

**REPORT OF
THE SCHOOL REVIEW COMMISSION
(2007-2008)**

on



**THE NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BANGALORE**

I. INTRODUCTION

A Three-member Commission, called the School Review Commission (SRC), was constituted by the Chief Justice of India in his capacity as Chancellor of the National Law School of India University (NLSIU) under Section 14 of the National Law School of India Act (Karnataka Act No. 22 of 1986), as amended by Act 3 of 1993 and Act 15 of 2004. The provisions of this Section stipulate:

- (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.

The commission was chaired by Hon'ble Mr. Justice K.T. Thomas, former Judge of the Supreme Court of India. 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. The Registrar of the NLSIU, was commissioned as a non-member to coordinate the functioning of the SRC.

The preliminary meeting to proceed with planning of the SRC was held at Bangalore on October 4, 2007. In that meeting the Chairman of the Commission Mr. Justice Thomas invited Dr. A. Jayagovind and Dr. V. Vijayakumar, the Vice-Chancellor and the then Registrar of the NLSIU respectively, to apprise him about the progress and development of the NLSIU hitherto made as reflected in the reports submitted by the Commissions hitherto appointed in terms of Section 14 of the said Act of 1986. That would have facilitated the task of the Chairman to spell out the course of action of the present Commission on predictable lines.

In the absence of any such reports, however, the SRC was prompted to charter its own course independently for reviewing the functioning of the NLSIU. In its own wisdom, the SRC, for collecting the requisite information, wished to interact both severally and jointly with all those available persons, who were associated with NLSIU since its inception in one capacity or the other. In this respect, the commission decided to focus its concerns principally on three counts: (i) the vision of the persons at the time of their joining the NLSIU; (ii) the extent of realization of that vision; and (iii) the bottlenecks they experienced or encountered in fulfilling that vision.

II. SOURCES OF INFORMATION

Besides the preliminary meeting held by the Chairman in Bangalore on October 4, 2007, the SRC had met eight times in Bangalore at the Conference Hall of the NLSIU – on January 3 and 4, 2008, April 15 and 16, 2008, August 5 and 6, 2008, and December 16 and 17, 2008. The first six meetings were devoted almost exclusively to study the state of affairs of the NLSIU both through

direct dialogue and indirect interaction by way of written statements with diverse segments of the school society. The interactive face-to-face dialogue invariably extended from 9.30 a.m. to 5.30 p.m. with a lunch break of about one hour in between. The last meeting was used for reflecting upon the inputs from various sources and then finalizing the recommendations of the SRC for the consideration of the Chief Justice of India in his capacity as Chancellor of the NLSIU.

The SRC had the opportunity to meet and elicit the requisite information from the Vice-Chancellor, Registrar, members of teaching faculty individually as well as collectively (including the senior and the younger ones), wardens of both boys' and girls' hostels, various groups of students, including the representatives of Student Bar Association and some of the alumni who were locally available, non-teaching functionaries, including the Librarian, Finance Officer, Estate Officer and the Secretary to Registrar-cum-Examination Officer.

Views of some other significant persons who had the proximity with the NLSIU in any position or capacity either formally or informally were also ascertained. In this respect, the SRC was enriched by the views of Justice Y.K. Sabharwal, the former Chief Justice of the Supreme Court of India, Justice V.S. Malimath, former Chief Justice of the High Court of Karnataka and Kerala, Professor N.R. Madhava Menon, former Director of the NLSIU and presently the member of Commission on Centre-State Relations, Government of India, and Mr. P.P. Rao, Senior Advocate, Supreme Court of India.

Apart from the above, any other interested person who desired to express one's own views for furthering the cause of the NLSIU was also encouraged by the SRC to come forward. In this wise, the Commission received the responses in writing of some of the alumni who were located outside India. All in all, the SRC is happy to record that it has received overwhelming responses from all segments of society, who are either associated with the NLSIU or concerned with

the state of legal education in India. The keen interest shown by the students of law school, both past and present, to make the NLSIU a vibrant centre of legal education catering to the needs of the society at large, and not just of the elites, was remarkably of a very high order.

III. PHASE OF EXPLORATION AND ACCOMPLISHMENT

The NLSIU at Bangalore was established by the Government of Karnataka under the NLSIU of India Act (Karnataka Act No. 22 of 1986). This initiative was taken by the State at the instance of the Bar Council of India (BCI) through its public and charitable trust, known as the BCI Trust. The avowed objective of the BCI Trust includes the establishment, maintenance and running of a model law college in India. For carrying out this objective, the BCI Trust has opened a branch office at Bangalore and registered a society, named and styled as the NLSIU of India Society under the Karnataka Society Registration Act, 1960 (Karnataka Act No. 17 of 1960).

To manage the affairs of the NLSIU, rules were framed by the said society providing for the constitution of different authorities and other matters relating to the school. As a sequel to those rules, the NLSIU came to be established eventually by the State Government of Karnataka under the said Act of 1986. Under Section 3 of the Act, as amended, the NLSIU shall consist of the Vice-Chancellor, the Executive Council, the Academic Council, and the Registrar.

Dr. N.R. Madhava Menon, an acclaimed scholar in the realm of law, was appointed as the founding Director (later designated as Vice-Chancellor) of the NLSIU. The first batch of students selected on the basis of open national entrance test was admitted in 1988. The law school started from scratch with a faculty of three-four teachers and hardly with any infrastructural facilities, and that too with very modest funding. However, within a short span of less than a decade, the NLSIU was able to establish itself as a centre of excellence in

pursuit of legal education. Gradually, it became fully residential university, having its own exclusive compact campus, accommodating boys and girls in separate hostels, called the Men's and Women's Halls of Residence, teaching and non-teaching members in separately built staff and faculty quarters. It has the enhanced facility of computers both for the students and the faculty, and since 1997 the Local Area Network that connected the NLSIU with outside computer world.

