

REPORT OF THE WORKING GROUP ON LEGAL EDUCATION

Background

1. The National Knowledge Commission (“NKC”) was established by the Prime Minister of India in 2005 to recommend and undertake reforms in order to make India a knowledge-based economy and society. An important constituent of the NKC’s functions is professional education, particularly in the field of legal education. In light of its significance, the NKC constituted a Working Group on legal education in the country. The members nominated by the Chairperson of the NKC, Mr. Sam Pitroda, to the Working Group are Justice Jagannadha Rao (Chair), Justice Leila Seth, Dr. Madhav Menon, Dr. B.S. Chimni, Dr. Mohan Gopal, Mr. P.P. Rao and Mr. Nishith Desai.
2. The Terms of Reference of the Working Group are as follows:
 - a. Identify constraints, problems and challenges relating to curriculum, teaching, infrastructure, administration and access.
 - b. Recommend changes and reforms to address the problems and challenges relating to curriculum, teaching, infrastructure, administration, and access.
 - c. Explore methods of attracting and retaining talented faculty members.
 - d. Suggest measures to develop a research tradition in faculties of law and law schools.
 - e. Suggest innovative means of raising standards and promoting excellence in legal education situated in the wider social context.
 - f. Suggest ways of incorporating emerging fields of legal education in teaching and curricula.
 - g. Identify problems implicit in regulatory structures that constrain the quality and spread of legal education.
 - h. Examine any other issue that may be relevant in this context.
3. The Working Group met on the following dates: September 24, 2006, October 5, 2006, November 12, 2006, January 15, 2007 and January 30, 2007
4. The members of the Working Group circulated several notes for discussion and minutes of the meetings were prepared at the end of each meeting and circulated. The various aspects covered by the Terms of Reference were discussed in detail and it was

found that some of these aspects overlap each other. Therefore the Working Group has identified the following topics of importance in the matter of legal education:

I. Vision and goals of legal education-status today, roadmap and broad strategy to reach those goals

- a. At least one centre of legal excellence in every state
- b. Broad based content and scope of legal education in the context of constitutional goals
- c. Restructuring governance of legal education system accordingly
- d. Regional and Advanced Centers of legal research excellence to advance policy development/teacher training/generating new knowledge

II. Content and Scope of legal education (Multi disciplinary and based in social context)

- a. Curriculum planning and development
- b. Teaching materials
- c. Teaching/learning methods
- d. Skills education/training with emphasis on experiential learning
- e. Ethics/values for multiple roles
- f. Examination
- g. Legal knowledge management through legal education grid through Information and Communication Technologies (“ICT”) and distance learning

III. Governance Structure

- a. Strict and professional control for quality
- b. Selection and service conditions
- c. Academic freedom
- d. Admission norms-procedures/access-needs blind; need fulfilled admissions
- e. Financing legal education-state financing for meritorious students/deserving colleges in rural areas;
- f. Accreditation, monitoring, accountability

IV. At least four independent research centers to be funded by the central government with investment of Rs. 100 crores each and the following objectives:

- a. Social justice promotion/judicial policy
- b. Processual justice for better justice delivery
- c. Dissemination of new knowledge/journals
- d. Research methodology including empirical methods
- e. Integration of research based learning
- f. Judicial/court/legal aid administration/management
- g. Alternative Dispute Resolution (“ADR”)/conflict resolution

- h. International law/comparative /globalization
- i. Shaping systemic legal change including indigenous traditions
- j. Teacher training-library development/continuity education

V. Access, finance, infrastructure and management

- a. Support to students admitted on merit (loans and scholarships)
- b. Ensuring every law school admitting 100 students annually has the resources to meet an annual expenditure of Rs. 5 crores
- c. Representation of bar, bench, academia and students in management

Chapter I

Vision and Goals

- 1.1** Some key statistics on legal education are pertinent towards the understanding the state of legal education in India today¹.
- a. Total number of students admitted for legal education every year for 2000-01: 63,381 (latest figures not available)
 - b. Total number of law graduates admitted to the bar every year in
 - 2002: 28,268
 - 2003: 33,657
 - 2004: 46,438(Figures for 2005 and 2006 not available)
 - c. Total number of institutions (all inclusive) teaching law as on October 31, 2006: 750
 - d. Total number of Government institutions: 153
 - e. Total number of Private institutions: 586
 - f. Total number of National Law School Universities (“NLSU”) as on October 31, 2006: 11
 - g. Total number of students admitted to the NLSUs in 2006: 936
- 1.2** The main challenge facing India's legal and judicial system is ensuring that common people in India are able to enjoy their constitutional and legislative rights to the fullest extent. The legal system should also effectively facilitate eradication of poverty as well as equitable and environmentally sustainable economic growth.
- 1.2.1 To this end, legal education should aim to prepare legal professionals who will play a decisive leadership role in meeting these challenges, not only as advocates practising in courts, but also as legislators, judges, policy makers, public officials and civil society activists as well as legal counsel in the private sector. Legal education should also prepare lawyers to meet the new challenges of working in a globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a paradigm shift. Original and path breaking legal research is needed to create new legal knowledge and legal ideas that will help us

¹ Bar Council of India statistics, as stated in a letter dated January 13, 2007, to the NKC

to meet these challenges in a manner responsive to the needs of the country and the ideals and goals of our Constitution.

- 1.2.2 The Working Group is of the opinion that the vision of legal education is to ensure justice oriented legal education to contribute to the realization of values enshrined in the Constitution of India. Legal education must also inculcate the need to observe the highest standards of professional ethics and a spirit of public service. In order to achieve these goals legal education needs to be broad based, multi disciplinary, multi functional and contextual. The phenomenon of globalization provides an important context in relation to which the vision and goals of legal education have to be concretized.
- 1.2.3 An important aim of legal education is also to meet the growing demands of the legal services market without undermining the public service character of the law school/university. Legal education must cater to a wider audience than only provide personnel for the purposes of the administration of justice in courts. The new developmental agenda needs knowledge of international practices and transcends the established view that the purpose of legal education is only to generate practising lawyers.

The aim of legal education also should be to create lawyers who are comfortable and skilled in ‘dealing’ with the differing legal systems and cultures that make up our global community while remaining strong in one’s own national legal system.

- 1.3** A number of law schools have been offering quality legal education. However, the most immediate challenge is to improve the quality of legal education in a vast majority of law schools in the country. This task entails a range of measures including reforms in the existing regulatory structure, significant focus on curriculum development keeping in mind contemporary demands for legal services, recruitment of competent and committed faculty, establishing research and training centers, necessary financial support from the State, and creating necessary infrastructure, especially a well endowed library.

