

EXPLORING REGIONAL CO-OPERATION IN THE AREA OF LEGAL EDUCATION

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Abstract

Technology has rendered physical borders meaningless, and consumers of justice are no longer keen on adhering to the barriers created by the political masters for their governance. They want to move to a forum where they will be heard, cared for and provided free access to justice. They are keen to resolve their disputes in time with logical, legal, and scientific precision. Globalization and technology have created a new world that is open and borderless. In this new world, it becomes all the more important to explore the possibilities of designing a regional-level legal education discourse that allows citizens to earn their legal education degree and simultaneously practice in multiple jurisdictions. European Union has already taken steps to promote regional-level legal education discourse, and it is high time that such regional-level experiments in South Asian countries are also attempted. To begin with, countries that are part of the (South Asian Association for Regional Cooperation (henceforth SAARC) block can, through their common university SAU (South Asian University), take steps to introduce regional-level legal education discourse leading to the award of the degree to practice law at every jurisdiction within the SAARC. This article explores the benefit of such regional legal education discourse for consumers of justice in the SAARC block who share common legal traditions and cultures and who have, in the past, shared a common colonial legacy.

Keywords: Legal Education Quality, SAARC, Access to Justice, Cooperation in the Area of Education, South Asian University, Curriculum, Legal Practice.

Introduction

The South Asian Association for Regional Cooperation (henceforth SAARC) was established with the signing of the SAARC Charter in Dhaka on 8 December 1985. SAARC is comprised of eight Member States: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. The Secretariat of the Association was established in Kathmandu on

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January 17, 1987.¹ The objectives of the Association are to promote the welfare of the people of South Asia and improve their quality of life, accelerate economic growth, social progress, and cultural development in the region, provide all individuals with the opportunity to live in dignity, and realize their full potential.² SAARC also aims to strengthen cooperation with other developing countries and to cooperate with international and regional organizations with similar aims and purposes. SAARC Heads of State meet at annual summits and even between summits. The SAARC Secretariat previously designed and executed a regional-level fund to foster cooperation among its member states.³ A recent example is the SAARC Covid-19 emergency fund, amounting to approximately 22 million USD.⁴

Co-Operation in the Area of Education

SAARC member states have given special attention to enhancing the region's literacy level by promoting the quality of education. During the Second SAARC Summit (Bangalore, 16-17 November 1986), the heads of member states reiterated the importance of increasing people's involvement in regional cooperation. In this Summit, the member states agreed to promote greater contact among the region's people through regular and frequent interchange of scholars, academics, artists, authors, professionals, and businessmen and facilitate tourism. At the Third Summit (Kathmandu, 02-04 November 1987), the leaders fixed the dates for the institution of the SAARC Chairs, Fellowships, and Scholarships among SAARC member states to promote educational facilities in the SAARC region. During the Fourth Summit (Islamabad, 29-31 December 1988), the leaders decided to include education as an area of cooperation because of its contribution to human resource development.⁵ Member states agreed to give children the highest priority in national development planning. The Leaders at the Ninth Summit (Malé, 12-14 May 1997) agreed to share best practices in new and innovative methods, such as Open Learning and Distance Education. Accordingly, the leaders agreed to utilize the institutional facilities in education available in the region on a regional scale.⁶ They also agreed to explore the possibility of creating a Consortium of Open Universities within the region. At the Eleventh Summit (Kathmandu, 04-06 January 2002), the Heads of States recognized access to quality education as an important element for empowering all segments of society and developing or strengthening national strategies and action plans to ensure that all children,

