

## **The human capabilities approach in legal education: a case study of Jindal Global Law School in India**

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### **Abstract**

This article argues that the human capabilities approach towards legal education in India is preferable and necessary to ensure inclusive and equitable quality education, build lifelong skills, allow citizens access to justice, and make institutions effective, accountable, and inclusive. Legal education should not simply train lawyers to defend human rights in court, but capacitate and empower people, who, knowing their rights, can prevent violations. The article focuses on India – the most populous and one of the most diverse countries in the world – to demonstrate both opportunities, as well as challenges in applying the human capabilities approach to legal education. It explores the case of Jindal Global Law School as a successful example of involving law faculty and students through legal clinics, public service, outreach, and direct work with local communities to raise awareness, disseminate legal know-how, empower people, and build capacity to achieve better accomplishment of human rights, access to justice, development, and peace.

**Keywords:** Human capabilities approach, legal education, access to justice, India, legal clinics.

### **Introduction**

Classical legal education has been mainly focused on how violations of human rights can be addressed through filing cases in the courts and litigating these in front of judges. This purely legalistic approach to human rights over the last 75 years has achieved a remarkable list of legal opinions, judgments, and compensation for victims, setting precedents applicable to remedy future violations. However, in populous and under-developed countries, such as India,

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Indonesia, Pakistan, Bangladesh, Nigeria, Congo, etc., where massive inequality and illiteracy is combined with gaps in access to justice, struggling institutions, corruption, and authoritarian tendencies, legal education should not only be devoted to producing litigators in courtrooms, but rather legal activists prepared to go to communities, disseminate knowledge, and build capabilities among people to realize their human rights.

*Human rights and human capabilities approaches to education*

Human rights education has been defined as "learning, education, training, and information efforts aimed at building a universal culture of human rights."<sup>1</sup> Article 26 of the Universal Declaration of Human Rights addresses the development of human personality, dignity, culture of understanding, tolerance, peace, equality, and friendship; enabling persons to participate effectively in a free and democratic society as per the rule of law and promotion of sustainable development and social justice. Human rights education is established as both a right and a duty, it must build respect for human rights and is a key to securing universal recognition and observance of human rights.

The 2011 UN Declaration on Human Rights Education and Training ensured that education is aimed at strengthening respect for human rights and fundamental freedoms, which can lead to creating a human rights culture where students, especially those from a legal background, are better able to address the challenges the society faces in the twenty-first century.<sup>2</sup> Human rights education sensitises students on the inherent dignity of human beings, the respect for their well-being, and the protection of their social, economic, civil, or political rights. It focuses on cognitive development, which entails the content and processes within the human rights domain. While imparting the knowledge of a participatory model of education through human rights, it must motivate and equip people to take action.

Amartya Sen, an Indian economist and philosopher, in '*Idea of Justice*'<sup>3</sup> introduced the human capabilities approach (HCA). Martha Nussbaum, a Chicago Law Professor, after a lot of research in India, developed this approach

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<sup>1</sup> Tony Evans. 'International Human Rights Law as Power/Knowledge' [2005] 27(3) Human Rights Quarterly 1046-1068. [10.1353/hrq.2005.0035](https://doi.org/10.1353/hrq.2005.0035)

<sup>2</sup> UN Human Rights Council, 'United Nations Declaration on Human Rights Education and Training: resolution / adopted by the Human Rights Council' [2011] A/HRC/RES/16/1.

<sup>3</sup> A Sen, 'The Idea of Justice' [2008] 9(3) Journal of Human Development 331-342.

further, suggesting that human capabilities, in the same way as human rights, should be regarded and developed as entitlements<sup>4</sup>, and this approach is best for countries like India to bring long-term social justice. The HCA challenges the classical approach to human rights, over-focused on legal protection and remedies for violations. With the HCA, citizens do not wait for governments to violate their rights and then approach lawyers to defend these rights in courts. Instead, people, no matter how poor and illiterate, know their rights and build capability and resilience against potential violations. The HCA empowers people to participate in decision-making at various levels, become stakeholders, and contribute toward nation-building. It does not reduce the concept of human rights, based on entitlements that belong to all human beings from their birth, regardless of differences based on race, sex, language or religion, political opinions, national or social origin, property or other status. This is an excellent statement that should not make people dependent on human rights lawyers to achieve daily protection and respect for human rights. Every individual citizen must have a basic competency provided through education in schools - to ensure the rights both for themselves and for their family and community. People should not only be objects of human rights, they should become subjects of human rights.

The HCA recognises each human being as both an *end* and an *agent*, and calls for a threshold level of each capability, at which citizens must contribute to society. To apply HCA to legal education means that law students should not only be trained to defend rights in court, but also trained to capacitate and empower people to avoid violations of human rights and to robustly respond to such violations. The HCA provides a broad normative framework for evaluating and assessing human capabilities and societal structures, it is designed to determine the scope of assets and tools for individuals to contribute to the rule of law and justice as per their capacities.<sup>5</sup>

If human rights focus simply on equal entitlements, the HCA recognizes vast economic, social, and other inequalities. It builds knowledge and capacity to prevent violations from happening in the first place. It empowers people to know and fight for their rights effectively. The focus on prevention is crucial, it means fewer violations, less suffering, and more money and efforts going to

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<sup>4</sup> M Nussbaum, 'Capabilities as fundamental entitlements: Sen and social justice' [2003] 9 *Feminist Economics* 33–59.

