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International Journal of Transparency and Accountability In Governance

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Jeet Singh Mann

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Preface

In an era characterized by complex governance, the principles of transparency and accountability have become one of the crucial components of the smooth functioning of democratic institutions. Introducing policies like the Right to Information Citizen's Charter, and establishing Lokpal and Lokayuktas have made significant efforts to reduce corruption in the government body and the e-governance. Digitalizing governmental procedures has made the information accessible to the citizenry. With the change in the timeframe, these services must be facilitated, and thus, these policies have crystallized public access to governmental information as a legal right granted to the populace. Denial of any public information invokes an assured robust grievance redress mechanism. Following the mandate established by various legislatures, a penal action against the government entity can be brought up. Most of India's states adopt this progressive framework for developing ideas. However, the statistical analysis of the effectiveness of these policies uncovers a lack of data, making it a demanding task to gauge the efficiency and the effectiveness of these policies and the ideal area for refinement, which is implied in the volatile performance of India in the Corruption Perception Index from the past decade.

Over the past decade, Inda has performed remarkably well on the World Bank's Ease of Doing Business Index. Yet, there remains a gap between the policies made for promoting the economic sector and the actual growth of the sector, particularly the micro, small and medium enterprises (MSMEs). To reduce this gap and build reliability in these policies, various organizations like the Centre for Civil Society and the Indian School of Public Policy play an essential role in developing favourable public policies. The gaps still exist despite legislative efforts towards a transparent and efficient government. Through an academic lens, this preface tries to root out approaches that integrate robust disciplinary

mechanisms with a competitive evaluative framework to improve departmental effectiveness.

In the continuous evolution of governance and its interconnected aspects, the elements of public service delivery, political integrity, transparency, and accountability constitute the foundation of a robust democratic framework. The forthcoming papers in this edition create a narrative that highlights the dynamism, challenges, and imperatives within these elements, primarily contextualized within the Indian scenario.

"Search and Research: What do we do when we Research" brings us a fascinating point of distinction between the digitalized and pre-digitalized era that is the way of researching, highlighting shifts in labour dynamics and implications for academic productivity. Additionally, it addresses the challenges of integrating and evaluating research contributions, particularly concerning academic treatises and prominent law journals, emphasizing the need for future systematic assessments of scholarly work.

"Use of Regional Language in Legal Education: Goals, Realities, Challenges, and Way Forward" highlights the importance of using regional languages in legal education and while performing legal procedures. This paper also highlights the challenges of implementing such policies and ways to resolve them easily. To contextualize the matter, the article examines Constitutional language policy, Bar Council of India rules on legal education, and historical considerations of language use in courts. Furthermore, it explores the role of regional languages in the legal education systems across different Indian states, the challenges encountered, and measures taken to promote them.

"Interdisciplinary Approach to Legal Education: Scope and Limitations" delves into the way legal education should be studied and highlights the importance

of promptly renewing the pedagogy of legal education. This article proposes the idea of replacing the traditional way of teaching with an interdisciplinary approach. This article undermines the significant role of interdisciplinary methods in fostering mutual respect among disciplines, enhancing communication, and cultivating essential lawyering skills such as problem-solving, legal analysis, and negotiation. These skills are crucial for comprehending complex legal issues in areas like criminal justice, which intersects with criminology, psychology, economics, and emerging fields like human rights and environmental law. This article also highlights the advantages of interdisciplinary methods in legal research.

"Accountability in Education Governance Through RTI" underscores the pivotal role of education in national economic development, social transformation, and modernization, emphasizing the need for educational institutions to demonstrate effective stewardship. It examines the accountability framework mandated by the Right to Education Act, 2009 (RTE Act) and the Right to Information Act, 2005 (RTI Act), focusing on the responsibilities of schools, parents, guardians, government, and local authorities in ensuring universal access to free and compulsory elementary education. The article highlights the advocacy role of parents' associations in advancing educational rights and underscores the RTI Act's role in promoting accountability in education.

"Review of National Law Universities" highlights the lack of accountability and bad governance of National Law Universities (NLUs) in India. NLU is one of India's strong foundations of legal education; a thorough governance analysis is essential. A primary concern highlighted in this paper is the non-establishment of statutory review commissions as mandated by the NLU Act. Where such commissions exist, they reveal alarming issues such as institutional

autonomy, financial mismanagement, academic misconduct, and administrative inconsistencies. The paper stresses the urgent need for reforms to ensure modifications to statutory obligations and oversight bodies' involvement to enhance NLU governance's effectiveness.

"Legal Education in Contemporary Times: Problems and Prospect" discusses how legal education has evolved significantly in recent decades, prompting widespread discussion and debate amidst changing social and economic landscapes. Technological advancements have further necessitated reconsidering how legal education is delivered in law university departments, National Law Universities (NLUs), private universities, and colleges. There is a critical need to rethink and realign the role of universities and colleges in legal education to meet the demands of today's complex and diverse society. The article emphasizes the importance of nurturing constitutionally sensitive legal professionals capable of dispensing justice effectively at various levels.

"Unveiling the Veil: Reimagining Transparency in Higher Education Sector in India" considers education as a catalyst for social change and public good. Through the efforts of many policies and amendments, education has become a constitutional right in independent India. This article highlights the connection between the lack of transparency in educational institutions and the unchecked commercialization of education. Ultimately, the article argues for equal accountability of deemed universities alongside other educational institutions to reaffirm education as a public good in India.

"Inordinate Delay in Appointment of Faculty in Department of Law, Karnataka State Universities: Repercussion on Quality in Higher Education" examines the challenges faced by the Department of Law and deemed universities affiliated with state universities in Karnataka due to a shortage of permanent

faculty members. This paper discusses the rules and regulations governing faculty appointments in law departments, as mandated by the University Grants Commission (UGC), and highlights efforts by the Bar Council of India (BCI) to address these issues. A key focus is on the delays in appointing permanent faculty, which adversely affects the quality of legal education. The paper concludes by advocating for streamlining the nomination process, granting autonomy to universities, and proposing reforms to UGC regulations. These measures are seen as essential to addressing faculty shortages and ensuring the continued excellence of legal education.

The article "A Critical Perspective on Legal Education Governance Reforms in India" delves into the regulatory framework of legal education and research in India. This research article has examined various dimensions and contemporary challenges of transparency and accountability in legal education governance, addressing the issues of conflicts of interests in the administration, concentration of powers and pitfalls and impediments in the existing system of governance of legal education. The article has also recommended measures to address the identified challenge of legal education governance.

This edition, in its entirety, is a testament to the multifaceted challenges and innovations in the broader spectrum of public service delivery and governance. It aims to spark informed discourse, inspire action, and fortify the pillars of democracy for the betterment of society.

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We want to extend our heartfelt gratitude to the authors whose contributions have significantly enriched the content of this journal. Your expertise and dedication to producing high-quality research have been instrumental in the publication of this journal. Additionally, we are sincerely thankful to the editorial team members for their diligent efforts in ensuring the journal's accuracy, clarity, and overall quality. Your efforts and commitment to excellence have brought this publication to fruition.

Furthermore, we express our sincere appreciation for your support of the publication of this journal with your insightful feedback and encouragement. Your contributions and unwavering support have played a crucial role in the success of this endeavour.

The journal would not have been possible without the combined efforts of all involved, and we sincerely appreciate the time, energy, and expertise invested.

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Search And Research: What Do We Do When We Research?

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Abstract

The article explores the complex relationship between search and research in the digital age, emphasizing that while searching is often perceived as a subordinate task to researching, it is foundational and increasingly intertwined with it. The article discusses the hierarchical academic dynamics, where senior scholars often rely on research assistants, and the evolving nature of search from physical to digital labour, suggesting a diminishing necessity for hired assistance. It further calls for examining the fairness and acknowledgement of research assistants' contributions and advocates for a code of conduct to address issues of discrimination and exploitation. The integration and impact of research in legal scholarship, the role of internships, and the need for a more systematic evaluation of academic contributions are highlighted. Moreover, the article underscores the importance of understanding and preserving legal research traditions, advocating for a closer relationship between legal studies and the humanities and social sciences to enrich the academic discourse. The article points towards the need for a balanced and inclusive approach to legal research that respects autonomy while addressing neglected research areas.

Key Words: *Academic Hierarchy, social science, legal education, Integration, multidisciplinary approach*

1. SEARCH, RESEARCH, AND ACADEMIC HIERARCHY

We all know roughly that 'search' is not 'research', for we all seem to know that searching is a 'lowly' job, whereas 'researching' is a loftier one, even when we know that 'research' is impossible without 'search'. It is normally research that dictates 'search', but I suggest that the reverse is also true very often now in the digital world! Often, the changes in the research agendum stand necessitated by the search. All this, and more, suggests a multilinear relationship with 'search' and 'research'.

It is true that the more 'senior' a legal academic is, the more opportunities she has for hiring young people as research assistants. Some academics who do multiple research projects command a veritable army of research assistants. There is also the 'internship' by which young students can and do serve the functions of research assistants. Most of us, in some way or another, think and feel that research assistantship socializes one into the grooves of academia. Very often, it becomes a first step towards a teaching career.

I am not here engaging the 'good' and the 'bad' of this system, though I know that no rigorous evaluation has been performed nationally and comparatively on how it all works.

Nor is it time and place to explore unfair labour practices, sexism, and ableism practised in relation to research assistants and interns. This demands intense and reflexive case studies. Further, I do not discuss aberrant situations where the teacher (like me) rarely works with interns and assistants yet remains a moderately successful author and researcher.

Rather, my concern is about the relation between 'search' and 'research'. In the old predigital times, the search was physically intensive and required an 'assistant' to spend a substantial period of time within the library and in other

libraries. There was also some heavy lifting of books and materials, mostly handwritten and occasionally using the mechanical typewriter. In the digital period, much of this labour is now reduced to cyber labour and can be gathered at the click of a mouse instead of being anonymous massive physical and mental labour. Research assistants in digital times can work faster and collect and share information with greater accuracy.

More critical is that the division between labours of 'research' and 'searching' for these have all but vanished. A legal scholar herself can search and research together. I suggest that 'hired' labour is not so necessary in the mid-digital era as it was during the non-digital era. Yet, it thrives and grows. Are there other factors than the persistent status and academic hierarchy considerations at work? In this context, we need to examine how law school internships operate to generate some demand in academia. We also must study nationwide how the UGC research fellowships are often hierarchically used for collaborative writing between an awardee and a faculty member and whether the consent for search/ research is genuine or imposed and also duly acknowledged as adequate research collaboration. I hope that I am profoundly wrong in my overall assessment that the senior law scholarly community is rather niggardly about due acknowledgement, which also raises a related question about the forms of unpaid scholarly labour by a so-called research assistant. I do not here enter the question of how doctoral scholars who serve as research assistants to justices and the kinds of demands on research time, if any, they make on their teachers and guides.

To reiterate, where research assistance is constitutionally flawed and is affected by manifest 'isms'-- ableism, speciesism, and discrimination on the grounds prohibited under the constitution, serious questions arise. Without affecting the

autonomy of research, there has to be an articulate code of research conduct (and constantly under review) by the faculty and students on such matters.

2. RESEARCH INTEGRATION

We also should study whether research 'integration' is better achieved now than in the predigital era. One way to consider is the revision of many academic treatises by justices, eminent lawyers, and legal academia. What indicators indicate that the revision process makes a greater contribution to scholarship? Or is it basically a business decision by the publishing house, a decision mainly to exploit further a captive or niche market?

Since claims of academic contribution are often made in revising a treatise, it is incumbent on each faculty to develop articulate procedures of assessment rather than to leave the matter only to Vice Chancellors, Deans, and Section Committee, however innovative some of them may be.

How about 'toxic' insertions representing the many degrees of regime-biased additions by later editors? Further, how may we judge the quality of the original work in its various avatars? Further, was HM Seervai's decision that no posthumous editions of his great treatise on constitutional law ever be justified and if so, by what measures? Mr. Seeervai was entitled to his intellectual property, but should posterity be deprived of revisions that build upon the eminence of Seervai? If there is any question of 'mutilation ' of the copyrighted work in new editions, why should the protection of the author's moral rights (already protected by the Indian Copyright Act) not be availed by Seervai heirs in copyright?

The other response is an examination of law journals and reviews. I had made some empirical analysis and suggested some need for content analysis in an

article in the *Delhi Law Review*[1] , but the matter has fallen on the research-impaired ears of academics, researchers, and even eminent law librarians. There, I suggested, among other things, a content analysis of all journals, old and new, separating domain-specific (like the Indian Society of international law) and the general law reviews, and the ratio of oversees vs. indigenous research.

There should also be room for comparative studies of the proportion of students and senior scholars writing for law reviews. I believe that this sort of research will enable a comparative study of the past, present, and future trends and patterns of legal scholarship and hopefully enable law schools and teachers to discover and redress academic and research imbalances. We need to ascertain the research-prone areas, the upper ranges and middle level on the one hand and the totally unloved areas where there is a scarcity of research and publication. The former ranges include public law, international law, studies in IPR, criminal law and criminology, and family law. The work is on other areas, such as legal theory and philosophy, procedure and evidence, torts, civil wrongs, and remedies. Incredibly important remains the task of assessing social sciences and humanities domains which 5-year course law students undergo. One scarcely denies or undermines the advantages of specialization; however, low-priority or marginal subjects cry out for greater attention.

We need to be alert to teachers-researchers' autonomy in choosing the fields of research. And any dilution of this autonomy will, or should be, resisted. Yet the difficulties of unloved research arenas must be dealt with. This remains a

[1] Upendra Baxi, 'Constructing A Platform of Memory: Towards a Sociology of Indian Law Reviews', XXV *Delhi Law Review*, 1-20 (2003). I also mused a good deal on reflexive legal scholarship and pondered the dilemma of 'originality' *v* 'mimeses.

difficult and delicate task for those aspiring to repair, reform, and renaissance enterprises in law, humanity, and social sciences.

3. RESEARCH TRADITION

The general plea of this note is that all law academics, even focusing on their engagements, should develop a keen sense of legal research traditions that may have developed in the past and their provenance and relevance for the times ahead. For that to happen, one needs to enunciate what one may mean by the word 'tradition'.

Alasdair Macintyre, a foremost ethical philosopher, made the famous distinction between 'tradition- constituted' and 'tradition constitutive' dimensions. We here do not undertake a close examination of these categories, nor the difference, if any, between Karl Polanyi's 'tacit knowledge' and his saying that: "Everywhere it is inarticulate which has the last word, unspoken and yet decisive".[2] However, any law researcher worth the name would immediately recall Oliver Wendell Holmes' famous *Path of the Law* (1881).

If contemporary legal thought and research are enmeshed within a tradition, we must surely ask: Which is that research tradition? The obvious answer must be Anglicized or the common law tradition. Not only have we inherited it, but we also inhabit that tradition. It is also enlivened by that Old Commonwealth Common Law, as well by the American tradition, so much to justify the talk about the "Anglo-American orbit".

A mere look at the Constituent Assembly Debates would show how much we owe to common law tradition. The Debates teel us, as Marc Galanter reveals

[2] See for close analysis, John Flett, "Alasdair MacIntyre's Tradition-Constituted Enquiry in Polanyian Perspective," *Tradition & Discovery, The Polanyi Society Periodical*, XXVI:2, 6-20 (1999-2000)

in his article, the "aborted restoration of Hindu law", the story of other legal traditions—those esteeming from Dharmasastra and Mimamsa.[3] However, there are other traditions, such as the law of indigenous peoples and religious minorities (including the Sikh, Jain, Christian, and Islamic traditions). What sorts of relations exist between them--- of antagonism or complementarity, of struggles of hegemony and subordination, or of symbiotic co-existence? And what relations ought to exist?

It may also be helpful to reflect on traditions within traditions and the cultures of tradition. The rights-based cultures of adjudicative institutions and security, governance, and development legislative and executive power formations furnish an obvious example. There are others—as cultures of change versus those of order.[4] Which one, on balance, does the search/research complex tend to reinforce and should do so? Thus, A broader question is posed: what frameworks emerge from legal traditions to best handle this conflict between order and change?

4. RESEARCH TRADITIONS IN HUMANITIES AND SOCIAL SCIENCE

Humanities and social sciences [HSS] are taught in all five-year courses, but a great distance remains between cultures of reading law and HSS reading cultures. When we designed the National Law School University of India

[3] See, Marc Galanter, "The Aborted Restoration of 'Indigenous' Law in India", *Comparative Studies in Society and History*, 14:1, 53-70 (1972). See also, Upendra Baxi, *Towards a Sociology of Indian Law*, 6-14 (Delhi, Satvahan, 1985; a reprint, with a new introduction, and additional bibliography, (forthcoming, 2024; Delhi, Law, and Justice Publishing).

[4] See, for provocative analyses, George Deleuze, G. (1992), *Postscript on the societies of control*. 59: 1: 3–7. Available from http://www.jstor.org/stable/778828 [Accessed 7/3/2024}; Michel Foucault, (1980). 'Body/Power', In: *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, New York, NY: Pantheon Books,55-62, C. Gordon, ed); Chantal Mouffe. (2012). 'Space, Hegemony and Radical Critique', 19–31, In: Featherstone, D., and Painter J (ed), *Spatial Politics: Essays For Doreen Massey. Chichester, West Sussex*, UK: Wiley-Blackwell,.

(NLSUI) in Bangalore [and I was the first director-designate of the School from l1973 to 1985] —we had a distinguished committee --comprising Gyan Swaroop Sharma, G. V, Ajjappa, S. K. Agarwal, R. K. Misra and others—which designed the five-year course which emphasized total integration of law and HSS disciplines We knew that such integration was impossible but attempting the impossible was the very task of imagining the alternatives to traditional legal education and research.

I would not dilate here on the aspirational agenda that animated us but must, in passing, note ruefully that the pre-history of institutionalization of an integrated law school NUSLI has been totally ignored and even falsified by the narratives of 'modernization' of legal education in India.[5] How much is it retained? How much it bypassed or discarded and why other national law schools approached the prehistory is a research subject in its own right; some of this prehistory should be readily available in the archives of the School and Bar Council Trust of India.

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5 The current history in calling the NLSIU (or the genre of NLS) a 'founder' of 'modern legal education' is erroneous in several respects. It not merely ignores the first generation (like Professor R.U. Singh) of modernizers but also the second (comprising Professors Gyan Swaroop Sharma, Pradyumna K Tripathi, Anandjee G. V. Ajjappa, Charles Alexandrowicz, Shiv Dayal, Paras Diwan, D. N. Saraf, T.S. Rama Rao, S.P. Sathe, Lotika Sarkar, S.K. Agarwala, Momed Ghouse, Balram Gupta, among notable others). And any adequate. history of waves of modernization of Indian legal education will further recognize the eminent founding contribution by many of India's other finest legal scholars working across generations. Undoubtedly, the National Law Schools made have made a significant contribution but many out of 24 schools must at least make as much contribution to legal learning as the top ten schools. If eternal vigilance is the price of liberty, it is even more required to maintain educational integrity and foster continuing research excellence, the individual and collective pursuit of which is a fundamental duty of all citizens under Part IV-A of the Constitution. See, also the valued work of Amita Dhanda (ed, with an introduction and interview, Volume IV on Legal Education in the Selected Works of Upendra Baxi (Oxford, Oxford University Press, 2024, in press); Upendra Baxi, "How to Make Legal Education and Research More Democratic in Neoliberal Era—A Lifetime of Questions?" in Varsha Bhagat-Ganguly, Meghan Finn, Madhuri Parekh (ed), Sociolegal Challenges to Social Justice Continuum, (Lonon, Routledge, 2024, in press).

In any event, the record of appreciation of HSC teachers is very mixed and needs a lot of labour to retrieve. It is not known how most law teachers and scholars see their disciplines. There have been some early attempts at devising a common pedagogy of teaching law and HSC. But these gave not been well archived, and even anecdotal instances have not been preserved by methods of oral history; nor do we have any studies of how early histories of joint writing of relevant HSC textbooks (encouraged by the Bar Council of India) involving law and HSC teachers have fared. But I do know that some kind of apartheid exists between 'pre-law' and' and now even a retrograde policy has been adopted, even by the Supreme Court of India, that only a person with ten years of experience in law teaching can be eligible for becoming Vice-Chancellor! Retrograde because it conceives national law schools as merely law faculties to which HSC are appended! Why should social science teachers, such as sociologists or political theorists, not be considered for the post?[6] Significantly, and sadly, the law teachers also seem to have accepted this position with equanimity.

Reverting to the question of distinctive ways in which HSC research has been shaped, law teachers seem to have difficulties with how the HSC disciplines think of the problems they face in teaching early law students. I do not know precisely how HSC teachers address paradigmatic situations of 'lawless aw. (a famed expression of the Italian philosopher Giggio Agamben_ but political trials in colonial and postcolonial India lend themselves to a deeply subaltern

[6] Appointment of a history professor as Vice Chancellor, is an exceptional example of integrated education in law and HSC.

critique of forms of law.[7] How do, for example, the HSC thematize the trials from Bhagat Singh to Mohandas Gandhi and beyond?[8]

To partly ease the general problem, I have laboured hard to do the second volume of the sociology of law sponsored by the Indian Council of Social Science Research series of monographs on law and social sciences. In my monograph, I identified some social science disciplines in *Towards a Sociology of Indian Law*. I excavated themes, issues, and materials from social sciences and asked if they had also pursued the domain with even a bit from law and jurisprudence perspectives, they would have come across additional or other questions. The additional bibliography and preface of the re-issue of the book highlight the interdisciplinary triumphs that social and legal research law has made.

Experimental and innovative courses and materials in law and literary studies have suitably addressed the humanities. Much sustained work still needs to be done, for example, in the critical digital humanities soon, encompassing studies in the interaction between law, technology, and social consciousness. In any event, the domain-specific research method and findings do not seem to interest legal researchers. How are the legal methods different from those of HSC? And how many PhD and postdoctoral fellows pursue the latter fields?

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[7] I have explained this, and related aspects, in ""Touch It Not, If You Are Not a Historian": Toward a New Historiography of Colonial Indian Law: Recrafting Clio?", *Comparative Studies of South Asia, Africa and the Middle East*, 38:375- 384 (2018). See also, Adil Hasan Khan, "...those who...lost their utopias...but...still rebel...": taking up Upendra Baxi's Bequixotements in Times of Crisis", *Jindal Global Law Review*, 9, 155–180(2018).

[8] See, for Bhagat Singh, the masterly narrative in Kuldip Nayar, *Without Fear: The Life and Trial of Bhagat Singh* (Delhi, Harper Collins ,2007); and A. G. Noorani, *Indian Political Trials, 1775-1984* (Delhi, Oxford University Press, 2008); see also, Ujjwal Kumar Singh, *The State, Democracy and Anti-Terror Laws*, (Delhi SAGE Publications, 2007).

These fragmentary remarks, I hope, aside from suggesting some odd areas of study, are mainly engaged with the social meanings of legal research traditions. I hope these strike some resonant chords among this brief paper's readers, leaving several cognate areas still unexplored.

Use Of Regional Languages In Legal Education: Goals, Realities, Challenges And The Way Forward

Dr. P. Ishwara Bhat

Fomer VC, NUJS and KLS Karntaka

Abstract

The paper highlights the essential role of bilingualism in delivering effective legal services, advancing justice, and preserving the judicial system's integrity. Legal professionals need fluency in English and regional languages to meet the diverse needs of rural and urban clients, corporate markets, and international clients. Bilingualism enhances communication, comprehension of legal documents, and compliance with procedural justice in trial courts, raising legal awareness and understanding of policies and outcomes. The Indianization of the legal landscape requires incorporating regional languages and cultures, respecting linguistic aspirations, and addressing multilingual challenges. To put the matter in perspective, the article covers constitutional language policy, the Bar Council of India's legal education rules, and historical considerations of language employed in court. Moreover, it reveals the versatility of regional language in the legal education system in different states in India, the problems faced, and measures taken towards their promotion. The article concludes with recommendations on improving bilingualism in the legal education context, such as a strict implementation of regional language studies, encouraging translations, and advancing a cross-sectional approach.

Key Words: *Legal education, regional language, legal services, Bilingualism, justice and trail procedures*

1. BILINGUALISM NECESSITATED.

Good legal education is a prerequisite for quality legal service that helps in the fair administration of justice and the smooth functioning of the legal system. The language competence of the legal professional, for which the legal education system prepares, is crucial for efficacious service. Bilingualism in the legal profession is necessitated because of specific reasons.

Firstly, in order to satisfy the beneficiaries of legal service, it is essential that the legal service shall be provided in the language of the beneficiaries. The beneficiaries might be the rural folk, urban elites, corporate barons or international clients who might not be conversant with one common language like English or Hindi. Interaction with beneficiaries and society in their own language becomes essential for legal service. Further, most of the records, private documents, and correspondences are in a regional language, and understanding and translating them requires good proficiency in the regional language. The 'only English' policy is not workable outside the higher courts. Students determined to serve the local courts need not take the trouble of acquiring a very high level of competence in English but will be satisfied with their working knowledge of English. However, any kind of classification that causes segregation violates the right to equality.

Secondly, the trial court's adjudication will comply with the procedural justice requirement if all the adjudication participants – complainant, plaintiff, witness, defendant, lawyers and judges – understand the communications. Lawyers and judges who play vital roles should be conversant with regional language.

Thirdly, people can better understand the legal policies, rights, and obligations of their language. Hence, legal literacy and legal aid programmes, which are components of legal education, can serve their purpose when they are

conducted in their language. The public hearings and adjudication outcomes can be better known if they are rendered in people's language. Thus, language rights in the legal process have an immense social justice dimension.[9]

Fourthly, the Indianisation of the legal system has to gather support from the regional culture and language, which contain the wisdom of the ages and experience-based learning.[10] Colonialism had displaced the role of Indian languages, which had served the cause of the native legal system in India for several centuries. Bilingualism can at least treat the linguistic aspirations of the people in a dignified manner while replacing English altogether has practical problems in a society with a plurality of languages, which our Constitution Makers pragmatically perceived and provided a solution based on balancing of interests. Linking law with culture is a stepping stone for building a law-abiding citizenry.[11] Making the legal materials available in the regional languages enriches the regional languages and enhances their sustainability. For these reasons, bilingualism in legal education has become imperative. The National Education Policy 2020 has accepted this position and plans to inculcate translation skills among teachers, textbook writers, and students. Multilingual India calls for multiple bilingualisms in the domain of law. It envisaged excellent proficiency in both languages, not mere working knowledge.

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[9] *Prabhandhak Samiti* v. *Zila Vidyalaya Nirikshak*, AIR 1977 All 164, 1976 SCC OnlineAll 175 per M N Shukla J.

[10] The Supreme Court and High Courts have referred to resources in Bharatiya Nyayashastra – vedas, Upanishads Bhagavadgita, arthasastra, epic literature, writings of Thiruvallavar, Kabir, Nanak and Basaveshwara in the course of interpretation of constitution and laws so long as they conform to the constitutional principles.

[11] *Kaushal Kishor* v. *State of Uttar Pradesh*, WP (Cri) 113of 2016 judgment dated 03, January 2023 where argument against hate speech was strengthened by referring to Thirukkural and Basaveshwara's vachanas.

