scholarly researchers have an enormous potential as even the Supreme Court has not spoken about these subjects with such

comprehensiveness and rigor which those papers had.

Moving on the other theme he reflected on the limitations and constraints which bind the lawyers and judges of the constitutional courts. He expressed that often he finds himself constrained as a counsel by the limitations of his brief.

He urged the head of the academic institutions that they must meet once a year and produce *amicus* briefs on matters of constitutional importance and must submit it collectively to the Supreme Court of India. Citing examples of other countries he stated that the suggested practice is being regularly followed by the Supreme Court of United States. Detailing on the benefits of the *amicus* briefs, he stated that this method can be of much help - particularly in the cases of Public Interest Litigations.

Pressing for the cause of adept writing skills, he said that lawyers lack the requisite writing skills. He pointed out that lawyers

at times fail to put forth the main point even after going through huge amounts of papers. He suggested that greater reliance must be on written words, which is being practiced today and warrants better writing skills, and it should be taken with utmost seriousness. He said: how we plead, how we draft and how we write short persuasive briefs for the purposes of persuading the court is very important craftsmanship. He reiterated that the courts at every level right from the trial courts and upwards, will greatly benefit if writing skill is enhanced.

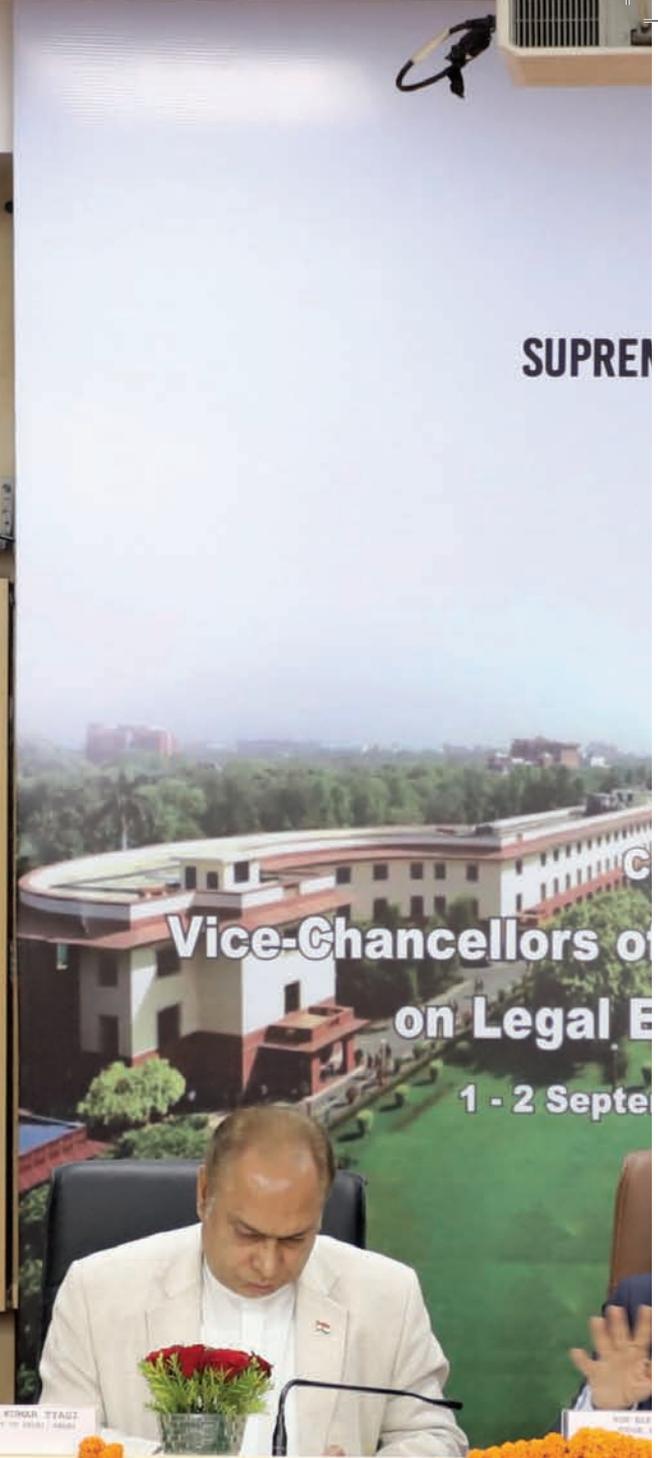
He firmly advocated the use of technology at all levels. Giving reference of lawyers and the judges, he stated that many are not sufficiently skilled in the latest technology. Therefore, he urged that there is a need for the law students to be technologically sound so that in future when they join the Bar, it will result in serious reduction of time and arrears.



## Session III



  
SUPREME COURT OF INDIA



PROF. DR. LAKSHMINA SIVA RAO  
Vice-Chancellor, Anna University, Chennai



PROF. DR. YOGESH KUMAR SHARMA  
Vice-Chancellor, Anna University, Chennai





SUPREME COURT OF INDIA



SUPREME COURT OF INDIA



# Conference of of National Law Universities Education Reforms

September 2018 | New Delhi



SHR. PAB. SINGH, JUDGE, S.C.

