Legal Education Reform in India: Dialogue Among Indian Law Teachers

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The National Knowledge Commission (NKC), constituted in 2005 as a high-level advisory body to the Prime Minister of India, calls for change in the approach to legal education. The NKC stated:

Legal education should . . . prepare professionals equipped to meet the new challenges and dimensions of internationalization, where the nature and organization of law and legal practice are undergoing a paradigm shift. Further, there is need for original and path breaking legal research to create new legal knowledge and ideas that will help meet these challenges in a manner responsive to the needs of the country and the ideals and goals of our Constitution.¹

The NKC report calls for education of Indian lawyers to be ready for law practice in the global legal environment so that Indian lawyers can serve India’s needs — those of all its citizens, businesses, government, and NGOs. That is, global readiness is forecast as an integral part of general legal practice of the future, rather than as the domain of a small cadre of international law specialists. “Path-breaking legal research to create new legal knowledge and ideas” must also be understood to include representation of India’s poor people, to improve their access to justice. Access to justice includes access not only to dispute resolution but also access to education, means for meeting basic needs and other human rights.

This article outlines legal education reform debate occurring around the world and the developments in India and is designed to be useful to legal educators in India to respond to the NKC’s recommen-

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dations. These intersecting reform trends in other parts of the world include: (1) reframing of curricular content to integrate cross-border and international dimensions of practice; (2) greater emphasis on problem-solving, negotiation, and transactional practice to balance the traditional law school curricular focus on litigation; (3) connection of theory and practice through clinical legal education; and (4) use of new technologies for learning. A pervasive theme found within the last three trends is the need to place greater emphasis on values and ethics.

The article then turns to the legal education context in India, with over 900 institutions offering law courses, and highlights reforms efforts in Indian legal education. Government bodies, including the Bar Council of India, Law Commission of India, and University Grants Commission, have convened expert panels that have recommended legal education reforms, some of which have been implemented and some of which are pending. Eminent professors have admirably guided such efforts. However, it appears that greater dialogue among the vast numbers of Indian law teachers is needed:

- to envision the role that lawyers can play in bringing about a more just society within India and in strengthening India as a country globally;
- to identify and implement improvements needed in pedagogy and curriculum; and
- to improve the infrastructure supporting legal education itself, in particular, teacher training, professional development and teaching materials, and community service materials.

Sharing ideas through legal research and scholarship is important to initiate the dialogue. Specific treatment of strengthening support for law teachers for conducting legal and socio-legal research will be the subject of a subsequent article. This article poses broad questions for law teachers to consider and seeks to inspire the Indian law teachers to collaborate more closely, using new readily available technologies, to contribute more interactively to legal education reform.

I. Legal Education Paradigm: Domestic Law Practice Has Transnational Dimensions

In daily life, activity that transcends borders is highly visible in the marketplace, in communications (Internet, satellite television broadcast, mobile phone networks), in our multi-national and multi-cultural communities (including a variety of workers, students, family members, tourists, and refugees), and in our global challenges (en-

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2 The article primarily draws on literature from North America, and draws selectively on materials available through electronic databases for other world regions.
environment, economy, human development and human security). For decades, some lawyers have specialized in international business transactions, immigration, and international human rights. Over the last three decades, legal educators have recognized that increasingly law practice involves parties, events, and transactions in more than one country, legal tradition, and culture. There is spirited debate and experimentation in the legal education community on how to coherently infuse perspectives and skills into the law school curriculum and pedagogy to equip students for law practice in our increasingly interdependent world.

Law schools across the world are sharing their approaches to legal education in light of the swift change in law practice resulting from the current wave of globalization. The International Association of Law Schools\(^3\) facilitates interaction among legal educators on the study of multiple legal systems and legal cultures in law school through its global conference activity\(^4\) and faculty recruitment postings.\(^5\) National-level,\(^6\) regional-level,\(^7\) and cross-region\(^8\) professional bodies provide platforms for discussion of the international dimensions of legal education.

Legal scholars have named new paradigms to reflect the reality of globalization and its implications for legal practice. In addition to continued discussion of long-standing study of international and com-

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\(^3\) "The International Association of Law Schools (IALS) is a non-profit organization founded in 2005 with a membership of educational institutions, associations, and legal educators from throughout the world. Its members are committed to the proposition that the quality of legal education in any society is improved when students learn about other cultures and legal systems and the diverse approaches to solving legal problems employed in those legal systems." Int'l Ass'n of Law Sch. (IALS), http://www.ialsnet.org (last visited Mar. 11, 2009).


\(^8\) E.g., Mortimer Sellers, The Internationalization of Law and Legal Education, in THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION 1, 1 (Jan Klabbers & Mortimer Sellers eds., 2008) (discussing the European-American Consortium for Legal Education).
parative law, legal scholars term the contemporary phenomenon "transnational law,"9 "world law,"10 "transsystemia,"11 and "global law."12

Professor William Twining identifies five developments in law which are changing with globalization: (1) increased emphasis on "established transnational fields, such as public international law, regional law, international trade and finance (including 'lex mercatoria' and Islamic banking and finance), and environmental law [ , ] [n]ew transnational fields are emerging, such as Internet law, procurement, and transitional justice"; international criminal law and law and development; (2) legal dimensions of global issues, such as " . . . environmental issues, radical poverty, the common heritage of mankind, migration, war, international crime, terrorism, pandemics and the media"; (3) transnational dimensions of core subjects such as contracts, criminal law, family law, intellectual property and labour law; (4) diffusion of law through migration and the interface of religious and customary practices with law; and (5) the need for practitioners to look beyond the law of the jurisdiction in which they practice.13 Professor Twining observes, "Comparative law is increasingly more like a way of life than a marginal subject for a few specialists."14 As is apparent from Professor Twining's list of developments in law, the

9 "Transnational law" . . . include[s] all law which regulates actions or events that transcend national frontiers." Harold J. Berman, The Role of International Law in the Twenty-First Century: World Law, 18 FORDHAM INT'L L.J. 1617, 1618 (1995) (quoting PHILIP C. JESSUP, TRANSNATIONAL LAW 2 (1956)).

10 In the Fordham International Law Journal article cited supra note 9, the eminent international law scholar Professor Harold J. Berman argues for a term, "world law" to "combine inter-state law with the common law of humanity, on the one hand, and the customary law of various world communities, on the other." Id. at 1622.

11 "Transsystemia," the teaching of more than one legal system at once, began at McGill University Faculty of Law, which, due to its presence in the French-speaking province of Quebec within Canadian law in the English language, invented the method. Peter L. Strauss, Transsystemia — Are We Approaching a New Langdellian Moment? Is McGill Leading the Way?, 56 J. LEGAL EDUC. 161, 169-70 (2006); see also Catherine Valkke, Global Law Teaching, 54 J. LEGAL EDUC. 160, 175 (2004) (the aim of the McGill pedagogy is to "encourage [students] to develop a multiplicity of legal identities").

12 See, e.g., Valkke, supra note 11, at 164 (criticizing the usage "global law" as "just a flashy label" for "a mix of international and internal state law" and advocating that law schools channel their "foreign," "comparative," "international," and "transnational" courses into coherent pedagogical strategies); William Twining, Implications of "Globalisation" for Law as a Discipline (April 13, 2009) (forthcoming manuscript, on file with author) (criticizing the "hyperbole" of the word "global" and using the word as "genuinely world-wide" as distinguished from "other levels of ordering, such as international, supra-national, transnational, regional, diasporic and sub-national").

