

**“WHETHER THE GRADUATES OF NATIONAL
LAW SCHOOLS CATER TO THE NEED OF
BAR/BENCH?”***

* Author: Mr. Rohit Moonka, LLM Student, Gujarat National Law University, Gandhinagar

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RESEARCH METHODOLOGY

This research project is prepared on the basis of empirical research work for which data has been collected through Questionnaire, Schedule and the same has been analysed in detail.

SCOPE AND LIMITATION

Universe of this research project is 2nd year to 5th year undergraduate students of the Gujarat National Law University, Gandhinagar. Around 100 students were interviewed for the purpose of this research project.

1. INTRODUCTION

In a democracy, the value of rule of law reigns, signifying that no one is above the law. The law and the judiciary seek to defend and promote the individual, and the individual being the unit of society, for social welfare too, law plays a crucial role. Social welfare is merely a shorthand description of the welfare of the individuals¹ who constitute the society. In such a society, law serves as an instrument to achieve socio- economic development. Today law is viewed not merely as an instrument of social control but also as an instrument of social change.

If these functions of law are to be achieved efficiently, it is essential that the protectors of law, that is, the judiciary, is effective. By being challenged in the courts of law, a law becomes more mature and more evolved. It is the courts that directly oversee justice being imparted to common citizen. Many a times, in India, the courts, by virtue of the precedent value of their decisions, have been able to lay down law to protect the people of India. When such a great reliance is placed on the courts of law, it becomes important for a country to ensure high standards for selection, training and imparting education to members of the Bar/Bench.

The history of legal education in India traces back to the colonial period. During colonization, the nature of the society was different and the scope of law was limited to that of a regulator rather than a facilitator. Even after the dawn of independence, changes were hardly brought in the way legal education was imparted. Profession of litigation was somehow not able to attract serious students of law.

¹ B.F.WILLCOX, “Kasuli Seminar”, 4 Jaipur LJ 204 (1964)

To address this worrisome problem and also to further upgrade and disseminate quality legal education, National Law Schools were envisaged. In the year 1987 National Law School of India University (NLSIU), Bangalore was set up. It was the first law school that adopted the innovative 5 year integrated law course which was highly focused and competitive. It started the trend of an entrance exam as a measurable criterion to give the most meritorious the opportunity to study law. As a consequence, only the best could make it to the law school. It also enjoyed greater autonomy to experiment with new law courses and teaching methods and therefore, established themselves as quality legal education. After the success of this format, many similar law schools were set up to cater to the need and this changed the face of legal education in India².

According to Hon'ble Justice B.N.Agarwal, Judge Supreme Court of India³ "National Law school were set up in India with the objective, inter alia, to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislations, law reforms and the like and to make law and legal processes efficient instrument of social development". A strong Bar is *sine qua non* for an independent and strong judiciary which plays an important role in the democratic set up. Legal profession is the bedrock of the judicial system and legal skills are at the heart of the profession. One of the core objectives of the NLSs was to enrich the Bar/Bench with well-trained and dedicated students of law, who can ultimately contribute in proper administration of justice. Although it doesn't mean that all the products of NLSs must join Bar, but if students of NLSs largely do not opt for litigation as a profession⁴, it will frustrate the very

² Total number of National Law Schools ("NLSs") as on October 31, 2006 is 11.

³ (2007) 6 SCC J-1 at page 8

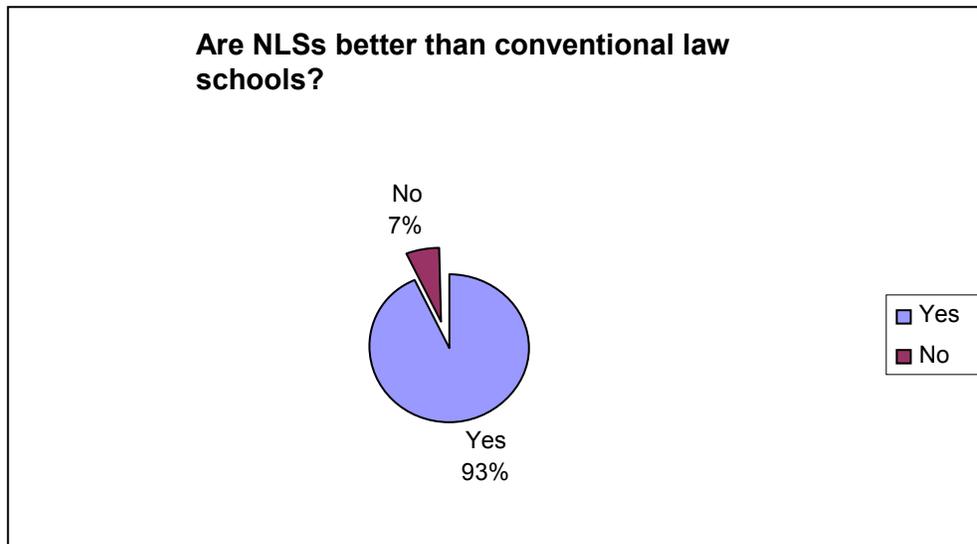
⁴ Only 15% of National Law Schools product are joining Bar, rest 85% are joining Corporate Sector/ Law Firms as mentioned in (2007) 6 SCC J- 8

purpose of the National Law Schools. An important objective of legal education, no doubt is to produce advocates to practice before law courts and thus help in the administration of justice to the common man⁵.