2. LANGUAGE POLICY OF THE BAR COUNCIL OF INDIA IN LEGAL EDUCATION

The constitutional policy on language, which is based on Munshi-Ayyangar formula, provides for continuing English as the language of the Supreme Court and High Courts (Article 348 [1] {a}); English as the medium of enactment of laws by the Union and State Governments (Article 348 [1] {b}); and continuing the existing official language of communication, which is English, between the Union and States or States inter se (Article 346). In view of this, the Legal Education Rules of BCI require law students to be competent in using the English language to study law. Legal service to be provided at the national and international level (including the corporate sector) or in the Supreme Court and High Courts demands such skill. However, the Constitution also recognises regional languages' equal and respectable status (Article 345). Legal service at the local level and spreading legal awareness to the local communities requires using regional language for such professional work. BCI has responded to these dual requirements and provided options to students to learn the law and write answer papers in either English or a regional language.

As per Schedule II section 1 of the BCI Legal Education Rules 2008, "English shall be the medium of instruction in both the integrated five-year and three-year courses. However, suppose any University and its CLE allows in full or in part instruction in any language other than English or allows the students to answer the test papers in the periodical and final semester tests in any regional language other than English. In that case, the students have to take English as a compulsory paper."

According to Schedule II section 6 Part I of the BCI Legal Education Rules 2008, "(1) Undergraduate course-component for integrated Five Years' course:

(a) In Social Science and Language (For B.A., LL.B.): One major subject with two minors, besides, English is a compulsory subject. Students are expected to learn at least one Foreign or Indian Language. There shall be six papers in major and three papers each in minor and in languages."

In the Five Years Integrated Course (BA LL B) list of papers, the BCI Legal Education Rules 2008 illustratively lists 'General English' in the first semester and 'English literature' in the second semester. This is only an illustration but does not override section 6 mentioned above. Hence, there is space for studying either a foreign language or an Indian language.

The Bar Council's rule on the medium of instruction is justifiable on the basis of Entry 66 of List I, which pertains to the coordination of standards. After shifting the subject 'education' [Entry11] in List II to Entry 25 of List III, States and their universities have the power to regulate educational activity, including the way in which it is imparted. Although in the *Gujarat University* case,[12] the power of State universities to impose a medium of instruction was considered as inconsistent with the Union's power of maintaining standards as per Entry 66, after the amendment and due to the social necessity, State universities have the power to prescribe pattern of language study.[13] The BCI rules of 2008 provide for a compromise formula, which takes care of the language interests of the States and satisfies the professional requirements of high courts, Supreme Courts, and other bodies.

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[12] *Gujarat University and another* v. *Shri Krishna Ranganath Mudholkar and others* AIR 1963 SC 703; the dissenting view of K Subba Rap J argued that exclusion of regional language's competence for medium of instruction is like cutting away the hand that feeds the mouth. For an approach different from the majority see *Modern Dental College and Research Centre* v. *State of Madhya Pradesh* (2016) 7 SCC 353.

[13] Extending the logic in *Modern Dental College and Research Centre* v. *State of Madhya Pradesh* (2016) 7 SCC 353.

Forming Bhasha Samiti in coordination with UGC and the Union Government's body to promote Indian languages is a significant step for effectuating bilingualism in legal education.

3. LESSONS FROM HISTORY

In ancient and medieval periods, the court proceedings were in people's language, whether Sanskrit, regional language, Parsi or tribal language.[14] This presupposed the participation of adjudicators and legal service providers conversant with knowledge of law and people's language. The colonial policy contributed to the change from a multilingual legal system to a unilingual and Anglo-phonic legal system. The Charter of the Supreme Court, 1774, provided for the enrolment of advocates and attorneys authorised to appear, plead, and act for their suitors. This confined the opportunity for legal practice to the British enrolled advocates.[15] In order to obviate this difficulty, in 1793, the Bengal Regulation allowed the appointment of Vakils or native pleaders to appear before the company's courts. A series of enactments viz., the Legal Practitioners Act, 1846, 1853 and 1879 extended the opportunity of acting as pleaders to all persons without discrimination on grounds of religion or nationality if they were duly qualified and holding good character; enabled attorneys and advocates to appear before the courts of East India Company; and provided similar opportunities before the High Courts.[16] The language of the British statutes and the pleadings and transactions in courts were in English. Hence, getting the qualification of pleader or advocate needed good acquaintance with English. When formal legal education was set up in the

[14] P Ishwara Bhat, *Law and Social Transformation* (Second Edition, Eastern Book Co, Lucknow, 2022) 311-314

[15] Clause 11, cited by Sushma Gupta, *History of Legal Education* (Deep and Deep Publications, New Delhi, 2006) 55

[16] Ibid pp. 56-7.

universities of Bombay, Calcutta, and Madras in 1857, a B L degree was offered in English.[17]

Most of the recommendations by Committees and Commissions on higher education addressed the issue of enhancing the level of professional skill. They have avoided the issue of Indian languages as a medium of instruction, perhaps thinking that good knowledge of English is part of their professional skills. The First University Commission 1902, Chagla Committee 1910 and Radhakrishnan Commission 1948 emphasised the requirement of a degree or other course prior to a law degree. Only the Radhakrishnan Commission insisted on bilingualism and the desirability of three language policy. The Fourteenth Law Commission Report (1958) extensively discusses the problems of conducting legal education and court proceedings in regional language. It has been suggested that in view of the Herculean task involved in making the legal materials available in all regional languages, a task that may need dedicated work for 25 to 30 years, the proposal could be dropped at present.[18] The fact that presently, the language of courts at higher levels, viz., Supreme Court and High Courts, is English and the transfer of judges from one High Court to another High Court is also contemplated under the Constitution gave a distinct superior place to English. Long practice in the past, convenience in continuing the present position and practical inevitability have favoured Anglophonic unilingualism in higher courts. The other alternative is switching to Hindi, for which neither Hindi is developed to the level of shouldering the burden nor is the country prepared to accept the position due to possible protests by the non-Hindi States and the legal profession. The Law Commission considered that in Hindi-speaking States, because of better

[17] Ibid p57
[18] Law Commission of India, Fourteenth Report volume I (1958) 520-555, 655-656.

availability of legal materials in Hindi, imparting legal education in Hindi may be appropriate, but knowledge of English on the part of law students to read reports, journals and books in English is a must. However, the idea of multilingual legal education was ruled out in the background of scanty reading materials in law. One thing sure from the Fourteenth Law Commission Report is that the production of massive translation work of legal literature is a prerequisite for multilingual education.[19] That inspired the Bar Council Trust in 1974 to have an objective in its agenda 'to publish translations of the various statutes and important text books in Hindi and other regional languages.' We did not come across any substantive reference to language issues in the other reports and seminar proceedings. However, inadequate English language competence among students and teachers has been commented upon. Justice Ahmedi Committee Report (1994) and Law Commission's 184th Report (2002) also did not focus on language issues in legal education.

4. LINKING LEGAL EDUCATION TO THE IMPERATIVES OF SOCIAL UTILITY

the purposes of legal education are delineated to include: dissemination of knowledge of law with an insight into its history, philosophy and engineering role in the democratic society; imparting the skills of practising law, solving problems and acting as conscience-keeper of the society; inspiring high moral values, discipline and competence to comply with the constitutional mandates of building a social order based on equality, liberty and dignity; and providing research-based critical understanding of the way of improving the legal system better to serve the cause of social and economic justice.[20] These purposes can

[19] See for discussion P Ishwara Bhat, *Law and Social Transformation* (Eastern Book Co, Lucknow, 2022) 319.

[20] Preliminary Statement of the Committee on Legal Education of the Harvard Law School, 4 and 6 (1947); L C B Gower, 'English Legal Training – A Critical Study' 13 *Modern Law Review*

be better performed if the iron curtain of the language barrier does not come their way.

5. THE PRESENT SCENARIO

Diversity prevails regarding the extent of the use of regional language in the study of law in various States in India.[21] *Firstly*, in States where the state official language is Hindi (UP, MP, Rajasthan, Haryana, Bihar, Jharkhand, Chhattisgarh, Uttarakhand), legal education in Hindi has become very popular and widespread. Because of the encouragement given by the Union Government and State Government, textbooks of law and translated versions of case reports, enactments and notifications in Hindi have been brought out in reasonably good quality and quantity.

Secondly, in states such as Karnataka, Tamil Nadu and Gujarat, considerably high use of regional languages in legal education has been found since the 1980s. In the South, Karnataka and Tamil Nadu universities took great initiative in encouraging the use of Kannada and Tamil, respectively. In Gujarat, all the traditional universities encouraged the use of Gujarati in teaching and examining law students. The approximate percentage of students who write undergraduate law examinations (LL B, etc.) in Karnataka, Tamil Nadu, and Gujarat are 50 %, 60 %, and 70 % respectively. There are a good number of books on law written by local scholars, although the quality of such

(1959) 167; Gajendragadkar Committee on Legal Education in the university of Delhi, 1964; Mohammad Farogh, 'Legal Education: Contemporary Trends and Challenges' cited in Sushma Gupta, *History of Legal Education* (Deep and Deep Publications, New Delhi, 2006)21; Andrew j Pirie, 'Objectives in Legal Education: The Case for Systematic Instructional Design' *Journal of Legal Education* (May, 2000) 590; D R Saxena, 'Legal Education and Social Change: Some basic Problems and Perspectives' 35 CMLJ (1991) 251; N R Madhava Menon, 'Professions for the Professionals or for the People?' *Law and Justice* (1994) 273-4.

[21] The data for this section was gathered through telephone interviews with leading academicians of various states.

books needs to be improved. Further, prescribed text books need to be translated and published.

Thirdly, in select universities of Maharashtra and Punjab, students are given options to write law examinations in respective regional languages, although the medium of instruction is English. A beginning has been made in some universities in Maharashtra (Pune, Marathwada, and Mumbai) to permit students to write their examinations in Marathi. At Punjabi University, which was established to promote the Punjabi language, students are allowed to write law examinations in the Punjabi language. A tiny percentage of students in the community study and write examinations in the regional language.

Fourthly, in the rest of the States (Kerala, Telangana, Andhra Pradesh, Orissa, West Bengal, Assam, Nagaland, Meghalaya, Mizoram, Tripura, Goa, Kashmir, Delhi and Union Territories), there is adherence to the practice of 'English only' in the matter of teaching, learning and writing examinations in the course of legal education. For the purpose of spreading legal literacy, brief handouts of legal materials produced by the State Legal Services Authority are used by the law colleges. In some States like Kerala, the General English paper for Five Years course students contains a module on translation.

Fifthly, in all the National Law Universities, Private and Deemed universities, law is taught and studied, and examinations are conducted exclusively in English. They do not even offer Regional Language papers nor engage in courses on translation. Nevertheless, in some national law universities (Dharmashastra NLU of Jabalpur), bridge courses in bilingualism are offered to first-year law students hailing from tribal communities who have serious language handicaps.

6. CHALLENGES FACED

Academic policymakers in many States have inhibited bilingualism. They apprehend deterioration of standards due to the non-availability of quality text books, case reports, and other supporting legal materials in regional language. Reliance on semi-text books, class note types of materials and guides would deprive the students of the advantage of studying standard text books prescribed by the University. Studying law in regional languages would narrow their professional choices as they will be confined to courts and offices up to District Courts and cannot practice in High Courts, Supreme Court, corporate sector and international bodies. This fear is to be allayed for the reason that as per the experience of States in which bilingualism in legal education is already launched, the advocates who chose regional language medium for their education slowly pick up English, develop their translation skills, enhance their professional ability and able to practice before the higher courts. The mindset against change in the Anglophonic legal education system that stood for more than 150 years in India is also an impeding factor. Lack of preparedness to launch bilingualism is the biggest stumbling block. The Fourteenth Law Commission Report looked into the mammoth task of translating all the laws, judgments and reports into regional languages. It expressed that this calls for a nation of translators and the spending of enormous resources that the country could hardly afford. This hands-off approach triggered by the colonial outlook need not continue today. Globalisation's effect on regional languages will have to be properly dealt with by making regional languages strong and capable of performing all the functions contemplated under the Constitution. However, today, it is a reality that the knowledge system of law in regional languages is poorly equipped at the national level. The states that have made a beginning have made some positive achievements, although they are not satisfactory.

Thanks to the Supreme Court's initiative to apply new technology (AI), the Supreme Court's important judgments are made available in various regional languages. The project is ongoing and has yielded great fruits. Some of the high Courts have also followed similar policies. In collaboration with BCI, UGC, and universities, Bharatiya Bhasha Samiti has initiated a massive scheme to translate standard law books and bring out law dictionaries.

7. A FOCUS ON THE SPECIFIC STATE EXPERIENCE

A judgment of Karnataka High Court rendered in 1979-80 providing a remedy to a law student for evaluation of answer books written by him in Kannada as against a university's stern stand on 'English only' paved the way for the use of regional language. More students followed this practice, and the University resolved to offer such options to the students by changing the rules. The request of students to have a translation of the question paper was conceded over the course of time, which resulted in bilingual question papers. Simple types of law books in Kannada made entry to the bookshops. There were regional variations from university to university in the extent of using Kannada in the study of law. With the introduction of Five five-year LL B course in the 1980s, the difficulties of students who had Kannada medium education up to 10^{th} or 12^{th} standard were considered. To match with other general courses at the university, a study of one paper in Kannada was introduced. The establishment of KSLU in 2009 enabled uniformity in legal education policy in Karnataka. Framing the syllabus of this paper to comprehend the cultural ethos and socio-legal values in Kannada literature over centuries linked culture with law, provided exposure to forms of legal writing in Kannada and enhanced translation skills. A textbook entitled 'Kanunu Kannada' was published by the Karnataka State Law University in 2020; for students who hail from other states or do not have a background in Kannada, the 'Kannada Kali' paper is

introduced, which trains the students to get proficiency and working knowledge of Kannada through conversational learning. KSLU has launched some programmes to promote Kannada by publishing a series of research articles on specific themes such as 'Law and Literature' and 'Law and Social Transformation.' The Vijnaneshwara Chair brought out a collection of articles in both English and Kannada on socio-legal values in Kannada literature.

KSLU has offered One Credit Course on translation to students and encouraged the affiliated law colleges to do the same by providing funds and resource persons. The fact that in the judicial service examination of the State, one paper of 100 marks is prescribed for testing translation skills has necessitated the imparting of translation skills. KSLU brings out legal literacy bulletins in Kannada, which are used in legal awareness programmes conducted at various places. They are also published on the university's website. The government of Karnataka has brought out a Legal Dictionary (English-Kannada) and translation of Constituent Assembly Debates in 10 volumes at a cheap price. All the state laws and most of the central laws are translated into Kannada. ILR Karnataka series has been publishing the Kannada version of landmark judgments of the Supreme Court and High Court of Karnataka. At the community level, there are also serious efforts. Kannada Law Lexicon has provided elaborate details about legal words, phrases, and concepts. The translated version of the Cauvery Tribunal Award has also been published in Kannada. The University of Mysore has published translated versions of some textbooks and edited volumes. Karnataka Institute for Legal and Parliamentary Reforms has published 38 law books in Kannada, although they are not treatises. Kannada Pradhikara and Kuvempu Bhasha Bharati have also supported legal publications in Kannada.

In the 1990s, the Government of Tamil Nadu took a series of steps to encourage the use of Tamil in law colleges by allowing students to write law examinations in Tamil, providing stipends to students who study in Tamil, giving incentives to law teachers to write law books in Tamil.

The Central Institute of Indian Languages, Mysore, has a project to translate various books into all the regional languages, including law books. Granville Austin's book on The Indian Constitution: Cornerstone of a Nation and DD Badu's Introduction to the Constitution of India are included in this list.

8. THE WAY FORWARD

The Bar Council of India deserves congratulation and wholehearted support for promoting the use of regional language all over India. The following steps may be suggested for taking ahead the task of bilingualism in legal education:

- There shall be strict and rigorous implementation of the BCI rule on studying one regional language paper in all Legal Education centres. This norm shall also govern National Law Schools and private Universities. The textbook for regional language on law shall include the study of culture, socio-legal values in the literature of regional language, forms of legal writing, and methods of translation.
- A quick survey of the present position prevalent in various states about the use of regional language in legal education needs to be done.
- There shall be a compulsory course for all law students on translation from English to regional language and from regional language to English.
- There shall be a listing of all law books published in the regional language in each state. A repository of such books shall be constituted. An Expert Committee shall be formed to objectively assess the quality

of textbooks in regional languages for the purpose of recognition and support.

- Competent translators, law teachers, and professional translators shall be identified in each state based on their past experience, inclination, and commitment.
- Incentivising the translation of standard law books supervising and revising them shall be done by offering attractive remuneration.
- Translation workshops, short-term courses, or certificate courses shall be offered by universities to law students, teachers, and young advocates.
- A series of seminars on law and literature shall be organised to link law, literature and culture.
- Publication of scholarly journals, legal encyclopaedia, law dictionaries, law reports, digests, and simple law books on day-to-day matters for the general public shall be made.
- Governmental schemes for translation of CAD, Supreme Court judgments, enactments and reports shall be launched in various states.
- Bar Council Rules shall be altered to introduce regional language as the medium of instruction in legal education on an optional basis subject to the study of English as one of the papers.
- An interdisciplinary approach shall be adopted to produce books on social sciences in regional languages.

Interdisciplinary Approach To Legal Education: Scope And Limitations

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Abstract

The evolution of civilized society depended on laws to maintain law and order as well as provide methods of dispute resolution. Law evolved over time from customs by adopting written codes in civil law and making decisions in common law. Like any other branch of learning, law is a synthesis of the codes, theories, doctrines and other related decisions of the courts. Universities have followed the trend of compartmentalisation of knowledge; however, an interdisciplinary approach has now become essential. This approach pulls together several disciplines to critically analyse laws with certain social, political, and philosophic orientations. The article highlights the role interdisciplinary methods play in promoting equal appreciation among the disciplines, improving communication, and building imperative lawyering skills such as problem-solving, legal analysis, and negotiation. They are essential in understanding complex legal issues in areas such as criminal justice, which interfaces with criminology, psychology and economics, and newer areas of modern development, such as human rights and environmental law. The practice of law is fostered by interdisciplinarity as it allows lawyers to effectively

address the problems of clients, considering the broader social contexts. Another advantage of interdisciplinary methods is legal research; this approach analyses multifaceted issues with a focus on empirical data and theoretical concepts of other disciplines. Promoting interdisciplinary strategies in legal education and research leads to the development of legal professionals capable of dealing with contemporary challenges holistically.

Key Words: *Interdisciplinary research, legal research, skills development, legal education*

1. INTRODUCTION

The evolution of civilised society was an important milestone in the history of humankind. For sustaining a civilised society, the maintenance of an order that has the effect of structuring human life has become essential. So, in essence, the idea of law emerged with the content of fundamental rules of behaviour of human beings as well as the social institutions established by human beings. Law may be treated as a natural outcome of the practices they follow and strategies developed for working together. In due course of time, new patterns of behaviour developed through changing, modifying, clarifying, refining and applying the existing rules so as to meet the new challenges. As pointed out by Edward W. Youkins, "The law is essentially discovered, not made. Law is a systemic discovery process involving the historical experiences of successive generations. The law reflects and embodies the experiences of all men who have ever lived."[22] The principles thus emerged are known as

[22] Edward W. Youkins, *The Evolution of Law*, Quebecoislibre, (Dec. 3, 2023, 7:53 PM), http://www.quebecoislibre.org/000805-11.htm#:~:text=THE%20EVOLUTION%20OF%20LAW&text=Dr.,Jesuit%20University%2

customary law. But in a later stage, rules framed and enforced by the states through the lawmaking process and legal principles formulated through judicial decisions became part of it. Law intends to serve two purposes. Firstly, to maintain a social order through the observance of the legal principles embodied in it. Secondly, it acts as a basic touchstone for the resolution of disputes.

Law emerged as an academic discipline around 400 BC, gathered momentum through the Code of Justinian and developed through the civil law system and common law system[23]. Codification is the most important feature of the Civil law legal system. Comprehensive codes regulate individual behaviour, the interaction between individuals, the relationship between individuals and social institutions and the organisation and functioning of important social institutions. In the common law legal system, developed in accordance with the English legal system, the legal principles emerged as the result of judicial decisions that are recognised as binding law for resolving future disputes of a similar nature. The academic discipline of law developed as a branch of knowledge with legal principles, theories, concepts, and doctrines contained in various codes, principles embodied in decisions of the Courts, and principles that formed the essential part of various customs.

0in%20West%20Virginia.&text=There%20ought%20to%20be%2C%20and,law%20should%20aim%20at%20justice.

[23] Rene Brouwer, *Study of law as an academic discipline*, 13 ULR. 41, 43 (2017), http://doi.org/10.18352/ulr.405.

2. INTERDISCIPLINARY APPROACH TO LEARNING THE LAW

The emergence of the University system opened up a new channel for the further development of Law as an academic discipline[24]. Though the basic purpose of any academic discipline is the generation, organisation and transmission of knowledge, the origin of various academic disciplines and their development through the University system resulted in the compartmentalisation of knowledge.[25] However, in a later stage, the concept of interdisciplinary learning emerged, focusing on the idea that the integration of multi-disciplinary knowledge across a central program theme and its future development is essential for the development of knowledge[26].

While discussing the interdisciplinary dimensions of law, the position of law and the Legal system in society is relevant. Society is the superstructure, polity is the substructure, and the legal system is the infrastructure. So, to ensure the smooth progress of any social development, including scientific inventions, infrastructure support in the form of a legal framework is essential. That is why when major scientific inventions like electricity, atomic energy, etc., happened, new regulations for the effective use of the inventions were formulated. In this context, it is relevant to note that for critically evaluating any provision of law, in the social context in which the provisions are made, the philosophical foundation of the provision, the relevance of the provision in a

[24] Lui Lam, (2023). *Academic Disciplines: Origin and Content*. Research Gate (Dec. 3,2023, 10:28PM), https://www.researchgate.net/publication/368288488_Academic_Disciplines_Origin_and_Content (for the history of university)

[25] *Id.*

[26] Ivanitskaya, L., Clark, D., Montgomery, G., Ronald Primeau, *Interdisciplinary Learning: Process and Outcomes*, 27 Innovative Higher Education 95, 95–111 (2002), https://doi.org/10.1023/A:1021105309984.

changed social context, contemporary socio-political conditions, changed value system etc. play a crucial role. Unfortunately, in traditional academic writing, due regard has not been given to these factors and discussions are confined to the history of a legal provision, interpretations given by the judiciary, legal principles, concepts and doctrines related to the provisions, etc. Quite often, the analysis of a legal provision is influenced by the approach of litigation lawyers and judicial officers. However, the impact of a provision needs to be analysed from a broad social perspective. For this purpose, an interdisciplinary/multidisciplinary approach is essential. According to Kandel, "It is when the law and the insights revealed by the interdisciplines are palpably incongruent that the interdisciplines are most useful, both in revealing what is not working and in suggesting how it might be made to work."[27]

The Law school curriculum is not yet free from the traditional, compartmentalised approach of the discipline of law. From the last quarter of the 20th century, a holistic approach, which gives due regard to the emotional, social and spiritual quotient of students, has been adopted from the preschool stage[28]. So, it is essential to extend this approach to the level of Law school education. For this purpose, cutting across academic disciplines is essential for evaluating legal provisions and analysing judicial decisions. Kandel wrote that the task of integrating disciplines in the Law school is, in part, to enable students to construct legal identities that incorporate their emotional,

[27] Randy Frances Kandel, *Whither the Legal Whale: Interdisciplinarity and the Socialization of Professional Identity*, 27 Loy. L.A. L. REV. 9, 23 (1993).

[28]National Academies Press, https://nap.nationalacademies.org/read/19401/chapter/8, (last visited Dec. 3 2023).

intellectual, and moral identities. It is also to teach them how to use this holistic perspective in their later practices[29].

2.1 Goals

Academicians like Moore & Weinstein[30] have identified five goals of interdisciplinary approach in the teaching-learning process.

1. Creating an atmosphere of mutual respect and appreciation for the relevant disciplines, thus enhancing and encouraging teamwork;[31]
2. Developing knowledge and understanding of another discipline without necessarily mastering it;[32]
3. Enhancing communication among the disciplines in a learning environment that tends to be less adversarial than a work environment, thereby increasing understanding and decreasing interprofessional animosity;[33]
4. Achieving effective communication among disciplines by learning different vocabulary;[34]

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[29]KANDEL, *supra* note 6, at 21.

[30] Harding, Carol and Weinberg, Anita, *Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come*, 14 Wash. U. J.L. & Pol'y 22 (2004).

[31] Janet Weinstein, *And Never the Twain Shall Meet: The Best Interests of Children and the Adversary System*, 52 U. MIAMI L. REV. 79, 159-60 (1997); Dale L. Moore, *An Interdisciplinary Seminar on Legal Issues in Medicine*, 39 J. LEGAL EDUC. 113, 115-116 (1989).

[32] Cyril M. Harris & Albert J. Rosenthal, *The Interdisciplinary Course in the Legal Aspects of Noise Pollution at Columbia University*, 31 J. LEGAL EDUC. 128, 128 (1981); Janet Weinstein, *Coining of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 WASH. L. REV. 319, 337-338 (1999).

[33] Weinstein, *supra note* 31, at 159- 60, Moore, *supra note* 10, at 114-16.

[34] Weinstein, *supra note* 31, at 159.

5. Learning other disciplines' rules, beliefs, and ethical principles.[35]

The role of the interdisciplinary approach is very substantive in the development of fundamental lawyering skills. It is relevant to note that all fundamental lawyering skills identified by the Mac Crate report, namely:

1. Problem-Solving
2. Legal analysis and Reasoning
3. Legal Research and Morality
4. Factual Investigation
5. Communication
6. Counselling
7. Negotiation
8. Litigation and Alternative
9. Organization and Management Resolution of Legal Work
10. Recognizing and Resolving Ethical Dilemmas[36]

have an interdisciplinary nature.

While introducing an interdisciplinary approach in legal education, an interdisciplinary approach to acquiring and sharpening fundamental lawyering skills from the beginning of law school education may be the prime concern. Interdisciplinarity in doing legal research and developing scholarship may be the other concern. Regarding interdisciplinary collaboration for law students, Alan M. Lerner and Erin Talati observed:

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[35] Moore, *supra note* 130 at 115-16.

[36] Legal Education and Professional Development-An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, 1992 A.B.A. SEC. OF LEGAL EDUC. & ADMISSION

(hereinafter MacCrate Report).

> *This reality and its realisation form the essence of this discussion. For the lawyer, answering the question, remedying the problem, and finding the solution are the essential ends. However, the most successful lawyers will reach beyond the legal question posed by the client to more fully understand the nature and context of the problem because doing so is essential to finding the most effective means to achieve the client's goals. In so doing, the lawyer may have to consult and collaborate with clients and constituents, organizers and advocates, indeed, with anyone who can offer a unique and relevant perspective. Assessing the effectiveness of such interdisciplinary collaboration for law students can be approached using the same metrics applied to collaborative efforts between legal professionals by examining the impact of the collaboration on four aspects of the legal profession: the practice of the profession, enhancing professionalism and preparing future leaders, furthering legal scholarship, and educating future professionals.*[37]

In addition to the above-mentioned four aspects, due consideration may be given to the aspects of corporate lawyering, international employment, arbitration and mediation.

