NATIONAL LAW UNIVERSITIES AS INSTITUTES OF NATIONAL IMPORTANCE

* Shalini Rathi

**Abstract**

“*We have just few Islands of Excellence in the sea of mediocrity*” Said Manmohan Singh, Former Prime Minister of India in 2010 for acknowledging the remarkable contribution made by Law School. Law as a profession and legal education as a discipline was not a popular choice of the students in India prior to the introduction of National Law School of India in Bangalore.

 All the National University are autonomous, which means the state government has not role to play its day to day activities but in the absence of common legislation there somehow state interference by enacting laws for their respective state National Law University (Herein after referred as NLUs) And recently an issue raised that NLUs should be get funding from government or not or should provided national interest or not and that issue raised before the bench of Supreme Court while deciding petition filled in 2015.

It believes that as IIT for engineering, AIIMS for medical, NLU for law. But that is not true. The National law universities administer as a private institute under the prefix word National. Due to the importance of legal education in our country NLU should be considered for Institute of National Importance (Herein after referred as INI) status.

Keywords- *Autonomous, legal education, National interest*

**Introduction**

In 1985 Bar Council of India( Herein after referred as BCI) invited Prof. Dr. N.R. Madhava Menon to set up the country’s first National Law School. The BCI brief was Prof. Menon to create a “*Harvard of the east* “by introducing a legal integrated education programme of five years. [[1]](#footnote-2)And the Concept of Indian Law School along the lines of the Harvard law school to be autonomous in nature completely self finance, not take any financial aid from government or regulatory bodies& in turn not permit their interference.

Institute of national importance give special recognition and the funding from the government of India and these institution have the privilege of being national importance. Our national law university earned the glory to promote legal education in all over world by competing all the world class legal education. And NLU maintain its standard by charging higher fees from the students. And the demands have been suppressed by providing little facilities.

Law school should have total autonomy to able to work out sole method to produce new generation of lawyer or law traits for the bench as well as judiciary services. It must have the structural flexibility to innovate and experiment in curriculum and teaching methods. And it was only possible when these legal institutions are centrally authorized and assistance should be granted by the central government.

With the past year, access to legal education was greatly expanded in all around the world. And to contend with this it is required to do necessary changes in the regulatory framework of legal education which was required in our country.

**NLSIU an institution of legal education**

In 1987 the first national law school Bangalore has been established with a few room with a budget of 50 lakhs. And it was enacted under National law school of India act, 1986. It is setting up in 1987 and marked the beginning of a new experiment in legal education, by providing five year integrated undergraduate degree in Law. Today National law School of India University (Herein after referred as NLSIU) Bangalore completed 25 year of its existence.[[2]](#footnote-3)

It is essential to have quality legal education with good quality of faculty. The role of NLSIU Bangalore is to mentor the new established universities by the state government.

With the opening of more national law school, the responsibility of National Law School of India is more honors towards other national law school. Because it was the first which established in 1987. NLSIU not only required maintaining higher academics standard but also requires to provide letter ship to law schools, because NLSIU considered as a guide to all the national law school.

*1.1 Objectives*

The main objective behind establishing NLU was to produce good lawyers, Judges, Professors and researcher from different sections of the society. NLUs are considered as single a disciplinary university which was established by statutes which was enacted by the state legislature. These NLUs are known as state universities which were authorized by the UGC. Although the State Government not ready to provide grants to these universities.

NLUs working considered as a self sustaining model, and which were relying only on the fees which was charged from the students.[[3]](#footnote-4) These Universities has to spent huge amount on number of things as earlier mentioned it is a single disciplinary model; it is not easy to manage all the resources from a single running paramount institution. NLUs defined as an educational institution which designated as autonomous law schools. And these institutions were set up to improve legal education throughout in India. And this institution was directed by the BCI. And these institution work under the supervision of the legal education committee which was framed by BCI to look after the working of NLUs.

Prof. NR Madhava Menon in his speech titled “*Legal Education for Resurgent Andhra Pradesh”* Said:

“*A law university is different from the conventional universities in several aspects. It is closer to the IITs and IIMs in organization and management. Law universities focuses on legal studies not only for the practice of law but also looking at law in social relations law in the promotion of the Constitutional vision of an egalitarian social order securing the dignity of the individual and the unity of nation*”[[4]](#footnote-5)

Prof Menon in its speech highlighting the object of legal education. And these institution focuses on their institutional purpose as well as student must explore their individual purpose in becoming lawyer.