The question remains, that to what extent this objective behind setting up of NLSs is being achieved? Have the Bar/Bench benefited from the services of the graduates of the NLSs? Are the products of NLSs fulfilling the long cherished dream behind their establishment?

2. NATIONAL LAW SCHOOL VERSUS CONVENTIONAL LAW INSTITUTIONS

i) Whether National Law Schools are better than Conventional Law Institutions:



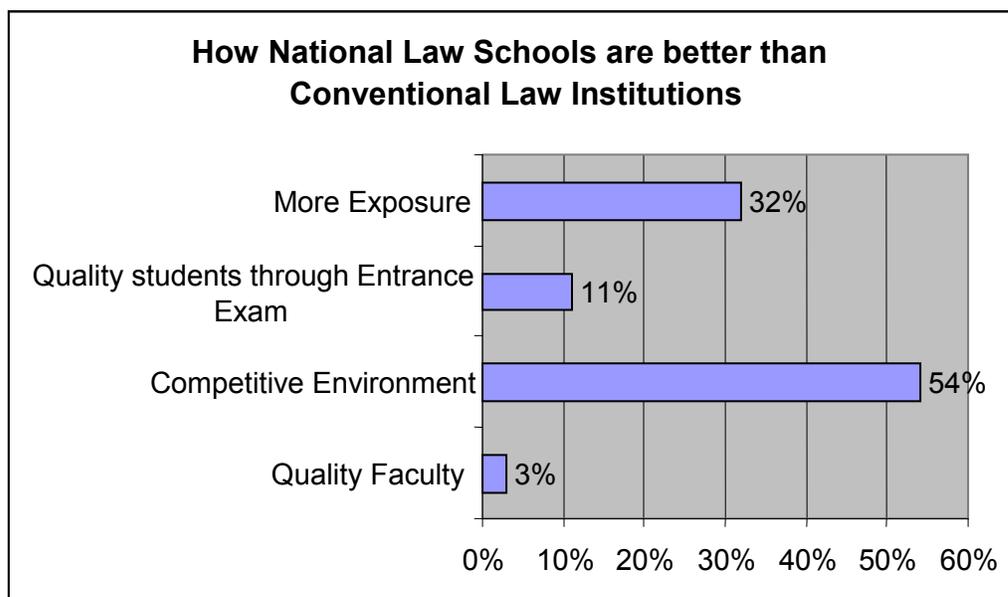
National Law Schools were established as Centres for Excellence in legal education, with the objective of creating focused students who are dedicated to

⁵ M.P. Jain, Outlines of Indian Legal & Constitutional History, Wadhwa & Co., Nagpur, 6th Ed., 705

legal pursuits. When asked whether the NLSs are better than the conventional law schools, an overwhelmingly large majority of students answered in affirmative.

ii) How are the NLSs better than Conventional Law Institutions?

When asked the reasons for opining that the NLSs were better than conventional law institutions, the following were some of the major responses:

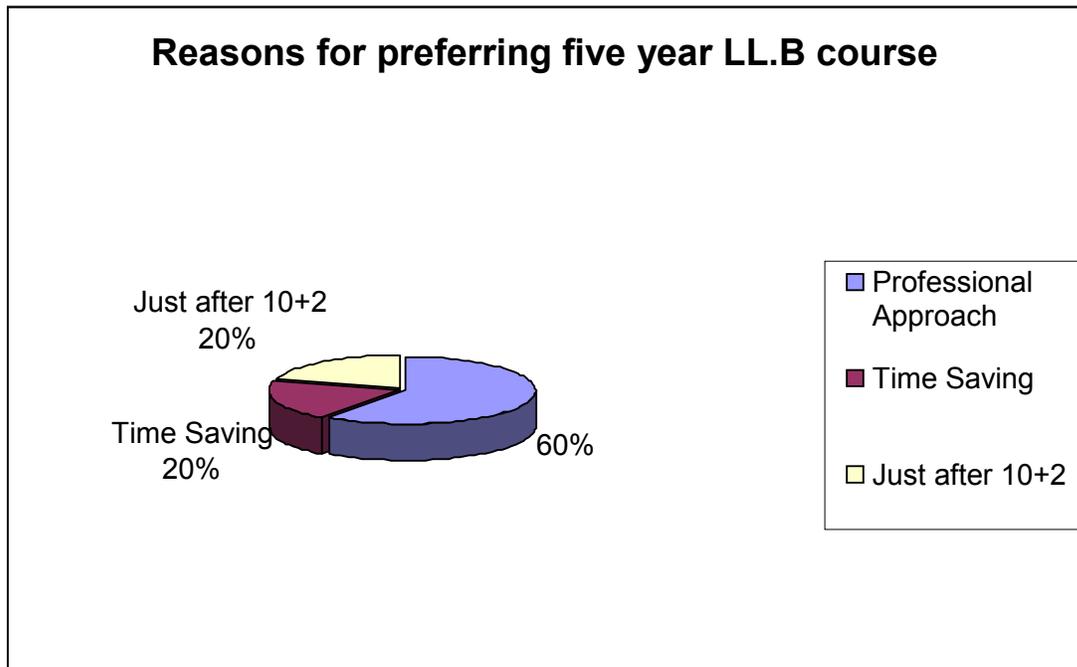


According to 32% of the respondents, students at an NLS get more exposure to better education as well as better career-prospects which they don't get in conventional law institutions.

