

Scope of Regional Level Legal Education Discourse for Students of SAARC Member States

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Abstract

Technology has given new meanings to accessibility and consumers of justice are now not hindered by barriers of past eras. They want to move to the forum where they will be heard, cared for and provided free access to justice. Where their disputes will be resolved in time with logical, legal and scientific precision. In this new world of open and borderless cyberspace, it becomes all the more important to explore the possibilities of designing a regional level legal education discourse leading to award of the degree to practice law at regional level in South Asian countries that are part of the SAARC. This article makes an attempt to explore the benefit of such regional legal education discourse for consumers of justice in the SAARC, who share common legal traditions, cultures, and who have in the past shared common colonial legacy.

Keywords: Legal education quality, SAARC, access to justice, cooperation in area of education, South Asian University, curriculum, legal practice

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Introduction

Let's see how the SAARC website introduces this institution:

“The South Asian Association for Regional Cooperation (SAARC) was established with the signing of the SAARC Charter in Dhaka on 8 December 1985. SAARC comprises of eight Member States: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The Secretariat of the Association was set up in Kathmandu on 17 January 1987.”²

The objectives of the Association are given as under:

“...to promote the welfare of the peoples of South Asia and to improve their quality of life; to accelerate economic growth, social progress and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realize their full potentials.”³

And that:

“...SAARC also aims to strengthen cooperation with other developing countries and to cooperate with international and regional organizations with similar aims and purposes.”⁴

Further, “SAARC Heads of State meet at annual Summits and even in between. SAARC Secretariat has been in the past designing and executing a regional level fund to foster the cooperation among its

² <https://www.saarc-sec.org/index.php/about-saarc/about-saarc>. Last retrieved 19 September 2024, See also Nair, Rejtha. (2013). Educational Services in SAARC: Case for Deeper Integration. *Nirma University Law Journal*, 3(1), 19-50.

³ <https://www.saarc-sec.org/index.php/about-saarc/about-saarc>. Last retrieved 19 September 2024, See also Chanda, Rupa. (2011). Integrating Services in South Asia - Trade, Investment and Mobility. Oxford University Press. 228.

⁴ <https://www.saarc-sec.org/index.php/about-saarc/about-saarc>. Last retrieved 19 September 2024.

member states.”⁵ Recent such example being: “SAARC Covid-19 emergency fund, amounting to around 22 million USD.”⁶

Co-Operation in Area of Education

The SAARC member states have given special attention to enhance the level of literacy in the region by promoting the quality of education. During the Second SAARC Summit (Bangalore, 16-17 November 1986), the Heads of member states “reiterated great importance of increasing involvement of their people for regional co-operation.”⁷ For the same, the member states agreed to promote “greater contacts among the peoples of the region through such action as regular and frequent interchange of scholars, academics, artists, authors, professionals and businessmen as well as facilitation of tourism.”⁸ At the Third Summit (Kathmandu, 02-04 November 1987), the leaders fixed the dates for the institution of the SAARC Chairs, Fellowships and Scholarships among SAARC member states to promote the educational facilities in the SAARC region. During the Fourth Summit (Islamabad, 29-31 December 1988), the leaders decided that to “include Education as area of cooperation since it is the principal means of human resources development.”⁹ The member states agreed to give children the highest priority in national development planning. The Leaders at the Ninth Summit (Malé, 12-14 May 1997) “...agreed that new and innovative methods like Open Learning and Distance Education can play an effective role in meeting regional needs in a cost effective and flexible manner. Accordingly, the leaders agreed that the

⁵ K. Das, Debendra. (1992) (Ed.) SAARC: REGIONAL CO-OPERATION AND DEVELOPMENT PERSPECTIVES, PROBLEMS AND POLICIES. New Delhi.

⁶ <http://indbiz.gov.in/india-proposes-covid-19-emergency-fund-for-saarc/>

⁷ <https://www.saarc-sec.org/index.php/resources/summit-declarations/15-second-saarc-summit-bangalore-1986/file>. Last retrieved 19 September 2024.

⁸ Ibid.

⁹ Memorandum of Understanding among the Governments of the SAARC Member States on the Establishment of the Secretariat [notes] (1993). *Asian Yearbook of International Law*, Vol. 3, pp. 476-480.

institutional facilities in such education available in the region should be utilized on a regional scale.”¹⁰ They also agreed to explore the “possibility of the creation of a Consortium of Open Universities in the region.”¹¹ At the Eleventh Summit (Kathmandu, 04-06 January 2002), “the Heads of States recognized the access to quality education as an important element for empowering all segments of society, and to develop or strengthen national strategies and action plans to ensure that all children, particularly the girl child, have access to quality primary education by 2015; and to improve levels of adult literacy by fifty percent by eliminating gender disparities in access to education as envisaged in the Dakar Framework for Action on Education for All adopted by the World Education Forum held at Dhaka in April 2000.”¹² At the Thirteenth SAARC Summit (Dhaka, 12-13 November 2005), “the leaders noted the achievements of the Member States during recent years in the area of primary education and stressed that to meet the challenges of the twenty-first century Member States must make important strides in the areas of science, technology and higher education..”¹³ As per SAU document,¹⁴ “[i]n this meeting, India proposed to create a Centre of Excellence, in the form of a South Asian University (SAU), which can provide world class facilities and professional faculty to students and researchers drawn from every country of the region. The Expert Group Meeting to finalize the modalities for establishing the SAU was held in March 2007 in New Delhi and the first meeting of the Inter-Governmental Steering Committee on the establishment of SAU was held in May 2007 in New Delhi.” The Heads of State in the Eighteenth Summit (Kathmandu, 26-27

¹⁰ <https://www.saarc-sec.org/index.php/areas-of-cooperation/social-affairs/38-areas-of-cooperation>. Last retrieved 19 September 2024. See also Kathmandu Declaration of the SAARC. (2003-2004). *Asian Yearbook of International Law (Brill)*, Vol. 11, Issue 1: 361-374.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ https://www.saarc-sec.org/images/areas-of-cooperation/ESC/Education%20Files/The%20South%20Asian%20University_docx. Last retrieved 19 September 2024.