*1.2 Development of NLUs*

National Law School of India University (NLSIU), Bangalore, was established with a view to cater to the requirements of the legal profession, law teaching and research, and judiciary, and has been successful in doing so for over 25 years. It is considered to be one of the best law schools in the country and is ranked number one in many surveys and law school rankings. NLSIU has dominated the legal education scene in India for decades and is widely acknowledged as one of the finest law schools in the country.[[5]](#footnote-6) The establishment of the NLU system is undoubtedly, an achievement in India’s commitment to provide Legal education.

Law school should have total autonomy to able to work out sole method to produce new generation of lawyers or law trait person. It must have structural flexibility to innovate and experiment in curriculum and teaching methods. NLU have succeeded in attracting bright minds to the study of law. They also helped by a liberated economy that the popularized career option been able to cultivate an entirely different breed of lawyer capable of hanging large law clientele.[[6]](#footnote-7) The establishment of the NLU system is undoubtedly, an achievement in India’s commitment to provide Legal education.

Following the NLSIU Bangalore many other state legislative assemblies also passes legislation to establish national law schools in their respective states. And all these NLUs are affiliated to the Bar Council of India and recognized by the university grants commission. And UGC itself recognized every NLU as a state University.

##  institute of national importance to nlus

*2.1 INI Status means*

Institute of national Importance means a higher education institute which was enacted by an act of Parliament of India. These institutions receive special recognition and funding from the government of India. And these institutions have their own brand in the name of National Institute. Institute of national importance are those academic institutions which are crucial in developing highly skilled personnel in country.

They create highly skilled human resources which is very crucial for the development of country. Autonomy of such INI would ensure proper functioning without any external and political interference. They themselves decide their admission criteria their syllabus and ensure the impartial treatment to every students.[[7]](#footnote-8)

However this cannot alone ensure the education quality and transparent functioning of the institution. It is create a system of accountability which needs to be assured. Periodic review of the performance of the Institution and placing the annual report of the Institution in the parliament and regular audit by the CAG will ensure accountability. INI status to an Institution creates more transparency in accountability as the funding granted by the central government.

*2.2 Why it is necessary for NLUs*

INI status is necessary for NLUs because it gives a special recognition and funding from the government of India. And these institutions have the privilege of being the institution of national importance. Our National Law University has earned the laurels to our Country by bringing the traditional legal educational structure to the modernized legal education having the competence challenges with the other world class legal education.[[8]](#footnote-9)

But such reforms and progress of institution is gradually down by some of the inherent institutional and controlling measure according to their inception of work. All the activities of the institution come under the ambit of UGC and under the supervision of BCI. Some national institutions like NUSRL, Ranchi facing problem due to lack of sufficient fund from the Jharkhand Government. And this affects the growth of institutional as well as educational aspect.

In the absence of common legislation to governing the NLUs, It is up to each NLU to how they manage fund for the maintenance of the Institution. State government grants only one time capital expense to NLUs for the Campus construction or capital infrastructure. While all the assistance or maintenance which are required by the institution was not welcomed by the government. They have to manage fund by collection fees or by hosting competitions.

And having no recognition of Institute of National Importance. NLUs are struggling to keep up their standard by charging higher fees from the students. And which is not economically possible for every class of the society. And after charging huge fees from students the facilities and demands of the students have been suppressed and they are being provided with little or no facilities with their academics.

## Movement towards to nationalization of NLUs

In 2015 Petitioner Shammad Basheer had filed a PIL in the Supreme Court seeking the constitution for a permanent body for conducting clat. In the petition all the NLUs arranged as respondents. Basheer asked the bench to appoint an expert committee to review the working of the clat and suggest other reforms to look into the misuse of the [Non-Resident Indian (NRI) quota](https://www.legallyindia.com/lawschools/15-nlus-make-upward-of-1bn-annually-through-unconstitutional-nri-foreign-quotas-reveals-study-00011130-9104) in NLU admissions. The court also asked the government whether NLUs could be considered [Institutes of National Importance (INIs](https://www.legallyindia.com/home/dsnlu-student-drafted-nlu-bill-now-introduced-in-lok-sabha-for-national-importance-status-to-nlus-20170804-8706)), with a view to keep them free from domicile reservations in admissions.