The entrance examination ensures good quality of students who study at these law schools, which 11% of the respondents felt was what made the NLSs better. 54% of the respondents felt that a crucial factor in what makes the NLSs better was their competitive environment. The students of NLSs are exposed to and committed to co-curricular activities such as Moot-Court Competitions, debates,

conferences and seminars, publishing articles in reputed journals et al, by which they get to sharpen their legal understanding.

iii) Reasons for choosing a five year LL.B course:



As per the respondents of this research project, 60% opined that the professional and dedicated approach of NLSs' in imparting legal education, which increased the chances of getting a good job on graduation, is a major reason for opting for a NLSs.

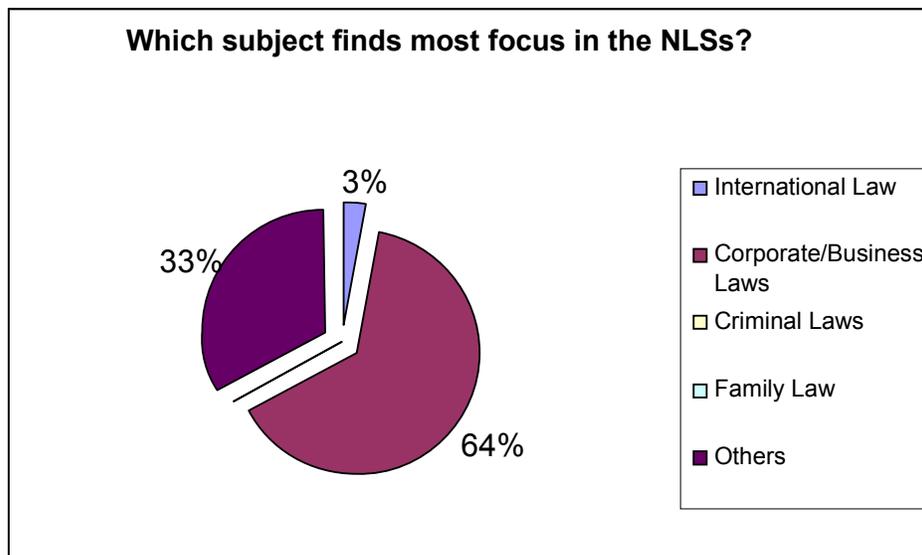
20% of the respondent opined that since the five year law-course saves one year of a student's life, it is a favourable option. (Normally, a student has to spend 6 years, 3 years of graduation plus 3 years of LL.B)

Rest 20% of the respondents contended that as minimum eligibility for 5 year law course is 10+2, it becomes very convenient and practical. It also provides a better opportunity to study the law in detail. 5 year LL.B also provides a dual-degree, which is an added incentive.

3. CURRENT SYLLABUS AT THE NLSS:

i) Whether the current syllabi at NLSs are more focused on any particular law courses:

Majority of the respondents of this survey contended that the courses at the NLSs (particularly at GNLU, being the Universe of this survey) was more focused towards Corporate/ Business Laws, which can be a big factor in influencing the choice of selecting a future career for the students.



64% of the respondents have opined that the current syllabus is more focused on corporate/business laws which clearly show that the approach of National Law School is more towards promoting students' knowledge about the corporate

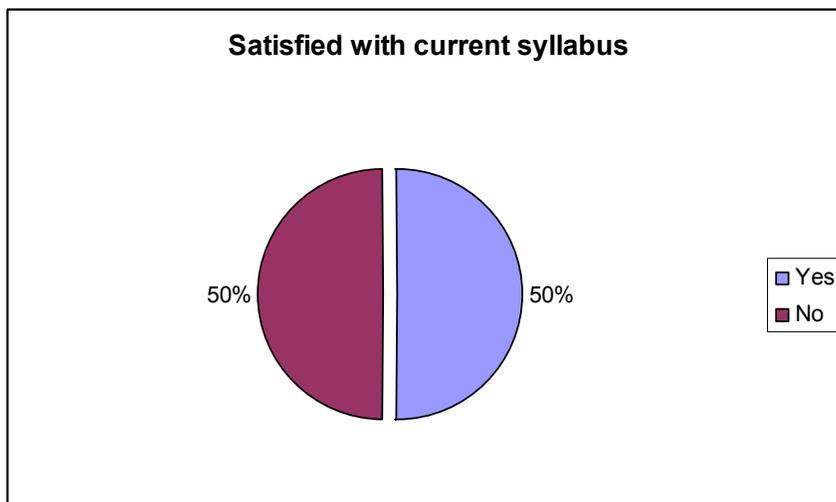
sectors. It also shows the demand for creating a tailor-made product for the corporate sector. The interest and the need for creating students for the Bar/Bench seems does not seem to be a clear priority at the NLSs as far as the syllabi-development is concerned, according to the respondents of this survey.

