



Professor Menon:

“JGLS will emphasise the international law component”

Prof. N. R. Madhava Menon reflects on the legal education scenario in India and the pedagogic methods applied in comparison with international law schools, in an interview with **Coordinating Editor Meenakshi Razdan**. He draws attention to the Jindal Global Law School, the new entrant in the national law school category which begins its first academic session in 2009, with the aim of imparting legal education with a focus on national and global perspectives

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Halsbury's Law Monthly (HLM): Do you think the national law schools are increasingly churning out transactional lawyers and not litigating lawyers?

Prof. Menon: They are essentially churning out people who are skilled in undertaking any of the activities which a professional lawyer is supposed to do in the modern context. If there be a time when there is no more a professional demand for transactions, the national law schools should be able to cater to the demands of the legal market. But at the same time, that is more paying as well, so you can't blame the people if they opt for that nature of work. I do know that a large number of graduates recruited from campuses by law firms are doing desk work for not more than two-three months, after which they come back to litigation, and that is a good sign.

And now some of the very established law firms in the country have started offering partnerships to people outside their families, so as to deflect them from going into practice.

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can feed them work. That is what the youngsters want these days.

HLM: Do you feel that with the entry of foreign law firms into India, the demand for Indian lawyers will go up?

Prof. Menon: Yes, and it is then that they will realise the worth of the Indian lawyer. And I have seen the young lawyers of this generation, they can easily compete with any lawyer, anywhere in the world.

HLM: The attrition rate among young lawyers is very high these

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days. There is also an exodus of fresh law graduates every year to work abroad. Is it because they find working in India excessively grinding or jobs here poorly paying?

Prof. Menon: If some young lawyers and graduates migrate to other countries, looking for fresh pastures and higher returns, we must welcome that. The question is that it deprives the common man in India of good quality legal services. The answer lies in producing more lawyers and giving them the facilities to be able to practice in district towns in India.

Today, many of my students who have thought of practicing in trial courts come back in about three months all frustrated and complaining about the corruption, and all types of dealings they witness there. So once the trial courts are computerised, there is better funding in those courts, there is a streamlining of procedures, and the courts are more professional, then I think that young men and women in greater numbers will be willing to face the challenge because litigation is always more challenging, particularly in the trial courts, and young men and women want to get into it, but we must provide that opportunity to them for which judicial reforms are required. Professional reforms are needed;

slowly it is bound to happen. The legal aid apparatus can be reorganised to improve the quality of services.

HLM: In your view, are law colleges in India providing enough research opportunities, academic innovations, opportunities to build strong transnational network and training students to apply law factually?

Prof. Menon: Law is a bundle of skills. I counted the number of skills that a future lawyer would need and I exceeded fifty, and then I looked at how many of those skills we were imparting to our law students and did not find either of what a future lawyer requires being given.

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Therefore, I would say that there is no problem in imparting these skills to the students if infrastructural facilities, including the faculty at law colleges, are so geared. In fact you can learn so much now, thanks to the Internet and computers. Legal research is now revolutioned because of online data bases like LexisNexis; we now have a good research-based understanding of law.

At the undergraduate level, we are trying to institutionalise the research skills of students by assigning them projects that require them to integrate conventional legal research skills with modern ones for understanding of facts relating to law and developing

research-based experiential learning, coupled with lawyering skills.

We put them on placement every year during the summer for two months and we rotate them. If in the first year we send them for two months to an NGO, we expect them to understand the workings and share the social realities of the NGO, and delineate the legal problems they encounter. In the second year we put them in a lawyer’s office, either civil or criminal, and we can in their third year put them in a corporate office, or even a political parties’ office; law is there in all walks of life, and so on. We give them as much opportunities in five years over a ten month period, for a student to

be exposed to diverse legal setting. Therefore, by the end of the fifth year, the five-year student comes out with not only the theoretical knowledge, but with sound understanding of skills, process, their relevance, and perhaps with little bit of ethics as well. That is what an end student should contain.

HLM: There is adequate attention given to the legal curriculum at the undergraduate level (the five-year LLB programme), but do you feel that the curriculum at the graduate level (the three year LLB) needs some attention?