particularly the girl child, have access to quality primary education by 2015; and to improve levels of adult literacy by 50 percent by eliminating gender disparities in access to education as envisaged in the Dakar Framework for Action on Education for All adopted by the World Education Forum held at Dhakar in April 2000. At the Thirteenth SAARC Summit (Dhaka, 12-13 November 2005), the leaders stressed the challenges of the twenty-first century and how SAARC member states must make important strides in science, technology, and higher education. In this meeting, India proposed to create a Center of Excellence in the form of the South Asian University (hereafter SAU), which can provide world-class facilities and professional faculty to students and researchers drawn from every country in the region. The Expert Group Meeting to finalize the modalities for establishing the SAU was held in March 2007 in New Delhi, and the first meeting of the Inter-Governmental Steering Committee on establishing the SAU was held in New Delhi in May 2007. The Heads of State at the Eighteenth Summit (Kathmandu, 26-27 November 2014) expressed their resolve to ensure quality education in all institutions by reforming curricula, teaching methods, and evaluation systems adequately supported by physical, technical, and other facilities. Leaders agreed to promote regional cooperation in vocational education and training. The leaders directed their Education Ministers to develop a *Regional Strategy for Enhancing the Quality of Education* to raise the standards of South Asian educational institutions in the region.

The South Asian University (SAU)

Pursuant to the resolution in the 13th SAARC Summit held in November 2005 in Dhaka to establish the SAU – a regional Center of Excellence, about six meetings took place at different places. Finally, the University got its shape, with the rules providing its funding modality, draft statutes, academic structure, business plan, rules, regulations, etc. So far, the SAU has been one of the major achievements of the SAARC. The first academic session of the SAU commenced on August 26, 2010, with an intake of 50 students in the Development Economics (MA) program and the Master of Computer Applications (MCA) program. In its second year, the SAU had 156 students enrolled in master's degrees in development economics, international relations, sociology, law, biotechnology, and computer science. For its third academic year (2012-13), the SAU began admissions through a common

entrance examination. Today, the SAU offers postgraduate and doctoral programs in Development Economics, Computer Science, Biotechnology, Mathematics, Sociology, International Relations and Law.

From 2011 to 2016, the SAU held eight Governing Board meetings attended by members from all eight member states of the SAARC. Today, the SAU functions from its 100-acre campus in Delhi. The heads of participating states have been looking forward to the SAU's commencement of regional-level undergraduate studies for its students. Professional undergraduate courses (in medicine, law, engineering) will need local recognition from regulators, and all the eight member states of SAARC will have to work for the validity of degree courses by legislating appropriate legal and regulatory measures for the recognition of the SAU professional degrees in their nation-state.

Why Undergraduate Courses in Law and Justice at the SAU?

Poddar, by comparing legal education in South Asia with that of Canada and the USA, points out how the legal education in the West overpowered the bankruptcy of the common law legacy and developed its own legal system, helping the legal profession in advancements in the court craft. He cites an identity crisis and a systemic subversion of legal education in South Asia, as well as refers to the perception of the legal profession in the South Asian public as reduced to one that produces parasites in South Asian countries.⁷ Whether or not we agree with Poddar, it is definitely worth exploring the big picture of what is offered as legal education in different SAARC member states.

Legal Education Structure in SAARC Member States⁸

India is currently offering two options: 3 3-year bachelor's degree in law (LL.B) programme for those who have completed their graduation degrees and 5 5-year bachelor's (BALLB) programme for those who wish to pursue law right after high school. In this new variant BBALLB course has been introduced for students who want to specialize in business/corporate law. Most of the courses are divided into 6-month semesters. Hence, a 3-year LLB will have 6 semesters to be completed and 5 years of BALLB/BBALLB will have 10 semesters to be completed. Each semester in turn offers five subjects (either as compulsory papers or as optional papers). So, by completing 3 years of LLB, a student has undergone basics in at least 30

legal subjects. Similarly, students with 5 years of BALLB/BBALLB degrees have to undergo a minimum of 50 legal subjects. Pakistan, on the other hand, in its 3 years LLB course, has divided its legal education discourse into three parts. The three parts of the 3-year LLB course offer at least 6 legal subjects. So, students with a 3-year LLB degree in Pakistan have undertaken their examination in 18 legal subjects. Five-year BALLB course in Pakistan is divided into 10 semesters, and different semesters have different numbers of compulsory/optional papers. But in total, a student who has completed a 5-year BALLB course from any Pakistan University has to appear for exams in 53 papers. Nepal follows India and Pakistan and offers both a 3-year LLB course and a 5-year BALLB course. Three-year LLB is divided into three annual parts like Pakistan and each part in turn involves teaching 6 legal subjects. So, in total, a person who obtains a 3-year LLB degree from Nepal has to take 18 compulsory papers. Even 5-year BALLB course is modelled on the Pakistan model. Hence, student in Nepal also has to take 53 papers for completion of the 5-year BALLB course.