The NLSIU, *inter alia*, had set the objective, as formally enunciated in Section 4 of the Act of 1986, "to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organize lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School."

The NLSIU started with a humble beginning and without any fan fair. But in due course of time, despite lack of infrastructural facilities, paucity of funds, and only with fewer faculty members, it made great strides. Within a relatively short period of less than a decade, it established itself as the leading law school with its own distinct flavour. Through its own innovative progressive curriculum and unique pedagogy, it came to be acknowledged as a new trend setter for imparting legal education in India.

The success story of the NLSIU soon led to the emergence of other national law schools on similar lines in different parts of India, mostly enjoying the patronage of their respective State governments. All such schools readily

replicated the course structure and other modules developed by the Bangalore national law school.

The success story, making the NLSIU as the centre for excellence in the realm of legal education, could be woven around certain characteristic features. Those features have emerged in the course of interaction with the faculty members who themselves were participant observers in the whole developmental process. However, for the purpose of functional clarity, the various features could be classified as under.

(a) Initiation of interdisciplinary approach to the study of law

This indeed was the bold experiment. It instantly encouraged the teachers, on the one hand, to design and re-design new and innovative courses as per the emerging needs of the globalized world. On the other hand, this also obligated them to prepare a commensurate teaching plan requiring a rigorous teaching schedule. Such a teaching plan, for instance, commanded the teachers not only to come up periodically with new teaching materials, but to put in alongside about 12 to 16 hours per week in the class-room teaching alone. The teaching plan also entailed the preparation of periodic project reports in different subjects or courses taught with a multi-disciplinary perspective.

(b) Evolution of cooperative work culture

With the introduction of inter-disciplinary approach to the study of law, out of necessity, there evolved, what is termed as, cooperative work culture. It seemed to create its own rhythm of academic inter-dependence both in the creation of requisite teaching material and evaluation by two or more teachers of the project reports presented by the students. Such a work-environment inevitably created a unique opportunity of learning amongst the colleagues from each other.

(c) Augmentation of academic inputs

This was done by providing academic exposure to the teaching faculty periodically through the adoption of the following such measures as:

- (i) Organization of regional, national, and international seminars on diverse themes.
- (ii) Holding Special Lectures by invitees, including distinguished judges, jurists and lawyers of standing.
- (iii) Creation of Chairs.

(d) Manifestation of academic outputs

Acting on the sagacious statement that 'research and teaching go hand-in-hand,' or 'research and teaching are inseparable,' a 'compelling opportunity' was created for the teachers to contribute to their home-grown publications. Such outlets included –

- (i) NLSIU Newsletters, and specific subject Newsletters
- (ii) March of the Law
- (iii) NLSIU Journal
- (iv) Gender Justice Reporter
- (v) Journal of Law and Medicine
- (vi) Health Care: Policy, Ethics and Law
- (vii) Indian Journal of Environmental Law

Apart from these publications making space for spontaneous research contributions on diverse themes, a tradition of writing text books also came into vogue. The faculty members, either singly or jointly, wrote or compiled several books (admirably listed in the *NLSIU Prospectus 2008* at page 81) that must have served as indispensable tools of classroom teaching. Besides, in order to make the class-room teaching more effective, the faculty has also taken the initiative to bring out the

publication of Lectures in the subjects of Business Law, Medical Law and Ethics, and Intellectual Property Rights Law.

(e) Well-equipped library

The Library of the NLSIU is considered one of the best libraries in the country in terms of collection and services rendered by it to its multiple users, including students, research scholars, faculty and the ones who are enrolled as students of distant education. It subscribes 150 Journals in print and more than 1000 on-line-journals. The library remains open from 8.30 a.m. to 12 midnight, and it is manned by one Chief Librarian, 2 Senior Professional Assistants, 1 Junior Professional Assistant, and 5 non-professional Attendants.

(f) Discipline – the hallmark of progress

In the system of formal education, involving the imparting of instructions through structured courses, culminating in the conferring of degrees and other academic distinctions after holding written and oral examinations within a strictly defined schedule, the element of discipline is highly desiderated. Through discursive dialogue and discussion, the SRC was happy to learn that all the persons – teachers, students and the administrative staff – worked in unison as a perfect disciplined force till about the year 2001-2002. The schedule of work was laid down with meticulous details. The classes were held with extreme punctuality. At the stroke of bell, the teacher would walk into the class. The Director was always on his toes. If for any reason, any teacher was late, say by more than ten minutes, his slot was instantly filled in by the Director himself. Such was the premium placed on punctuality. Likewise, all the courses were covered on time and the schedule of examinations was worked out much before the commencement of examinations. All this inculcated an acute sense of discipline that became the hallmark of the life of the NLSIU. It

percolated in all the activities of the school, be it completion of courses within the stipulated time-period; holding of mid-term or end-term examinations; project evaluations; conducting viva voce; or declaration of results.

The striking impact of the whole endeavour was that the discipline of law started attracting bright students from all over India. Legal education was put on sound footing in a systematic and integrative manner. Through the development of its own distinct work-culture and rigorous training-regime, the NLSIU started producing its own 'stamped product', which opened new opportunities for the law emerging graduates in leading law firms and the corporate world.

IV. PHASE OF DIMINUTION

The NLSIU, as stated earlier, had established itself as centre for excellence within a short span of less than ten years after its inauguration in 1988. It set up its own standards of supremacy. By virtue of its merit and traditional inertia, the NLSIU is still rated as Number One amongst the top 15 Law Colleges in India. This ranking is reported to have been done on the basis of its record in terms of placements, faculty competence, infrastructure, and pedagogic systems (see, *Outlook*, "India's Top Professional Colleges," June 24-30, 2008, at page 37). However, this ranking has slipped to Number Two position during the current year according to *India Today*.