[37] Alan M. Lerner and Erin Talati, *Teaching Law And Educating Lawyers: Closing The Gap Through Multidisciplinary Experiential Learning*, 10 JCLE 96, 104 (2006), https://www.researchgate.net/publication/295876957_Teaching_Law_And_Educating_Lawyers_Closing_The_Gap_Through_Multidisciplinary_Experiential_Learning

2.2 Various Branches of law and Emerging Interdisciplinary branches of knowledge

In certain branches of law, an interdisciplinary approach is essential to understand things from the correct perspective. Criminal law cannot be studied without understanding the fundamentals of criminology. In certain types of crimes, clear perspectives about the allied disciplines are essential during the investigation and prosecution. At all levels of criminal proceedings in which Juvenile offenders are involved, psychology has a major role. Economics comes into the picture during the investigation and trial of economic offences and corporate crimes. Now, in this modern age of science and technology, scientific evidence plays a crucial role in criminal proceedings. Changing family patterns is very relevant in family law. So, any legal process under family law cannot be moved forward without giving due consideration to the value system prevailing in a society. Constitutional issues cannot be addressed without considering the prevailing political situation.

From the last quarter of the 20th century, new branches of knowledge either emerged or gathered momentum. Human rights, Consumer Protection, Environmental Studies, Gender justice, local governance, and Information and technology are some of the examples in this regard. Though all these disciplines of knowledge are interdisciplinary/ multidisciplinary, law plays either a dominant role or a substantial role in all these disciplines. If the discipline of Human Rights is considered as a tree, it has its roots in philosophy, theology, history and political science. Law is the stem, and almost all academic disciplines are its branches. The exact interdisciplinary dimensions are present in other new branches of knowledge allied to the discipline of law.

In this century, Interdisciplinarity has been defined as a "methodology, a concept, a process, a way of thinking, a philosophy, and a reflexive ideology. It has been linked with attempts to expose the dangers of fragmentation, to re-establish old connections, to explore emerging relations, and to create new subjects adequate to handle our practical and conceptual needs. Cutting across all these theories is one recurring idea. Interdisciplinarity is a means of solving problems and answering questions that cannot be satisfactorily addressed using single methods or approaches."[38] Though the notion of interdisciplinarity has enchanted and perplexed legal educators for many years, especially with respect to scholarship, teaching, and burgeoning efforts to create interdisciplinary legal clinics, trained human power possessing additional skills and knowledge capable of addressing any legal issue with an interdisciplinary mind is lacking even today.[39] So, in legal education, measures must be taken to develop such human power.

2.3 Benefits

There are so many benefits to interdisciplinary approaches in legal education. The first one is Critical thinking and cognitive abilities. In any human activity, three steps are involved: cognition, creation, and communication. Any person involved in the legal process, irrespective of whether he is a lawyer, judicial officer, expert witness, investigating officer, or law officer of a company, needs to have proper cognition, creation and communication. Interdisciplinary study helps in developing advanced critical thinking and cognitive abilities (brain-based skills and mental processes that

[38] Julie Thompson Klein, Interdisciplinarity: History, Theory, & Practice 196 (1990).

[39] Kim Diana Connolly, *Elucidating the Elephant: Interdisciplinary Law School Classes*, 11 WASH. U. J.L. & POL'Y 11 (2003).

are needed to carry out tasks). Critical thinking skills are used and developed as students look across disciplinary boundaries to consider other viewpoints and also begin to compare and contrast concepts across subject areas.[40] Basically, the law is for regulating human activities. For this purpose, the maintenance of peace and harmony is essential. To achieve this fundamental objective, traditionally, a mechanism for the resolution of disputes has been provided by law. However, in this modern age, there is a view that conflict is the basis for any dispute. So, conflict management and conflict resolution have a close alliance with the administration of justice. An interdisciplinary approach may enable the law student to understand the crux of the conflict and different courses of action to resolve it. In this process, many and varied perspectives founded on different academic disciplines can be explored. It helps identify multiple viewpoints regarding the resolution of a given conflict.[41] Enhanced knowledge formation capacity, synthesis of ideas, and clear understanding of the connection between ideas and concepts are the other benefits.

Another benefit of the Interdisciplinary approach is the contribution of law students to the development of other disciplines. Harding, Carol and Weinberg explain this aspect in the following words:

> *At its most basic, the introduction of an interdisciplinary component in a course can provide students with information about another discipline's (or a subcomponent of the same discipline's) perspectives or approaches to a topic or problem. For example, a reading on the dynamics of domestic violence may be included in a law seminar on*

[40] All India Legal Forum, https://allindialegalforum.com/2020/06/27/importance-of-interdisciplinary-approach-and-skill-for-a-law-student/, (last visited Dec. 7, 2023)

[41] *Id.*

> *domestic violence. In a more developed format, our interdisciplinary teaching has included course instructors inviting guest faculty or professionals from other disciplines to share in discussing and modelling the process of collaborative problem-solving. This format of inviting faculty and professionals from diverse disciplines into the university classroom can provide students from one discipline the opportunity to challenge the assumptions, perspectives, and practices of another discipline within a "safe" learning environment.*[42]

This approach may create an environment in which academics and researchers have great depth in their own specialized field within their discipline but little training or experience outside that field. Jack M Balkin & Sanford Levinson observed:

> *True interdisciplinarity is more than simply reading work from other disciplines and citing it at key points in a book or article. In reality, few in the academy are really trained to do interdisciplinary work. While many (although not all) lawyers and academics have an undergraduate degree in another discipline, it is usually only through wider professional experience and in graduate school that one develops a strong theoretical and methodological grasp of the discipline. It is increasingly the case that legal academics hold PhDs in disciplines other than law, and this will certainly aid in the development of legal literature that is informed by the knowledge, debates, and preoccupations of other fields.*[43]

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[42] *Supra* note 30, at 15

[43] Jack M Balkin & Sanford Levinson, *Law and the Humanities: An Uneasy Relationship*, 18 Yale JL & Human 155, 165(2006), observe that those in law have often demonstrated an

As pointed out by Howard Gardner, what may be the discipline of a student or scholar, "in the end, questions never stop at the boundaries of a discipline" and "efforts to develop decisive and personal ideas of the true, the beautiful, and the good necessarily take us beyond specific disciplines and invite syntheses."[44]

2.4 Patterns

Harding and Weinberg suggest three patterns for the implementation of interdisciplinary approaches in education.

A. Pattern 1: Interdisciplinary Education as "One Discipline Studying Another Discipline"
B. Pattern 2: Interdisciplinary Education as "Representatives (Professionals and Faculty) from Another Discipline Sharing Their Expertise, Education, and Knowledge Base"
C. Pattern 3: Interdisciplinary Education as "Interdisciplinary Teams of Faculty from Diverse Disciplines Planning and Teaching a Course Enrolled in by Students from Diverse Disciplines and Professions"[45]

Legal education for generating legal professionals may be in pattern 1. Postgraduate legal education giving priority to specialisation may be in Pattern

overconfidence in their abilities such that they either dismiss as irrelevant the contributions of other disciplines, or they assume they can master other disciplines with a bit of reading here and there. They observe that the number of young legal academics with PhDs is something that may have a positive effect in encouraging greater intellectual engagement with other disciplines.

44 Howard Gardner, The Disciplined Mind: What All Students Should Understand 147 (1999).

45 *Supra* note 30, at 34–41

2. Elective courses of law offered for graduate/postgraduate students of other disciplines may be in Pattern 3.

3. INTERDISCIPLINARY APPROACH IN PRACTICE AND PROFESSION

Resolution of disputes by applying legal principles is the strategy adopted by both Common law and Civil law systems. The reasons for the emergence of disputes are divergent and multi-dimensional. The primary aim of dispute resolution is problem-solving. The reasons for the emergence of a problem may be social, economic, political, historical, anthropological, etc. So, to solve the problem, an interdisciplinary approach is essential in addition to the application of legal principles. Cooper suggests that "an essential dimension of creative problem solving is the ability to manoeuvre through various disciplines to draw from each the strengths that will assist in understanding and assisting the client"[46]. It is observed:

> *Creative problem-solving is an evolving approach to law. It combines law, sociology, social anthropology, and behavioural sciences (particularly cognitive psychology, group dynamics, and decision-making) in a holistic fashion. It also includes the assessment of the impact of business and economics. Moreover, sciences and applied sciences have diagnostic and planning skills to lend to the study and practice of law. In creative problem solving, problems are thought of as multidimensional, often requiring non-legal or multidisciplinary*

[46] James M. Cooper, *Towards a New Architecture: Creative Problem Solving and the Evolution of Law*, 34 Cal. W. L. Rev. 297, 312 (1998).

solutions. Most conflicts have interconnected causes, and their effects often impinge on competing jurisdictions and disciplines[47].

However, in traditional lawyering, lawyers define the problem of clients in a narrow perspective founded on the structure and content of relevant legal provisions, different modes of interpretation of provisions, and earlier legal principles formulated by the judge on similar factual situations. However, what ought to be expected from the lawyer is to formulate and present the client's problem from a broad social perspective. Cooper highlights this fact in the following words:

> *One of the fundamental shortcomings of traditional lawyering, at least as taught in law school, is an inability to define problems in broad and multidisciplinary respects. If lawyers should solve only legal problems, it is crucial to ask first who will be defining the problem. If a lawyer defines the problem, he or she will probably define it as a legal problem. If lawyers are to do something new, "out of the box," we need to be able to define problems in more expansive ways, as creative problem solvers, and not be confined to solving merely what is traditionally defined as "legal" problems. The extent of "problem coverage" becomes less problematic when viewed in the context of interdisciplinary teamwork and collaboration. Only by working with professionals from other disciplines can we actually begin to see all the puzzle pieces that make up the complex picture of a problem.*[48]

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[47] *Id.*

[48] *Id.* at 298 ("Law alone can no longer address the problems which the world, our nation, or our local community face."). Cooper also remarks that "lawyers are looking for ways to develop their skills in traditional roles as counselors and problems solvers. Law, along with medicine

Quite often, lawyers may collaborate with other professionals to solve the client's problem. This work is essential in all issues involving expert evidence. The new social development of technology-based activities and professionalisation resulted in a large-scale expansion of collaboration between lawyers and other professionals to solve clients' problems. Janet Weinstein observed:

> *Working with professionals from other disciplines is not a new task for lawyers. Traditionally, lawyers use other disciplines as resources for solving what they view as legal problems. Lawyers have relied upon the expertise of other professionals to "make the case" for clients in the litigation context. This might include the use of experts as consultants or witnesses to develop the evidence or the use of consultants to select juries and observe jurors' reactions to a case in progress. Similarly, lawyers in transactional settings work with professionals such as accountants, planners, and scientists in determining their clients' needs.*[49]

So, what is needed in the litigation process is a multidisciplinary approach to addressing the clients' problems and an interdisciplinary approach to presenting them before the court of law for the purpose of redressal of grievance. Janet Weinstein considers the following question: What is it that keeps lawyers from performing well in interdisciplinary collaborative settings? Furthermore, it gives four possible explanations:

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and the clergy, should be considered and practiced as the healing professions." *Id.* at 306. "Law can no longer be practiced in a vacuum."

[49] Janet Weinstein, *Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 Wash. L. Rev. 319 (1999).

1. the fact that disciplines are akin to cultures and that cultural ignorance and misunderstandings abound between disciplines, much as they do between cultural groups;
2. the lack of explicit training in communication and other collaboration skills;
3. the competitive and narrow nature of law school and law practice environments, and
4. personality issues among lawyers and law students that may impede the acquisition of collaborative skills.[50]

However, one important aspect that needs to be stressed in this collaborative process is the perception and approach of the lawyer and other professionals. A lawyer is considered as an officer of the Court. Justice is the cardinal principle of all legal processes. The most important tool in the hands of lawyers and judges for the resolution of disputes, namely legal principles, is a thing to be used with caution. In each legal principle, a policy is reflected, and the policy is founded on an ideology. Ideology has a philosophical dimension. So, Jurisprudential concepts, fundamental principles of the constitutional system of governance, philosophy of human rights, etc., play a crucial role at the time of application of the essential tool for decision-making, namely legal principles. Janet Weinstein highlights this fact in the context of the difference between the approach of social workers and lawyers in the following words:

> *The "theoretical heritage" of law, on the other hand, favours the assessment of the legal problem and the preservation and advancement of "the rights, liberties and property" of the client.*[51] *… lawyers do not*

[50] *Id.* at 328.
[51] CANADIAN BAR ASSOCIATION, CODE OF PROFESSIONAL CONDUCT 6 (1988), https://www.cba.org/CBA/Epiigram/february2002/codeEng.asp, The legal profession has

necessarily view themselves as "public servants."[52] *This distinction is manifest in the contrast between the social work profession's "ecological systems theory" approach, which takes all aspects of a client's circumstances (including the operation of "non-legal" concerns and interests) into account in problem solving, and the traditional lawyer's individualistic concentration of effort upon the client's "rights," which dominate the legal issues of the case.*[53]

It is relevant to note that in all legal proceedings, especially one before a court of law, a prime concern is to the rights, duties, liabilities and obligations of the parties involved.

4. INTERDISCIPLINARY APPROACH IN LEGAL RESEARCH

The development of interdisciplinary scholarship may provide new content on all fundamental concepts of law, including justice. So, provisions of law can accommodate new situations that emerge as a result of changes happening in society. In promoting this scholarship, legal research makes a

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developed over the centuries to meet a public need for legal services on a professional basis. Traditionally, this has involved the provision of advice and representation to protect or advance the rights, liberties and property of a client by a trusted adviser with whom the client has a personal relationship and whose integrity, competence and loyalty are assured.

[52] David Luban, *The Noblesse Oblige Tradition in the Practice of Law*, 41 VAND. L. REV. 717, 720-23 (1988) (discussing Justice Brandeis's vision of this progressive responsibility). See also DEBORAH RHODE, LEARNING TO SERVE (1997).

[53] Weinstein, speaking about clinical law professors confronting the challenge of shifting law students' focus: We hope to convey to our students that all aspects of a problem influence each other and that attempting to deal solely with the "legal" aspect is a "band-aid" approach to problem solving. This lesson is often difficult for students to absorb in the context of an education that is otherwise one-dimensional. We tend to view clients' problems from a traditional "rights" focus. We may be blinded to the other dimensions of the situation or other approaches for resolution. . . . Weinstein, *supra note* 27, at 320. *See also* Brigid Coleman, *Lawyers Who Are Also Social Workers: How to Effectively Combine Two Different Disciplines to Better Serve Clients*, 7 WASH. U. J.L. & POL'Y 131, 134 (2001).

substantial contribution, especially in reducing the compartmentalisation of knowledge. Lisa Lau & Margaret Pasquini observed:

> *The last century has seen the evolution of challenges to disciplinary approaches to research and teaching. It has been argued that strictly disciplinary inquiries may not always yield optimal results, particularly in a world in which problems have become increasingly complex and multi-faceted. A goal of interdisciplinary research has been to "reduce segregation of knowledge by building workable bridges between otherwise compartmentalised knowledges."*[54]

In this process, the role played by empirical research is noteworthy. In the beginning, the foundation of knowledge was theological. Later, it became metaphysical. Though in the modern age, the foundation of knowledge is empirical, in the discipline of law, metaphysical content is dominating. While developing interdisciplinary scholarship in law, developments from other disciplines can be used. Jeremy A. Blumenthal observed:

> *Effective scholarship results from interdisciplinary collaboration that notices existing ties between the law and other disciplines. A growing body of legal literature examining connections between law and psychology seeks to capitalize on unique insights that can be drawn by coupling academics performing the empirical research traditionally reserved for the social sciences with legal theorists who respect the real influence of behaviour and emotion on their legal practice.*[55]

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[54] Lisa Lau & Margaret Pasquini, *'Jack of All Trades'? The Negotiation of Interdisciplinarity Within Geography*,39 Geoforum 552, 554 (2008).

[55] Jeremy A. Blumenthal, *Law and Social Science in the Twenty-First Century*, 12 S. CAL. INTERDISC. L.J. 1, 6 (2002), https://dx.doi.org/10.2139/ssrn.355280, ("I focus on two areas in particular: the increased use of research in cognitive psychology on biases and heuristics in

Another aspect is the incorporation of results from empirical studies. Alan M. Lerner and Erin Talati observed:

> *The growth of empirical research in the legal literature suggests a rising acceptance of this form of scholarship within the legal profession. Moreover, there appears to be a corresponding increase in legal academics conducting empirical work. At the foundation of these scholarly undertakings are relationships*[56].

However, from the last quarter of the 20th century, interdisciplinary research has been encouraged throughout the world. From the 1980s onwards, research methodology has been prescribed as a compulsory paper for Masters of Laws. In the syllabus of this course, due importance has been given to the methodology of social science research. Almost all Law Universities and Law Departments of conventional universities are encouraging teachers to take on research projects. Certain states in India, like Karnataka, have established separate institutes for Law and Policy Research. Through this process, interdisciplinary research in law has gathered momentum. Correspondingly, many educational institutions have promoted an interdisciplinary approach to teaching. Siems identifies four categories of interdisciplinary legal research:

> *The first category, which he defines as "basic," involves addressing a specific legal question but looking for insights into the question from*

decision-making by practitioners of 'behavioral law and economics,' and an increased focus by legal scholars on the role of emotions."). The author notes that this trend generates some controversy. Importantly, however, the author posits that fostering information flow between the professions will resolve much of the disagreement.

[56] Alan M. Lerner and Erin Talati, *supra* note 16, at 108

> *other disciplines.*[57] *He then identifies three categories of "advanced" interdisciplinary legal research. In the first of these categories, the research question is not directly about the law. The law may be a factor that feeds into a particular social or economic problem, but the focus of inquiry is on the broader problem and not the specific legal aspect. A second advanced approach involves a research question that focuses on law, but also uses empirical methods to examine the problem. The third advanced approach involves a research question that is not specifically about law; it too, is addressed using empirical methods.*[58]

Research in topics related to environmental issues like global warming and climate change, robotics, blockchain, artificial intelligence, etc., may come within the purview of the first category of advanced interdisciplinary legal research. Any empirical research on implementation aspects of legislation (for example, Protection of Children from Sexual Offences Act, 2012, Protection of Women from Domestic Violence Act, 2005, etc.) may come within the purview of the second category. Disaster management, protection of natural resources, empowerment of tribal population, etc., are classic examples of the third category. Another issue is the use of texts of a statute or judicial decision divorced from the context of the practice of law. So, the usages adopted to prescribe an offence may be used in a context not related to law. Doris Pichler observed:

> *Consequently, practice theories work on two levels in the research context of Law and Literature. On a theoretical level, they serve to justify a truly*

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[57] Mathias M Siems, *The Taxonomy of Interdisciplinary Legal Research: Finding the Way Out of the Desert*, 7 J Commonwealth L & Legal Education 7(1), 6-7 (2009).

[58] *Id.* at 10-11.

> *interdisciplinary (that is, in between the disciplines) concept of text: Text is not tied to a specific discipline by parameters and characteristics but must be seen in its particular context of usage. On a practical level, praxeological text analysis means considering a text within its different contexts as well as considering text as part of several practices. According to this perspective, it is justifiable to read a legal text not only as part of the legal and academic practice but also as an aesthetic text and to transfer it into other spheres of practice, as is the case with Oudropo.*[59]

The terminology of Lord Macaulay in defining various crimes in the Indian Penal Code 1860 has high literary value. The literary value of the terms equal and inalienable rights of all members of the human family used in the Preamble of the Universal Declaration of Human Rights is not confined to the disciplines of international law and human rights. The phrases 'any gift, offer or promise' used to define bribery and the phrases 'a declaration of public policy, or a promise of public action, or the mere exercise of a legal right in the Representation of the People Act, 1951 have very high literary value.

5. CONCLUSION

Interdisciplinarity and multidisciplinarity are fundamental approaches to learning in this modern age of science and technology. In traditional legal education, emphasis was given to learning fundamental principles of law and jurisprudence and to studying the legal provisions related to important branches of law. In the last quarter of the 20th century, certain initiatives have been taken to narrow down the gap between the things studied in law schools and things

[59] Doris Pichler, *Law as Literature: The Interdisciplinary Endeavour of Oudropo„ and Their Interdisciplinary Play with Text*, 14 Pólemos 163, 178 (2020), https://doi.org/10.1515/pol-2020-2010.

actually happening in various stages of litigation. The Mac Carte report and subsequent developments were important milestones in this regard. The new types of litigation, new approaches from various stakeholders involved in the dispute settlement process, new strategies for the resolution of disputes like arbitration, mediation, and conciliation, and new types of evidence like electronic evidence made it necessary to approach law from divergent angles. For this purpose, the interdisciplinary/ multidisciplinary approach has great significance.

The practice of the profession of law is centred around problem-solving. Now, it is an accepted principle that litigation is only one of the several means for legally solving the problems. In the process of problem-solving through a legal process, though the lawyer plays the dominant role, assistance from other professions is quite often necessary. So, collaboration between legal professionals and other professionals is essential in such a situation.

Research is the search for knowledge. In this modern age, the foundation of knowledge is empirical. Though in legal research, the doctrinal method was adopted till the second half of the 20th century, the position has changed, and by the end of the last century, empirical research has become a major component of any legal research. For conducting empirical research in law, the methodology followed by other social science disciplines has been effectively used in certain areas like studying the effectiveness of a legal provision, assessing the social impact of new legislation, finding out reasons for new types of crimes, etc. So, it becomes necessary to adopt an interdisciplinary approach in all stages of legal research, starting from the formulation of research problems to conclusions and suggestions.

Accountability In Education Governance Through RTI

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Abstract

The role of education in our nation's economic development, the process of social change, and modernisation cannot be overemphasized and, as such, requires that institutions of learning be made to account for their stewardship efficiently. The article analyses the structural aspects of accountability under the Right to Education Act, 2009 (RTE Act) and the Right to Information Act, 2005 (RTI Act). It further underlines the roles of schools, parents, guardians, government, and the local authorities in ensuring that free and compulsory elementary education is ensured. The RTE Act mandates that public and private schools declare their compliance with educational norms and responsibilities, particularly concerning disadvantaged groups. Parents possess specific duties to secure the educational rights of their children, make schools more accountable and use the RTI Act to retrieve information or address complaints. The article provides information on parents' associations and their advocacy for educational rights and the RTI Act as a tool for accountability in the education sector. It also reveals the intersection of consumer protection legislation with educational services and calls for the adoption of the Student's Rights Charter to improve the standards of learning as well as ensure fair treatment of students and parents.

Keywords: *Transparency, Right to Information, legal education, research, sensitisation*

1. INTRODUCTION

Education holds the key to economic growth, social transformation, and modernizational integration, which is an important 'subject' that spreads to various needs such as being accountable, with governance and committed to being transparent. In this article, accountability deals with two important enactments. 1. Right to Education Act, 2009 and Right to Information Act, 2005.

Every school under the Department of Education, whether in the Centre or all states, should be accountable. Without accountability, not every student can be a responsible citizen. Education itself basically informs and educates all young people, men or women. The Right to Education Act 2009 explains that schools have a duty to give information to local bodies or government. S.12 (3) says: every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be. If a school is established by the Government or aided, it has to provide that information as 'public authority' under the Right to Information Act to every citizen seeking that information. If it is a private school, not getting any aid from the state, not even concession like land at a reduced rate, they also should give information as a private body funded indirectly by the state, which means that it is a public authority. The private schools which got such concessional land are not entitled to any reimbursement of fee or expenditure incurred on 25 per cent backward classes, as prescribed by the Right to Education Act under section 12, which says: where such school is already under obligation to provide free education to a specified number of children on account of it having received any land,

building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

2. DUTIES OF PARENTS AND GUARDIANS

There are three main duties of parents and guardians: to admit or cause to be admitted his or her child or ward to elementary education in the neighbourhood school, section 10, to implement the rights of minor children under this RTE Act, and to seek information about the implementation of these rights under RTE Act through RTI Act.

Section 2 (c) "child" means a male or female child of the age of six to fourteen years. Thus, the parents, in their capacity as guardians, have to enforce the rights of their children, who are minors. They have:

1. Right/Duty to secure education for their children from the Government as per S 3 of RTEA.
2. Right/Duty to get admission to their children above six years of age, but not admitted S4.
3. Right/Duty to get School established, s6
4. Right/Duty to secure proper sharing of funds from Centre and States, s7.
5. Right/Duty to ensure appropriate Government and local authority to fulfil their obligations under Sections 8 & 9.
6. Right/Duty to secure duties of schools to be implemented, s12
7. Right/Duty to information under section 12(3) and also under Right to Information Act, 2005

8. Right against capitation fee or screening procedure & Right to insist on penalty, and duty to fight against, s13
9. Right against denial of admission for lack of age proof, and duty to fight against s14(2)
10. Right against holding back and expulsion, and duty to fight against s16
11. Right against physical punishment and mental harassment to a child, and duty to fight against s17
12. Right/Duty to insist that school should have and show a certificate of recognition, s18
13. Right/Duty to insist on schools implement norms prescribed, s19
14. Right/Duty to ensure the proper functioning of the School Management Committee and implementation of its resolutions by the school, s21.
15. Right/Duty to secure that every school shall prepare a school development plan, s22.
16. Right/Duty to ensure schools appoint teachers with prescribed qualifications on terms and conditions of service of teachers, prescribed by appropriate authority, s23
17. Right/Duty to insist on the performance of duties of teachers and redressal of grievances, s24
18. Right/Duty to demand maintenance of teacher-pupil ratio, s25 (as three years lapsed)
19. Right/Duty to demand filling up vacancies of teachers, s26.
20. Right/Duty to demand implementation of curriculum and evaluation procedure, s29
21. Right/Duty to complain to a local authority or appellate authority or State Commission, s32

22. Right/Duty to demand constitution of state commission for independent adjudication of appeals over decision of local authority on grievances, s 32
23. Right to information about any of the above rights under the Right to Information Act, 2005 and duty to secure that information and agitate based on that information.
24. Right/duty to see regular Constitution of National Advisory Council, s33
25. Right/duty to see regular Constitution of State Advisory Council, s34

3. GOVERNMENT HAS SPECIFIC DUTIES

As per S 8, the duties of appropriate Government are: (a) provide free and compulsory elementary education to every child; (b) ensure availability of a neighbourhood school as specified in section 6; (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds; (d) provide infrastructure including school building, teaching staff and learning equipment; (e) provide special training facility specified in section 4; (f) ensure and monitor admission, attendance and completion of elementary education by every child; (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule; (h) ensure timely prescribing of curriculum and courses of study for elementary education; and (i) provide training facility for teachers.

4. DUTIES OF LOCAL AUTHORITY

According to Sec 9, every local authority shall (a) provide free and compulsory elementary education to every child; (b) ensure availability of a neighbourhood school as specified in Section 6; (c) ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds; (d) maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed; (e) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction; (f) provide infrastructure including school building, teaching staff and learning material; (g) provide special training facility specified in section 4; (h) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
(i) ensure timely prescribing of curriculum and courses of study for elementary education; (j) provide a training facility for teachers; (k) ensure admission of children of migrant families; (l) monitor the functioning of schools within its jurisdiction; and
(m) decide the academic calendar.

5. RESPONSIBILITY OF SCHOOL IS EXPLAINED IN S 12

(1) For the purposes of this Act, a school,- shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.; shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent.; shall admit

in class I, to the extent of at least twenty-five per cent. Of the strength of that class, children belonging to weaker sections and disadvantaged groups in the neighbourhood were provided free and compulsory elementary education till its completion.

