

14<sup>th</sup> January, 2011

To,  
Vinod Mehta  
Editor in Chief  
Outlook  
AB-10 Safdarjung Enclave  
New Delhi - 110029, India

**Re: Unsatisfactory response from MDRA and Outlook: Towards a More Evolved  
Methodology**

Dear Mr Mehta and Mr Arora:

A very happy new year to you. Firstly, we would like to thank you for your email response (from Mr Sunit Arora, Outlook's business editor) dated 1<sup>st</sup> September, 2010 to our letter dated 18<sup>th</sup> August, 2010.

We note that this response came from MDRA (your agency that conducted the actual survey) who merely responded through marked up comments (highlighted in red) to relevant portions of our letter. This marked up document was sent to us via an attachment as an email by you dated 1<sup>st</sup> September, 2010.

We appreciate that you are free to respond in any manner you think fit. However, as you are well aware, your magazine published the survey and will therefore have to take responsibility for the shoddy manner in which it was carried out and presented.

**We note in particular that MDRA has responded in a lackadaisical manner to some of our queries. We once again reiterate that the survey was commissioned by you and published by you in your own magazine. And we expect that being a responsible**

**publisher, you will take responsibility for this, whether done through one agency or the other. Therefore, we will treat MDRA's response as your response.**

We have several issues with this response, as highlighted under:

### **1. Sharing of complete data and issue of privacy**

You have expressed your inability to share the data that was provided to you individually by the colleges and you note in your letter as below:

*“We respect the privacy of data provided by the colleges and this has been clearly stated on the objective questionnaire provided to the colleges. No data has been shared or would be shared as it is completely private in nature”*

**We wish to bring to your notice the fact that there was no privacy clause in the questionnaire that you sent to colleges, including WB NUJS, the college to which we (the undersigned) belong. Therefore, there was no expectation of privacy. In fact, the introduction to the questionnaire clearly stated that:**

*“The findings of the survey will be published in weekly newsmagazine Outlook.”*

In any case, all of this is publicly verifiable data: so there is no question of any privacy being attached to it.

**Since almost all the top tier law schools are “public institutions”, all of this data can easily be procured through RTI's. We therefore reiterate that there is no legal impediment stopping you from publishing this data. In fact, we would urge you to adopt more robust principles of openness and transparency and demonstrate to the world that you have nothing to hide.**

### **2. Alternative feasible suggestion to reveal complete data**

You have also stated that with the *“available publication space and the number of streams that were ranked, it would not be possible to publish the details of the experts in the magazine.”*

This is no doubt a valid concern. However, this can easily be published on your website and the relevant URL can be offered to readers who might be interested in accessing these comprehensive details. As you can appreciate, the virtual world gives us the power to upload any amount of information seamlessly and liberates us from space constraints that we often face in the physical world. And besides, in this digital age, you owe this extra duty to your readers, who can then assess the more comprehensive data and arrive at their own conclusions.

### 3. Points/Weightage for “Selection Process”

As per your reply, you have given us a detailed break-up of the different broad categories and the total marks under each sub-category. Here again, we have concerns with your response, as below:

#### *Age of the Institution*

Your reply (and specifically that of your agent who conducted the survey, MDRA) states that in page no. 42 of the published issue of Outlook (28 June 2010), the parameter “Selection Process” had a number of sub-parameters. One of this was the “Age” of the Institution. We re-checked this and found out that what was mentioned in Page 42 was for ‘Engineering colleges’ only and not for law. In any case, such an unreasonable criteria should not be used to rank any institution, as it is baseless and has no credible nexus to the current merit of any institution. Worse still, you have allotted this category (‘Age of the institution’) more points (74.4 out of 287.5) than other categories such as “Type of entrance examination” and “Quality of faculty”.

**Why is the ‘age of the institute’ so important that it carries almost *four times* the weightage given to “Quality of Permanent faculty”, more than *five times* the weightage given to ‘Low attrition rate of Faculty’ and almost *seven times* the weightage given to ‘Publication of research papers and books by Faculty’ ?**

In fact, the combined weightage given to ‘Quality of Permanent Faculty’, ‘Low attrition rate of Faculty’ and ‘Publication of research papers and books by Faculty’ is *less than 60%* of the weightage given to ‘How old is the institute’! This effectively means that merely by virtue of

being an older institute (though low in academic quality and research potential), one can still be marked to be a much better college than the ones having better quality of permanent faculty and a better intake of students.