PROF. DR. PARAMJIT S. JASWAL

SHRI LALIT BHASNI



Session on 'Innovative Methods of Teaching and Sharing of Best Practices' on 2 September 2018

# Innovative Methods of Teaching and Sharing of Best Practices

Chair: **Hon'ble Shri Justice A.K. Sikri**, Judge, Supreme Court of India

Speakers:

**Prof. (Dr.) Yogesh Kumar Tyagi**, Vice-Chancellor, University of Delhi, Delhi

**Prof. (Dr.) Paramjit S. Jaswal**, Vice-Chancellor, Rajiv Gandhi National University of Law, Punjab.

**Prof. (Dr.) Srikrishna Deva Rao**, Vice-Chancellor, National Law University, Odisha, Cuttack

**Shri Lalit Bhasin**, Advocate, Supreme Court of India

**Hon'ble Shri Justice A.K. Sikri**, Judge, Supreme Court of India, began by sharing his prefatory impression on the theme 'Innovative Methods of Teaching and Sharing of Best Practices'. He urged the Vice-Chancellors to ponder upon the relevance of legal education and the role of National Law Universities. Underscoring the importance of the reforms in legal education, he believed that by introspection and implementing the innovative ideas, a paradigm shift in the course of legal education can be made possible and the people in this field know about these innovative methods and need to implement them.

The role of Judges should not be limited to the role of judging; but more importantly Judges should also play the role of a protagonist who a) uphold the Rule of Law b) aid in strengthening Constitution and the Democracy c) and bridge the gap between law and society. He further stated that the Judges should be keen observers of the impact of globalization. The inexorable pace and the intrusive nature of globalization cannot be underestimated and the Judges should be mindful of the ramification of globalization in the realm of domestic laws.

Reflecting on Economic and Social Justice, he wondered if the people who are languishing

at the periphery and are reeling under the scourge of poverty have any avenues to partake in the constitutionally guided guaranteed 'Sacrosanct Goals of Justice' and its accessibility.

Speaking on Alternative Dispute Resolution he ruefully informed the audience that sixty percent of the arbitration goes to Singapore, which definitely does not augur well for the country so rich in human resources and sheer talent.

Quoting Nani Palkhivala, he stated that the 'purpose of education' should entail: a) augmenting the capacity of understanding and b) the enrichment of the character. He further added that the capacity to think clearly and intellectual curiosity are other dimensions, which are cardinal and integral part of education. He attributed five years law course as a game-changer and believed that this method of teaching has a bigger role to play in entrenching the innovativeness in legal education and revolutionizing the entire system.

He concluded with laying impetus on clinical education and that it should be a regular and intrinsic part of legal education, which will add practical value to the legal education and render it meaningful.

**Prof. (Dr.) Yogesh Tyagi**, Vice-Chancellor, University of Delhi, addressed the august gathering by expressing his gratitude towards the Chief Justice of India for not only the timely intervention but for the conceptualization and organization of the Conference. Dismayed with the disconnect between the judiciary and academics, he averred that there should be an urgent attempt for course correction. Drawing the attention on two topics i.e. 'Innovative Methods of Teaching' and 'Sharing of Best Practices' for the technical session, he distinguished the role of a teacher as the main facilitator who promotes intellectual enrichment, personality development and someone who sets developmental goals of the learners. Shedding light on the importance of tools and techniques as well as the content, methods and objective, he believed that any

meaningful interaction between teachers and learners would remain incomplete without due consideration on these.

He assessed that the courses for the purpose of teaching should be devised based on an 'Outcome-based-approach'. Teaching and outcome have to be connected and therefore innovative methods of teaching should be promoted in furthering these approaches. Emphasizing on the Innovative Methods of teaching, he asserted that the method of teaching works on certain assumptions like learners are active; they have cognitive capabilities and creative potentials; they can be constructors of knowledge and they are intellectually stimulated and sensitive beings.

He stated that teaching essentially should spur and motivate the students towards creative thinking; discovering new patterns in existing concepts and systems; developing divergent thinking and producing original ideas along with a new outlook towards objects, phenomena and situations.

He recognized the research work done by the faculty members as innovators who constantly experiment, make mistakes, learn, improve and becomes better. Emphasising the cognitive capabilities of learners, he underlined that it should include inductive and deductive thinking along with analysis of judgment, rational thinking, hypothesizing, evaluation, ideation, critical thinking, moving from dissonance to consonance, and construction of utopias.

Innovative methods of teaching could be exploratory and experiential and entails:

- Construction of teaching-learning strategies; looking for nuances; generating new questions based on experience of the field - visits.
- Discussion of case studies followed by set of questions which allow for creative solutions; brainstorming on an issue or idea so that more and more aspects gets listed and more dissonance is produced.
- Generation of multiple ways of looking at the issues, using situational analysis that aims at problem solving, or finding

new solutions; designing conduct and presentation of micro research and studies on given set of themes that allows for originality of ideas and freedom to explore and out of the box pursuits.

- Teaching through popular films, documentary films, media etc.
- Encouraging students to prepare abstract of articles, chapters, books and research papers which helps him in raising new issues.
- Prodding students to engage in problem solving; charting strategy planning on larger issues; and enabling them to use computer assisted learning, and prompting students to draft conceptual questions for classroom discussion on a theme.

While condemning the casual practice employed in drafting of syllabus and content formulation he brought in the sharp focus disconnect between the outcome and the objectives.