6. NEED FOR PARENTS ASSOCIATION

There shall be a parent's association at every level, state, district, division, mandate, and village level, which will combine into a state association. All State Associations shall come together to Constitute the All India Federation of Parents Associations with the sole motto of securing the Right to Education. Any parent or, teacher or any other person can seek information about the above-described 25 rights through an RTI question or representation or in the form of a complaint. After giving reasonable time, the applicant can file an RTI application seeking 'action' taken on his complaint/representation, along with a copy of such complaint, from the school, if a public authority, if not, from the society that is running such school, or from Registrar of Societies or from Department of Education of the concerned state, or from Municipality or Gram Panchayat. Parents or, students or any person can use the tool of RTI to know whether a state is performing its duties or not.

7. IMPORTANCE OF THE RIGHT TO INFORMATION IN EDUCATION

Education holds the key to economic growth, social transformation, and modernizational integration. Though the Constitution mandated compulsory and free education to all children in 10 years from 1950, the Governments ignored it. By the time the state woke up to the requirement, public education had declined due to corruption, disinclination to keep up the quality of teaching

and inaction. This gave a lot of space to the mushrooming of private educational institutions. Now, the country is facing commercial teaching shops where teachers are paid less, and students are paying more. The tragedy is that government teachers are better qualified, trained, and paid as per law, while private teachers are neither qualified nor trained nor paid fully. However, education in private schools is considered better, though not the best. The governments failed to manage the schools effectively by providing better infrastructure, gradually giving up the maintenance of school buildings, and filling up vacancies. The post-independence rulers did great injustice to the new generations by ignoring the duty to educate them. They went on pumping vast amounts of money into higher education but did not nationalize or rationalize school education. During these days of liberalization, the Government is starving universities and contemplating compulsory primary education. With the 2009 law of the Right to Education, private schools are being paid to fill their 25 per cent seats with disadvantaged groups of students. As the education regulations are not effective and honest in states, scandals are generated in payments to private schools and *sarva shiksha abhiyans* etc. Welfare schemes like mid-day meals to encourage enrolment in rural schools have succeeded, but they have also facilitated widespread petty corruption. Lack of maintenance and care led to the collapse of school buildings, and thousands of schools were without toilets, a factor that dissuaded female students from going to school. It is a tragedy that states apathy to add toilets in schools emerged as a major cause of denial of education to girl children, leading to a serious gender gap for generations together. With private schools dominating the field of private primary education, the emergence of concept schools, air-conditioned buildings and 'public' schools in the corporate model, the role of Government as an educator has decreased, and the need for effective regulation by the state increased. The present state regulation of primary education is weak compared

to the mighty private teaching super bazaars and five-star schools. The schools which enjoyed prime state lands in cities breached the promise of teaching backward classes, and the state did nothing to enforce those conditions. Failure to regulate is common in private hospitals and schools. Parents should come together to challenge the strong private schools and strengthen weak state regulations.

One of the primary tools available for Parents is the right to information, as available under the RTI Act, 2005, which can be effectively used to secure the Right to Education as provided under the Act of 2009 and also to secure better services from private schools through a regulatory mechanism available with state, CBSE or other affiliating bodies.

Parents have a right and duty to fight for proper, fair education at reasonable fees from private educational institutions, which need to be strictly regulated by the Department of Education of the State Government. The RTI can also be used to secure information about government schools under S 3, and also private schools as can be accessed through the Department of Education, as per Section 2(f) of the RTI Act, which says: "information" means any material in any form, including records, documents, memos, e-mails, opinions, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force"

Every private school has a duty to provide information under the RTI Act about admissions and education to 25 per cent of students belonging to disadvantageous groups as prescribed under the RTE Act. They cannot escape

saying they are neither public authorities nor NGOs/institutions aided or substantially funded by the government because they are being reimbursed by the state for educating 25% of students under the RTE Act. The Private Schools or so-called Public Schools in private are also liable to inform under the RTI Act through the regulatory, i.e., the Department of Education, as per Section 2(f) of the RTI Act.

8. PARENTS' RIGHTS AS CONSUMERS

Providing education is a service under the Consumer Protection Act, 1986, Section 2(d) defines: "**consumer**" means any person who—(i)… (ii) hires or avails of **any services** for a consideration which has been paid or promised or partly paid and partly promised, or …."

9. DEFICIENCY IN SERVICE IS EXPLAINED BY CONSUMER PROTECTION ACT, SECTION 2(g)

> "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;

Every consumer can file a complaint before the forum demanding compensation for any deficiency in service. Section 2 (c) says: "**complaint**" means any allegation in writing made by a complainant that—

(i) an unfair trade practice or a restrictive trade practice has been adopted by any trader **or service provider;**

(ii) the goods bought by him or agreed to be bought by him; suffer from one or more defects;

(iii) the services hired or availed of or agreed to be hired or availed of by him **suffer from deficiency in any respect**;

Consumers of educational services are children. Because the children are minors, the parents, in their capacity as natural guardians, can agitate their rights before the Consumer forum. The rights of consumers are explicitly provided under Section 6 as objectives of the Central Council. Section 6 of the CP Act, the objects of the Central Council shall be to promote and protect the rights of the consumers such as —

(a) the right to be protected against the marketing of goods and services which are hazardous to life and property;

(b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices;

(c) the right to be assured, wherever possible, access to a variety of goods and services at competitive prices;

(d) the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums;

(e) the **right to seek redressal against** unfair trade practices or, restrictive trade practices or **unscrupulous exploitation of consumers**, and

(f) the right to consumer education.

10. STUDENT'S RIGHTS CHARTER

1. Each school or society managing a school has a duty to provide for the 'Student's/Parents' charter' with necessary timelines. Procedures to file complaints shall be explained.
2. The schemes, scholarships, and facilities available at the school shall be announced on their official website in the form of FAQs under their duty to voluntarily disclose as per Section 4(1)(b) of the Right to Information Act.
3. The parents and teachers should be given a substantive role in the fixation of fees and other charges and in the implementation of welfare schemes and scholarships.
4. Parents have a right to monitor the quality of teaching and management systems in the schools- private or government.
5. Parents have a right to participate in policy-making exercises by the state regarding the regulation of private schools.
6. Every school should have an internal mechanism and also be subject to such mechanism by an independent body to resolve the complaints/grievances of parents and students against the teachers and also the complaints by the teachers or other employees of those schools.

Both these two pieces of law are vital in bringing accountability and fairness along with transparency, which will help each student and teacher become responsible citizens.

Review Of National Law Universities: A Critique

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Abstract

This paper delves into the intricacies faced by the lack of accountability in the governance of National Law Universities [NLUs] in India, which has led to repercussions on the functioning of the institutions and the overall quality of legal education. This has been achieved by thoroughly analysing the deep-rooted problem, its underlying reasons and its impact on the administration through acts, commission reports and case studies of student protests. One of the critical problems that this paper highlights is the failure to set up statutory review commissions as stipulated in the NLU Act and, if constituted, reveals daunting data of institutional autonomy, financial mismanagement, academic indiscipline, and administrative arbitrariness. This article underscores an urgent need for reforms to uphold statutory obligations and emphasizes the involvement of oversight bodies for the effective functioning of NLUs.

Keywords *- Legal Education, National Law Universities (NLUs), Accountability, Review Commissions, Governance*

1. INTRODUCTION

Legal education in our country has a glorious tradition of transition from informal to formal and from royal practice to the common man's resource spanning over several centuries. It carries a fantastic legacy of the past, which prescribed "Rajadharma" and "Nyaya" as means and objects of legal education

and imparting these values in our modern legal education system, which has a history of over 150 years. Father of the Nation, Mahatma Gandhi emphasized the role of legal education: *the law is not an intellectual legerdemain to make black appear white and while appeal black, but it is a ceaseless endeavour to enthrone justice."*

The Upendra Baxi Committee appropriately asserted that *"legal education has a very crucial role to play in the development of law as a hermeneutical profession since it is an educational process which equips the future lawyer, judge, administrator, counsellor, and legal scientist to fashion and refashion ways of peaceful and ordered attainment of ideals of human governance on the one hand and democratic right on the other.* The wholesome objectives of legal education as envisaged by the Baxi Committee:

> *"We are unanimous that legal science is a human science, relatively autonomous of other human, social sciences. It furnishes beyond techniques, skills and competencies the basic philosophies, ideologies, critiques, and instrumentalities, all addressed to the creation and maintenance of a just society. It is in this concern with justice in society and with attaining a just society which differentiates legal sciences from other social and human sciences". This determines the very fundamental basis of legal education, and at this level, the classification of professional versus non-professional legal education becomes meaningless.*

The National Knowledge Commission also outlined the importance of legal education:

> *"the vision of legal education is to provide justice-oriented education essential to the realization of values enshrined in the Constitution of India."*

2. DIMINISHING STANDARD OF LEGAL EDUCATION

Reports on the status of legal education are aplenty. They generally emanate from state-appointed Commissions and Committees consisting mainly of judges or law academics. These run into thousands of pages. Despite some partial action on these, we feel serious discomfort at the present state of legal education in our country. This is not merely a raw gut feeling. It is a feeling of trained and experienced legal minds. The Apex Court, taking cognizance of this abhorring state of affairs in legal education during the course of hearing a matter relating to the affiliation of law colleges in *BCI v. Bonnie FOI Law College*,[60] sought to address some of the issues viz. inspection, recognition and accreditation of law colleges by the Bar Council of India. The Court Vide order dated June 29, 2009, noted with concern the diminishing standards of professional legal education provided at various Law Colleges across the country and, in particular, identified the quality and standard of infrastructure, library and faculty as core areas that need to be redressed, along with the pay and remuneration offered to the faculty members by Law Colleges. The Court, comprehending the gravity and seriousness of the matter, observed:

> *It is a matter of common knowledge that proper exercise is not carried out before granting affiliation. No serious efforts have been made by the concerned authority to learn about the Infrastructure, Library, and faculty before granting affiliation or recognition.*
>
> *It is also necessary for the concerned authority to know about the qualifications of faculty members and whether they are paid salaries at least according to recommendation of 5th and 6th Pay*

[60] SLP22337 of 2008.

> *Commission. And the present day it is also necessary to know whether the Law College is providing computer internet facility to law students."*

Considering the fact that the entire future of legal education depends on the functioning of these law colleges, the Supreme Court constituted an expert committee to look into the matter and submit a report as soon as possible suggesting measures to remove the bad practices deep-seated in legal education.

Though the emergence of National Law Schools and some private law schools have improved the quality of legal education, the most immediate challenge is to improve the quality of legal education in a vast majority of law colleges across the country. This mission involves a wide range of measures, including reforms in the existing regulatory framework, drastic change in course curriculum and teaching pedagogy keeping in mind contemporary demands for legal services, recruitment of competent and committed faculty, the establishment of research and training centres and a well-equipped library. Even the National Knowledge Commission (NKC) stressed that Law Colleges need excellent infrastructure, research-friendly library facilities, computerization with internet, availability of e-library, and access to latest journals and legal databases in order to promote quality legal research. It has also suggested setting up four autonomous Centres for Advanced Legal Studies and Research (CALSAR), one in each region, that would serve as a think tank for advising the Government on national and international issues. These centres would also function as a bridge between all law colleges and offer continuing legal education to the faculty. This paper delves into the critical issue of the lack of accountability measures in the governance of National Law

Universities in India, examining its implications on institutional effectiveness, transparency, and overall quality of legal education.

3. THE NLU EXPERIMENT

The establishment of National Law Universities (NLUs) in India marked a significant step toward enhancing legal education and producing skilled legal professionals. These institutions were envisioned as centres of excellence, entrusted with the responsibility of shaping the future of the legal landscape in the country. The first National Law University, the National Law School of India University (NLSIU), was established in Bangalore in 1986. The success and recognition gained by NLSIU paved the way for the establishment of more NLUs in different parts of the country. The goal was to create autonomous institutions that could foster academic excellence in legal research and produce graduates of high calibre. However, as the number of NLUs grew, so did the challenges related to governance and accountability.

All National Law Universities (NLUs) are State universities. Established by an Act of State Legislature, the adjective 'national' only described the motive behind the creation of institutions of national importance. Consequently, these law schools depend mainly on fees collected from the students and occasional grants from State Governments, as against other national institutions of excellence, such as the Indian Institutes of Technology (IITs), All India Institute of Medical Sciences (AIIMS) and Indian Institute of Management (IIMs) which are fully supported by the Central Government. These institutions are known for their state-of-the-art infrastructure, autonomy, transparency, diversity, interdisciplinarity, and international credibility.

Grants from different States being critically non-uniform, the fees charged by most of the national law schools are generally very high and go up to about Rs

2-4 lakhs per annum, inclusive of tuition and other fees (such as hostel rent and mess charges). Despite the high fees, the majority of the universities are struggling to provide reasonable infrastructure, libraries and other recreational facilities. NLUs also failed to appoint regular professors and associate professors and promote intersectional and interdisciplinary studies and research.

One of the fundamental principles behind the establishment of NLUs was to grant them autonomy. While autonomy is crucial for academic freedom and innovation, it has sometimes led to a lack of external oversight and accountability mechanisms. This autonomy, if not coupled with robust accountability measures, normally results in administrative opacity and potential misuse of authority. Financial management in NLUs has been a subject of scrutiny, with reports of irregularities and lack of transparency in fund allocation and utilization. The absence of stringent financial accountability measures also led to mismanagement of resources and compromised the overall efficiency of these institutions.

4. ABSENCE OF STANDARDIZED MODEL OF GOVERNANCE

NLUs in India operate under different statutes and governance structures, leading to a lack of uniformity in their governance models. This lack of standardization makes it challenging to implement consistent accountability measures across institutions, hindering efforts to evaluate their performance comprehensively. A survey of National Law University Acts demonstrates separate models of NLU governance:

First, national law universities are placed under the supervision of the Chief Justice of India (CJI) as its Chancellor. National Law School of India University (NLSIU) Bangalore and West Bengal National University of Juridical Sciences

(WBNUJS) are placed under the first category, where CJI is the university's Chancellor.

Second, a majority of NLUs are placed under the supervision of Chief Justices of the respective High Courts as its Chancellor. Some Chief Justices take an interest in the functioning of law school and use it as a place to showcase their academic wisdom and vision. Some Chief Justices don't take any interest at all, and it turns out to be a *VC-centric institution*.

Third, NLUs are where the Chancellor is the Chief Justice of India, or his nominee sits as a senior Supreme Court judge. Three NLUs established by the State of Maharashtra, namely Maharashtra National Law University Mumbai, Maharashtra National Law University Nagpur and Maharashtra National Law University Aurangabad, fall under this category where the Chief Justice of India has nominated a sitting Supreme Court Judge as the Chancellor of the University.

Fourth, a distinct category is where National Law University is kept under the patronage of the Chief Minister.[61] Ram Manohar Lohiya National Law University (RMLNLU), Lucknow, comes under this category, where the Chief Minister of Uttar Pradesh is the Chairperson of the University's General Council.

5. UNIVERSITY REVIEW MECHANISM

Improvement in standards of higher education and accountability of power holders are vital for any institution. To ensure this, a detailed and periodic review of each university/institution is required. The University Grants

[61] Chancellorship of NLUs or of an educational institution is not a constitutional duty or function of a High Court or a Supreme Court Judge.

Commission (UGC), a body responsible for maintaining standards of higher education, conducts a periodical review of universities in the country before it is included in Section 2(f) and 12B.[62] In addition to UGC, NAAC[63] and NIRF[64] also serve as external evaluative bodies that assess and rank higher education institutions based on various parameters, thereby promoting transparency, quality enhancement, and accountability. Being not mandatory, institutions are encouraged to undergo the accreditation process voluntarily to demonstrate their commitment to quality improvement and accountability.

The Bar Council of India (BCI), a body responsible for maintaining standards in legal education in all institutions of legal education, including NLUs, has not been adequate in ensuring proper accountability measures. Considering the fact that NLUs act under the supervision of either the Chief Justice of India or Chief Justices of the respective High Courts and enjoy a certain amount of autonomy, BCI faces challenges in effectively overseeing NLUs. The lack of a comprehensive regulatory framework and the absence of specific accountability

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[62] State Private Universities are established by Acts of the concerned State legislatures. At present these are regulated by the UGC as per provisions contained in the UGC (Establishment and Maintenance of Standards in Private Universities), Regulations, 2003. These private universities are inspected by the UGC with the help of concerned Statutory Council(s).

[63] The National Assessment and Accreditation Council (NAAC) is a government organization in India that functions under UGC and assesses and accredits Higher Education Institutions. Universities are assessed and accredited on following seven parameters: 1. Curricula Aspects 2. Teaching-Learning and Evaluation 3. Research, Consultancy and Extension 4. Infrastructure and Learning Resources 5. Student Support and Progression, 6. Governance, Leadership and Management and 7. Innovation and Best Practices.

[64] The National Institutional Ranking Framework (NIRF) is a framework developed by the Ministry of Education (formerly Ministry of Human Resource Development), Government of India to rank higher educational institutions in the country. It aims to promote excellence and accountability in higher education by evaluating institutions based on a set of objective criteria and parameters viz. Teaching, Learning and Resources, Research and Professional Practice, Graduation Outcomes, Outreach and Inclusivity and Perception. See https://www.nirfindia.org/Home

mechanisms make it difficult for the BCI to ensure adherence to quality standards.

The lack of mandatory AG audits in NLUs also leaves room for potential financial mismanagement, inefficiencies, or even malpractices to go undetected or unaddressed. It also raises questions about the extent to which these institutions are held accountable for their use of public resources and whether they operate in line with established financial norms and standards.

In addition to this general mechanism for upholding standards and accountability, many University Acts, especially the National Law Universities, provide a mandatory periodic review of the functioning of the university by an independent commission. This means that the National Law Universities (NLUs) are under a statutory obligation to be reviewed by a commission constituted by the Visitor/Chancellor at an interval of five years. However, despite this clear mandate, the constitution of review commissions has been deliberately kept in abeyance by the National Law School administration. Till now, only four NLUs have seen review commissions viz. NLSIU, NALSAR, GNLU & WBNUJS. Moreover, unfortunately, all four have confirmed a gloomy state of affairs in the top four law universities in India.

5.1. The National Law School of Indian University (NLSIU) Review Commission

The National Law School of India University, Bangalore, was established in 1986. Section 14 of the National Law School of India Act, 1986 mandates the appointment of a School Review Commission comprising three eminent

educationists to review the working of the University.[65] To review the work of the National Law School, Bangalore, an Expert Committee[66] comprising Prof. Marc Galanter, Prof. Savitri Goonesekere, and Prof. William Twining was constituted in 1996. The committee, though, expressed a certain degree of contentment with the undergraduate curriculum that tried to blend the formal study of law with several other disciplines but raised a serious apprehension about how the institution could become a "victim of its own success" if the immediate stakeholders confined their expectations to the vocational role of higher education in law. Galanter Committee report in several ways proved to be farsighted if one reviews the situation two decades later. The report, however, emphasised the necessity of gestating research activities that would produce knowledge that would be useful for society at large.

The second School Commission (SRC) was constituted by the then Chief Justice of India in his capacity as Chancellor of the National Law School of India University (NLSIU). The commission was chaired by Hon'ble Mr. Justice K.T. Thomas, former Judge of the Supreme Court of India.[67] The commission decided to focus its concerns primarily on three counts: (i) the vision of the persons at the time of their joining the NLSIU, (ii) the extent of realization of

[65] Section 14 stipulates that: (1) The Chancellor shall at least once in every five years constitute a commission to review the working of the school and to make recommendations. (2) The commission shall consist of not less than three eminent educationists, one of whom shall be the chairman of such commission appointed by the Chancellor in consultation with the State Government. (3) The terms and conditions of the appointment of the members shall be such as the Chancellor may determine. (4) The commission shall after holding such enquiry as it deems fit, make its recommendation to the Chancellor. (5) The Chancellor may take such action on the recommendations as he deems fit.

[66] Marc Galanter, William Twining & Savitri Goonesekre, Report of the Expert Committee to Review the functioning of the National Law School of India University, Bangalore (1996).

[67] The other two members of the commission were Professor (Dr.) Virendra Kumar, former Chairman of Department of Laws, Dean, Faculty of Law, and UGC Emeritus Fellow, Panjab University, Chandigarh, and Professor (Dr.) M.P. Singh, Vice-Chancellor of W.B. National University of Juridical Sciences, Kolkata.

that vision, and (iii) the bottlenecks they experienced or encountered in fulfilling that vision." The Committee very categorically observed that NLSIU has moved away from the phase of *"exploration and accomplishment"* to a "*phase of diminution and dissatisfaction*" and there is a drastic dilution of academic standards. The commission observed:

> *"There is a drastic dilution of academic standards. The rigorous work culture and singular commitment, the hallmark of NLSIU in the first decade of its existence, is on the wane. The level of functioning is now far from expectations."*

In a progressive move, the Chief Justice of India Dr. D. Y. Chandrachud, in consultation with the Government of Karnataka, has constituted the third School Review Commission 2023-24 to review the working of the NLSIU and make suitable recommendations.

The Commission comprises Prof. Timothy Endicott as the Chair and Prof. Catherine O'Regan and Prof. David B. Wilkins as Members. The work of the Commission is assisted by the constitution of an Advisory Panel comprising Prof. Poonam Saxena, Hon'ble Mr. Justice Siddappa Sunil Dutt Yadav, and Ms. Zia J. Mody.[68]

5.2. The National Academy of Legal Studies and Research (NALSAR) Commission

The National Academy of Legal Studies and Research (NALSAR) University, the second national institution of legal education, was established by an Act of the Andhra Pradesh State Legislature in 1998, which was subsequently

[68] The School Review Commission 2023-24, National Law School of India University Bengaluru, available at https://www.nls.ac.in/the-school-review-commission-2023-24/.

amended in 2005 and 2010 and in the exercise of the powers conferred by Section 7(3) of the NALSAR Act,[69] the Chief Justice, High Court of A.P. and the Chancellor, NALSAR University, constituted a committee in the chairmanship of Sri Justice Syed Shah Mohammed Quadri, Former Judge, Supreme Court of India[70] to do a thorough investigation into the complaints lodged by students and the faculty member. The Committee submitted its report[71] in September 2011, which *prima facie* revealed that unbridled concentration of power in the hands of the Vice-Chancellor,[72] favouritism, abuse of authority, gross academic indiscipline, and financial irregularities were jeopardizing the founding objectives of the University. Justice Quadri's report recommended a systemic overhaul of the administrative, academic and financial practices at NALSAR:

5.2.1. Administrative Repair: Some of the important recommendations are as follows:

[69] Section 7(3) of the Act empowers the Chancellor to cause an inspection to be made by a person or persons as he may direct and cause enquiry to be made in respect of the administration and the finances of NALSAR, inspection of the University, its buildings, libraries, land, equipment, and of any institution as also of examinations, teaching and other work conducted or done by the University.

[70] Sri Justice V.V.S. Rao, Judge, High Court of A.P.; Sri Justice Ramesh Ranganathan, Judge, High Court of A. P. were the other two members of the Committee. Sri S. Ravi Kumar, District & Sessions Judge, then Member Secretary, A.P. State Legal Services Authority was appointed Member-cum-Secretary of the Committee.

[71] The detailed report was divided in Seven chapters. The Introduction in Chapter I, Administration and Governance Structure in Chapter II, Academic Issues in Chapter III, Financial Management, which occupies a major portion of this report, and other related administrative/ academic issues are in Chapter IV. Issues relating to the "Library" is in Chapter V, "Students welfare and grievances" and "Suggestions and recommendations" are in Chapters VI and VII respectively. "Conclusions" are in Chapter VIII.

[72] The then Vice-Chancellor of NALSAR was also accused of criminal defamation, misconduct and sexual harassment by senior professor and Dean Academic Affairs.

(i) Leave availed by the Vice-Chancellor, including "on duty" leave, should be with the prior permission of the Chancellor. Necessary statutes/regulations must be made in this regard.

(ii) Expenditure limits, even for the Vice-Chancellor, must be put in place and may be reviewed periodically.

(iii) The functions of the Registrar have increased multi-fold, necessitating a full-time professional to be appointed to the said post. It would be inappropriate to continue to burden the faculty with the onerous duties attached to the office of the Registrar. An outside professional may be taken as the Registrar, NALSAR.

(iv) An attendance register should be maintained for the faculty of NALSAR, and, similarly, leave records must be appropriately maintained. A system must be introduced to ensure that prior leave is obtained for absence from duty.

(v) Proper records of all fixed assets, furniture and fixtures, and other articles owned by the University should be maintained by the Registrar, and they should be periodically checked at the end of each academic year.

5.2.2. *Academic Overhaul*: Some of the important recommendations are as follows:

(i) There is an urgent need to improve the quality of NALSAR's faculty. It is essential that experts in different subjects are recruited as members of the faculty to teach subjects in which they have expertise.

(ii) Systems must be put in place to ensure that the faculty constantly upgrades their quality of teaching and that senior faculty members act as mentors/advisers to those newly recruited through a process of continuing

education. Exchange programmes, or programmes of a similar nature, can be thought of as an option for providing continuous education to the faculty.

(iii) Necessary arrangements should be made to promote and reward research efforts. The activities of the several centres established at NALSAR must be reactivated.

5.2.3. Financial Reformation

(i) Systems are required to be introduced to ensure that NALSAR's financial resources are not wasted and that frivolous and unnecessary expenditure is avoided.

(ii) An efficient and effective accounting system, with all accounts books such as cash books, bank books, general ledgers, etc., adequately maintained, must be designed and implemented.

(iii) Proper accounting systems, including structured periodical financial data reporting, must be established.

(iv) An effective control system, both for the maintenance of accounts and to control expenditure, must be introduced. Accepted accounting procedures must be adhered to.

(v) The existing auditors, who have continued from the inception of NALSAR, should be changed.

(vi) Statutes/Regulations must be so framed as to ensure that the award of contracts by NALSAR is only by an open tender process and not by nomination or by limited tender, and for that purpose, a committee be constituted, to accept the tender, to oversee the high quality of construction and timely execution of

the work awarded. The committee must also include a nominee of both the Chancellor and the Finance Secretary of the State Government.

(vii) Strict control must be exercised regarding foreign travel by officers and faculty of the University, including the Vice-Chancellor, and the expenditure incurred by NALSAR for foreign travel and stay must be placed explicitly before the General Council.

5.3. The Gujarat National Law University (GNLU) Review Commission

Section 48 of the GNLU Act, 2003[73] makes provision for the appointment of a Review Commission by the Visitor of the University. In the exercise of powers vested by Section 48 of the Act, Justice Shri A.R. Dave, the then Visitor, GNLU constituted the first GNLU Review Commission. It was comprised of Prof. N.R. Madhava Menon, former vice-chancellor of National Law School of India University, Bangalore, National University of Juridical Sciences, Kolkata, as its chairman, and two other members.[74] The Commission felt that the scope of this review exercise would really comprehend the future of legal education in the country and the role GNLU can play in it. The Commission, in the light of the objectives of the University, as outlined in Section 5, was mandated to accomplish two tasks: (1) Where

[73] It states that: (1) The Visitor shall at least once in five years constitute a Commission to review the working of the University and to make recommendations; (2) The Commission shall consist of not more than three eminent educationists, one of whom shall be the Chairman of the Commission, appointed by the Visitor in consultation with the State Government; (3) The terms and conditions of the appointment of the members shall be such as may be determined by the visitor; (4) Commission shall after holding such enquiry as it deems fit make its recommendations to the Visitor and (5) The Visitor may take such action on the recommendations as he deems fit.