Chapter II

Content and scope of legal education in a multi disciplinary context

2.1 Admissions

- 2.1.1 In order to improve the quality of legal education, certain minimum conditions for admission to law schools and universities need to be agreed upon. Some NLSUs have agreed to conduct a common entrance test (CET). Consideration may be given to including other law schools and universities in the CET network. A single common entrance test for both three year and five year LL.B. programs may be devised. For the purposes of admission, including appearing in CET, a minimum percentage of forty five marks in the class 12/ graduation examination may be considered. Law schools may however be permitted to set a higher minimum percentage. Once the CET model extends to a large number of law schools, consideration may be given to prescribing a requirement that a candidate secure a minimum percentage of forty five in the CET for admission.

2.2. Curriculum Development

- 2.2.1 In order to realize the stated vision and goals of legal education, the curricula and syllabi need to be based in a wider body of social science knowledge. An understanding of the newer areas of law also requires some familiarity with developments in science and technology in addition to other rapidly developing sectors.
- 2.2.2 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 methods.
- 2.2.3 At present, the Bar Council of India (BCI) prescribes a certain number of core courses, essentially leaving it to the law school to identify the optional courses to be offered (although the BCI mentions a few). In many NLSUs up to 40 to 50 optional courses are offered. This development may be usefully extended to the other law schools. For the present, each law school may be required to offer a minimum of twenty five optional courses. However, autonomy may be given to NLSUs and to the universities, which teach law in the university colleges and to which the private law colleges are affiliated, to decide the core and optional courses to be offered. It is suggested that the percentage of concentration should be as follows: 50% core courses (including legal research and clinic courses) and 50% optional courses.

- 2.2.4 The syllabi of law courses have to be carefully designed. They must respect the multidisciplinary character of legal education. In this regard, there is a need to keep in view the developments in social and natural sciences. In order to sensitize the law student to the values enshrined in the Constitution of India, it is important to mainstream human rights law. With the advent of globalization, it has become increasingly important to include international and comparative law perspectives.
- 2.2.5 Modules on issues such as globalization, environmental concerns, new technology, shifting government policies, trade trends, corporate movements, new and prevailing foreign investment avenues and changing labor and employment policies, to mention a few, should be included in the curriculum so that the graduating generation of lawyers can swiftly relate to the real world for the optimum application of legal services. This interweaving of law with the related issues of the contemporary world will add immense value to the law degree.
- 2.2.6 Legal education must equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice. For example, the law graduate must be able to deal with and respond to a range of complex legal issues and problems, even as he or she chooses to specialize in a particular area of law; he must possess basic “legal” skills including negotiation, advocacy, drafting, counseling and research skills; the law graduate must be in a position to identify, analyze, and synthesize a vast array of legal materials and present it in a concise and logical manner; he must be sufficiently acquainted with the procedural aspects of the legal system so as to be in a position to give practical advice to clients; he must be trained to respond to new/novel problems that call for practical solutions; he must be able to contribute creatively to the range of social problems and challenges that face the nation; he must be trained to research independently so that he/she can contribute to the total pool of legal ideas through research publications; he must be able to read and analyze judicial decisions that are typically long, verbose, complex and difficult to understand, and should possess an ability to skim through passages, understand the relationship between the parts of the passage and also read between the lines — all of which are integral to a lawyer’s tasks; he must also be grounded in ethical issues governing the legal profession. In order to imbibe the theoretical and practical skills, the syllabus of individual courses may be framed in consultation with practitioners, including members of the bar, the judiciary, industry and civil society.
- 2.2.7 To impart these skills a combination of various teaching methods including lectures, the case-study method, and problem oriented exercises are required. Imaginative pedagogic methods including field surveys and visits, simulated legal environments, and legal aid clinics may be used. Consideration may be given to evolving a transnational curriculum to be taught jointly by a global faculty through video conferencing and internet modes.

2.3 Reading Material

- 2.3.1 An important aspect of curriculum development is the identification of appropriate reading materials, both essential and advanced. Study materials must include a range of readings including social science, science and technology, comparative and international, and human rights material.
- 2.3.2 The objectives of mainstreaming social sciences literature, human rights law, business law and international and comparative law is to be met. It is recommended that a committee or committees be formed at the law school level that include practitioners, social science faculty, and teachers of human rights law to discuss the syllabus and reading materials of all core and optional courses. It would be helpful in this regard to seek student feedback to understand the deficiencies in the structure and readings of courses offered at present. Thought may be given to setting up an all India Working Group to devise a "model" syllabus for all core and optional courses. The law schools would be free to use and depart from the "model" syllabus.
- 2.3.3 So far as professional ethics is concerned, the study material for the course must consist not only of readings that familiarize the student with the basics of professional ethics but also a number of relevant orders passed by the BCI, the State Bar Councils and judgments of the High Courts and the Supreme Court, in which punishments have been awarded for professional misconduct.

2.4 Clinics

- 2.4.1 There is an urgent need to revisit and redesign the Clinic Courses. At present, these courses often tend to be soft courses in which a bit of relationship between theory and practice is dealt with (e.g., through some exposure to forensic sciences). There is a need to modernize clinic courses through introducing new areas of law: for example, specialized areas of contract law, Intellectual Property Rights ("IPR") laws, corporate law, etc. may be the subject of clinic courses. There is a need to recruit specialized faculty for the purpose.

2.5 Examination System

- 2.5.1 The task of curriculum development also includes the designing of appropriate framework for evaluating students. The simple end-of-the year examination or end semester examination does not encourage necessary analytical, writing and communication skills. Many NLSUs have introduced the idea of project papers, project and subject viva, along with an end semester examination. The different components help develop the ability to carry out independent research and the ability to write and critically evaluate appropriate legal materials. The end semester examination should be problem-oriented and not a system that tests memory.

- 2.5.2 The credit system of evaluation may be introduced to replace the marks system. Various heads could be given a certain credit value, both course-wise and activity-wise (e.g. participation in Moot Courts, representing the institution in competitive activity related to legal education, joining Legal Aid camps, internships with law firms, research projects, etc).

