

Forming Socially Responsible Lawyers at Two Indian Law Schools

Based on a paper written by

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for

The Future of Legal Education-Comparative Perspectives

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“Learning out of experience is solid learning. Nothing can be taught, everything can be learned.”

~Dr. N.R. Madhava Menon

Founder, National Law School of India

I.

V.M. Salgaocar College of Law: The Legal Aid Society

“A bridge between the government and the people;

that’s where the Legal Aid Society comes in”

~Porvorim Legal Aid Cell ¹

The V.M Salgaocar College of Law in Goa was founded by the late Mr. V.M. Salgaocar, an industrialist and philanthropist, in 1972. The College is permanently affiliated to Goa University and recognized by the University Grants Commission and the Bar Council of India for imparting professional education in Law.² Currently, the college enrolls six hundred and twelve students. Two hundred and eighty two of them are participating in the five year program, while three hundred and twenty of them are in the three year graduate program. Most of the students are originally from Goa’s lower-middle class and still reside at home with family, in the same communities where they grew up. The university has a 11:1 teacher/student ratio, and markedly, there is a higher percentage of females than males enrolled.³

At V.M. Salgaocar College of Law, academic requirements differ depending on whether a student has chosen the three or five year plan but both culminate in the granting of an L.L.B. The five year plan is designed “so as to tap young talent” and includes a liberal education background in conjunction with legal studies.⁴ The three year plan is geared towards those who have already obtained a four year degree and now seek to practice as advocates, judges or such. According to the College’s website, “[t]hese programs are not limited to just imparting legal knowledge to the students on various legal subjects but includes a kind of legal training which enable the students to develop the capacity for rational thinking, articulation, presentation of arguments and sensitivity to the social needs.”⁵

¹ Porvorim/Lions Legal Aid Cell Presentation, V.M. Salgaocar College of Law, Goa, India. August 6th, 2007. During our fieldwork in Goa, all the V.M. Salgaocar College of Law presented status reports allowing my colleague, another GSU Law student, and I to learn about the history, workings, and future plans of the cells.

² <http://www.vmslaw.edu/college.htm>

³ Demographic information obtained directly from V.M. Salgaocar office of the Registrar in August 2007.

⁴ <http://www.vmslaw.edu>

⁵ <http://www.vmslaw.edu/graduate.htm>

Admittance into the programs is highly selective. Three year students require a minimum 45% at the Bachelors Degree examination of Goa University or equivalent, in any stream/branch of study for admission to first year of the program.⁶ Five year program prospective students are required to score at a minimum 45% at the HSSC examination of the Goa Board of Secondary and Higher Secondary Education or equivalent, as well as satisfactorily complete the entrance examination provided by the university. They are tested on their English, Analytical and Mathematical Abilities, Common Knowledge of a general nature and current events, and a Legal Aptitude and Reasoning.⁷ As the minimum requirements, they do not guarantee entrance into the program. Per their website, admissions are based on merits and availability. Supporting these endeavors are approximately eleven full-time and three-visiting faculty members with interests ranging from Human Rights to Criminal Law to International and Labor Law.

In the school's 2007 Prospectus, the school explains its vision as to its implementation of the practical papers: "The professional Law program at this college is not merely an academic program but is a professional practical training program and as such the students are required to undergo practical training in addition to academic learning."⁸ As part of its objectives in creating an intensive legal training atmosphere, the school seeks to provide the students "the combination of substantive knowledge, ethical sensitivity, [practical skills analysis] ... [that will enable them] not only to function competently but also grow and adapt to the needs of the society so that they [can] play multiple roles as a professional."⁹

One of the aspects that sets V.M. Salgaocar College of Law apart and makes it worthy of a closer look is its innovative implementation of the required fourth Practical Paper: The Legal Aid Society. The Society's goals and objectives include conducting Legal Awareness Campaigns preferably in the remote corners of the states, providing legal aid to those who are needy and hence unable to approach courts for justice, creating awareness among the students regarding the actual socio-legal situation in the country, enabling the students to analyze, interpret and implement various legal and constitutional provisions available for the benefit of the poor and the deprived classes, and providing practical training to the students in the field of advocacy.¹⁰

To accomplish these goals and objectives, the College has set up three different initiatives to accommodate the students' interests and the community's needs. Through thirty-nine Legal Aid Cells spread throughout the geographic corners of the state, the students bring assistance and education to those who are otherwise deprived of access to the legal system. Furthermore, students organize lecture series, discussion forums, street plays, etc. to educate the public on various socio-legal issues that are directly related to them and may hold direct consequences for their lives. Finally, the school hosts the Goa Center for Reconciliation, a center with the dual purpose of educating students, junior advocates and others interested in conciliation benefits and processes, as well as, creating an environment where conciliation is sought and used to lighten the judicial load and speed up the processes of justice. The Legal Aid Society was started by the school's principal, Dr. Marian Pinheiro and three senior faculty in 1999.

The cells are located throughout north and south Goa- mostly in the north where most of the

⁶ <http://www.vmslaw.edu/admlocal.htm>

⁷ <http://www.vmslaw.edu/adm5yrs.htm>

⁸ V.M. Salgaocar College of Law, Prospectus 2007. L.L.B. (Hons) Course, p. 12.