13 Twining, supra note 12 at 8; see id. at 8-11.

14 Id. at 11.
magnitude of the knowledge content and skills involved in globalization of the legal profession is vast.

Legal educators are grappling with the implications of reframing the understanding of law practice from state and/or national to cross-border, regional, and global. Law schools in the United States have introduced international/comparative components into conventional courses and increased the number of comparative law courses, study abroad experiences, and international clinical legal experiences.\(^{15}\) Models of incorporating the international and transnational element in American law school curriculum, research, and service have been characterized by Professor Larry Cata Backer as traditional models (integration, involving refocusing of the law school from the national to the transnational; aggregation, presenting international and transnational issues as a specialty area of study; and segregation, involving a center or other institutional base for international and transnational programmes); the immersion model, in which the law school collaborates with a network of law schools abroad; and the multi-disciplinary departmental model, in which a university establishes a school or department of international transactions or international affairs.\(^{16}\)

Recognizing the interest of lawyers educated abroad in enhancing their skills to compete in the global legal arena, American law schools offer Master of Laws degree programmes for foreign-trained lawyers on U.S. law and the U.S. legal system. The American Bar Association identifies fifty of such programmes.\(^{17}\) These programmes are designed to equip foreign lawyers with perspectives, knowledge and professional communications skills to represent clients transnationally and are an outgrowth of the prominence of U.S. law firms in the international legal market.\(^{18}\)

As the importance of cross-border work is taken to heart, law teachers are formulating more nuanced learning objectives and stra-

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\(^{16}\) Larry Cata Backer, Internationalizing the American Law School Curriculum (in Light of the Carnegie Foundation's Report), in INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION, supra note 8, at 49, 76-98.


egies. Brief exposure to another legal system through study abroad has been distinguished from in-depth study of the mode of reasoning of another legal system besides the system in which the law school is located.\textsuperscript{19} To practice law transnationally, law graduates need the ability to adapt to different cultures and to communicate effectively with lawyers of other jurisdictions and legal traditions.\textsuperscript{20} Among the strategies discussed for developing cross-cultural skills is the study of a foreign language.\textsuperscript{21}

One emerging paradigm is that of "global law schools" which aim to convey fresh perspectives on law in the realities of the twenty-first century by bringing together faculty and students from multiple countries to engage in teaching, learning and research.\textsuperscript{22} A global law school has been described as "a center of thought, where a broader range of opinion is found than in local law schools, with a multinational faculty and student body, and a programme to produce lawyers capable of success worldwide."\textsuperscript{23} Some law schools, including those

\textsuperscript{19} See Valcke, supra note 11, at 181.


\textsuperscript{22} See John E. Sexton, The Global Law School Program at New York University, 46 J. LEGAL EDUC. 329 (1996) (describing the three components of New York University School of Law's pioneering "global law school" designed to provide students and faculty with fresh perspective as team-teaching by American and international faculty, hosting of international graduate law students, and rethinking of curriculum and research in light of globalization); see also David S. Clark, Transnational Legal Practice: The Need for Global Law Schools, 46 AM. J. COMP. L. 261, 269 (1998); Valcke, supra note 11, at 175 (citation omitted) (the aim at some law schools "is to get students to also think like foreign lawyers"). Jindal Global Law School, Sonipat, Haryana, India, the sponsor of the Jindal Global Law Review, has the mission of imparting global perspectives and skills to its students and encouraging research and collaborations with partner law schools around the world. Its vision is posted on its website at http://www.jgls.org/opjindal/vision-philosophy.asp (last visited July 2, 2009).

\textsuperscript{23} Alexander H.E. Morawa & Xiaolu Zhang, Transnationalization of Legal Education: A Swiss (and Comparative) Perspective, 26 PENN. ST. INT’L L. REV. 811, 817 (2008) (discussing efforts to incorporate transnationalization into legal education and describing the approach to globalization in the law programme at University of Lucerne School of Law in Switzerland).
leading the global law school movement, 24 have established double-degree programmes across national jurisdictions. A challenge facing these global law schools is how to incorporate into legal education deep concern, knowledge, and skills to provide access to all segments of society, not only for those multi-national companies and individuals operating in a global context, but also access to justice for the marginalized for whom the global marketplace brings few if any direct benefits.

Regional legal education planning can facilitate the preparation of lawyers for cross-border legal interactions. For example, the European Law Faculties Association has explored the use of master's degree study in a coordinated way to prepare law graduates for practice in a neighboring member state in Europe. 25 Conceivably, it can also provide a tool for addressing socio-legal problems common to a region.

As universities and law schools set goals for internationalization, the university administration can track measures of activity to assess the degree of engagement. Canadian scholar Jane Knight, a leader in international education, has identified activities which universities can use for planning campus internationalization. 26 While these measures do not assess whether learning goals are being met, they can provide a law school community with some strategies for infusing perspectives from other countries and legal systems. Educators are also sharing planning tools for developing inter-university agreements with institutions abroad to expand educational opportunities.

24 Chesterman, supra note 20, at 63 (calling the move from exchange programmes to double-degree programmes across national jurisdictions “the first mark of globalization as distinct from transnationalisation”).

25 Frans Vanistendael, BA-MA Reform, Access to the Legal Profession and Competition in Europe, 21 PENN. ST. INT'L L. REV. 9, 19 (2002) (discussing the need for legal education to train lawyers competent to protect consumers of legal services and for greater access and mobility in the profession to handle the reality that Europe is a single market).

26 Jane Knight, Higher Education in Turmoil 47-50 (2008) (identifying measures for key areas of internationalization of universities as its consideration in the institutional planning processes; faculty and staff involvement through international exchange, training, and projects, and professional development workshops to promote such involvement; international expertise and achievements as criteria considered in faculty and staff appointment, promotion, tenure, and recognition; institutional academic agreements and cooperation; advisory and support services for students' study abroad; student exchange programmes; internships or placements, field trips, and work-abroad programmes; advisory and support services for international students; number of international students on campus; integration of international, inter-cultural perspectives in the curriculum and teaching/learning process; foreign language study in the curriculum; international courses and programmes; research and scholarly activities; international development projects; cross-border academic programmes; university organizational structures that support implementation of internationalization plans; and financing of international efforts).
for their students and faculty.\textsuperscript{27} An Inter-Association Network on Campus Internationalization has been formed in 2009 to provide resources for campus administrators.\textsuperscript{28}

II. LEGAL EDUCATION PARADIGM: LAWYERS NEED PROBLEM-SOLVING, NEGOTIATION, AND TRANSACTIONAL PRACTICE SKILLS

Another thread of current international discussions about legal education reform in the framework of globalization and contemporary life focuses on the need for law graduates to be equipped with a broad range of lawyering skills when they enter the profession. While society will always need litigators, the heavy emphasis on litigation in the traditional law school curriculum warrants fresh thinking in a globalized world in which transnational matters are best managed through advance planning and agreement.\textsuperscript{29} Development of problem-solving skills, involving invention of creative options for reaching solutions, also enhances the ability of lawyers to grasp the policy aspects of law and to contribute to policy-making in their home countries.