- Despite the relative top position of the NLSIU, a certain degree of gradual diminution has started creeping in during the past ten years or so. The decline is in relation to its own high standard that the NLSIU had set in for itself. Such a change, as perceived by the SRC through interaction with cross-section of society having proximity with the school, seemed evident when the responsibility of academic and administrative functioning of the NLSIU passed on from the founding members to the next generation of builders of the school. To a certain

extent, the sliding down is not quite unusual, because in the phase of transition from the formative stage to the stage of established pattern there is invariably a void of various rules and regulations. It is somewhat ironic to state that the existence of pre-determined rules and regulations might be an impediment during the formative period of an institution, but the existence of the same is considered absolutely necessary when the high standards of an established pattern of an institution are to be maintained. Drawing the detailed rules and regulations, indeed, is an integral part of the process of institutionalization, which has hitherto not taken place unfortunately. In the absence of those rules and regulations, the working of the NLSIU has fallen into disarray. In certain respects, the existing regulations, particularly the ones that relate to the constitution of the principal bodies, namely the General Council and the Executive Council, might have served the desired objective during the formative period of the school, but the same may require a second look in the significantly changed scenario.

The following discrepancies have come to the attention of the SRC on the academic and administrative sides:

(a) Mismatch allocation of teaching subjects/courses

Some teachers, especially amongst the younger members of the faculty, have been assigned courses to teach in which they hardly had any prior requisite in-depth exposure. In any eventuality, if a teacher has agreed to teach a particular course in which he had no prior comprehension, then it is incumbent upon him to prepare himself fully to meet the challenge.

(b) Drastic reduction in teaching load

Workload of class-room teaching has been reduced from 14-16 hours to 4-6 hours per week for all.

(c) Inequitable distribution of teaching work

Some members of the faculty have been assigned three compulsory courses in all the tri-semester courses, whereas the work-load in certain other cases is reduced by assigning only one optional course and a seminar, and that too with the 'privilege' of compressing the teaching schedule just to three days instead of spreading over to five to six days a week.

(d) Laxity in class-room teaching

Cancellation of the scheduled class owing to the non-availability of the teacher concerned at the last moment has become rather a common practice. Students often find it difficult to meet teachers as they are absent/not available without prior intimation.

(e) No updating of teaching material

The healthy practice of updating the course material and presenting the same periodically before a panel of senior faculty members or outside experts has become amiss. The Academic Committee, which used to meet to discuss syllabi for each trimester has not been constituted for several years now. Teaching of courses has become a matter of whims and fancies of each teacher. The other prompting to update was that all subject teachers were required to prepare a review of the Supreme Court decisions in their subject for a calendar year and submit the same by the end of March to be published in *March of the Law*. Even this practice was abandoned.

(f) Absence of close supervision of classroom teaching

The tradition of senior faculty members sitting in the classes taken by relatively inexperienced teachers with a view to guiding them by

providing concrete suggestions has vanished. And with this an opportunity of learning quickly by doing is lost to a large extent.

(g) Research output of the faculty has become virtually nil

Academic rigour and engaging in serious research pursuit is on decline. This has led to the extinction of *March of the Law* and *NLSIU Journal*. In fact, both these publications provided stimulus to research and teaching. It is a pity to learn that the publication of *March of the Law* was stopped after 1992, whereas *NLSIU Journal* did not see the light of the day after 1998-99.

(h) Remunerative assignments outside the NLSIU

Acceptance of paid assignments outside the NLSIU, either in the form of delivering paid lectures in the local law colleges or taking up remunerative consultation work somewhat on regular basis, seems to have gained priority in case of certain members of the faculty. This seriously undermines their basic commitment to the institution to which they principally belong.

(i) Indifference to plagiarism in project reports

The teachers are often ignorant and mostly indifferent to the menace of plagiarism in the project reports submitted by the students. The rigour of the exercise involved is reduced to nullity if the re-cycled project reports are accepted by the teachers without questioning.

(j) Indiscriminate academic appointments

The pivotal appointments on the academic side, say, to the post of Adjunct Professor carrying the honorarium of Rs. 35,000 per month, are being made from amongst the non-academic persons, like the retired District Judges with no prior academic contribution. This

amounts to doling out favours amongst the undeserved ones, and thereby diluting the academic standards.

(k) Absence of formal control mechanism

There seems to be a void of stirring and determined management to evaluate teachers and their working. The Vice-Chancellor stated candidly, albeit with dismay, that the 'full freedom' that was granted to faculty members to grow academically proved counter productive:

"Faculty are neither improving their research nor they are interested in the betterment of the institution. There is no coordination among them. It is highly impossible to get the work done by the faculty members. There is no sincerity and commitment among them which was existing during the first director's regime."

In the educational set up, if discipline in the life of a teacher is missing from within, and there is no enforcement of discipline from without, the quality of teaching is affected and rigour of examination is diluted. As a sequel, the murmur of arbitrariness in evaluation work is heard, for instance. Sanctity of examinations is marred with too many repeat examinations, is another offshoot of indiscipline.

The overall emerging picture on the basis of totality of circumstances reveals that there is drastic decline in discipline and dilution of academic standard. The rigorous work culture and singular commitment, which used to be the hallmark of the NLSIU during the first decade of its existence, is on the wane. Despite the fact that the NLSIU still continues to hold the premier position amongst the law schools in India, the common entrenched feeling that the SRC has gathered from diverse sources is that of extreme 'dissatisfaction': the level of functioning of the NLSIU is now far from expectation.