[74] Prof. H. C. Dholakia, former Member, Law Commission of India, Former Dean, Department of Law, M.S. University, Baroda and Professor Bakul Dholakia, Director Adani institute of Infrastructure Management & Former Director, IIM Ahmadabad were other two members of the Commission.

does GNLU stand now after seven years of its existence in regard to its objects? (2) How shall GNLU plan and execute the indicative list of goals in the next five years to be able to evolve world-class standards?[75]

The Committee discussed this question and made significant recommendations covering a wide range of aspects of legal education.[76] The report was divided into three parts. Part I discussed the introduction, terms of reference and meetings of the commission. Part II reviewed the journey of GNLU made so far. Part III dealt with future plans and strategies to make the university a world-class law school. Some of the observations and recommendations of the Commission demonstrate the state of affairs in the University:

(i) It was noted by the committee that ever since the first Registrar was removed from the office, the GNLU had no regular whole-time Registrar and has been functioning with a member of the teaching staff being appointed by the Director to officiate as the Registrar from time to time. As the Registrar is the head of the administrative and ministerial staff of the University and the

[75] The indicative list includes the following specific items: (a) Make GNLU a truly world class Law University; (b) Involve GNLU in cutting edge research frontier areas of law; (c) Develop and disseminate legal knowledge efficiently; (d) Take up high quality teaching; (e) Provide good library, laboratory and other infrastructure; (f) Enhance employability of its graduates and (g) Innovative and transfer knowledge relevant to the needs of Indian society and thus contribute to its access, equity and standards.

[76] The Law Ministers' meeting especially recommended: 1 professional legal Education shall be a five-year law course after 10+2 level, it should be open to a University to offer a three-year law college preparing students for practice of law should be allowed to operate exclusively in the morning/ evening. With such broad consensus on integrated five-year LL.B. programme and on a model National Law School in every State, several States have enacted statutes and set up Law Universities. At present there are fifteen National Law Universities in India in fifteen States, all developed on the model of the original National Law School at Bangalore offering the five-year integrated LL.B. programme. GNLU is one such Law University in the State which came up with liberal funding from the State Government in 2003 at Gandhi Nagar.

principal officer responsible for all matters pertaining to the administration of the university, it is desirable to appoint a regular whole-time Registrar and put an end to the present practice of appointing an officiating Registrar by the Director from amongst the teaching staff of the university.

(ii) There was not a single professor at the university. Even important senior academic positions like Dean (Academic Affairs) and Coordinator of Research Studies are held by the Asst. Professors do not have much experience in the field concerned. The Committee strongly recommended appointing experienced Professors to lead and guide various academic and administrative activities.

(iii) The Committee also submitted that an effective grievance redressal mechanism needs to be set up so as to inspire confidence among the students and the teachers, that their concerns will be effectively addressed by the administration.

(iv) Effective steps may be initiated to set up a Students Bar Association or a Representative Council and a Faculty Consultative Council so as to provide constructive outlet to ventilate the aspirations of the students and teachers.

(v) The Commission had not been able to go into issues of finances and accounts, though it can be construed as part of its mandate.

5.4. The West Bengal National University of Juridical Sciences (NUJS) Review Commission

The first ever Review Commission for the West Bengal National University of Juridical Sciences (NUJS) was constituted by the Chancellor of the University, i.e. the Chief Justice of India, Shri T. S. Thakur, on 12 November 2016 after 17 years of its establishment while attending its general council

meeting as its then ex-officio Chancellor. The Committee visited the University in September 2017, and a report was submitted to the then CJI, Justice Dipak Misra, on October 30, 2017. The Chancellor sought responses from the Vice Chancellor on the said report vide a letter dated November 29, 2017. While circumnavigating various issues within the University, the Commission acknowledged that there are systemic issues of maladministration that require urgent redressal in National Law Universities (NLUs) across the country. The Commission was deeply concerned about receiving the statement presented to the Commission, signed by over 500 students, conveying "utter dissatisfaction and complete loss of faith in the leadership of the Vice-Chancellor. The Commission was of the view that this statement was backed by the detailed argument, and their concern must be taken with utmost seriousness by NUJS. It observed:

> *"A University is a community. No University can function without mutual trust and confidence among the student body, the faculty and the administration. The issues the students raise all are in the best interests of the university. They are resolvable through reasoned dialogue and appropriate action. With the greatest respect we would suggest that the Vice-Chancellor be requested to urgently take all necessary action to restore the confidence and trust of the student body by addressing their legitimate concerns as early as possible."*

The Commission further observed that:

"Administrations of NLUs have subjected students to increasingly stringent rules and regulations while simultaneously reducing facilities available to them. It appears that funds are unavailable for trivial demands such as to clean washrooms while expensive camera are installed around the campus encroaching on our privacy."

The commission made the following recommendations:

(i) A review of the adequacy of scholarship schemes may also be undertaken to ensure that no student who secures admission to NUJS is unable to study only because of a lack of funds.

(ii) A strong cell should be established to help students from underrepresented and excluded categories not only during their studentship at NUJS but also in getting jobs or securing admission to graduate courses abroad with scholarships.

(iii) Addressing the decline in academic quality will help enhance student achievement.

(iv) The selection process for faculty be considerably revised and strengthened. Concerns have been expressed that selections recently made have been influenced by personal bias.

(v) A robust framework for accountability of the quality of teaching and research should be clearly put in place, including but not limited to student course evaluation.

6. ACCOUNTABILITY ABEYANCE

Other National Law Universities, which have been functioning for more than 15 or more years, have not even attempted to appoint a review commission under their statute. The National Law Institute University, Bhopal (NLIU),[77] established in 1997, has not constituted its first review commission[78] despite

[77] Established by the Rashtriya Vidhi Sansthan Vishwavidyalaya Adhiniyam, 1997 enacted by the Madhya Pradesh State Legislature.

[78] *See* Section 32. Appointment of Review Commission (1) The Visitor at least once in every five years constitute a commission to review the working of the Institute and to make recommendations. (2) The Commission shall consist of not less than three eminent

severe allegations of administrative opacity and arbitrariness at NLIU Bhopal, which have been a matter of concern for students, faculty, and other stakeholders. Reports are plenty which displays decisions regarding admissions, faculty appointments, examination, and administrative policies made without sufficient transparency or consultation with relevant parties. Such practices undermine trust within the institution and impede its ability to fulfil its educational mission effectively.[79]

The National Law University-Jodhpur (NLUJ), another premier National Law School established in 1999,[80] has kept the statutory review commission in abeyance[81] even after 20 years of its inception. Allegations of administrative failure at NLU Jodhpur have been a matter of concern and scrutiny. A Bench of Justices Sanjay Kishan Kaul and Sudhanshu Dhulia in National *Law University (NLU) Jodhpur v. Prashant Mehta & Ors.* expressed grave concern about NLU

educationists one of whom shall be the Chairman of such Commission appointed by the Visitor in consultation with the State Government. (3) The terms and conditions of the appointment of the members shall be such as the Visitor may determine. (4) The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Visitor. (5) The Visitor may take such action on the recommendations as he deems fit.

79 https://www.legallyindia.com/home/nliu-bhopal-protests-admin-opacity-arbitrariness-fires-letter-to-ugc-read-letter-20171109-8881

80 By an Act of Rajasthan State Legislature.

81 *See* Section 19. Appointment of a University Review Commission: (1) The Chancellor shall at least once in every five years or as and when required, constitute a Commission to review the working of the University and to make recommendations. (2) The Commission shall consist of not less than three eminent educationists, one of whom, shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government. (3) The terms and conditions of the appointment of the members shall be such as the Chancellor may determine. (4) The Commission shall after holding such inquiry as it deems fit, make its recommendation to the Chancellor. (5) The Chancellor may in consultation with the State Government take such action, as he deems fit on the recommendation made by the Review Commission for the working and development of the University.

Jodhpur's (NLUJ) dependence on contractual appointments of teaching staff, calling it "unacceptable and undesirable."[82]

The Government of Chhattisgarh established[83] Hidaytullah National Law University in 2003 with the motto of *"Dharma Sansthapanartham"* (for the sake of establishing the primacy of the laws of eternal values). Nevertheless, irony continues, and it has evaded the statutory mandate[84] of the review commission even after 20 years despite two large student-led protests, agitations and hunger strikes for alleged corruption, opacity and arbitrariness in the University administration. The allegations made by the students against the then Vice-Chancellor related to alleged financial irregularities, inaction against sexual harassment complaints, lack of transparency, suppressing student/student body interests, arbitrary hiring and firing of faculty, centralisation of administrative powers, and maladministration. Though this finally prompted the Vice-Chancellor to step down from the post, no serious thought was given to the alleged irregularities.[85]

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[82] https://www.barandbench.com/columns/faculty-composition-in-indian-nlus-examining-contractual-vs-regular-appointments

[83] By the Hidayatullah National University of Law, Chhattisgarh, Act (Act No.10 of 2003)

[84] *See* Section 19. Appointment of a University Review Commission: (1) The Chancellor shall at least once in every five years or as and when required, constitute a Commission to review the working of the University and to make recommendations. (2) The Commission shall consist of not less than three eminent educationists, one of whom, shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government. (3) The terms and conditions of the appointment of the members shall be such as the Chancellor may determine. (4) The Commission shall after holding such inquiry as it deems fit, make its recommendation to the Chancellor. (5) The Chancellor may in consultation with the State Government take such action, as he deems fit on the recommendation made by the Review Commission for the working and development of the University.

[85] *HNLU Protests: Dr Sukh Pal Singh accedes to students' demand, steps down from VC post*, Bar and Bench, available at https://www.barandbench.com/news/hnlu-protest-sukh-pal-singh-steps-down-vc.

Dr. Ram Manohar Lohiya National Law University, which was established[86] in 2006 to meet the new challenges in the legal field, has also failed to establish its first statutory[87] review commission even after fifteen years. The student body at RMLNLU Lucknow came out and protested (Jan. 2017) to increase financial transparency. The controversy started with the differences with students over its annual sports budget and led to claims that the university administration was "obtuse" and adopted a "systematic heel-dragging and opaque procedure", which resulted in a devaluation of curricular and welfare events. The protest was accompanied by 300 Right to Information (RTI) applications filed by students seeking the law school's detailed financial accounts.

NLU Odisha (established in 2009) witnessed 2-3 student protests over proper amenities, including the girls' hostel and library that were promised to them. The university was under severe criticism over alleged financial irregularities and misappropriation of funds, which was outlined in an AG audit conducted in 2016. Despite all these, the University is still waiting for its first review commission under the NLU Odisha Act.[88]

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[86] by an Act of Govt. of Uttar Pradesh in 2005, U.P. Act No.28 of 2005

[87] *See* Section 33: Appointment of Review Commission: (1) The Visitor shall at least once in every five years constitute a commission to review the working of the 65[University] and to make recommendations. (2) The Commission shall consist of not less than three eminent educationists in the field of law one of whom shall be the 68[Chairperson] of such Commission appointed by the Visitor in consultation with the State Government. (3) The terms and conditions of the appointment of the members referred to in subsection (2) shall be such as the Visitor may determine. (4) The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Visitor. (5) The Visitor may take such action on the recommendations of the Commission as he deems fit.

[88] *See* Section 22: Appointment of a University Review Commission :(i) The Chancellor shall at least once in every five years or as and when required, constitute a commission to review the working of the University and to make recommendations.

Students of the National University of Study and Research in Law [NUSRL], Ranchi,[89] staged a protest alleging corruption, lack of transparency and overall maladministration at the university. The university was also dragged into an arbitration with the Central Public Works Department for the non-payment of dues of 42 crores.[90] However, despite more than twelve years of its establishment, it failed to appoint its first review commission under the University Act.[91]

Allegations of rampant corruption, lack of transparency, and declining standards of teaching and research are common concerns of the majority of NLUs. The common threads running through all these protests are lack of accountability on the part of visitors, Chancellor and Vice-Chancellors, Executive Bodies of the University and state government apathy.

7. CONCLUSION

The University Act typically outlines the procedures and mechanisms for ensuring periodic reviews and evaluations of the institution's performance, policies, and practices. The establishment of a University Review Commission is often a crucial component of this framework, as it serves as an independent body tasked with conducting comprehensive assessments and providing recommendations for improvement. Non-appointment of statutory and mandatory review commissions validates the erosion of accountability in the national centres of legal education in the country, particularly when the persons

[89] University Started functioning from September 2010.
[90] https://theleaflet.in/reimagining-the-national-law-universities-as-truly-being-national/
[91] See Section 23: Appointment of a University Review Commission :(i) The Chancellor shall at least once in every five years or as and when required, constitute a commission to review the working of the University and to make recommendations.

responsible for the malfunctioning of these institutions are continuously kept at the helm of affairs.

The failure to constitute such a commission deprives the institution of valuable opportunities for self-assessment, feedback, and strategic planning. Without regular reviews, it becomes difficult to identify areas of strengths and weaknesses, address emerging challenges, and align institutional priorities with evolving educational needs and standards.

Moreover, this failure reflects a broader issue of institutional governance and compliance with legal and regulatory requirements. It raises questions about the commitment of the Chancellor and visitors to uphold their statutory duties and ensure the proper functioning of the university in accordance with established norms and guidelines. Addressing this issue requires prompt action to rectify the oversight and fulfil the legal obligations outlined in the University Act. This may involve expediting the process of constituting a University Review Commission, appointing qualified and impartial members to oversee the review process, and ensuring that the commission operates with transparency, independence, and integrity.

By taking proactive steps to uphold their statutory duties and promote accountability and oversight by constituting periodic review commissions and follow-up action taken reports by subsequent commissions, the Chancellors and Visitors can restore confidence in the institution's governance and demonstrate their commitment to promoting excellence and accountability in higher education. BCI, UGC, and NAAC must also acknowledge the constitution of the review commission as a value point while doing their inspection.

Legal Education In Contemporary Times: Problems And Prospects

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Abstract

Legal education in the preceding decades has evolved significantly, so much so that, in view of the changing social and economic milieu, it has become a topic of discussion and debate. Technological and scientific developments have further necessitated rethinking as to the changes that may brought about in the way legal education is being imparted in the present times in law university departments, NLUs and private universities and colleges. There is a pressing need to rethink and, therefore, reorient the role of universities and colleges in teaching law. In today's complex and diverse society, doing justice requires constitutionally sensitive legal professionals at different levels. Legal education stands today at the portals of an uncertain future replete with hitherto unknown challenges and legal predicaments. Every aspect of law, more or less, will have to undergo a process of transformation, in books and in action, so that legal education continues to be responsive and responsible in serving the needs of life and law.

Keywords: *Legal Education, constitutionally sensitive, transformation, life and law.*

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1. PREFATORY

Legal education in the third decade of the twenty-first century seems to be staring anxiously at a future that will unfold in the times to come, bringing with it challenges and predicaments that have hitherto remained unheard and unknown. Technological advancement and the advent of Artificial Intelligence (AI) add to the uncertainty of an impending future. Sooner than later, newer problems will surface that would require the law to be "responsive" as well as "response-able". At the same time, legal education has to be cognizant and responsive to the *existing* problems of life and law. Developments in science and technology, along with the challenges resulting from social and economic disparities, present before the law a grim picture of harsh realities, which necessitates not only *rethinking* 'legal education' but also *reorienting* 'legal education'. This will require understanding the historical underpinnings of our legal education as well as its social and economic moorings. The ensuing discussion seeks to explore some of the crucial aspects of legal education in India and reflects upon legal education that has to deal with the traditional forms of legal problems along with the newly emerging legal problems that result from ever-advancing technology and AI. It is important to realize that "teaching/learning are manifestations of continuity with the past, but everyone has to learn the art of speaking to the future also."[93]

[93] Arvind Narrain, Laawrence Liang, Sitharamam Kakarala & Sruti Chaganti, *Of Law and Life Upendra Baxi*, 453 (Hyderabad, Orient Blackswan, 2024)

2. CONCEPTUALISING LEGAL EDUCATION

As Julius Stone said, legal education is "the high art of speaking to the future".[94] As it is understood, legal education as a concept is very broad[95] , and it implies education being imparted to legal professionals working in different areas of law. Such professionals may be advocates, judges, teachers, administrators, people working in companies, and so on, who have the required legal knowledge and skills. With time, though, the nature and scope of legal education has undergone a sea change, and there is always a scope for further 'growth' and 'evolution' of what counts as legal education. Proper legal education inculcates values that help create an environment where human values and human rights are respected and thus remain protected.[96] Legal education assumes great "relevance"[97] because of its role in ensuring that people's rights are well protected at every level of society. Broadly speaking, legal education may be classified into two types: *liberal* and *professional* legal education. As Ranjana Desai puts it[98],

> *"Liberal legal education is that which imparts a basic understanding of the law and justice system for the healthy growth of democracy and*

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[94] *Ibid.*

[95] "Legal education is both academic and professional education." See, *S R. Deepak* v. *T.N. Dr. Ambedkar Law University*, (2016) 2 LW 64 (DB).

[96] See, Oleg Vinnichenko & Elena Gladun, "Legal Education in the BRICS Countries in the Context of Globalization: A Comparative Analysis", 3 *BRICS Law Journal* 11 (2018).

[97] "The meaning of 'relevance' in legal education means that the legal education must be such that gives a student a sense of 'involvement' in the society in which he lives and this involvement must form the basis for his training which may equip him to take various challenges in life not necessarily as a professional lawyer. The 'relevance' in legal education gives student a feeling that he is not simply a drain on public purse but is doing something creative for the society." See, I P Massey, "Quest For 'Relevance' In Legal Education", (1971) 2 SCC J-17.

[98] Ranjana Prakash Desai, "Legal Education", BC Nirmal et.al (Ed), *Contemporary Issues in International Law*, 37 (Springer, 2018).

> *for strengthening the rule of law. Professional legal education prepares students to act as lawyers and judges. It involves taking training in the art of advocacy. It teaches lawyers to file or defend cases and prepare legal documents. It teaches lawyers to become judges and adjudicate disputes. It prepares law students to become good law teachers."*

In the recent past, the ambit of legal education has become wider and, at the same time, more complex, more so as a response to the changes that have taken place in the preceding few decades in the wake of globalisation. In this day and age, legal professionals are required to be equipped with the know-how to deal with modern-day legal problems. Legal education will evolve as the needs of the changing times necessitate reorienting legal education conceptually and in practice.

All said, one of the important roles of law has been and will be, to find solutions to the problems that come before the law. Julius Stone regarded law as one of the means of securing the conditions of social life, and the task of each legal system is to secure the same "as conceived and lived by the men of the particular society *at the particular time*".[99] Moreover, legal education that prepares "people" to make the law work working at different echelons of the legal system assumes great significance. Today's law students will be the office bearers and upholders of law tomorrow. Therefore, it goes without saying that education imparted to a law student should be such that it equips the student with the wherewithal to deal with problems of law and of life as the two remain inseparable. Justice

[99] Julius Stone, *Human Law and Human Justice*, 155 (New delhi, Universal Law Publishing Co, 2008). Emphasis added.

Ashutosh Mookerjee, in his *address*[100] at Banaras Hindu University, had observed that:[101]

> *The chief purpose of legal education is to impart to the students a knowledge not of particular details but of a fundamental principle, to teach him to draw the right conclusion from the premises. If the student has thus been brought face to face with principles and conclusions, and if his mind has been illuminated by an exposition of their relation to other necessary truths; if he has been conducted down the historic path of social and legal evolution until he has reached the present rules of law, he cannot have failed to absorb and assimilate the reason of the law.*

In the long run, the quality of legal education remains crucial to questions of access to justice and the rule of law. Quality legal education strengthens the bar and the bench and bolsters people's faith in the justice delivery system.

3. A BRIEF HISTORICAL BACKDROP

Reform in legal education was one of the many challenges that drew the attention of the government and many others. It required many a helping hand and relentless efforts to put legal education on the right track where it could serve the needs of a nascent state and its subsequent growth. Ford Foundation merits mention as regards its role in shaping legal education in India in the formative years.[102] The Foundation believed that "for Indian democracy to

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[100] Justice Asutosh Mookerjee's Address at the Inauguration Ceremony of Department of Legal Studies in the Benares Hindu University , 6 *Hindu L.J.* 45 (1923-24), quoted in Arjun P Aggarwal, "Legal Education in India", 12 *Journal of Legal Education* 231 (1959).

[101] *Id.* at 52

[102] See, for details, Jayanth K. Krishnan, "Professor Kingsfield Goes to Delhi: American Academics, the Ford Foundation, and the Development of Legal Education in India", XLVI *American Journal of Legal History* 447-499(2004).

succeed, the country needed to have well-established, rule-based institutions administered by those educated in the legal principles of equity, due process and individual rights."[103] The Law Commission of India also dwelt upon the need to reform legal education.[104] However, such efforts and deliberations to reform legal education were made even prior to independence. One such instance is when the British Government entrusted Calcutta University to find ways to improve legal education in India. Immediately after independence, the University Grant Commission took note of the need to improve legal education, and it was not alone in doing so. Three separate committees, namely, the Bombay Legal Education Committee (1949), All India Bar Committee (1953) and Rajasthan Legal Education Committee (1955) were set up to dwell upon the matter and suggest measures as to how legal education is to be imparted to law students.[105] The need to reform legal education was considered a need of

[103] *Id.* at 448.

[104] As N R Madhava Menon recounts, "The Indian Constitution imbibed universal ideas of freedom, equality, liberty and social justice and gave a special role and status to law and legal institutions for national reconstruction and good governance. In this background, one of the first tasks undertaken by the government soon after the adoption of the Constitution was to direct the Law Commission to study and report on reforms in the legal and judicial system. The Fourteenth Report of the Law Commission chaired by M.C. Setalvad, *inter alia*, contained a detailed analysis of the then state of the legal profession and of legal education. The report sought radical changes in both law and legal institution including legal education for taking the constitutional vision forward." See, N R Madhava Menon," Towards a Draft National Policy on Legal Education" in *An Idea of a Law School Ideas from the Law School: A Collection of Essays Towards a Draft National Policy on Legal Education* (2019), available on scconline.com (last accessed on 01.05.2024).

[105] *Id.* at 455. In 1963, Gajendragadkar Committee was appointed and the report thereof was published Report of the Committee on the Re-organization of Legal Education in the University of Delhi in 1964, and in the same year, a conference on legal education was organised under the leadership of Prof. G S Sharma at Kasauli, and conference papers remain archived in the pages of *Jaipur Law Journal*. Also see, *Report of the Committee on Legal Education in the Developing Countries* (New York, International Legal Centre, 1972) which was basically an effort by some of the legal scholar appointed by the International Legal Centre "to study the progress and problems of legal education in the developing region of the world."

the hour as legal education then was in a dismal state. Writing in 1965, Arthur Taylor von Mehren pertinently observed:[106]

> *"India does enjoy a remarkably fine legal inheritance, including considerable appreciation of the rule of law….But Indian legal education inevitably tended to evolve in patterns that emphasized rote memory. To impart information—not critical understanding—remained the goal of legal education. When India gained its independence in 1947, its legal profession and legal teaching were thus not able to play the role they ought, by Western standards, to have played. The politicians, the economists, and the engineers were expected to remake society. The law was to assist in the form of public law and administrative law, but private law and the legal profession claimed only a small and marginal role in social change. Since independence, the situation has deteriorated further."*

Be that as it may, one notable change, however, took place when many universities in 1958 "switched over" to three-year degree courses.[107] Advocates Act was enacted in 1961, and it constituted the Bar Council of India, an institution that was entrusted with prescribing standards of legal education in India. Those were the times when local law colleges flourished in plenty, imparting legal education that was not of the quality that was needed at the time. Legal education in India was in dire need of reform and regulation. By the year 1982, it was decided that "law courses" should be of five years after 10+2, and that professional training would be an integral part of such law courses

[106] Arthur Taylor von Mehren, "Law and Legal Education in India: Some Observations", 78 *Harv. L. Rev* 1182-1183 (1965). Also see, Upendra Baxi, "Notes Towards a Socially Relevant Legal Education", available at https://www.ugc.gov.in/oldpdf/pub/report/1.pdf (last accessed on 02.05.2024).

[107] See, Iqbal Ali Khan, "Legal Education in India: An Overview", 22 *ALJ* (2014-15).

which would prepare legal professionals. In 1986, the National Law School of India University was established by the NLSIU Act, and its establishment was the first of the stepping stones that would form the foundation of modern legal education in India. It was, as it is said, a "new generation experiment in legal education".[108] The experiment was successfully replicated in many parts of the country with the establishment of 'law schools', notably in places like Kolkata, Hyderabad, Jodhpur and Delhi, to name a few.

4. "SEVEN QUESTIONS" OF REFORM IN LEGAL EDUCATION[109]

In the formative years of law reforms in India, J K Bhavnani, who wrote in 1962, identified "seven questions" that may serve as a precursor to discussions relating to reforms in legal education. These questions are very foundational to understanding the dynamics of reforms in legal education. These seven questions were: why should we teach law? Whom should we teach law? What should we teach in law? How long should we teach law? How should we teach law? Who should teach law? Which should be the medium of teaching law?

These questions remain as relevant as they were in 1962. The answer to these questions would bring clarity as to the purpose and relevance of law today and in the decades to come. All these questions require more reflection today than they ever did. Law and life are at the cusp of significant social and scientific changes. This would compel us to rethink *how* we should teach law or *what* we should teach in law. In the years to come, we may also be required to think about how long we should teach law or what the medium of teaching law should be. These are real-life questions that will have a significant impact on the *content*

[108] See, Debasis Poddar, "Justice Education: A Desired Destination of the Menon Model", 7 *Asian Journal of Legal Education* 35-45 (2020).

[109] There are few other problematic issues related to legal education in India that have been briefly but forcefully dealt with in GV Ajjappa & Sumeet Malik, *Legal Method* 1-2 (New Delhi, Eastern Book Company, 2023).

and *contour* of legal education in the years to come. Some of these questions have already started generating debates and discussions.[110] Some of these questions need serious reflection. As to the usage of language in legal education, one author argues[111],

> *"The excessive use of cram books by the Indian law students is also attributable to the fact that the student cannot clearly and correctly follow what is said in the class. Also, they feel that they will not be able to express clearly in English what they know; hence, they spend most of their energy in memorizing and cramming, rather than thinking, analyzing, and understanding legal problems."*

The question of the medium of imparting legal education is a difficult one, more so in view of the globalised world in which all live and the importance of the English language as a *lingua franca*, even within the country.

Of the seven questions, one question that needs serious deliberation is: how should we teach law? The advent of AI has brought before us an incredible challenge: how to teach law? Some of the methods/tools that were employed to examine and evaluate the legal understanding of a law student have lost their significance. The Internet abounds in AI-based tools and techniques that may easily defeat the purpose of such traditional modes of examining students. This requires revisiting modes and methods of examining law students. Sir Ashutosh Mookerjee provides the guiding light as to how to educate law students:[112]

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[110] See, "Supreme Court refuses to entertain PIL seeking three-year law course instead of five", *The Hindu* (22.04.2024); "Supreme Court refuses to entertain PIL seeking three-year law course instead of five", The Indian Express(11.08.2023).
[111] Arjun P Aggarwal, "Legal Education in India", 12 *Journal of Legal Education*132, 246 (1959).
[112] *Supra* note 102 at 244.

