

Mr. Vinod Mehta,
Editor-in-Chief,
Outlook.

18 August, 2010

Dear Sir,

Sub: Flaws in Outlook's Law College Rankings

We write to you in relation to the rankings of professional colleges in your magazine in the issue dated June 28, 2010.

We believe that your ranking suffers from gross inaccuracies and methodological flaws. It violates canons of journalistic ethics and does great disservice to students that tend to rely on such rankings. May we please urge you to examine this matter at the earliest and redress it as best as you can?

We highlight our reasons below:

1. Points/Weightage for "Selection Process"

Your ranking was based on several criteria to which you gave different points/weightage. One such criterion was the "selection process" that law schools typically deploy for picking students. As you may be aware, four of the top 10 law schools (NLSIU, NALSAR, NUJS and NLIU) mentioned in your list admit students on the basis of a centralised exam called CLAT (common law entrance test). It therefore astonishes us that these colleges should be awarded different points under the "selection process" head!

In particular, NLSIU has been given 229, NALSAR 228.5, NLIU 198.1 and NUJS 210.7. Since all these law schools are admitting students on the basis of CLAT under a centralised process of admission, one would have expected that they would be given the same marks under the "Selection Process" category. This casts significant doubts on the objectivity of your ranking process and methodology.

We note that Faculty of Law of Banaras Hindu University (BHU) has been given the highest marks under the “selection process” category, namely 260.6. BHU has a three year law programme, which selects students on the basis of an entrance exam. Now this entrance exam consists of 150 questions totalling 450 marks. It consists of sections on (a) General Awareness and Current Affairs (b) Common Legal Knowledge (c) Legal Aptitude (d) Mental Ability (e) Language Comprehension (English or Hindi).

By way of comparison, the CLAT exam contains the following section: (a) English (b) Maths (c) General Knowledge (d) Legal Aptitude (e) Logical Reasoning.

As you can see, there are significant commonalities between these exams i.e. elements present in the BHU entrance test (such as General awareness, Maths, English, Logical Reasoning, Legal Aptitude, etc.) are present in the CLAT tests as well. We do not see any significant differences between these exams that would suggest why the BHU selection process/exam would be considered superior to CLAT. In fact, CLAT is known to stress on Logical Reasoning and English, with the marks for these sections totalling to half of the paper. Logical Reasoning is important, because this is one of the key aptitudes that a potential lawyer needs to possess. English is important because the medium of instruction in law schools is English. More importantly, the most critical material that forms part of our legal system as well as most other legal systems from where we routinely draw including case law and commentaries are all in English. In short, to be a successful Indian or even an international lawyer, a good grasp of English is essential. In this regard, what BHU does is under the Language Comprehension section it allows students to either attempt English or Hindi. Thus, a student can get into BHU without a proper grasp of English. Therefore, we would greatly appreciate it if you could elaborate on why the highest marks in this category were granted to Faculty of Law, BHU.

Secondly, could you please clarify as to why ILS, Pune was awarded the second highest marks in the “selection process” category, i.e., 250.2 marks. ILS admits its students only on the basis of marks that the candidate has secured in his/her 12th standard board exams. By no stretch of imagination can this process be said to be superior to that of CLAT. In fact, the CLAT exam tests students for logical reasoning and legal reasoning, which are a more optimal way of testing a students’ aptitude for the study of law.

2. “Academic Excellence” given relatively lower marks/weightage

Colleges were marked on “288” under the category “Selection Process”, whereas the total marks/weightage given to “Academic Excellence” was only 200. It astonishes us that “Academic Excellence” has been given lower marks/weightage than the “Selection Process”. This appears to be a severe methodological flaw and we would appreciate your clarification in this regard.

In particular, it might be helpful if you fostered more transparency in this process by revealing the data received in respect of each of the colleges, the reasons for selecting certain criteria for evaluation and the basis on which such criteria were weighted.

3. Discrepancies in marks allotted for placements

It is rather strange that NLSIU which has had the best placements overall has been given lower marks (139.3) than NALSAR (148.5). We would appreciate your clarification on why this was so.