Only 3% of respondents have said that the current syllabus is more focused on international law but none of them opined about any other area of law. 33% of the respondents could not decide which was a clear focus of the curriculum at the NLSs.

The syllabus of law courses have to be carefully designed. The multidisciplinary character of legal education must be respected. Curriculum development *inter alia* involves revisiting the distinction between core/compulsory and optional courses, considering the need to expand the domain of optional courses, rethinking the syllabus of individual courses, and developing innovative pedagogic and clinical methods.

ii) Whether the current syllabus is satisfactory?

When asked whether the present syllabus was satisfactory, the opinion of the respondents was clearly divided.



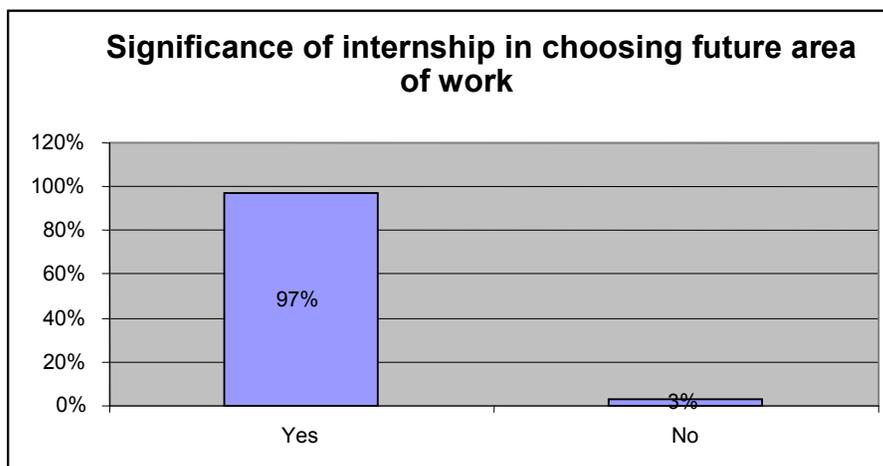
This proves that there is a clear scope for improvement of the syllabus of NLSs.

4. INTERNSHIPS

i) What is the significance of internship in choosing future area of work?

The internship program is a critical element of professional legal education at the NLSs. It gives practical learning to the students and prepares them for the real world. In many NLSs, students compulsorily have to intern during their vacations at NGOs, trial courts, appellate courts, law firms and corporate firms. They also have to prepare a report on their internships, and are evaluated accordingly.

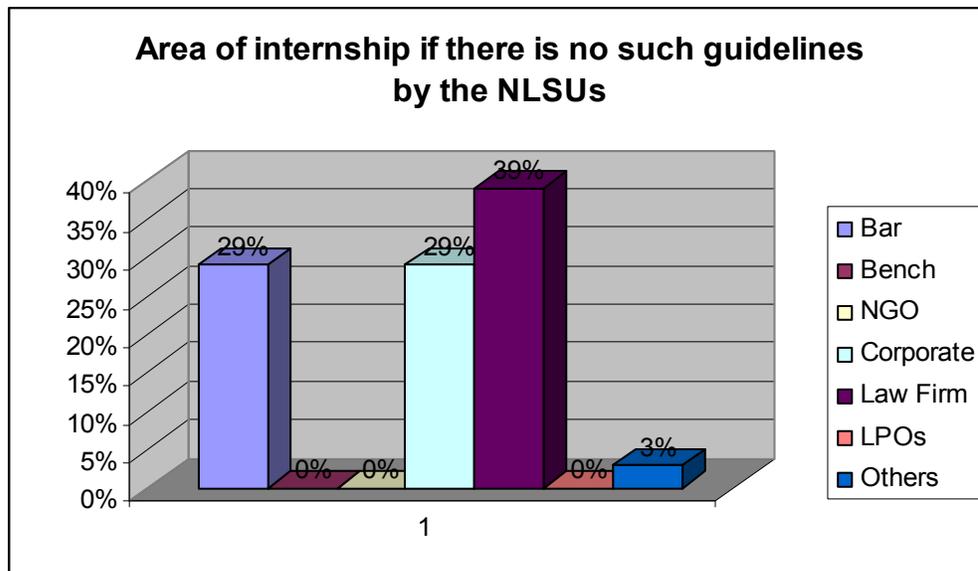
When it was asked from the respondents about the significance of internship in selecting their future area of work sweeping majority of them opined in positive.



97% of respondents opined that internship is a helpful medium to get a true experience of real world. Based on these experiences, many students decide their future area of work.

ii) What would be the obvious choice if there were no guidelines for internship?

Each NLS follows certain guidelines regarding the internships taken up by the students. For example, over the period of five years, each student has to do an internship at least once with an NGO, at the trial courts, appellate/High courts, law firms and corporate firms.



As per the responses, it was evident that 39% respondents would have preferred Law firms, whereas 29% of respondents would have preferred corporate for all their internships if there was no guideline for internship. It clearly talks about the area of interest of the students.