2.6 Internship

- 2.6.1 The internship program is a critical element of professional legal education as it allows practical learning in real world settings from peers. The internship program that presently exists in many NLSUs needs to be extended to all other law schools i.e., where it does not presently exist. In many NLSUs students have to intern every summer. Over the period of five years a student in a particular NLSU interns with NGOs, trial courts, appellate courts, law firms and corporate firms. While it may not be easy for students of all law schools to get placement in the chambers of Senior Counsel in the trial and appellate courts, or in law firms and corporate houses, or in NGOs, some amount of internship is absolutely necessary to prepare a graduate for the world of law practice. The BCI and the State Bar Councils could play a catalytic role in facilitating the internship programs.
- 2.6.2 The internship program, where it exists can be strengthened through rethinking the period of internship and the need for some amount of structuring through discussions with the bar, judiciary, law firms, corporate houses and NGOs. There is in other words some need for standardization of the internship program to ensure that it does not become a mere ritual.

2.7 Mooting

- 2.7.1 Mooting is an integral part of legal education. It helps a student hone his/her research and communication skills. It also allows a student to learn legal etiquette so necessary to all forms of legal practice. Therefore, periodic workshops should be held to acquaint the law student with different aspects of mooting. There should also be established formal procedures for selecting teams that represent the law schools in national and international moots.

2.8 Legal Aid

- 2.8.1 Participation in legal aid programs should also be an integral part of legal education. It provides a crucial link between the esoteric world of law and the existential world of the ordinary citizen. The idea of holistic legal education would be somewhat incomplete unless a law student is acquainted with the problems of ordinary people.

2.9 Legal Knowledge Dissemination and Management

2.9.1 For the maximum dissemination of legal knowledge across the country, the following may be considered: use of video conferencing of lectures of faculty (within India and outside), availability of computers to a large number of students, access to the internet, networking the information available in the Indian Law Institute (“ILI”), Supreme Court Library, Indian Society for International Law (“ISIL”) as well as those of universities and public institutions; availability of free and subscription based data bases. Translation of major legal texts may also be considered for wider dissemination.

2.10 LL.M

2.10.1 There has been a steady decline in the quality of LLM programs. In the NLSUs, the LLM program is generally neglected although some have started to pay attention to it. There is a need not only to design appropriate courses, study materials, internship programs, systems of evaluation but also to encourage the development of skills necessary for classroom teaching for those wishing to join the academia. In the latter respect, Law Teaching courses may be introduced in the LLM program so that those proposing to do LLM are able to assess their inclination/ability for teaching in advance. The writing of a dissertation needs to be made mandatory as a part of the requirements of the LLM program to develop and consolidate research, analytic and writing skills.

2.11 M. Phil and PhD

2.11.1 Post graduates in law and the faculty members in law schools must be encouraged to undertake M.Phil and PhD research. Appropriate incentive schemes, on the lines of the current University Grants Commission (“UGC”) scheme, may also be considered. There is need to improve the quality of the M.Phil and PhD courses. Towards this end, a course in research methodology may be made mandatory for all M.Phil and PhD students. A pre registration presentation also has to be introduced as a compulsory measure.

2.12 Measures to develop a research tradition in the legal field

India, in keeping with its status as an emerging economic power must turn from being a simple consumer of knowledge to a producer of knowledge in order to identify and protect its national interests. India, in other words, needs to be proactive in advancing ideas and proposals in the world of law. For this to happen, law schools and universities need to provide leadership in the field of ideas. It entails much emphasis on research and publications through developing the analytic, research and writing skills of law students. It also calls for encouraging faculty members to undertake research as an integral part of good teaching.

2.12.1 The following measures are inter alia necessary for the development of a research tradition in the field of law:

- Emphasizing analytic and writing skills in the LLB program;
- Teaching research methodology as an integral part of the LLB program: learning to formulate a research problem/question, assemble a bibliography, write a synopsis, and use footnotes.
- Creating excellent and research friendly library facilities to give students/faculty members easy access to latest materials and developments.
- Providing the faculty with access to computers and internet facilities, the latter being essential to overcome to some extent the lack of a good library.
- Rationalizing the teaching load so as to leave faculty members sufficient time for research.
- Granting sabbatical leave to faculty members to undertake intensive research. M.Phil and PhD degrees should be rewarded if these result in peer reviewed publications, either through additional increments (beyond the UGC scheme) or in any other appropriate manner.
- Institutionalizing faculty seminars as these create an environment in which ideas are given importance and the rigor of research tested
- Organizing periodic conferences on different law subjects with the idea of bringing out publications. Abstracts for such conferences should be invited and carefully chosen so as to ensure the quality of the end product
- Establishing quality peer-reviewed journals to act as an example for the desirable quality of publications.
- Prescribing research output as one of the criteria for the promotion of faculty members.
- Creating a database of citations so as to identify the most cited and influential writings and considering such data for promotion purposes.
- Setting up advanced centers for legal research. Four such regional centers may be established with a mandate for promoting research. (This issue has been dealt with separately in this report)

Chapter III

Governance Structure

3. Standing Committee on Legal Education

3.1 The Report of the National Knowledge Commission envisages the constitution of a single regulator assisted by several standing committees, including a Standing Committee on Legal Education. Various aspects relating to the present status of Legal Education, the existing regulator, namely, the Bar Council of India (BCI), and constitution of a Standing Committee on Legal education are dealt with in this chapter.

3.2 Changes in legal education in the last fifty years show that the provisions of the Advocates Act, 1961 are no longer sufficient:

3.2.1 Under the Advocates Act, 1961 (“Act”) the role allocated to the BCI was very limited in the sense that it was to promote legal education and to lay down minimum standards with a minimum standard necessary for those students who ultimately enter the legal profession to practice in the courts. The provisions of the Act did not envisage a larger role for the BCI.

3.2.2 The concept before and in 1961 was that law schools should mainly produce graduates for the purpose of entry into the bar. The Advocate’s Act, 1961 was, therefore, enacted with that objective in mind by Parliament. According to the Supreme Court of India, in **Q.N.Mohindroo –Vs- B.C.I.** (A.I.R. 1968 SC 888 = (1968)3 SCR 709); and **Bar Council of U.P.’s case** (AIR 1973 SC 231 = (1973) 1 SCC 261 = (1973) 2 SCR 1073) the subject covered by the Advocates Act, 1961 is referable to Entries 77, 78 in List I of Schedule VII of the Constitution of India. These two Entries deal, among others, with the subject:

“persons entitled to practice before the Supreme Court” (Entry 77) and
“persons entitled to practice before the High Court” (Entry 78)”.