Analysis of lawyering tasks in a 1992 report by the American Bar Association (the "MacCrate Report") revealed the fact that much of the work of a lawyer relates to analysis of the facts of a client's case, research of the applicable law, counseling on options open to the client, structuring of transactions, and negotiation of disputes before or outside of court.\textsuperscript{30} In the United States, a 2007 high-profile report (the "Carnegie Report") has called for legal education strategies in


\textsuperscript{28} See Res. for Campus Internationalization, http://campusinternationalization.wordpress.com/ (last visited April 29, 2009).

\textsuperscript{29} Roy T. Stuckey, Preparing Students to Practice Law: A Global Problem in Need of Global Solutions, 43 S. Tex. L. Rev. 649 (2002) (advocating reform of legal education across the world to include more instruction about law practice, development of problem-solving skills, and supervised practice before full bar licensure).

\textsuperscript{30} See Task Force on Law Sch. & the Profession, Am. Bar Ass'n, Legal Education and Professional Development: An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (MacCrate Report) (1992), available at http://www.abanet.org/legaled/publications/onlinesubs/maccrate.html (The MacCrate Report, informally named for the chair of the panel, articulated "a vision of skills and values that a new lawyer should seek to acquire" composed of ten fundamental lawyering skills (problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative-dispute resolution procedures, organization and management of legal work, and identification and resolution of ethical dilemmas) and four values (competence, commitment to justice, improvement of
which the cognitive, the practical and the ethical-social dimensions of lawyering would be addressed holistically. The report calls for integration of these three elements of the law school curriculum:

1. The teaching of legal doctrine and analysis, which provides the basis for professional growth.
2. Introduction to the several facets of practice included in the rubric of lawyering, leading to acting with responsibility for clients.
3. A theoretical and practical emphasis on inculcation of the identity, values and dispositions consonant with the fundamental purposes of the legal profession.

American scholar Larry Cata Backer advocates that law schools consider the conceptual framework of the Carnegie Report in developing their approach to legal internationalization. One pedagogical means of achieving this holistic learning is through clinical legal education.

III. Legal Education Paradigm: Clinical Legal Education Connects Theory, Practice, and Professional Values

Clinical legal education, grounded in the pedagogy of "learning by doing," engages law students in community-based legal work or simulations under faculty or other attorney supervision. Implemented in various ways around the world, clinical legal education is constituted by three key elements: professional skills training, learning through experience, and imparting professional values of providing access to social justice. Law students in all regions of the world are undertaking access to justice work in a variety of clinical

the profession, and continuous learning and pursuit of employment consonant with personal and professional goals.

31 William M. Sullivan, Anne Colby, Judith Welch Wagoner, Lloyd Bond & Lee S. Shulman, Educating Lawyers: Preparation for the Profession of Law, 191, 194 (2007) (examining models of U.S. legal education and calling for systematic changes leading to better integration of theory, skills development and ethical judgment in law school education). The research team produced this report on professional legal education under the auspices of the Carnegie Foundation for the Advancement of Teaching, Stanford, California, United States.

32 Id.

33 Backer, supra note 16, at 105-12.

34 Frank S. Bloch, New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement, 28 WASH. U. J.L. & POL'y 111, 121 (2008) (arguing that the clinical legal education is a movement with the potential to improve access to justice around the world).
projects. Law school clinical programmes have been structured to address a broad array of domestic and international legal issues. Individual faculty members and students from many countries around the world interact through the Global Alliance for Justice Education (GAJE), which is a forum for the movement for global clinical legal education to bring greater access to justice to the poor.

A group of clinical legal educators in the United States, in a volume entitled Best Practices For Legal Education, advocate greater emphasis on outcome-focused education, in which there is both a shift in the balance between substantive law content and skills development in the law school curriculum and a shift from focus on assessment of content mastery to focus on the learning of professional skills for lifelong learning required to adapt to future changes in the law and practice. The learning outcomes, developed by law school faculty in consultation with the bar and bench and consistent with the law school’s mission, can serve as a guide to course goals and assessment. Best Practices adopts as model outcomes a statement prepared by the Law Society of England and Wales of the core general characteristics and abilities needed by lawyers:

1. Demonstrate appropriate behavior and integrity in a range of situations, including contentious and non–contentious areas of work.

35 Id. at 127.
37 GAJE is an association of legal educators that was formed to “promote justice through education by bringing together persons from many countries and every inhabited continent in the world, who exchange perspectives and work collaboratively from a variety of legal, educational and organizational settings.” Global Alliance for Justice Educ., Constitution of the Global Alliance for Justice Education (Dec. 9, 2001), http://gage.org/Constitution.htm.
38 Bloch, supra note 34.
40 Id. at 49.
2. Demonstrate the capacity to deal sensitively and effectively with clients, colleagues and others from a range of social, economic and ethnic backgrounds, identifying and responding positively and appropriately to issues of culture and disability that might affect communication techniques and influence a client's objectives.

3. Apply techniques to communicate effectively with clients, colleagues and members of other professions.

4. Recognize clients' financial, commercial, and personal constraints and priorities.

5. Effectively approach problem-solving.

6. Effectively use current technologies to store, retrieve and analyze information and to undertake factual and legal research.

7. Demonstrate an appreciation of the commercial environment of legal practice, including the market for legal services.

8. Recognize and resolve ethical dilemmas.

9. Use risk management skills.

10. Recognize personal and professional strengths and weaknesses, to identify the limits of personal knowledge and skill and to develop strategies that will enhance their personal performance.

11. Manage their personal workload and manage efficiently and concurrently a number of client matters.

12. Work as part of a team.

*Best Practices* asserts that to apply these skills, law graduates need core legal knowledge and understanding of the law, but holds that the amount of substantive law coverage and skills development in most American law schools is out of balance. The authors endorse the philosophy stated by the Australian Law Reform Commission, commenting on the ramifications of focusing too much on substantive law, which changes dramatically over time:

Accompanied by a commitment to facilitating "lifelong learning" for professionals, Australian law schools might consider adoption of an underlying philosophy which holds that "in a changing environment, the best preparation that a law school can give its students is one which promotes intellectual breadth, agility and curiosity; strong analytical and

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41 *Id.* at 54.

42 *Id.* at 75.
communications skills; and a (moral/ethical) sense of the role and purposes of lawyers in society.\textsuperscript{43}

This philosophy raises the issue of how lawyers will engage in lifelong professional learning in the coming years. In addition to apprenticeship with expert attorneys and participation in continuing legal education programmes provided by bar groups, lawyers are tapping resources through the Internet.

IV. LEGAL EDUCATION PARADIGM: USE OF NEW TECHNOLOGIES

New communication technologies through the Internet offer opportunities for law students, faculty and practicing lawyers to support the learning process. The Internet provides a wealth of resources and diverse communications platforms to encourage peer interaction, collaboration and feedback from teachers and others.\textsuperscript{44}

Legal education should employ new technologies so that law students are prepared for their professional lives in which technology for research and communications will play an important role. It is important to teach students in a way that increases their comfort with technology and collaborative work.\textsuperscript{45} Students with technological skills will be equipped to access up-to-date information and resources once they are in law practice.

