

**Book Review**  
**Of**  
**“An Idea of A Law School: Ideas from the Law School” (2019)**  
**Edited by N.R. Madhava Menon, Murali Neelakantan, Sumeet Malik, Eastern Book**  
**Company**  
***Rhea Roy Mammen***<sup>1</sup>

**I. Introduction**

Legal education in India witnessed a turning point with the establishment of the National Law School of India University (NLSIU), Bangalore, in 1986. The desire to transform legal education had been discussed by Prof. Upendra Baxi in his note “Towards a socially relevant legal education” which was a consolidated report of the workshops organised by the University Grants Commission (UGC) on the modernisation of Legal education between 1975 and 1977.<sup>2</sup> The experiment commenced in the 1980s and was translated into reality in 1986 by Prof. Dr. N. R. Madhava Menon. To celebrate twenty-five years of the establishment of NLSIU, a seminar was organised to bring together the alumni and founding faculty members of “The Law School”. The book, “An Idea of a Law School: Ideas from The Law School” is therefore a collection of essays from the alumni who spoke and presented their papers on this occasion.

Consequently, the reviewed book<sup>3</sup> is a testimony to the success of NLSIU and how the law school has not only achieved but also exceeded the vision of the founding members. The book stands out, for the thread of argument that it flows into highlighting that legal education is beyond preparing professionals for litigation, but for multiple avenues where lawyers are required. It is worth noting how the alumni of NLSIU have reached different spheres of the legal profession and opened the doors to those opportunities, which had never been thought of before. Preface of the book lists out some of the notable alumni of NLS and their contribution to the society, showcasing the success of NLSIU. Success is not only of NLSIU, but to the five-year law course that was introduced, including wider perspective to legal profession. It further goes on to point out that the purpose of legal education is not merely litigation, but also to ensure that disputes do not always end in litigation. Lawyers are considered to be torchbearers of the nobility of the legal profession due to their ability to settle disputes and define feasible solutions. It is necessary that new entrants to the profession are aware of and hence uphold this nobility.

The essays submitted by the book’s contributors testify to their credentials. The book often feels like a walk-through the memory lane, but it also serves as a reminder to the principal reason NLSIU was established. That is, the responsibility to produce lawyers who were social engineers.

---

<sup>1</sup> Rhea Roy Mammen, Assistant Professor (Law), Ramaiah College of Law; Research Scholar, National Law School of India University, Bangalore.

<sup>2</sup> U. Baxi, Towards a Socially Relevant Legal Education: A consolidated report of the University Grants Commission’s Workshop on Modernization of Legal Education, (1979) available at <https://www.ugc.ac.in/oldpdf/pub/report/1.pdf> (last accessed on 23rd March, 2020)

<sup>3</sup> N. R. MADHAVA MENON, M. NEELAKANTAN, et.al, AN IDEA OF A LAW SCHOOL: IDEAS FROM THE LAW SCHOOL, (2019).

To provide a brief overview of the book, it is divided into three parts broadly covering Legal Education, Legal Profession and Legal Services, and Judiciary and Access to Justice. There are 31 articles in total in the book distributed across the three parts, where the authors have thrown light on different challenges, achievements, and the way forward for legal education in the country.

The book encapsulates a broad range of experience containing contributions from Dr. Justice Rajendra Babu, Former Chief Justice of India, the oldest contributor, through to Mansi Sood, Rhodes Scholar, NLSIU Batch 2016, the youngest. By doing so, this book captures the differences in ideology regarding how legal education and the responsibility of legal profession are perceived by different generations. The discussion titled “The Legal Education in Flux – The NLS experience: Legal education & what comes next” between Adv. Alok Prasanna Kumar, Adv. Murali Neelakantan, Laila P. Ollapally and Prof. Sudhir Krishnaswamy, which is based on this book, provides a wonderful insight into the responsibilities of legal education, the expectations versus the reality, and what it ideally should be.<sup>4</sup>

The book also has the significance of having among its contributors, two great personalities who were key drivers of innovative practices in Legal Education in India, Late Prof. Dr. N.R. Madhava Menon and Late Prof. Dr. Shammad Basheer.