Exploring the areas of reforms he underlined that the first area of reform should be to relook at the course-content and then to find out what is needed to be included and excluded. The second area of reform should be to review the teaching materials. Highlighting the contemporary needs of the society he clarified that the objectives of teaching should not be confined to the gathering of knowledge rather should be instrumental in meeting the needs of the society and the nation. He categorised law as a non-benign discipline and attributed law as a tool for promoting and protecting national interest.

Stressing on the significance of International Law, he stated that it is tool of law affair and not love affair to highlight that the large number of battle in contemporary world is waged with the help of this law by imposing anti-dumping duty, tariff, barriers or by enforcing value imposed sanctions as a method of economic warfare for extracting concession from the adversaries. He wanted the Vice-Chancellors to introspect if the

students are being prepared to meet these challenges.

Stressing the relevance of Multi-modal of Teaching, he suggested certain means to augment innovative method of teaching by incorporating clinical education by way of moot courts, debates; online courses, and exposure to different languages. He stressed that the multi-modal teaching is the need of the hour.

He advocated for identification and promotion of the best practices and proposed a 'Registry of Best Practices'. Arguing for the establishment of registry, he exhorted different law schools to come forward in support of acknowledging the best practices and awarding the person behind it. He strongly pitched for the Annual-Stock-Taking and suggested Indian Law Institute should oversee the registry.

**Prof. (Dr.) Paramjit S. Jaswal**, Vice-Chancellor, Rajiv Gandhi National University of Law, Punjab, shared some of

the notable best practices followed in Rajiv Gandhi National University of Law, which include: regular course review by subject-experts; compulsory internships from 1st to 5th year; regular Faculty Development Programme; Permanent faculty being paid UGC scale; Faculty actively contributing in preparing MOOCs module; research methodology as a mandatory subject in first semester along with greater focus on research consultancy and extension; MOUs with sister National Law Universities and other Foreign Universities; conducting summer courses; adopting five adjoining villages in consonance with Social Responsibility; knowledge partnerships with organizations like National Company Law Tribunals (NCLT) and jointly producing Reporter of NCLT cases along with publishing large number of research journals.

He concluded his address with urging the fellow participants to share the best practices inculcated or experienced by them so that the same could be replicated in other places.

**Prof. (Dr.) Srikrishna Deva Rao**, Vice-Chancellor, National Law University, Odisha, Cuttack, began his address by underlining that the methodology of 'Innovative Methods of Teaching' of National Law Universities was adopted from the Christopher Columbus Langdell's model. He believed that it was a good method for its time but nevertheless he advocated that this model requires to be refined. He opined that the case methods along with adept learning of the statutes and combining critical ideas and perspectives are crucial in furtherance of innovative methods in teaching.

He stated that in the last thirty years legal academia were unable to produce classic text books for the five year law programme. Referring to the efforts of Prof. (Dr.) N. R. Madhava Menon, who initially started with the pre-law book series, he stressed that these series needs to be comprehensively revised with the sense of collective responsibility.

He urged the fellow Vice-Chancellors to ponder on new methods and tools to create

interest in teaching and learning of law subjects. There is a need to explore ways to connect law teaching with real world, community and society. Storytelling, as he underscored, should be one of the important innovative methods of teaching and wondered if a law educator could adopt Bob Dylan style of Storytelling.

Speaking further on innovative methods of teaching in National Law University, Cuttack he stated that the University has started four mandatory clinical courses supplementing with optional clinical courses on Legal Aid and Public Interest Litigation - in the areas viz., Community Advocacy, Prison Legal Service, Child Rights, Labour Rights, Land Right and Right to Education.

Delving more on the best practices, he highlighted various innovative ways adopted by National Law Universities, such as cooperative and collaborative teaching in Constitutional Law, Criminal Procedure, Criminal Law, labour law, family law etc.; practising blended learning

using online resources, audio visuals, cinemas, documentaries, SWAYAM courses; introducing one credit course for the subject. 'Criminal law advocacy' taught by trial court lawyers.

To improve the quality of law teachers he mooted on the establishment of 'National Academy of Law Teachers'. He mooted the idea of having a teaching court within the campus of National Law Universities.

Narrating the past practices during 1960-70s in the State of Andhra Pradesh and State of Tamil Nadu, he informed, that the senior advocates were required to compulsorily teach in the law colleges as a criteria to be considered for elevation as a judge. He opined practising lawyers and judges should engage with young minds and impart practical lawyering skills to law students.

Favouring use of technology in legal education, he advocated the use of video conferencing as a crucial method in knowledge dissemination. He pitched for the

introduction of UPSC syllabi which should be integrated with the five year integrated law course.

He concluded with urging that the three pillars of justice delivery i.e lawyers, judiciary and academia must work and contribute in ushering legal reforms and augment innovative teaching.

**Shri Lalit Bhasin**, Advocate, Supreme Court of India, began his address by applauding Prof. (Dr.) N. R. Madhava Menon for his contribution to legal education for last sixty years. He apprised the august gathering about three diverse positions held by him in legal profession as President of Bar Association of India, as a President of the Society of Indian Law Firms, and as a Chair of Chartered Institute of the Arbitrators. Indicating the role of these three organizations, he stated that these organizations should have continuous and extensive meaningful interaction with the law schools as they represent litigation, business law firms and alternative dispute

resolution.