<sup>5</sup> S Alkire, 'Why the Capability Approach?' [2005] 6(1) *Journal of Human Development* 115–135.

capacitate and enable citizens. It is no surprise that the HCA first originated in India, a country that is diverse and vastly populated, which varies on the lines of caste, class, education levels, and awareness, and poses significant obstacles in promoting and protecting human rights, especially with increasing social and economic inequalities, poverty, religious and civil conflicts, disasters, and displacements.

### *One billion students*

India is not only the nation with the biggest population in the world, but it is also a very young nation - soon the number of Indians below the age of 30 will reach one billion – a huge potential group to study at various levels of the education system. Section 3 of the Right to Free and Compulsory Education Act, 2009<sup>6</sup> grants all children from six to fourteen the right to free and compulsory elementary education. In 2020, the National Education Policy was introduced that included early childhood care and education for children aged between 0 to 6 years, as well as the constitution of a gender inclusion fund, whose aim is to provide quality education to girls and transgender students.<sup>7</sup>

Despite these efforts, access to quality education remained limited in many parts of India, due to economic barriers and lack of infrastructure. The education system struggles to keep pace with rapid societal changes. Ensuring education for marginalised groups remains a challenge for institutions, including universities, to ensure an inclusive environment and promote education and continuous professional development for all students and practitioners. Restructuring education in India to embrace interdisciplinary studies and global perspectives is essential for cultivating adept future professionals, capable of navigating the intricate job market shaped by globalisation and AI.

The HCA approach to education emphasises practical skill-building, training, innovative pedagogies, and global interactions, and helps maintain relevance and comprehensiveness, ultimately aligning with the broader objectives of societal development and justice. This approach is vital for ensuring that education in India continues to contribute meaningfully to the nation's

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<sup>6</sup> Pankaj S Jain and Ravindra H Dholakia, 'Feasibility of Implementation of Right to Education Act' [2009] 44 (25) Economic and Political Weekly 38–43.

<sup>7</sup> P N Khushnam, 'National Education Policy 2020: A Prudent Vision of India's Soft Power in the Emerging World Order' [2022] 78(2) India Quarterly, 78(2), 318-333.

progress. In the context of diversity and inequality in India, it is essential to identify gaps in access to justice, pay more attention to marginalised communities, and equip students with skills and knowledge to address the variety of needs of various populations, while instilling a strong sense of ethics and responsibility paramount for building inclusive and accessible institutions. Universities should and can play a large role in preparing students to assume their responsibilities in promoting and protecting human rights and contributing as socially aware and conscious citizens who can motivate local and national communities. C Raj Kumar, Founding Vice-Chancellor of O.P. Jindal Global University, emphasised the increased societal knowledge of laws and administration of justice for law school students in enhancing their capabilities to address the socio-economic needs of the individuals in the society.<sup>8</sup>

When the rule of law prevails, citizens become capable to participate in decision-making, along with the protection of fundamental rights.<sup>9</sup> The steps taken by the government of India, schemes such as *Poshan Abhiyaan*, *Gram Nyayalayas*, and others, provide mechanisms to redress injustice suffered by communities belonging to different socio-economic backgrounds. The Integrated Child Development Scheme and the National Labour Project in India intend to, and aim at, preventing exploitation, child labour and child exploitation.<sup>10</sup>

Oliver Wendell Holmes Jr. said that the ‘life of law has not been logic, it has been an experience’.<sup>11</sup> In a large democracy like India, to confront the challenges posed by the modern technologies and AI, knowledge comes from vast experience, and therefore legal education must foster the sharing of information, and promote the application and management of knowledge at

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<sup>8</sup> C Raj Kumar, ‘Legal Education, Globalization, and Institutional Excellence: Challenges for the Rule of Law and Access to Justice in India.’ [2013] 20(1) *Indiana Journal of Global Legal Studies* 221–52.

<sup>9</sup> K R Hope Sr., ‘Peace, justice and inclusive institutions: overcoming challenges to the implementation of Sustainable Development Goal 16’ [2019] 32(1) *Global Change, Peace & Security* 57–77.

<sup>10</sup> S Upadhyay and A Dubey, ‘Sustainable Development Goals: Implementation of Goal 16 by India’ In: S Hazra and A Bhukta (eds) *Sustainable Development Goals. Sustainable Development Goals Series*. [Springer, 2020]

<sup>11</sup> The famous quote by Oliver Wendell Holmes has applications in the domain of legal education perspectives of 21st Century, <https://www.floridabar.org/the-florida-bar-journal/the-life-of-the-law-has-not-been-logic-it-has-been-experience/>. Accessed on 30 August 2024.

both professional and institutional levels. There could be gaps in the way we teach laws, contracts, torts, etc. Also, legal issues are often complex, requiring a multifaceted approach and interdisciplinary knowledge. Therefore, it is essential that legal education:

- (1) integrates the perspectives from various fields, including ethics,
- (2) creates socially responsible legal practitioners
- (3) encourages students to engage with the communities and understand the role of law and ethics in fostering responsible civic participation
- (4) ensures that democratic institutions are strengthened, that accountability and transparency are maintained. Know-how gaps can be minimised by empowering a conscious and self-driven society that considers its duty to safeguard human rights, intervene, report abuse, spread awareness, bring about attitudinal and behavioural shifts, build human rights culture and promote implementation. The HCA is essential in such an educational model to develop capabilities and make the future generation of India human-rights-conscious and self-driven.