## **II. Legal Education**

Legal Education in India has undergone various stages of transitions, which is something to boast about. Prof. N.R. Madhava Menon, in his article on “Transformation of Indian Legal education”,<sup>5</sup> which was also presented at the Harvard Law School, points out how law schools too have transformed, especially with the demands of the globalised world. The five-year law course was introduced as “Justice Education” to meet the constitutional goals of justice.<sup>6</sup> With globalisation came the demand to ensure that law students are equipped to handle the complex web of the transnational nature of law. Prof. Ranbir Singh<sup>7</sup> and Prof. Prabha Kotiswaran,<sup>8</sup> in their articles, elaborate on how law schools must handle conflicting demands. As Justice Rajendra Babu, former Chief Justice of India, highlights in his article, the purpose of legal education must be to bridge the gap between theory and practice.<sup>9</sup> Moreover, one of the most recommended ways of achieving this is to integrate clinical methods into the legal curriculum. Currently, the Rules of Legal Education, 2008, mandate four clinical papers as part of the legal education curriculum. However, based on Prof. Menon’s recommendation that the clinical curriculum must ensure that law graduates are practice-ready, it was proposed to have eight clinical papers in the final year with the final semester containing clinical papers based on the career choices of the students.<sup>10</sup> The five-year course was introduced to meet the need to

---

<sup>4</sup> A. P. Kumar, M. Neelakantan, et.al, *The Legal Education in Flux – The NLS experience: Legal education & what comes next* (22 Oct. 2019), <https://youtu.be/Y24e74fLc3M>.

<sup>5</sup> N.R. Madhava Menon, *supra* note 2, 113 (Chapter 8)

<sup>6</sup> R. Singh, *supra* note 2, 16 (Chapter 3)

<sup>7</sup> *ibid*

<sup>8</sup> P. Kotiswaran, *Case for a Transnational Approach in Legal Education*, *supra* note 2 (Chapter 4)

<sup>9</sup> Justice R. Babu, *Legal Education Should Bridge the Gap Between Law and Justice*, *supra* note 2 (Chapter 2)

<sup>10</sup> N.R. Madhava Menon, *Innovative Clinical Curriculum for Enabling Law Graduates to Become Practice-Ready*, *supra* note 2 (Chapter 7)

“modernise” legal education and to ensure that it is socially relevant. To ensure social relevance, it is necessary for law graduates to have the competence to meet their professional demands. By the third year, law students must be able to finalise their professional choices so that the later years in the course can be utilised to prepare for the same.

The career options available to a law graduate opened up post 1990s when various corporate organisations opened their establishments. It was noticed that the best legal brains were drained internally by the companies.

Mansi Sood, 2016 batch of NLSIU and Rhodes Scholar, in an attempt to understand the performance of NLSIU and NALSAR, identifies some of major challenges haunting law schools. As recorded in the book, curriculum and teaching methodology were perceived to be the biggest grievances by her respondents in the evidence-based study undertaken by her.<sup>11</sup> It was evident that a growing dissatisfaction had begun to be reflected which can be blamed on the shift of the “baseline” in Legal Education. In this regard, it is necessary for readers to read the book along with the panel discussion that followed it where the panellists have referred to how the expectations regarding the law school have been hyped and the consequent shift of the baseline has caused dissatisfaction among the students.

To settle the growing concern regarding the quality of legal education a Draft National Policy on Legal Education<sup>12</sup> was submitted by Prof. Dr. N.R. Madhava Menon. The policy was drafted after he organised the zone-wise consultative meeting with Vice Chancellors and academic heads of law institutes. While the coverage of the National Education Policy (NEP) with regard to legal education was restricted to less than a page, the draft policy is quite elaborate. Some of the highlights of the draft policy include setting the focus of legal education on inter-disciplinary collaboration and problem-solving, introduction of Lawyer Incubation Clinics (LIC),<sup>13</sup> and making sure that law students have the necessary entrepreneurial skills to start on their own. The striking features of the National Legal Education Policy, as it is indicated are: the necessity to divide legal education into two branches, namely, professional legal education, for those who wish to pursue a career in law, and legal studies, for those who simply desire legal literacy. The Policy also recognises the obligation to maintain the quality of legal education and the necessity for the design of the LLM course to ensure that those entering academia are trained to meet its demands.<sup>14</sup>

The state of legal education is also determined by the fact that most of the legal education institutions are privately funded, including most of the National Law Universities,<sup>15</sup> causing a financial burden on the stakeholders. In such a scenario, expecting them to contribute back to the society cannot be realistic.