Student-centered, educational technology can address criticisms of the traditional teacher-centered classroom.\textsuperscript{46} Technology can facilitate informal communications among law students and faculty, allowing more feedback to students and greater autonomy in learning.\textsuperscript{47}


\textsuperscript{44} See GEORGE SIEMENS & PETER TITTNERBERGER, HANDBOOK OF EMERGING TECHNOLOGIES FOR LEARNING (2009), available at http://umanitoba.ca/learning_technologies/ceu/HETL.pdf (discussing the fundamental changes in higher education due to conceptual and technological changes in teaching and learning and describing ways in which new tools (open courseware, blogs, social networks, audio and podcasting, and web conferencing) can be used in teaching and learning); see also supra notes 3-7 (online resources on legal education).

\textsuperscript{45} DAVID I.C. THOMSON, LAW SCHOOL 2.0, at 138 (2008) (describing current criticisms of legal education and asserting that law schools should use new technologies to empower students to be self-directed learners prepared for future change, that the new means of sharing and creating content reinforce collaborative approaches necessary for problem-solving, that knowledge of technology is increasingly important for efficient law practice, and encouraging faculty to take the leap to experiment with new technological methods of interaction with students in law school courses).

\textsuperscript{46} \textit{Id}. at 137-140.

\textsuperscript{47} \textit{Id}..
Law teachers are experimenting with virtual (online) learning experiences, both simulated and on actual projects. Use of online technology entails communications by students in their professional roles and voices. A legal education pioneer in the field of virtual learning environments, Professor Paul Maharg, drafted the following set of guidelines for the virtual learning experience he created: active (participatory) learning; learning to do transactions; reflection; collaborative learning; and ethical and professional learning. These guidelines incorporate the learning principles under discussion more broadly in legal education.

In addition, law professors communicate about legal education issues through blogs. For example, American law professors share information through the Law Professor Blog Network. These blogs provide space for sharing information and posting questions and responses to law colleagues.

48 See, e.g., Paul Maharg, Transforming Legal Education: Learning and Teaching the Law in the Early Twenty-First Century (2007) (discussing collaborative learning through interdisciplinary, transactional simulations in the virtual town of Ardcalloch, Scotland); Thomson, supra note 45, at 97-110 (describing the use of wikis in teaching Administrative Law, the use of a "File & Serve" system in a litigation course, and the use of "CaseMap" in teaching Legal Research and Writing).

49 Queensl. Univ. of Tech. Sch. of Law, Virtual Law Placement, http://www.law.qut.edu.au/about/wil/ (last visited April 17, 2009) (offering "Virtual Law Placement" in which "Students will apply legal knowledge and skills to complete a real world workplace project in a team, using online communication technologies to enable students to be virtually, rather than physically, present at the workplace and to engage with the other participants in the workplace, including the workplace supervisor of the virtual placement." Students participate in one of three projects administered by organizational partners including a charitable international social justice organization, a lawyers' alliance, and a law firm.). At Harvard Law School, students learn about and through the medium of Internet in a Cyberlaw Clinic. Berkman Ctr. for Law & Soc'y at Harvard Univ., supra note 36. The webpage describes the clinic as follows:

The Cyberlaw Clinic provides high-quality, pro-bono legal services to appropriate individuals, small start-ups, non-profit groups and government entities regarding cutting-edge issues of the Internet, new technology and intellectual property. Harvard Law School students enhance their preparation for high-tech practice and earn course credit for working on a variety of real-world litigation, client counseling, advocacy, legislation, and transactional/licensing projects and cases.

Id.

50 Maharg, supra note 48, at 175-76 (describing key guidelines for transactional learning for design of a virtual simulation for a postgraduate professional course called the Diploma in Legal Practice at the Glasgow Graduate School of Law in Scotland).

V. LEGAL EDUCATION IN INDIA AND REFORM TRENDS

Law teachers in India should consider to what extent the four intersecting trends in legal education reform discussed above — (1) reframing of curricular content to integrate cross-border and international dimensions of practice; (2) greater emphasis on problem-solving, negotiation, and transactional practice to balance the traditional focus on litigation; (3) connection of theory and practice through clinical legal education; and (4) use of new technologies for learning — are present in India. Are these issues viewed as relevant in India? To what extent are legal educators in India working on these issues? What innovations are occurring? What resources are available to share? A brief discussion of the Indian legal education system for those readers who are not familiar with it sets the stage for further consideration of these questions.

The Bar Council of India, the regulatory body over legal practice and legal education, plays a key role defining the curriculum at law schools. The task of regulating legal education is mammoth, as there are over 904 approved law colleges in India.

The Bar Council of India recognizes two types of courses for first degrees in law, the three-year Bachelor of Law (LL.B.) degree for graduates holding an initial Bachelor’s degree in any discipline, and the five-year joint Bachelor of Arts, Bachelor of Law (B.A., LL.B.) degree after twelfth standard. For each of these degree programmes, Bar Council of India mandates that students take not less than twenty-eight law subjects, eighteen compulsory substantive law sub-

52 The Advocates Act, 1961, Section 7(1)(h) states that one of the functions of the Bar Council of India shall be “to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils.” The Advocates Act, 1961, No. 25 of 1961 § 7(1)(h); INDIA CODE, http://indiacode.nic.in/fullact1.asp?fnum=196125.

53 “Centre of Legal Education” is the terminology used by the Bar Council of India. Bar Council of India, Rules on Standards of Legal Education and Recognition of Degrees in Law for Purpose of Enrolment as Advocate and Inspection of Universities for Recognizing its Degree in Law Under Sections 7(1)(h) and (i), 24(1)(c)(iii), and (iiia), 49(1)(a), (ag), and (d) of the Advocates Act, 1961 Made by the Bar Council of India in Consultation with Universities and State Bar Councils § 2 (2008), available at http://www.barcouncilofindia.org/legal-education/rules-legal-edu.php [hereinafter Bar Council of India, Rules of Legal Education, 2008]. In this article, the terms “law schools” and “law colleges” are used interchangeably and within the meaning of “Centre of Legal Education.”

54 See List of Approved Law Colleges (as of October 1, 2008), Bar Council of India Website, http://www.barcouncilofindia.org/legal-education/rules-legal-edu.php (last visited Apr. 8, 2009). Additional colleges have been approved since the last posting.

jects and four compulsory clinical papers (classes).\textsuperscript{56} LL.B. students take six optional papers from three or more groups of elective topics, and for a specialized and/or honours course, a student takes an additional eight papers from one group.\textsuperscript{57} The list of elective course groups that may be offered is robust, including Constitutional Law, Business Law, International Trade Law, Crimes and Criminology, International Law, Law and Agriculture, and Intellectual Property Law, and a university/school may add to the subjects and groups.\textsuperscript{58} Indian law schools often limit the number of electives to less than a dozen in a given semester in view of constraints in faculty expertise and other resources.

The high degree of control over the curriculum likely stems from the fact that India relies solely on a person’s degree in law from a recognised University to insure minimum competence for practice for admission and enrollment of advocates by the State Bar Councils.\textsuperscript{59} Nonetheless, the highly mandated curriculum places Indian law schools at a competitive disadvantage in responding to the fast-changing profession of law and global trends in legal education.