November 2014) “expressed their resolve to eliminating illiteracy from the region in line with the global goal of education for all and ensuring quality education in all institutions by reforming curricula, teaching methods and evaluation systems adequately supported by physical, technical and other facilities.”¹⁵ The SAARC website also reads: “The leaders agreed to promote regional cooperation in the field of vocational education and training. The leaders directed their Education Ministers to develop a *Regional Strategy for Enhancing the Quality of Education* in order to raise the standards of South Asian educational institutions in the region.”¹⁶

South Asian University (SAU)

Pursuant to resolution in 13th SAARC Summit held in November 2005 in Dhaka to establish SAU – a regional Centre of Excellence, about 6 meetings took place at different places and finally the University got its shape, “with the rules providing its funding modality, draft statutes, academic structure, business plan, rules, regulations”¹⁷ etc. The SAU has so far been one concrete and major achievement of SAARC. The SAU document also reveals that “[t]he First Academic Session of SAU commenced on 26 August 2010 with an intake of 50 students. 25 students have joined the MA (Development Economics) programme and 25 students have joined the MCA (Master of Computer Applications) programme. At the 7th Inter-Governmental Meeting on the Establishment of South Asian University (New, Delhi, 21 – 22 September 2010), the Member States finalized the modalities for South Asian University. In its second year of functioning, SAU has 156 students enrolled for Masters' Degrees in Development Economics, International Relations, Sociology, Law, Biotechnology and Computer Science.

¹⁵ <https://www.saarc-sec.org/index.php/areas-of-cooperation/social-affairs/38-areas-of-cooperation>. Last retrieved 19 September 2024.

¹⁶ Ibid.

¹⁷ <https://www.saarc-sec.org/images/areas-of-cooperation/ESC/Education%20Files/The%20South%20Asian%20University.docx>. Last retrieved 19 September 2024.

For the third academic year (2012 - 13), SAU has invited applications for the common entrance examination which is to be held on 27 May 2012 and the third academic session will commence on 16 July 2012.”¹⁸ Today, the SAU “offers post-graduate and doctoral programs in various disciplines that include Development Economics, Computer Science, Biotechnology, Mathematics, Sociology, International Relations and Law.”¹⁹

From 2011 until 2016, the SAU had held 8 Governing Board meetings attended by the members from all eight member states of SAARC. Today, the SAU is functioning from its 100-acre campus in Delhi. The heads of participating states have been looking forward to the SAU to commence the regional level undergraduate studies for its students. The professional undergraduate courses (in medicine, law, engineering) will definitely need local recognition from the regulators as well as all eight member states of SAARC will have to take steps for the validity of degree courses by legislating appropriate legal and regulatory measures for the recognition of SAU professional degrees in their nation state.

Need for Undergraduate Courses in Law and Justice

Poddar calls out the state of legal professionalism in South Asian countries. By comparing legal education in south Asia with that of Canada and USA, he points out how legal education in west has done away with bankruptcy of common law legacy and how the west went on to develop their own legal system and how the legal profession over there have made so many advancements in court craft. He cites an identity crisis and systemic subversion of legal education in south Asia. He opines that legal profession in south Asian public perception has been reduced to one producing parasites in south Asian countries.²⁰ Whether or not we chose to agree with these crude observations, but it is definitely worth exploring for

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Poddar, Debasis. (2022). Comparative Sociology of the Law Profession. *Dharmashastra National Law University Law Review* (DNLULR), 1(1), 14-45.

some semblance of truth around it. And for the same, it is important that we take a look at the big picture of what is offered as legal education in different member states of SAARC.

Comparative Table Analysis²¹

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
3 years LLB	3 years LLB	4 years LLB by Rana University Afghanistan	4 years LLB by State University	5 years LLB by JSW law school	3 years LLB	3 years LLB course offered by UK colleges in Sri Lanka	3 years LLB Mandhu College
SEMESTER 1	PART 1	SEMESTER 1	SEMESTER 1	SEMESTER 1	PART 1	PART 1	PART 1
Jurisprudence	Islamic Jurisprudence	Fundamentals of political science	Ethics and Esthetics	Grammar	Jurisprudence	Contract Law	Constitution1
Law of contract	English Jurisprudence	Fundamentals of economics	English for Law	Vocabulary	Procedural Law	Constitutional Law	Jurisprudence and theories of law
Law of Torts	Constitutional Law 1 (British and US Constitution)	Fundamentals of law	Art of Performance & Creative Art	Economics	Public International Law	Foundations and Independent Learning	Law of contract 1
Law of Crimes -IPC	Law of Contract (Contract Act 1872, Sale of Goods Act 1930)	Fundamentals of sociology	Law of Contract	Philosophy	Constitutional Law	Law of Torts	Criminal law 1
Family Law-1	Torts and Easement (Easement Act 1882)	International organizations	Constitutional Law of Bangladesh	Legal composition and rhetoric	Law of Contract	Criminal Law	Criminal law 2

²¹ See generally, SYLLABUS available on website of Delhi University, Dhaka State University, Lahore University of Punjab, Rana University of Afghanistan, JSW Law School of Bhutan, Kathmandu Law School, Mandhu College of Maldives and Colombo University.