---

<sup>11</sup> M. Sood, Legal Education in India: The Role of the National Law Schools and Their Outcomes Supra note 2 (Chapter 6)

<sup>12</sup> N. R. Madhava Menon, Towards a Draft National Policy on Legal Education Supra note 2 (Chapter 1)

<sup>13</sup> *ibid*

<sup>14</sup> *ibid*

<sup>15</sup> *ibid*

Nevertheless, as it can be gathered, NLSIU was a success, but it a worrisome fact if we remain in the shadow of its past glory.<sup>16</sup> It is the responsibility of law students, faculty, professionals, and other stakeholders to ensure that legal education is safeguarded so as to safeguard the legal profession.

### **III. Legal Profession**

The quality of legal professionals reflects the quality of their legal education. Consequently, the presence of NLSIU alumni in prominent posts reflects the success of the law school. However, while opportunities for law graduates have widened due to globalisation, this has posed additional challenges to the educational system and profession to meet the demands.<sup>17</sup> This led to a call for redefining the legal profession and how it is regulated by the Bar Council of India (BCI).<sup>18</sup> Ekta Bahl's article, "Defining or Redefining "The Profession of Law" in India", describes the wider domain of the legal profession:

Today, Legal Profession provide legal services in many capacities, such as arguing counsel, briefing counsel, corporate legal advisory, drafting and conveyancing, in-house counsel, as a team member for management of consultancy etc. Additionally, there is an overlap between the services provided by other professionals as well as lawyers, especially chartered accountant, labour law advisor and company secretaries.<sup>19</sup>

With globalisation, foreign law firms made their entry into India. This was initially opposed by the BCI who restricted their representation as they were not entitled to practice, including litigation and non-litigation work. However, the GATT (General Agreement on Tariffs and Trade) mandate permitted their entry.<sup>20</sup> The BCI drafted the "Bar Council of India Rules for Registration and Regulation of Foreign Lawyers in India, 2016" with regard to foreign lawyers. This required foreign lawyers to register with the BCI and to adhere to the BCI rules thereafter. As proposed by Prof. Menon, though the foreign law firm is registered elsewhere, those recruited are Indian lawyers, thus widening the opportunities for law graduates. With foreign law firms and increased transnational disputes, geographical distance has diminished for lawyers. Technology has stepped in to ensure effectiveness and efficiency.<sup>21</sup> This has introduced us to the new age lawyer entrepreneur who is enabled by technology.<sup>22</sup>

With such advancements, legal education and graduates from NLSIU, in particular, faced criticism for not joining the "Practice of Law" in its original form. That is, it is the responsibility of the legal profession to uphold the rule of law and to extend pro bono services.<sup>23</sup> This criticism has persisted ever since the first batch of graduates of the law school. Adv. Nandan Kamath and

---

<sup>16</sup> Supra No.10

<sup>17</sup> E. Bahl, Defining or Redefining "The Profession of Law" in India Supra note 2 (Chapter 12)

<sup>18</sup> *ibid*

<sup>19</sup> *Ibid* at 192

<sup>20</sup> N.R. Madhava Menon Foreign Lawyers in India and Indian Lawyers Abroad: Prospects for Trade in Legal Services Supra note 2 (Chapter 15)

<sup>21</sup> . Kumar, Practice of Law, Development and the Rule of Law Supra note 2 (chapter 10)

<sup>22</sup> I. Choudhury, "The New-Age Lawyer — Entrepreneur: Enabled by Technology; Inspired by Law Supra note 2 (Chapter 18)

<sup>23</sup> Supra note 19

Adv. R. Seshank Shekar,<sup>24</sup> and Adv. Nandan Nelivigi<sup>25</sup> offer their perspectives as answers to this long-standing criticism.