In particular, may we please refer you to the following links, which clearly demonstrate the superior placement record of NLSIU, Bangalore:

1. Bar and Bench’s study of the recruitment pattern of three top national law schools
<http://www.barandbench.com/brief/9/809/377-choose-law-firms-209-choose-in-house-and-98-choose-lit-career-paths-of-nlsiu-nalsar-and-nujs-graduates>

2. Legally India’s study of recruitment at:

NUJS - <http://www.legallyindia.com/20100415698/Law-schools/return-to-form-94-per-cent-nujs-finalists-to-secure-jobs>

NLSIU - <http://www.legallyindia.com/20100128423/Law-schools/indian-uk-recruiters-scoop-48-nls-bangalore-5th-years>

NLIU, Bhopal - <http://www.legallyindia.com/20100512809/Law-schools/nliu-bhopal-recruitment-committee-hits-96-offers-law-firms-soak-up-half-the-talent>

NALSAR - <http://www.legallyindia.com/20100514823/Law-schools/nalsar-hyderabad-recruitment-at-95-as-hiring-into-in-house-roles-doubles-litigation-two-sided>

4. Faculty Performance Not Taken Into Account

As you can well appreciate, faculty performance is critical to the reputation of any educational establishment. One therefore wonders as to why your rankings missed out on this important head.

What is even more surprising is that your survey agency, MDRA (Marketing and Development Research Associates) had sent us a form specifically asking for various data relating to NUJS, including faculty performance. We had sent in all these details, including faculty publications and even photocopied and sent you the first page of each published article (both international and national), as per your instructions in your questionnaire. Given the fact that you yourself had asked for this data and NUJS (and presumably a number of other colleges) had expended time and resources gathering this data and sending it your way, why was this not taken into account?

All these gaps cast serious doubt on the legitimacy of your rankings.

5. Influence of Advertisement

We are very concerned of the prospect of sponsorships and paid advertisements influencing individual rankings.

We wish to bring to your notice the fact that NUJS had received such an offer to advertise in your magazine in that particular issue by one Manish Kumar <manishk@outlookindia.com> (who claims to be the Assistant Manager of OUTLOOK) for varying rates starting from Rs. 1,00,000 and going up to Rs. 5,00,000.

The text of his email reads as below:

“From: manisk kumar [mailto:manishk@outlookindia.com]

Sent: Tuesday, May 18, 2010 10:40 AM

To: 'registrar@nujs.edu'

Subject: Proposal for professional college issues.

Dear Sir,

Outlook – India's Best Professional Colleges Survey – 2010

Outlook, India's most popular and respected English news magazine is bringing out its eagerly awaited annual survey and ranking of The Best Professional Colleges in India, through a special issue in June 2010. For the past four years, Outlook's ranking of the leading engineering and medical colleges has set the benchmark for tracking academic excellence. This year, we are expanding the breadth of the survey by covering six other professional streams – architecture, fashion design, hotel management, law, mass communication, and social work.

For parents and students, this special issue is an invaluable guidebook. For colleges and institutes, it's a matter of prestige to be featured in this survey -- there is high peer recall of Outlook's ranking.

The survey is based on both objective and perceptual data across relevant parameters. Conducted by leading market research firm MDRA, the survey would also undertake a random physical audit of institutes. Authenticity and evaluation process would be the key elements of this survey. Our research team is contacting close to 1,300 colleges and institutes for the survey. A brief on the categories:

Engineering – More than 600 institutes recognized by AICTE.

Medical – Over 300 (MCI approved) and approximately 100 of Dentistry (DCI approved).

Mass Communication – 60+ institutes are being contacted.

Hotel Management – More than 60 institutes.

Law – Around 50, recognized by Bar Council of India and All India Bar

Social Welfare – 50+ institutes are being contacted.

Architecture – 50+ institutes are being contacted.

Fashion Design – 60 institutes.

The survey will be based on the following parameters:

Selection Process

Academics

Industry Exposure/Placements

Faculty

Infrastructure

We invite you to advertise in this special issue dated: June 28th. Released on: June 18th.

Deadline: June 10th

Full Page : Card Rate -Rs. 490,000 Special Rate: Rs. 2,00,000

Half Page : Card Rate: Rs. 3,00,000 Special Rate: Rs. 1,00,000

We look forward to your participation. Thanking you and with warm regards

Yours truly,

Manish Kumar

Assistant Manager

Outlook Group

*(The entire email chain is attached as **Annexure A**.)*

Was this email and its offer to advertise for a heavy sum in the very same issue where the rankings were to appear, done with a view to subtly inform the college that if it advertised, it faced the prospect of a better ranking? We would appreciate a clarification from you in this regard.