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
SEMESTER 2	Criminal Law (Pakistan PPC 1860)	Islamic studies	SEMESTER 2	Tort law	Two optional out of: Family Law Media Law Administrative Law Taxation Law International Trade Law Law of Torts Juvenile Justice Fiscal Law	Law in Society	Common law 1
Law of Evidence	PART 2	Contemporary history of Afghanistan	Bangladesh Studies	SEMESTER 2	PART 2	PART 2	Common law 2
Family Law -2	Constitutional Law 2 (Pakistan only)	Political history of the world	Law of Tort, Equity and Trust	Nyen-ngag	Criminal law	Justice, human rights and the state	PART 2
Law of Crimes – Code of Criminal Procedure	Equity (Trust Act 1882, Specific Relief Act 1877)	Fundamentals of Islamic Law 1	Jurisprudence	Bhutan legal history	International Institutions and Human Rights	Equity and trusts	Land & Property 1
Property Law	Mercantile Law (Partnership Act 1932, NI Act 1881, Companies Act 2017)	SEMESTER 2	Personal Law – I (Muslim)	Human dignity	Property Law	Law of the single market of the EU	Land & Property 2
Public International Law	Transfer of Property (TPA 1882, Registration Act 1908, Succession Act 1925, Land Acquisition Act 1894)	Philosophy of worship	Computer Application	Political science	Moot Court, Pre-trial preparation and participation in trial	Land law	Law of Tort 1

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
SEMESTER 3	Muslim Personal Law (Guardian and Wards Act, Dissolution of Muslim Marriage Act 1939)	Contemporary legal systems	SEMESTER 3	Legal writing and research	Methods of legal research and writing	Any one of option: International human rights International trade law Clinical legal education 1 Maritime law Environment law	Law of Tort 2
Constitutional law -1	Public International Law	General constitutional law	Personal Law-II (Hindu, Christian & Others)	Contract law	Evidence Law	PART 3	Evidence 1
Code of Civil Procedure and Limitation Act	Special and Local Laws	General administrative law	Legal History and Legal System in Bangladesh	SEMESTER 3	Two options out of - Labour law - Election law - International air and space law - Environment law - Refugee law - Criminology and penology - Gender and inclusive justice - Law of insurance	Dissertation	Evidence 2
Special Contract	PART 3	History of foreign	Interpretation of Statutes	Chen-ju	PART 3	Clinical legal	Equity and trusts

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
		relations of Afghanistan	and General Clauses Act			education 2	
Moot Court Mock Trial and Internship	Law of civil procedure (CPC 1908, Limitation Act 1908)	History of political thought in the west	Labour and Industrial Law	Penal law and restorative justice	Comparative law and Nepalese legal system	Mediation skills and practice	Islamic Sharia'
SEMESTER 4	CrPC and Medical Jurisprudence (CrPC 1898)	English language 1	SEMESTER 4	Jurisprudence and statutory interpretation	Interpretation of statutes	Employment law	PART 3
Constitutional law -2	Evidence and legal ethics	Fundamentals of Islamic Law 2	English for Professional Purpose / Art of Public Presentation	International law	Professional ethics and lawyering skills	Commercial law	Company law
Administrative law	Drafting, pleading, conveyance and interpretation of statutes	Administration and management	Land Laws of Bangladesh	Civil and criminal procedure	Company law	Company & business organizations law	Maldivian legal system
ADR	Administrative Law and Service Laws	SEMESTER 3	Criminal Law – I	SEMESTER 4	Seminar	Negotiation skills and practice	Constitution of Maldives
Labour Law	Minor Acts (Stamp Act 1899, Suit Valuation Act 1887, Court Fees Act 1870, Arbitration Act 1940)	Peace and conflict resolution	Law of Registration & P D R Act	Logic and debate	Law of the Sea and International rivers	Mooting	Family law
SEMESTER 5	Labour and Taxation	Biography of M.P.U.H	Law of Transfer of Property	Oral advocacy and logic	Two options out of -banking and negotiable instruments - private international law - IPR - population law - victimology - cyber law	International law, peace and security	Islamic Sharia 2

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Company law	FIVE YEAR LLB	Obligations law	SEMESTER 5	Environment law	5 years BALLB	Evidence	Taxation
Drafting, Pleading and Conveyance	SEMESTER 1	General criminal law 1	Law of Civil Procedure-I	Property law	SEMESTER 1	Civil dispute resolution	Commercial law
Industrial Law	English 1	Criminal law of Islam	Law of Criminal Procedure -1	Bhutanese history and metaphysics	Legal Method	Jurisprudence	Human rights
SEMESTER -6	Political science 1	Afghanistan Constitutional Law	Business Law	SEMESTER 5	Legal Nepali-I	IPR	
Professional Ethics and Accounting System	Sociology 1	History of political thought in the East	Criminal Law-II	Legal drafting, correspondence, conveyance and pleadings	Alternative English (for Foreigner in Lieu Legal Nepali)	Clinical legal education 1	
Environment Law	Philosophy of law	English language 2	SEMESTER 6	Comparative constitutional law	Legal English-I	Clinical legal education 2	
Taxation	Islamic studies / Ethics	SEMESTER 4	Law of Criminal Procedure- II	Evidence	Political Science: Theory and Thoughts	3 years LLB course offered by Sri Lanka Law College	
ELECTIVE COURSES	SEMESTER 2	Islamic Moral System	Company and Partnership Law	Corporate law	History	PART 1	
SEMESTER 3	English 2	Comparative politics	Law of Specific Relief and Limitation	Moot court	Sociology and Anthropology	Legal history and legal systems of Sri Lanka, Roman Law	
Rent control and slum clearance	Political science 2	Research methodology	Law of Banking and Securities/ Criminology	SEMESTER 6	Economics-I	Criminal Law	