Pro bono publico (“for the public good”) is a term commonly used, but seldom applied. In a country like India, pro bono activities are inter-related to corporate social responsibility (CSR). There is no proper definition of what constitutes pro bono activities compared to countries such as, the United States, United Kingdom, and Australia.<sup>26</sup> While law graduates desire to connect to the society, the high values and ethics inculcated into them through the law schools make it difficult for them reach the grassroots level.<sup>27</sup> If the legal profession has to be improved, and recognised, it is also necessary that 100 other institutes of law are equally equipped. It is necessary that ethics and values are also considered to be responsible for regulating the legal profession.<sup>28</sup> It is these values and ethics that drive a lawyer to serve the society. In order to keep lawyers informed of their ethical responsibilities and values, a continuing legal education programme was introduced by Prof. Menon in his non-profit organisation, MILAT (Menon Institute of Legal Advocacy Training).<sup>29</sup>

As Adv. Murali Neelakantan observes:

“The underlying theme for our profession was public service. Unfortunately, this is not how we are perceived today and public service is maligned term to the lawyers in US.”<sup>30</sup>

Lawyers are expected to be self-regulated, therefore, the responsibility was cast upon the BCI to regulate the profession in addition to their responsibilities to maintain the standard and quality of legal education and create awareness, along with their personal practice.<sup>31</sup> In order to regulate the lawyers ethically, the constitution of an ethics board was recommended.<sup>32</sup> Moreover, it was recommended that an external full-time independent, disciplined body regulate the profession.<sup>33</sup>

#### **IV. Bridging The Gap**

One of the long-standing discussions that have surrounded legal education and the legal profession is the gap between the two. This disconnect between professional demands and academic inputs, calls for interaction between the academia and industry through faculty-professional interactions.<sup>34</sup> In order to narrow the gap, it is equally important that the BCI

---

<sup>24</sup> N. Kamath & R S. Shekar, “Probono” Legal Services in India: An Opportunity to Bridge the Access to Justice Gap Supra note 2 (Chapter 11)

<sup>25</sup> N. Nelivigi, Legal Profession in India: Need for Radical Reforms Supra note 2 (Chapter 14)

<sup>26</sup> Supra note 19.

<sup>27</sup> Supra note 23.

<sup>28</sup> Ibid.

<sup>29</sup> N.R. Madhava Menon, Continuing Legal Education and the Role of Bar Councils and Bar Associations Supra note 2 (chapter 20)

<sup>30</sup> M. Neelakantan, State of the India Legal profession: Where can we go from here Supra note 2 (Chapter 13) p. 202

<sup>31</sup> E. Seshadri, Role of Our Bar Councils in a Time of Diminishing Brand Equity of the Legal System Supra note 2 (Chapter 17)

<sup>32</sup> . Lukose, State of the Legal Profession Today and Outlook for Tomorrow Supra note 2

<sup>33</sup> Supra note 29.

<sup>34</sup> Ibid.

recognise both academics and full-time academicians. In very rare cases has the involvement of academicians been seen as “amicus curiae”, which is permitted under the law.

Although the competency of faculty has been a concern, it is necessary to take the responsibility to train them to meet professional demands. One of the examples cited was of the “Citizens Legal Awareness Programs Committee”<sup>35</sup> by the BCI, where the legal aid clinics of law institutes can be involved. One of the articles mentions the success of NLSIU as an “accidental” success, which must be reconsidered.<sup>36</sup>

## **V. Access To Justice**

The idea of quality of legal education and bridging the gap between the legal profession and education is ultimately to ensure access to justice to the people of the country. As it was discussed in the beginning, “Justice Education” was the focus of introducing the five-year law course. It is at this point that Part III of the book opens discussions on access to justice through reporting of judgments,<sup>37</sup> and the importance of Alternative Dispute Resolutions (ADR). Lawyers are to be peacemakers rather than problem creators. It was for the ability of lawyers to come to amicable settlement that a noble character was attributed to them and the profession.<sup>38</sup> Court room arguments and litigation were once the last resort opted for by people. While considering access to justice, one of the crucial and mounting areas is ADR and to settle disputes through one of the following means: negotiation, conciliation, mediation, and arbitration. Only in the event that settlement does not arise from any of these mechanisms, should litigation be sought. Hence, it is necessary that well-trained lawyers are available for this. This was highlighted in the article by Adv. Laila T. Ollapally where she states:

“Legal Education in India needs to additionally focus on the humanistic, experiential and participatory methods of dispute resolution.” Law student must be afforded the opportunity to reflect on what motivated them to take law.”<sup>39</sup>

This will also help the judiciary address the concern of pendency of cases, which has become the greatest threat to the justice delivery system. It is one of the “demonic” ways of denying access to justice.<sup>40</sup> ADR can be considered as a means to reduce the burden on the court even at the appeal stage.<sup>41</sup>

Daksh, an organisation established by one of the alumni of The Law School, made an attempt to understand the pending cases at the lower courts. The alarming results require immediate attention along with use of technology and involvement of artificial intelligence (AI) to speed up the remedy.<sup>42</sup> As Adv. Sajjan Poovayya also recommends, the use of technology is required at the

---

<sup>35</sup> Supra note 29.

