Global Legal Education In India: Challenges and Opportunities
Legal education in India needs reforms that support the establishment of global law schools combining the best traditions of public educational institutions with the needed flexibility, freedom, and autonomy enjoyed by private initiatives, asserts Professor C. Raj Kumar.

Globalisation has been a subject of debates and discussions from numerous perspectives. There is no doubt that globalisation has profound implications for the future of higher education worldwide. Inevitably, the need for raising academic standards, creating a better research environment, developing sound infrastructure, formulating good governance models, creating better career opportunities, and promoting professional advancement of academics are all central issues for formulating the necessary policies for higher education.

Globalisation has posed multiple challenges to the future of legal education in India, but it has provided an opportunity to challenge the status quo, which is an essential condition for seeking any reform. India has huge challenges to confront in promoting legal and judicial reforms, with a view to establishing a rule-of-law society. The role of lawyers and judges will become critical for addressing future challenges of governance. In this regard, the training that is imparted to future lawyers and judges in our law schools needs to be thoroughly re-examined to suit the social and economic transformation that is underway in the country.

There are some important consequences for global legal education: global courses, global programmes, global curriculum, global faculty, and global interaction. These deserve public attention.

The following are some important issues that deserve serious attention with a view to promoting global legal education in India:

**Global curriculum and teaching**

A few decades back, law schools in India could do well as long as their curriculum was focussed on Indian law and issues relating to the country’s
legal system. While there was some limited impetus to the study of international and comparative law, the larger focus was primarily on issues relating to the Indian legal system. This was, of course, necessary and ought to have been the approach. There is indeed greater scope for improvement in promoting excellence in teaching and research relating to Indian law and to addressing the challenges facing the legal system, including the need for establishing a society that respects the rule of law and meets the challenges of globalisation.

However, new and emerging law schools cannot afford to limit their focus to teaching and research on issues relating to Indian law. In fact, the appetite of Indian law students for understanding international and comparative law has significantly increased over the years, given their participation in international moot competitions that range from issues such as maritime law to humanitarian law to dispute resolution. The most challenging task is to strike a proper balance to ensure that students are taught a fair mix of courses that give them knowledge and training in Indian law, but at the same time prepare them for facing the challenges of globalisation, whereby domestic legal mechanisms interact with both international and foreign legal systems. This interaction is going to deepen in the years to come and our law schools must prepare themselves to face this challenge posed by globalisation.

Global knowledge and faculty research

Hiring of good faculty has been a challenge in law schools in India and abroad. Generally, the financial incentives offered by the private sector, both in India and abroad, are far more attractive than those available in the public sector, including law schools, for good lawyers to make a commitment to academia. But it is possible to attract good lawyers to academia by promoting a range of educational reforms and institutional initiatives, including better financial incentives. Globalisation has indeed provided new opportunities to address some of the challenges in this regard. Issues relating to the Indian legal system are not only taught and researched in India but also in many other parts of the world. Growing numbers of Indian lawyers and scholars are involved in this effort. There is a need to have a global focus in hiring faculty for Indian law schools. Of course, success will depend on the school’s ability to provide the right kind
of intellectual environment and financial and other incentives for Indian or foreign scholars to teach and pursue research in India and to contribute to its growth story.

Globalisation of legal research has become a universal trend. Legal scholars working in a particular country or researching on the law and legal systems of that country do not limit their research to that country or its neighbours. With the development of web-based research and other online research tools and databases, there has been a remarkable transformation in the development of comparative and international law research. It is important for global law schools to have or provide access to legal material from jurisdictions all over the world. These need to be constantly updated to keep up with the changing dimensions of law in all societies. There is also a need to promote global exchanges, including bilateral and multilateral exchange of faculty and students, with a view to aid global knowledge relating to law and legal institutions. All this needs huge resources. It is not possible for the governments of developing countries, such as India, to support them through public funding. Concrete steps need to be taken to encourage global philanthropic initiatives.