Discussing the contribution of the Bar Association, he highlighted the role played by distinguished lawyers such as Mr. Ram Jethmalani, Late Mr. P.P. Rao, Mr. Venugopal, Mr. Fali S. Nariman, Mr. Soli Sorabjee, Mr. Anil Divan, who constantly engaged law colleges by their invaluable lectures. He shared that he is involved in academic activities in different cities such as Delhi, Bangalore, NIRMA, KIITS etc.

Contemplating on the harsh realities of world-dynamics, he wondered whether law schools are sufficiently tuning themselves to equip students to face the contemporaneous times and its challenges. Focussing on the role of the Alternative Dispute Resolutions, he wondered why people prefer to go to the Singapore International Arbitration Centre (SIAC) and not avail the facilities in India. Speaking on the relevance of Alternative Dispute Resolution, he declared that the adversarial system of litigation may not lead us anywhere and noted: We have to

develop very effective Alternative Dispute Resolution mechanism at the threshold itself by introducing the subject to the final and fourth year students. To this end, he said that the Chartered Institute of Arbitrators can be of big help in organizing programs in the law schools and to train students and offered his help to anyone who wants to take advantage of it.

Delving deeper into the subject of Alternative Dispute Resolution, he stated that the arbitration as a method in any case has been unable to take off successfully in India, but nevertheless, mediation definitely would be very crucial in near future for the resolution of disputes. Arguing for mediation, he said that it requires experts - not limiting to the lawyers and Judges, but, experts more importantly from the sectors such as technocrats, business-experts, the architects, engineers etc.

Highlighting the importance of Legal Writing, he emphasized in favour of the use of simple language and informed that the Bar

Council of India and the Society of Indian Law Firms have adopted mission to introduce simple language not only in pleadings and submission before the court but, also in legislative drafting. He said that use of words such as “notwithstanding”, “subject to”, “provided that”, “proviso”, “whereas” etc. are archaic and renders the language hard to comprehend and complicated, while supporting the introduction of simple language in legal drafting. He underlined that it is not only the lawyers that should understand what law is but the common man should also understand law and he believed that the change towards this end should begin at the law school where the focus should be to create awareness of using simple language in legal writing. He informed the audience that even the Supreme Court insists on three page written submission, where one has to sum up the entire case in three pages.

Discussing the challenges posed by the impact of technology in legal education, he quoted an eminent law teacher who says:

*“The first impact on the legal profession and consequently on the legal teaching is the impact computer technology has had on the legal profession. Not surprisingly, the internet is a major force and driving change in the practice of law. Easy access to legal answers on the internet will change how people will use the lawyers. The search function can become the key to access to justice for all. Search engines such as Google Scholar has brought legal research within the reach of the client, at the same time Artificial Intelligence is being developed to the point where it can be added to basic search functions easily accessible to consumers to arrive at answers to complex legal questions problems. As results of this development, lawyers have lost the monopoly on legal research. This is being done by the client themselves. MNCs have their in-house department. They do a lot of research themselves and if they find something problematic then they go to the lawyer. That means the lawyers must know much more than what their clients knows or what the general counsel knows. That is where the role of law schools comes in.”*

He exhorted the audience to bear in mind the inexorable pace of technology and its impact on the legal education. Speaking further on the task of law school, he again quoted another professor who says:

*“One important task law school must take on is preparing students to work in a world in which increasingly require interactions with attorneys and clients from other countries and cultures. The law schools would be well*

*advised to help students learn to develop and maintain effective working relationships with broad range of people of varying backgrounds.”*

By fully endorsing the views expressed by Professors in aforementioned quotes, he urged all the stakeholders to take stock of the ground realities and synergize their efforts in meeting the challenges of tomorrow.



Session IV

# Vice-Chancellors on Legal

1 - 2 Sep



# Conference of s of National Law Universities al Education Reforms

September 2018 | New Delhi

N. R. MADHAVA MENON  
BAR COUNCIL OF PUNJAB LEGAL ACADEMY  
LEGAL EDUCATION, ROYAL, PUNJAB



K MISRA

HON'BLE SHRI JUSTICE A.K. SIKRI  
JUDGE, SUPREME COURT OF INDIA

PROF. (DR.) N. R. MADHAVA MENON  
BAR COUNCIL OF PUNJAB LEGAL ACADEMY  
LEGAL EDUCATION, ROYAL, PUNJAB

Session on 'Necessary Reformative Steps for Improvement of the  
Legal Education and Valediction' on 2 September 2018



Necessary  
Reformative Steps  
for Improvement of  
the Legal Education  
and Valediction

Address by **Hon'ble Shri Justice Dipak Misra**, Chief Justice of India

Address by **Hon'ble Shri Justice Ranjan Gogoi**, Judge, Supreme Court of India

Address by **Prof.(Dr.) N.R. Madhava Menon**, Hony. Director Bar Council of Kerala  
MKN Academy for Continuing Legal Education, Kochi, Kerala

**Address by  
Hon'ble Shri Justice Dipak Misra  
Chief Justice of India**

**Hon'ble Shri Justice Dipak Misra**, Chief Justice of India, in his valedictory address acknowledged that the modern legal education is no longer similar to the legal education of the yesteryears. The challenges which confront the contemporary legal education bear little resemblance to the obstacles which confronted legal education in the past. It was, perhaps, the most opportune time to hold this conference of the Vice-Chancellors of the National Law Schools.