Maldives, to date, is offering only 3-year LLB course. Divided into three parts, the first part engages students in 7 papers, while the second part offers 8 papers, and the final and third part offers 8 papers as well. So, a student in the Maldives, to complete an LLB degree course, has to appear in 23 exams in 17 different legal subjects. Sri Lanka legal education discourse more or less resembles Maldives. Only a 3-year LLB course is offered in three parts, offering a minimum of 6 different subjects in each part. Sri Lanka also has a number of UK colleges operating their campus from Sri Lanka, offering 3 years LLB courses for the locals.

Bhutan has started its legal education discourse with five-year LLB course offered by JSW Law School there. Each year is divided into 2 semesters, and each semester provides a different number of mandatory papers. In total, a student is expected to take 46 papers, to complete a 5-year LLB course. Both Afghanistan and Bangladesh offer 4 years LLB degree courses in their country. Each year is divided into two semesters. The only difference is that in Afghanistan, a minimum of 9 mandatory papers are offered each semester, whereas in Bangladesh, only 5 mandatory papers are offered to students. Therefore, in the Afghanistan model of 4-year LLB degree course, students will undergo 64 papers, whereas in the Bangladesh model of 4-year LLB degree course, students will undergo only 40 papers.

This structure of law graduation degrees in eight member states of SAARC clarifies that India, Pakistan, and Nepal offer both - 3 years LLB course after graduation and 5 years BALLB course after the completion of school-level education. Afghanistan and Bangladesh offer 4 years LLB courses after graduation. Bhutan has recently started its 5 years BALLB course after high school. Both Sri Lanka and Afghanistan have many players in the field of legal education (both domestic and foreign). Still, neither nation is offering the option of 5 years law graduation programme for its high school students. Currently, Maldives is offering only three years LLB course option to graduate students.⁹

Regional-level initiatives in legal education will introduce reforms that will eliminate these shortcomings and design standard options for pursuing legal education either after completing school or after graduation, as per internationally ranked university norms.

To explore possibilities of regional-level legal education discourse that awards the degree to practice law anywhere within the SAARC, both - the SAU and the SAARC Education Division – have to organize common meetings to obtain a consensus among eight member states on expectations from the law graduates. In the meetings, further consensus on legal education discourse at master- and doctorate-level acceptable to the whole region has to be obtained. Till date, the SAU or the education division of the SAARC has not taken any initiative so far to push for such a consensus among the member states. Furthermore, such initiatives will not be successful unless every member state by rotation is allowed to assume leadership at the SAU. The convention or practice of not allowing any member state within SAARC to continue in leadership role at the SAU – will go long way in democratizing the SAU and built strong foundation for delivering the regional-level legal education discourse.

How Regional Level Law Degree Will Benefit SAARC?

As a legal and judicial educator, I feel that the SAU's vision for regional level legal education discourse should be to prepare lawyers, judges, prosecutors, draftspersons, legal officers, and court officers who can contribute from their own standpoint in creating a better, just, and fair world. A law degree offered by the SAU cannot limit its scope to skills preparation, but a larger picture of the subcontinent and the problems of the subcontinent

(poverty, inequality, climate change) must be focused on. Legal education at the regional level must embark on a professional project to motivate young lawyers to adhere to the principles of the Rule of Law.

This project will not only ensure stability in the region but will also go a long way in creating close bonds between the member states striving for a just and equal world. The curriculum will have to be designed to provide pathways and ideas by which lawyers, prosecutors, judges, and legal draftspersons become competent to promote justice in the contemporary political, social, and economic context. Regional-level legal education discourse has to revive law and justice debates in the context of ongoing economic constraints embedded in the profession's structure. Further, the regional-level legal education discourse must embark upon a professional project whose principal objectives could be as suggested below.