3.2.3 Under section 7 (1) (h) of the Advocates Act, the BCI has been entrusted, as stated above, with the limited role of “promoting legal education and laying down minimum standards of legal education” required for students who “are entitled to practice”. Section 7 (1) (h) requires the BCI to “consult the universities for the purpose of laying down these standards of legal education”. Section 7(1) (i) of the Act enables the BCI to grant recognition to universities whose law degrees shall be sufficient qualification for enrolment as an advocate. The BCI may, for this purpose, visit and inspect the universities concerned whose degrees in law may be recognized for the purpose of enrolment of law graduates as lawyers. Similar power is conferred by Section 6(1) (gg) of the Act on the State Bar Councils in

regard to inspection. Section A of Part IV of the Rules made by the BCI deals with the five years' course, Section B deals with the three years' course and Section C deals with inspection.

3.3 Changed scenario

3.3.1 About fifty years ago the concept was that the law schools are meant to produce graduates who would mostly come to the bar, while a few may go into law-teaching. The Advocates Act, 1961 was enacted to achieve the said object, namely, to prescribe minimum standards for entry into professional practice 'in the courts', as stated above. But during this period and more particularly after liberalization in the year 1991, the entire concept of legal education has changed. Today, legal education has to meet not only the requirements of the bar and the new needs of trade, commerce and industry but also the requirements of globalization. New subjects with international dimensions have come into legal education. There is also an enormous need for non practising law graduates in trade and commerce. It is also necessary to allow engineers, chartered Accountants, scientists and doctors to qualify in law for non practising purposes. Indeed, it is gratifying that some Indian Institute of Technology ("IIT") institutions have recently started several courses in law. The Open University system must also be allowed to cater to legal education. The Bar Council of India may, of course, still deal with the minimum standards of legal education for the purposes of entry into the bar but there is a need to have a new regulatory mechanism which will cater to the above mentioned present and future needs of the country.

3.3.2 Therefore, among the various types of legal education, we can identify the type which is necessary for those who practice law, the type which prepares them to become researchers and teachers, the type which deals exclusively with academic subjects of substantive law, the type which deals with public legal education or para legal education, the type that prepares law graduates to deal with legal, regulatory and ethical issues in active sectors of domestic and international business and industry, and finally, the type which professionals in engineering, medicine, management and social work may require. It will be noticed that the Bar Council's role is confined to the first category only.

3.4 Bar Council of India has been conferred limited powers but is exercising more powers under subordinate legislation:

3.4.1 In the light of the concept behind the Advocates Act, 1961, as stated above, very limited powers were conferred on the BCI. But, during the last few decades, in as much as there was no other regulator to take care of emerging needs and trends, the BCI has been dealing with all aspects of legal education under Resolutions, Rules and Regulations instead of limiting itself to the maintenance of minimum standards of legal education for the purpose of entry into the bar.

3.4.2 In the ‘First National Consultation Conference of Heads of Legal Education Institutions’ held on 12.8.2002, it was pointed out as follows:

“The regulatory structure for legal education in India is currently seriously flawed and needs careful reconsideration. A typical law college has four masters at a minimum; the university to which it is affiliated; the State Government; the University Grants Commission; and the Bar Council of India..... These four agencies have varying mandates, interests and constituencies and do not provide coherent guidance for the improvement of legal education in the country”

It also stated:

“There is wide concern among legal academics that they are not adequately consulted currently by any of these authorities”

It was also clearly observed in the conference that the BCI had spread its jurisdiction beyond what was contemplated by Entries 77 and 78 of List I of Schedule VII of the Constitution and the provisions of the Advocates Act, 1961. The conference wanted that the BCI concern itself only with the minimum standards necessary for entry into the bar. It said:

“The Bar Council of India would then be responsible only for regulating entry into the legal profession and maintenance of professional standards rather than for legal education”

3.4.3 In the last three decades, as stated above, the BCI, by virtue of its Resolutions, Rules and Regulations, has taken over the entire body of powers in relation to legal education which is not the intention of the Advocates Act, 1961, which is a legislation under Entries 77 and 78 of List I Schedule VII of the Constitution of India. The BCI, under its powers to grant recognition to universities for the purpose of enrolment of law graduates has been also dealing with inspections, affiliation or disaffiliation of various law colleges, granting annual affiliation or permanent affiliation etc.,. It has also been laying down conditions for establishment of law schools, buildings, appointment of faculty, and a variety of other matters in which the faculty and other players have not been allowed to have any effective role. These powers were extended by the BCI under Resolutions, Rules and Regulations, as stated above, though such extension is not permitted by the Advocates’ Act, 1961.

3.4.4 While the statement of objects and reasons and the preamble of the University Grants Commission Act, 1956 and of the Indian Medical Council Act, 1956 refer to the constitution of bodies for maintaining ‘standards of education’, there are no such words in the Statement of Objects and Reasons and the Preamble of the Advocates Act, 1961. The Act deals with minimum standards of legal education only in the context of ‘practice in courts’. The Supreme Court of India has, in

- fact, held that the UGC and the Medical Council of India (“MCI”), whose powers deal respectively, with all aspects of education or medical education, can lay down standards of education which will override any other law. See **State of MP Vs. Nivedita Jain** AIR 1981 SC 2045 = 1982(1) SCR 759 = (1981)4 SCC 296; **Premchand Jain Vs. R.K.Chhabra** AIR 1984 SC 981 = (1984) 2 SCR 883 = (1984) 2 SCC 302, **Osmania University Teachers Association Vs. State of AP**, AIR 1987 SC 2034 = (1987) 3 SCR 949 = (1987) 4 SCC 671, **University of Delhi Vs. Raj Singh** 1994 Suppl. (3) SCC 516 = AIR (1995) SC 336, **Medical Council of India Vs. State of Karnataka** 1998 (6) SCC 131 = AIR 1998 SC 2423; **Dr. Preethi Srivastava and Another v. State of M.P. and Others** (1999) 7 SCC 120 = AIR 1999 SC 2894. But such a general power to lay down standards of legal education for all purposes has not been conferred on the Bar Council of India by the Advocates Act, 1961.
- 3.4.5 As pointed out by Prof. Manik Sinha, Dean, Dr. RML Avadh University, in a well written article titled ‘Interference of Bar Council of India in Legal Education: Its Legality and Justifiability’ (published in the volume, ‘Legal Education in India in the 21st century, edited by Profs. A.K.Kaul and V.K.Ahuja, p 241), there appears to be considerable justification for treating the rules/resolutions/circulars of the Bar Council of India dated 2-7-96, 21-10-97, 23-9-98, 22-12-98 etc., made under way of delegated legislation, taking over maintenance of standards, curriculum, qualifications for admission and for faculty and inspections for all purposes, as being outside the scope of powers and jurisdiction of the Bar Council of India.
- 3.4.6 The members of the BCI who are practising lawyers and who get elected to the Bar Council, do not all have expert knowledge or experience for deciding the requirements of legal education for purposes other than practice in the courts. Indeed, the Bar Council is not supposed to deal with all aspects of legal education. As pointed in **Sobhana Kumar vs. Mangalore University** (AIR 1985 Karnataka 223) by Rama Jois J (as he then was), the BCI can only prescribe minimum standards for entry into bar whereas the universities or the law colleges can prescribe higher standards. (See also the 14th Report of the Law Commission, 1958 recommendation 25 is at page 550) and the 184th Report of the Law Commission, 2002 para 4.11). As the Advocates Act, 1961 is not intended to cover all aspects of legal education other than entry into the bar, the Rules, Circulars and Resolutions of the Bar Council of India in relation to all other aspects of legal education must be treated as beyond the scope of permissible delegated legislation and therefore invalid.