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
International institutions	Sociology 2	State building in post-war countries	SEMESTER 7	Administrati on law, Anti-corruption law etc	SEMESTER 2	Law of persons including personal laws	
Legal philosophy and theory of justice	World legal systems	General criminal law 2	Fiscal Laws	Bhutanese constitutiona l law	Jurisprudence- I	Constituti onal law	
Legal research and writing	Pakistan studies	Human rights in international treaties and Islam	Law of Civil Procedure- II	Law, religion and culture	Constitutional Law-I	Industrial law	
SEMESTER -4	SEMESTER 3	Labour law	Legal Drafting & Conveyancing (Criminal & Civil)	ADR-1 (Negotiation)	Property Law	Law of obligations 1 (Contract)	
Private international law	English 3	Contemporary Islamic movements	Law of Evidence, Forensic Law and Scientific Evidence	Mock trial	Legal Nepali-II	Legislative drafting and statutory interpretation	
Interpretation of statutes	English jurisprudence 1	SEMESTER 5	SEMESTER 8	SEMESTER 7	Alternative English (For foreigner in Lieu of Legal Nepali)	Environm ent law or conflict of laws	
Media and law	Islamic jurisprudence 1	Political thoughts in Islam	Environmental Law	Law and gross national happiness	Legal English-II	PART 2	
Humanitarian and Refugee law	ADR	Pre-court proceedings	Public International Law	Professional responsibility and ethics	International Relations and Diplomacy	Law of property 1 & 2	
SEMESTER -5	Principles of British Constitution	Family law	Advocacy Skills and Legal Practice	ADR 2 (Mediation and Arbitration)	Economics-II	Law of obligations 2 (delicts)	
Information and technology law	SEMESTER 4	Special criminal law 1	Intellectual Property Law	IPR	SEMESTER 3	Jurisprudence	
Legislative drafting	Skills development	Commercial law	Cyber and Media Law	SEMESTER 8	Jurisprudence- II	Law of Trusts	

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Criminology	English jurisprudence 2	General international law		Social enterprise clinic	Constitutional Law-II	Administrative law	
International trade law	Islamic jurisprudence 2	Criminology		ADR clinic	Evidence Law	International law or Revenue law or IPR or Construction law or Arbitration	
IPR laws -1	Human rights law	Criminalistics		Human dignity clinic	Criminal Law-I	PART 3	
Business regulations	US Constitution	SEMESTER 6		Bhutanese and international commercial law	Public International Law-I	Commercial Law 1 & 2	
SEMESTER -6	SEMESTER 5	Islamic Economic System		Family law	Legal Research Methodology	Civil Procedure and Pleadings 1 & 2	
IPR Laws -2	Constitutional history of Pakistan	Arabic Language / Law terminology		SEMESTER 9	SEMESTER 4	Evidence	
Insurance and Banking Law	Muslim personal law 1	Inheritance law		Social enterprise clinic	Criminal Law-II	Criminal procedure	
Election laws	Law of contract 1	Special criminal law 2		ADR clinic	Public International Law-II	Conveyancing	
Minor Acts and Supreme Court Rules	Law of torts 1	International commercial law		Human dignity clinic	Comparative Law	Trust accounts book keeping and Professional Ethics	
International Investment Law	Criminal law 1	Private international law		Law practice management	Family Law	Apprenticeship (6 months with lawyer)	

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Competition Law	Public international law 1	International humanitarian law		SEMESTER 10	Contract Law-I	Practical Training Course (after passing final exam)	
5 years BALLB	SEMESTER 6	Principles of jurisprudence		Internship	Procedural Law-I		
SEMESTER 1	Constitution of Pakistan	SEMESTER 7		Internship writing	SEMESTER 5		
English 1	Muslim personal law 2	General jurisprudential rules			Contract Law II		
Political science 1	Law of contract 2	Forensic medicine			Criminology and Penology		
Economics 1	Law of torts 2	Criminal psychology			Procedural Law II		
Sociology 1	Criminal law 2	IPR			Company Law and Governance		
Contract 1	Public international law 2	International criminal law			Any one of: - ADR - Juvenile delinquency - Election law - Cyber law - International Air and Space Law		
History 1	SEMESTER 7	History of Islamic civilization			SEMESTER 6		
Legal Method	Equity 1	Principles of civil procedure			Corporate Law and Management		
SEMESTER 2	Transfer of Property 1	SEMESTER 8			Nepalese Legal System		
Contract 2	Mercantile law 1	Defense Advocacy			IPR		
Torts & Consumer Protection	Special and local laws 1	Judicial approach			International institutions and Human Rights		

