

# THESE ISLANDS OF EXCELLENCE MUST NOT BE MAROONED

Relevant for: Developmental Issues | Topic: Education and related issues

Recently, the Chief Justice of India (CJI), N.V. Ramana, made several comments concerning legal education through his addresses in various universities. He observed that the national law universities were being perceived as 'elitist and detached from social realities' because not enough students were joining the bar. He added that even among those who joined the bar, the trend was to practise at the levels of the Supreme Court of India and High Courts while ignoring trial advocacy. Earlier in the year, the CJI had made the comment that law graduates were ill-equipped to handle the profession and that sub-standard legal educational institutions in the country were a worrying trend. Additionally, the CJI made a remark recently that the focus on legal education should be on the practice and not theory.

The CJI's words are a welcome cause for introspection. As institutions capable of fundamentally altering the legal landscape of the country in the decades to come, such comments must not be brushed aside casually. So far, the experiment of national law universities has thrown up mixed results. While they have been celebrated as 'islands of excellence in a 'sea of mediocrity, as perceptible from the CJI's remarks, they are also deemed by many to be detached from society. But this is just one of the many contradictions that national law universities face today. The first contradiction is that even though national law universities are criticised for imparting pedagogy focused on securing placements in corporates and corporate firms, it is these placements that are taken to be a significant marker in judging the success of national law universities.

Another contradiction is that even though they are referred to as 'National' Law Universities, they are established and partially funded by State governments. National law universities, therefore, have to operate in an increasingly fluid political environment. With state funding shrinking, most national law universities are facing a serious crisis. The 'national' character of these universities stems from their cosmopolitan demographic profile of students and faculty. Of late, this 'national' profile of the national law universities has had to increasingly navigate the pressures in many States which, by virtue of being the primary patron of a national law university, are able to exert influence on several key issues such as domicile-based reservations and pay scale choices.

The perceived disconnect between social realities and legal education can only be bridged if the research emerging from national law universities addresses social issues and provides workable and practicable solutions. Therefore, there is a need to focus on the promotion of research-driven academics. This requires us to move beyond the rigid framework created by the Bar Council of India and the University Grants Commission, which for example, needs the faculty to undertake a minimum number of lecture hours per week, etc. There is a need to have separate faculties for teaching and research. Research-driven academics must also be promoted through institutional arrangements and schemes incentivising the same. National law universities can no longer survive as mere teaching institutions.

The national law universities face stiff competition from upcoming private universities *vis-à-vis* quality faculties with exposure to best practices and these universities lose out on such faculty owing to many factors including rigid pay scales. While the hiring of faculty holding foreign degrees is not the only solution, the training of the existing faculty in traditional methods of knowledge delivery cannot be expected to satisfy the purpose for which the national law universities were created. The same results in a demand from students for better faculty, pedagogies and curricula. While the delivery of these demands differs from national law

university to national law university, these issues have been at the centre of student protests in several universities.

Another reason for student protests in national law universities has been the inability of the leadership to respond to the needs of the students, faculty and staff in an adequate manner. Day-to-day problems when left unaddressed lead to avoidable confrontations. Decisions resolving the issues must be taken firmly and in a timely manner without undue delays. This problem is going to multiply as the State withdraws its funding and national law universities are left to generate their own resources. The same will require a display of ingenuity and entrepreneurship in raising adequate finances in the face of ever-increasing expenditures.

It is equally important that the pedagogy must be focused on practical aspects of law, rather than just the theory. The courses must invigorate our classrooms with the experience of practitioners and arm our students with the practical understanding of the functioning of laws and the justice system. Our judges and advocates must be obligated to contribute to the classrooms. They must be encouraged to offer paid internships to students to incentivise their learning experiences.

Finally, it must also be understood that the purpose of education at the graduate and postgraduate levels is fundamentally different. The focus of education at a graduate level must be practice-oriented with a focus on imparting students with the ability to learn and understand. On the other hand, the focus of pedagogy at the post-graduate level should be academic with a stress on imparting students with the ability to not only critically evaluate but also to apply the knowledge. This is crucial if we are to create well rounded and quality faculty which can contribute to the academic discourse meaningfully.

Going by the National Education Policy, the shape and the content of a single discipline university is to change soon. The need, therefore, is to plan the future vision of national law universities in terms of becoming multi-universities to include subjects of crucial significance, including the awarding of degrees other than the law discipline. Also, there is a need to establish an independent regulator for legal education in India. National law universities can collaborate in a significant way to benefit each other by sharing human resources and expertise.

With the exception of a few national law universities, most have a long way to go with respect to many of the points raised above. This article is not intended to be a justification or an explanation to the CJI's comments. Instead, its purpose is to introspect over and understand the problem areas which require rectification. As mentioned earlier, national law universities have the potential to transform the legal landscape of our country. But much is still required to be done before such a potential can be realised.

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There are questions that need to be raised and allegations that must be countered about the vaccine strategy

**END**

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