Students of three National law universities are together driving a movement seeking the INI status for all 18 NLUs in the Country. Institution bestowed with the INI status receives funds directly from the central government as part of ministry of Human resources development’s (MHRD) budget for higher education. All the three institutes NLSIU, NALSA, WBNUJS have contributed a joint manifesto to urge the centre to appoint a panel to assess the NLUs and consider them for INI status.[[9]](#footnote-10)

And all this start became issue when National University of study and research in Law (NUSRL) Ranchi, fought for four days demanding more transparency in administration and accountability in allocation of fund for the institution.

Pointing various deficiencies in their colleges, they said, “They have been unable to provide basic facilities like decent faculty, updated classrooms, proper residential areas, a functional library, hygienic environment and other such necessities despite charging a substantially high tuition fee from the students. And all these facilities were given in other colleges by charging lower fees. Student bodies of almost ten NLUs have come down in protest against their respective administrations for issues relating to poor infrastructure, stringent academic regulations, administrative irregularities, arbitrary actions and a continuing lack of transparency. Many NLUs do not even have NAAC certificate.”

*3.1 National Law University Bill, 2016*

A DSNLU student has drafted a bill to provide Institute of National Importance (INI) status to NLUs. To bring NLUs under the central funding and supervision of state. Dr Sugata Bose member of Parliament is a director for graduate studies at Harvard University, introduced the bill in Lok Sabha on 10 March 2017.[[10]](#footnote-11)

And the concept of NLUs is very vaguely defined. Nowhere mentioned the eligibility or criteria to declare an institute with Institute Of National Importance. All IIMs, IITs,NITs etc have their own central act but NLUs have their respective state act.

The main aims of NLU Bill 2016 are:

1. These institutes will be declared as Institute of National Importance.
2. Central law to govern all NLUs with same object, power and Functions.
3. A National Council should be made for overall matter of NLUs any dispute, matter of clat, Annual Budget session and fund allotment.
4. Courses, Curriculum and authorities responsible for organizing the teaching of such courses and curriculum shall be such as prescribed by the regulation.
5. The CJI shall be the visitor of every university.
6. And all the grants and maintenance which are needed by the institution should be provided by the central government.
7. There should be dispute redressal committee to redress the dispute that may arise between the management and staff, management and students, and teacher and management.

In contrast to every other National Institution in our country like field are IITs, IIMs, NITs all are central university and declared as an institute of national importance. And the national law schools lack every aspect of the statutory which other national institution enjoys. In April 2017 after the bill was introduced. The student of NLSIU, NALSAR and NUJS also express their intent to work together towards achieving the INI status for NLUs.

##  road ahead

***“Every state in India should have national law schools. The legal sector can bring in billions of dollars as trade grows with new economic opportunities….What are gratifying is that many students are now opting for law and not medicine and engineer”***

**—Prof Madhava Menon, “Father of Modern Legal Education in India”**

**Firstly ,the bill on National Law University 2016 should be restore which allows university’s autonomy and allow experimentation and competition in individual institutions, possibly resulting in academic excellence at least in some law schools. Secondly the National Accreditation Regulatory Authority bill tends to enforce minimum standards and help reduce mediocrity and exploitation while promoting the good institutions to constantly strive for academic excellence.**

**The main objective of NLUs to provide well trained professional lawyer to the trial and bar as well as judicial services so that access to justice is enlarged and therefore the quality of justice for the common is improved and** reinforced and that was not wiped **out in satisfactory manner. Corporate opportunities have proved to be an attractive comfort zone for law students.** The profession is also becoming corporatized in urban centers leaving the rural and poor litigants to a delivery system found inadequate in several respects. The corporate bar seems to be demanding more and more bright graduates every year. Even government agencies are unable to secure high quality legal services commensurate to those fielded by the private corporate sector.This development has created some distortions in the distribution of work and income in the profession enlarging the inequalities and creating problems in discipline and management.[[11]](#footnote-12)

**Conclusion**

In my opinion National law colleges should grant the status of Institute of National Importance. Today NLUs educational institutions are inefficient to administer the legal excellence in India. They have been unable to provide facilities which are needed to fulfill the fundamental objective of legal education in developing country. They maintain their institution’s standard by charging higher fees from the students and they are being provided with little facilities

Where the Indian constitution enjoins legal system to facilitate inequalities in status, justice to all kind in political as well as economic sphere. The original objectives of NLU were to supply well trained lawyers to the bench as well as judicial services. But the object has not been achieved in the satisfactory manner due to the lack of funds. And with this the interference of state government has been increased in the administration of NLUs of their respective states.