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Constitutional Law 1	Environment laws	Objective law			Interpretation of Law		
Legal History	Research methodology and project	Media rights			Any one of: -Torts and consumer protection - insurance law - socio-economic crime - international humanitarian law		
Sociology 2	SEMESTER 8	Principles of criminal trials			SEMESTER 7		
English 2	Equity 2	Jurisprudence of priorities			Gender & Inclusive Justice		
Legal research and moot court	Transfer of Property 2	Monograph			Law, Poverty & Development		
SEMESTER 3	Mercantile law 2				Environment Law		
Family law -1	Special and local laws 2				Seminar 1 (doctrinal)		
Law of Crimes 1	Cyber laws				Labour law		
Constitutional Law 2	Moot cases and professional ethics				Any one of : - Forensic science - Fiscal law - Natural resources law - International refugee law		
History 2	SEMESTER 9				SEMESTER 8		
Economics 2	Civil procedure 1				Professional ethics and lawyering skills		
Political science 2	Criminal procedure 1				Moot court (civil case)		

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
SEMESTER 4	Law of evidence1				Private international law		
Family law -2	Administrative law and service laws				Administrative law		
Law of Crimes 2	Labour and taxation				Clinical law – 2 (conveyancing)		
Administrative Law	SEMESTER 10				Any one of : International rivers and sea law Forensic medical Investment law Media law		
History 3	Civil procedure 2				SEMESTER 9		
Economics 3	Criminal procedure 2				Moot court 2 (criminal case)		
Political Science 3	Law of evidence 2				Banking and negotiable instruments		
SEMESTER 5	Legal drafting and interpretation of statutes				Legislative drafting		
Environment laws	Minor Acts				Taxation law		
CPC 1					Seminar 2 (non-doctrinal)		
CrPC 1					Any one of : - Energy law - Victimology - Population law - Competition law		
Human rights					SEMESTER 10		
ADR					Clinical law 3 (placement)		

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Sociology 3					Social welfare and social work law		
Summer internship					International trade law		
SEMESTER 6					Dissertation		
Jurisprudence							
Evidence							
CrPC 2							
Property law							
CPC 2							
Public international law							
SEMESTER 7							
Labour law 1							
Competition Law							
Company Law							
Law and technology							
IPR 1							
Cluster 1: (chose 1) Election laws Socio-economic offences Private international law Law, poverty and development							
Summer internship							
SEMESTER 8							
IPR 2							

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
Interpretation of statutes							
Labour Law 2							
International Trade Law							
Income tax law							
Cluster 2: (chose any two out of) Criminology, victimology and penology Socio-political system in India Women and law International commercial laws Comparative constitutional law							
SEMESTER 9							
Legal ethics and court craft							
Drafting, pleading, conveyancing							
Land and Real Estate Laws							
Chose any 3 elective from cluster 3: - Banking, insolvency and insurance laws - Indirect tax laws - International organisations - Legal research							

Scope of Regional Level Legal Education

INDIA	PAKISTAN	AFGHANISTAN	BANGLADESH	BHUTAN	NEPAL	SRI LANKA	MALDIVES
and methods - Gender justice - Sports and media law - Health care laws - Right to information , vigilance and whistle blower protection - Public employment and service laws - Telecommunication laws - International humanitarian law - Law and empowerment of marginalized people							
Developing entrepreneurial mindset							
Summer internship							
SEMESTER 10							
Dissertation							
Internship							

From the above table of curriculum of law graduation degrees in 8 member states of SAARC, we learn that India, Pakistan, Nepal are offering both 3 years LLB course after graduation as well as 5 years BA, LLB course after the finishing the school level education²².

²² Pakistan has discontinued 3 Years local LLB Program in the light of Supreme Court of Pakistan Judgements, *Pakistan Bar Council v. Federal Government*

Further, Afghanistan and Bangladesh offer 4 years LLB course after graduation. Bhutan has recently started its 5 years BA, LLB course after the high school. Sri Lanka like Afghanistan has many players in field of legal education (both domestic and foreign), but both nations are not offering as of yet the option of 5 years law graduation programme for its high school students. Maldives, as of present, is offering only 3 years LLB to its graduate students.²³ The curriculum table in no unclear terms demonstrates that the legal education regulators are lacking basic understanding on what subjects are to be taken for teaching at different stages of course. It also becomes apparent that apart from mis-match between subject and student level, there is also an urgent need to overhaul the syllabus to meet the present-day challenges in the region. Regional level initiatives at legal education reforms will do away with these variations in duration and offer standard options to pursue legal education either after completing school education or after graduation as per internationally ranked university norms. For the same, however, SAARC level meeting has to be called in and this aspect will have to be included as an agenda for consensus among law ministers and judges of all eight member states. Till date no such meeting amongst law ministers and judges for legal education discourse development has taken place even though master level and doctorate level legal education programmes are offered by SAU. The present leadership at SAU's law department has not taken any initiatives so far to push for such consensus among member states. Further, such initiatives will be successful only when every member state gets to participate in leadership roles. Not more than three years should be allowed to any one member state to assume leadership role in regional level legal education discourse at SAU if it has to be a successful and purposeful initiative.

reported as PLD 2007 SC 394, 2013 SCMR 1651, 2018 SCMR 1891, 2019 SCMR 389.

²³ Nanwani, Suresh, & Ayus, A. Mohaimin. (2007). Strengthening legal education and judicial training in the Maldives: case study. *IJUM Law Journal*, 15(2), 171-196.

How Regional Level Law Undergraduation Programme Will Benefit SAARC?