Prof. Menon: When the Bar Council of India introduced the five-year cur-

riculum, it thought that it was going to abolish the three-year LLB programme, which did not attract the right type of students, nor could it give to the students the seriousness of a professional. Therefore, today, mainstream legal education is the five-year LLB. There are some universities or colleges, which are continuing with both the three-year and the five-year courses, to accommodate those who want to study law after their graduation.

The improvements which are contemplated in legal education are difficult to be organised in the three-year curriculum, for two-three reasons: one, the duration is short; two, generally, it is not a residential programme; and three, it is usually offered as a part-time course in the evenings, like in the Delhi University, which offers two evening courses, apart from its morning courses. In a couple of hours in the evening, one cannot impart to students an education which is skill and research based.

So, the improvements that national law schools have brought about in education are: one, to enable the students to understand law in a social context. It is important to understand social realities while studying sociology, political science, economics etc related to law, so that family law, criminal law etc are understood better; through political science, one can understand public law better. That is the integrated knowledge which law is, which the national law schools attempted in their five-year curriculum. The second is that given the longer duration and time, they could introduce the concept of clinical teaching, which of course is also attempted in the three year LLB, but with limitations. In the five-year course, there is

enough time to give students a project to do in every subject, and teach a larger number of subjects. In national law schools, on an average, about fifty subjects are taught, whereas in any other three-year course, not more than thirty subjects can be accommodated. Given the possibilities of innovation, experimentation and creativity, students enrolled for a five-year LLB are more motivated and have longer time to devote, so the possibilities of quality improvement are definitely higher.

But I must add that when the five-year course was started and these innovations were introduced, it had a natural impact on the three-year course as well. So if the three-year course has improved over the last few years, I would say that the reason is the national law schools.

HLM: What makes Jindal Global Law School (JGLS) the state-of-the-art global law school that it claims to be?

Prof. N. R. Madhava Menon: The concept is indeed global because with globalisation, the legal services are getting globalised. A new lawyer will be the transnational, who would be able to see global problems with a local point of view.

HLM: How is the law degree offered by the JGLS different from what is offered at the other national law schools in the country?

Prof. Menon: The first differentiation is that when you attach the word ‘global’ you are contemplating a global faculty, a global student body, and a global curriculum. That is really a distinct difference, as one would imagine that with a global faculty, there will be new pedagogic methods adopted because

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the teachers will have experience in trying out new methods of law teaching. With improvements in pedagogy, one can find reasoning, thought and creativity in a stratagem curriculum.

HLM: How much has been invested in setting up JGLS?

Prof. Menon: I don’t have any clear idea, but I think that it is substantially more than what one requires to set up a law school. I know that to set up a law school of the type that I am associated with, one may perhaps require less than a hundred crore rupees. The investment made in JGLS is four times that amount.

HLM: Do you feel that the standards of education and infrastructure set up at the JGLS match up to global law schools internationally?

Prof. Menon: There is no global law school, even abroad. They might perhaps be attracting students from different parts of the world, but they have not experimented, excepting the one that I know in the New York University that started a global law programme at the Masters level a few years back. In that sense, what is being attempted in the JGLS is in a way very challenging, both for the students and teachers. I assume that JGLS will have a large optional curriculum. There, a student will have the opportunities to study the legal systems of other countries with a comparative perspec-

tive, which would help in improving their understanding of our own legal system. From that point of view it is a value addition, even for him who is not thinking of global practice.

I also believe that JGLS will be giving a lot of importance to the international law component of its legal curriculum, which at present is not available in many law schools in India, such as the law relating to war, or international refugees, or WTO law etc. There are various branches of international law developed, claiming to be candidates in the legal curriculum, which we have in the past found difficult to otherwise accommodate in the legal curriculum due to constraints. But when there is a residential law school such as the JGLS, very able to open up an optional curriculum, the possibilities of looking at legal studies from a comparative perspective are very high.



Prof. N. R. Madhava Menon is Member, Commission on Centre-State Relations. He was the founder and Director of the National Law School of India University in Bangalore and was instrumental in setting it up. He has been the founder and Vice-Chancellor of West Bengal National University of Juridical Sciences in West Bengal. In his last position, he was Director, National Judicial Academy. He has influenced the shaping of legal education policies as a member of the Legal Education Committee of the Bar Council of India and later as the first Secretary of the Bar Council Trust