V. WHAT SHOULD BE DONE?

During the course of interaction with the members of the faculty, students, administrative staff and other significant persons at different levels, the SRC tried to ascertain the views and elicit suggestions, which could concretely help to stimulate and energize the NLSIU. All such views and suggestions can be crystallized into two broad categories of 'structural' and 'non-structural' changes.

A. STRUCTURAL CHANGES

The provisions of the NLSIU of India Act (Karnataka Act No. 22 of 1986), as originally conceived, served a very useful purpose during the formative period of the NLSIU. Over a period of time, its complexion has undergone a change. It has established its own identity as an independent centre for academic excellence both nationally and internationally. In fact, the institution has now truly become the National Law School of India University, both *de facto* and *de jure*. Hitherto, two amendments have been brought in 1993 and 2004. But neither of them is substantive in character.

The Amendment Act 3 of 1993¹ is expository inasmuch as it merely describes the General Council, envisaged under Section 9 of the Act of 1986, as the "chief advisory body" of the school instead of treating it as the "supreme authority" of the school. This change was necessitated because the role of the General Council is essentially advisory in nature. The Amending Act 15 of 2004 also does not effect any substantive change in the provisions of the Act of 1986. It only changes the nomenclature of the post of 'Director' and 'Visitor' as 'Vice-Chancellor' and 'Chancellor' respectively to be on a par with other Universities in

¹ The Amendment Act 3 of 1993 replaced the NLSIU of India (Amendment) Ordinance, 1992. This amendment, which is stated to be in pursuance of the suggestion made by the University Grants Commission, also led to modify the powers of the General Council suitably.

the country. However, for its further progress and development, the NLSIU is in need of certain structural changes by amending the Act of 1986.

We recommend the following changes in the Act:

(a) Reference to “Bar Council of India Trust” in Section 2(3) of the Act of 1986 read with Regulations 2(1)(c) and (h), 7(1)(c) and (h) shall be omitted.

In terms of financial standing, the NLSIU is in a position to generate its own resources. It is no more dependant upon the Bar Council of India Trust (a public and charitable trust) created by the Bar Council of India. The Finance Officer stated before the SRC that finances of the University are “reasonably sound” and “break even.” The BCI Trust for the purposes of maintaining and sustaining the NLSIU has, therefore, fallen into disuse. As a sequel, any reference to nominations made by the BCI Trust to the Executive Council under clauses (c) and (h) of Regulation 7 (1) has become redundant and hence requires amendment.

(b) Reference to “Society” in Section 2(12) of the Act of 1986 read with Regulation 7(d) shall be omitted

The necessary rules to manage the NLSIU, with powers to confer degrees, diplomas, etc. were framed by a registered society, known as the NLSIU of India Society – a society which itself was created by the Bar Council of India Trust to carry out the objective of the Bar Council of India, namely the promotion of legal education. Once those rules were incorporated in the provisions of the Act of 1986 and the appended regulations, the “society” has become defunct for all intents and purposes, and, therefore any more reference to it or to its nominations shall be amended as indicated below.

(c) Re-constitution of the Executive Council

Regulation 7 deals with the membership of the Executive Council. Under sub-clause (c) of clause (1) of this Regulation, two persons are to be nominated by the Bar Council of India Trust from among the distinguished men of letters, educationists of repute, etc. in consultation with the Chancellor. Since the BCI Trust has fallen into disuse, the Chancellor may be empowered to nominate two distinguished members from the Bench and the Bar in consultation with the Chairman of the BCI.

Under sub-clause (g) of clause (1) of this Regulation, the Executive Council is required to have “three members nominated by the Bar Council of India from among its members.” Since the NLSIU for its further growth and development needs more academic inputs, it would be advantageous to have more number of persons from the academic side.

Accordingly, we recommend only one nominee of the BCI and two additional academics to be nominated by the Chancellor in consultation with the Vice-Chancellor.

Sub-clause (d) of clause (1), providing for a nominee of the Society, may be substituted by making a provision for the nomination of an alumni by the Chancellor in consultation with the Vice-Chancellor.

Sub-clause (h) of clause (1) providing for nominations of two members by the Bar Council of India Trust from amongst the trustees, may be substituted by one former Director/Vice-Chancellor of the NLSIU and one retired judge of the High Court to be nominated by the Chancellor.

Sub-clause (i) of clause (1) needs redrafting so as to delete the expression, 'elected by the teaching staff', which is inconsistent with the principle of rotation.

Addition of new sub-clause (j), providing for the inclusion of a senior personnel from IIM Bangalore, who is from the Department of Financial Management, as a nominee of the Chancellor. Such an inclusion will, in turn, strengthen the Finance Committee in the management of finances.

(d) Powers and functions of the Executive Council need modification

Regulation 9(1) empowers the Executive Council to appoint from time to time, amongst others, the Vice-Chancellor. This provision is inconsistent with the provisions contained in Regulation 7 (1) (a) and (j), which make the Vice-Chancellor not only a member but also the Chairman of the Executive Council, implying thereby that the controlling authority vested in the Vice-Chancellor is also the appointing authority of the Vice-Chancellor himself. Any reference to the appointment of the Vice-Chancellor under Regulation 9(1) needs to be omitted, and read as provided under the amended Regulation 18 [see below under (g)].

(e) Re-constitution of the Academic Council

Regulation 13 deals with the membership of the Academic Council. Under sub-clause (e) of clause (1) of this Regulation, the Academic Council is required to have "a nominee of the Bar Council of India Trust." In its place, a Professor of Law of high academic repute from a conventional University may be nominated by the Chancellor in consultation with the Vice-Chancellor.