> *Let … the student discover the principles from the dry husks of textbooks, statutes, and reports. Let him extract, master, and retain the principles he has brought to light, for his success as a student of law will be measured by the success that attended his efforts to pursue this process of analysis and assimilation. Let then the student avoid with scrupulous care that self-deception which is destructive of all sound knowledge.*

Much water has flown down the Ganges, but the words of Sir Ashutosh Mookerjee bear elements of truism and relevance. Even in the day and age of AI and the internet, the process of "analysis and assimilation of law" remains as effective as it ever was. AI and the internet should become a boon and not a bane for legal education. This will require recasting some of the methods that have been in vogue for some time for assessing and examining law students. Legal education should not be allowed to be hijacked by scrupulous use of AI and internet-based resources. There is no denying the fact that we live in an era of Google Scholar, but we should refrain from producing only "Google Scholars"!!! Spotlight on legal education should focus on Clinical Legal Education and real-life understanding of law.[113] Critical thinking of law needs to be inculcated. The influence of social media and easily available low-quality reading material online has further complicated the problem of providing quality legal education. One of the biggest tasks before universities and law teachers is to bring the students back to the law in books as well as the law in action.

[113]As S P Sathe laments: "A student hardly bothers to know the interaction law and society." See, S P Sathe, "Access to Legal Educationand Legal Profession in India" in Rajiv Dhavan, William Twining *et.al.*, *Access to Legal Education and the Legal Profession*, 169 (London, Butterworths, 1989).

5. "TOWARDS A SOCIALLY LEGAL EDUCATION"

Law is a social process, so any curriculum relating to it has to be socially relevant.[114] As Baxi puts it, "Social relevance requires at least that a curriculum cognizes the principal contemporary problems and the corresponding tasks before the law and the lawyers."[115] Law cannot and should not turn Nelson's eye to problems of underprivileged people, destitution, exploitation and civil liberties. There are scores of social problems for which law remains the last recourse. The question of civil liberties should inform the understanding of law. A law student should be aware of social realities relating to the above-mentioned issues. He should have knowledge of the relevant facts and figures relating to the working of law in a given field. A formal and mechanical understanding and application of law will defeat the very purpose of law, and it will lose its social relevance in its true sense.

We need legal professionals who are constitutionally sensitive and under the value of the fundamental liberties of people. They should have a genuine and innate sense of respect towards the fundamental rights and dignity of people. AI and the problems of cyber crimes threaten some people's basic rights. Therefore, a student should not only be informed of the relevant law; instead, he should be aware of possible consequences. Law has its roots in society, and that being so, the law cannot be studied, ignoring its social moorings. To quote Raj Kumari Agarwala[116],

> *"For the maintenance of a free society, legal education cannot be confined to legal techniques alone. The students ought to be provided with a sense*

[114] Upendra Baxi, "Notes Towards Socially Relevant Legal Education" (1970).
[115] *Ibid.*
[116] Raj Kumari Agarwal, "All India Seminar on Legal Education", 14 *Journal of Indian Law Institute*, 74,76 (1772).

of awareness that law is an instrument of social justice, or in other words, an understanding as to the ends for which professional skills are to be used."

6. CONCLUSION

It is high time to reflect upon the question of the kind of legal education we wish to impart to our current and future generations of students. There is a widening rift between *contemporary legal education* and the *existing social reality*, and it is a sad reality for a majority of institutions providing legal education. Law is such a discipline that has a social existence and relevance. Law and life exist together. However, most law graduates in contemporary times remain ignorant of what the law can do to free the teeming millions from the clutches of injustice and unlawful practices. Though the challenges of contemporary times in the form of AI and technological innovations should be addressed, we should not turn Nelson's eye on the majority of the people who struggle for rights and survival, which remains a sad reality.

Legal education should be rooted in *constitutional values* and should foster a *constitutional culture* that would strengthen the roots of the rule of law in the country. India's legal history archives instances where lawyers, judges, law teachers and students have played instrumental roles in ensuring and facilitating access to justice for the deprived and the marginalised people. SAL (Social Action Litigation) remains a prime example.

Unveiling The Veil: Reimagining Transparency In Higher Education Sector In India

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Abstract

Education has been heralded as an instrument for social transformation. It took several centuries of struggle to make education a public good and some more years for it to be declared a constitutional right. While democratizing education remains one of the most significant achievements of independent India, challenges persist. This article explores the issues plaguing the higher education sector, specifically the lack of transparency in deemed to be universities. The lack of transparency in these groups of institutions has led to the unchecked commodification of education. The inapplicability of the RTI Act to deemed universities has led to the creation of informational asymmetry, which renders the students incapable of making informed decisions. Scant information is available to the public on aspects such as admission procedure, faculty recruitment, and research standards, among others, leaving students disenfranchised. The article also looks into alternative ways of ensuring accountability for these institutions through accreditation, rankings, and social audits. The failure of UGC as the regulator in curbing the commodification of education has also been looked into. This piece advocates for the urgent reform of the higher education sector in India while acknowledging that these deep-seated problems also require a change in the culture of transparency in higher education institutions. An argument is made for universities to be deemed equally accountable to the public as other universities to restore education to the public good.

Keywords: *higher education sector, deemed university, transparency, informational asymmetry, social audit*

1. INTRODUCTION

Gaining an education is a transformative experience for humans. The ability to decipher the world around us with the help of the wisdom of great thinkers, writers and scientists has been a driver of social reforms. However, during various periods of history, the privileges of such eras have claimed education as an exclusive right. In the eighteenth and nineteenth centuries, anti-literacy laws were passed in several states in the US, prohibiting primarily enslaved Black people from access to education.[117] Similarly, Dalits in India were also excluded from benefitting from the transfer of scholarly work for centuries.[118] With the relentless efforts of several social reformers, education has slowly taken the shape of a public good in India. The education sector has flourished ever since, and the right to education for children between six and fourteen has been accorded the status of a fundamental right through the insertion of Article 21A in 2002.[119]

While primary and secondary education is indispensable for an individual to have a rounded development in the early years of his life, higher education becomes crucial in developing critical thinking, acquiring professional skills, and honing research aptitude. Having a robust higher education system is also essential to propel the country to new heights. As per projected population

[117] Heather Andres Williams, *Self-Taught: African American Education in Slavery and Freedom* 7 (University of North Carolina Press, 2005).
[118] Geetha B Nambissan, "Equity in Education? Schooling of Dalit Children in India", 31 Economic and Political Weekly 1011 (1996).
[119] The Constitution of India, art. 21A.

estimations, 50% of India's population was under the age of 25 in 2021[120], and 4.33 crore people from this group have enrolled for various higher education courses, out of which 2.07 crore are female students.[121] Although this appears to be a positive development, India's higher education system, one of the largest in the world in terms of size, is ridden with complexities and untangling, which is a must exercise to maintain transparency.

2. GOVERNANCE OF PRIVATE HIGHER EDUCATION INSTITUTIONS

Higher Education Institutions (HEIs) in India can be divided into five categories. Central universities are established under an Act of Parliament, state universities and state private universities are established through an Act of State legislatures, and institutions of national importance which are institutions established under various Central Acts given special recognition as such and deemed to be universities. Private universities have proliferated exponentially in the last decade partly due to the lack of resources, mainly capital, at the disposal of the central and the state governments to establish more government HEIs. A total of 209 universities were privately managed as per the All-India Survey on Higher Education of 2012-2013.[122] A decade later, in 2022, this number has jumped to 483.[123]

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[120] Population Foundation of India, "India's Population Growth and Policy Implications" 2 (2023).
[121] Ministry of Education, "All India Survey on Higher Education 2021-2022" (2022).
[122] Ministry of Human Resource Development, "All India Survey on Higher Education (2012-2013)" (2013).
[123] "140 private universities set up in India in last 5 years; maximum in Gujarat: MoE", *Economic Times* (December 24, 2023), *available at*, https://economictimes.indiatimes.com/industry/services/education/140-private-universities-set-up-in-india-in-last-5-years-maximum-in-gujarat-moe/articleshow/106248396.cms?from=mdr (last visited on May 6, 2024).

While it cannot be denied that the first four categories have their fair share of problems, it is the last category that has a veil over its operations and remains elusive from public disclosure of its affairs. There are 127 deemed-to-be universities in India (more popularly known as 'deemed universities'), a status granted by the Central Government upon the recommendations of the University Grants Commission (UGC) under Section 3 of the University Grants Commission Act of 1956 (UGC Act) if such institutions meet the standards set out in the University Grants Commission (Institution deemed to be Universities) Regulation, 2023 (2023 Regulations). Such institutions will be considered at par with statutory universities for the uniform application of the Act.[124] Thus, UGC will have overarching powers to prescribe the standards that will be maintained by deemed universities.[125] However, unlike statutory universities, these institutions are brought into existence through a registered society or a trust. Their unique way of establishment signals that they can potentially withhold significant information that other categories of institutions are bound to provide under the Right to Information Act of 2005 (RTI Act).[126] Section 2(h) of the RTI Act, which defines 'public authority', also contains a body that is established through a notification issued by the appropriate government.[127] Since universities are deemed to acquire that status through a notification in the Official Gazette, it can be argued that regardless of the unique genesis of such institutions, they will be covered by Section 2(h), which defines 'public authority'. Deemed universities have time and again claimed that they do not fall under this definition and have claimed exemption

[124] The Right to Information Act, 2005 § 3.
[125] The University Grants Commission Act, 1956 § 26(f), § 26(g).
[126] The Right to Information Act, 2005 § 4.
[127] *Id* at § 2(h)(d).

from the application of the RTI Act.[128] Some private statutory universities have also claimed this immunity in the past but were unsuccessful in their attempt.[129]

One of the earliest decisions given by the Central Information Commission had, in fact, given the decision in favour of the students and had categorically held that deemed universities are public authorities under the purview of the RTI since it was established through a Gazette notification.[130] The decisions that came after, however, turned the tide and ruled that a registered Public Trust need not furnish the information sought in an RTI application regarding an education institution run by it unless such institution is receiving substantial funding from the government.[131] Thus, merely based on the notification under issued Section 3 of the RTI Act, a deemed university cannot be made answerable under the Act unless it is substantially funded by the government. For government funding to be 'substantial' in nature, it should be the lifeline of such a university, without which it may not be able to function.[132] Contrastingly, in an earlier case, the Supreme Court had held that there is no hard and fast rule to quantify the term 'substantial'.[133]

In this context, the perplexing question is why universities should be deemed to be compelled to divulge any information regarding them. After all, greater

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[128] *Manipal University v. S K Dogra*, WP No. 25114 of 2009; *Santanu Demuhuri v. University Grants Commission*, Second Appeal Nos. CIC/UGCOM/2017/158895-BJ and CIC/UGCOM/A/2018/104763-BJ.

[129] "Gujarat HC notice to GIC, 3 pvt institutes claiming immunity from RTI Act", *Indian Express* (July 2, 2021), *available at*, https://indianexpress.com/article/cities/ahmedabad/gujarat-hc-notice-to-gic-3-pvt-institutes-claiming-immunity-from-rti-act-7385205/ (last visited May 6, 2024).

[130] *Mahavir Chopda v. NMIMS University*, CIC/OK/A/2008/01098SG/2550.

[131] *People Welfare Society v. The State Information Commissioner*, Letters Patent Appeal No. 466/2011 in Writ Petition No. 5168/2010 (D).

[132] *Ibid.*

[133] *D.A.V College Trust and Management Society v. Director of Public Instructions*, AIR 2019 SC 4411.

autonomy, in theory, would ensure that the university functions smoothly without unnecessary interference. In practice, however, the mushrooming of private universities has led to the over-commodification of education in India. Deemed universities, with little to no transparency, have become almost exclusively business ventures, blurring the line between education being a public good and being treated as a private good solely for making profits. This seems to be the pattern for most private statutory universities as well. The growth of private universities has paved the way for a trend of unhealthy competition that is slowly creeping into the education sector. This is entirely against the spirit of the judgments such as *T.M.A Pai Foundation v. State of Karnataka*,[134] in which the Supreme Court has observed that education shouldn't be a for-profit enterprise; it should be a charitable activity. In another case,[135] the Supreme Court observed that education is akin to liberation, a tool to shape our civil institutions and protect civil liberties. Skirting around the need to be transparent is used to allow these institutions to charge a 'capitation fee', also known as a donation, in addition to the hefty academic fees.[136] The 2023 Regulations expressly prohibit such fees in any form[137] and also require deemed universities to design their fee structure transparently, not for profit, in adherence to rules and regulations in place for these purposes.[138] This being the case, universities still charge large sums of tuition fees and a lot of other charges that are extracted from the students during the course of their study. Information on admission procedures, faculty recruitment, fee structure, and examination procedures is scarce. There is no uniform rule for university

[134] (2002) 8 SCC 481.
[135] *Avinash Mehrotra v Union of India*, (2009) 6 SCC 398.
[136] Krishnapratap B Powar, "India's Private Universities: Solutions or Problems" 81 *International Higher Education* 12 (2015).
[137] The University Grants Commission (Institutions deemed to be Universities) Regulations, 2023, Regulation 24B(1).
[138] *Ibid* at 24B(2), 24B(3).

refunds, especially when admission is cancelled. Most importantly, there is a dearth of information about the research activities, including the standards of PhD courses in such universities. While the quality of PhD courses remains questionable throughout all Indian universities, prompting UGC to propose a survey examining the quality of submitted PhD theses,[139] deemed universities posit an additional problem by not providing details that they deserve to know about their PhD course.

2.1 Balancing the information asymmetry

The information asymmetry caused by the lack of vital information places the students in a disadvantageous position with very limited say in the matters of the university. They are also bereft of a platform where they can exercise their right to information and get their issues resolved fairly and expeditiously. Undoubtedly, there is a need to bring a balance between the information deemed universities withhold from the public and the information that other stakeholders, primarily students, deserve to make informed choices. Two main approaches to ensuring transparency in educational institutions exist in India. The first could be called as the Direct Test of Accountability, which exists in the form of RTI. As seen before, one can seek information from a private statutory university, unlike a deemed university. The second approach is the indirect test of accountability, or accountability that is mandated by regulators such as UGC or by making the institution amenable to writ jurisdiction. The 2023 Regulations confer UGC with the power to monitor underperforming deemed universities every five years, based on the report submitted by the

[139] Priscilla Jebaraj, "UGC to review quality of PhD these over 10 years", *The Hindu* (May 28, 2019), *available at* https://www.thehindu.com/news/national/ugc-to-review-quality-of-phd-theses-over-10-years/article27277915.ece (last visited on May 6, 2024)

university.[140] It also mandates that deemed universities should upload annual reports, financial statements, and audit reports to the university website and to the UGC portal.[141]

However, UGC, as a regulator, has not maintained proper and effective oversight of private universities. This is evidenced by the sheer number of private universities recognized by UGC and the phenomenal growth of these institutions. These institutions have grown at a faster pace than the regulator has been able to keep up with. In 2014, the Ministry of Human Resource Development constituted a panel headed by the former Chairman of UGC, Prof. Hari Gautam, realizing the failure of UGC in discharging its duties in the face of the commodification of higher education.[142] The panel, in its report, suggested an overhaul of UGC. The National Education Policy of 2020 (NEP 2020) also stressed the need to have a check on the rapid commercialization of the higher education sector and usher in transparency. It emphasized the need for transparency and disclosure regarding financial matters, grievance redressal mechanisms[143] and faculty recruitment.[144] In 2023, UGC launched the e-Samadhan, an online grievance redressal portal for students, faculties, non-teaching staff and institutions to address different kinds of issues.[145] In July 2023, UGC issued a letter to all vice-chancellors and principals to display the portal's link on the websites of their respective institutions; however, this has not been primarily complied with by institutions. The portal also does not have

[140] The University Grants Commission (Institutions deemed to be Universities) Regulations, 2023, Regulation 10.
[141] *Id at* Regulation 31(5).
[142] Ministry of Human Resource Development, *Review of the University Grants Commission for its restructuring and strengthening to address imperatives and challenges in the higher education sector*, No. 4-9/2014-U1A (2014).
[143] Ministry of Human Resource Development, National Education Policy 2020, 18.12.
[144] *Id* at 13.6.
[145] UGC e-Samadhan, *available at* https://samadhaan.ugc.ac.in/Home/Index (last visited on May 6, 2024)

any information on how many issues have been successfully resolved so far, once again hinting at the lack of zeal from the end of UGC to ensure that its initiatives are properly monitored and implemented. Sheer's lack of a proper forum and established practices for redressing grievances on matters such as refund, expulsion, plagiarism, and many others further strengthen the case for openness in the system.

Institutional ranking and accreditation could also, to an extent, indirectly ensure public accountability. Even though rankings and accreditation grades are about assessing whether a particular institution maintains various standards, they can, in a way, make these institutions take the students' as well as the faculty's demands into consideration. The National Assessment and Accreditation Council (NAAC), an autonomous body under UGC, assesses the HEIs based on various criteria and grades them accordingly. In the same vein, the National Institutional Ranking Framework (NIRF) ranks HEIs in the country. Institutional ranking and accreditation are also used as transparency tools in other jurisdictions.[146] These tools can also suffer from inherent institutional and personal biases; nevertheless, they are useful in the larger scheme of balancing the informational asymmetry.

While the direct test of accountability, due to its ease of access and the minimal application cost, could have helped bring equal access for students in deemed universities as well, the judicial decisions have shielded them from public scrutiny. Even if the direct test of RTI cannot be made applicable to deemed universities, a social audit of these institutions, including every HEIs should be

[146] Ben Jonbloed et. al, "Transparency in Higher Education: The Emergence of a New Perspective on Higher Governance", in Adrian Curaj, Ligia Deca et. al, (eds.) *European Higher Education Area: The Impact of Past and Future Policies* 441-454 (Springer, 2018); Noël Vercruysse and Viorel Proteasa, *Transparency Tools Across the European Higher Education Area* (Flemish Ministry for Education and Training, 2012).

done. Social audit is the process of measuring a programme or policy or an organization's working against various non-monetary parameters.[147] It involves a deep dive into various information collected from stakeholders through participatory methods and evaluating their impact on society. Such audits will look at various aspects of convergence of transparency such as refund policy, student union (representation and administration), exit policy and the like between and among private universities. Social audit is a significant tool that is sparsely used in India for the educational sector; however, it could prove to be a beneficial tool that could transcend mere institutional governance as aimed by other modes of audit to uphold education as a public good and mitigate elitism in HEIs.

3. CONCLUSION

Reforms in HEIs are undoubtedly the need of the hour, especially reforms that would unveil the operations of deemed-to-be universities to armour stakeholders with key information regarding such institutions. Bringing in a sense of a public accountability system will have a significant effect on the standards of education. Universities impact public policy in a significant manner in multiple ways through the kind of programmes or courses they offer and independent and collaborative research they undertake, which may also impact security strategies and other interests of the state. Not having to adhere to the public disclosure requirements under the RTI Act opens up several possibilities for deemed universities to abuse and misuse their power and resources. Regulatory institutions have limited data about these institutions. Currently, deemed universities are comfortably placed in their own bubbles with little oversight from UGC, unbothered by the larger public duty they

[147] Vrinda Pareek, "Social Audit Framework for the Education Sector" 4-6 *Centre for Civil Society*, 2014.

should be discharging. Brooding elitism in these institutions might pull us back to the times when only a few enjoyed the fruits of education if left unchecked.

Education is a complex system; the boundaries of its regulation should be clearly laid down by the regulator without unnecessarily restricting the liberty of the institutions. A delicate balance has to be achieved by the regulating institutions, which would also require a steady flow of information in and out of such institutions. Bringing in better data and improving engagement among stakeholders will help UGC and other regulators in this sector to make better policies and decisions to develop a student-centric administration. While deemed universities cannot be directly brought under the ambit of the RTI Act, other indirect methods discussed above could foster a culture of transparency unheard of hitherto in these institutions. Unveiling the veil of secrecy still looming in the higher education sector can help fulfil its transformative potential and once again revitalize education as a public good.

Inordinate Delay In Appointment Of Faculty In Department Of Law, Karnataka State Universities: Repercussion On Quality In Higher Education

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Abstract

This research paper delves into the challenges faced by the Department of Law and Deemed to be Universities affiliated with state universities in Karnataka due to the lack of permanent faculty members. It studies the data between the professors who have visited the major state universities and the permanent members of the institution. The paper further discusses the rules and regulations governing the appointment of faculty members in the Department of Law as per the mandate of the University Grants Commission[UGC], highlighting the directions to fill the vacancies efficiently and the Bar Council of India[BCI] efforts towards the exact cause. The paper identifies the main issue that causes delays in the appointment of permanent faculty from the perspective of imparting quality legal education. In Conclusion, the paper emphasises the need to streamline the entire process of nomination, granting autonomous stand to universities and proposing viable reforms in UGC's regulations to

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solve the complication of shortage of faculty and maintain the excellence of legal education.

Keywords: *Permanent faculty, Guest faculty, Quality of legal education, Inordinate delay in appointment, State universities*

1. INTRODUCTION

Legal education is a science that imparts to students knowledge of certain principles and provisions of law to enable them to enter the legal profession. The excellence and quality of higher education in the field of law mainly depend upon the strength of the permanent faculty members. Faculty vacancies and promotions will be major challenges to the quality of teaching as well as research. Unfortunately, Departments that come under the State universities suffer from poor governance, a severe shortage of funds, and a dearth of faculty members, which ultimately lead to low standards. Most of the older universities were created by law, either by the Centre or the States. Though technically, these universities are autonomous, in actual practice, the intervention by governments is extensive. State universities currently grapple with a diverse spectrum of challenges that permeate every tier of their operations. Of notable concern among these challenges is the matter of faculty appointment and promotion. Significantly, a substantial number of teaching positions remain unoccupied within the P.G. Department of Law and the University Law Colleges across all State Universities within Karnataka.

Generally, Faculty within the Department of Law and University Law Colleges across all State Universities in Karnataka are engaged not only in the teaching and guiding of students pursuing LL.B, LL.M, and PhD degrees but also actively participate in a comprehensive array of outreach programmes by

organising activities such as legal aid programs, regular National Service Scheme (NSS) activities, moot court proceedings, Jail Visits, Visits to Constitutional Institutions, the facilitation of seminars and conferences, and the organization of workshops. Furthermore, they oversee various student-centric activities, including but not limited to client counselling, maintenance of the Court Diary and Chamber Diary, dissertation supervision, examination invigilation, and active participation in meetings convened by the Boards of Examinations (BOE), Boards of Studies (BOS), and the Faculty of Law for both undergraduate (UG), postgraduate (PG), and doctoral (PhD) programs. In addition to their extensive academic commitments, these faculties are periodically entrusted with administrative responsibilities by the University, including serving as Custodians for LLB, LL.M, and Ph.D. coursework examinations, Chief Squad, Chief Wardens, Special Officers, etc. These hectic works make an academician '*jack of all trades but master of none*'. Due to the shortage of permanent faculty in Law Departments and Colleges, at times, faculties inevitably need to teach a few technical subjects that are not their specialised area. Further, the number of guest faculty members in the department is increasing drastically compared to permanent faculty. As a result, there is a deterioration in the quality of legal education, which directly affects the excellence of bench, bar and academia.

Therefore, if universities do not come forward to fill up the vacant posts within the stipulated time, it would not only be inconsistent with UGC and BCI regulations but also directly affect the promotion of excellence in legal education and research. In this background, this paper reviews the statistics of appointment of permanent and guest faculty members of the Department of Law and University Law College in State Universities of Karnataka State for the academic year 2023-2024. Further, the paper examines the ramifications of

inordinate delay in the appointment and promotion of faculty in Departments on quality of legal education and concerned Rules and Regulations of University Grant Commissions and Bar Council of India pertaining to the appointment of faculties and also discusses the procedures to be followed in the appointment of faculties in Universities and offers some workable solutions.

2. STATE GOVERNMENT UNIVERSITIES COMING UNDER HIGHER EDUCATION

Among the 41 state government universities that are in higher education, it is noteworthy that six universities stand out for their dedicated focus on legal education. These institutions include the University of Mysore, Bangalore University, Karnataka University, Karnataka State Law University, Hubli, Gulbarga University, and Vijayanagara Sri Krishnadevaraya University. Within these universities, specialized Departments of Studies in Law have been established to cater to the unique needs of legal education. Furthermore, few among this group also have constituent colleges.

2.1 University Of Mysore[149]

The Faculty of Law at the University of Mysore is structured around two distinct departments. Firstly, the Department of Studies in Law, established in 1973, presently administers a Ph.D. program alongside a two-year LL.M. program, with two specializations: Constitutional Law and Business and Trade Law, and International Law and Business and Trade Law. This department has a cadre of four permanent faculty members, all of whom hold the position of professor. It is noteworthy that one among these permanent faculty members holds the position of Vice Chancellor at Karnataka State Law University

[149] http://uni-mysore.ac.in/english-version/law

(KSLU), Hubli. Furthermore, another faculty member from this department assumes the role of Director at the Mysore University School of Law. It is essential to recognize that the permanent faculty within this department exclusively teach and mentor LL.M. and Ph.D. students, with no direct engagement with the undergraduate students.

Secondly, the Mysore University School of Law, founded in 2006, offers two comprehensive five-year programs: B.A. LL.B and B.Com LL.B. The pedagogical duties are vested in a cadre of thirteen full-time visiting guest faculty, accompanied by an additional complement of twelve part-time visiting faculty. Three visiting faculty members contribute sixteen hours of scholarly engagement weekly, while ten members of the visiting faculty contribute twelve hours per week. Furthermore, six visiting faculty members engage for eight hours weekly, while two faculty members contribute a modest four hours each week. It is noteworthy that four additional members of the faculty are categorized as part-time invited visiting faculty. A noteworthy observation is that the most recent appointment of a permanent faculty member in this department was in the year 2007.

2.2 Karnataka University Dharwad[150]

The Faculty of Law at Karnataka University Dharwad includes two distinct departments, namely, the Post Graduate Department of Law and the University College of Law, presently known as Sir Siddappa Kambali Law College, both of which were formally established in the year 1962. The Post Graduate Department of Law administers a Ph.D. program along with a two-year LL.M. program, offering specializations in Constitutional Law and

[150] About the Department, Karnataka University Dharwad, available at https://www.kud.ac.in/history-development.php?nid=34#.

Corporate Law. This department is staffed by three permanent faculty members, including a Professor, an Associate Professor, and an Assistant Professor. It is of significance to note that the Professor serves concurrently as the Registrar at Raichur University. The permanent faculty is also supported by two guest faculty.

Conversely, Sir Siddappa Kambali Law College provides two distinct academic programs: a three-year LL.B. program and a five-year B.A. LL.B. program. This department is staffed by two permanent faculty members, both of whom hold the designation of Assistant Professor. Interestingly, the pedagogical responsibilities within Sir Siddappa Kambali Law College are shared among three full-time guest faculty members and sixteen part-time guest faculty members, including seven pre-law part-time guest faculty members. Notably, the most recent appointment of a permanent faculty member was made in 2014.

2.3 Bangalore University

The Faculty of Law at Bangalore University includes two distinct departments, namely, the University Law College and the Department of Studies in Law. The Department of Studies in Law administers a Ph.D. program along with a two-year LL.M. program, offering specializations in Constitutional and Legal Order, Corporate and Commercial Law, Labor and Employment Law, and Criminal Law. University Law College provides a five-year B.A. LL.B. (Hons) programme.

