



[Home](#) > [Opinion](#) > [For Legal Education To Thrive, NLUs Must Escape the Shackles of Elitism](#)

For Legal Education To Thrive, NLUs Must Escape the Shackles of Elitism

The NLUs started as a means to make the law more accessible but how did they become so commercialised?

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OPINION

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The recent [statement](#) by Chief Justice of India (CJI) DY Chandrachud, urging students of [National Law Universities \(NLUs\)](#), ‘not to look down’ upon students from other law schools, has [significant consequences](#) for the present legal education system in India.

"Law students studying in NLUs must not look down upon their counterparts from other law schools. After all, the legal profession is such that we are constantly learning and teaching each other," he said.

The statement reflects how NLUs have become rather elitist and distanced from the principles of equity and inclusion. The genesis of this malaise lies in the functioning of the NLU system – which is based on multiple barriers, including

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based on multiple barriers, including economic inaccessibility, linguistic gaps, and a market-oriented curriculum and pedagogy.

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Why Were NLUs Founded?

During the 1960s and 70s, legendary law professors, including Gyan Swaroop Sharma, Upendra Baxi, and Madhava Menon, conceived the idea of an alternative legal education – something which would be a transformative leap from the traditional systems.

The objective was to excel in legal education and research while tackling the complexities of a modern India, treading on the path of industrialisation. Thus were born the National Law Universities – the autonomous institutions, intended to prepare a class of lawyers who would be capable of dealing with the

emerging complexities of Indian society.

The NLUs were established to enhance the understanding of legal principles and skills, to promote legal research and foster social sensitivity. The intended purpose was to re-innovate the legal pedagogy which would be suited even for the socio-economically disadvantaged.

However, these objectives got diluted over time and the functioning of NLUs gradually went against the principles of inclusive legal education.

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Education for Social Good: The Older Model

Earlier, education in India had the status of a social good. It used to be the community's responsibility to provide education to everyone irrespective of their socio-economic capabilities.

After Independence, the prevalent education model allowed sufficient autonomy of the institutions without them becoming subservient to the market principle of demand and supply. This was possible because the State was an enabler of institutional autonomy.



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However, in the age of neoliberalism, the autonomous character of the University started to be premised on the User Pay Principle, i.e., to impart education in lieu of adequate monetary consideration.

The University as a model-corporate has emerged as the supplier of skilled labour for the market in a widely celebrated placement system. NLUs are no exception to this and are thus, barely accessible to the marginalised.

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Commercialisation of Legal Education: Why Are NLUs No Longer Inclusive?

Data suggests that the average fees



charged by NLUs is approximately ₹ 2 lakh per annum, which compels several students to take education loans. They are then under pressure to earn back the money quickly, because the entire structure makes them think only about investments and returns.

This kills the possibility of NLU graduates joining the Bar and Bench or serving the cause of public spirit.

A diversity report, published in 2019 by West Bengal National University of Juridical Sciences (WBNUJS), stated that 48.9 percent of NUJS students felt that there was a direct relationship between the fees charged and the pressure to opt for a

job in a law firm.

From the data, it may be inferred that the students are unconsciously driven towards making the fees money back quickly. Other NLUs also charge high amounts; hence, this mode the thinking among students is quite usual.

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The Social Spirit Disappears

The sense of social spirit is rapidly withering away in a neo-liberal age dominated by multinational corporations.

Commercialised legal education in India is impacting the social or public spirit of the



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people, since most of the students are suffering from anxiety of economic and professional success.

This leads to a cyclical problem – the high fees of NLUs are stopping the impoverished and subaltern from accessing legal education, which is further killing the diversity necessary to nurture social spirit among students.

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Then Comes the Language Barrier

Legal language is created by professionals, whose meaning and practices are determined by them.

On the contrary, social languages belong to the people and reflect the psyche of the community. Social and legal languages stand at two opposite poles, since the language of legal professionals is hardly connected to that of the people.

Legal education in India has propagated the legal language. NLU's have played a decisive role in ensuring that only a few enrolled students are trained in the ways of legal language.



Technical legal language is exploited by lawyers because exclusive accessibility to the legal language creates and sustains a class consciousness in them, while ordinary people continue to be exploited under the illusionary hope of justice.

It should, therefore, be a solemn duty of law schools to teach not only in technical languages but also in languages that are accessible, so that law students are able to escape the shackles of elitism.

NLUs must keep regional languages as one of the mediums of teaching without dispensing with English. This will enliven and nurture the public spirit (*pro-bono*) among the graduates.

What Should Be Done? The Way Forward

The NLUs, since their inception, have been, by and large, unsuccessful in nurturing the public spirit among law graduates.

The current system of education, devoid of social and historical imagination, is dangerous and has inherent tendencies to corrupt young minds and distance them from the society they are meant to serve.

Law cannot be seen as a subject bereft of connections with political, ethical, and cultural trends imbued in the community. In the words of Lawrence Rosen, law is integral to culture, and culture to law.



The problem of inclusion and equity would require rethinking the structure and mode of functioning of NLUs. It would necessitate the government to bear the burden of their finances, which can enable the NLUs to admit marginalised students.

To be inclusive and equitable, all NLUs must admit at least 50% students on merit, every year and in every course, whose fees are paid by the respective state governments. Alternatively, the Union

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Government should also provide funds to the NLUs to that extent.

(The article is co-authored by Dr Chanchal Kr Singh, Associate Professor, HPNLU Shimla, Principal Investigator, Department of Justice Project on Pro Bono Lawyering; Dr. Mritunjay Kumar, Assistant Professor, Co-Investigator; and Aastha Naresh Kohli, LL.M. Scholar and Research Member.)

*(This is an opinion, and the views expressed above are the author's own. **The Quint** neither endorses nor is responsible for them.)*

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