### ***Number of Applications Received***

You have allotted 59.2 points out of 287.5 to ‘Number of applications received to selection ratio’. Can you please explain the rationale behind imputing such high weightage to this particular category? As we had already stressed in our letter to you, the national law schools falling under the rubric of CLAT receive an equal number of applications. However, if one of them happens to select a greater number of candidates than the other one, (eg. GNLU picks 160 students and NUJS picks around 125, whereas NLS Bangalore picks only 80 and NALSAR, Hyderabad picks 70 through CLAT) then under your point system, the marks allotted to GNLU and NUJS will reduce in comparison to NLS or even NALSAR merely because it takes more students and therefore its application to intake ratio is lower than the other college. This is despite the fact that all the colleges under comparison have the very same entrance examination (CLAT) and student pool to pick from.

Contrast the above category and its weightage to another category titled: ‘Student-faculty ratio’ (a sub category within your wider ‘Academic excellence’ category). This ratio is very important, as it shows the number of students each teacher has to train. And therefore one has a sense of how much attention and guidance a student can hope to receive from faculty members. We note that you have allotted only 17.2 points weightage to ‘Student-Faculty ratio’, whereas you have allotted 59.2 points to ‘Number of applications received to selected ratio’.

Could you explain the rationale behind the latter carrying *three and half times* the weightage to the former? When we believe that the former category is far more important, and the latter category is fluff at best and appears to have no credible nexus with the academic merit of an institution.

### ***Selection Process More Important Than Academic Excellence?***

**We had raised this point earlier as well and we are yet to receive a credible response from you. Why has the ‘Selection process’ of an institute carrying 4 sub-categories and**

**totalling 287.5 marks given so much more importance than ‘Academic excellence’ which has 12 sub-categories and carries only 200 marks?**

Does one wish to join a college/ institute because it is rich in its academic quality or because the selection process (having sub-parameters like age of the institute, number of applicants, etc.) is more important? Even ‘Personality Development and Industry Exposure’ (one of your parameters) is given half the amount of importance than what has been given to ‘Selection Process’. We understand that the selection process is an important factor, but cannot appreciate as to why it carries so unduly disproportionate weightage than other more important parameters that have a better and more demonstrable nexus with academic excellence of the institute in question.

### ***Salary of Professors***

According to your response, even ‘salary of professors’ (which you have put as a sub-parameter under Academic excellence) carries more weightage than ‘Publication of research papers and books by Faculty.’ May we ask you how and why ‘salary of professors’ should carry more weightage than ‘Publication of research papers and books by Faculty’ (under Academic excellence)?

Consider the following situations:

- a. An institute not paying its professor well enough, but the faculty produces quality research output
- b. An institute paying its professors very well but the faculty has nothing to show in terms of its research output

We believe that it is self explanatory that ‘Publication of research papers and books by Faculty’ is much more important a criterion than ‘salary of professors.’ While it may be argued by many that an institute paying higher salary has greater chances of attracting better faculty, but “Publication of research papers” remains a far more important criterion. It is a well known fact that dedicated faculty gets attracted by better research opportunities at a particular institute and not necessarily only by the salary on offer. In fact, if money was the sole driver, a number of excellent academics would have made their money through legal practice in law firms and not joined academia at all.

#### **4. Discrepancies in marks allotted for placements**

**This again seems to be a very general response on your part. We have already showed how the analysis done by Legallyindia, Bar and Bench and others clearly show the superiority of NLSIU, Bangalore in placements.**

**The reason why we put so much reliance on the data shown in the websites of Legallyindia and Bar and Bench is because the student recruitment committees have themselves submitted the data to these news websites and the news websites have put up the entire data publicly for everyone to see. If the same is the case with your magazine, then we once again fail to understand as to why you are shying away from revealing all the data on your website?**

One of the preconditions for taking part in your survey was that at least three batches must have passed out. You have a sub-parameter on 'Illustrious alumni passed out during last ten years from the institute'. As you will appreciate, the fact that any college which was newly established (and did not have the benefit of ten batches passing out) cannot go against the college heavily because for the students who have just passed out will take some time to establish themselves in a big way and fit into the category of being illustrious." If a college who takes part in your survey has just had three or four batches which have passed out (and has not had the benefit of ten batches passed out), then how do you compensate the college under this sub-parameter?