Law is not an abstract of purely intellectual exercises; it has a direct and immediate consequence on the lives of people. Legal education, accordingly, has a large societal role, it equips future lawyers, judges, and civil officers to fashion ideas and methods of human governance. Legal education is a technique, arena, and platform for rational, orderly, and non-violent settlement of disputes and handling of conflicts.<sup>12</sup> In India, law is often seen as merely another field of study, thereby underestimating its profound potential to influence all facets of national progress. In the case of *Manubhai Pragaji Vashi v State of Maharashtra*, the Supreme Court of India opined that legal education must evolve to address the ever-increasing societal demands and be well-prepared to handle the complexities of various scenarios.<sup>13</sup> As a professional discipline, legal education has gained substantial importance, reflecting not only the historical relevance of law in society, but also its critical role in today's globalised context. The requirement for competent legal professionals in academia, litigation, corporate sectors, government, and civil society has surged markedly in recent years, and the demand for such expertise is expected to grow even more rapidly in the near future. In a country with a student population of one billion, there is an imperative need to innovate, to bring

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<sup>12</sup> K L Bhatia, 'Legal Justice Education : Vision Plan for Legal Schools' 1 (Deep and Deep Publications Pvt. Ltd., New Delhi, 2006).

<sup>13</sup> (1995) 5 SCC 730.

current legal education and the professional framework in sync with the demands and challenges thrown open by the process of globalisation.

## **Evolution of legal education in India**

Legal education in India started with the opening of the Professorship of Law in Government Epitome College in 1855 and soon the subject of law permeated to other universities in other major cities - Bombay, Madras, Calcutta. In Bombay, an Education Committee promoted the idea that legal education in India can complement degrees obtained in Oxford, Cambridge, King's College London, St. Andrews, etc., considering that the universities in India can share common law scholarship and offer similar law degrees. The Setalvad Commission in 1954 issued the XVI Report of the Law Commission which deliberated over the urgency of reforms to be taken for the promotion of legal education. In 1958, the Law Commission of India in its Fourteenth Report on Reform of Judicial Administration brought attention to the deteriorating standards of legal education while addressing the fact that even after the Radhakrishnan Commission<sup>14</sup> there was no improvement in the field of educating students who wished to gain professional skills on par with other counterparts across the world and to attune legal studies to the growing pathways for lawyers for years to come. The Advocates Act in 1961 came as a response to a dearth of quality in pedagogy in law schools across India, to offer relatively easy entry into professional education. However, gaps continue to remain – the former Chief Justice of India A M Ahmadi in the Chief Justices Conference in 1993 said: 'There should be proper evaluation of papers in the exams. The students should be trained to draft pleadings at the college level. The standard of English should be improved'.<sup>15</sup>

Historically, legal education in India was primarily offered by non-specialized universities that awarded law degrees akin to other undergraduate degrees. These institutions adhered to the curriculum prescribed by the Bar Council of India (BCI), yet were concurrently under the oversight of the University Grants Commission (UGC). This dual supervision rendered it challenging to implement reforms effectively. As standards within the legal profession

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<sup>14</sup> Law Commission of India, 'Reform of Judicial Administration', Fourteenth Report [1958] Ministry of Law, Government of India, 1.

<sup>15</sup> Sanjay Sethia, 'Legal Education in India - Need for streamlining', BMS College of Law, Bangalore, <https://in.linkedin.com/pub/sanjay-sethiya/2b/367/68,cyber-law/legal-education-india.htm>.

declined, growing pressure from various quarters compelled the BCI to initiate significant reforms. In response to mounting demands, the BCI's Legal Education Committee<sup>16</sup> took decisive action in 1984 by approving several proposals to modernise legal education. One of these was the creation of specialised institutions designed to offer integrated and diversified legal education. The objective was to rejuvenate the legal profession by making it more appealing and competitive, attracting talent that might otherwise pursue fields like medicine or engineering. These initiatives were intended to elevate the standards and allure of the legal profession.<sup>17</sup>

Since then, the BCI has engaged in vigilant monitoring and periodic reviews of legal education, collaborating creatively with the UGC. A landmark achievement of these efforts was the introduction of the five-year integrated undergraduate law program and the establishment of the National Law School of India University (NLSIU) in Bangalore in 1986. This pioneering initiative, conceptualized and executed by N R Madhava Menon, represented a radical shift in legal education, embedding the LL.B. program within the undergraduate curriculum for the first time. The NLSIU model swiftly became a blueprint for other states, leading to the proliferation of National Law Universities (NLUs) across India.

In 1990, the Law Commission of India characterised legal education as a scientific discipline that imparts knowledge of legal principles and provisions to students, equipping them to pursue careers in the legal profession.<sup>18</sup> In 1996, a committee was constituted under the Chairmanship of Hon'ble Justice A.M. Ahmadi, then Judge of the Supreme Court who, *inter alia*, recommended the re-constitution of the Legal Education Committee of the BCI to include the participation of representatives of the judiciary and the UGC. It listed five-year core law courses, and proposed the practice of granting provisional admission and holding entrance examinations at the stage of admission to law colleges and universities. It encouraged supplementing the lecturing method with case law, tutorials, moot courts, mock trials, and problem-solving on compulsory footing. Practical training in drafting, pleadings, and contracts was introduced

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<sup>16</sup> The Legal Education Committee makes recommendations to the BCI on matters related to legal education. Hon'ble Mr Justice A.P. Misra, is its Chairman presently.

<sup>17</sup> Bhupen N Mukherjee, 'Legal Education in Indian Universities', [1968] 5 Journal of the All India Law Teacher's Association 24.