(f) Reconstitution of the Finance Committee

Regulation 16(1) deals with the membership of the Finance Committee. Under sub-clause (c) of clause (1), the Executive Council is required to nominate three members from amongst its members out of whom at least one would be from the Bar Council of India and one from the Government of Karnataka. The third member to be nominated should be the one mentioned in the newly introduced sub-clause (j) of Regulation 7(1) dealing with the membership of the Executive Council.

(g) Mode and manner for the appointment of the Vice-Chancellor require change

Regulation 18 deals with the appointment of Vice-Chancellor. In particular, clauses (1) and (3) of this regulation, *inter alia*, provide that the appointee “shall be an academic person and a Professor of Law at the School,” and that “the First Vice-Chancellor shall be appointed by the Society with the approval of the Bar Council of India” These provisions have outlived their utility, and, therefore, need to be replaced by new clauses.

Clause (1) of Regulation 18 shall be substituted as follows:

“The Vice-Chancellor shall be appointed by the Chancellor from a panel recommended by the Search Committee, which shall be constituted by the Chancellor at the initiative of the outgoing Vice-Chancellor in anticipation of the vacancy of the post of Vice-Chancellor.”

Clause (3) of Regulation 18 shall be substituted as under:

“The Vice-Chancellor shall ordinarily hold office for a term of five years or until the attainment of 70 years, whichever is earlier. There shall be no impediment in appointing the same person as Vice-Chancellor for another term of 5 years or less, subject to the maximum age of retirement, provided

that the incumbent Vice-Chancellor shall continue in office until his successor takes over.”

Regulation 18(4)(b), which empowers the Vice-Chancellor to convene the meetings of the various bodies needs to be deleted because it is inconsistent with the provision of Regulation 20(3)(c) that confers similar power on Registrar, a power which is essentially administrative in character.

(h) Provision relating to Annual Accounts and Audit needs strengthening

Regulation 24(2) deals with the auditing of the annual accounts by the auditors appointed by Executive Council, with a supervening power of getting the accounts re-audited by the auditors appointed either by the State Government or the BCI Trust. Owing to the lost relevance of the BCI Trust, its reference under this Regulation needs deletion. Moreover, for tightening up the regularity both in spending and accounting, it has been justifiably proposed before the SRC that it would be desirable to have the accounts concurrently audited by an officer of CAG establishment whose services may be obtained on deputation terms.

Regulation 24(3) provides that accounts when audited shall be published by the Executive Council, and “a copy of the accounts together with the audit report shall be placed before the Executive Council.....” Here apparently, the Executive Council is to be read as “General Council.”

(i) Departmentalization for apportioning responsibilities amongst Heads of the Departments

Regulation 19 provides for appointing the Head of the Department for each of the departments in the school. However, for making the provisions of this regulation effectual in terms of apportioning the responsibilities, it would be imperative to have Departments with their respective Heads, such as the Head of the Department of Undergraduate Studies, Head of the Department of Post-graduate Studies, Head of the Department of Distance Education, Head of the Department of Extension Activities, Head of the Department of Research and Publication, and so on and so forth – each Department is headed by the senior faculty member, preferably of the status of a Professor, including Additional Professor.

(j) Codification of examination rules

Rules relating to examination system have hitherto been developed mostly through convention, and many times clarifications are made by notifications. For certainty and transparency, those rules should be codified by the appropriate authority of the NLSIU.

(k) Functional ambit of the Registrar

Regulation 20(1) deals with the appointment of the Registrar by the Executive Council, with a further stipulation that the appointee “shall be a whole time officer of the School.” The statement within quotes needs to be reinforced with a further inclusion, “and that he would be solely devoting himself to the discharge of administrative functions.”

The need for this inclusion arises because the present experiment of appointing a faculty member as Registrar, discharging both administrative and academic functions, has not proved to be effective.

B. NON-STRUCTURAL CHANGES

The basic structure envisaged under the National Law School of India Act, 1986, and the Regulations made to give effect to the provisions of the Act, have provided the requisite stimulus and flexibility to meet the exigencies of situations, particularly during the early phase of growth and development. In due course of time, however, as the School progressed to become the centre for excellence, and the responsibilities passed from the generation of founder members to the members of next generation, it becomes imperative to institutionalize the various arrangements hitherto made and developed on some rational basis. The process of institutionalization does not necessarily involve making changes in the Act and Regulations made there under.

On the basis of its interactive dialogue and discussion, the SRC makes the following recommendations:

(a) Imperative need of the Vice-Chancellor and the Faculty residing at the Campus

The SRC recommends that the Vice-Chancellor and the faculty shall reside on the campus. The background reasons for making this recommendation are:

- (i) Realizing the need of a residential University, having its own exclusive campus, the founding Director (now termed as Vice-Chancellor) made it a point to reside in the Law School Campus itself. Such a simple measure of the mere presence of the Director/Vice-Chancellor at the campus went a long way to instil the much desired value of discipline almost in all the activities of the school. Students, teachers and the members of the administrative staff observed punctuality. Classes were held

regularly. Examinations were held as per schedule. Results were declared on time, and so on so forth. If we were to institutionalize this practice of Director/Vice-Chancellor residing at the campus, the inevitable recommendation is that henceforth it should be imperative for all the Vice-Chancellors to reside at the campus. Such a change does not require any structural change in the Act itself. This may at the best be termed as 'institutional rule' – a rule which is developed by the school itself in the light of its own healthy practices, but still in consonance with the spirit of the Act and its Regulations.

- (ii) For creating conducive environment through formal and informal interactions, the full-time faculty, presently of the strength of 22, should be required to stay compulsorily on the campus in the residential university. At present only 10 members are staying at the campus and that too excluding the two key personnel, namely the Vice-Chancellor and the Registrar. Of course, the residential requirement for the part-time visiting faculty of 8 to 10 persons should not be imperative.