Lawyers Update, a legal news magazine has recently come out with its own rankings (see: <http://lawyersupdate.co.in/LU/9/1148.asp>) and they had a mention about this problem and how they had factored that in and here is what they mentioned:

*"We ensured that the new law schools where batches are yet to pass out and no placement has taken place or where alumni activity is not possible should not be ranked on the fourth parameter i.e. Law School Placements & Alumni Network and Support. For those few law schools, we distributed the points allotted to the fourth parameter in equal proportion to the first three parameters."*

Lawyers Update has also included many of our other concerns which we have been trying to impress upon you (through this and the previous letter) like the need for complete transparency in the method of data collection and its publication. We had also raised the issue of how 3 year and 5 year law schools cannot be clubbed together in the same ranking table

because of the vast differences in approaches to learning that takes place at both these places. Addressing these genuine concerns, this issue of Lawyers Update has ranked 3 year and 5 year law colleges' separately.

### **5. Influence of Advertisement**

We find it hard to believe that the rankings have not been influenced by the advertisements. In fact, any college that has advertised in your magazine has only seen its ranking improve relative to the previous year or at the least remain the same.

You have responded to this concern by stating that:

“Re your observation about the "influence" of advertisements, rest assured that has NO influence on the rankings or our stories.”

**However, no statement was made regarding the propriety of such practice. As you very well know, “perception” matters. And in fact, you yourself deploy the instrument of “perception” as part of your ranking methodology. When you solicit advertisements for huge sums of money from the very same institute that is being ranked by you (and all the factual information shows that no college that advertises is ever made worse off in its rankings when compared to its status in the previous years), it does raise very credible “perceptive issues of bias. Therefore, we would strongly urge you to 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. Risk of Inflated Data**

In our letter to you, we had already highlighted a concern that the data sent by individual law schools in response to your questionnaire had not been independently verified by your market survey agency. We had therefore requested you to make available all the data publicly so that any institute providing rigged or inflated data would be caught.

Unfortunately, you responded stating that this data was of a “private” nature and could not be shared since this privacy had been promised to colleges that participated. In the very first part of this letter to you, we already stressed that in your communications to colleges (and we were one of them), there was no mention of “privacy”. In fact, the introduction to the questionnaire clearly stated that “The findings of the survey will be published in weekly

newsmagazine Outlook.” Even otherwise, there is nothing “secretive” or confidential about any of this data, to warrant the heightened and respectful privacy status that you appear to be attributing to them. Also, as mentioned, the various national law schools as well as several other premier legal education institutes are public institutions, making all of this data susceptible to ready availability through RTI’s.

**Much of the data including things like number of books in the library of any college, average number of case studies discussed per week, total number of teaching hours put in by the full time permanent faculty in the academic year 2008-09 are susceptible to easy verification by visiting campuses without prior notice and speaking to students.**

**A lack of proper auditing and verification of data leaves immense scope for any college to give inflated data which goes unverified by you and ultimately deceives the public at large.**

You had also responded to our call for independent verification of college data by stating that *“The data was carefully examined and colleges were contacted for verification/ audit of suspicious data.”*

We find this most unusual, as it is very likely that even after a call from your agency MDRA to verify the data (and we doubt very much if MDRA made any such calls at all: certainly, we didn’t receive any call), it is very unlikely that a suspected college would ever confirm that it indeed did lie to you the first time around. This is almost akin to hoping to question an accused over the telephone to verify whether he did indeed commit a crime. Without making the actual effort of physically inspecting the institution in question, we fail to appreciate how you might have verified this information, particularly that relating to physical infrastructure, library resource and the like. Further a visit may have enabled you to interview students and faculty to get a better picture.

But even if your resources did not permit you to visit each college, the least you could have done is to make all this information publicly available, so that any rigged or inflated data can be publicly caught. Unfortunately, you failed to do even that. And despite our letter to you highlighting the many merits of such transparency, you have not responded to this call well. In the larger interest of students that rely upon such data and given that you are a reputable magazine that apparently stands for the truth and for openness, we urge you to once again adopt norms of openness, transparency and the canons of journalistic ethics.

Your readers who spend money buying your magazine expect better than this.

## **7. Overall methodological flaws and lack of transparency in the survey**

We had highlighted the various methodological flaws inherent in your rankings and had given specific examples of such errors since 2008. Illustratively, we had shown that there was a continuous change in methodology each year. With the result that there was no systematic correlation between the ranks a college received in one year and the previous years. When there is no uniformity in the methodology it becomes almost impossible to compare the drop or improvement in ranking/ standing of a college between two years.