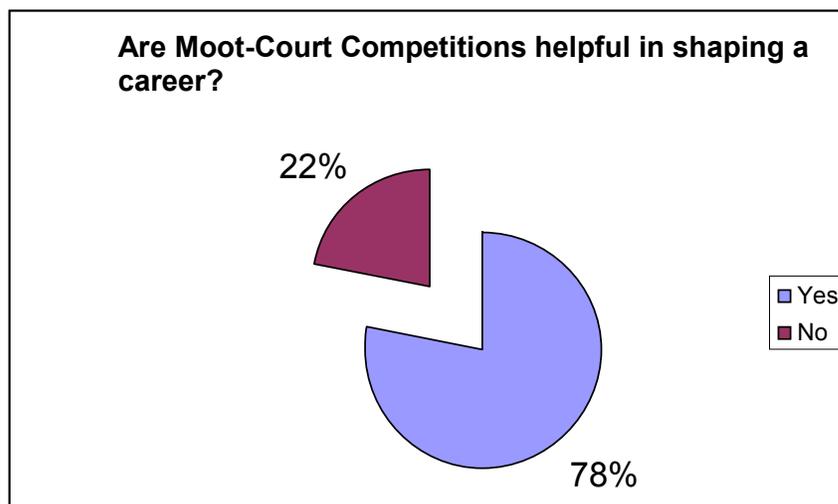
Only 29% of respondents have opined to join Bar for every such internship internships where as only 3% of respondents are interested to join others area for internship if there wouldn't have been any such restriction. It is evident that only less than 1/3 of the total respondents are interested to join Bar even for short

internships which shows the lack of interest among the respondents towards a career in Bar. It may be likely that this disinterest is perpetuated by not giving adequate importance to internships at Bar/Bench.

5. MOOT-COURT COMPETITIONS:

i) Are Moot-Court Competitions helpful in shaping one's career?

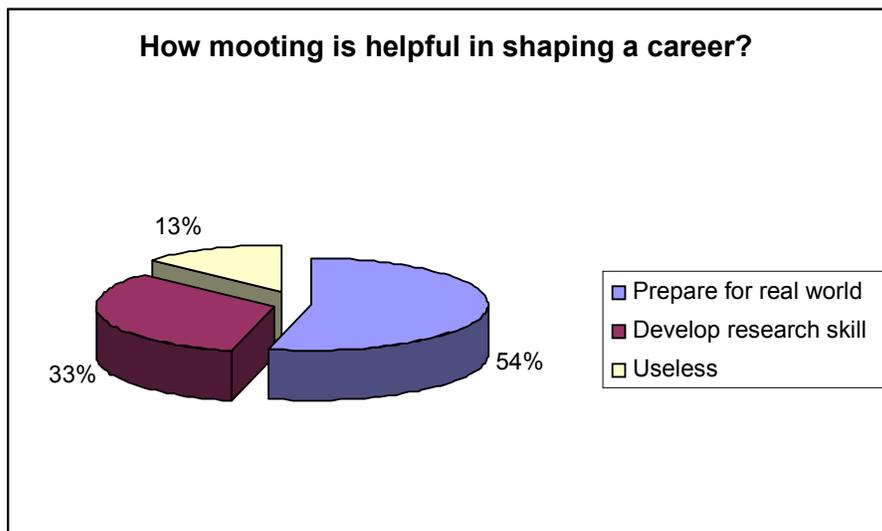
Mooting is an integral part of legal education. It helps a student hone his/her research and communication/oratory skills. It also allows a student to learn legal etiquette necessary to all forms of legal practice⁶. Moot-courts are a very helpful way for the law students to get understanding about procedural aspects of law as well as an opportunity to develop a liking towards the profession of arguing law.



⁶ *National Knowledge Commission*, Report of the working group on Legal Education submitted to Prime Minister of India in 2007

78% of the respondents answered in positive that Moot-Court Competitions are helpful to shape their future, whereas only 22% of respondents contended that these competitions are not helpful to shape one's future.

ii) How is mooting helpful in shaping a career/future?