3.5 There has not been effective consultation between the Bar Council of India and the Faculty

3.5.1 Further, presently, there is no effective consultation with the faculty. In the Legal Education Committee of the BCI constituted under Section 10 (2) (b) of the Act, there are 10 members out of whom five are lawyers- Bar Councilors, a retired Judge of the Supreme Court, a High Court Judge, the Law Secretary and the Secretary, University Grant Commission and there is only one faculty member. Of course, the Law Commission has recommended in the 184th Report (2002) that in the place of the two Secretaries, there could be two more members from the faculty. But, even that is not sufficient. There are more than 700 law schools in the country and it is a grave travesty of justice that the faculty has no equal role in the matter of legal education, whether it deals with entry into the Bar or with the general needs of society for legal services.

3.6 Permissions have been granted to several law schools of poor quality:

3.6.1 The Report of the Ahmadi Committee (1994), constituted by the Chief Justice of India and the various resolutions in other conferences have repeatedly pointed out that the BCI has granted permission to a large number of law schools which are maintaining very poor standards and have very poor infrastructure and several of these colleges are located in remote places, some times not even in the district head quarters. The faculty and library facilities in several of these law colleges are very much deficient. The inspections by the Bar Council's teams appear to have failed in their work. Only a few days ago, the Chief Justice of India observed in Patna that a small place like Junagadh in Gujarat has over thirty law colleges! There are several such situations across the country.

3.7 Most of the seven hundred odd law schools do not compare well with the standards and curriculum required in the present age

3.7.1 While the NLSUs and some other law schools teach a very large number of subjects both compulsory and optional, which are necessary and useful for a variety of purposes in legal education, the other law schools offer only the minimum number of compulsory subjects prescribed by the Bar Council of India. These other law schools are not able to offer more compulsory or optional subjects because of limited faculty. The NLSUs and few other law schools are offering a larger number of optional subjects, which in some institutions are more than 40. The faculty in these 700 odd law schools is limited because they are either large in number in one place or are located in remote areas in the mofussil where sometimes there is not even a District Court.

3.7.2 Today, we have about 11 NLSUs where students are selected in an all India competition. These colleges have been producing our best legal talent comparable to the most renowned colleges in U.S and U.K. However, this alone is

not sufficient for our purposes and we have to raise the standards of the remaining 700 odd law schools. The Law Commission has indeed observed in its 184th Report (2002) (see para 10.7) as follows:

“We cannot, however, rest content with a few star colleges. We must be concerned with all the rest of the hundreds of law colleges located in cities and district headquarters all over the country. It is these students who come to the bar in great numbers at the grass root level..... A few bright star colleges with limited number of student intake in an All India selection is not the end and may not result in an over all change in the level of legal education”.

3.7.3 Therefore, there is need to bring about a revolutionary change in the standards and curriculum of these 700 and odd law schools so as to bring them, step by step, to the level required in the present age. In fact, it is necessary that all these law schools must be compelled to provide a large number of optional subjects.

3.7.4 A rating system based on a set of agreed criteria (e.g. facilities, course offered, qualifications and experience of instructors, infrastructure, student selection system, salaries paid to teaching staff, etc) could be developed to gauge the standard of the law schools, and recognition could be either granted or withdrawn on the basis of such ratings. The rating result should be published both in hard copy and online, and should be reviewed on an annual basis.

3.8 Needs of the bar and Subordinate Judiciary are not met by the graduates from the existing 700 and odd law schools:

3.8.1 Recently, the Supreme Court of India has observed in **All India Judges Association Vs. Union of India** (2002) 3 SCALE 291 = (2002) 4 SCC 247, (2002) 2 SCR 712 = AIR 2002 SC 1752 that recruitment rules in the States should be amended to permit raw graduates from the law schools to enter the subordinate judiciary. Obviously, this requires a high degree of proficiency from the students who pass from the law schools. It should be our objective to improve the standards of all the law schools to the standards required in the present age. Otherwise, the quality of the bar and the subordinate judiciary is bound to go down further. There is, in fact, an urgent need for a fresh probe into the quality of legal education in several law schools and if it is revealed that the standards are poor, it may be necessary to direct closure of such law schools.

3.8.2 Further, it has been noticed that in the last fifteen years, ever since the NLSUs have been established, meritorious students both from NLSUs and some other law schools are joining law firms and corporate houses in greater numbers than those who opt for the bar and the subordinate judiciary. One of the objects of establishing the NLSUs was to improve the quality of the bar and the subordinate judiciary. While it cannot be disputed that such brilliant students are necessary for

leading law firms and corporate houses to meet the challenges of globalization, we should not forget that unless these students are attracted to the bar, subordinate judiciary and academia, the quality of legal services cannot be improved.

- 3.8.3 Senior Counsel in the Trial Courts, High Courts and the Supreme Court must be generous in attracting this talent by offering them good compensation so that all of them may not get attracted to the law firms and corporate houses. As the pay scales of Junior Civil Judges have been enhanced after the implementation of the recommendations of the Jagannatha Shetty Commission, some of these students, if they join the subordinate judiciary at a young age, there are good chances of their reaching the High Court.