⁹ Id.

¹⁰ <http://www.vmslaw.edu/legalaid.htm>

students live. They operate from premises in schools, Panchayats (units of local government), clubs, temples, and churches. Each cell is a self-maintaining and independent entity with its own rules and programs, operating free of cost and meeting on a weekly basis. Monitoring is done by the faculty members. Each of them monitors a minimum of three cells and guides the students, approves budgets and attends programs and workshops. Additionally, as self-sustaining entities, each cell has a student in-charge that is responsible for the administration of the cell. Their leadership position does not give them higher standing but merely more responsibility. In-charges report to the faculty weekly but only yearly inspections conducted by a group of faculty member and the school's director result on a grade. The cells are evaluated according to their programs, their record keeping and their end of year presentations.

When first established, cells encountered opposition from local lawyers who felt business would be taken away, but now they understand the students are there to empower the community, not to compete. When clients approach, cells must collect the client's name and contact information. Legal advice is not to be given on the spot but the clients are to come back after the students have discussed with professors or legal experts and get answers the following week. If they don't come back, students are to follow up with clients through post-cards or door to door visits. Students are assigned a cell depending on where they live. They must commit 2 hrs per week and must participate for at least 3 years. Completion of the program awards them one of the necessary credits to graduate.

When prospective students apply, they are made aware of the legal aid requirements of the school. The principal meets all the parents during the admission process and makes sure students and their families are fully aware of the school's vision.

The Legal Aid Cells seek to impart to the students core skills that will mold their identity as responsible legal professionals. Their activities teach them how to deal with real human problems; thus developing compassion, analytical skills, problem solving, and resourcefulness, among many other skills. To initiate student's self-motivation, standards are set as to what is expected from day one. This consciousness building begins from their first introduction to law school.

Making it work

“We have been to the moon and back, but we have trouble crossing
the street to meet our neighbors”

~Socorro Legal Aid Cell ¹

Getting legal aid group to work effectively is perhaps the greatest challenge. The school has decided to tackle this through leadership training which allows the resolution of interpersonal problems and the appropriate motivation for each year's class. At the beginning of each academic year, in-charges attend a leadership series designed and conducted by Director Pinheiro himself. “The meaning of life”, says Pinheiro, “is making a difference in our community; bringing about change.”¹² But ultimately, what is important does not change overnight. It doesn't happen for all, but it happens for most. A socially conscious legal professional becomes a local leader; the person others look at for answers and guidance. Even in

¹¹ Socorro Legal Aid Cell Presentation, V.M. Salgaocar College of Law. Goa, India. August 6th, 2007.

¹² {Conversation with Pinheiro – August 6th, 2007}

the corporate law world you can be socially conscious. If you focus on guiding your practice and conducting ethical and outstanding legal work, the money will come.¹³ That's where the legal skills developed come in. Building a relationship with the local community is an excellent opportunity for developing legal responsibility. The plan for the future is clear: for each legal aid cell to become each village's socio-legal center.⁴₁

Students are aware of the changes within them. After visiting many of the cells at their sites and meeting with all of the cells on campus, one of the core sentiments echoed throughout is the students' newfound sense of empowerment. It is not unusual to hear comments such as, "We all want to do something for the community, but alone we are afraid. With the proper backing, which is what the school provides, we have a voice and we give the community a voice. We are able to make a difference."¹⁵ More so, students are quick to identify the skills they are building through their participation in the Legal Aid Society. In a spontaneous, informal survey after each presentation, the answers were overwhelming and very telling: confidence, professionalism, leadership.

Students recollections highlight how their exposure through the Legal Aid Cells to the problems in their community and the issues faced by their neighbors opened up their mind to the importance of learning law, and most importantly, of realizing that the law has repercussions beyond those found in books. "Every human problem is related to the law. Our purpose is to determine how."¹⁶ While many students were still undecided as to what career path they would follow, by and large they felt their experiences had left an impression that would permeate the way they would practice, the kind of professional they wanted to become.⁷₁

Many of the students at the College come back as professors once they graduate. For the students and for the program, they provide an invaluable wealth of knowledge and experience since they are able to draw from their own familiarity as student members of the Legal Aid Society and thus facilitate the progress of the organization as a whole and the learning of the students on an individual basis. To many of them, their participation in the Society was the inspiration for coming back to teach at the school. But whether alumni or not, the professors at the College of Law are aware of the importance of their role in assisting the students in their development of their professional identity. Furthermore, they are cognizant of the fact that the Legal Aid Society provides distinctive opportunities for principled value-based teaching. Professors incorporate students' experiences, current events and community news through debates, discussions, and case questions bringing their practical skills and ethics training in line with the substantive curriculum.

¹³ Id.

¹⁴ Id.

¹⁵ Goa Legal Aid Society student participant.

¹⁶ Bandora Legal Aid Cell Presentation, V.M. Salgaocar College of Law, Goa, India. August 7th, 2007

¹⁷ These observations were gathered from informal surveys conducted after the students' presentations. They do not provide any empirical data but are merely the recollection of impressions from students' comments.