He commended that the themes of the technical sessions were very aptly chosen, and appreciated the deliberations and

participation of the Vice-Chancellors of the National Law Universities. This event and ensuing charting out of innovative strategies would elevate the Indian legal education so as to make it at par with the world standards as the discussions have opened up new windows and ideas. Referring to the various issues raised by the participants of the conference, he applauded the innovative suggestion given by them.

He reflected on the ideas which were mooted in the conference:

- The need to implement wholly and substantially the recommendations of the National Knowledge Commission to establish a standing committee on legal education.

- Attention was drawn to the fact that, in the independent history of India, even though the Constitution has the provision in the form of Article 124(3)(c), yet not even a single jurist from academia background has been appointed as a Judge of the Supreme Court.
- The need to embrace technology to its fullest extent, not only in the Judiciary but also in the field of legal education.
- The conference of the Vice-Chancellors of the NLUs has been held just for the second time after a huge gap and unlike past, this event should happen regularly.
- Urgent steps toward regulating high application fee of the CLAT exam and also the high fee structure of the NLUs which has a deterring effect on the rural population which remains neglected from being admitted to the prestigious NLUs.
- The issue of language as was raised by a number of the participants and though fluency in English is important in law but it should not remain the only criteria. Flagging another issue, he said that the
  - a) new NLUs have not been able to catch up with the high standards set by the established ones, b) there is an urgent need for collaboration between the NLUs and other universities which would usher in interdisciplinary learning, c) Internship with trial court judges will not only enable the National Law University students to have a first hand experience of the practical application of procedural laws but also inculcate a drive in the students to join the bar at the District Level.
- He mentioned that the session saw very useful discussions on issues such as
  - a) *Amicus* briefs which would help the Supreme Court in Constitutional matters, b) improvement of writing skills of the next generation law students, c) discussion on the reasons which deter National Law University graduates to join the chambers of any senior advocate for mainly because of low remuneration which forces the National Law University graduates, most of them have taken loans to pay their fee, to go and join law firms and corporate houses.

- Need for senior advocates to visit and deliver lecture in the law colleges on a regular basis. National Law University being primarily undergraduate schools with very little focus on LL.M. and Ph.D results in declining quality of research.
- Issues flagged regarding the lack of diversity in the legal profession and the need to have equality in salaries.
- Emphasised on a) revising and updating the Curriculum on a continuous basis, b) idea to start a registry of best practices which can be circulated to other National Law Universities with a supplementary suggestion that a person who had come up with such best practices must be recognized and awarded.

This Conference exemplifies the efforts of the legal fraternity of India to revamp the stagnated legal education in the country. The first step to rectify a problem is to admit a problem and applauded that this was effectively done at this Conference.

It is everyone's solemn duty to take

steps to resuscitate the legal education by implementing practicable and rational strategies and also implementing those suggestions which have been made in this conference.

### **Address by**

**Hon'ble Shri Justice Ranjan Gogoi,**  
Judge, Supreme Court of India

**Hon'ble Shri Justice Ranjan Gogoi,** Judge, Supreme Court of India, discussed the issues and suggestions put forth during the conference. He suggested that if the said conference becomes an annual event, it should also become more inclusive in order to affect real change in the legal education system, therefore, other universities like Law Faculty at University of Delhi should also be invited along with the National Law Universities. Further, he touched upon the topic of regulation of the law schools and suggested that number of law schools in India i.e. more than 1500 are in acute distress and there is a need to examine them and decide whether

they are well equipped. The law schools which do not meet the minimum criteria should be de-recognised by the regulatory authority.

He discussed the autonomy given to the law schools in relation with designing the curriculum, and advised the law schools to design their own curriculum according to the needs of the region, along with certain papers common to all. In context of research it was mentioned that lack of focus on research and the negligible research produced by the law schools is one the gross inadequacies of legal education in India. Further, the financial issues faced by the law schools were also discussed, as a contributing factor to the lack of focus on research.

#### **Address by**

**Prof.(Dr.) N.R. Madhava Menon,**  
Hony. Director Bar Council of Kerala  
MKN Academy For Continuing Legal  
Education, Kochi, Kerala

In the final session, **Prof. (Dr.) N.R.**

**Madhava Menon** summarily mentioned the issues discussed throughout the two day seminar. He conveyed the appreciation exhibited by all the participants for the initiative taken by the Supreme Court in organising this unique gathering. He said that this first ever conference provided a robust platform for the leaders of legal academia to address the challenges faced by the existing legal education system and to identify the issues which require urgent addressal in order to reform the Indian legal education system.