3.9 Bar Council of India ought to have taken steps to have legislation passed for re-introduction of the bar examination:

- 3.9.1 As in all countries, in India too, a bar examination had to be passed whenever law graduates sought enrolment as lawyers. Such an examination was being conducted by the State Bar Councils under the provisions of the Advocates Act, 1961 but the provision relating to bar examination was deleted by amendment of the statute in 1973. However, after the Ahmadi Committee Report (1994) recommended re-introduction of the bar examination, the requirement was reintroduced by a way of a Rule made by the Bar Council of India. The Supreme Court, in: 1999 (3) SCC 176 declared the Rule as *ultra vires* as **Sudheer Vs. Bar Council of India** such a requirement has to be introduced only by amending the Advocates Act, 1961. The Supreme Court went further and made a clear recommendation that the requirement of bar examination must be reintroduced into the Act by a statutory amendment. Unfortunately, the BCI which is to take care of standards for purpose of entry into the bar has not taken steps to have the Act amended by reintroduction of the bar examination, in spite of the observations of the Supreme Court in **Sudheer** and in spite of the specific recommendation of the Law Commission in its 184th Report (2002) (Para 12.16).
- 3.9.2 From the above discussion, it is clear that the present quality of most of the 700 and odd law schools does not meet the domestic needs of our trade and commerce nor the needs for the purposes of recruitment to the subordinate judiciary. This quality should be improved by taking various steps such as bringing in better faculty and, better libraries. As stated above, the law schools must be compelled to offer a large number of optional subjects to meet the needs of the present times.

3.10 Challenge of delivering justice to the poor

- 3.10.1 The main challenge facing India's legal and judicial systems is delivering justice to poor people. For the most part, people deprived of Constitutional or legislative rights have little access to courts. With the cost of good quality legal services escalating, the ability of common people to get effective, high quality legal assistance and access to justice is diminishing and the legal system is in danger of

becoming further alienated from common people. New and innovative solutions are needed to ensure that common people have access to justice and that legal ideas and legal knowledge protect their interest. Increasing numbers of the best law graduates are moving to corporate law practice and civil and criminal litigation at the local level is suffering from a serious dearth of adequately qualified legal professionals. It is therefore imperative that legal education should prepare students with the aptitude, interest, commitment, skills and knowledge necessary to work with socially excluded people and the poor at the local level, to advance the cause of justice.

3.11 Domestic needs and needs of Globalization: Need for a new ‘Regulator’ with a global vision:

3.11.1 We next come to the crucial issue of the needs of globalization. The Law Commission in its 184th Report, (2002) (Para 5.16) has pointed out that there are revolutionary changes which have come into legal education by reason of developments in information, communication, transport technologies, intellectual property, corporate law, cyber law, human rights, ADR, international business, comparative taxation laws, space laws, environmental laws etc. and that

“The very nature of law, legal institutions and law practice are in the midst of a paradigm shift”.

3.11.2 The aim of transnational legal education is not to create individuals who can ‘practice’ law in a number of jurisdictions. Although graduates of such a program may well wish to do so, such ability should not be seen as an objective in itself, but merely as an incidental result. The aim of any new program should be to create lawyers who are comfortable and skilled in ‘dealing’ with the differing legal systems and cultures that make up our global community while remaining strong in one’s own national legal system. Our lawyers must be trained to specialize in international trade practices, comparative law, conflict of laws, international human rights law, environmental law, gender justice, space law, bio-medical law, bio-ethics, international advocacy etc., They must also acquire a general knowledge of American, French, German, Chinese and Japanese law. For example, in South Korea, in the last 10 years, the curriculum has been expanded to include not only the above subjects, but also International Business, International Contracts, International Civil Procedure and laws of England, America, France and Germany.

3.11.3 Globalization does not merely mean addition or inclusion of new subjects in the curriculum as stated above. While that is, no doubt, an important matter, the broader issue is to prepare the legal profession to handle the challenges of globalization. Prof. David E Van Zandt of North West University School of Law states in his article ‘Globalization strategies for Legal Education’ (2002, Vol.34 University of Toledo Law Review) as follows:

“Any law dean worth his or her salt will tell alumni and students that it is important for their school to be ‘international’.

..... As businesses become more global, CEOs increasingly bring in savvy general counsel who find and manage firms and lawyers who will do a great job no matter where in the world they are located. Businesses look for service providers whose practices are in line with the company’s philosophy, regardless of nationality. We thus see a set of international conventions emerging with respect to the legal structuring of transactions and dispute resolution. The legal practices in capital market transactions have long been largely homogenized around the world, given the pressure of highly mobile capital.....

In terms of legal services, these changes have developed a standard set of practices that lawyers use in dealing with the needs of significant business clients whose operations have international scope. Whether a lawyer is working for multinational clients in Hongkong, Frankfurt, London, Buenos Aires, or New York, the set of practices is largely the same. This enables a skilled lawyer to move effortlessly around the world.....”

This obviously goes far beyond preparing graduates only for practice at the bar or for the subordinate judiciary.

3.12 Steps which have to be taken to prepare legal education to meet various challenges, in addition to changes in curriculum:

- 3.12.1 Apart from expanding the curriculum, law schools have to improve their libraries; the students and faculty must be able to draw regularly from the internet. Use of computers and internet must be made compulsory in all law schools. So far as the faculty is concerned, experience in other countries shows that video-conferencing of lectures by foreign faculty can help in overcoming the shortage of teachers having knowledge of new subjects. The next thing that is being done elsewhere is the exchange of faculty for short periods, wherever finances permit.
- 3.12.2 Legal education must be socially engaged. This means that legal education programs must compulsorily expose students to the problems of poverty, social exclusion, social change and environmental degradation through clinical legal education, legal aid programs and through seminars and debates that sensitize and expose students to issues of social justice. Working with the poor through one or other program must become a mandatory part of the curriculum. Faculty must include individuals with inter-disciplinary training and direct experience on social issues.
- 3.12.3 In some countries, law schools are tying up or partnering with foreign law schools. For this purpose, an alliance of law schools has to be brought into being

so that the domestic as well as the foreign law schools may mutually benefit and, in such alliances, the cost is to be shared. The syllabi can be changed to have a common core of transnational curriculum. Block teaching allocations are also now common under which, both students and faculty listen directly to foreign faculty or to lectures by video-conferencing. Today, collaboration with foreign universities is resulting, in some countries, in award of two degrees simultaneously. (See the series of Articles by eminent Professors in Vol. 55 (2004) of the Journal of Legal Education pp.475 to 541)

- 3.12.4 Prof. Van Zandt emphasizes the need for an international faculty, international courses, exchange opportunities, international student infusion and summer-abroad programs so as to prepare students for global practice. He laments the conservatism of law schools in not moving into international dimensions due to lawyer regulation of legal education. He says:

“Despite these changes, law schools throughout the world have remained very traditional..... These features of lawyer regulation and education have combined to reduce innovation and create artificial shortages of lawyers, which in turn reduces the pressure from market forces