<sup>18</sup> The Curriculum UGC Guidelines, 'Report: The Curriculum Development Centre in Law' [1990]. <<https://www.ugc.gov.in/oldpdf/pub/report/7.pdf>>



in the last year of study. Student's visits, at various levels, to the courts were made compulsory.

The Law Minister's working group on legal education held at Bhuvaneshwar on 24.09.1995 and the Law Minister's Conference held at Hyderabad on 05.11.1995 criticised the deterioration of legal education and entry into the legal profession and considered further reforms. The conferences took a serious view on the state of legal education and recommended that BCI should play a more effective role in discharging its functions under the provisions of the Advocates' Act to secure strict enforcement of the relevant rules made thereafter. In 1997, the BCI, with the intention of a more pragmatic approach to legal education, made certain amendments to the compulsory training courses, adding Pre-trial and Participation in Trial Proceedings, Pleading, Drafting, and Conveyancing; Professional Ethics, Accountancy; Public Interest Lawyering; and Legal Aid and Paralegal Services.

With globalisation, it became imperative to include global perspectives and comparative law subjects in the curriculum. Particular attention should be given to global curriculum, global faculty, global degrees and global interactions to improve the standard of legal education. In December 2002, the Law Commission submitted a comprehensive report to the government, advocating for further reforms in legal education and bar enrolment processes.<sup>19</sup> Despite these efforts, Indian legal education continues to grapple with challenges, falling short of the standards set by global counterparts. This disparity highlights the latent potential within the Indian legal profession, which, if harnessed, could significantly impact the legal landscape nationally and internationally. The NLU model substantially improved the infrastructure of legal institutions and raised the quality of legal education, yet they are falling behind the curve in keeping pace with the process of globalisation by not taking steps to meet the emerging needs of the new global order.

As India strides along its path of development, it becomes increasingly imperative to reform legal education and fortify the legal profession against the multifaceted challenges of the 21st century. Dr. N R Madhava Menon posits

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<sup>19</sup> Law Commission of India, 'The Legal Education and Professional Training Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956' [2002] 184th Report.  
<<https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081076.pdf>>

that legal education in India must be liberated from the overbearing control of the BCI, and entrusted to legal academics who possess the freedom to innovate, experiment, and compete on a global stage, which would allow legal education to adapt more dynamically to contemporary demands, fostering a more robust and versatile legal profession equipped to navigate the complexities of modern legal practice.<sup>20</sup>

The National Knowledge Commission (NKC) working committee on legal education has critiqued the BCI's regulatory framework, arguing that its rules, circulars, and regulations beyond bar admission overstep the bounds of permissible delegated legislation and are, therefore, invalid. However, the NKC acknowledges the practical difficulties in entirely excluding the BCI from the domain of legal education. It asserts that any decision to marginalise the BCI from this role cannot be undertaken unilaterally but must involve thorough consultations with the Bar and the judiciary.<sup>21</sup>

The balance of regulatory oversight and academic freedom is delicate but crucial. While the BCI's involvement ensures a certain standardisation and coherence in legal education, excessive control can stifle innovation and adaptability. A collaborative framework, wherein legal academics are empowered to drive educational reform, supported by the regulatory guidance of the BCI, could be a better approach. This model would uphold the integrity and standards of legal education while fostering an environment conducive to scholarly and professional excellence.

### *Global legal education in India*

The internationalisation and globalisation of the legal profession, coupled with the imminent entry of foreign lawyers into India, presents both a significant opportunity and a challenge for Indian lawyers, who will need to compete with the extensive knowledge and broad expertise of foreign legal practitioners to adeptly navigate the complexities of an integrated and interdependent global order. The process of globalisation gained substantial momentum since the

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<sup>20</sup> G Manohar Rao and K Srinivas Rao, 'Legal Education in India-Challenges and Perspectives' (Asia Law House, Hyderabad, 2007) 166.

<sup>21</sup> Law Commission of India, 184th Report on 'The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956'.

economic reforms of 1991, fundamentally altering the landscape of legal education.

In this context, legal education must transcend its traditional role of merely preparing students for the Bar and also cater to the burgeoning demands of trade, commerce and industry, and align itself with the overarching requirements of globalisation. This entails a comprehensive overhaul of the curriculum to include international law, comparative law and transnational legal practices, ensuring that graduates are well-versed in global legal standards and practices.

The rapid globalisation in the legal profession is poised to impact the tenets of legal pedagogy and the profession in India. Lawyers need to possess capability to represent clients not only within national boundaries, but also abroad. India's obligations under multilateral agreements, particularly the General Agreement on Trade in Services (GATS) and the establishment of the World Trade Organization (WTO) mandate the provision of equal treatment to legal professionals from diverse jurisdictions. The global perspective becomes indispensable for contemporary legal practice. Indian lawyers must be proficient and confident in multiple international legal frameworks. This calls for an education system that is not just attuned to domestic legal requirements but expansive enough to encompass the intricacies of any complex cross-border legal issue. Legal education must evolve to produce lawyers who are not only skilled in national jurisprudence but also capable of engaging with, and contributing to, the global legal community. By fostering a comprehensive understanding of international legal norms and practices, Indian legal education can ensure that its professionals are well-equipped to meet the challenges and leverage the opportunities presented by a globalised legal environment. As a result of the unprecedented changes induced by technology and globalisation, many professions including the legal profession are forced to re-think their method of management and delivery of services.