Global programmes and international experience

Indian law schools need to consider innovation when it comes to the degree programmes offered by them. At present, there are two models: the three-year Bachelor of Law (LL.B.) programme offered by many universities in India; and the five-year integrated B.A. (Hons.)-cum-LL.B. programme offered by the national law schools in India, starting with the one in Bangalore. It will be useful to look at the experience of the United States and others in examining whether Indian law schools should consider offering the Juris Doctor (J.D.) programme. The starting of the J.D. programme in U.S. is largely credited to Christopher Columbus Langdell when he was Dean of Harvard Law School during 1870-95, although the University of Chicago was the first law school to offer a J.D. degree. Increasingly, many parts of the common law world are beginning to offer J.D. programmes; law schools in Australia, Canada, and Hong Kong are in the forefront. Obviously, there
is an emerging trend in favour of J.D. programmes.

There are sound justifications for offering a J.D. programme in India. In this context, it will be useful to examine whether a graduate entry J.D. programme can be established in India. It is relevant to note that since 2008, Melbourne Law School, one of Australia’s oldest and most reputed law schools, has offered only a graduate entry J.D. programme, scrapping its LL. B. programme. The rationale for this has been articulated thus: “The School firmly believes that the Melbourne J.D., as designed and taught by the School, represents the right response to the challenge of providing the highest quality legal education in the demanding and competitive international environment of the 21st century”.

Global interaction and collaborations

The law schools of the future ought to provide academic space for engaging in teaching and cutting edge research on issues of global significance. The institutions ought to constantly reinvent themselves for facing the challenges of globalisation through exchange and collaboration programmes. This has different implications for faculty, students, and for the development of teaching and research programmes. In this regard, it is important to note that token arrangements of collaboration may not be helpful to the institutions involved. There is a need to develop a shared understanding of the nature of exchange and collaborative programmes being established for them to be effective and beneficial for all the parties concerned.

Global philanthropy and non-profit initiatives

Legal education in India needs reforms that would support the establishment of global law schools combining the best traditions of public educational institutions with the needed flexibility, freedom, and autonomy enjoyed by private initiatives—all within the public good framework of a non-profit endeavour. In this context, there is a need to actively seek and encourage philanthropic initiatives in the field of legal education. The system of creating endowments—both individual and corporate—has to be significantly promoted. For this, the initiatives ought to come from private individuals and institutions ready and willing to support the establishment of global educational institutions with the highest standards in teaching and research for the purpose of creating and disseminating knowledge.

Reform of legal education in India requires global philanthropic initiatives that can help the country build the

“There is a need to create endowments of the kind that reputed law schools of the world have managed to do with a view to involve public-spirited private individuals and corporations to support the development of law schools”
educational institutions of the future. Such law schools in India will be able to attract the best of faculty from India and the world. They will also be able to create world class infrastructure to attract the best students from everywhere, create internationally reputed research centres and promote research activities that are beneficial to the country and the international community, and enhance the ability to bring together brilliant minds to solve the problems of humanity. The future of legal education in India should be linked to the promotion of global philanthropic initiatives for it to be sustainable. The deterioration in standards in the quality of faculty in law schools in India and the paucity of research output have to be addressed with sincerity. There is a need to create endowments of the kind that reputed law schools of the world have managed to do with a view to involve public-spirited private individuals and corporations to support the development of law schools.

Global infrastructure and resources in law schools

If Indian law schools have to meet the demands of the changing global society, the training we impart to our law students ought to be thoroughly re-examined. Our law schools need infrastructure and resources comparable to global universities, particularly when access to such universities is available to both our faculty and students. Our law schools have to seek a dramatic transformation in providing infrastructure and resources to our faculty and students.

Library facilities in our law schools need to be substantially upgraded, for which huge resources have to be mobilised. The annual budget (including for library staff) for the law library at the Harvard Law School is $14 million (around Rs 70 crore) and that of the Yale Law School is over $6 million (around Rs 30 crore). Inevitably, the resources that are needed to reach international standards for providing global infrastructure for our law schools have to be raised through library endowments and private donations.

The way forward

As early as 1917, when serious initiatives were taken to reform legal education at the Yale Law School, it was noted that the purpose of the law school should be “the study of law and its evolution—historically, comparatively, analytically, and critically—with the purpose of directing its development in the future, improving its administration and on perfecting its methods of legislation”.

The central question we need to ask ourselves in India is whether our law schools are fulfilling this responsibility adequately, and if not, what we need to do, so that we are able to address the fundamental issues concerning legal education that were raised nearly 90 years ago in the United States. Legal education reforms in India should go along with the encouragement of global philanthropic initiatives, so that resources are available to maintain international standards to impart quality education and conduct impact-oriented research.