In the absence of central legislation, each NLUs have their own rules and law and having their own reservation state quotas. The demand made by NLUs has repeatedly ignored by the government, and to promote legal education in India, NLU should be conferred as National Institutes. In contrast to every other national institute in our country like IIM, NIT, IIT and the National Law School lack every aspect of the statutory which other national institution enjoys.

1. Neha Chouhan,Miles to Go: Prof. Madhava Menon Interview, Legally India(Sep,19,2009, 5:12pm),

<https://www.legallyindia.com/bar/miles-to-go-prof-madhava-menon-interview-> [↑](#footnote-ref-2)
2. Aravind Gowda NLSIU is still the best among legal education because of its tough examination procedure, India Today ( May, 24, 2016, 12:55 pm), www.indiatoday.in [↑](#footnote-ref-3)
3. Aditya AK Smoke and Mirrors: Has the NLU model proven to be no more than a pipe dream?Bar & Bench India Legal news(September 19 2017)

<https://barandbench.com/smoke-mirrors-nlu-model-proven-pipe-dream/> [↑](#footnote-ref-4)
4. Prachi Shrivastava [Prof Madhav Menon asks to split law courses, law unis to step up & more in DSNLU foundation day speech](https://www.legallyindia.com/lawschools/prof-madhav-menon-asks-to-split-law-courses-law-unis-to-step-up-more-in-dsnlu-foundation-day-speech-20161004-8017).Legally India(Tuesday, 04 October 2016 08:53) https://www.legallyindia.com/lawschools/prof-madhav-menon [↑](#footnote-ref-5)
5. Shivika Jain Raising the bar , **The** Hindustan Times (Aug 01, 2014 12:46 IST)

<https://www.hindustantimes.com/.../raising-the-bar/story-> [↑](#footnote-ref-6)
6. Yogesh Pal, Legal Education at Crossroads ,The Business Line( May 15 2013) https://www.thehindubusinessline.com/opinion/legal-education-at-crossroads/article22994948 [↑](#footnote-ref-7)
7. [Thomas Manuel](https://thewire.in/author/tmanuel) So Who Decides What an Institute of National Importance is? The Wire (legal Education), (22/JUL/2015)

<https://thewire.in/education/demystifying-higher-education-in-india-second-of-a-series> [↑](#footnote-ref-8)
8. Deepika Burli Students of premier law schools seek national importance tag, The Times of India, (Apr 19, 2017, 08:04 )<http://timesofindia.indiatimes.com/articleshow/58249106.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst>

 [↑](#footnote-ref-9)
9. Apoorva Madhani NLU Student Consortium Demands Nationalisation Of NLUs, Grant Of ‘Institutes of National Importance’ Status , Live law, (27 NOV 2018 9:43 PM)<https://www.livelaw.in/nlu-student-consortium-demands-nationalisation-of-nlus-grant-of-institutes-of-national-importance-status/> [↑](#footnote-ref-10)
10. Prachi Shrivastava [DSNLU student-drafted NLU bill now introduced in Lok Sabha for 'National Importance' status to NLUs](https://www.legallyindia.com/home/dsnlu-student-drafted-nlu-bill-now-introduced-in-lok-sabha-for-national-importance-status-to-nlus-20170804-8706) Legally India (Friday, 04 August 2017 21:46)

<https://www.legallyindia.com/.../dsnlu-student-drafted-nlu-bill-now-introduced-in-lok...> [↑](#footnote-ref-11)
11. The Transformation of Indian Legal Education BY NR Madhvan,

<https://clp.law.harvard.edu/assets/Menon_Blue_Paper.pdf>

 [↑](#footnote-ref-12)