An observation by Plato<sup>22</sup> that 'the study of laws, provided they are just, is unparalleled in its capacity to enhance students' intellects'<sup>23</sup> resonates with exceptional clarity in contemporary times. Legal education is entrusted with

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<sup>22</sup> Robert J Munro and Dennis Noah. 'Plato, Educom, and Legal Education'[1980] *Journal of Legal Education* 30(4/5) 582-91.

<sup>23</sup> Plato, 'The Laws, bk.XII, Dictionary of Legal Quotations' (c.428 - 347 BC) (Universal Law Publishing Co. Pvt. Ltd. New Delhi, 5th Ed. 2004, 110)

the HCA and the vital mission of empowering individuals to be responsible citizens, acting as key instruments in the preservation and advancement of democratic values through the promotion of social justice, political stability, and economic welfare. The integration of the HCA approach within the legal academic framework enriches the educational experience and provides a more holistic understanding of the law in its various contexts. Such an approach is not merely beneficial but essential in today's complex interconnected world. Universities must, therefore, embrace clinical pedagogy methods, emphasising experiential learning and practical application of legal principles. These methods would enable students to engage deeply with real-world legal issues, fostering critical thinking and problem-solving skills that are indispensable in legal practice.

The twin forces of globalisation and liberalisation have further emphasised the need for a robust and adaptive legal education system. These phenomena have effectively transformed the world into a global village, where legal professionals must navigate an increasingly intricate web of international norms, regulations, and practices<sup>24</sup>. Consequently, there is a burgeoning demand for specialised areas of legal practice and research that cater to the nuanced challenges posed by global interdependence. Legal education must, therefore, evolve to address these demands. This evolution involves not only the inclusion of interdisciplinary studies and clinical methods but also cultivation of a global perspective among students. Law schools must prepare future legal practitioners to operate efficiently within global frameworks, equip them with knowledge and skills necessary to contribute meaningfully to the international legal community. The role of legal education in fostering social justice cannot be overstated. By instilling a deep understanding of the law's role in promoting equity and protecting human rights, law students can become advocates for change and defenders of the marginalised. This social justice mission is integral to the broader objectives of political stability and economic welfare, in as far as only the just legal system forms the bedrock of a fair and prosperous society.

The study of law imposes a profound responsibility on graduates, necessitating a deep understanding of both the legal framework and the societal context in which these laws operate. Law students must therefore engage with related

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<sup>24</sup> Stephanie M Wildman, 'Democrat and Social Justice: Founding Centers for Social Justice in Law Schools' [2005] *Journal of Legal Education* 55(1/2) 252-67.

disciplines such as history, economics, sociology, and ethics to achieve a comprehensive education.<sup>25</sup> This interdisciplinary approach enhances their legal competence and prepares them for diverse professional roles beyond the judiciary. As Justice A M Ahmadi aptly noted, ‘We have waited long enough to repair the cracks in the legal education system of this country and it is high time that we rise from arm-chairs and start the repair work in right earnest’.<sup>26</sup> His statement underscores the urgent need for substantial reform to address long-standing deficiencies and better equip students for contemporary challenges.

Efforts to reform the legal curriculum and enforce stricter regulations through the BCI have historically yielded limited success in enhancing the quality, professionalism, and competitiveness necessary for a globalized era.<sup>27</sup> Recognising these shortcomings, the NKC identified legal education as a critical component of professional education, advocating for a contemporary curriculum integrated with other disciplines, alongside feedback mechanisms from stakeholders. Its recommendations emphasised the need for a curriculum that expands optional courses, deepens the understanding of professional ethics, modernises clinical courses, and mainstreams legal aid programs. Innovative pedagogical methods were also highlighted. In the context of rule-based multilateralism, incorporating international and comparative law perspectives is crucial. The NKC proposed focusing on four key areas to elevate the standards of legal education: global curriculum, international faculty, globally recognised degrees, and enhanced global interactions.

In 2007, the NKC reiterated that the vision for legal education should be justice-oriented, aligning with the values enshrined in the Indian Constitution.<sup>28</sup> Originally, the Constitution tasked states with the responsibility of education, but the 42nd Amendment Act of 1976 shifted this to a concurrent subject under

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<sup>25</sup> C E Ares, ‘Legal Education and the Problem of the Poor’ [1965] 17 *Journal of Legal Education*.

<sup>26</sup> A M Ahmadi, ‘Inaugural Address at the First National Consultation Meeting of Heads of Legal Institutions’ in *Proceedings of the First National Consultation Meeting of Heads of Legal Institutions* (Ministry of Law and Justice 1994)

<sup>27</sup> C Kumar, ‘Improving legal education in India’ [2007] *The Hindu* <<http://www.thehindu.com/todays-paper/tp-opinion/improving-legal-education-in-india/article1861977.ece>> Accessed on 9 September 2024.

<sup>28</sup> Global Alliance for Justice Education, ‘Promoting Clinical Legal Education in India: A Case Study of the Citizen Participation Clinic’ <[http://www.gaje.org/wp-content/uploads/2012/09/Cor-JGLS-web\\_low.pdf](http://www.gaje.org/wp-content/uploads/2012/09/Cor-JGLS-web_low.pdf)> Accessed on 4 September 2024.

List III, granting both the Union and States legislative power. Consequently, legal education, along with medical and other professional training, has fallen under this shared jurisdiction. The Union government holds the authority to coordinate and set standards in higher education and research institutions, including those of national significance. This includes the power to oversee professional, vocational, and technical training, and to promote specialised studies or research. This legislative framework underscores the importance of a cohesive and high-standard legal education system that is responsive to national needs and global trends.