- 3.12.5 That exactly summarizes the position in India created by the existing regulator. While Indian industry and businesses have expanded beyond national boundaries into other continents and while international business investments into India have come to stay, the bulk of our law schools operate in isolation and focus only on local needs and not even upon the needs of the nation, let alone regional or international needs. This situation that has been created can be broken only by establishing an independent regulatory mechanism with an international vision, which can see beyond the requirements of ‘entry into the bar’

3.13 A new regulatory mechanism is needed with powers to deal with all aspects of legal education:

- 3.13.1 In the light of the changed scenario in the last fifty years, the needs of globalization after 1991, and the gaps and deficiencies in the existing system as referred to above which have to be filled up, it is clear that the BCI has neither the power under the Advocates Act, 1961 nor the expertise to meet the new challenges both domestically and internationally. It is, therefore, necessary to constitute a new regulatory mechanism with a vision both of social and international goals, to deal with all aspects of legal education and to cater to the needs of the present and the future. Such a mechanism will have to be vested with powers to deal with all aspects of legal education. However, the recommendations of the BCI in regard to maintenance of minimum standards for the purpose of ‘practice in courts’ will have to be binding on the new Regulator. The directives of the new Regulatory Mechanism must be treated as binding on the law schools, the Universities and on the Union and State Governments. The new regulator has to prevent dilution of the minimum standards by any of the

players. For example, it has been reported recently that in some States, the Governments have passed orders reducing the minimum marks to be obtained at the common entrance examination for law to 35% or even below 35% in some cases, only with a view to enable all law schools in that State, most of which are substandard, to fill up all the remaining unfilled seats!

- 3.13.2 As stated at the outset, in the Report of the National Knowledge Commission 2006 released recently the proposal is to have an Independent Regulatory Authority for Higher Education (IRAHE) with several Standing Committees including one for legal education (vide page 55). It is also proposed that the following Acts namely those relating to UGC, All India Council for Technical Education (“AICTE”), MCI and BCI will have to be amended.

We, accordingly, propose the setting up of a Standing Committee on Legal Education whose recommendations will be taken into account by the new regulator, the IRAHE. The new Standing Committee on Legal Education may consist of a group of persons including eminent lawyers, members of the Bar Council of India, judges, jurists, academicians, eminent men from trade, commerce and industry, economists, eminent social workers, student representatives and others so that legal education can be revamped to meet the needs and challenges of all sections of society in the next five decades.

- 3.13.3 It is suggested that the new Standing Committee on Legal Education may consist of 25 members as follows:
- a. One will be a retired judge of the Supreme Court and preferably the retired judge of the Supreme Court who is the Chairman of the Legal Education Committee of the Bar Council of India;
 - b. Seven members from the legal profession of which five will be nominated by the Bar Council of India and two will be nominated by the IRAHE.
 - c. Seven from the faculty;
 - d. One from the government;
 - e. Two to be nominated from the industry, trade and commerce;
 - f. One from civil society;
 - g. Two from other professions;
 - h. One from management or other institutions having a legal component;
 - i. One parliamentarian; and
 - j. Two students of the final year, one representing the NLSUs and the other representing the other law schools (Non-voting representation).

All the members, except the five lawyers to be nominated by the Bar Council of India, have to be nominated by the IRAHE.

- 3.13.4 The BCI will continue to exercise its powers to recommend the minimum standards required for practice in the courts and such recommendations shall be

binding on the IRAHE. Of course, the Bar Council of India will continue to enjoy its powers of discipline so far as the members of the bar are concerned.

3.13.5 The Standing Committee on Legal Education shall have authority to recommend to the IRAHE on the following matters:

- a. Laying down broad standards of legal education in all its aspects including standards for practice in the courts, provided that it shall enforce the minimum standards recommended by the Bar Council of India for the purpose of practice in the courts;
- b. Laying down conditions for admission of students and conduct of entrance examinations in each State and laying down the procedures of counseling and allocation of students to various law schools;
- c. Prescribing the curriculum, the syllabus, the number of compulsory and optional subjects and taking steps to provide for research;
- d. Qualifications and experience of law teachers and number of teaching hours;
- e. Establishment of training institutes for law teachers;
- f. Conditions for affiliation and recognition of law schools by the universities;
- g. Attendance requirements for students;
- h. Inspection of law schools and their accreditation;
- i. Ensuring autonomy for law schools so far as the optional subjects are concerned and prescribing regulations to prevent dilution of standards;
- j. Taking steps to improve the quality of legal education in all law schools to the standards of the NLSUs and to meet the challenges of the domestic needs and the needs of globalization

As already stated, the recommendations of the Standing Committee on Legal Education shall be considered by the IRAHE. The recommendations of the Bar Council of India under the Advocates Act, 1961 shall, however, be binding on the IRAHE insofar as they relate to minimum standards of legal education required for purposes of entry into the Bar.

Chapter IV

Centers for Advanced Legal Studies and Research (CAL SAR)

- 4.1** In the era of globalization, the production of ideas has assumed a critical role – both for social justice and for economic and technological advancement. If India has to fulfill its promise of becoming a global power it is crucial that we invest in knowledge production and the dissemination as well as make provision for adequate research. This is as true in the domain of law. The ongoing liberalization process raises complex issues relating to the nature of legal reforms necessary to ensure the development of all sections of the population. The growing harmonization of legal rules at the international level in different areas of economic and social life also poses its own challenges of determining our national interests. The need to understand other legal traditions and cultures also require attention. If India has to fulfill its promise of becoming a global power it is crucial that we invest in knowledge production and dissemination as well as make provision for adequate research to address the range of issues and questions involved.
- 4.2** There is, therefore, an urgent need to set up four centers for advanced legal studies and research (CAL SAR), one in each region. Such regional centers may be established using a base model with the mandate for promoting legal studies and research, and shall enjoy full autonomy. Some of the tasks to be assigned to these advanced legal centers would include cutting edge research on developing subjects and related areas, as well as serve as a think-tank for advising the government in national and international fora. Some of the specific functions and objectives of these centers would include the following:
- Bringing out a peer reviewed journal of international quality;
 - Encouraging interaction across disciplines to facilitate a multi disciplinary approach to understanding law;
 - Institutionalizing arrangements for having national and international scholars in residence;
 - Organizing workshops and conferences on contemporary developments and issues of law;
 - Undertaking in-depth research projects on new and developing areas of law, including specializing in some branches of law;

- Providing continuing legal education for faculty members of law schools. All faculty members would be required to attend and clear minimum number of courses for promotion to professor grade;
- Courses / research subjects to include pedagogy, university management and administration, use of technology in legal education, etc;
- Building a world-class library, with up to date and easily accessible resources, including on-line resources and a national network’;
- Establishing a network with other international law research institutions to exchange information and access resources worldwide;

4.3 Each CALSAR would require an initial investment of around Rs. 50 crores (necessary for building an academic complex, conferencing facilities, library and other infrastructure). These institutes would also be provided with an annual budget to the tune of 5 crores (for salaries, fellowships, administrative expenses etc). The infrastructure should be of international standards. This initial investment and the annual budgets should be borne by the central and respective State governments (that will host the CALSAR) respectively, but it should be financially self-sustaining.