As a legal and judicial educator, I feel that the SAU's vision for undergraduate law school should be to prepare lawyers, judges, prosecutors, draftsperson, legal officers, court officers who can contribute from their own standpoint in creating a better, just, fair world. A law degree by the SAU cannot limit its scope to skills preparation, but larger picture of the subcontinent, the problems of subcontinent (poverty, inequality, climate change) have to be focused. The legal education at the regional level university must embark upon the professional project to motivate young lawyers in making the region adhere to the principles of Rule of Law. This project will not only ensure stability in the region but will go long way in creating close bond between the member states striving for a just and equal world. The courses will have to be designed to provide students the pathways and the ideas by which they will as lawyers, as prosecutors, as judges and as legal draftspersons promote justice in the contemporary political, social and economic context. Regional level legal education can revive the law and justice debates in the context of ongoing economic constraints embedded in the structure of the profession. For doing so, the SAU can embark upon the professional project, whose principal objectives could be:

1. Taking Advantage of Shared Colonial Legacy

SAARC member states (except Afghanistan²⁴) were all part of the British colonial project, and therefore, the majority of SAARC member states share the same colonial legacy, in terms of laws and regulations. Post-independence, previous colonies as independent nations have made several attempts to re-imagine, previously unrecognized histories. Not only colonies, but even researchers from colonizers side have shown great interest in exploring the ancient past of their colonies. One such example is given by Lingat, who has

²⁴ Legal education in Afghanistan prior to the Soviet occupation, by Robert F. Williams, 6 Suffolk Transnat'l L.J. 247-276 (1982).

observed in his works that in building up their laws, ancient civilization did not take coercive element as their starting-point which has served the West as a foundation for characterizing and distinguishing a legal rule from other rules to control the human activity. Ancient civilization, instead took duty as their starting point and from it derived a more general notion which exceeds the domain of law in many respects without actually comprehending it entirely. They did not make any attempt specially to define rules to constrain people by an external or physical sanction. But they taught people the rules of conduct ought to be observed by reason of their condition in society—and amongst these rules, the rules of law are to be found.²⁵ Even during their colonisations, courts had started pointing out to their appointing masters that many of legal principles and doctrines that were thought as imported from the west, in fact very much existed and operated the judicial and legal processes. For example, Justice Tek Chand delivering the unanimous Full Bench decision in the case of *Mussammat Lachhmi v. Mussammat Bhulli* (ILR Lahore Vol. VIII, 384) traced the history of doctrine of *res judicata* in both Hindu and Mohammedan jurisprudence.²⁶ Therefore, today when legal education is called upon to acknowledge and address past injustices, SAARC member states, with their distinctly layered and contested pasts yet shared colonial legacy, struggle with many such calls for undoing past wrongs. Future lawyers of the subcontinent have to meet similar calls and regional level legal education discourse whether it be taken under the aegis of SAU or some other private or public university has to develop abilities of students for reflection on the delicate aspect of addressing certain historical wrongs in modern liberal democracies.

2. Learning from Similar Experiences Owing to Similar Tensions

It is an important and inescapable social fact that in South Asian societies, modern “state law” exists in continuous tension with the

²⁵ Robert Lingat, *The Classical Law of India*, (translated from the French with additions by J. Duncan M. Derrett, OUP, Delhi (1998).

²⁶ As quoted by the SC of India in *M. Nagabhushana vs. State of Karnataka and Ors.* AIR 2011 SC 1113.

customary law of “communities” (be they tribes or castes) and religious laws such as *fiqh* which represent human interpretation of the Shariah and the *Dharamashastras* which represent understanding of the Sanata Dharma.²⁷ In that regard, SAARC region contrast sharply with Western Europe where, over the course of two millennia, as a result of multiple factors – “Roman Empire”, Christianization, “Protestant Revolution” and Enlightenment – state law has attained an exclusive hold over the people’s imagination. Not so in South Asia, where both religion and primordial associations continue to enjoys vastly greater hold in both legal and normative questions. This is exactly why South Asia legal scholars should be motivated and encouraged to exchange notes with each other about how to deal with the tension between law, religion and tribal/caste custom. However, at present, as the newspaper reports reflect²⁸, SAU as a university that was designed to encourage south Asian scholars to develop ideas freely without any fear, has become another institution that is stifling scholars and discouraging them from free thinking. It is only when university allows complete freedom to its scholars that the scholars can take few steps in the direction of learning from common ancient past giving them experience for dealing in future with the common tension between law, religion and custom in their domestic situation.

3. Setting Up Professionalism as an Agenda for Legal Education

In recent past, almost all member states have experienced instances of professional codes falling too short to address the built-in systemic subversion- carefully crafted by vested interest- that put the administration of justice in real peril.²⁹ The member states of SAARC thus continue to face falling standards of legal profession

²⁷ Heitzman James, Worden L. Robert (1995). INDIA: A COUNTRY STUDY, Federal Research Division, Library of Congress, Washington, p. 850.

²⁸ Ghosh, Jayati, *From protests and suspensions to Noam Chomsky: The decline of South Asian University*, Indian Express dated 19.08.2024.