NUJS did not place any advertisement with your magazine. However, NLIU Bhopal did (*see attachment: **Annexure B***). Both colleges had similar marks in the ranking i.e., 779.4: however, NLIU Bhopal was ranked at number 4, while NUJS was ranked at number 5. On what basis does one get precedence over the other? Shouldn't both have been ranked at number 4 and the next in line should have been number 6. Isn't this the standard practice? Please elaborate.

In any case, we hope that you will desist from this questionable practice in future. Sponsorships and paid advertisements in the very same issue in which you rank colleges taint the objectivity of ranking and create an impression of bias.

6. Explaining the sudden drop in rankings

It is a known fact that colleges may drop or gain ranks year after year. However, any sudden drop in rankings must surely have some causal demonstrable link. NUJS was ranked second in 2009 and ranked fifth in 2010. Is there a demonstrable cause for this identified by you or your survey agency? We wish to bring to your notice that during the last academic year, the NUJS faculty got better, owing to new hires. The moot court wins have been more impressive and most in the industry would testify to the fact that NUJS has improved overall. If not for anything else, most stakeholders in legal education and the profession would gladly admit that, at the very least, NUJS has maintained the same level of competency since last year. Why then did its ranking drop to number 5?

Potential reasons for a drop in rankings such as this could have been that some of the star faculty left, or that there were no significant achievements by students, or significant research output by the faculty, or any credible student placements etc. But in all these areas, NUJS performed exceptionally well in the year 2009-10. For example, NUJS won the internationally reputed ELSA Moot and was the first Indian law school to do so. It is to be noted that with this ELSA moot win, NUJS was the only Indian law school to have won an international moot in the year 2009-2010. It also won the NLS arbitration moot for the third time in a row.

This apart there are many other laurels. We request you to see this link <<http://www.nujs.edu/nujs-students-activities-sja.html>>

There has also been unprecedented research output by the faculty of NUJS during the year 2009-10. The faculty at NUJS has constantly published in peer reviewed journals with a high international impact factor. As you can well appreciate, faculty research, performance and reputation is critical to the level of academic input in any educational establishment.

Further, NUJS students also publish two top notch journals-one quarterly and another bi-annually. One of them, *NUJS Law Review* has been ranked twice as the best law review of the country.

All of the above data had been provided to you in response to the questionnaire sent by your agency, MDRA.

Please also note that NUJS has largely been perceived as either number 2 or number 3 in the rankings. You may please refer to LST's rankings at <http://www.lawentrance.com/tierWiseRankings.htm> and Halsbury's Law Monthly rankings of 2008 here http://www.lawentrance.com/top_law_schools_in_india_and_abroad.pdf. These organizations are fairly conversant with the legal industry and have been around for more than ten years.

In response to your request for factual data from NUJS, all data was collected and organised meticulously and provided to the agency that you hired to do the survey, namely MDRA. In response to MDRA's questionnaire (which we believe had been sent to other law schools as well), we filled in all details with great care and detail, so that there would be no factual error or misinformation from our side. We sent MDRA the name of every article that the faculty members got published in national and international journals. And more importantly, the photocopies of the cover pages of such journals, as requested by them. In spite of meticulously filling in these details, which, to any objective person would indicate an overall improvement in performance; it astonishes us that NUJS was pushed lower down in the ranking as compared to last year.

This sudden drop in ranking appears suspicious and betrays a lack of objectivity, transparency and accountability towards the public. You might perhaps argue that NUJS' slip in position was not that it got any worse, but that the others got better. If this is so, again we must see demonstrable cause. Here again, your data is not terribly revealing.

For the sake of transparency, we therefore urge that you release all the data that MDRA had procured from the various law schools in relation to their questionnaire that was circulated. Please also release more elaborate details of your ranking methodology and

the stakeholders that you interviewed whilst assessing “perception”. This would lend a great deal of credibility to your process and ranking.

7. Risk of Inflated Data

The 2010 methodology explains that the market survey agency sent out a questionnaire to every college and they were marked on the basis of the responses that the colleges sent them. However, we have reason to believe that the data sent by the law schools was not independently verified by the agency. Please clarify this. As you can appreciate, without independent verification, there is unbridled scope for the individual colleges to send inflated and glossy data. We have reason to believe that such inflation has occurred in this and previous years. The best way to check this is by both verifying data independently, as also making all of this data public, either in the ranking issue you publish or separately on your website.

8. Overall methodological flaws and lack of transparency in the survey:

Outlook has used three different agencies to rank different colleges over the past few years (SYNOVATE in 2008, GfK-MODE in 2009 and MDRA in 2010). The criterion adopted in the different years appears to be different, without any accompanying explanations for the changed methodology or why a particular methodology/heads were preferred over others in the first place.