Taking Advantage of Shared Colonial Legacy

SAARC member states (except Afghanistan¹⁰) were all part of the British colonial project; therefore, most SAARC member states share the same colonial legacy regarding laws and regulations. Post-independence, as independent nations, previous colonies have made several attempts to re-imagine previously unrecognized histories. Not only colonies but also researchers from the colonizers have shown great interest in exploring the ancient past of their colonies. One such example is given by Lingat, who observed in this work that in building up their laws, ancient civilizations did not take coercive elements as their starting point, which served the West as a foundation for characterizing and distinguishing a legal rule from other rules to control human activity. Ancient civilizations, instead, took duty as their starting point and derived a more general notion that exceeded the domain of law in many respects without actually comprehending it entirely. They did not attempt to define rules to constrain people through external or physical sanctions. However, they taught people that the rules of conduct ought to be observed by reason of their condition in society, and amongst these rules, the rules of law are to be found.¹¹ Even during their colonizations, courts had started pointing out to their appointing masters that many of the legal principles and doctrines that were thought to be imported from the West existed and operated judicial and legal processes. For example, Justice Tek Chand in *Mussammat Lachhmi v. Mussammat Bhulli* (ILR Lahore Vol. VIII, 384) traced the history of *res judicata* doctrine in Hindu and Mohammedan

jurisprudence.¹² Therefore, today, when legal education is called upon to acknowledge and address past injustices, SAARC member states, with their distinctly layered and contested pasts yet shared colonial legacy, struggle with many such calls to undo past wrongs. Future lawyers of the subcontinent must meet similar calls and regional-level legal education discourse, whether it be taken under the aegis of SAU or some other private or public university, has to develop students' abilities to reflect on the delicate aspect of addressing certain historical wrongs in modern liberal democracies.

Learning From Similar Experiences Owing to Similar Tensions

It is an important and inescapable social fact that in South Asian societies, modern "state law" exists in continuous tension with the customary law of "communities" (be they tribes or castes) and religious laws such as *fiqh* which represent the human interpretation of the Shariah and the *Dharamashastras* which represent the understanding of the Sanata Dharma.¹³ In that regard, the SAARC region contrasts sharply with Western Europe where, over the course of two millennia, as a result of multiple factors – "The Roman Empire," Christianization, "Protestant Revolution", and Enlightenment – state law has attained an exclusive hold over the people's imagination. This is not the case in South Asia, where religion and primordial associations continue to enjoy vastly greater hold in legal and normative questions. This is why South Asian legal scholars should be motivated and encouraged to exchange notes with each other about how to deal with the tension between law, religion, and tribal/caste customs. However, at present, as newspaper reports reflect¹⁴ SAU, a university designed to encourage South Asian scholars to develop ideas freely without fear, has become another institution that is stifling scholars and discouraging them from free thinking. It is only when a university allows complete freedom to its scholars that scholars can take a few steps towards learning from the common ancient past, giving them experience for dealing in the future with the common tension between law, religion, and customs in their domestic situation.

Setting Up Professionalism as an Agenda for Legal Education

In the recent past, almost all member states have experienced instances of professional codes falling too short to address the built-in systemic

subversion—carefully crafted by vested interest—that put the administration of justice into real peril.¹⁵ Thus, the member states of the SAARC continue to face falling standards of the legal profession in their respective jurisdictions.¹⁶ Compiling booklets of rules and regulations and developing codes of ethics do not help redress this situation.¹⁷ The regional-level legal education discourse seems to provide the possibility of isolation from the compulsions of the domestic setting. Such isolation offers ample opportunities for educators to develop and inculcate values in students that make them shun unwanted unprofessionalism and unethical behaviour. The SAU delivering such value-based discourse can tie up with the National Law School in Bangalore to help develop pro-bono clinics. Through preparation for pro bono professionalism, students from the region could be motivated to work for the larger public interest. The clinical experiences gained in India, or any other member state will create a separate cadre of legal professionals desirous of using the law to serve the vulnerable population and obtain justice from the courts. The culture of preparing students for taking desk jobs will have to be abandoned for time to build a vibrant legal community willing to contribute to the development of law in their jurisdictions.