Self-sustenance could be achieved in the following ways:

- Nominal fees could be charged for faculty training that could be levied on the faculty member’s institution alone or could be shared with the faculty member.
- Paid training programs for the industry / profession to be conducted on the lines of executive training programs for business managers. The programs shall also be open for faculty members to ensure that training relevant for the industry is delivered to the academia as well.
- Lectures delivered to be recorded and sold in India and abroad.
- Government may tie-up with universities abroad for lectures to be transmitted to these universities through video conferencing for a price. These lectures may also be exchanged for lectures by faculty of leading universities.

4.4 Foreign scholars may be invited to these institutes for short term stays (from a semester to a year) to create a stimulating environment for serious research. These institutions would need to be provided with appropriate academic infrastructure that matches the best in the world (e.g. Max Planck Institutes in Germany).

Chapter V

Access, attracting, retaining talented faculty and financing of legal education

5.1 Access

5.1.1 While the immediate task may be to improve the quality of legal education, the question of access is an equally serious one. There is need to simultaneously address quality and access issues. There are three kinds of issues that need to be addressed here. First, there is the need for more law schools to meet the demands of an expanding legal services market. Second, there is the need to ensure the ready availability of loans and scholarships for needy students. Third, there are issues of access to a range of academic activities, such as mootings and participating in conferences that require financial support. Several law schools have successfully made arrangements with leading banks to facilitate the availability of loans to needy students. This practice can be emulated by other law schools. The legal community, especially members of the bar, should be requested to support a wide range of academic programs and activities in law schools.

5.2 Explore methods of attracting and retaining talented faculty members.

5.2.1 In order to attract and retain talented faculty members, there is an urgent need to improve their remuneration and service conditions. The current UGC scales offered by the law schools and universities are not sufficiently attractive. Second, the teaching load needs to be rationalized in order to leave sufficient time for research purposes. Third, there is need to institute both at national and institutional levels, awards to honor reputed law teachers and researchers. Fourth, there has to be sufficient flexibility with law schools to appoint law teachers without having an LL.M degree if the individual has proven academic or professional credentials. Fifth, there is a need to reconsider the existing promotional schemes and avenues in order to promote meritorious faculty members. Incentives such as fully paid sabbaticals should also be granted. Sixth, free faculty housing is another significant incentive that may be considered.

5.2.2 Faculty exchange programs with leading universities abroad would help in enriching the knowledge base and familiarizing faculty members with other legal systems and innovative pedagogic methods.

5.2.3 Video-conferencing of lectures by foreign faculty can help in overcoming the shortage of teachers with knowledge of new subjects. The next thing that is being done elsewhere is the exchange of faculty for short periods, wherever finances permit

5.2.4 Young faculty members may be permitted to be associated with courts or law firms or corporate houses for brief periods of time in order to acquire practical knowledge. Appropriate infrastructure facilities to faculty, including the availability of computers, internet and access to online journals and legal databases may be considered.

5.3 Financing legal education

5.3.1 It is estimated that a law school needs a minimum annual budget of Rs. 5 crores to ensure adequate number of faculty members, a proper administrative staff, infrastructure facilities including a well endowed library, computer facilities, quality teaching materials, conference facilities, guest houses etc are available.

5.3.2 It is felt that it is the responsibility of the State for making adequate financial provisions. Unless the State finances legal education, it is difficult to ensure access to quality legal education at affordable costs. The alternative would be to evolve appropriate public private partnerships to finance legal education. Central and state ministries may also be urged to endow chairs on specialized branches of law. Such financing can be complemented with endowments from the private sector.

5.3.3 The latest innovation is acquisition of joint degrees by a student namely the degree of his own university as well as the degree of a foreign university with which there is a partnership during the same period. For example, in Puerto Rico (Caribbean), in the last few years, dual degree programs have been started in conjunction with certain universities in Barcelona (Spain) and Minnesota (U.S.A.). To these graduates, the opportunities are unlimited. If we adopt such a system, the businesses and markets of our country can greatly benefit from the knowledge of such graduates.

5.3.4 Institutions must find ways to maximize infrastructure and resource utilization, such as, addition of more students, running separate morning and evening batches, and having spring and fall terms like in the U.S.

5.3.5 Infrastructure sharing – It is felt that there must be co-ordination between institutions for the purposes of sharing of infrastructure. Institutions with existing libraries, sport facilities, etc. can share these facilities with other institutions for a fixed fee. New institutions can develop facilities in such manner that facilitate sharing, for instance, an institution having more land may invest in sports facilities while the other may develop an excellent library.

5.3.6 Commercialize infrastructure - libraries may be opened to public access. Sports facilities, conference halls, etc. may be opened for public use at such time when they are not in use, for instance, in the evenings or during vacations.

5.3.7 Lectures delivered by good faculty can be recorded and sold in India and abroad.

5.3.8 Tax holidays - Donations above a high minimum threshold to educational institutions by corporates could be granted tax exemption up to three-fourths of sum donated. Companies would be keen to associate their names to educational projects while availing tax benefits. In return it shall build the much-required initial point of contact between institutions and corporates that can be developed for further benefits. It shall also ensure that money percolates straight to the institutions rather than flowing from the tax-payer to the government to the institution, and being wasted in the process.

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The Working Group on legal education consisted of the following members:

1. Justice M. Jagannadha Rao (Chairperson)
2. Justice Leila Seth
3. Dr. Madhav Menon
4. Mr. P.P. Rao
5. Dr. B.S. Chimni
6. Mr. Nishith Desai
7. Dr. Mohan Gopal

As Chairperson and on behalf of all members of the said Working Group, I hereinunder sign and deliver this report on legal education for the consideration of the National Knowledge Commission.

Regards,

Sincerely,

(Justice M. Jagannadha Rao)

March 5, 2007