Other aspects of Indian higher education bear on discussion of the four trends. Practical training and clinical legal education in India are affected by the fact that full-time law faculty cannot practice law, though a law teacher may seek permission to appear in a particular case.\textsuperscript{60} A practising advocate may teach law but teaching is restricted to three hours per day.\textsuperscript{61} This effectively bans law practice by full-time faculty, a ban that affects teachers’ ability to supervise legal aid by students. Another aspect is the role of university policies on


\textsuperscript{57} \textit{Id.} at schd. II, pt. II(C).

\textsuperscript{58} \textit{Id.}

\textsuperscript{59} The Advocates Act, 1961, No. 25 of 1961 \S\ 24(c); INDIA CODE, http://indiacode.nic.in/fulltext1.asp?thm=196125.

\textsuperscript{60} \textit{Id.} \S\S\ 29 (advocates to be the only recognised class of persons to practice), 32 (power of Court to permit appearances in particular cases).

\textsuperscript{61} Advocates (Right to Take Up Law Teaching) Rules, 1979, \S\ 3(1), Gazette of India, Extraordinary, pt. 2 \S\ 3(i) (Oct. 26, 1979); Bar Council of India Rules, pt. VI, ch. II, \S\ VII, para. 49, available at http://www.barcouncilofindia.org/bar-council/rules-index.php (last visited June 30, 2009) ("An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practice . . . .").
various matters such as syllabus creation and student assessment on their learning in a course. A syllabus is often created by a group of professors who teach the same subject. Grading of examinations usually involves external examiners besides the professor of the subject. This context requires collaboration among teachers and constrains an individual teacher from experimentation.

Both the National Knowledge Commission (NKC) and a high-level committee governmental committee have recommended that the professional agencies, including Bar Council of India, be divested of over academic matters to allow universities to exercise control over curricular matters. The NKC has also recommended creation of a rating system for law schools, changes in financing of legal education, measures to attract and retain talented faculty, curriculum development, changes in the examination system, measures for increasing research at law schools, and measures to increase the dimensions of internationalization of law schools. It is beyond the scope of this article to consider all of the NKC recommendations, which are important, complex, and interrelated.

The balance of this article will briefly review legal education reform in India and focus on existing efforts and possible mechanisms for Indian law teachers to participate in achieving curricular and pedagogic reforms relevant to the Indian context that relate to the global legal education trends discussed above. Even within the current mandated curriculum, there is scope for legal educators in India to enhance teaching and student learning and play a greater role in developing an agenda for legal education reform.

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63 See infra note 84.
65 Nat'l Knowledge Comm'n, supra note 1.
A. Legal Education Reform in India

Reform of the Indian legal education system has been extensively studied at various times since Indian independence.\textsuperscript{66} Recurring issues include curriculum; attendance; entrance examination; teaching methods — the lecture method, case method, problem method, and clinical legal education; final examination and other forms of student assessment; infrastructure; teaching qualifications; and quality control.\textsuperscript{67} The need for "socially relevant legal education" to address the legal needs of the large sector of the Indian population that is socially and economically deprived has been emphasized by several authors.\textsuperscript{68}

\textsuperscript{66} See, e.g., Upendra Baxi, Towards a Socially Relevant Legal Education (1979) (reporting on the University Grants Commission workshop on "Modernization of Legal Education" and featuring the need for "socially relevant legal education" and improvements needed in pedagogy); Sushma Gupta, History of Legal Education 41-108 (2006) (reporting the history of legal education from ancient India through post-independence India); Legal Aid and Legal Education: A Challenge and an Opportunity (N.R. Madhava Menon ed., 1986) (discussing clinical legal education as a means of educating students and providing legal aid to the poor); Legal Education in India: Problems and Perspectives (S.K. Agarwala ed., 1973) (discussing, inter alia, teaching methodology, the examination system, and international courses and perspectives); Legal Education in India: Status and Problems (N.R. Madhava Menon, ed., 1989) (discussing, inter alia, curriculum, teaching methods, infrastructure, teaching qualifications, quality control and the then-proposed five-year B.A., LL.B. degree programme); Legal Education in India in 21st Century: Problems and Prospects (A.K. Kaul & V.K. Ahuja eds., 1999) (reporting the proceedings of the revived All India Law Teachers Congress held January 22-25, 1999 at University of Delhi at which 200 delegates from law colleges and universities from across India discussed legal education reforms including adaptation to globalization, strengthening support for teachers to learn new pedagogy, and use of computer-aided learning and research); see also Frank S. Bloch & M.R.K. Prasad, Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States, 13 Clinical L. Rev. 165 (2006) (tracing the history of University Grants Commission, Bar Council of India, and Law Commission initiatives and advocating development of a list of professional skills relevant for Indian lawyers along the lines of the skills identified in the MacCrator Report in the United States and including professional values and skills to bring about social justice for India’s disadvantaged people); Jayanth K. Krishnan, Professor Kingsfield Goes to Delhi: American Academics, The Ford Foundation, and the Development of Legal Education in India, 46 Am. J. Legal Hist. 447 (2004) (tracing the historical development of legal education in India since independence, including recommendations by Indian government commissions and American consultants, and the role of legal education reformer N.R. Madhava Menon in conceptualizing and establishing five-year B.A., LL.B. degree programmes at national law schools); Ved Kumari, Clinical Legal Education: Course Content and Issues, in Law and Development: An Anthology of Topical Legal Studies 127, 138 (Subash C. Raina & Usha Razdan eds., 2003) (discussing Practical Training teaching strategies and systemic challenges including the teacher’s lack of training in pedagogy, lack of experience in law practice, and high student-teacher ratios).

\textsuperscript{67} Law Comm'n of India, supra note 64, at 50, 60. See generally id.

\textsuperscript{68} See Baxi, supra note 66; Legal Aid and Legal Education: A Challenge and an Opportunity, supra note 66; Legal Education in India: Status and Problems, supra note 66; Bloch & Prasad, supra note 66; Kumari, supra note 66; Ved Kumari, Clinical Legal
A key breakthrough in Indian legal education has been the establishment in 1986 of a model institution, National Law School of India University in Bangalore, at which the five-year B.A., LL.B. degree programme authorized earlier was refined and showcased. The national law schools have been created on the Bangalore model, and numerous other law schools in India have adopted the five-year programme. The national law schools are viewed as having improved legal education by introducing academic rigor, interdisciplinary perspectives to enable students to understand law in a social context, and clinical training. Professor Moolchand Sharma, an eminent law professor and then-Vice Chairman of the University Grants Commission, observed that the national law schools "brought hopes and positive results in making legal education more qualitatively and professionally attractive for young minds." However inspiring the national law schools are, however, there is genuine concern about the quality of the hundreds of other law colleges across the country. Chief Justice of India K.G. Balakrishnan has said that premier institutes should not only "set the standards of legal education but also work towards improving the entire chain of our legal system."

An additional major shift in Indian legal education occurred when skills training, offered through four practical training papers (classes) including clinical legal education, were added to the LL.B.

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69 The Bar Council of India issued an initial instruction for establishment of five-year B.A., LL.B. degree programmes in 1978, and by 1984, ten universities had begun the programme and thirty-nine others informed Bar Council of India that they were starting it. Letter from M.R.K. Prasad, Lecturer in Law, V.M. Salgaoncar College of Law to author (citations omitted) (Apr. 19, 2009) (on file with the author).