Increasing Gender Representation in Legal Education

Western scholars have criticized their model of legal education, terming it as a male creation.¹⁸ The situation is the same elsewhere. However, in the context of the South Asian region, it only gets further aggravated as the domestic cultural norms are not conducive to the equal participation of female students in educational activities in many member states of SAARC. The SAU was established to free education from domestic compulsion. After being far away from these domestic compulsions, it was expected that female students from the region could achieve a successful legal career after obtaining quality legal education. Therefore, the SAU is expected to provide a greater preference to enroll female candidates from the region so that the gender imbalance in domestic settings is set right.

Promoting Judicial Education & Civil Service Trainings

Amir observes that SAARC countries have had the advantage of having formal judicial education bodies in the last couple of decades, and therefore, it would not be wrong to presume that they understand the real issues the judiciaries are confronting these days and develop the training needs for their

jurisdictions accordingly. Amir rightly notes that SAARC works for the region's people on different issues, except in the area of judicial cooperation.¹⁹ Therefore, the SAU, with its up-to-date infrastructure, location, and facilities, must step in to fulfill the role that some important EU institutions perform.²⁰ Regional affiliations such as the European International University in France, the European Institute of Public Administration in Luxemburg, and the European Judicial Training Network in Belgium are playing a role in developing and implementing a common agenda for the EU region through educational activities, which the SAU can take up due to the huge investment that has gone in constructing it as a regional centre of excellence. It is time to show this excellence beyond paper by actual delivery of educational and training activities because they not only increase the capacity and capability of citizens of member states but also go beyond to serve the larger interest of ensuring the Rule of Law in the region.

Preparing Lawyers Skilled in Court Craft

In almost all jurisdictions (of SAARC member states), a gap is felt between what is delivered as legal education in the classroom and what is required as a barrister, solicitor, attorney, or prosecutor.²¹ One reason for this gap is that law schools are not given space and time to deal with subjects in depth and in a comprehensive way by connecting them to other subjects. For example, child sexual abuse trials cannot be taught with the help of special laws that provide offences and punishments. It needs to be taught along with procedural statutes and how the silly procedural mistakes by the investigation branch in meeting procedural requirements lead to poor prosecution. Without such in-depth orientation, a student cannot be prepared as a lawyer to argue in defense of the accused or as a prosecutor for the state in CSA trials. As the SAU is not under local pressure to complete the fixed syllabus, it will be in a better position to design its discourse to take care of these intricacies and offer specialized in-depth orientations needed for preparing students for court craft and for handling trial complexities before the courts.

Building Personality with Curricular Activities

A study was conducted to obtain deep knowledge about co-curricular activities and their impact on personality development. Descriptive

correlational research was conducted using a multi-stage random sampling technique, and a quantitative survey encompassing 300 female and 300 male students was selected. Two closed-ended questionnaires were used. The Mann-Whitney U test was used to analyze the difference between students' participation in co-curricular activities and personality development based on gender. The Eta test explored the possible correlation between cocurricular activities and personality development. It revealed a significant positive relationship between co-curricular activities and the personality development of students. The results have implications for educational administrators, teachers, students, parents, and the government in implementing co-curricular activities.²² Other researchers have also established that co-curricular activities have permitted students to build many competencies, such as social interaction, community speaking, performance, and coordination skills. These activities also accelerate the development of brainpower, knowledge attainment, mental fitness, physical fitness, and personality development of students, which leads to their overall dynamic development.²³ Singh further established that co-curricular activities play a crucial role in educational institutions. They contribute to the cultivation of students' personality development, moral values, ethical understanding, and integrity, thereby strengthening well-educated instruction in classroom settings.²⁴ India's New Education Policy (2020) encourages educational institutions to focus on overall personality development through co-curricular activities. The SAU must design undergraduate courses to promote involvement in various co-curricular activities. Students must be given credit for taking part in outdoor games such as cricket, basketball, tennis, and football to foster broader enthusiasm and engagement in different games and sports activities.