²⁹ Baxi, Upendra. (1982). THE CRISIS OF THE INDIAN LEGAL SYSTEM, Vikas Publishing House, Delhi: 75.

in their respective jurisdictions.³⁰ And there is realization that compiling booklets of rules and regulation and developing codes on ethics - are not of any help in redressing this situation.³¹ The regional level legal education discourse seems to provide the possibility for an isolation from the compulsions of domestic setting. Such isolation offer ample opportunities to the educators to develop and inculcate values in students that makes them shun any kind of unwanted unprofessionalism and unethical behavior. The SAU to deliver such value based discourse can tie up with the National Law School at Bangalore to get help in developing pro-bono clinics. Through preparation for pro bono professionalism, students from the region could be motivated to work for larger public interest. The clinical experiences whether gained in India or any other member state, will create a separate cadre of legal professionals desirous to use the law as an instrument to serve the vulnerable population and for getting justice from the courts. The culture of preparing students for taking desk jobs will have to be abandoned for time being to build a vibrant legal community willing to contribute to development of law in their jurisdictions.

4. Increasing Gender Representation in Legal Education

Number of western scholars have criticized their model of legal education, terming it as a male creation.³² The situation elsewhere has been same. But in the context of South Asian region it only gets further aggravated as the domestic cultural norms are not conducive in many member states of SAARC for equal participation of female students in educational activities. The SAU, it was established, to free education from any domestic compulsions. It was expected that

³⁰ See generally directions of the Supreme Court of Pakistan issued in Constitution Petition No. 133 of 2012. See also, Shah, Sardar Ali, Balasingam, Usharani, & Dhanapal, Saroja. (2018). Legal education in Pakistan: an overview. *IIUM Law Journal*, 26(2), 401-432.

³¹ See generally, Munir, Muhammad Amir, Re-Orientation of Legal Education: An Agenda for 21st Century (1997). *Punjab University Law Journal*, Vol. LIV, (1997): 67-102, Available at SSRN: <https://ssrn.com/abstract=2233345>

³² Weiss Catherine, Louise Melling, (1988) The Legal Education of Twenty Women, in Stan. L. Rev. 40: 1299-1300.

female students from the region after being far away from these domestic compulsions, could achieve successful legal career after getting quality legal education. It is expected therefore from the SAU to provide greater preference to enroll female candidates from the region so that the gender disbalance in domestic settings is set right.

5. Promoting Judicial Education & Civil Service Trainings

SAARC countries have another common ground to work together. Munir observes that SAARC countries have advantage of having formal judicial education bodies since last couple of decades and therefore it would not be wrong to presume that they understand the real issues the judiciaries are confronting these days and develop accordingly the training needs for their jurisdictions. He rightly notes that the SAARC works for the people of region on different issues except in the area of judicial cooperation.³³ It, therefore, falls upon the shoulder of the SAU with its up-to-date infrastructure, location and facilities to step in to fulfill the role that some important EU institutions perform.³⁴ What role the regional affiliation such as European International University in France, European Institute of Public Administration in Luxemburg, and European Judicial Training Network in Belgium are playing for developing and implementing common agenda for the EU region through educational activities, can be taken up by the SAU due to the huge investment that has gone in constructing it as a regional center of excellence. It is time to show this excellence beyond paper by actual delivery of educational and trainings activities – for they not only increase capacity and capability of citizens of member states, but

³³ See generally, Munir, Muhammad Amir, (2012), South Asian Chapter of CJEI - A Blueprint for Establishing a Regional Judicial Education Body. *Proceedings of the International Judicial Conference, 2012*, Islamabad: LJCP / NJPMC. Available at SSRN: <https://ssrn.com/abstract=2052394>.

³⁴ European Judicial Training Network (for Europe); Commonwealth Judicial Education Institution (for Africa).

even go beyond to serve the larger interest of ensuring the Rule of Law in the region.

6. Preparing Lawyers Skilled in Court Craft

In almost all jurisdictions (of member states of SAARC) a gap is felt between what is delivered as legal education in the classrooms and what is required as a barrister, solicitor, attorney or prosecutor.³⁵ One reason that emerges for this gap is that the law schools are not given space and time to deal with subjects in depth and in comprehensive way by connecting it to other subjects. For example, child sexual abuse trials cannot be taught with the help of special law providing offences and punishments alone. It needs to be taught along with procedural laws and how the silly procedural mistakes by the investigation branch in meeting the procedural requirements leads to poor prosecution. Without such in-depth orientation, a student cannot be prepared as a lawyer to argue in defence of the accused or as a prosecutor for the state in CSA trials. As the SAU is not under the local pressure of completing the fixed syllabus, it will be in better position to design its discourse to take care of these intricacies and offer specialized in-depth orientations needed for preparing students for the court craft and for handling trial complexities before the courts.

7. Building Personality with Curricular Activities

A study was conducted to get deep knowledge about co-curricular activities and its impact on the personality development. Descriptive correlational research was conducted; a multi-stage random sampling technique; a quantitative survey encompassing 300 female and 300 male students was selected. It incorporated two closed-ended questionnaires. Mann Whitney U test was utilized to analyze the difference between students' participation in co-curricular activities and personality development on the basis of gender. Eta test was used to explore the possible correlation between co-curricular activities and personality development. It revealed a

³⁵ See Ardeshir Cowasjee, "Looking the Future", published by *Daily Dawn* (Pakistan), dated 27.06.2010.

positive significant relation between co-curricular activities and personality development of students. Results provided implications for educational administrators, teachers, students, parents, and government for implementing co-curricular activities.³⁶ Other researchers have also established that co-curricular activities have permitted the students to build many competencies such as social interface skill, community speaking skills, performance skills, and coordinating skills. These activities also accelerate brainpower development, knowledge attainment, mental fitness, physical fitness, and personality development of students which leads to the overall dynamic development of students.³⁷ Singh has further established that the co-curricular activities play a crucial role in the educational institutions, contributing to the cultivation of students' personality development, moral values, ethical understanding, and integrity, thereby strengthen the instruction well-educated in the classroom settings.³⁸ New Education Policy (2020) of India encourages educational institutions to focus on overall personality development through co-curricular activities. The SAU must design undergraduate courses so as to encourage involvement in different co-curricular activities. Students have to be given credits for taking part in outdoor games like cricket, basketball, tennis, and football to foster broader enthusiasm and engagement in different games and sports activities.