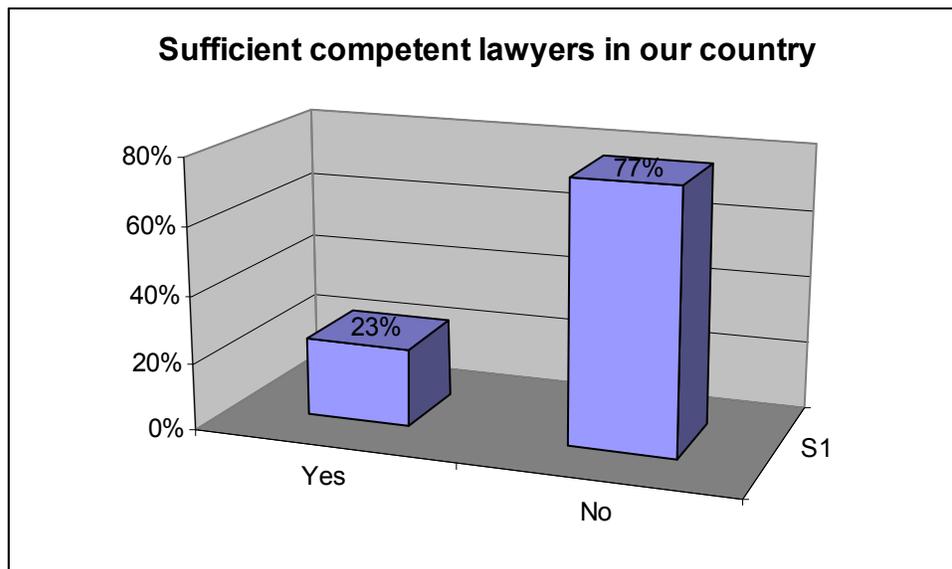
54% of the respondents have answered that mooting gives a real world experience as how to present your matter before any forum whether it is a Court or it is a presentation before the prospective customers in a corporate house. Also, 33% of respondents have contended that mooting further helps in development of research skills which are always helpful in future irrespective of the field where a respondent works. As research skill can be sharpened by practise, and moot court competitions provides an opportunity, a platform to the respondents to polish their research skills.

Only 13% of respondents have opined that mooting is useless and is merely for making one's CV more attractive.

Moot court competitions are closest to litigation. Since such a high percentile of respondents have shown their liking for moot court competitions as preparatory tools for their future career, there exists tremendous potential to encourage these young brains to join the bar/bench.

6. AVAILABILITY OF LAWYERS IN INDIA:

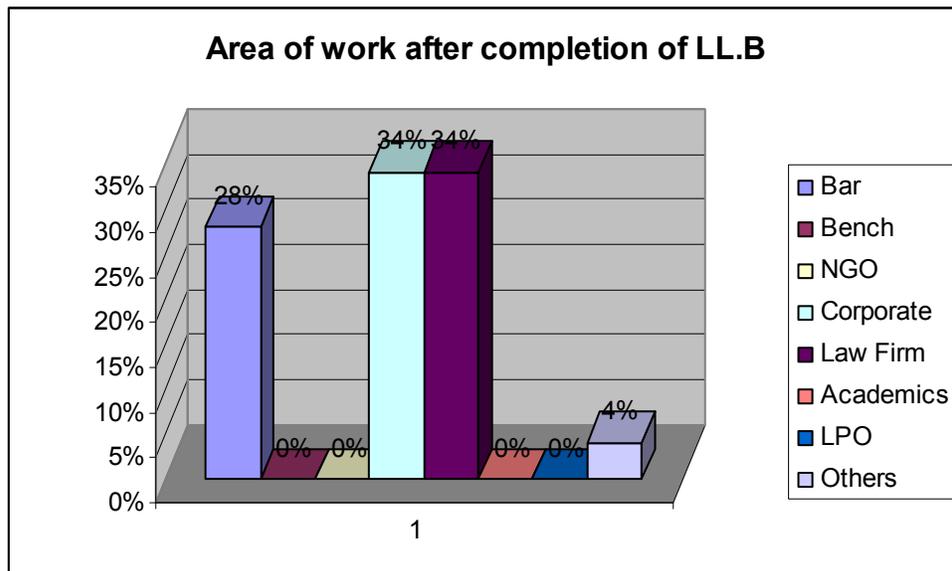
i) Are there sufficient competent lawyers in India presently?



It is important to note that 77% of the respondents opined that there exists a derth of sufficient and competent lawyers at the Bar in India. This shows that the respondents themselves feel the need to uplift the quality of the Bar. However, it was surprising that many respondent who felt this way, were still not interested in joining the Bar themselves.

7 CAREER-CHOICE:

i) What is the chosen area of work of the respondents after completion of LL.B?



From the respondents, 34% were explicit about their choice to join corporate sector in the future and another 34% were interested to join Law firms after completion of LL.B. These statistics clearly show that majority (more than 2/3rd) of the respondents were interested in selecting a career-option other than the Bar.

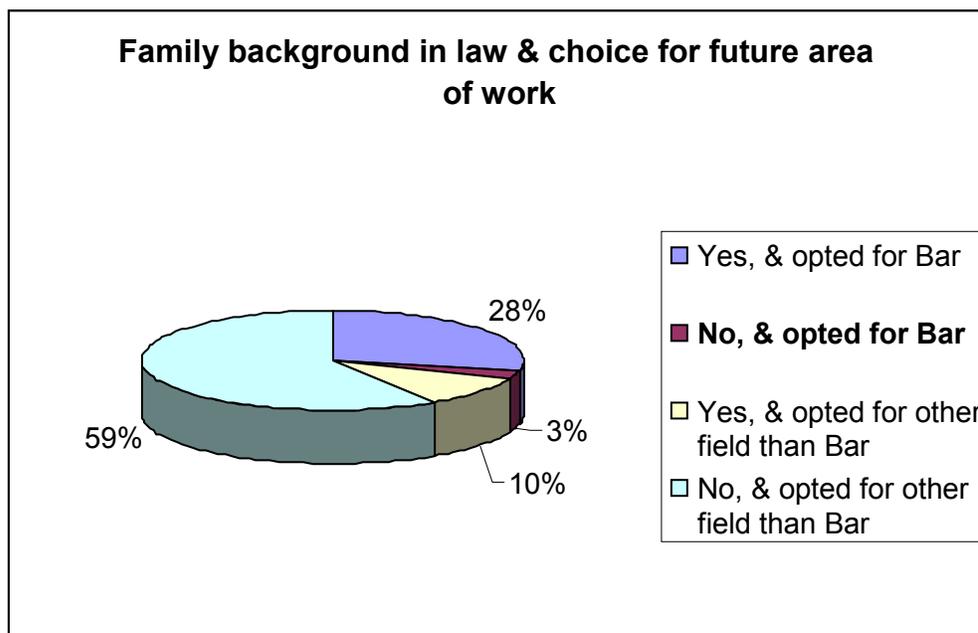
Although 28% of the respondents did show the interest in joining the Bar, it was observed that more than 2/3rd from these respondents had a family background in litigation. This clearly shows the lack of interest or motivation of a large majority of NLSs students to prefer a career other than the Bar/Bench.