(b) Appointment and retention of high-calibre faculty

Securing and retaining the services of teachers of high-calibre is one of the most critical requirements for raising the standard of any educational institution. Contract appointments should be discontinued. Once the institution gains maturity and a certain level of credibility, the contract appointment or ad hoc arrangements are counter-productive.

For promoting excellence, the institution is required to secure and retain the services of teachers of high merit and distinction, who are committed to realize the distant vision of the institution and not just attending its immediate concerns. In order to retain teachers with such potential qualities, the institution is obligated to provide permanent

placement or at least a secured fixed tenure with better emoluments and, if necessary, independent of UGC grades for teachers in conventional colleges and Universities. Ideally, the grades should be in the proximity of what is given to the faculty in the medical and other professional colleges.

(c) Criteria for faculty promotion

The promotion of faculty members at different levels should not be solely on the basis of seniority, though it could be one of the factors. Regular periodic evaluation of academic performance, including research contributions published in referral journals of international repute (say, at least two articles in a year, including one in home journal) and class room teaching by peer group or other reputed academics, should be the significant consideration for promotion. That would also give a requisite fillip to the revival of *March of the Law* and *NLSIU Journal* that have become virtually extinct owing to the lack of contributions by the faculty.

(d) Assignment of teaching work

Assignment of teaching and administrative work should be principle based and its distribution equitable. It would be untenable both administratively and academically if a teacher is assigned a subject to teach in which he has no core competence or modicum of comprehension and understanding. Such a venture is likely to breed nothing but indiscipline amongst the students and dislike in the subject taught. Two things are required to be done to avoid such a mismatch. One, care should be taken at the time of recruitment that only those persons are appointed who have the competence in those courses that are lacking good faculty. Two, all new appointees should be given formal orientation in teaching methods, mode of evaluation of

students' performance, library use, use of internet sources like Westlaw so as to bring them at par with the tradition of the NLSIU.

(e) Need for continual monitoring by the Executive Council (EC)

After the General Council, which is the chief advisory body, the Executive Council is the chief executive body of the school. All the critical functions of administration, management and control of the school are statutorily vested in the EC. Presently it consists of as many as 16 members, who are expected to meet at least once in three months with a prior notice of not less than 15 days for discharging varied functions, including, amongst others, "to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the School, the teachers, the students and the School employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court" [Regulation 9(9)]. In practice, however, such a heavy accumulated agenda is disposed off in no time, making the meeting more of a ritual. A significant suggestion has, therefore, been made by the Founding Director of the NLSIU, proposing that the EC meetings should be at least a two-day affair, the first day devoted to the appraisal of academic affairs and matters of discipline, and second day for administration and accounts. In fact, for having a first hand knowledge, it is further added, the EC members should meet student representatives on the very first day, and, if necessary, sit in their class with prior arrangement with teachers.

Perhaps, realizing the critical importance of the EC in managing school affairs on day-to-day basis, Regulation 11 particularly provides for the constitution of standing committees and appointment of *ad hoc* committees by the EC:

- "(1) Subject to the provisions of this Act and the regulations made in this behalf, the Executive Council may, by resolution, constitute such standing

committees or appoint ad-hoc committees for such purposes and with such powers as the Executive Council may think fit or exercising any power or discharging any function of the School or for enquiring into, reporting or advising upon any matter relating to the School.

- (2) The Executive Council may co-opt such persons to a standing committee or an ad-hoc committee as it considers suitable and may permit them to attend the meeting of the Executive Council.”

In addition to the above, Regulation 12 provides for the delegation of powers by the Executive Council to the Vice-Chancellor or to a committee “such of its powers as it may deem fit subject to the condition that the action taken by the Vice-Chancellor or such committee in the exercise of powers so delegated shall be reported at the next meeting of the Executive Council.”

In consonance with the objective as spelled out above in the light of Regulations 11 and 12, the SRC recommends that it would be perfectly in order if a sub-committee consisting of 3 to 5 persons from amongst the local members of the Executive Council [may be called the Local Advisory Council of Standing Committee] be constituted to closely supervise, and assist the School and the Vice-Chancellor in collective decision-making in all crucial matters in anticipation of the formal approval of the Executive Council. This, in fact, is the seminal suggestion made by Justice V.S. Malimath, former Chief Justice of Karnataka and Kerala High Courts, in his interaction with the SRC. Such a provision, in his opinion, would make “administration of the School more efficient and less expansive.”

(f) Intake of students through Common Law Aptitude Test (CLAT)

The objective of the Common Law Aptitude Test for the purpose of admission to the NLSIU is to judge relatively the character and quality of mind of the entrants in terms of such elements as inherent traits, aptitude for legal studies, reasoning, and ability for abstract analysis, originality and creativity of mind. In order to achieve this singular objective, the pattern of getting memorized answers to standardized questions needs to be abandoned and replaced by the one that would encourage thinking and application of mind afresh. In this respect, it would indeed be profitable to have a close look at the pattern adopted by, say, the acclaimed management institutes like IIMs in the form of CAT. With the introduction of CLAT for all the NLSIUs in the country, putting in the requisite resources for developing innovative measures on the analogy of prestigious management institutions should be no impediment. Their emphasis is to test the critical ability to comprehend and analyze. Such a measure would also assist the School in weeding out non-serious students who try to gain admission to prestigious law schools merely on the strength of mastering the 'techniques of admission processes' through the so-called 'specialized coaching' at the highly commercialized coaching centres, who charge hefty fees for their feat! It needs to be noticed with concern, as the Chief Librarian stated before the SRC on the basis of his interaction with the student-users of the library, that in the earlier phase of the school, the students gaining admission to this prestigious law school mostly belonged to the middle and upper-middle classes as compared to the present scenario where mostly they belong to affluent families. The present lots are indifferent to personal interaction as differentiated from the earlier ones.

