

What are the goals and objectives of the Law Schools in their Primary Role of Educating Students? What are we educating our Students for?

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The National Law School of India University came into being on 29th August, 1987 through a Gazette notification under the National Law School of India Act, (Karnataka Act 22 of 1986). This was the beginning of the experiment of a new model of law schools in India, at the same time it was the end of over thirteen years of concerted effort of law teachers, lawyers and judges to bring about reform in legal education in India. It was the product of the statutory responsibility that came to the Bar Council of India, in the context of the Advocates Act, 1961, for maintaining standards in professional legal education. Today there are over thirteen law school type institutions in India.

When one reflects on why a need for such an institution was felt in India as well as what was the mission and vision for such an institution it leads one into the history of legal education in India which goes back to the colonial rule, especially the nineteenth century. However, it should suffice here to confine ourselves to the immediate objective that was sought to be achieved by the setting up of the National Law School of India University (hereinafter the law school).

It was a unique experiment in the cooperation between the law teaching profession, the bar and the bench. The management of the institution is more or less in the hands of the members of the legal profession. "The objects" in setting up this institution was not only to prepare "conscientious, competent members of the legal profession", but also "to advance and disseminate knowledge of law and legal processes in the context of national development."¹ Thus, the law school was to encourage the study of law as an instrument of social change and this was to be achieved through the interdisciplinary approach to the study of law and by instilling in the students a sense of responsibility to the larger society.

With these objectives in mind Extension activities like legal literacy classes for women students in the women's colleges in the city of Bangalore through the Centre for Women and Law and providing Legal Services to the marginalized groups like women and dalits in the nearby communities through the Legal Services Clinic were begun right at the inception of the law school in 1988.

¹ Bulletin of the National Law School of India 1989-90 pp. 5 and 6

From this it is clear that the role of law school was seen as part of the larger processes going on in society. This is why during the first seven years the law student was told that she was a "social engineer". To further sensitise the students toward this goal of the law school a Law Reform Competition used to be held requiring students to make community based studies extending over a two year period. Three such competitions were held within the first seven years of NLSIU's life. All students from institutions where law was taught were encouraged to participate. The themes selected were from the concerns that affected Indian society resulting in research on bonded labour, sex work etc.

It was also in keeping with the perspective that law is a socio-cultural phenomenon that the curriculum in the law school was prepared. The student is awarded a B.A. LL.B. (hons.) degree at the end of the five year programme since she would have studied non law courses like History, Sociology, Economics and Political Science together with some specialized subjects like Law and Rural Development, Law and Urban Development amongst others.

These courses together with the early experiments in Clinical programmes were meant to instill in the student an awareness of how law functioned in society and to be conscious of the ongoing processes in society. Thus, clearly this experiment was aimed at not just preparing a student for the legal profession. For, that would have meant focusing only on providing the students with the technical skills they needed along with the knowledge of the law. The very fact a student of NLSIU had to complete around sixty courses meant that law was seen first of all as the product of a social process and secondly as an instrument of social change.

However, after the first ten years gradually this objective was lost sight off and NLSIU appeared to be preparing students for the market, namely, the firms that practiced corporate law. A few chairs were set up by a law firm and a finance company, professors were appointed to these chairs and the activities under the auspices of these chairs focused on corporate law. As a consequence merely after twenty years since it was set up NLSIU no longer even talks about social engineers.

The question now before us is are law schools supposed to focus on providing technical training and legal knowledge and skills to students or are they supposed to sensitise the students to social issues making them socially responsible individuals who could become the catalysts in their societies. How does one do the latter if that is the objective or atleast one of the objectives?

The History of the Indian subcontinent before independence and since clearly shows the role that lawyers and judges played in the National Movement and in

the social reform movements in the region. Many of them may not have been very successful lawyers but were prominent leaders and played a very important role not only in the National Movement but also in the making of the Indian Constitution and post independence they have been actively involved in politics. At least fifty percent of the members of the Constituent Assembly then and the Indian Parliament today have a degree in law. People like Gandhi, Nehru, Jinnah and others during the Indian National Movement were all lawyers. Today cabinet ministers like Chidambaram, Kapil Sibal were lawyers (This is true possibly for most of the countries that came into existence since the late eighteenth century and especially in the course of the twentieth century.)

Given this fact, for the law schools in this day and age to confine themselves to a very narrow project of merely teaching the statutes and the writing and analytical skills will not be enough. Members of the legal profession have a more far reaching role to play in society than representing their clients.

In a country like India judges have played a very important role in ensuring the access of the most disadvantaged groups to their constitutional rights and liberties. Judicial activism of the earlier decades is largely responsible for the empowerment of women, dalits and other disadvantaged groups. It was the creative interpretation of the Constitution on the basis of Articles 15 (3) and 15 (4) together with the Directive Principles of the Indian Constitution that facilitated Reservation and special legislation leading to political participation of these groups. In fact after a long period of different benches reading the right to education, then part of the Directive Principles of State Policy into the Right to Life, Article 21, Part III, Fundamental Rights has now resulted in Article 21A Right to Education as a Fundamental Right separate from Right to Life.

Given these facts it is extremely important that Law Schools and Legal Educators realize the larger role that they have to play in development of a legal curriculum that make their students fit members of the societies of the twenty first century. It is important to ensure that even while students continue to be provided knowledge of the law and the skills they require to be successful in the legal profession that they are also taught to understand law in context and the very important role that law students have to play as citizens and future leaders of their societies.

Having well trained, skilled lawyers and judges is as essential as having lawyers and judges who understand the role of law and its limits in the process of bringing about social change and in the context of the overall development of society. I think, personally that the interdisciplinary approach to the study of law, which was one of the original objectives is an important element in achieving this goal. Understanding law in context is absolutely essential to ensure that justice is administered and the spirit of the law is upheld and not its

letter. Respect for a rule of law can come about only when the litigants and others in society see that justice is done, atleast in accordance with the existing law and not in violation of it.

When judges use reasoning that defies the powers of reason and when litigants find justice denied to them it is very difficult to make citizens believe that the objective of law is justice. To ensure that we have not only lawyers and judges that respect the ends of law but also statesmen and politicians, the legislators appreciate their complete role in society it is important that law schools rethink their role in this environment of liberalization and globalization. The market cannot be the dictator of the objectives of law schools.² Justice for one and all, irrespective of their class, gender, race and religion must be the goal and that can only be reached when Law Schools rethink their curriculum and their objectives along with their methodology and focus.

² Now more than ever should this realized in the context of the financial crisis that is being felt and experienced the world over.