Mobilizing Young Graduates for Delivery of Justice

The regional-level law graduation degree at SAU has to help law graduates inculcate skills to use law to produce social change. There is much to be learned from the iconic case of South Africa, where the political and legal struggle to overturn apartheid translated into actual equality. The common standard curriculum must focus specifically on constitutional imperatives from the member states of SAARC, promoting equality, liberty, and justice in order to motivate future lawyers to employ their knowledge and skills to reduce poverty and inequality in their jurisdictions.

Preparing Lawyers for Nation Building

Munger maps the careers and work of lawyers who confronted the state in Thailand and what they achieved vis-à-vis women's rights, environmental protection, and antipoverty movements, and increased the "government accountability, respect for rights, consistent with a liberal interpretation of the 'rule of law.' White²⁵ offered an analysis of innovative lawyering for economic and social rights in Ghana. She informs about the collaboration between community residents and law students to reform health and sanitation systems in a very low-income community called Nima. These two examples from Cumming's note²⁶ support law schools in involving their students in policymaking initiatives. The regional legal education discourse must now shy away from creating space for greater partnership between the student community and policymakers in delivering schemes to beneficiaries at the ground level. Such an experience will go a long way in creating maturity in students and making them understand law's role in the community.

Stimulating the Interest in International Human Rights

The academic community has contributed immensely to popularizing teaching and research in the area of International Humanitarian Law (IHL) since the adoption of the Geneva Conventions in 1949 and their two Additional Protocols in 1977. Universities in the West have been teaching IHL not as optional or elective papers, but as regular course papers. IHL has found a place in law schools across universities in the UK and Europe. In fact, a number of training and research centers have been established in universities dedicated specifically to conducting academic courses and research on IHL. The most notable are the Graduate Institute of International and Development Studies, Geneva²⁷; Geneva Academy of Human Rights and Humanitarian Law²⁸; International Institute of Humanitarian Law, San Remo, Italy²⁹; and the International Humanitarian Law Project, London School of Economics (LSE).³⁰ In the US, approximately 40 law schools offer a dedicated course on IHL, either as a stand-alone module or packaged with courses on national security, human rights, ICL, or related fields.³¹

In Asia, member states within SAARC have not taken any dedicated steps to popularize IHL teaching. Some member states have offered IHL as an optional subject, even though many of them have been ravaged by war and

conflict over the past two decades. As these states emerge from conflict and try to rebuild themselves through the administration of post-conflict justice and the rule of law, regional-level educational efforts to popularize IHL as a core paper can play an essential role in extending the benefits of relief, reconstruction, and reparation in post-conflict societies. As noted by Ghosh, the changing nature of IHL in the context of the global war on terror, the role of non-state actors in IHL, the role of ICC, and the emergence of transnational armed groups in the post-9/11 era are still not part of the IHL curriculum in most law schools of member states. Without such developments in the curriculum, classroom teaching in IHL remains incomplete.³² In this context, SAU can step in to provide contemporary developments and raise the subject's theoretical underpinning. As noted in the EU context, legal education discourse has played an important role in consolidating EU conventions and treaties. EU law itself has been carved out as an important discipline for which member states within the EU are offering specializations. The regional-level legal education discourse can help the legal profession in Asia build strong ties, and this will go a long way in building strong bonds between member states.

Educating Lawyers in Contemporary Social Context

Almost all member states of the SAARC have a substantial young population at risk of being deprived of their basic rights. The regional-level legal education discourse has to offer specialized courses to create awareness on pressing socio-economic problems and prepare the legal profession to offer possible solutions through laws and regulations. The educational interface has to be exploited to develop a greater understanding of the available framework,³³ and to help better implement the rules and regulations to address the complex problems faced locally.