<sup>36</sup> Supra note 2, at 227.

<sup>37</sup> S. Malik, Access to Justice: Role of Judiciary and the Role of Law Reports Supra note 2 (Chapter 22)

<sup>38</sup> H. Narasappa, Role of Judiciary, Judicial Delay and Access to Justice Supra note 2. (Chapter 26)

<sup>39</sup> Supra note 2, at 278

<sup>40</sup> *ibid*

<sup>41</sup> P. Hatti, Thoughts on Alternate Dispute Resolution Mechanisms: How can We Make It More Inclusive? Supra note 2 (Chapter 25)

<sup>42</sup> V. S. Raghavan, Ideas for Reducing Pendency in Courts Supra note 2 (Chapter 27)

lower courts to overcome procedural bottle necks.<sup>43</sup> In fact, it is worth mentioning at this point that this became a reality in 2020 when courts were partially shut down due to the global health emergency of COVID-19, leading to courts urging and recommending e-filing and online dispute resolution.<sup>44</sup> It is also worth considering the involvement of institutes of legal education for ADRs. Mediation centres in law institutes must be one of the means to settle disputes. Moreover, faculty expertise in the subject matter can be utilised for the same. It was not always about litigation but also to ensure solutions based on set norms.

Legal education sets the foundation for a strong democratic system and it is from the law schools and other institutes of legal education that a system for justice delivery is set up. It is therefore necessary to look into what is inculcated in the students.

As Prof. Shamnad Basheer, founder of IDIA (Increasing Diversity by Increasing Access), in an article that stands apart from the others, as he conveys,<sup>45</sup> “It’s not always information that makes a great lawyer, it’s the ability of one to observe that gives genesis to legal creativity.”

We are constantly nagged by decision fatigue and our inability to work through our imagination. This is what needs to be tackled, and it is for the teachers not to teach the law but to teach them where to find law and appreciate it.<sup>46</sup>

## **VI. Conclusion**

Overall, the articles contained in this book complement each other and overlapping has been avoided. The sequence and structuring give the readers a wonderful experience of how legal education translates to effective legal practice to achieve access to justice and how legal education can be involved in multiple ways to ensure access to justice. However, what may not be appealing about the articles is that the competency of faculty has been greatly criticised. Nevertheless, there may be an underlying fact that a lack of recognition in academia has forced the depletion of quality. This piece of literature could have been complete if there was reference to the commitment of the law school under the NLSIU Act, 1986, and how they have achieved their own commitments, especially, where the law school is required to assist and aid other institutes of law to reach similar levels of excellence.

As Adv. Murali Neelakantan, in the discussion in October 2019 taking into account the book, pointed out, it was lack of a belief and dream that has caused stagnancy in legal education. It is necessary to accept and understand, as Justice Rajendra Babu observes, that the role of a lawyer is to set and design the society at large and not only of “court room practice”.<sup>47</sup> To conclude, legal education is much more than preparing human resources for the Bar,<sup>48</sup> it is to prepare lawyers who are prepared to set and design the society in daily civic life in different capacities.

---

<sup>43</sup> S. Poovayya, Role of Judiciary and Access to Justice *Supra* note 2 (Chapter 29)

<sup>44</sup> Live law News Network, Supreme Court to introduce court proceedings through video conferencing, e-filing will be available 24/7, LIVE LAW (15 Mar. 2020, 11:04 PM), <https://www.livelaw.in/top-stories/breaking-covid-19-sc-to-introduce-court-proceedings-through-video-conferencing-e-filing-will-be-available-247-153876>.

<sup>45</sup> S. Basheer, In Search of the Self: Less is More *Supra* note 2 (Chapter 31)

<sup>46</sup> *ibid*

<sup>47</sup> Justice R. Babu, Legal Education Should Bridge the Gap Between Law and Justice *Supra* note 2 (Chapter 2)

<sup>48</sup> *Supra* note 3.