Moreover, there is an ancillary benefit of holding the highly organized CLAT on all India bases. It is bound to introduce the much needed

cultural diversity in the lives of the residents by drawing students across the country from different States and regions.

(g) Increasing the intake of students

There are two major concerns expressed about the inputs and the outputs of the NLSIU. The concern about the input is that impression has gone around in knowledgeable circles that the NLSIU is meant only for the elite or upper classes to serve the corporate world. Such impression is reinforced by the fact that only those students could afford to study in the prestigious law school, who are in a position to meet the high expenditure to the tune of about one lakh twenty-five thousand rupees per annum on account of tuition fees, hostel, mess and other infrastructure charges. If the other charges, such as the cost of books, stationery, computer software and hardware, travel and personal upkeep are included, the yearly expenditure further rises to in the proximity of about two lakhs of rupees. Despite the heavy expenditure, the NLSIU is still the preferred place to study, but only for those who could afford to invest, say, around 10 lakhs of rupees for the graduation course of five years.

After graduating from the NLSIU, where does the chiselled product go? As compared to other conventional law schools, the number of passing outs is relatively much smaller. If we simply apply the principle of supply and demand, most of the graduates are instantly absorbed by the big corporate houses and multi-national companies. Only a few are left to join bar and/or judiciary. This imbalance can be corrected, at least partially, by increasing the number of intakes. The Founder Director, Dr. Menon has proposed that with the available infrastructure (excepting hostels), the present intake of 80 students can be doubled. In his view, if the NLSIU spends over 10 crore of rupees

every year to educate less than 500 students in all (excepting distance education), it is not justified to keep the enrolment to 80 for so long.

The prescription of increasing the number of student-intake would serve two purposes. On the principle of supply and demand, the number of persons joining the legal profession is likely to increase substantially. The increased intake within the ambit of existing infrastructural facilities is also likely to cut down the cost per student, and thereby, easing the position of some of those who find it difficult to meet the high cost of education. One of the senior students, who had been the office-bearer of the student body, while making presentation before the SRC has gone to the extent of stating that in order to maintain the school's public stand, 'No student who joins NLSIU will be forced to leave on account of financial hardship,' all those in need are given support in the form of scholarships, fee-wavers or assistance in securing educational loans. For fructifying this objective, he unhesitatingly proposed that the amount kept for 'merit-cum-need' based scholarships should be continuously revised and augmented with the rising cost of expenditure. [Hitherto, the amount dispersed on scholarships on yearly basis, which is around 3 lakh of rupees, has hitherto remained static since the year 2001-02.]

Introduction of elective subjects from third-year onwards leading to specialization in specific areas, such as Taxation, Labour Law, Family Law, Criminal Law, et al., that are considered professionally productive may also provide added incentive to join bar and/or judiciary.

(h) Developing institutional relationship with alumni

The alumni of NLSIU located outside Bangalore within India and also outside India have shown keen interest to build enduring bridges of

understanding with their own school, say, through the creation of a formal Alumni-Relation Cell, or NLS-organized Re-unions. One of the alumni, presently working in a Law Firm in New York (USA), has communicated with the SRC to say that such an institutional arrangement could be created through circular letters or even by using the on-line facility, informing the alumni about the on-going various activities at the NLSIU and soliciting financial support from them that could legitimately be used in a transparent manner for supporting regular school operations, augmenting computer and library facilities, encouraging publications by students, funding faculty research, and even attracting and retaining high-calibre faculty. In his own assessment, the law firms manned by alumni should be most willing to give 'no-string attached' matching contributions out of resources that are invariably kept apart for philanthropic purposes. Of course, for all such donations, donors are entitled to deductions in their tax liability. Moreover, alumni could be encouraged to render technical and professional skills on voluntary basis. This could be easily feasible by conducting workshops on campus or through web sites. Building relationship with overseas law schools where the alumni have worked or are working is another area that needs to be explored. Such a venture is sure to give impetus to institutional sharing and exchange of ideas between different jurisdictions and thereby promote socio-cultural diversity.

(i) Other endorsements of the SRC on academic counts include

(i) *Integration between Teaching and Research Centres*

Teaching modules need to be informed by the functional outputs of the various research centres at the NLSIU that are emanating from their field work and resultant publications.

(ii) *Integration of the Centre for Child and the Law into the mainstream of the NLSIU*

The Centre of Child and the Law (CCL), set up in 1996, was primarily conceived as the centre for research and field extension programmes. However, gradually through its singular contributions, the CCL has enriched and continuing to contribute empirically to the development of such courses as on Law, Poverty and Development, Sociology, Human Rights and the Seminar Course on Child Rights and Law. For their continued professional excellence, the research and the field staff of the CCL vehemently pleaded before the SRC for their integration *de jure* into the main stream of the NLSIU for securing promotional avenues and permanence in service. Such a claim in view of the Commission seems to be legitimate.

(iii) *Institutionalization of practical component*

The practice and procedure component, which is to be learnt in association with and under the supervision of the practicing lawyers in their chambers and visit to the courts should be institutionalized for yielding better results.

(iv) *Enhancement of Faculty inputs through short-term exchange programme*

Collaboration with other institutions of excellence could be developed through short-term exchange programmes in areas of mutual interest.

(v) *Involving post-graduate students in under-graduate teaching*

The practice of involving post-graduate students with under-graduate teaching requires to be revived. It would help in reducing

the burden on the core faculty members to some extent on the one hand, and providing the requisite teacher-training on the other.

(vi) Distance education programme needs more attention

Reading material provided as a part of distance education programme requires continual updating.