He summed up the rich tapestry of ideas put forth by the Hon'ble Judges and other esteemed participants of the conference:

- The idea of a full fledged Court functioning and attached within the premises of National Law Schools would enhance and enable students to learn and absorb courtroom ethics and professional skills. Legal Aid Clinics and Mediation Centres within the universities to teach students about alternative lawyering skills.
- Sensitizing students towards social justice

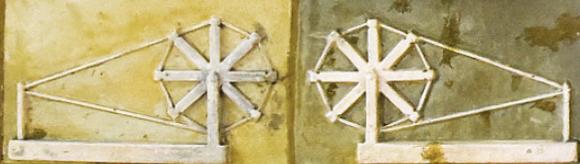
- and use the internship opportunities to make them work at the grass root.
- Supported the idea of establishment of a national academy for the training for law teachers.
  - Use of technology to be given focus in the legal profession.
  - Need to evolve a mechanism to get feedback from the students regarding the internship.
  - To remove the Indian legal education system beyond the purview and control of the Bar Council of India.
  - Greater focus needs to be given to the study of globalisation and internationalisation of law.
  - Increase use of technology in the legal profession especially, forensic science in evidence.
  - Implementation of National Knowledge Commission report
  - Taking *amicus* briefs on various important constitutional matters, with extensive research on the topic.
  - Bridging the gap between social order and legal order the law schools by using legal aid clinics, and clinical education in the communities and in the rural areas.
  - A multi-disciplinary approach needs to be adopted in teaching Constitutional Law in the law universities.
  - The curriculum in the law universities should dedicate a substantial amount of time to the skills required in the ADR mechanisms.
  - Lawyers should be equipped to work in at least two Indian languages and for this the National Universities must teach regional language as part of the curriculum

The Chief Justice of India, **Hon'ble Shri Justice Dipak Misra**, thanked the Vice-Chancellors and the participants for engaging in the deliberations and was confident that the Vice-Chancellors would initiate changes, which the gathering thought were not only desirable but imperative, in their respective institutions. Subsequently the same may be emulated across law colleges in India to usher in a bright future.





## Part II



सत्यमेव जयते





द्वाराभ्यहम



# SUMMARY OF PROCEEDINGS

The two day Conference (1-2 September 2018) on Legal Education Reforms commenced on a optimistic note by inaugural address by the Chief Justice of India along with the Senior Judges of the Supreme Court. The deliberations were presided over by the Hon'ble Supreme Court Judges and there was representation of Vice-Chancellors along with senior faculty members from various National Law Universities of the country.

The Conference started with acknowledging the much needed reforms in Indian legal education. Members from Bar, Bench and Academia were actively involved in brain storming to bring about reforms in legal education. The pro-active participation of Judicial Officers, Vice-Chancellors and faculty members reflected the issues and concerns in legal education that need to be dealt with. They engaged in exploring and deliberating on the best practices, loopholes in the administration and other concerns raised to find workable solutions to the issues.

## SETTING THE TONE

**Hon'ble Shri Justice Dipak Misra**, Chief Justice of India, set the tone of the Conference by delineating the role of the Vice-Chancellor, by pointing out that though in National Law Universities, administration could be the main and important work but nevertheless the Vice-Chancellors must prove their worth academically. He exhorted the Vice-Chancellors and Deans of the National Law Schools to take the responsibility of reducing the gap between the 'intellectual haves' and 'intellectual have nots'. The way the gap is bridged would be their success story. He underlined that students get indelible impression from their teachers and these impression get ingrained in their persona forever. He urged the teachers and Vice-Chancellors to don the role of a neuro physician and try to administer 'thoughtful medicine' which would aid students in making choices in their lives.

Referring to lack of world class research in the country, he urged everyone to aim for the target to deal with this crisis. While stating so, he highlighted that the – 'achievable target' is the quality of mediocrity whereas 'not achievable target' is a sign of an intellect. He urged everyone to choose the intellect and therefore make the plan accordingly. Strongly disapproving the current state of affairs in research activities, he urged the National Law Universities to make extra efforts to etch a mark in international sphere. He suggested that the year 2018-19 should be considered the base year and measures should be taken to enhance research and to move ahead in a phased manner, like a five year plan, which would consequently help them in gathering scholarly momentum. This processes would require all the National Law Universities to work together. He pointed out that at the present moment, National Law Universities are functioning like a king of their own island. This practice needs to

be abandoned, paving way for collaborative working.

He exhorted everyone to cultivate the habit of original thinking. Stating that the original thinking is not the facet of genius, he propounded that the Vice-Chancellors and the teachers have to cultivate the habit of original thinking. He cautioned that the sense of contentment is acceptable in philosophical sense but the same sense of contentment in learning and education are fully unacceptable concept. He sought to introduce certain measures such as debates, collaborative teaching, learning

through technology, adopting practical approach method and incorporating modern technology, which would be instrumental in imparting requisite skills to future law professionals.

Underlining the importance of **Legal Aid Camps** and **Plea Bargaining**, he commended the role played by the students and suggested that the faculty members should also be actively involved in these activities. He concluded by suggesting that the Vice-Chancellors should bequeath a gift to the future generation by ushering in a change in legal education.

## SESSION - I

# Legal Education in India: Issues And Challenges

The Conference in the first technical session dealt with the issues and challenges of legal education in India. The distinguished speakers flagged some of the most pressing challenges which the legal education is beleaguered with, and endeavoured to flesh out solutions in this direction.