The implementation of innovative pedagogical methods, including case studies, projects, and fieldwork, should be integral to the new academic curriculum. Timely delivery of these components will ensure that legal education addresses real-world issues. Legal aid through clinical courses plays a crucial role in making research domains effective and innovative, providing practical experience and enhancing the skill sets essential for future legal professionals. Global exposure through international exchange programs, sponsored research, and developmental initiatives is vital for innovation in legal education. Professionally qualified, skill-based faculty members are key to implementing new ideas and methodologies. These measures help meet the growing demands of the legal field and prepare students to navigate international legal practice complexities. A curriculum integrating global perspectives and interdisciplinary approaches ensures that students are well-equipped for modern legal challenges.

Globalisation has profoundly transformed the legal landscape, prompting scholars to identify new paradigms that reflect its impact. Professor William Twining has outlined five key developments in law influenced by globalisation which highlight the necessity for legal education to adapt creatively to the growing international dimensions of both legal education and practice. These are: (i) increased emphasis on established transnational fields, such as public international law, regional law, international trade and finance, environment law, international criminal law and law and development; (ii) legal dimensions of global issues; (iii) transnational dimensions of core subjects such as contracts, criminal law, family law, intellectual property and labour law; (iv) diffusion of law through migration and interface of religious and customary

practices with law; and (v) the need for practitioners to look beyond the law of the jurisdiction in which they practise.<sup>29</sup>

Fostering global perspectives necessitates forming partnerships with esteemed foreign universities for joint or dual degrees, developing transnational curricula taught by global faculty through modern technology, and establishing robust international faculty and student exchange programs. To remain competitive and relevant in this globalised context, legal education curricula must incorporate elective courses in emerging areas, addressing the multifaceted impacts of internationalisation. Leading national law schools and premier institutions have already introduced these subjects, yet as former Prime Minister Dr. Manmohan Singh had observed, these institutions remain ‘islands of excellence amidst a sea of institutionalised mediocrity’.<sup>30</sup> This observation underscores the need for broader reform and enhancement across the entire spectrum of law schools in India.<sup>31</sup> Effective reform in legal education necessitates proactive engagement with all relevant stakeholders, including industry and civil society, to frame curricula that meet evolving needs. By integrating global perspectives and interdisciplinary approaches, Indian law schools can better prepare students for the complexities of modern legal practice. This approach ensures that graduates are not only competitive on a global scale but also well-equipped to address the diverse and dynamic challenges they will encounter in their professional careers.

Restructuring legal education in India to embrace interdisciplinary studies and global perspectives is essential for cultivating adept legal professionals. These professionals must be capable of navigating the intricate legal landscape shaped by globalisation. A holistic approach to legal education—emphasising practical training, innovative pedagogies, and global interactions will help maintain its relevance and comprehensiveness, ultimately aligning with the broader objectives of societal development and justice. This transformation is vital for ensuring that legal education in India continues to contribute

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<sup>29</sup> William Twining, ‘Implications of Globalisation for Law as a Discipline’ [2009] in A Halpin and V Roeben (eds), *Theorising the Global Order*.

<sup>30</sup> Speech at Conference of National Consultation for Second Generation Reforms in Legal Education in New Delhi.[2010]

<sup>31</sup> Paras Diwan, ‘Legal Education in India-status and Problems, Bar Council of India Trust’ [1983] 54-74-40

meaningfully to the nation's progress and its legal fraternity's competence on the world stage.<sup>32</sup>

Meeting the challenges of contemporary legal education necessitates a fundamental transformation in the framework of its delivery. The integration of information and communication technology has become indispensable in modern pedagogy, transforming traditional methods and expanding the reach and efficacy of legal education. A balanced approach that incorporates theoretical foundations, analytical skills, and practical training is essential. Any deviation from these core components risks stagnation of growth and diminishing educational standards. The essence of legal education lies in its ability to contribute to national prosperity and maintain global competitiveness, necessitating a steadfast commitment to preserving and enhancing the quality of legal knowledge and training.

Practical skills and training form the bedrock of effective legal education. Imparting skills such as client counselling, adherence to professional ethics, and robust research supervision is essential for conducting meaningful legal research and public awareness programs. Legal education must transcend mere knowledge accumulation; it should adopt a pragmatic approach to meet the diverse demands of various legal domains. Legal experts, often regarded as social engineers,<sup>33</sup> play a pivotal role in shaping the legal framework to ensure the delivery of social, political, and economic justice in the contemporary world.<sup>34</sup> Their contributions as policy administrators and decision-makers are vital for maintaining peace and integrity in society. To modernise legal education effectively, curricula must integrate contemporary research methodologies, including case studies, assignments, projects, and field studies.

Delivering these components in a structured and time-bound manner ensures that legal education remains relevant to real-world societal issues. Legal aid,<sup>35</sup> facilitated through clinical courses, has gained significant momentum and plays a critical role in enhancing the effectiveness and innovation of research

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<sup>32</sup> P K Tripathi, 'In the Quest for Better Legal Education.' [1968] *Journal of the Indian Law Institute* 10 (3) 469-91.

<sup>33</sup> K L Bhatia, 'Legal Justice Education: Vision Plan for Legal Schools, 1 (Deep & Deep Publications Pvt. Ltd., New Delhi, 2006).

<sup>34</sup> G Manohar Rao and K Srinivas Rao, 'Legal Education in India-Challenges and Perspectives' 166 (Asia Law House, Hyderabad, I Edition, 2007).