(vii) Periodical review of the courses

Under the Bar Council requirements, though the periodic review of the courses taught does not seem to be mandatory, yet it would be highly desirable to update them in the light of the developing law. It would also be advisable to introduce new courses by scrapping the defunct ones keeping in view the emerging thrust areas. Such courses would of course be elective in nature and require up-gradation of the faculty prior to their introduction.

(viii) Acceptance of externally-funded projects

Externally-funded projects should be allowed to be undertaken selectively through a screening process involving the members of the Academic Council and the Executive Council. This would ensure priority of teachers' obligation to the students of the NLSIU.

(ix) Widening the network of extension services of the NLSIU

The ambit of extension services of the NLSIU could be widened and institutionalized both as a part of social service and gaining valuable experience first hand. This can be usefully done, say, by organizing training workshops for government officers, judicial officers, continuing education for the lawyers of the State in association with the organized profession, NGOs, alternate dispute resolution processes, conciliation proceedings, matrimonial reconciliation, legal aid services, legal literacy programmes,

rendering advisory opinions to various departments of the government, semi-government, and other organizations. With its multi-discipline faculty, the NLSIU could also become a centre for policy analysis. While rendering all such services, the students could also be involved profitably by exploring the possibility of linking the services with the course structure via Legal Services Clinic Centre, which has been established for giving practical training to students.

(j) Administrative management needs attention

- (i) Decentralization of administrative management with clear delineation of duties and their continual professional assessment should be of immediate concern.
- (ii) Service conditions of the faculty need to be defined for avoiding the element of arbitrariness.

(k) Hostel management needs restructuring

- (i) Hostel Management with Chief Warden (a senior teacher with experience of dealing with young students), two full-time wardens (one Male and one Female) manning Boys' and Girls' Hostels with requisite number of Attendants. For effective management with requisite discipline, the clear rules may be framed with participation of hostel residents themselves.
- (ii) Improvement of working conditions of lower staff, such as, hostel workers, security staff, maintenance and cleaning personnel, in terms of better emoluments and security of service requires attention.

(l) Provision of health-care facilities

Provision of medical and health care facilities for the staff and their dependant families needs immediate attention. Health Centre at the campus should be manned by a full-time doctor assisted by male and female nurses and a full-time Counsellor to meet emergent situations.

(m) Acquisition of books & journals

Participation of all the stake holders in the acquisition of library books, journals, and other material is highly desirable.

VI. FOCAL POINT OF THE NLSIU

Whether are we going? Are we moving in the desired direction? The NLSIU was founded with the avowed objective “to advance and disseminate learning and knowledge of law and legal processes, and their role in national development,” “to develop in the student and research scholar a sense of responsibility to serve society,” “to make law and legal processes efficient instruments of social development” and “to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School.” Are we accomplishing these proclaimed objectives and feeling fulfilled?

To begin with it is not essentially the students who are problematic. Nor it is the problem of students *versus* teachers. It is the problem of teachers themselves. It is they who require an effective code of conduct in the first instance. With the incorporation of few proposed changes, both structural and non-structural, it is imperative for the management of the NLSIU to lay down the clear code of conduct and then extract accountability from each and every staff member through the strategy of continual evaluation of their conduct and performance. But all this could fructify only when the principal man of the school,

namely the Vice-Chancellor, wields the moral authority born out of his own ideal conduct and academic leadership, and is committed to serve the cause of the school.

'Discipline' is a multi-dimensional value, involving the value of commitment and dedicated service. With this drastic decline in discipline, therefore, the basic objective-direction of the NLSIU that promises to inculcate in the student and the research scholar "a sense of responsibility to serve society," and "to make law and legal processes efficient instrument of social development" gets lost. The deviating direction is evident from the fact that a senior faculty member, reflecting upon the present scenario, is compelled to share with the SRC that sincerity and commitment amongst the teachers, which used be the trade marks of the NLSIU, are now conspicuous by their absence, and that it is now highly impossible to get the work done by the faculty members. Absenteeism is common among faculty members, and that there is no accountability for the faculty, stated another senior faculty member.

If the controlling characters, the teachers, themselves become uncontrollable, the character of the controlled ones, the students, could be anybody's guess. Distressing picture of the students' state of affairs emerges from the following cryptic account of a senior faculty member before the SRC:

"Resort to drugs and liquors among students have been on the rise. Drugs have been discovered near hostel premises and reported on. Empty liquor bottles bear mute witness to the consumption of liquor by the students. There is no visible change for the better.

Unabashed indulgence in sex has been disturbingly on the rise. Public display of affection both inside college premises and outside has become routine. At an open meeting of the faculty and students a first year girl student even asked the Vice-Chancellor why

the college has not provided space for sex. The rumour mill has it that the preference for NLS is because of its climate of license.”

The permissive atmosphere of the school has emboldened the students to ask for more release or liberation. A presentation was made by a senior student requesting the SRC to restrain the NLSIU from resorting to “pervasive surveillance and censorship actions on the NLSIU Computer network with respect to communication and speech both made and accessed by members of the student community,” for it seriously affects “student’s everyday civil liberties concerning speech and expression.”

The young minds, in the absence of beneficent control and interactive relationship with the teachers, have become an easy prey to all sorts of evil practices of smoking, drinking, drug abuse, sex, etc., resulting into terrible stress, dreadful depression, at least two cases of suicides and a dozen of attempted suicides, and even a murder! For resurrecting such an environment, surely we do not require any prophetic vision. What is simply required is to put our own house in order along with the recommended structural and non-structural changes.

Sd/-
Justice K.T. Thomas
(Chairman)

Sd/-
Professor Virendra Kumar
(Member)

Sd/-
Professor M.P. Singh
(Member)

Bar & Bench