70 See supra note 54.


73 *Law Comm'n of India, supra* note 64, at 102-03 ("We cannot . . . rest content with a few star colleges. We must be concerned with all the rest of the hundreds of law colleges located in cities and district headquarters all over the country.").

curriculum for both three- and five-year programmes in 1998-1999. Legal educators have shared strategies and concerns about the implementation of the practical training requirements.

Recognizing the need to update the mandated law curricula in India, the University Grants Commission (UGC), which is a governmental grant-making body responsible for maintaining quality standards in institutions of higher education in India, has periodically convened Curriculum Development Committees of subject experts from Indian universities for law subjects. In 2001, the UGC produced comprehensive topical syllabi and readings to serve as a model curriculum. The UGC Chairman stated the purposes of the model curriculum as follows:

In any country, especially one as large and varied as India, academic institutions must be allowed enough autonomy and freedom of action to frame courses according to specific needs. The recommendations of the Curriculum Development Committees are meant to reinforce this. The purpose of our exercise has been to provide a broad common framework for exchange, mobility and free dialogue across the entire Indian academic community. These recommendations are made in a spirit of openness and continuous improvement.

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75 Bloch & Prasad, supra note 66, at 180.

76 Kumari, supra note 66 (analyzing clinical legal education and practical training papers in India and identifying challenges to and innovations in implementation of these mandated courses); N.R. Madhava Menon, Strategies in the Implementation of Clinical Curriculum in Professional Legal Education 6 (unpublished paper presented at National Seminar on New Challenges in Legal Education, Symbiosis Society's Law College, Pune, Jan. 24-25, 2004 (hereinafter Symbiosis Seminar)) (recommending steps for planning of practical training objectives, managing clinical teaching and designing the programme, supervision and evaluation) (on file with author).

77 Aman M. Hingorani, Clinical Legal Education: Difficulties of Law Schools in Implementing It (unpublished paper presented at Symbiosis Seminar, supra note 76) ("Faced with the prospects of having to impart Clinical Legal Education and Practical Training, law schools have no choice but to resort to a text-book approach towards the daunting task of imparting such training . . . .") (on file with author); Menon, supra note 76, at 6.


81 Id. foreword.
The voluntary nature of the model curriculum was stressed. It was presented to university Registrars

with the options whether to adopt it in toto or adopt it after making necessary amendments or to adopt it after necessary deletion/addition or to adopt it after making any change whatsoever which the university may consider right. This UGC model Curriculum has been provided to the universities only to serve as a base and to facilitate the whole exercise of updating the Curriculum soon.\textsuperscript{82}

The 2001 UGC model curriculum in law shared substantive law expertise and bibliographies, but does not provide guidance about possible pedagogy to employ. However, needed improvements in pedagogy have been extensively discussed in other sources.\textsuperscript{83}

Even with a model curriculum, there is annual need for law schools to update their teaching materials. To some extent this is accomplished by the sharing of updated course materials collaboratively developed at leading law faculties in India; a few law schools post detailed individual subject syllabi on their websites.\textsuperscript{84}

In the last decade or so, legal educators have recommended reforms in areas including practical training, clinical legal education,\textsuperscript{85} and its social justice mission;\textsuperscript{86} critical thinking and analytical writ-

\textsuperscript{82} Id.

\textsuperscript{83} See, e.g., BAXI, supra note 66, at ch. IX, Law Comm’n of India, supra note 64, at 90-92; Reading Material, Workshop on Legal Education and Access to Justice, September 14-15, 2002, Campus Law Centre, Faculty of Law, Delhi University (Kamala Sankaran compiler).

\textsuperscript{84} A Professor at Delhi University Faculty of Law has indicated that the syllabi updated with the latest materials from her Faculty are posted on the University website and are often used by teachers in area colleges. Interview with Poonam Saxena, Head, Law Centre II, Delhi University Faculty of Law, in Delhi (June 30, 2009) (referring to LL.B. course materials available at http://www.du.ac.in/lbl-prog.html (last visited Apr. 9, 2009)); see also, e.g., Govt’ Law College, Mumbai, Securities Law: Brief Overview of the Course Curriculum, http://www.glc.edu/coursecur.asp#real.asp (last visited June 30, 2009); V.M. Salgaoncar College of Law, Goa, Second Year LL.B. Degree Programme Third Semester Syllabus Topics With Recommended Reference Books, http://www.vmlaw.edu/syl3yr2.htm (last visited June 30, 2009).

\textsuperscript{85} See Bloch & Prasad, supra note 66, Krishnan, supra note 66; Menon, supra note 71, Sharma, supra note 72.

\textsuperscript{86} CLINICAL LEGAL EDUCATION VI (N.R. Madhava Menon ed., 1998) (advocating enhancement of practical training through clinical legal education methodology); Bloch & Prasad, supra note 66; Kumari, supra note 68.
ing skills, and provision of global perspectives and enhancement of research capacity.

**B. Law Teacher Involvement in Curricular, Pedagogic, and Assessment Reform**

Collaboration by law teachers to reflect on their teaching objectives, methods, and assessment tools is necessary to bring about reform of Indian legal education. Common concerns of law teachers include professional development in teaching skills, legal educational planning, and development of teaching materials and library resources. The absence of institutional infrastructure for sustained professional interaction among law teachers impedes the pace of progress in the legal education sector. By contrast, there are models of highly effective professional associations in the business sector in India.

There have been waves of attempts to nurture an All India Law Teachers Association/Congress to support faculty development. At

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89 E.g., Confederation of Indian Industry (CII), “a non-government, not-for-profit, industry led and industry managed organization, . . . works to create and sustain an environment conducive to the growth of industry in India, partnering industry and government alike through advisory and consultative processes.” CII Homepage, http://www.cii.in/ (last visited June 30, 2009); NASSCOM, “the premier trade body and the chamber of commerce of the IT-BPO industries in India. NASSCOM is a global trade body with more than 1200 members, which include both Indian and multinational companies that have a presence in India.” NASSCOM, About NASSCOM, http://www.nasscom.org/Nasscom/templates/NormalPage.aspx?id=5365 (last visited June 30, 2009).

90 LEGAL EDUCATION IN INDIA: PROBLEMS AND PERSPECTIVES, supra note 66 (containing papers from a 1973 meeting of the All India Law Teachers Association); A.K. Koul, Legal Education in the 21st Century, in LEGAL EDUCATION IN INDIA IN 21ST CENTURY: PROBLEMS AND PROSPECTS, supra note 66, at 6 (calling for professional development through the All India Law Teachers Congress as well as through UGC and Indian Law Institute “refresher courses” and annual seminars, for the establishment of a journal on legal education, and for greater synergy between the law-school, bench and the bar); Krishnan Nair, The Role of
the All India Law Teachers Congress (AILTC) in 1999, the delegates passed a resolution that the AILTC be accorded statutory status.91 To date, these efforts have not led to a sustainable national organization of law teachers.