This session had the following members who brought the sharp focus on the pivotal issues and the challenges:

Chair: **Hon'ble Shri Justice Madan B. Lokur**, Judge, Supreme Court of India

Co-chaired by **Hon'ble Shri Justice A.M. Khanwilkar**, Judge, Supreme Court of India

Speakers :

**Prof. (Dr.) Ranbir Singh**, Vice-Chancellor, National Law University, Delhi

**Prof. (Dr.) R. Venkata Rao**, Vice-Chancellor, National Law School of India University, Bangalore

**Prof. Poonam Saxena**, Vice-Chancellor, National Law University, Jhoddhpur, Rajasthan

**Shri Sidharth Luthra**, Senior Advocate, Supreme Court of India

Important points which emerged out of the first session were:

- There was an unanimous voice concerning the creation of a Standing Committee for Legal Education.
- Implementation of the Recommendations of the National Knowledge Commission was strongly advocated.
- Revamping of Curriculum was strongly pitched; emerging topics such as cyber law, cyber crimes, laws of privacy,

technology should be the part of the new curriculum.

- Promotion of Rotational Exchange Programs should be encouraged. Teachers teaching same subject in different law schools should come together and interact, thereby developing and strengthening the legal education.
- Lack of funding for the NLUs should be addressed.
- Non accessibility to law schools, which effectively excludes those candidates who cannot afford it, should be tackled with.
- Focus should be shifted from quantity of research to quality of research.
- The fact that each law school is not identically placed in comparison to other law schools must be acknowledged.
- Younger law schools have different kind of challenges compared to other older institutes.
- Talent and experience available in one law school to be exchanged with the other law school, thereby benefiting the students.
- Granting of the Status of Institutes of National Importance to the pioneer law schools by the Ministry of Human Resources.
- Collaborative effort from all the NLUs, where they can work collectively under one umbrella.
- Other teachers from various NLUs should be invited over for lectures and share their experience with each other.
- Learning from foreign universities, the various methods to raise funding for research.
- Efforts should be made to enhance the possibility of expansion of interdisciplinary scholarship.
- Effort should be made to work and research on the ethos of Constitutional goal and imparting justice oriented legal education.
- UGC regulations for faculty appointment and promotion is problematic.
- Law schools to impart in emerging areas such as IT law, sports law, media law and should facilitate interdisciplinary cross pollination between law, philosophy, politics etc.

- One year programs could be dedicated to clinical training, skill building and learning of other language, to broaden a student's horizon.
- The Internships should not be mechanical in nature.
- Research should not be a compilation but rather it should be about analysis.
- Students should be trained in drafting skills.

## SESSION - II

# Exploring Research Domains Opened up by Constitutional Change and its Impact on Legal Education

The Conference in the second technical session dealt with the “Exploring research domains opened up by Constitutional challenge and its impact on legal education.”

The distinguished speakers expounded on importance of research. The session underlined the importance of developing critical thinking among law students.

This session had the following members:

Chair: **Hon’ble Shri Justice Kurian Joseph**, Judge, Supreme Court of India

Co-chair: **Hon’ble Dr. Justice D.Y. Chandrachud**, Judge, Supreme Court of India

Speakers:

**Prof. (Dr.) Balraj Chouhan**, Vice-Chancellor, Dharmashastra National Law University, Jabalpur, Madhya Pradesh

**Prof. (Dr.) Faizan Mustafa**, Vice-Chancellor, NALSAR University of Law, Hyderabad

**Shri Shyam Divan**, Senior Advocate, Supreme Court of India

The important points which emerged out of the second session were:

- Law teachers must be alive to the changes in the society. Teachers should not only teach law but rather orient the students to think about the law.
- Writing skills should be promoted as the lawyers lack the requisite writing skills.
- Senior lawyers should take classes at law schools as was the trend before.
- NLUs should make optimum use of the autonomous power in terms of doing academic experiments.

- Teachers should impart the ability to the students to think - what the law should be.
- Law school should not merely be a place to learn, rather it should be a place to cultivate thinking and stimulate thought process in the students. Teachers should engage the students in enhancing the ability to - critical enquiry.
- Lack of good research from law schools is due to the lack of incentive for doing research.
- 'Design Defect' which results in quality legal research stemming only from the graduation course. LL.M and Ph.D courses are neglected.
- Public law must be offered as a viable career option to the young generation of lawyers.
- Students should be nurtured to become the future think-tanks.
- Hurdle of English language should not be barrier for the bright students to enter into National Law Schools.
- Law school should be roped in for drafting *Amicus* briefs.
- Law schools to be aware of the preponderance of technology in the society and therefore accordingly introduce subject of newer areas and domain.
- Diversity should be promoted in national law schools.
- Women should be accorded favourable ambience to encourage them into the practicing law. It should not be the lesser best option and a missed employment opportunity for young women in law.

The session was concluded with the hope that the issues flagged would be properly addressed. The learning out of the discussions by the panellist would help in inculcating a robust research culture in the country.

## SESSION - III

# Innovative Methods of Teaching and Sharing of Best Practices

The theme of this session prompted the participants to engage in an exercise of sharing innovative methods of teaching implemented or sought to be implemented by them; best practices carried on by them was also shared. A greater amount of stress was laid on use of technology to impart education.

