

Raising the bar for legal education



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The recent announcement by commerce secretary Rajeev Kher that the government will, in a phased manner, open up India's non-litigation and international arbitration services to foreign law firms is a welcome development. The Government of India has announced its plans that the proposal for reform will be submitted for approval in early July to a committee of secretaries after which, the Cabinet chaired by the Prime Minister will examine it. The Bar Council of India has, in principle, agreed to the proposal.

With 1,240 law schools, India today has close to 1.3 million lawyers, but only a few thousand lawyers work in large commercial law firms in major Indian cities. There are over 50,000 law students who graduate every year with a variety of career aspirations. While many of them may join the litigation bar and others may pursue higher education and academia, a substantial number of law graduates seek opportunities in commercial law firms. The existing Indian law firms are not able to absorb an overwhelming majority of these graduates. Indian law students stand to benefit from the entry of international law firms. Currently, only a small proportion of Indian

students have opportunities to work abroad, in places such as New York, London, Singapore or Hong Kong.

A unique aspect of law schools in the United States and other countries is their deep and pervasive engagement with law firms, corporations, non-governmental organisations, legal aid centres, think tanks, government agencies and intergovernmental organisations. Unfortunately, in India, there is little interaction between the legal profession and legal academia, let alone collaboration. While Indian lawyers almost always lament the fact that Indian law schools do not prepare law graduates to engage in legal practice, when it comes to the lawyers' actual involvement and contribution to teaching, training, capacity building and mentoring, it is very limited. Indian law firms see law schools to be purely and almost exclusively recruiting platforms. The collaboration between the domestic bar, international law firms and law schools can lead to sophisticated training of students, funding of research centres, faculty and student exchanges, executive and continuing legal education, and knowledge development initiatives.

The international law firms have no interest in appearing before Indian courts or practising everyday litigation. Instead, with foreign companies coming to India and Indian business expanding overseas, international law firms seek to advise a range of clients on matters relating to international law and arbitration. In fact, if international firms come to India, they will be eventually led and staffed by Indian lawyers. As international law firms establish offices in India, they are likely to promote a strong culture of pro bono service, which will hopefully affect the attitudes of lawyers within domestic commercial law firms and there will be sharing of best practices and Indian lawyers can, like their counterparts in Brazil, China, Japan, Singapore and Hong Kong, benefit.

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