

# India's State of Legal Education: The Road from NLSIU to Jindal

Deepa Badrinarayana

This narrative is a reflection of the changes that the National Law School of India University (NLSIU) ushered in India, prior to globalization. It reflects on the challenges to legal education in India pre-globalization and the efforts made through the creation of NLSIU to address these challenges, and it also introduces some of the challenges facing Indian legal education in a globalized world.

The first NLSIU was established in 1986 when law was not a highly sought-after profession, but one that either those with a specific family background of lawyers or those who failed to procure admission to a medical or engineering school pursued. This state of affairs was not only due to a general societal obsession with the natural sciences, but also due to the abysmal state of affairs regarding the rule of law. This was also a period of a “closed market” in the sense that trade barriers limited imports, foreign investment, and competition in goods and services. Yet, several legal innovations began to emerge in the late 1980s. The Supreme Court of India, engaging in what is sometimes criticized as judicial activism, began to recognize the problems associated with making and implementing laws in a country where people were barely aware of the existence of rights, leave alone had the ability to pursue legal remedies through the judiciary (or other branches of the government). It was evident that making law accessible to most Indians remained a great challenge. Lawyers were unwilling to serve poor clients when their own ability to sustain a living was tentative. The innovations of the Supreme Court notwithstanding, in reality most courts had case backlogs of several years, which essentially rendered the legal system ineffective. Monetary rewards were paltry, unless one was corrupt or unusually fortunate to practice certain areas of law in certain parts of the country, with certain established legal practitioners. This plight was highlighted when, in the face of a catastrophic disaster in Bhopal, the Government of India sought to transfer the case to U.S. courts,<sup>1</sup> insisting that Indian courts were unable to manage complex litigation.

**Deepa Badrinarayana** is Associate Professor of Law, Dale E. Fowler School of Law, Chapman University.

1. See e.g., Monroe Leigh, *Forum Non Conveniens-Conditional Dismissal of Tort Claim by Foreign Plaintiffs*, 80 Am. J. Int'l L. 964 (1986) (reporting that the Indian government joined as co-plaintiff in U.S. courts, but attributing it to the possibility of getting higher damages).

It was during this period that Dr. N.R. Madhava Menon and others in the bar and the legal academy acknowledged the need to change legal education with the goal of strengthening the rule of law and promoting access to justice. The challenges to legal education reform were many. No process comparable to LSAT in the United States was in place to screen candidates for admission. Rather, admissions were based on general review of applications by the law schools. While several capable, empathetic, and innovative lawyers and judges emerged from this system, they remained the exception to the rule. Dr. Menon and others sought to systematically train more capable lawyers by establishing a different educational structure. The key changes to legal education that NLSIU introduced were as follows.

First, the NLSIU administered national level admissions exams as a basis for selection, limiting the number of students admitted to about 80 per year, and retaining the autonomy of the institution to ensure that only candidates who passed the threshold requirements would be admitted—not anyone with political or monetary resources. Second, NLSIU adopted a clear public interest or justice vision, i.e., students were trained to deliver social justice. Third, it combined the B.A. and LL.B. degrees and shortened the period of legal education to five years. Students were required to take mandatory courses until the fifth year of law school. The curriculum followed a quarterly system, and during each quarter, students pursued four courses taught every day of the week. For each of these courses, students were required to take two exams, write a research paper, and defend the paper before a panel of professors. Further, students had to earn at least 50 percent in each course to pass that course. Fourth, a form of clinical education was introduced. Students visited local villages or provided basic representation in the local courts to those unable to afford other legal representation. Critical thinking was inculcated in several courses by multiple professors, with different viewpoints, who co-taught classes, as well as by bringing in short- and long-term visiting professors from abroad who introduced new perspectives. NLSIU also exposed students to the cream of Indian legal professionals, including Supreme Court and High Court judges and lawyers. Essentially, NLSIU built a new foundation for legal education in India. This was pre-globalization.

By the time the second class of students graduated, in 1994, India had begun to open its market. The conflict that this created was evident in class discussions, with some professors firmly opposing the scope and reach of the General Agreement on Tariffs and Trade (GATT). The change in the economy opened up several opportunities for these well-trained lawyers. NLSIU students found employment in the corporate legal sector, with few actually pursuing the envisioned goal of increasing the number of capable public interest attorneys. Nevertheless, NLSIU remains a story of success, especially when one considers the fact that over the years some 15 or more NLSIUs have been established throughout the country and many well-trained lawyers graduate each year from these institutions. However, the question of whether access to justice has improved remains open.

Moreover, the needs of legal education have changed with globalization. As the demand for more well-trained transactional attorneys has increased, the need for efficient practitioners who can represent needy clients remains unmet. The reputation of the legal profession may have improved, but the complex conflict between pursuing economic betterment in an era of increased opportunities and the pursuit of “justice” goals remains. The nature of challenges to the rule of law has also changed. In key areas such as climate change, for instance, India is no longer merely a “victim” nation. Instead, it is a key player in shaping the global rules of engagement. Yet, several pre-globalization problems persist, particularly with respect to access to courts.

On the bright side, globalization provides opportunity for greater collaboration. The conversation among legal educators has become richer. Other new schools, notably the Jindal Global Law School founded and headed by Dr. C. Raj Kumar, have lofty ambitions to transcend borders. Jindal is seeking to prepare “global” attorneys, who have the capacity to practice internationally. While there are several challenges to this goal, such as national limits on foreign attorneys practicing in some countries, it is nevertheless exciting because it tremendously increases the pool of attorneys who may decide to practice law with the goal of increasing access to justice. They may even change the way in which law is made and implemented by bringing in a rich array of cross-border experiences. While it is too early to predict how these experiments will play out, it is clear that legal education in India continues to evolve. However, whether legal education will eventually strengthen the rule of law systematically, is anybody’s guess.