Increasing Cross-Border Flows of Students within SAARC

Some decades ago, a Western scholar travelled to both India and Pakistan to conduct empirical studies on legal education in these countries.³⁴ His observations six decades ago that students in both countries pursued legal education with hardly any interest in learning the law and that the percentage of serious scholars goes abroad for their legal education still hold true for SAARC member states, as confirmed by a recent study of countries from where students go outside to study.³⁵ UNESCO confirms that students from

SAARC member states have been migrating to the west for their education, as reflected in the table below:

Country	Outgoing Students	Incoming Students	Destination where Internal Students go	5 Countries from where Maximum Students Come
Australia	12026	294438	US, New Zealand, UK, Germany, Canada	China, India, Malaysia, Vietnam, Nepal
China	801187	123127	US, Australia, UK, Japan, Canada	No data
France	80635	235123	Belgium, UK, Canada, Switzerland, Germany	China, Morocco, Algeria, Tunisia, Senegal
Germany	116342	228756	Austria, Netherlands, UK, Switzerland, US	China, Russia, India, Austria, France
India	255030	41993	US, Australia, UK, New Zealand, Canada	Nepal, Afghanistan, Bhutan, Nigeria, Malaysia
Italy	56712	90419	UK, Austria, France, Germany, Switzerland	China, Albania, Romania, Iran, Greece
Japan	30179	132685	US, UK, Germany, Australia,	China, South Korea, Vietnam, Nepal,

			France	Indonesia
Kazakhstan	77,965	12,533	Russia, Kyrgyzstan, US, Turkey, UK	Uzbekistan, India, China, Kyrgyzstan, Russia
Korea Republic	108047	54540	US, Japan, Australia, UK, Canada	China, Vietnam, Mongolia, US, Japan
Malaysia	64480	60244	UK, Australia, US, Egypt, Jordan	Bangladesh, Indonesia, China, Nigeria, Iran
Nigeria	75539	No data	UK, Ghana, US, Malaysia, Ukraine	No data
Russia	56328	226431	Germany, Czechia, US, UK, France	Kazakhstan, Ukraine, Belarus, Turkeminstan, Uzbekistan
Saudi Arabia	86486	73077	US, UK, Canada, Australia, Jordan	Yemen, Syria, Egypt, Palestine, Pakistan
UK	31078	428724	US, France, Netherlands, Germany, Australia	China, India, Nigeria, Malaysia, US
US	67665	907251	UK, Canada, Grenada, Germany, France	China, India, South Korea, Saudi Arabia, Canada

Roberts referred to the above table to clarify that student flows are often concentrated within legal families, particularly along ex-colonial pathways. However, as a professor at a private university in India at present, I am finding that the student flow from Africa and neighboring countries is on the rise to India. I am teaching at all levels, and I am witnessing good strength of students from outside India at Sharda University, where I am currently teaching. The new destination of India for Legal Education must be carefully examined. Although private universities like Sharda University are open to new approaches and networks (incoming influences), government-managed institutions such as the SAU are not ready to play a meaningful role in turning themselves into learning institutions that are able to diffuse ideas, materials and approaches across borders (outgoing spheres of influence).

The recent controversy around Perera, a Lankan cultural anthropologist who taught Sociology at the SAU for 13 years, and was also a founding member of its Sociology Department, proves that the government universities in India are not ready to provide an academic environment that can attract foreign students and foreign faculties. Perera was forced to retire voluntarily amid a disciplinary inquiry against him over the research proposal.³⁶ The SAU was expected to offer opportunities to students/faculties from not only SAARC member states but also extend and stretch itself to neighbouring non-members by offering a cost-effective quality education meeting global educational needs. However, recent news on the SAU proves that it is still not ready to shed its nationalized approach to the law.

Conclusion

SAARC nations collectively fund the SAU, and therefore, the law graduation programme at the SAU, designed after consensus among all member states as equal partners, can eliminate inherent deficiencies that the academic community feels due to mismatches between course objectives and student maturity.³⁷ Further, a standard curriculum for all member states to raise the bar of legal education, comprising common legal principles for which every member state would like to orient their law graduates, will prepare students with the skills and capacity to serve in any jurisdiction of their choice. This common standard curriculum, prepared with 80 percent of standard legal principles that are universally applicable, and 20 percent of discourse to be delivered through local experts appointed from all the member states at the SAU, will provide comprehensive legal education to make students not only

industry-ready to serve the justice system of any member state in the SAARC, but also employable in any other foreign jurisdiction.