The creation of an institution dedicated to providing innovative law teacher training and faculty development programmes within India has long been recommended.92 There are two existing faculty development programmes funded by the University Grants Commission and held at universities and other institutions: orientation programmes (a twenty-eight day programme offered to teachers in multiple disciplines; it includes general teaching methods not tailored for law teaching) and "refresher courses" (a twenty one-day programme on recent developments in specific areas, including law).93 Attendance at an orientation and a refresher course is often required for career promotion of a law teacher.94 Such courses, well-designed, afford an opportunity for innovative teacher training.95 In 2002, the Law Commission of India recommended that the Central Government start four colleges, one in each region of India, to impart professional training to law teachers.96 In 2008, the Bar Council of India responded to professional development and other legal education-related needs by amending its rules to create a "Directorate of Legal Education."97 It

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91 A.K. Koul & V.K. Ahuja, Preface to LEGAL EDUCATION IN INDIA IN 21ST CENTURY: PROBLEMS AND PROSPECTS, supra note 66, at 320-21 (discussing roles for an All India Law Teachers Association in improving legal pedagogy and publication of scholarship about legal education).

92 See Baki, supra note 86, chs. III, IV & XIII (critiquing pedagogy and proposing a National Institute of Legal Education to provide extensive teacher training programmes).


94 Prasad, supra note 93.

95 See, e.g., Objectives and Methodology, in Reading Materials, Refresher Course for Law Teachers on Theory and Practice of Clinical Legal Education, National Law School of India University, Bangalore, India (Nov. 13-Dec. 3, 1995) (objectives included planning of application of learning during the course to the participants' law school practical training courses; methodology included role play, field visits, practice teaching, as well as lecture and discussion) (on file with the author).

96 LAW COMM'N OF INDIA, supra note 64, at 96.

97 The Directorate is to organize and conduct:

(a) Continuing Legal Education; (b) Teachers training, (c) Advanced specialized professional course, (d) Education for Indian students seeking registration after obtaining a Law Degree from a Foreign University, (e) Research on professional Legal Education and Standardization, (f) Seminars and Workshops, (g) Legal Re-
has also been suggested that the Indian Law Institute\textsuperscript{98} play a larger role in coordination of legal education programmes.\textsuperscript{99} Given that over 900 law colleges operate across India, the volume of teacher training and faculty development needed is high, especially in a context in which education reform is desired.

In the absence of a national-level association of Indian law teachers or an Indian institute focusing on legal pedagogy, there have been efforts by legal educators at the institutional and regional level to promote reflection on law teaching and student learning. At the level of an individual institution, some teachers at Delhi University Law Faculty have worked together to reflect on and refocus their teaching.\textsuperscript{100} There are doubtless efforts at various other law faculties. In the region, the Menon Institute of Legal Advocacy Training, founded by Dr. N.R. Madhava Menon, and an informal association named the South Asian Forum of Clinical Law Teachers have staged interactive trainings for law teachers across India.\textsuperscript{101} Law professors and students in South Asia, including Indian professors and students, have also formed a South Asian Law Schools Forum for Human Rights

\begin{itemize}
\item search, (h) any other assignment that may be assigned to it by the Legal Education Committee and the Bar Council of India.
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\textsuperscript{98} The Indian Law Institute (ILI) was founded in 1956 primarily with the objective of promoting and conducting legal research. The objectives of the Institute as laid down in its Memorandum of Association are to cultivate the science of law, to promote advanced studies and research in law so as to meet the social, economic and other needs of the Indian people, to promote systematization of law, to encourage and conduct investigations in legal and allied fields, to improve legal education, to impart instructions in law, and to publish studies, books, periodicals, etc.

\textsuperscript{99} S. Sivakumar, To Mould Millennium Law Researchers and Teachers: The Role of the Indian Law Institute, 50 J. INDIAN L. INST. 699, 705 (2008) (proposing the Indian Law Institute be authorized to serve as a nodal agency for coordinating legal education support, such as law teacher training and refresher courses, training of trainers, faculty exchange and other collaboration with legal education entities abroad, Common Law Admission Test, networking of resources and information among law schools, and support for clinical legal education).

\textsuperscript{100} See Building Capacities: Learning from Each Other (Ved Kumari ed., 2006) (a reflective and detailed report prepared by law teachers who participated in a highly interactive three-day workshop at Delhi University in 2006 on learning objectives, law teaching methods, evaluation of student learning, improving research, and balancing home and profession).

and collaborated during an annual multi-week “human rights summer school” held in Bangladesh under the auspices of an NGO named Empowerment Through Law of the Common People (ELCOP) headed by Dr. Mizanur Rahman. The ELCOP event serves as a laboratory for teachers and students on clinical legal education. Some Indian law teachers interested in legal education trends engage with global or bi-national associations.

C. Desire for Dialogue Among Law Teachers

Some educators feel the need for broad dialogue about the legal profession, in which law teachers would play an important role. Frank S. Bloch and M.R.K. Prasad, drawing support from the 184th Report of the Law Commission of India, have recommended development of a statement of professional values and skills for Indian lawyers in order to focus legal education reform:

Properly constructed, a set of values and skills along the MacCrate model, but adapted for modern India’s needs, can serve to support the current movement toward legal education reform. They can also provide an underlying substantive basis for institutionalizing a social justice-based clinical curriculum that is missing from the Bar Council’s Practical Papers mandate and the Law Commission’s general call for meaningful and effective educational reform.

Bloch and Prasad suggest four fundamental values and five fundamental skills relevant to the Indian context to supplement the MacCrate Report statement. The additional values and skills pro-

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104 Global Alliance for Justice Educ., supra note 37.
105 For example, the Gender and Law Association (GALA), was formed with support from a U.S. government grant to American University Washington College of Law to help American and Indian law teachers share relevant teaching materials and professional interests in the area of gender justice. See GALA — Gender & Law Association, http://www.wcl.american.edu/gender/wljp/gala/website (last visited June 30, 2009). Bi-national educational exchange foundations, such as the Fulbright Program, sometimes support law teacher collaboration and training. See Reading Material for Roundtable Discussion on Community Responsive Legal Education: Trends in South Asia, supra note 68.
106 Law Comm’r of India, supra note 64, at 58.
107 Bloch & Prasad, supra note 66, at 188-89.
108 Id. at 189-94 (The values are: Provision of fair and effective resolution of disputes; striving for social justice; promotion of alternative lawyer roles; and protecting judicial in-
vide the necessary grounding for the social justice work needed to help the large number of desperately poor people in India.\textsuperscript{109}

The legal education community should enthusiastically support the study of the values and skills needed for legal professionals to effectively serve India. Such a statement can provide a roadmap for the learning objectives within law courses and provide insight into the types of pedagogy and assessment that would best achieve the objectives. After identifying the skills to be taught through compulsory Practical Training papers, relevant pedagogy and assessment of student learning should be further developed.\textsuperscript{110} Training of law teachers in the relevant pedagogical and assessment methods should be designed and training of trainer materials developed.\textsuperscript{111} Collaborations with colleagues abroad may be helpful in these efforts.\textsuperscript{112}

Beyond the very important discussion prompted by the MacCrate Report format, there are a host of important, timely questions for law teachers in India to frame and discuss. Here are a few illustrative ones:

- What are "India’s legal needs"? Specifically, the needs
- Of the large marginalized segment of Indian society that lacks access to justice?
- Of the NGOs who work on behalf of the marginalized?

dependence and accountability. The skills relevant to India mentioned in the MacCrate Report are legal research, communication, litigation and alternative dispute resolution procedures, and organization and management of legal work, generating alternative solutions and strategies, elaborating legal theory, evaluating legal theory, and identifying and evaluating other possible legal theories; methods of effectively tailoring the nature, form, or content of the written or oral communication, counseling, negotiation, and knowledge of the fundamentals of proceedings in other dispute-resolution forums. Additional skills needed in India include innovative/alternative problem-solving techniques, skills to invent new options beyond the established norms, mass communication skills, skills to analyze the socioeconomic background of legal problems, and skills in research with a sense of responsibility to serve society.