II

Becoming a Model in Legal Education: the National Law Institute University, Bhopal

“Everyone needs a reward for their work – knowing you have helped someone, that you have made a difference, however small, in the world, is the best reward.

Without that, you have nothing at the end of the day.”

~ Fifth Year Law Student, NLIU

Hundreds of miles away from the Salgaocar College of Law, and yet equally innovative, is the National Law Institute University (NLIU) in Bhopal. A former Muslim kingdom, Bhopal is also the home of the state’s administrative headquarters and the National Judicial Academy. Created through Act No. 41 of 1997 of the Madhya Pradesh¹⁸ Legislature in 1998, NLIU was established to provide cutting edge legal education through “multidisciplinary teaching and training of newer skills needed for the profession.”¹⁹ The school is now recognized by the Bar Council of India and admits only 80 undergraduates each year who complete 15 rigorous trimesters before being awarded a combined B.A., LL.B (Hons.) degree. It is currently ranked third by the India Today rankings of law colleges in the country²⁰ While the University is a national institution receiving students from across the country, half of the slots in each entering class are reserved for students from the state where NLIU is located.

Academically, NLIU has committed to providing modern legal education, conducting the curriculum through small groups in clinical settings. As described on the University’s website, professors’ lectures are accompanied by extensive teaching material prepared and consistently revised by the faculty.²¹ Students participate in small group sessions, externships, internal moot courts, simulation and other learning-by-doing techniques. The curriculum’s ultimate goal is to “make for an intensive environment of learning where the teacher and the taught co-operate in inquisitive exploration.”²² The faculty is comprised of twenty-eight members with academic and support roles, such as research fellows and librarians.

The University has turned to model approaches not only to impart academic knowledge, but also to create socially based justice projects with the hopes of inculcating in its students professional responsibility. Through its 'Access to Justice'- Legal Aid Committee, the university is working with international organizations and Bhopal based NGOs to provide information and resources on a personal basis to empower them in their work with the local community. For example, NLIU students worked in partnership with NGOs as they assisted victims of the Bhopal Gas Tragedy obtain compensation in accordance to the Supreme Court ruling. They also adopted a village to provide legal assistance and create awareness amongst the tribal block of the area. Moreover, the university has established a strong network with NGOs such as UNICEF, UNHCR, Helpage India, Amnesty International, WWF, CRY, Samarthan etc to support socially relevant causes and with the Bhopal District Courts in organizing Lok Adalats, whereby students

¹⁸ Madhya Pradesh is a state in central India whose capital, Bhopal, serves as the region’s administrative headquarters (<http://www.mp.gov.in/default.htm>)

¹⁹ http://www.nliu.com/about_us.htm

²⁰ http://en.wikipedia.org/wiki/National_Law_Institute_University

²¹ <http://www.nliu.com/academics.htm>

²² Id.

participate in settling disputes.²³

Although the laws school classes are conducted in English, the official language of the court in Bhopal is Hindi. This makes it very difficult to teach technical terms. It presents a problem for students and even educators and practitioners. Through the Court visits, Professors deal with the issue by allowing them to introduce discussion about these legal terms and phrases. After court visits, students and faculty enter into discussions about proceedings and cultural contexts. The objective of the court visits is not only to familiarize the students with the workings of the court, but to empower them to learn to navigate the system, as well as to provide opportunities for professors to model behavior for students that they can later reference in their own interactions with the courts.

Dr. S.S.Prakash is one member of the faculty who emphasizes the magnitude of engaging in value-based teaching. “It is important for students to recognize they have a responsibility towards society,” he says, “Medical education revolves around health, not anesthesia. Similarly, educating lawyers should revolve around justice.”²⁴ “We have a strong academic curriculum,” says Dr. Prakash, “but we are conscious that within that curriculum values are being shaped. We want to make our students social engineers because we believe law is an instrument of change.” The most important lesson the students can walk away with is that as advocates with values they will become social architects.

Through their studies students are exposed to both compulsory and extra-curricular practical skills training. Courses at NLIU are designed to achieve several objectives, most notably, to teach the student the basic skills needed by modern legal profession such as rational analysis, problem solving, research techniques, effective presentation, legal writing, accounting, strategic negotiation, and dexterity in information technology.²⁵ Furthermore, the course are designed to enable the student to be an intelligent planner able to comprehend multiplex social problems and train them in the art of conceiving alternate strategies to advance preferred objectives in ethically acceptable manner.²⁶ Students are required to enroll in clinical courses for the last two years of study; requisites they can fulfill through a variety of avenues. Beyond the required courses, there is an expectation for students to participate in co-curricular activities that suit their interests or professional goals. These include participation in moot court competitions, topical clubs such as the culture or debate clubs, and cells or clinics such as the Alternative Dispute Resolution and Human Rights Cells.²⁷

²³ <http://www.nliu.com/co.htm>

²⁴ {Interview with Dr. S.S. Prakash. Bhopal, MP. July 28th, 2007}

²⁵ <http://www.nliu.com/academics.htm>

²⁶ Id.

²⁷ <http://www.nliu.com/co.htm>