MDRA's response to this was that it could not comment on the studies undertaken in 2008 and 2009, as they were conducted by other agencies. But as we highlighted earlier, MDRA is only your agent. And you have to take the overall responsibility for these rankings and ensure that they are consistent and comparable year after year. Any fault in this regard has to be attributed to you and you must supervise your survey agency accordingly. Else it impacts your credibility and what your magazine stands for.

Moreover, we had also highlighted how 3 year and 5 year law schools were being bracketed together in the rankings and the flaws that arise due to this, as there is a vast difference in teaching pattern and practice.

### **Conclusion**

Stephane Gregoir who is the Associate Dean for Research at the EDHEC Business School was recently quoted as stating:

*"Rankings are not an end in itself. At one important level, rankings are meant to be an index in terms of reflecting the numerous facets quality of the pedagogy, relevance of the programme contents conveyed by alumni's employability and job offers, level of research, quality of faculty, to cite a few examples) of the institution. The target beneficiaries of rankings are largely students, their parents, employers and regulatory authorities. These target beneficiaries have various points of view and various criteria of interest. Therefore, it has been observed that it is somewhat difficult to produce a ranking satisfying all the existing needs. Moreover, sometimes the potential users are not able to judge the weightage or relevance of the selected criteria owing to limited knowledge of the criteria. The fact that*

*most of the providers of rankings do not give a clear and detailed account of their methodology further compounds the problem."*

**Gregoir suggests that ranking providers should hence be "*transparent in terms of their methodology and ensure objectivity on all parameters. Also if clusters of institutions are created, meaning if institutions are put together in homogeneous classes (while ranking) it becomes much easier for the target beneficiaries to use the rankings for making individual choices/decisions.*"**

**In light of the above, may we please request you to consider our suggestions below:**

- i) **Well thought out Methodology:** Please take immediate steps to brainstorm this issue in greater detail with experts in the field and work out an appropriate ranking methodology before you undertake your next ranking exercise. In particular, may we refer you to a wide variety of scholarship that has emerged in the US on this issue, as rankings of law schools have had a turbulent history in this country and there is much to learn from this history. In particular, please see the article here (attached) which summarises the leading scholarship in this regard: Dora R Bertram, *Ranking of Law Schools by US News & World Report* (Washington University in St. Louis School of Law Legal Studies Research Paper Series, Paper No 10-08-03) available online at <http://ssrn.com/abstract=1658653> (Last visited on January 14, 2011)
- ii) **Foster norms of openness and transparency:** Please ensure that your ranking methodology is published and explained in greater detail. And more importantly, you must publish all the data that institutions submit. For those that do not submit such data for fear of it being made public, you need not rank them at all! As we mentioned earlier, there is no reason why data relating to your ranking parameters for determining academic excellence should remain a "secret". We understand that you may not be able to publish such voluminous data in the issue of your magazine where you publish the rankings. But you could easily upload this to your website and refer the URL to readers who may be interested in locating the more comprehensive data that you use to arrive at rankings.
- iii) **Empower students to make their own choices:** You could possibly try and rate individual law schools on various parameters and then have the students decide on how much weightage they wish to place per parameter. Illustratively, if "infrastructure" is

one parameter and “quality of faculty” is the other parameter, you could rank the various colleges in terms of their excellence in these two parameters. But decision on the weightage should be with the students concerned. ‘X’ student might decide that out of a grand total weightage of 10 points, he wishes to place “faculty quality” at “8” and infrastructure at “5”. Or vice versa. This could be enabled through an online application framed by you, wherein students could input their specific weightage points they wish to give each parameter to finally get a custom made ranking for them.

**May we please reiterate that rankings are serious issues and students often rely on them? Anyone undertaking this exercise must be sensitive to the impact it has on students, who may end up making a wrong choice, if the ranking methodology is shoddy and yields obviously false results. And the nature of this moral responsibility only increases when the rankings are done by a magazine such as yours that stands for openness and the truth. As we have demonstrated, your ranking this year suffers from serious lapses and methodological flaws. This has no doubt impacted the future of many who may have relied on your rankings. We therefore call upon you to immediately take steps to nuance your methodology and make a better effort next year. Our interest is that you become more evolved and better in your approach, as we think that although rankings have inherent flaws, they still serve a useful purpose on the balance. We hope that you are able to incorporate some of these suggestions as you work towards a more robust methodology in future.**

Thanking you, we remain,

Most sincerely yours,

1. Professor Shamnad Basheer

Ministry of HRD Professor of IP law, IPR Chair, NUJS

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