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**Information Policy Model for Student Research
in Law Universities in India**

Legal education in India has been transformed over the last two decades with the emergence of *sui generis* national "law universities" in 7 cities across the country.¹ Whilst hitherto, the atmosphere in institutions offering legal education was largely disorganized, the new specialized universities have been able to bring a degree of professionalism to legal pedagogy which has led in turn to a gradual rise in the popularity of the course.

However, a closer examination of these law universities yields fault lines – many shared by institutions imparting education in other disciplines – in which the access/deficit of information is implicated.

Firstly, admission to these law universities is through annual national entrance examinations which each law university steadfastly conducts on its own. Overtly these examinations are designed to target students with a general level of awareness and basic competence in the English language and logical reasoning. However, the mushrooming of several highly priced specialized coaching institutions which train students in cracking the exams has led to a situation where the chances of success of a student not opting to undergo preparatory classes at any of these training institutes is materially imperiled. This has the effect of artificially inducing class and urban biases within these institutions. One of the residual effects of this "coaching institution" frenzy is also the culture of closure they spawn. Many of these institutions categorically bar students from sharing the material / answers that they

¹ For an account of legal pedagogy in India prior to the establishment of these universities, see generally, Prof. Upendra Baxi, "Professor Pradyumna Kumar Tripathi: A Tribute", (2001) 5 SCC (Jour) 1

have learnt. Students are thereby initiated into a culture that prizes secrecy and entrenches the proprietary model of knowledge production even before they enter the doorways of the law university.

Secondly, once inside these law universities, all students must periodically turn in research assignments to feed the evaluative process. Typically in a law university following a semester model, a student must submit up to 5 research papers (of sizes varying from 20 to 50 pages) a semester – or 10 a year. Given an average class-size of 60 and 5 batches in every university, a guesstimate indicates an output of about 3000 papers of varying quality from every national law university annually. So far, there has not been an organized attempt to catalogue or share this vast information resource. This is partly owing to the fact that they are not conceived collectively as an institutional resource by these universities, but rather as the personal riches of the students. If one excludes the tiny proportion of these research papers which actually make their way into journals (say around 100 out of 3000), and a fair proportion of papers whose content is abjectly worthless, we are still left with an abundance of research “abandonware” – canned information which represents effort exerted, but has been disregarded and to whom neither the student herself nor the institution, nor even the “public” owns up responsibility.

Corresponding to the unrealized wealth of information existing in these pockets, one encounters a dearth of easily accessible published legal research other than that found in newspapers columns or in text books. India does not have a journal-culture as wide as is encountered in the west and so the opportunities to display one’s research and have it publicly discussed are scarce. As access to the internet becomes cheaper and more popular, the growing demand for Indian legal research on the Internet has remained unmet. Clearly, as is evidenced by the description in the preceding paragraph, this is not due to a paucity of resources. As yet, however, none of the law universities has made concerted efforts at making its students’ output more publicly accessible.

Two additional features of the legal research output of these law universities needs to be mentioned here. The first has to do with the quality of the research output from these universities. It is widely recognized that a culture of widespread copying practices prevails in student research at these universities which results in works that are lacking in originality in the “ivory towered” sense but are short of plagiarism. They can perhaps be described as pastiche research - strands of argument borrowed from different sources sewn together by the unifying argument of the researcher.

This accounts for a large amount of the research content being perceived as unpublishable, being regarded useful merely for the limited evaluative task.

In addition, an ethos of rabid competition amongst students prevails which engenders an feelings of guardedness in relation to what one knows in general and in one's research in particular. So whilst a student may employ, wholesale, techniques of copying in writing his/her research paper, paradoxically, that same generosity is less forthcoming in making it available to future researchers.

The second feature of the research output has to do with the conditions under which it is produced. Legal education in these law universities, to appropriate Gustavo Esteva's colourful description, reflects an "economization of learning, which transforms learning into the consumption of a commodity called knowledge".² One gets the impression that education in these professional law universities has become soulless – it is undergone more with a view to earn a degree than to empower oneself or gain understanding. It is likely that this is not a feature unique to legal education in these law universities and that, in a way, all formal education has sadly come to acquire this quality. However, it is an important contextual point which aids our understanding of why the quality of the research output of these universities tends to be less-than-inspired.

The foregoing lengthy nuanced introduction to contemporary legal education in India is necessary in order to animate one of the key assumptions I am working with – that knowledge exists within a pre-existing "information environment" and is bound by its rules on how, where, and by whom the information is produced, by what parameters must it be appraised and to whom, by whom and under what conditions it may be disseminated.

This is a proposal that posits the adoption of open information practices (in the form of impetus to collaborative open access websites or free software) as a possible remedy for the ills and inequalities created by the information environment. Therefore an understanding the politics of this environment, I feel, is crucial in order to assess the possibilities of success of the particular "open information practices". I propose to inquire into the following research issues

² Gustavo Esteva and Madhu S. Prakash, "Education", in "The Future of Knowledge and Culture – A Dictionary for the 21st Century", Ed. Vinay Lal and Ashis Nandy, Penguin Viking, 2005

- 1) The conditions under which student research is conducted in law universities in India – How much research is generated, what becomes of it, how much of it finds its way into a journal or other formal publication, what are the mechanisms to dispose of the residue, the extent and mechanisms of the culture of copying amongst students as well as the culture of sharing, etc.
- 2) The impact and importance of cheaply/freely accessible legal information, particularly on the internet.
- 3) The case for the adoption of an Open Collaborative model of research dissemination in law universities – (How) Can the ruling goals and aspirations expressed in India's existing Higher Education Policy framework, taken along with our Constitutional ideals as well as internationally expressed shared human aspirations³ be used to build a case for the adoption of an collaborative open model of legal research production and dissemination in India, Can making available a cross-institutional online collaborative framework of research help to counteract some of the disempowering and alienating effects of legal education as it is imparted today.

³ As expressed in, for instance, the WSIS Geneva Declaration, 2003