Only 4% of respondents did show some interest in joining fields others than the ones listed above. However, they were not very specific about what these other options could be.

8 FAMILY BACKGROUND:

i) What is the correlation between respondent's family background in the Bar/Bench with future area of work?

This question was asked to understand the trends of those respondents who had decided to pursue a career in Bar and find out whether they had a family background in the field of Bar/Bench.



These figures show that 28% respondents, who had family background in the field of law had made the choice of joining Bar as a future career. Only 3% of respondents were those who do not have any legal background, but still opted for Bar in future. This indicates that there is a very thin minority who is ready to face

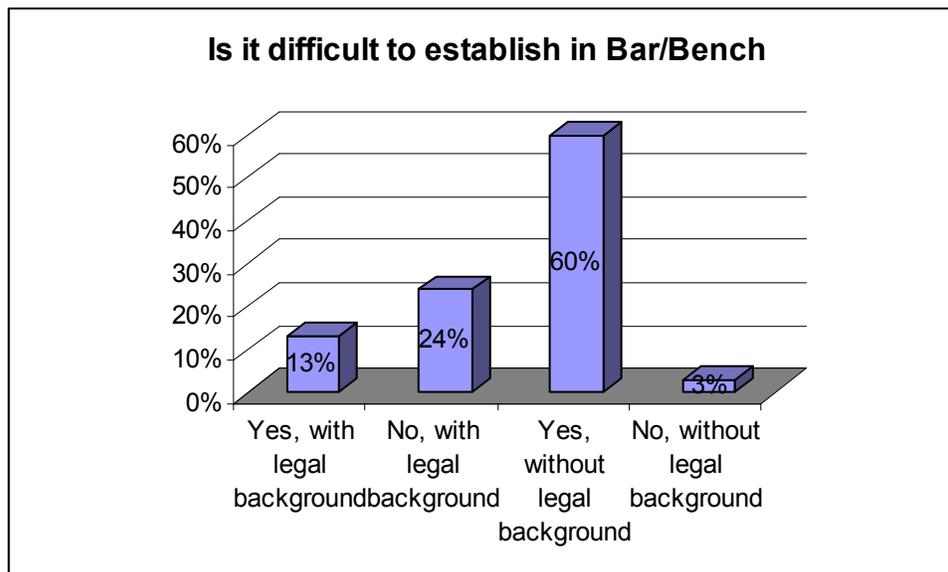
the challenge to pursue a career of their choice. It can be inferred from the aforementioned statistics that for students who have a background in the field of law, joining the Bar comes as an instinctive choice. This preference could be due to the reasoning that it is easier for them to sustain and establish oneself on joining the Bar, if one has a family background of law, and more specifically of Bench/Bar.

This is reiterated by the fact that 59% of respondents constitutes of those who did not have any legal background, and have opted for joining fields other than Bar. They prefer Corporates/ Law firms as their future career choice owing to strong security of job and a salary, which might help them to repay the loans they took to study at the NLSs. This trend is clear enough to represent that those without a background in law are not motivated enough to pursue a career in litigation on completion of their LL.B.

It must be noted that 10% of respondents, who have a family background in law, are still interested to join fields other than Bar/Bench. This denotes that despite a family background in law, some respondents prefer taking up jobs in Corporate/ Law firms where they will get more exposure, financial returns and scope to flourish in future as compared to a career in Bar. Having a family background of lawyers, it might be possible that they are disillusioned about the justice delivery mechanism in India, which raises some serious issues about the inability of the Bar to attract even those with a sense of security in the profession.

9. ESTABLISHING ONE'S SELF IN BAR/BENCH:

i) Is it difficult to establish a career in Bar/Bench?



In response to the question as to how easy/difficult it is to establish a career in Bar/Bench, 60% of the respondents have opined that it's difficult to establish oneself in Bar/ Bench without legal background; this also influenced their decision of not joining the Bar. More than half of the respondents feel that the Bar does not offer as comfortable a start, perhaps as compared to a corporate or law firm. Interestingly, 24% of the respondents having a family background in law have contended that it is not difficult to establish in Bar/Bench. However, 13% of respondents who, despite having a family background in law, have contended that it is difficult to establish a career in Bar/Bench. Only, 3% of the respondents who do not have any family background in law feel that it is not difficult to establish oneself in Bar/ Bench. The percentile of such respondents is very negligible.