The faculty of law is staffed by six permanent faculty members, of whom three hold the designation of Professor and three hold the designation of Associate Professor. Interestingly, there are five full-time guest faculty

members and eleven part-time guest faculty members. Notably, the most recent recruitment of a permanent faculty member occurred in the year 2007.

2.4 Gulbarga University[151]

The Department of Law at Gulbarga University was established in the year 1988-1989. The department currently provides a PhD programme, an M.Phil. programme and a two-year LL.M. programme with a specialisation in either Commercial Law or Constitutional and Administrative Law. The entire department is presently run by one permanent faculty member, the position of Associate Professor, who also serves as the Dean of the Faculty of Law and as Nodal Officer for RTI. The permanent faculty is supported by two full-time guest faculty. Notably, the most recent recruitment of a permanent faculty member occurred in the year 2002.

2.5 Karnataka State Law University, Hubballi[152]

The Law School at Karnataka State Law University was formally established as per the provisions articulated within a legislative statute in 2009. The Law School provides an Undergraduate, a Post-Graduate and a Ph.D. programmes. At the undergraduate level, the institution offers two distinctive five-year integrated programmes, i.e., B.A., LL.B.(Hons.)) programme and the B.B.A., LL.B.(Hons.) programme. At the post-graduate level, the Law School extends the opportunity to pursue a Master of Laws (LL.M.) programme, distinguished by its specialized options in Constitutional and Administrative

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151 *Department of Law*, Gulbarga University, available at https://gug.ac.in/faculty/law/dept/law.

152 *Overview*, Karnataka State Law University Hubballi, available at https://kslu.karnataka.gov.in/lawschool/public/page/About+us/Overview/en.

Law, as well as Corporate and Commercial Laws. Additionally, the law school offers doctoral programs.

The Faculty of Law at Karnataka State Law University has a total of Nine permanent faculty members. Within this cadre, two hold the position of professor, while seven serve as assistant professor. Additionally, the school has thirteen guest faculty members, including eight full-time faculty and five part-time faculty. Notably, it is of interest to highlight that the most recent recruitment of a permanent faculty member occurred in the year 2013.

2.6 Vijayanagara Sri Krishnadevaraya University[153]

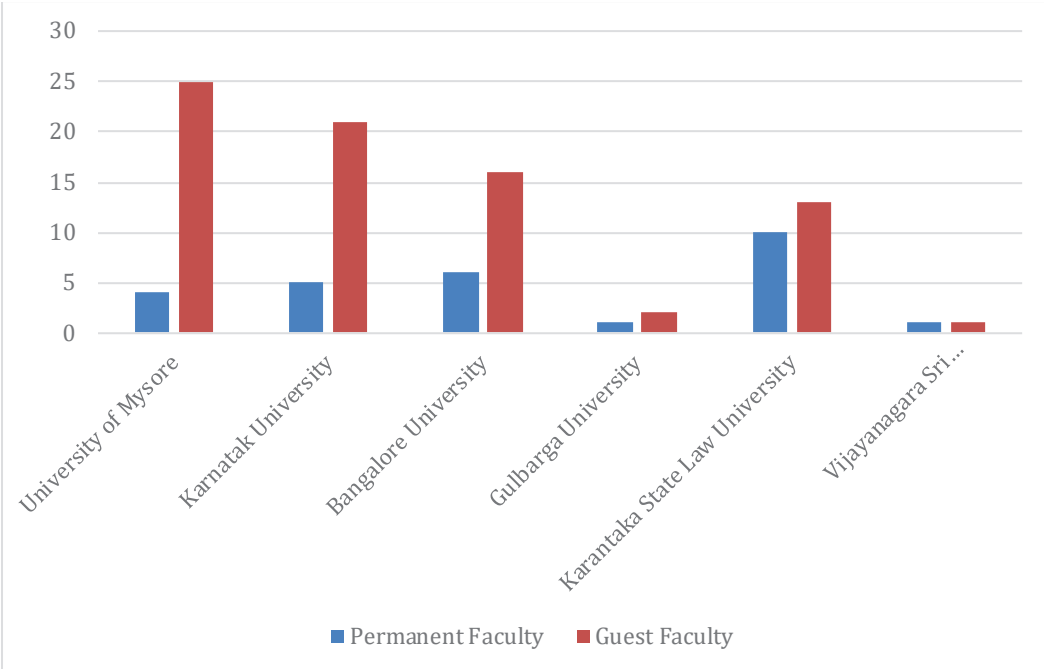
The Department of Law was established in the academic year 2016-2017, guided by a visionary objective to create postgraduates proficient in the intricate domains of specialized legal disciplines. Presently, the department administers a distinguished two-year LL.M. program specialising in Constitutional Law, Business Laws, and Criminal Laws. It is noteworthy that the department maintains only one permanent faculty member who holds the position of Assistant Professor. The permanent faculty is supported by a full-time guest faculty member, collectively sustaining the academic initiatives of the Department. The last appointment of a permanent faculty member was in 2018.

[153] *Department of Law*, Vijayanagara Sri Krishnadevaraya University Bellary, available at https://vskub.ac.in/department-of-law/.

3. NUMBER OF PERMANENT AND GUEST FACULTIES IN SIX UNIVERSITIES

Sl. No.	**Institution and University**	Permanent Faculty				Guest Faculty		
		Prof	Associate Prof	Assistant Prof.	Total	Full Time	Part Time	Total
1	Department of Studies in Law University Law College, Bangalore University Bangalore	03	03	Nil	06	05	11	16
2	Department of Studies in Law, University of Mysore, Mysore	04 (One deputed as VC of KSLU)	Nil	Nil	04	Nil	Nil	Nil
	Mysore University School of Law, University of Mysore	01 (Director, from Department of Studies in Law)	Nil	Nil	01	13	12	25
3	Post Graduate	01 (Deputed as	01	01	03	02	Nil	02

	Department of Law	Registrar of Raichur University)						
	Sir Siddappa Kambali Law College	Nil	Nil	02	02	03	16	19
	Karnatak University Dharwad							
4	Department of Law Gulbarga University Gulbarga	Nil	01	Nil	01	02	Nil	02
6	Karnataka State Law University, Hubli	02	Nil	07	09	08	05	13
5	Department of Law Vijayanagara Sri Krishnadevaraya University, Ballari	Nil	Nil	01	01	01	Nil	01



This chart clearly establishes the existing trend in the number of permanent and guest faculty members serving in the respective law departments of various state universities. The marked increase in the number of guest faculty is apparent among all universities, which further corroborates the point of discussion in the present study.

It is evident that the proportion of Guest Faculty significantly outweighs that of Permanent Faculty in most instances, signalling a preference towards a temporary academic workforce. Of concern is the observation that Guest Faculty, while numerically substantial, often lack the opportunity for requisite academic development through UGC HRDC training. This situation arises from the prevailing contention that a more profound investment in training guest faculty may inadvertently dissuade the recruitment of Permanent Faculty, thereby engendering a state of academic inertia within the institutions.

Another dimension of concern centres on the economic remuneration accorded to Guest Faculty, which frequently fails to align with the demands of their academic roles and responsibilities. The consequence of such inadequacies is manifest in the suboptimal levels of academic commitment, thereby creating a discernible decline in the quality of education disseminated within these academic institutions.

4. RULES AND REGULATIONS GOVERNING THE APPOINTMENT OF FACULTIES IN DEPT OF LAW

Rules for LL.B

Rule -50 of the Legal Education (First Amendment) Rules, 2016 discusses the Core Faculty strength: Notwithstanding whatever has been stipulated in any provision of the Legal Education Rules, 2008 and Schedules thereunder Core Faculty shall comprise the essential strength at any given time, but for which the Bar Council of India may not permit the sanction of the Legal Education Centre affiliated to any University and the core faculty shall comprise essential full-time faculty members.

- It is important to adhere to the stipulation that a single faculty member should not be assigned to teach multiple subjects, as delineated in the aforementioned list. To elucidate this directive with an illustrative example, consider a faculty member appointed to teach Constitutional Law; it is impermissible to assign this individual to instruct Commercial Law, International Law, or Criminal Law concurrently. For instance, if the faculty member is allocated only 12 instructional periods per week for Constitutional Law, it is prohibited to allocate this individual to teach Criminal Law for a duration exceeding the allotted 6 hours.

- Core faculty shall not be based on the ratio of teacher-students as may be prescribed by the Bar Council of India from time to time.

Rule 51: Total strength of the faculty

Workload per faculty member as may be prescribed by the UGC from time to time in case of full-time faculty members, including core faculty members and work-load of Part-time/Visiting faculty members as may be agreed from time to time under the terms of the agreement;

Rule 52: Faculty-students ratio: It shall be an endeavour of the University to maintain a faculty-student ratio in each of its affiliated/constituent colleges as well as in its Faculty/School or Department not exceeding 1:20 on a continuous process

Rules for LL.M

According to Rule 5.1 of the University Grants Commission Guidelines for the introduction of One Year LL.M. Degree Programme, 2012, Centres of Post-Graduate Legal Studies (CPGLS) established under any University shall have full-time qualified and experienced faculty members of not less than ten numbers consisting of minimum 04 Professors/Associate Professors in Law and other necessary research personnel, and sufficient non-teaching staff, to start the programme

5. UGC DIRECTIONS TO ALL UNIVERSITIES TO FILL VACANT FACULTY POSITIONS

The University Grants Commission (UGC) has asked the states and union territories to fill vacant faculty positions at universities and colleges on

time. In a letter[154] addressed to secretaries and higher education councils of all states and UTs, the UGC secretary explained the importance of teachers and professors and that universities are expected to engage appropriate faculty members to deliver quality education.

Manish Joshi said, "You will appreciate that the most important factor in the success of higher education institutions is the quality of engagement of faculty members, who *are the pillars of all academic processes. They are envisioned as having the crucial responsibility of creating a conducive learning environment in the institution, developing programme-specific curricula, effective implementation of teaching learning and evaluation processes and developing students as responsible members of society.*[155]"

Higher Educational institutions are expected to strive towards engaging motivated, energized and capable faculty members to deliver quality education to learners. Any shortage in the availability of faculty members in higher education institutions adversely affects the teaching-learning ecosystem. Therefore, the timely filling up of vacant faculty posts with appropriately eligible and competent candidates is essential, and appropriate steps must be taken as soon as possible. In this regard, the University Grants Commission has already notified the "UGC (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) Regulations, 2O!8". These provide the minimum qualifications and other requirements for appointment and service conditions of university and college faculty members. In this background, UGC issued a letter to all universities to ensure the timely

[154]https://www.ugc.gov.in/pdfnews/7085226_letter-regarding-faculty-recruitment.pdf; letter dated 22-10-2019

[155] Secretary, University Grant Commission, Delhi

filling of vacant faculty positions in state universities and affiliated colleges under their jurisdiction[156].

6. INORDINATE DELAY IN APPOINTMENT: REPERCUSSION ON QUALITY IN HIGHER EDUCATION

The author has identified the effects and consequences of inordinate delay in appointment on quality in higher education. Negative effects have been recognised in three important perspectives. They are:

A) Institutional Perspective

B) Faculty Perspective

C) Student Perspective

6.1 Institutional Perspective

6.1.1 Image of the Institution –

In general, students tend to harbour more favourable perceptions of an academically supportive campus environment, particularly when faculty members engage in frequent interactions with students concerning matters pertaining to their academic coursework. Such interactions are positively correlated with the cultivation of a supportive campus atmosphere, the provision of interpersonal support, and the facilitation of a conducive learning environment. These interactions are typically facilitated most effectively by full-time faculty members within law departments. This is particularly crucial in legal education, which extends beyond the confines of theoretical classroom instruction. It includes practical experiences such as participation in Moot Courts, engagement in seminars, and attendance at conferences. In these

[156] https://www.ugc.gov.in/pdfnews/5588570_Faculty-Recruitment.pdf: letter dated 3-7-2023

extracurricular activities, students often require the guidance and mentorship of faculty members. However, when there is an insufficient number of full-time faculty members, there is a gradual decline in student engagement and participation in such activities, both within the institution and in collaboration with other academic institutions. This decline has a cascading effect, ultimately impacting the overall growth and standing of the institution. Consequently, the institution's reputation may diminish over time.

6.1.2 Effects on Admissions –

The primary function of the faculty is to establish and foster a student-centric campus environment. However, the prevailing deficiency in permanent faculty members has necessitated the temporary appointment of guest faculty. Regrettably, this shortfall in permanent faculty has impeded the expansion of the range of academic programs offered, subsequently leading to a decline in the student population over time. This decrease in student enrolment is anticipated to persist, resulting in a gradual reduction in annual admission figures. Consequently, students may increasingly seek admission to private institutions and universities.

6.1.3 NAAC Recognition –

The insufficiency of resources and the scarcity of faculty members pose significant limitations to the speedy accreditation of the National Assessment and Accreditation Council (NAAC). Consequently, it is plausible that the institution may not achieve an exceptionally high accreditation grade from the NAAC. It is worth noting that the NAAC's accreditation grade often serves as a determinant for the allocation of funds by other academic bodies to support developmental initiatives within the university. Additionally, this grade can influence the institution's overall ranking within the academic landscape.

6.1.4 UGC and other Bodies will stop Releasing Funds –

Generally, in order to secure funding for academic initiatives from bodies like UGC, ICSSR, NHRC, BPR&D, NCW, etc., or to establish specialized chairs within academic departments, institutions are mandated to meet certain essential compliance criteria and requirements. These prerequisites usually encompass infrastructure standards and a minimum threshold of permanent faculty members. Failure to fulfil these stipulated compliance criteria can lead to the cessation of grant disbursements by the aforementioned constitutional and statutory bodies. Consequently, the institution may encounter impediments in pursuing research endeavours and undertaking various academic activities.

6.1.5 Difficult to carry out Research Work –

A faculty advisor plays an important role in ensuring the academic success of students by offering mentorship throughout their educational journey. They furnish students with valuable guidance, expert counsel, and access to resources aimed at enhancing their learning and personal development. However, owing to the limited availability of full-time faculty members and supporting staff, certain administrative responsibilities are thrust upon teaching faculty members. Engaging in administrative duties can potentially detract from their capacity to engage in substantive research pursuits. Regrettably, this scenario represents a significant factor contributing to the declining trajectory of the institution.

6.1.6 Closing down the Institution –

The declining student enrolment resulting from inefficient teaching quality among the faculty and prolonged delays in the appointment of full-time faculty

members could have severe repercussions for the institution. It is conceivable that the institution may not attain accreditation from bodies like the National Assessment and Accreditation Council (NAAC), and consequently, financial support in the form of grants may be withheld. This unfortunate situation may potentially place the institution in a precarious position where it faces the risk of closure.

6.1.7 Delay in providing Semester Results –

The untimely issuance of semester results bears significant consequences for students, particularly in the context of job placements, as many have already secured pre-placement offers. Official enrolment often hinges on the submission of final year results, and delays in their release can disrupt this process. Moreover, delays in releasing first-year results have a cascading effect on second-year admissions. A key underlying issue contributing to these delays is the lack of faculty members, who are burdened with the responsibility of overseeing all sides of the assessment and result declaration procedures. This compounding workload gradually extends the time required to announce results. This predicament represents a major shortcoming within educational institutions.

6.1.8 Lack of Governance in Examination and Evaluation –

In the process of examination and evaluation governance, the burden often falls on a single individual or a very limited number of individuals. This singular approach can result in the perpetuation of the process, albeit without adequate oversight and evaluation. Consequently, maintaining the integrity of the examination process becomes challenging, if not unsustainable, without a sufficient complement of faculty members. The protracted delays in the

appointment process exacerbate this predicament, thereby posing significant hindrances to the institution's effective functioning.

6.1.9 Problems in conducting outreach programmes –

Outreach programmes serve as a vital means of addressing the deficiencies within the public education system, notably by offering a more comprehensive approach to college access. The efficacy of such programmes is often contingent on their comprehensiveness in terms of the range of services provided and the depth of engagement required from participants. However, realizing the full potential of these programs necessitates the presence of full-time faculty members. Regrettably, due to the shortage of faculty members in law colleges, students may find themselves unable to participate actively in outreach programs. This lack of engagement and knowledge-sharing represents a significant threat to both the institution and the academic success of its students.

6.2 **Faculty Perspective**

6.2.1 Lack of Quality in Teaching and Research –

Faculty members play an important role in facilitating the academic growth of their students. The key factors influencing their effectiveness in this role include their qualifications, experience, personal characteristics, and teaching effectiveness. Unfortunately, due to the substantial administrative and extracurricular responsibilities placed upon them, faculty members may find themselves constrained in terms of their capacity to innovate and provide the highest quality of education. Moreover, the appointment of guest faculty members who may not possess extensive teaching experience can impede the delivery of high-quality instruction.

6.2.2 Health Issues –

The existing administrative burdens placed on faculty members in higher education not only diminish their capacity to concentrate on the substance of their research but also lead to a deficiency in attending to their own well-being, as these demands often generate significant mental stress.

6.2.3 Affects Innovative Thinking –

Time constraints are becoming a prominent aspect of faculty work. The greater the time pressure faculty members experience, the less inclined they are to partake in creative and innovative thinking. Consequently, a heavy workload on faculty members tends to impede the cultivation of innovativeness within their academic pursuits.

6.2.4 Mechanical life –

The professional life of faculty members in law colleges has transitioned towards a mechanistic rather than a holistic or realistic approach. This shift can be attributed to the scarcity of full-time faculty members, leading to an excessive workload that necessitates a mechanical, routine approach to tasks and responsibilities.

6.2.5 Lack of Specialization –

The shortage of faculty members in law departments often forces them to teach subjects for which they may not have specialized expertise. This situation places an additional burden on faculty members and can lead to a degradation in the quality of information imparted to students, as the instructors may not possess in-depth knowledge in those specific subjects.

6.2.6 Lack of Division of Labor –

Teachers in educational institutions often bear an extensive administrative workload, including the coordination of various curricular and co-curricular activities throughout the academic year. This heavy administrative burden leaves them with limited time and capacity to effectively address the subject matter within the confines of each semester. Consequently, the direct consequence of this situation is a potential decline in the overall quality of students' education and academic experiences.

6.3 Student Perspective

The legal landscape in India has undergone significant and strategic transformations in recent decades. Presently, aspiring legal professionals aspire to engage not only in traditional courtroom practice but also in diverse sectors such as corporate houses, law agencies, law firms, administrative services, and beyond. In this evolved landscape, individuals driven by their attributes and passion for the field can pursue legal education and attain their professional goals, provided that the educational quality is of a high standard. In order to equip students for the contemporary demands of the legal profession, legal education should ideally adopt a holistic approach. However, in reality, the effectiveness of this process is contingent on numerous factors, with the foremost being the quality of teaching. In this regard, the impact on students is perceptible across various dimensions and experiences.

6.3.1 Qualitative and Effectiveness in the Delivery of Lectures -

Contrary to the common perception that law is akin to other humanities subjects and relatively easy to study, it has evolved into a discipline that is not only academically demanding but also requires students to possess persuasive

and articulate skills in their professional endeavours. The contemporary legal profession necessitates not just a knowledge of the law but also the ability to convincingly and effectively apply it in practice. Regrettably, many faculty members tasked with the responsibility of imparting legal education may not possess the necessary training or skills to communicate and provide high-quality instruction effectively. This shortfall in pedagogical expertise directly impacts students, leaving them ill-equipped to navigate the complexities of practical legal scenarios proficiently.

6.3.2 Less or no Opportunities for the Individual or Specific Needs of the Students

As already discussed at length in the preceding sections, the faculty are overburdened with various administrative and managerial responsibilities, which are far-fledged and engaging in terms of both time and energy. In addition to this, a course like Law involves the study of a wide range of subjects that are not only technical, requiring specialized teaching, but also may demand individual and detailed teaching as per the needs of the students. To add to the misery of the already burdened faculty, they are required to guide postgraduate students and research scholars assigned to them for their dissertations and theses. All these only render the needs of the students to be inefficiently catered to.

6.3.3 Inability to Cater to the Practical Needs of the Profession on Completion of the Course -

There is a compelling necessity for the teaching of law to transcend the confines of mere theoretical knowledge found in authoritative textbooks. While textbooks offer a foundational understanding, the true essence of legal education lies in the dynamic interactions encompassing judicial decisions and precedents. To grasp the practical relevance of law, it is important that the

discipline is not imparted solely as a collection of legal principles but rather as a subject that involves their application in specific real-world scenarios. Achieving this level of practicality and depth in legal education demands the presence of highly competent and experienced faculty members who can effectively bridge the gap between theory and practice. Without such expert guidance, students may acquire only a partial understanding of the subject, resulting in the erosion of the fundamental purpose of legal education. This leaves them ill-prepared to confront the intricate challenges of the profession.

6.3.4 Hinders the Holistic Growth -

A comprehensive legal education encompasses a spectrum of activities such as internships, moot courts, drafting and conveyancing, client counselling, legal aid, youth parliaments, debates, and scholarly contributions like article writing and paper presentations. These experiences collectively equip law students with the skills and knowledge necessary to excel in their future legal careers. The effectiveness of these endeavours, however, hinges entirely on the guidance and mentorship provided by the faculty. Regrettably, the quality of student development in these areas is naturally linked to the expertise and practical knowledge of the faculty members themselves. In an educational environment where faculty members are often overwhelmed with administrative duties, lack specialization in their subjects, and possess limited practical experience, the repercussions are palpable in the form of reduced student productivity and preparedness upon completion of their legal education.

7. CONCLUSION

Today, a substantial number of educational institutions across the country are grappling with a critical shortage of faculty members. Many undergraduate and postgraduate departments within colleges and universities

operate with less than 50 per cent of their allocated faculty positions. This chronic shortfall not only hampers the quality of teaching but also severely impacts the capacity for meaningful research within University Law Departments. Ultimately, it tarnishes the reputation of the institution, and students bear the brunt of the scarcity of faculty in Law Departments and Colleges. As a result, students may be compelled to explore alternatives, such as private universities and colleges, rather than seeking admission to colleges and departments affiliated with State universities.

As highlighted earlier, the lack of permanent faculty members has placed a heavy burden on existing faculty members, particularly in law departments and colleges affiliated with State Universities in Karnataka. Faculty members are saddled with numerous additional administrative and academic responsibilities in addition to their primary teaching and research roles. Furthermore, faculty members are required to meet a minimum point requirement annually to secure increments and progress to the next promotion stage in accordance with the new UGC Appointment and Promotion Regulations. Fulfilling this requirement is an onerous task and can take a toll on the health and well-being of faculty members. Consequently, academics may find themselves compelled to engage in their duties mechanically, with limited room for innovative and creative thinking.

The process of obtaining government approval to initiate faculty appointments at the university level is indeed a complex and cumbersome task. Vacancies in respective departments may remain unfilled for extended periods due to the university's limited autonomy. Each appointment requires approvals from both the Government and the Chancellor, leading to significant delays in the recruitment process. In addition, the appointment process may encounter interruptions due to legal challenges in higher courts. These challenges can

arise when there are violations in the preparation of vacancy lists in relation to existing reservation policies within the State. Furthermore, filling vacancies for Professor and Associate Professor positions in universities is particularly challenging due to the UGC points system. As a result, many faculty positions remain vacant across law colleges and departments affiliated with the six state universities in Karnataka.

8. SUGGESTIONS

- Procedure formalities with respect to the appointment of teachers at the university level need to be simplified.
- Autonomy should be given to the University Authorities to fill vacancies as and when they arise by adhering strictly to the existing Rules and Norms of the University.
- The University Grant Commission should review vacancy positions in all universities every year and give directions to the concerned state government and the university to take immediate steps to initiate the process of appointment when there is a huge vacancy in the department.
- There is a need to bring some amendments to the existing UGC regulations with respect to the points and grading system in order to simplify the conditions and eligibility criteria for the appointment of faculty in Universities.
- The chairman/Dean/Principal should inform university statutory officers about vacancies in the department from time to time.
- The teachers who have been recruited for the purpose of teaching and research should be avoided to take any administrative responsibilities.

A Critical Perspective on Legal Education Governance Reforms in India

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Abstract

This paper investigates numerous aspects of regulatory organisations and research culture to improve administration in India's legal academic system. The evaluation of regulatory bodies emphasises the significance of the Bar Council of India (BCI) and the University Grants Commission (U.G.C.) for monitoring the national standard of legal education. The significance of accountability and transparency in the regulatory process is emphasised, and methods for attaining these objectives, such as stakeholder participation and quantitative evaluations, are proposed. Conflicts of interest in publications and services undermine the credibility of oversight agencies. The Indian Contract Act and the Prevention of Corruption Act are two laws that aim to reduce discrimination and increase business transparency and integrity. Through the creation of vigilant cells or ombudsman offices, an additional resolution of conflicts and accountability can be achieved. Improving regulatory agencies' effectiveness ensures that legal education maintains high standards. Through the execution of methods such as education and training courses, involvement of stakeholders, data-driven decision-making, and technological advancements, effective governance can be promoted. The

U.G.C. Act and the BCI Rules on Continuing Legal Education provide the legal framework for implementing these reforms. Another significant objective is encouraging more legal scholars in India to publish their findings. To facilitate research, PhD programmes and competent supervision are essential. Establishing research facilities and international and national support strategies are essential. The paper suggests that India's legal education must be reviewed and administered more effectively. Transparency, responsibilities, the research culture, and the efficacy of regulations are crucial areas for improvement. By employing the required changes and adhering to pertinent norms and laws, India's legal educational system can contribute to the growth of legal professionals and the rule of law.

KEYWORDS: Accountability, Conflicts of Interest, Governance, Legal Education, Regulatory Bodies, Transparency.

1 INTRODUCTION:

Legal professionals who are knowledgeable and ethical and who defend the values of justice while also contributing to the operation of the legal system are the result of the quality of the legal education available to prospective students. Due to the ever-changing nature of the legal profession and the demands of society, India's legal education system's governance structure has undergone significant transformations. These alterations are the result of a combination of factors[1]. However, India's current legal education governance is marked by several obstacles and deficiencies that necessitate significant modifications. These reforms are required to ensure that legal education is

[1] Isha; Gaur, Somya. (2018). Need of Reforms in Legal Education in India: Globalisation and Judicial Outlook. Supremo Amicus, 6, 137.

highly qualitative, relevant, and accessible. The history of India includes documentation of the evolution of India's legal education administration. In recent years, the standard of legal education has improved significantly due to the efforts of specialised institutions such as the National Law Schools. Few institutions have implemented cutting-edge pedagogical practices, research-focused curricula, and specific assignments to provide their students with a comprehensive and well-rounded legal education. In addition, there have been significant changes in how legal education is taught in India, emphasising incorporating contemporary legal themes and developing practical skills[2]. Despite these advancements, India's legal education system faces several obstacles. Bringing legal education closer to the legal profession's requirements is an enormous challenge. Students need to receive an education that adequately prepares them for the challenging legal situations they will face in the workplace because the current curriculum does not emphasise practical application. It is essential to maintain focus on the objective of providing everyone with access to high-quality legal education[3]. Despite the proliferation of prestigious institutions, many regions in India still need more facilities and faculty to provide proper legal education. Inequalities in access such as these hinder aspiring attorneys, especially those from underserved or remote areas. Changes in the realm of governance should close these disparities so that all students, regardless of socioeconomic status or geographic location, have

[2] Soares, A. A., Upadhyay, N. K., Bazhina, M. A., & Rathee, M. (2023). A Study of Legal Education Systems in Russia, India and Brazil: Issues and Suggestions for Global Education. Asian Journal of Legal Education, 10(1), 63-73.