<sup>35</sup> Andrew Higgins, 'Legal Aid and Access to Justice in England and India' [2014] *National Law School of India Review* 26(1): 13-30.



domains.<sup>36</sup> These courses not only provide students with practical experience but also inculcate essential skill sets and values, preparing them to become proficient and ethical legal professionals.

Legal clinics, in particular, offer invaluable assistance to individuals seeking justice while providing students with hands-on experience in addressing real-world legal issues. Clinging to outdated educational methods would be detrimental to the future of legal education. Embracing new pedagogical approaches is essential for producing competent, ethical, and globally-minded legal professionals capable of meeting the demands of a rapidly evolving legal landscape.

### **Jindal Global University**

Jindal Global University's (JGU's) establishment and growth over the years can be likened to the changes in the Indian economy after the introduction of liberalisation regime in the 1990s. It's a revolutionary idea, an enigma ready to disrupt the status quo and evolve its surroundings as it evolves and introduces foreign ideals to the domestic market. JGU, founded by C Raj Kumar in 2009, has emerged as a transformative force in Indian higher education, particularly in legal studies.<sup>37</sup> Since its inception, JGU has been envisioned as a private university for the public good and continues to operate on this tenet. It is funded by industrialist Naveen Jindal and supported by the Haryana government and the university is regulated by the UGC. JGU's governance structure is characterised by specialised departments with focussed objectives including institution building, admissions, international collaborations, benchmarking, and career services. The aim of education at JGU goes beyond instilling professional skills and the bare minimum promise of value addition to the future workplaces. It is to create critically thinking individuals whose actions are mindful of their impact.

It has explored innovative approaches to governance, pedagogy, and social impact which we try to understand through the evolution of JGU, with a special focus on the Jindal Global Law School (JGLS), as a model of interdisciplinary,

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<sup>36</sup> Tribe Mkwebu, 'Research on Clinical Legal Education: Unpacking the Evidence' in Linden Thomas and Nick Johnson (eds) *The Clinical Legal Education Handbook*, (London: University of London Press, 2020) 255-88

<sup>37</sup> Deepa Badrinarayana, 'India's State of Legal Education: The Road from NLSIU to Jindal' [2014] 63 (3) *J of Leg Edu*, 521-523.

globally-focused legal education that is preparing law students to be able to contribute and excel in an increasingly globalised world, interweaving the HCA with exposure to philosophies, legal systems, and teaching methodologies from the East and West.<sup>38</sup> JGLS, in its experience, has learned that cultural integration leads to greater learning, breaking down barriers, undoing biases, and forming new understandings. Bringing in Eastern values like *dharma*, *karma*, and melding with Western liberal values to root individuals in a moral high ground while aspiring for global goals is its way forward. The East meets West approach hinges upon the idea of building a global consensus through mutual respect and reverence for a global value system. It serves as a breeding ground for intercultural and interdisciplinary learning and is innovative in its offerings, institutional framework, and overall development-focused approach which will be further analysed in this article.

#### Learning Framework and Pedagogical Principles at JGU

It is through the approaches in clinical education, social justice, practical experience and international values affirming cross-listed courses, that it trains lawyers for more than their future jobs. It equips them with the necessary professional skills and goes a step further to empower them with the confidence and curiosity to learn, which allows them to grow as they progress in life while being conscious of ways in which their work impacts the world around them. JGLS, in particular, has embraced clinical legal education as a cornerstone of its curriculum. Beyond traditional BCI requirements, JGLS offers specialised clinics in areas such as gender and sexuality, commercial law, and rural governance. These clinics equip students with practical skills while fostering a commitment to social justice.

The JGLS has wholeheartedly adopted clinical legal education. It actively chose to include legal clinics on legal methods,<sup>39</sup> and drafting, pleading, and conveyancing as compulsory courses beyond the regular BCI-mandated courses. The faculty goes beyond simulating work environments to equip students with key professional skills, thus producing professionals ready to hit the ground running rather than waiting for training to be a productive resource

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<sup>38</sup> Latika Vashist, 'Martha Nussbaum's Capabilities Approach: Perils and Promises' [2010] 52(2) *Journal of the Indian Law Institute* 230-266.

<sup>39</sup> Hugh J Ault and Mary Ann Glendon, 'The Importance of Comparative Law in Legal Education: United States Goals and Methods of Legal Comparison' [1976] 27(4) *J of Leg Edu* 599,600.

to their employers or senior litigators. On the commercial end, clinical courses on commercial contract drafting, due diligence reports in mergers and acquisitions, and securities regulation clinics empower students to independently carry out the work expected of law firm associates.<sup>40</sup>

Clinical education is a way of learning by doing and it models best practices.<sup>41</sup> The JGLS legal courses entail a component of problem-solving that compels students to apply academic learning, mould this knowledge to apply to real-world facts, and build arguments in favour and against the factual proposition. This is much like what a lawyer is expected to do when faced with factual realities - to recode these through a legal framework of tests, theories, precedents and doctrines.<sup>42</sup> The teaching across various subjects sees the extensive use of the Socratic method of questioning and debating<sup>43</sup>, balanced out by clarifying the new concepts introduced in each lecture, adding focus to the flurry of 'examination of their unexamined lives'.<sup>44</sup> The Socratic method imparts the ability to respectfully disagree and be open to multitudinous perspectives and experiences, which is a linchpin for a legal professional trained using the HCA. The principle of dialogue without the presupposition of ultimate knowledge propagates the pursuit of truth - a fundamental deliberative approach urging lawyers to question even what is presented as ultimate reality.<sup>45</sup> This approach bridges the gap between theoretical knowledge and practical application, ensuring graduates are prepared for diverse legal and societal challenges.