Illustratively, in 2008, the respondents were asked to rate institutes on the basis of “faculty competence” and “pedagogic systems”, where in 2010, “faculty competence” was dropped as an indicator altogether! Why was this so?

The 2008 survey methodology explains that 120 people were interviewed. However, the Outlook issue did not elaborate on who these 120 people were, what cross section of the legal sector did they represent and how qualified were they to express a view in this regard. Similarly, in 2009, the methodology explains that experts were asked to rate the colleges, but does not mention as to who these experts are or the broad nature of their institutional affiliations and what specific legal stakeholder sector they represented.

The same goes for the 2010 issue. A couple of examples as to the names or designations of experts might have given a broad indication of the range and type of experts consulted. Further, such disclosure would ensure some level of transparency and confidence in the whole process. In particular, care must be taken to ensure that a wide cross section of stakeholders in legal education and the legal profession are consulted for an optimal “perception” score.

In pertinent part, you ought to have included students who had appeared for the CLAT entrance examination (CLAT) and selected colleges in order of preference in their CLAT forms. If your rankings are based *inter alia* on perception as well, surely these students who pick colleges in their CLAT form ought to have mattered. We understand that in engineering and medical streams, this important constituent is taken into account whilst ranking. Incidentally, Legally India, a website that tracks Indian legal developments within both the legal profession and in law schools, has taken this into account while coming out with its analysis. <See <http://www.legallyindia.com/20100531901/Law-schools/93-per-cent-clat-toppers-opt-nls-nalsar-nujs-next-in-age-old-pecking-order>>

Further, you ought to have consulted with other organisations such as Rainmaker or Legallyindia, which have an in depth knowledge of the legal industry and are likely to have been optimal candidates for any perception based scores.

They have in fact done their own rankings in the past, which are at odds with your Outlook rankings. <See LST’s rankings at <http://www.lawentrance.com/tierWiseRankings.htm>> <Also see Halsbury’s Law Monthly rankings of 2008 here http://www.lawentrance.com/top_law_schools_in_india_and_abroad.pdf>

Moreover, law colleges are both at the graduation level (generally for three years) as well as at the under-graduation level which is integrated (for five years). It is well known that the academic curriculum, pedagogic system, etc. are different for both types of colleges. Even the selection process differs as to some extent different considerations relating to qualifications, etc. apply. Even the job prospects and placements for both types vary to a great extent. Your survey does not seem to distinguish between these two varied programs. Do your parameters show any parity or explanation regards this? How can five year law colleges be ranked in the same table where three year law colleges are ranked when there is a marked difference in between the two?

Our Petition:

We believe that the present set of rankings suffers from gross inaccuracies and methodological flaws. The flawed process raises serious issues of journalistic propriety and ethics.

The presence of paid advertisements by colleges that were the subject matter of ranking raises issues of bias and lack of objectivity. Further, the fact that data sent in response to your very own questionnaire by NUJS (and perhaps other colleges) was disregarded casts serious doubts on the legitimacy of your rankings.

As you know, candidates tend to pick colleges based on your rankings. It is therefore imperative that greatest care is taken in devising a suitable and objective methodology and collecting data meticulously and rigorously to arrive at optimal rankings. Unfortunately far from meeting these professional standards, your data and methodology appear flawed and reek of bias.

For the sake of transparency, we urge you to release all the data that MDRA had procured from the various law schools in relation to the questionnaire that was circulated. Please also elaborate your ranking methodology in greater detail, why certain criteria were chosen and weighted, and the stakeholders that you interviewed whilst assessing “perception”. This would lend a great deal of credibility to your process and ranking.

We would appreciate a satisfactory response from you within the next one week of receipt of this letter, failing which we will be compelled to initiate appropriate proceedings before the Press Council of India under the Press Council (Procedure for Inquiry) Regulations, 1979.

Thanking you, we remain,

Most sincerely yours,

1. Professor Shamnad Basheer
Ministry of HRD Professor of IP law, IPR Chair, NUJS

2. Shambo Nandy, 3rd year student, NUJS,

3. Debanshu Khettry, 3rd year student, NUJS

WB National University of Juridical Sciences,
12, LB Block, Sector-III,
Salt Lake City,
Kolkata - 700098.

Enclosed:

- 1) Annexure A: Email- soliciting advertisement.
- 2) Annexure B: Advertisement
- 3) Annexure C: Relevant clippings from your magazine.