[3] Ramaswamy, H. H. S. (2020). The Prospect of Legal Education: An India Overview. Journal of Legal Studies "Vasile Goldiş", 25(39), 31-43.

access to a high-quality legal education. This can be achieved by striving to eliminate these disparities[4].

An essential component of India's system for monitoring the education of legal professionals is the regulatory framework. The University Grants Commission and the Bar Council of India, established in response to the Advocates Act of 1961[5], exercise strict oversight over legal education in India. On the other hand, the efficacy of these watchdog organisations in promoting transparency and honesty in legal education administration should be subjected to a comprehensive examination. Reforms aimed at enhancing the quality of governance should prioritise improving the quality of legal education and holding those in positions of authority accountable. Considering these obstacles, substantial modifications to the regulation of legal education are required. By reevaluating its policies and practices, India can restructure its legal education system to be relevant to its rapidly evolving legal environment. Any significant educational reform must include modifications to the curriculum that emphasise the acquisition of practical skills, opportunities for experiential learning, and interdisciplinary approaches. In addition to providing opportunities for continuous professional development, an effort must be made to promote a culture of research and publication within the academic community. The ever-changing expectations placed on the legal profession and society necessitate substantial changes in India's regulatory

[4] Singh, A. K. (2018). Legal Education in India: Need for Reform. Contemporary Issues in International Law: Environment, International Trade, Information Technology and Legal Education, 599-604.

[5] Katrak, M., & Irani, B. (2019). Battle of the Bar and the Bench: Critical Analysis of the Powers of the High Court and the State Bar Councils Under the Advocates Act, 1961. Amity International Journal of Juridical Sciences, 5.

framework for legal education. Actual and potential problems with curriculum development, availability, and oversight can be resolved. In that case, India can establish a legal education system that produces professionals who are competent and concerned with the greater welfare of society. This research paper will investigate how legal education is governed in India and propose novel solutions to the problems.

2 REASSESSING ACCOUNTABILITY MECHANISMS IN LEGAL EDUCATION GOVERNANCE FOR INDIAN LAW

2.1 Understanding Accountability in the Context of Legal Education

Accountability is a crucial concept in the governance of Indian legal education since it fosters the transparent and honest use of available resources and efficient use. It involves the accountability of many stakeholders, including students, legal professionals, and the public, to legal education institutions, faculty members, administrators, and regulatory bodies as they carry out their roles and responsibilities in the legal system[6]. In legal education, the concept of accountability has many different repercussions. Legal education institutions are responsible for guaranteeing that their students graduate with the knowledge, abilities, and ethical principles essential to practise law once they leave their programmes successfully[7]. Developing a curriculum covering a broad range of topics, hiring qualified faculty members, and cultivating an atmosphere conducive to learning and intellectual development are all essential. Another critical concern is the responsible use of public funds by educational institutions of higher legal learning, referred to as "financial responsibility."

[6] Baldwin, K., & Holzinger, K. (2019). Traditional political institutions and democracy: Reassessing their compatibility and accountability. Comparative Political Studies, 52(12), 1747-1774.

[7] Akbar, A. A., Ashar, S. M., & Simonson, J. (2021). Movement law. Stan. L. Rev., 73, 821.

Transparent budgeting and effective financial management are prerequisites for the effective allocation of resources for the benefit of students and the general enhancement of legal education[8]. The Indian Trusts Act of 1882[9]and other laws and regulations detail how educational institutions must account for the money they receive and spend. The administration of institutions of higher legal education must be carried out in a way that is both effective and fair according to the principles of administrative accountability. Admissions, the hiring of instructors, the development of new facilities, and the establishment of rules and regulations fall under this area. Administrators are responsible for ensuring that these rules have been carried out promptly, equitably, and transparently. The University Grants Commission (U.G.C.) is responsible for all colleges and universities in India, involving those that offer degrees in law. The 1956 University Grants Commission Act, which Parliament passed, mandated this obligation.

2.2 Challenges and Limitations of Current Accountability Mechanisms

Since accountability is essential to India's legal education system, various barriers hamper current approaches. Critical is the issue of ambiguous and inconsistent accountability norms among legal education institutions. It is difficult to assess the efficacy and standard of legal education because of the absence of explicitly defined standards and performance data[10]. The accountability-promoting effectiveness of India's legal education governing structure has also been questioned. Evidence points to a crossing of paths by BCI and U.G.C. while administrating legal education institutions in India. The

[8] Bauman, R. W. (2021). Critical legal studies: A guide to the literature.
[9] Lupoi, M. (2023). Trust Laws in Cyprus.
[10] Loughlin, M. (2019). The contemporary crisis of constitutional democracy. Oxford Journal of Legal Studies, 39(2), 435-454.

Bar Council of India (BCI) was established by the Advocates Act of 1961, whereas the University Grants Commission (U.G.C.) is responsible for regulating the standard of legal education in India via legislation and policy recommendations. However, it is essential to evaluate the effectiveness of these monitoring organisations in holding all the regulating authorities accountable. The BCI regulates the entire legal system, from the accreditation of programmes to the recognition of law institutions to suggesting course outlines.

Concerns about the BCI's insufficient funding and enforcement strategies have called into doubt its ability to track and enforce accountability rules. Even though the U.G.C. is responsible for supervising every aspect of the higher education sector, including the field of law, additional research is required to ensure appropriate transparency and accountability regarding its position as an authority in legal education governance. Universities that offer legal studies must be more transparent regarding financial matters. Concerns about using student fees at several higher legal education institutions have been expressed. A lack of financial reporting and auditing measures may lead to the mismanagement of funds and the diversion of funds away from educational objectives. The Companies Act of 2013[11] provides guidelines for financial reporting and auditing practises in organisations, and its implementation would enhance financial transparency and accountability. Governance in the field of legal education must also prioritise enhancing faculty accountability. Despite their significance to the learning process, teachers receive little feedback on their performance. It is essential to maintain a high standard of legal education

[11] Aswani, J., Chidambaran, N. K., & Hasan, I. (2021). Who benefits from mandatory CSR? Evidence from the Indian Companies Act 2013. Emerging Markets Review, 46, 100753.

by evaluating instructors using student evaluations and research output. A shortage of robust evaluation systems makes it impossible to identify underperforming faculty members and support their professional development. The Right to Information Act 2005, which guarantees access to information, can increase the transparency and accountability of faculty evaluations[12].

2.3 Transformative Reforms for Enhancing Accountability

If India's legal education system is to be effectively governed, radical adjustments must address the complexities and limitations of current accountability procedures. These modifications should establish a uniform and comprehensive accountability structure that considers academics, finances, and administration. Developing and implementing accreditation procedures for law institutions is a game-changing innovation[13]. Accreditation agencies, distinct from regulatory agencies, can evaluate and certify the excellence of legal education institutions. Peer review, a comprehensive evaluation of curriculum, faculty qualifications, infrastructure, governance practises, etc., should all be included in the accreditation process. Institutions would be more likely to adhere to quality standards and cultivate a culture of continuous improvement. Accreditation bodies for legal education can be established similarly to how the National Assessment and Accreditation Council (NAAC), also selected by the U.G.C., performs a role in accrediting institutions of higher education[14].

[12] Hafiz, H., Oei, S. Y., Ring, D. M., & Shnitser, N. (2020). Regulating in pandemic: evaluating economic and financial policy responses to the coronavirus crisis. Boston College Law School Legal Studies Research Paper, (527).

[13] Kotonya, A. (2021). Enhancing access to justice in Kenya through clinical legal education (Doctoral dissertation, University of the Witwatersrand, Johannesburg).

[14] Singh, R. K. (2022). Clinical Legal Education—A robust instrument for attainment of justice: An Indian perspective. Asian Journal of Legal Education, 9(1), 7-22.

Mandatory financial reporting and auditing of legal education institutions can increase financial transparency. Budgeting, expenditure, and reporting should all adhere to elucidated financial management best practices. The Companies Act 2013 can be a foundation for legal education institutions to adhere to standardised financial reporting and auditing practices. Implementing rigorous evaluation systems that consider classroom effectiveness, research output, and student feedback can help faculty members be held to a higher standard of accountability. Regularly evaluating your performance is an excellent method to identify areas for improvement and improve your skills. With legislation such as the Right to Information Act 2005[15], faculty evaluations can become more transparent and accountable. It is impossible to exaggerate the importance of strengthening regulatory bodies like the BCI and the U.G.C. These entities should have adequate resources, knowledge, and enforcement mechanisms to monitor and enforce accountability requirements effectively. The creation of dependable accountability systems is aided by the participation of all relevant parties, including institutions of higher legal education, business organisations, and the public. To attain the objectives above of efficient resource management, openness, and honesty, it is essential to reevaluate accountability systems in Indian law school governance. By grasping the dimensions of accountability, addressing the obstacles and limitations, and implementing transformative reforms, India can improve legal education quality and increase stakeholders' trust and confidence[16].

[15] KUMAR, P. (2019). The Right to Information Act, 2005: It's Background and Evolution. Think India Journal, 22(4), 5275-5286.
[16] Rao, P., & Deva, S. (2022). Paralegal Education in India: Problem and Prospects. Journal of National Law University Delhi, 1, 94-105.

3 RETHINKING RESEARCH SUPERVISION AND QUALITY IN INDIAN LEGAL EDUCATION

3.1 The Role of Research Supervisors in Legal Education

Research supervision is essential to legal education since it enables students to enhance their research skills and capabilities. By having expert researchers supervise and direct the project, the research conducted by students is guaranteed to be of a high quality and level of rigour. The individuals in charge of supervising research projects are tasked with a wide range of responsibilities, some of which include those of intellectual development mentors, facilitators, and stimulators. There are many rules and regulations in India that lay out the responsibilities that are expected of research supervisors[17]. The University Grants Commission (U.G.C.) has established rules detailing the duties expected of research supervisors. The very minimum in terms of prerequisites and processes for awarding Ph.D. degrees are outlined in these rules. Research supervisors must have the appropriate educational background, experience supervising other individuals engaged in research, and professional abilities per these requirements. They are responsible for training students on suitable research techniques, screening for violations of ethical standards, guiding students in formulating research ideas and monitoring progress[18]. The regulations of the U.G.C. underline how crucial it is for students and mentors to keep an open line of contact with one another to foster an environment conducive to research. This is done to create an atmosphere that is helpful to the conduct of research.

[17] Giddings, J. (2014). The Assumption of Responsibility: Supervision Practices in Experiential Legal Education. Available at SSRN 2740208.
[18] Wilson, R. J. (2017). The global evolution of clinical legal education: More than a method. Cambridge University Press.

3.2 Balancing Quality and Quantity in Research Assignments

Discovering a suitable balance between the number and complexity of allotted research projects is a significant challenge for research supervisors. It is essential to encourage students to publish substantial research, but they should also be held to a rigorous standard of quality and scrutiny. In the Indian legal education system, the Copyright Act of 1957[19], for instance, ensures that researchers' work is original and of high quality by protecting their intellectual property rights[20]. Research project advisors are responsible for educating their mentees on the importance of academic integrity and the appropriate citation of previously published works. Universities and other research institutions can use the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018, to reduce the submission of plagiarised assignments and encourage more original work. To balance quality and quantity, managers should emphasise the importance of exhaustive research, critical evaluation, and correct citation techniques. It informs students of the importance of carefully considering their research queries, conducting exhaustive analyses of the pertinent literature, and considering the perspectives of others[21]. The findings of a study should be unique, well-supported, and derived from a rigorous methodology. Research administrators are critical in ensuring that the research process prioritises quality over quantity. Supervisors can impart a sense of academic rigour and

[19] Hema, K. (2023). Protection of artificial intelligence autonomously generated works under the copyright act, 1957-an analytical study. Journal of Intellectual Property Rights (JIPR), 28(3), 193-199.

[20] Kiran, D. R. (2019). Production planning and control: A comprehensive approach. Butterworth-Heinemann.

[21] University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018

excellence in the research process by providing constructive feedback, assisting students with selecting essential research topics, and encouraging intellectual dialogues.

3.3 Innovative Approaches to Enhance Research Supervision

To enhance research supervision, it is necessary to employ innovative techniques that promote productive mentoring and high-quality research outcomes. The Indian legal education system has room for improvement in various research supervision areas. Through workshops and seminars, research supervisors must first receive formal training in research methodology, ethical considerations, and good supervision practices[22]. The U.G.C. can ensure institutional uniformity and quality by establishing guidelines and organising such training programmes. Institutions with their own research ethics committees can supervise and ensure the ethical conduct of research more effectively. These panels can provide advice on research proposals, monitor the progress of ongoing projects, and manage any ethical issues that arise. The U.G.C. (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018 emphasise the need for institutional structures to promote research integrity. They can serve as a road map for forming ethics committees at institutional levels. Promoting collaborative research environments and interdisciplinary approaches can improve student learning. Teachers can aid their students in tackling complex legal issues by encouraging them to engage in interdisciplinary study, collaborate with experts from other disciplines, and experiment with new research methodologies. Rethinking research supervision and quality in Indian

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legal education necessitates recognising the role of research supervisors, striking a balance between quality and quantity in research assignments, and implementing creative techniques to increase research supervision. The Copyright Act and the University Grants Commission's regulations on Master's and Doctoral degrees in India provide a legal framework for research governance and intellectual property protection. India can promote legal studies by fostering the tradition of high-quality research and ensuring competent research supervision[23].

4 ADDRESSING TERMS AND CONDITIONS OF EMPLOYMENT FOR LAW TEACHERS IN INDIA

4.1 Low Wages and Exploitation of Teachers

Inadequate working conditions and pay for law professors are significant problems in India's legal educational system. Although they play a vital role in educating the next generation of legal professionals, the majority of law professors in India endure challenging work environments and are lowly paid for their efforts[24]. The U.G.C. responded by establishing regulations for the employment of university professors. The U.G.C. Conditions on Basic Qualities for Recruitment of Instructors and Other Staff Members in the University and Colleges and Universities, 2018, provide instructions for hiring professors and additional teaching staff in colleges and universities, in addition to their terms of employment. Applying and regulating these standards has been

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challenging[25]. Empirical evidence shows that law teachers are paid abysmal salaries, which is in complete contravention of U.G.C. Regulations, yet the regulators are powerless to make any course corrections in this regard. In the view of policy paralysis by the regulators, law teachers will continue to be at the mercy of their respective managements and continue to be exploited in terms of wages, working conditions, workload management, career advancement and other allied areas. While statutes like the Payment of Wages Act of 1936 provide limited protection regarding paying wages on time to law faculties, a significant regulatory gap exists to address this crucial issue[26].

4.2 Recognition of Teachers and Formation of Associations

It is essential to establish organisations that will fight for the rights of law professors and watch out for their well-being to enhance the working conditions of law professors. Doing so will also help improve the working conditions of law professors. It is essential for both the growth of teachers' careers and the happiness they derive from their profession that their abilities and years of experience be recognised and appreciated[27]. The University Grants Commission (U.G.C.) is vested with the jurisdiction to recognise educators and the institutions for which they are employed. The U.G.C. should act proactively to professionalise legal education and develop institutions that represent the interests of law academics. Both things are essential to the academic community. By becoming members of one or more of these

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organisations, educators can have their voices heard, advocate for improved working conditions, and advance their careers[28]. Organising into groups simplifies bargaining collectively with universities and government authorities over salary, responsibilities, and professional development issues. Teachers' Organisations in Universities should be accorded protection under the aegis of the Trade Unions Act of 1926[29]; then only the real empowerment of teachers would occur. The present situation is skewed overwhelmingly towards the University management, and faculties are mostly at the receiving end.

4.3 Reforms for Ensuring Fair Employment Conditions

Effective law professors require a non-discriminatory workplace, which can only be achieved through institutional reforms. All institutions must adhere to the U.G.C.'s employment procedures, wages, conditions of work, and career advancement guidelines[30]. Institutions must be held to strict accountability standards to ensure all employees are treated equitably. Benefits and salary packages for law professors should be evaluated regularly and adjusted as necessary to account for changes in the market and inflation. Existing statutes, such as the Minimum Wage Act (1948)[31] and the Payment of Bonus Act

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(1965)[32], have no impact on legal educators' benefits and minimum payable salary, as they are beyond the preview of these laws. Cultivating an environment where teachers' contributions are acknowledged and valued is essential. Institutions have the right to establish criteria for evaluating the academic achievements of faculty, fostering the professional growth of instructors, and recognising special scholarly and instructional achievements. Other initiatives like the National Institutional Ranking Framework (NIRF) may recompense institutions prioritising educators' rights, including financial and professional development. Several difficulties need to be addressed to improve the working circumstances of law professors in India. These issues include low salaries, exploitation, lack of instructor recognition, and the inability to organise associations[33]. The U.G.C. and BCI must proactively act and ensure that legal educators get a fair, just, and equitable deal in letter and spirit so that legal education in India can reach dizzy heights.

5 STRENGTHENING REGULATORY BODIES FOR EFFECTIVE GOVERNANCE IN INDIAN LEGAL EDUCATION

5.1 Evaluating the Role of Regulatory Bodies in Legal Education

The quality of legal education in India is directly proportional to the effort the various regulatory agencies put into it. They keep an eye on the schools to make sure everything is operating well and within the law[34]. It is necessary to conduct performance reviews of regulatory organisations to determine their advantages and disadvantages. The Bar Council of India (BCI) and the

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University Grants Commission (U.G.C.) are two important regulatory agencies that should be included when discussing legal education administration in India. The Advocates Act of 1961 established the Bar Council of India (BCI) to supervise legal education and law practice in India. It does this by establishing criteria for schools, authorising curricula, inspecting buildings, and awarding accreditation to maintain the credibility of the legal education system. Following the University Grants Commission Act 1956, the U.G.C. is tasked with ensuring that all aspects of higher education, including the study of law, are of an adequate standard. It is responsible for formulating policies, allocating funds for various programmes, and monitoring various institutions throughout the country. Complaints have been made regarding the efficiency and openness of regulatory organisations[35]. The Right to Information Act of 2005 is an example of a piece of legislation that can potentially increase transparency and accountability within the functioning of regulatory agencies. Participation from various stakeholders, frequent reviews, and objective evaluations are all methods that can assist regulatory organisations in monitoring the quality of legal education.

5.2 Addressing Conflicts of Interest in Publications and Services

Regarding legal education administration, conflicts of interest present a significant challenge to the dependability and parity of the regulating bodies. A few potential conflict situations include the publication of journals, the hiring of personnel, and the purchase of services. The regulatory bodies' ability to avoid conflicts of interest is directly proportional to the degree to which they

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uphold integrity and objectivity[36]. In India, resolving conflicts of interest is governed by a legal framework that may be attributed to statutes such as the Indian Contract Act, 1872[37] and the Prevention of Corruption Act 1988. The regulatory agencies tasked with developing an open and equitable system must develop their concepts and procedures. Oversight bodies may require authors of academic works to disclose their source of income and personal connections to the publication[38]. This ensures that all participants in the peer-review procedure are treated equitably. Regulatory bodies should also have mechanisms for evaluating and resolving problems of interest. For instance, the Central Vigilance Commission Act of 2003[39] allows regulators to establish vigilance cells or ombudsman agencies. These departments will manage allegations of conflicts of interest, and regulatory bodies will be made accountable.

5.3 Enhancing the Effectiveness of Regulatory Bodies

The efficacy of the agencies responsible for controlling the standard of legal education can be enhanced by several modifications. Members of regulatory bodies must have consistent accessibility to education and training to gain the necessary expertise and abilities to govern legal education effectively[40]. BCI Rules on Continued Legal Education (C.L.E.) can be utilised to impose C.L.E.

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requirements on BCI members. Government organisations should facilitate communication and collaboration between diverse sectors, such as colleges, universities, legal professionals, and students[41]. For example, the BCI Rules on Legal Education-2008 should incorporate procedures for communication with stakeholders and participation in policymaking. Regulatory agencies must facilitate these endeavours if researchers and policymakers can base their choices on empirical evidence and best practices. Regulatory agencies can use legislation such as the U.G.C. Act to establish research cells or committees that promote research and decision-making based on data. Technologies can play a significant role in boosting the efficiency of regulatory bodies. Online platforms and portals can be developed to ease communication, monitoring, and analysis with the help of regulations like the Information Technology Act of 2000[42]. This could increase the efficiency of data acquisition, analysis, and sharing among government agencies, institutions, and interested parties. Strengthening regulatory organisations for effective governance in Indian legal education requires evaluating their function, resolving conflicts of interest, and enhancing their effectiveness[43]. Refer to statutes such as the Advocates Act, University Grants Commission Act, Right to Information Act, Indian Contract Act, Prevention of Corruption Act, Central Vigilance Commission Act, BCI Rules on Continuing Legal Education, BCI Rules on Legal Education, and the Information Technology Act to guide reforms and ensure transparency, accountability, and quality in legal education governance.

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6 PROMOTING RESEARCH AND PUBLICATION CULTURE IN INDIAN LEGAL EDUCATION

6.1 Empowering Legal Research through PhD Coursework and Guides

Legal research needs to be allocated to develop a thriving culture of research and publication within Indian legal education. The completion of challenging PhD coursework and the provision of competent supervision from research advisors are both vital aspects to take into consideration[44]. To maintain the quality and rigour of research programmes in India, the University Grants Commission (U.G.C.) has set restrictions on the ability to earn a Ph.D. degree[45]. These laws detail the required courses and the training in research methodologies that must be completed to earn a PhD. Legal frameworks are in place, such as those provided by the University Grants Commission (U.G.C.) (Minimum Standards and Procedure for Award of M.Phil./Ph.D. Degrees) Regulations, 2018, which encourage high calibre research. For students to realise their full research potential, they need to have access to research advisors who are educated and helpful[46]. Qualifications and standards for employing research guides are spelt out in laws, such as the U.G.C. Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges, 2018, which details what is needed to be a research guide. Students have a better possibility of receiving mentoring and

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assistance from faculty members who have completed the research process now that these regulations have been implemented[47].

6.2 National and International Policies for Research Promotion

It is feasible that national and international policies that financially compensate scholars and stimulate research could benefit India's legal education system. These laws must establish an environment where academics can collaborate and develop original ideas. To foster academic research at the university level, the government of India has established various programmes and policies at the national, state, and university levels. As a result of laws such as the Rashtriya Uchchatar Shiksha Abhiyan (RUSA) Act[48], which was passed in 2011, and the National Education Policy (N.E.P.), which will be implemented in 2020[49], universities and colleges are encouraged to develop research centres, foster inter-disciplinary study, and seek for grants. These goals can be accomplished by fostering collaboration between different academic fields. India has actively supported many international activities to promote data exchange and scientific collaboration. For instance, the Science and Engineering Research Board Act 2008 established a government agency to fund and supervise scientific research. This is not the only statute of this kind, but it exemplifies the point. The participation of academics from India in international research programmes and collaborations, such as collaborative research projects and academic

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exchange programmes, increases these individuals' exposure to the research trends and techniques utilised in other regions of the world.

6.3 Creating Research Centres and Cultivating a Research Culture

Promoting research and publication in India's legal education necessitates the development of a research culture and the establishment of specialised research institutions. As centres of academic activity, research centres facilitate the cross-disciplinary exchange of ideas and dissemination of findings. Including the U.G.C. (Institutions Deemed to be Universities) Regulations, 2010, permit the establishment of specialised research centres and institutes in the field of law[50]. These institutes can serve as centres for related activities, such as seminars, conferences, and the publication of scholarly journals, to promote research and publication in law. Incentives and public recognition of successful research efforts are essential for promoting an inquiry-based culture. Under legislation such as the U.G.C. (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges) Regulations, 2018, publications resulting from faculty research can be used as a criterion for promotions and pay raises. The legitimacy and quality of research findings are contingent on the pervasive promotion of research integrity and ethics. For instance, the Indian Council of Social Science Research Act of 1969 establishes governing bodies to promote and support research ethics[51]. To foster a research culture in Indian legal education, research must be empowered

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through PhD syllabi and guides, national and international policies must be formulated to promote research and research centres must be established and nurtured. Several pieces of legislation, such as the U.G.C. (Institutions Deemed to be Universities) Regulations, the RUSA Act, the National Education Policy (N.E.P.) 2020, the Science and Engineering Research Board Act, and others, inform these reforms and the promotion of a flourishing research environment in Indian legal education.

7 CONCLUSION

The administration of law institutions in India is a critical issue that requires continuous evaluation and improvement. This paper examined numerous aspects of legal education governance, including accountability methods, the quality and supervision of research, working conditions for law professors, and the strengthening of regulatory agencies. Each factor is crucial in determining the quality of legal education in India. Transparency, objectivity, and adherence to standards can only be attained by implementing accountability procedures in legal education administration. Analysing existing accountability systems revealed the need for modifications to surmount obstacles and enhance efficiency. Enforcing laws such as the Right to Information Act of 2005, which requires regulatory bodies to be more transparent and accountable for their actions, may increase stakeholder trust and confidence. Intense research supervision and high-quality research are required to foster a research culture in legal education. If they balance quantity and quality, research supervisors can encourage their students to conduct significant research. Laws such as the U.G.C. regulations for Ph.D. degrees lay the groundwork for ensuring the quality of research supervision and the development of students' research skills. The working environment of a law professor influences job satisfaction,

opportunities for career advancement, and student learning. Concerns about low wages, exploitation, and recognition of teachers' efforts must be addressed to maintain equitable employment conditions. The U.G.C. Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges, 2018, establishes standards for fair hiring practices and fosters an environment conducive to learning and research; however, its implementation in letter and spirit by legal education institutions is abysmal.

Law institutions' credibility and quality depend on their governing bodies' effectiveness. It is essential for the credibility and objectivity of regulatory agencies to resolve conflicts of interest in their publications and services and to enhance their overall performance. Statutes such as the Indian Contract Act of 1872 and the Prevention of Corruption Act of 1988 have established a legislative framework for addressing conflicts of interest and promoting accountability within regulatory organisations. The administration of legal education prioritises fostering a culture of research and publication. Through PhD coursework and the provision of competent supervision by research advisors, students' capacity for legal analysis can be strengthened. National and international policies encouraging research, such as the National Education Policy 2020, are essential for fostering a productive research environment. The U.G.C. (Institutions Deemed to be Universities) Regulations, 2010, make the development of research centres that promote interdisciplinary collaboration and the exchange of ideas possible. The administrative structure of India's legal education system would benefit from systemic adjustments. It calls for a review of oversight procedures, enhanced supervision and quality of research, better working conditions for legal educators, and more stringent oversight agencies. India may work toward a transparent, accountable, research-focused

legal education system equipped to produce competent and ethical legal professionals by implementing appropriate reforms and adhering to pertinent regulations and laws. These initiatives will benefit the development of the legal system and the expansion of the rule of law in India.

As stated above, the challenges are enormous. In the context of this paper, one cannot help but hope that a new Langdell[52] will arrive on the horizon to remind us of the rules of honesty, integrity, and ethics in legal education administration so that legal education can be the true enabler of social change in India and law teachers would be the real catalyst for such changes.

[52] Langdell's legacy lies in the educational and administrative reforms he made to Harvard Law School, as Dean Langdell's introduction of strictly meritocratic principles into the evaluation of candidates, has led him to be considered "arguably the most influential teacher in the history of professional education in the United States.

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