10 CONCLUSION AND SUGGESTIONS:

From the results of this empirical study conducted, it is evident that a majority of NLSs students are more interested to join Corporate sector/ Law firms and a very marginal number of them are willing to join the Bar. From those willing to join the Bar, most of them have a family background in law. This reflects the need to evaluate the success-rate of the NLSs in raising the quality of the Bar/Bench. It is high time to find out the solutions to this problem, and take measures to motivate the highly qualified and well-trained students of NLSs to join Bar/ Bench.

In this regard, the first suggestion as pointed out by Hon'ble Justice B.N.Agarwal⁷ is that “ We can take ten toppers from twenty law schools every year and ensure each one of them getting Rs.30,000 per month for practising in metros and Rs. 20,000 in cities where there is High Court seat for a period of three year which may help the objectives of enriching the Bar. Initially, this scheme may be started for a period of three years and if it works well, it may be extended further. I think this is high time that on this issue the Bench, Bar, NALSA, Bar Councils and Law Ministry should dilate upon and work out the modalities”. This suggestion indicates that Bar/ Bench have to become professional to lure the best talent of the country and make the sector more financially attractive. The Bar and Bench must remember that they are in direct competition with the corporates and law firms, when it comes to attracting the best of the law students in India.

Secondly, although in every NLSs higher judiciary is always associated with the policy making, it has been observed that the benefit of the practical experience of the Judiciary is not being utilised by these NLSs for the benefit of their students,

⁷ Supra, note 3 at page J- 9

except a handful. There should be more interactive classes with the Hon'ble Judges of District Court/High Court/Supreme Court who can motivate the young minds to join Bar/ Bench. There should be more lectures of those legal luminaries and senior advocates organized by these law schools, who can inspire the students. Only from optimistic and encouraging legal luminaries will the students get the role models for a possible career in Bar/Bench.

Thirdly, as implemented in medical colleges, a student is required to visit a hospital either attached to his/her respective or nearby college and assist a senior doctor in the treatment of patients. This practice is not yet being followed at the NLSs. If an NLS is attached to a particular District Court/High Court, whereby students are sent there regularly, not only to watch the proceedings but also to assist the government pleaders or public prosecutors as a part of their curriculum, it can stimulate a great interest among the students towards Bar/ Bench.

Fourthly, the syllabi of the law schools should cater to the need of all the fields of law and not only the corporate laws. Most importantly, greater focus is required towards teaching about the judicial system in order to adhere to the objective of encouraging more students towards Bar/Bench. Emphasis should also be given on the procedural laws like Criminal Procedure Code ("Cr.P.C."), Civil Procedure Code (C.P.C.), Evidence Act etc., so that a student can be better equipped with the intricacies of the procedural aspect of law.

Fifthly, at present, most students are being sent for internships in trial court/high court without being taught the relevant subjects like Cr.P.C., C.P.C., Evidence Act, Indian Penal Code etc, which does not enable them to appreciate the functioning of the courts. This shows that currently, the trial court internships are not encouraged to be taken seriously. Such internships should be scheduled only

after providing the thorough knowledge on laws and procedural aspects which can provide them better understanding before undergoing practical training.

Sixthly, as Dr. Madhav Menon emphasises “as clinical method of teaching gives law students a deeper and more meaningful understanding of law, the legal profession and the lawyering process than would be possible if these same subjects were taught with traditional methods in the classrooms”⁸. More and more clinical methods should be introduced as a part of curriculum like, legal aid clinic, legal awareness camp, lok adalat, mock trials, working on real projects/ simulated projects which will further hone the skills of a law student and provide adequate confidence to join Bar/ Bench just after completion of their LL.B.

Seventhly, to attract students of NLSs towards Bench, judicial clerkship should be encouraged. Judiciary should also come forward to accept more and more interns as judicial clerks, which will further boost the confidence of the students and motivate them to join the Bench. Also, the criteria to join higher judiciary should also be relaxed and it should not be rigid for minimum experiences where as merit should be given importance, so that whoever are meritorious can be selected.

Eighthly, the Bar should also come for on-campus recruitments in an organised way and should select the best talent from the campus itself so that the best talent could be absorbed and nurtured from the early stages. The salary package should also be competitive with those offered by corporates and law firms.

One of the key motivations for a young law graduate to join corporate or law firm is the salary. The lure of salary is heightened by the fact that these NLSs have very high fees (approximately Rs.50,000 per year) and many students take financial

⁸ Dr.N.R.Madhava Menon, Clinical Legal Education, Eastern Book Co., (1998) at page 25

loans to pay their fees. If these fees are decreased, the students would be less pressurised to take a decision based solely on their financial needs.

It is only by implementing these suggestions that a reform in the present scenario can be brought about. A radical change is required such that the students of NLSs positively come forward to join Bar/ Bench and thus, help evolve the legal processes of our country. This way, the central goal behind establishment of such NLSs will be fulfilled.