At present, the website of SAU³⁸ (as of today on the legal studies department known as the faculty of legal studies) does not inspire confidence in its capacity to undertake supranational projects. The website informs the public that only Indian faculties (that too one professor who is acting dean and who was investigated for a sexual harassment complaint³⁹), with the help of another four to five associate professors, are managing the legal education department. All of them are drawn from only one country (India), and other member states do not have representation in the law faculty. This does not augur well for the SAU's image and makes the SAARC's promises to work in a collaborative culture sound hollow.

To undertake any supranational project, the SAU must first appoint every department, faculty, or expert drawn from all eight member states. The legal studies faculty also needs to adhere to this norm of having diverse faculties from all eight member states to teach local laws to local and foreign students. Student intake or the faculty intake of every member state has to be fixed, and the department administration has to be offered in rotation to every member state to make it truly a regional-level center of excellence with credible credentials.

All students at the SAU must be offered the option to learn the local laws of their own country or of any other member state. Such a comprehensive comparative discourse will produce a well-rounded and informed legal community, ready to serve subalterns in any of the member states. When these students return home to practice or teach the law, they would be ready to deal with their specific ground situations with ideas, approaches, and materials from a broader perspective.⁴⁰ It is, therefore, time for the SAU to structurally bring changes to make itself a true regional centre for educational excellence so that foreign students who are admitted to its programmes are prepared to survive in a globally competitive world.

The SAARC needs to organize meetings of the legal education regulators of all member states to reach a consensus on the common core curriculum to be delivered to their students. Ultimately, legal education regulators from member states will have to take a final call on the future of their legal professionals. Whether they want to focus on the current technological

revolution, present climate changes, socio-economic developments in the region, or inculcate corporate culture require broad consensus among legal education regulators. Based on the common minimum agreed-upon curriculum, the SAU needs to undertake the development of undergraduate courses by dividing the time between common subjects and local laws.

However, till the time the SAU makes itself ready to undertake such a supra-national legal education project, other players, both private and state-funded universities and law schools can step in and explore the opportunities for collaboration that links the education sector, cutting across all national boundaries and offer meaningful, purposeful and employable legal education to students without caring for their nationalities. After all, the world is one, and the rule of law is to be adhered to by all of us, no matter where we are born. Legal education discourse has to be developed while keeping in mind what Martin Luther King Jr. said: 'Injustice anywhere is a threat to justice everywhere' in his 'Letter from Birmingham Jail'.

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- ²⁸ This is an academy affiliated to the University of Geneva, Switzerland that is dedicated completely to the teaching and research of Human Rights Law and IHL. It offers a postgraduate taught degree (LLM) in IHL and initiates various research projects on IHL from time to time under the auspices of Geneva University. It receives generous funding from the Swiss government to carry on research work all throughout the year.
- ²⁹ This non-governmental organization (NGO) was set up in 1970 for the purpose of promoting the dissemination and development of IHL. Over the years, 63 courses have been held, despite many difficulties. There have been more than 2,000 participants including officers, government officials and academics from 140 countries. The fact that countries from the five continents send participants, from captains to major generals, to the San Remo Institute's courses on the LOAC shows at the very least that these courses are deemed highly necessary. Many countries have requested scholarships and the institute is able to grant some to certain countries.
- ³⁰ This research project undertaken at the Department of Law, LSE has taken up the mantle of coordinating and encouraging research and teaching of IHL within the borders of the UK. Faculty members of the Department of Law at LSE are associated actively with the centre, thereby engaging in seminars, conferences, discussions and research projects on the LOAC. Visiting professors such as Prof. William Schabas are involved in the project that aims to engage the legal academia in the formulation of solutions to complex contemporary issues.
- ³¹ Teaching International Humanitarian Law at U.S. Law Schools, available at https://international-review.icrc.org/sites/default/files/irrc-895_896-blank-kaye.pdf [Last visited on 20 September 2024]
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- ³³ Every member state of SAARC has laws and regulations to benefit their child population. Nonetheless situation on ground is contrary in all member states. It is therefore high time that all member states come together to share their success-failure stories, thereby enriching each in ideas to deal with ground level situations.
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- ³⁸ <https://sau.int>
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- ⁴⁰ See Peter Mattis, *Reexamining the Confucian Institutes*, *DIPLOMAT*, Aug. 2, 2012.