This interactive session had the following eminent jurists as its panel members:

Chair: **Hon'ble Shri Justice A.K. Sikri**,  
Judge, Supreme Court of India

Speakers:

**Prof. (Dr.) Yogesh Kumar Tyagi**, Vice-  
Chancellor, University of Delhi, Delhi

**Prof. (Dr.) Paramjit S. Jaswal**, Vice-  
Chancellor, Rajiv Gandhi National  
University of Law, Punjab.

**Prof. (Dr.) Srikrishna Deva Rao**, Vice-  
Chancellor, National Law University,  
Odisha, Cuttack

**Shri Lalit Bhasin**, Advocate, Supreme  
Court of India

The focus areas that emerged from the deliberations in the session were:

- The purpose of education should entail: a) augmenting the capacity of understanding and b) the enrichment of the character.
- The Role of Judges should not be limited to the role of Judging; but more importantly Judges should also play the role of a protagonist who a) uphold the Rule of Law, b) aid in strengthening Constitution and the Democracy, c) and bridge the gap between law and society.

The impact of globalisation on the realm of domestic laws should be borne in mind by the judges.

- Teaching should spur and motivate the students towards creative thinking; discovering new patterns in existing concepts and systems; developing divergent thinking and producing original ideas along with a new outlook towards objects, phenomena and situations.
- Curriculum should be devised based on an 'Outcome-based-approach' and a connect between judiciary and academics should be established.
- The teaching material needs to be reformulated. There is need for classic law text books and research should be encouraged for the same.
- There is a need to introduce Multi-modal of Teaching by incorporating clinical education by way of moot courts, debates, online courses and exposure to different languages.
- A 'Registry of Best Practices' should be maintained.
- Innovative methods such as story telling;

case study method; teaching through popular films, documentary and media; regular course review by subject-experts; compulsory internships from 1st to 5th year; regular Faculty Development Programme; conducting summer courses etc. may be implemented.

- Establishment of 'National Academy of Law Teachers' to hone the skills of faculty members.
- Members from Bar and Bench should regularly engage with students and impart practical lawyering skills.
- Technology should be utilised for imparting education by way of video conferencing.
- Legal Writing should emphasise on use of simpler words in pleadings, submissions before the courts.
- Legislative drafting skills need to be honed.

The Chair **Shri Justice A. K. Sikri** concluded the session on an optimistic note, that these deliberations and best practices shared can be replicated in other Law Schools and Universities of the Country.

## SESSION – IV

# Necessary Reformative Steps for Improvement of the Legal Education and Valediction

The last technical session was themed “Necessary Reformative Steps for Improvement of the Legal Education.” The distinguished speakers shed light on various reforms which are indispensable for improving legal education. This session had the following speakers:

Speakers:

Valedictory Address by **Hon’ble Shri Justice Dipak Misra**, Chief Justice of India

Special Address by **Hon’ble Shri Justice Ranjan Gogoi**, Judge, Supreme Court of India

Address by **Prof. (Dr.) N.R. Madhava Menon**, Hony. Director Bar Council of Kerala MKN Academy for Continuing Legal Education, Kochi, Kerala

The important points which emerged out of the fourth session were:

- The idea of a full-fledged Court functioning and attached within the premises of National Law Schools were fully endorsed and advocated.
- Focus on Legal Aid Clinics and Mediation Centres within the Universities to enable students on Alternative Lawyering Skills.
- Students should be sensitized to promote Social Justice, and should use the internship opportunities to make them work at the grass root.
- Students should be allowed to take up their chosen specialisations in the final years of law schools like judiciary, litigation, academics etc.

- The use of technology should be given focus in the legal profession.
- Mechanism should be made to get feedback from the students regarding the internship which they take up.
- Academicians should focus on twin aspects of quality and governance in legal education.
- Law schools should analyse the trends in legal development across the globe which will give the future lawyers the knowledge they need, to perform better and accordingly contribute to the legal profession.
- Idea of removing Indian legal education system beyond the purview and control of BCI was mooted.
- Continuing professional development for periodic training of legal professionals and live screening of proceedings of the hearings of important constitutional cases in the Supreme Court was deliberated.
- Law schools to focus on collaborating and cooperating to create institutes of world class standards in both teaching and research.
- Vice-Chancellors should take time out for teaching within their institutions and engage with the students. They should introduce innovative teaching mechanisms and make it more dynamic and engaging. Vice-chancellors to address the issue of inequality between the 'intellectual haves' and 'intellectual have nots'.
- Idea of constituting a Standing Committee on Legal Education headed by the CJI was mooted.
- Implementation of National Knowledge Commission report.
- Law school should be promoted to take *amicus* briefs on various important constitutional matters.
- Efforts to be made to bridge the gap between social order and legal order. The law schools should use the opportunity of legal aid clinics and clinical education in the communities and in the rural areas to bridge the gap.
- Law schools should engage in research on the study of the impact of judgments at the grassroots level, also law schools

should not just teach law, but also encourage the students to think about law.

- A multi-disciplinary, multi-modal approach needs to be adopted in teaching constitutional law in the Law Universities.
- Professional education should be separated from other liberal legal education.
- Professional legal education should be rigorous.
- Future lawyers should be equipped to work in at least two Indian languages.

- Focus should be on teaching Alternative Dispute Lawyering Skills like Arbitration and Mediation to law students.

The Chief Justice of India, **Hon'ble Shri Justice Dipak Misra**, thanked the Vice-Chancellors and the participants for engaging in the deliberations and was confident that the Vice-Chancellors would initiate changes, which the gathering thought was not only desirable but imperative, in their respective institutions and subsequently, the same may be emulated across the law colleges in India.