### *Global perspective in legal education*

JGU has embraced the concept of 'global citizenship' in its approach to legal education. Drawing from the Indian philosophy of *vasudhaiva kutumbakam* ('the world is one family'), JGU fosters an inclusive,

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<sup>40</sup> Hariolf Wenzler and Kasia Kwietniewska 'Educating the Global Lawyer: The German Experience' [2012] 61 (3) *J of Legal Edu* 464-465.

<sup>41</sup> Peter C Brown, Henry L Roediger III, and Mark A McDaniel, 'Make It Stick: The Science of Successful Learning' (1st ed Harvard University Press, 2014).

<sup>42</sup> Tony Becher, 'The Disciplinary Shaping of the Profession', in Burton R Clark (ed) *The Academic Profession: National, Disciplinary, and Institutional Settings* (U of Cali Press, 1987).

<sup>43</sup> Russell L Weaver, 'Langdell's Legacy: Living with the Case Method' [1991] 36(2) *Vill L Rev* 517, 518.

<sup>44</sup> *Ibid.*

<sup>45</sup> Linda Elder and Richard Paul, 'The Role of Socratic Questioning in Thinking, Teaching, and Learning' [1998] 71 *The Clearing House* 297, 30.

multicultural environment. Its emphasis on comparative legal studies and international collaborations ensures students are well-versed in global legal systems and philosophies. Cross-listed courses, exchange programs, and partnerships with leading universities worldwide further solidify its global outlook. This global focus extends beyond preparing students for international careers. Even those practicing in local jurisdictions benefit from understanding global sociopolitical contexts, which increasingly influence domestic legal landscapes and regional legal changes. By integrating Eastern values such as *dharma* and *karma* with Western liberal ideals, JGLS creates a balanced framework for nurturing ethical and socially responsible legal professionals.

Furthermore, JGU's location amidst rural Haryana has informed its commitment to grassroots engagement. The university's programs address local socio-economic challenges while fostering student involvement in social justice initiatives. Legal aid clinics, prison visit programs, and initiatives addressing labour rights and women's empowerment exemplify JGU's commitment to community development. One notable initiative is the Social Service Project, which advocates for labour rights on campus. By leveraging their socio-economic privilege, students have in the past successfully negotiated with third party contractors deployed by the university to improve working conditions for the labour and daily wage workers. Another program focused on women's empowerment, providing free tutoring for children of local women, thereby enabling them to seek formal employment. These programs highlight the symbiotic relationship between JGU and its surrounding communities. They also underscore the university's belief in education as a tool for societal transformation.

Lastly, JGLS has distinguished itself as a research-intensive institution. Both the faculty and students have contributed to landmark legal cases and interdisciplinary studies with real-world implications. For instance, in the *Navtej Singh Johar* case<sup>46</sup>, which decriminalised consensual same-sex relationships in India, JGLS faculty played a pivotal role by providing research and academic critique. Similarly, initiatives such as the Feminist Judgments Project and studies on female genital mutilation reflect JGU's commitment to addressing pressing social issues through scholarly engagement.

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<sup>46</sup> *Navtej Singh Johar v Union of India* Ministry of law and Ors AIR 2018 SUPREME COURT 4321, 61

At the same time, JGU's institutional growth has been guided by a sustainable development framework. The university regularly publishes sustainability reports outlining its environmental and social goals. These efforts align with its broader vision of creating a globally relevant institution rooted in local realities.

## **Conclusion**

Legal education in India ought to be reformed with the HCA in mind, due to the historical and cultural factors listed above, and its purpose of achieving community development and sustainability. With HCA, law students turn into legislators and advocates of society. They become instrumental in determining the political and developmental direction of the people they will work with in their careers.<sup>47</sup> This is an influential inflection point to the urgent need for a cooperative call to action in legal academia, which will have a ripple effect in countries and jurisdictions across the globe through various industries where lawyers find their calling. The reform is founded on the purpose of legal education rooted in a broad-based objective including weaving values of cooperation and a global mindset into its pedagogy.<sup>48</sup> For JGLS the road has been long and winding in many ways and seemingly uncomplex in others.<sup>49</sup> It is based on a reformative mindset to revolutionise the idea of legal education based on the adoption of HCA.

Thus, JGU and specifically the JGLS represent a paradigm shift in Indian higher education. By integrating global best practices with local realities, it has created a unique model of legal education that prepares students for the complexities of a globalised world. Through innovative pedagogy, robust governance, and meaningful community engagement, JGU exemplifies the transformative potential of higher education. Its impact on legal education and its broader contributions to society position it as a role model for institutions

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<sup>47</sup> Jane E Schukoske, 'Legal Education Reform in India: Dialogue Among Indian Law Teachers' [2009] 1(1) Jindal Global LR .

<sup>48</sup> Tony George Puthucherril, Charu Sharma et al, 'Integrating the Sustainable Development Goals into India's Legal Education Landscape: The What, why and How of a Reform Paradigm' [2024] Asian J of Legal Edu.

<sup>49</sup> Deepa Badrinarayana, 'India's State of Legal Education: The Road from NLSIU to Jindal' [2014] 63(3) Journal of Legal Edu, 521–23.

worldwide, specifically highlighting the transformative role that educational institutions can play in populous and under-developed countries.