\textsuperscript{109} Id.

\textsuperscript{110} Kumari, supra note 66 (stressing the importance of teacher training for clinical legal education and practical training papers); M.R.K. Prasad, Clinical Legal Education in India, A Model Blue Print for Offering Quality Clinical Education, Scientific Supervision, and Assessment (unpublished paper presented Sept. 23, 2007 at the Ninth Annual Australian Clinical Legal Education Conference) (discussing problems with clinical education in India and a model for evaluation of student learning of skills).

\textsuperscript{111} See Frank S. Bloch & N.R. Madhava Menon, Bridging the Gap in Training Resources: Developing a Cadre of Trained Clinical Teachers (unpublished paper presented Nov. 25, 2005 at Salgoaner-MILAT Conference, supra note 101); see also UNIV. GRANTS COMM., 2001 REPORT, supra note 79, foreword.

\textsuperscript{112} See Jane E. Schukoske, Meaningful Exchange: Collaboration Among Clinicians and Law Teachers in India and the United States, in EDUCATING FOR JUSTICE AROUND THE WORLD 233 (Louise G. Trubek & Jeremy Cooper eds., 1999)
• Of government, faced with the need for effective law enforcement, court case management to reduce the backlog and time taken to decide a case, and anti-corruption measures, among other issues?
• Of middle-class individuals affected by transnational legal issues?
• Of companies in the global marketplace?
What specific research is needed to support updating of curricula, new teaching areas and pedagogic approaches? What teaching materials and textbooks should be developed? Is there value in reviewing models developed outside India?
What regional problems might be best addressed in collaboration with law colleagues at South Asian universities within and outside India? Would regional comparisons of law and problem-solving strategies in SAARC countries be desirable?
How are new technologies being harnessed to help provide legal aid to the poor?\textsuperscript{113} How can they be used to provide better support to lawyers assisting the poor?\textsuperscript{114}
There is clearly much collaboration by law teachers needed to respond to the call for improvement in the Indian legal education system. How can this occur?

D. Vision of Enhanced Networking Among Indian Legal Educators

India is known as a leader in technology and there is much technical know-how that could be tapped to advance communications among legal educators within the country. There are commercial Indian publishers that have developed databases to aid in Indian legal research, such as Manupatra\textsuperscript{115} and SCC Online.\textsuperscript{116} Some Indian law schools post their law reviews\textsuperscript{117} and syllabi\textsuperscript{118} online. We can expect these resources to expand their contents and reach over time.

\textsuperscript{113} Balakrishnan, supra note 74 (encouraging thought on “how technological developments can be harnessed to disseminate the knowledge of law and legal rights and obligations to the common man”).

\textsuperscript{114} In the United States, the Legal Services National Technology Assistance Project states its mission as follows: “NTAP fights injustice to low-income people by helping nonprofit legal aid programs improve client services through effective and innovative use of technology.” Legal Servs., Nat’l Tech. Assistance Project, About Us, http://www.lntap.org/aboutus (last visited June 30, 2009).


\textsuperscript{117} For example, the West Bengal National University of Juridical Sciences posts its N.U.J.S. Law Review at http://www.nujalawreview.org/law-review-journal.html (last vis-
There is great potential for Indian law teachers to share views, teaching materials and research by creating online networks. Such shared resources receive eager attention in other parts of the world. One initiative by legal educators is the Law and Social Sciences Network (LASSNET) of the Centre for the Study of Law and Governance at Jawaharlal Nehru University, Delhi. LASSNET aims to bring together scholars, lawyers and doctoral researchers engaged in research and teaching of issues of law in different social sciences in contemporary South Asian contexts. We believe that the critical work that has emerged from different institutional locations and theoretical frameworks, has yet to find a common forum which can act as a medium for exchange of ideas, work, materials, pedagogies and aspirations for the way law, regulation and society as objects of research as well as sites of praxis have been envisaged variously. The attempt of this network is to create a forum for academics, researchers, and lawyers to interact with each other to find productive conversations with each other as well as enhance these conversations into future directions that law and social sciences scholarship in India might mature into.

In addition to its website, LASSNET hosts a blog on which professors can share their views. Either as a subgroup of LASSNET or as a separate entity, there is scope for Indian legal educators to share resources within the country, to collaborate on legal education pedagogy, and to communicate other issues of common concern. In light of resource limitations at many law schools, the ability to harness the power of the Internet for sharing resources relevant to India is an exciting prospect. It would

\[\text{\textsuperscript{118}}\] See, e.g., supra note 84.


\[\text{\textsuperscript{121}}\] Id.

provide a forum for law teachers from premier and other law schools to interact to, as Chief Justice Balakrishnan urged, “work towards improving the entire chain of [India’s] legal system.”

Beyond communications among law teachers, what scope is there for legal educators to use technology in teaching their students? How might technology be used to produce innovative law teaching materials and assignments relevant to India?

What potential does technology offer to provide greater access to legal information to the public? Efforts to educate the public through distance learning and community kiosks are being made in India. In what ways might law schools contribute more to these efforts?

Finally, what benefits would there be to using technology to connect colleagues and students within India and the South Asian region to engage in work on issues and projects of common concern? In connecting with colleagues and students in countries outside the region?

VI. CONCLUSION

For law teachers to prepare students for practice both in the context of India’s own socio-economically complex society and in the framework of inter-related legal systems and societies, teachers must assess the learning objectives they have for their students and rethink the curriculum and pedagogy to achieve those objectives. Increasingly, law teachers around the world collaborate with colleagues at home and abroad to bring cross-cultural perspectives and social justice values to their students. International collaboration by students on projects builds the relationships and insights needed to strengthen capacity to work well together in the future.

There is lively exchange among law professors around the world about the challenges to legal education brought about by the four trends discussed in the first part of this article: transnational dimension of law practice; the need for greater emphasis on problem-solving, negotiation, and transactional practice to balance the traditional

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123 Balakrishnan, supra note 74.
law school curricular focus on litigation; connection of theory and practice through clinical legal education; and use of new technologies for learning. While some Indian law teachers participate in the international legal education debates, there is much scope for discussion of these issues within India to modernize and enhance the legal education system at India’s hundreds of law schools and colleges.

In this era of readily available communications technologies, Indian educators can share their work and concerns, collaborate on identifying the pedagogic, curricular and assessment changes they can implement within the existing structures, and advocate for changes they feel are needed within the system. They can plan recommendations for a National Institute of Legal Education,125 the Directorate of Legal Education126 or other such bodies to support the training and professional development of law teachers throughout their careers and to create and update teaching materials. Such interaction will inevitably lead to needed improvements in pedagogy and law-related research collaborations.

In order for the next generation of lawyers to address India’s diverse priorities — from support of its knowledge-based economy to representation of its farmers, women, children and minorities — law schools and the legal profession must guide students to address important domestic and globally shared problems. Greater discussion, planning and resource-sharing among law teachers is urgently needed to respond to these priorities.

125 See Baxi, supra note 66, chs. III, IV & XIII.