³⁶ Shahzadi Aroosh Khan; Rabia Tabassum; Noor Muhammad. (September 2023). A Survey of Secondary School Students in Lahore, Pakistan on the Relationship between Co-Curricular Activities and Personality Development. *Pakistan Journal of Law, Analysis and Wisdom*, 2(2): 984-1002.

³⁷ Siddiky, M.R. (2019). Developing co-curricular activities and extra-curricular activities for all-round development of the undergraduate students: A study of a selected public university in Bangladesh. *Pakistan Journal of Applied Social Sciences*, 10(1): 61-82.

³⁸ Singh, A. (2017). Effects of co-curricular activities on academic achievements of students. *International Journal of Education and Multidisciplinary Studies*, 6(3): 241-254.

8. Mobilizing Young Graduates for Delivery of Justice

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

9. Preparing Lawyers for Nation Building

Munger maps the careers and work of lawyers who confronted the state in Thailand and what they achieved vis-à-vis women's rights, environmental protection, antipoverty movements, and increased the "government accountability, respect for rights, consistent with liberal interpretation of the 'rule of law.'" White³⁹ offers "analysis of innovative lawyering for economic and social rights in Ghana. She informs about collaboration between community residents and law students to reform health and sanitation systems in a very-low-income community called Nima." These two examples from Cumming's note⁴⁰ support the law schools in involving their students in policy making initiatives. The regional legal education discourse must now shy away from creating space for greater partnership between student community and policy makers in delivery of schemes to beneficiaries on the ground level. Such experience will go long way in creating maturity in students and in making them understand the role of law in community.

³⁹ White, Lucie E. (2011). African Youth Mobilize against Garbage: Economic and Social Rights Advocacy and the Practice of Democracy. *THE PARADOX OF PROFESSIONALISM: LAWYERS AND THE POSSIBILITY OF JUSTICE* (Scott L. Cummings ed., Cambridge Univ. Press) 274.

⁴⁰ <https://escholarship.org/us/item/32z767zn>; See Scott L. Cummings, "The Politics of Pro Bono", 52(1) *UCLA L. Rev.* 2004: 37.

10. Stimulating the Interest In IHL

Academic community has contributed immensely to popularize “teaching and research” in area “of International Humanitarian Law (IHL) ever since adoption of the Geneva Conventions in 1949 and their two Additional Protocols in 1977.” Universities in the West have been teaching IHL, not as an optional or an elective paper, but as regular course paper. IHL has found a place in law schools across universities in the UK and Europe. In fact, number of training and research centres have been established in the universities dedicated specifically to conduct academic courses and research on IHL. The most notable ones being Graduate Institute of International and Development Studies, Geneva⁴¹; Geneva Academy of Human Rights and Humanitarian Law⁴²; International Institute of Humanitarian Law, San Remo, Italy⁴³; The International Humanitarian Law Project, London School of Economics (LSE).⁴⁴

⁴¹ This Geneva-based institute in Switzerland offers “IHL as a separate course in their curriculum designed for postgraduate taught and research programmes in law. The Graduate Institute has made a name for itself through its extensive study and research on Public International Law, especially IHL and International Criminal Justice.”

⁴² This is an academy affiliated to the University of Geneva, Switzerland “that is dedicated completely to the teaching and research of Human Rights Law and IHL. It offers a postgraduate taught degree (LLM) in IHL and initiates various research projects on IHL from time to time under the auspices of Geneva University. It receives generous funding from the Swiss government to carry on research work all throughout the year.”

⁴³ This non-governmental organization (NGO) was set up in 1970 “for the purpose of promoting the dissemination and development of IHL. Over the years, 63 courses have been held, despite many difficulties. There have been more than 2,000 participants including officers, government officials and academics from 140 countries. The fact that countries from the five continents send participants, from captains to major generals, to the San Remo Institute's courses on the LOAC shows at the very least that these courses are deemed highly necessary. Many countries have requested scholarships and the institute is able to grant some to certain countries.”

⁴⁴ This research project undertaken at the Department of Law, LSE has “taken up the mantle of coordinating and encouraging research and teaching of IHL within the borders of the UK. Faculty members of the Department of Law at LSE are associated actively with the centre, thereby engaging in seminars, conferences, discussions and research projects on the LOAC. Visiting professors such as Prof. William Schabas are involved in the project that aims

In the US also, about 40 law schools are offering a dedicated course on IHL either as a stand-alone module or packaged with courses on national security, human rights, ICL or related fields.⁴⁵

In Asia, member states within SAARC have not taken any dedicated step to popularize teaching of IHL. Some member states are offering IHL as an optional subject, even though many of them have been ravaged by war and conflicts over the past two decades. As those states emerge from conflict and try to rebuild themselves through the administration of post-conflict justice and the rule of law, the regional level educational efforts to popularise IHL as core paper can play an important role in extending the benefits of relief, reconstruction and reparation in post-conflict societies. As noted by Ghosh, the changing nature of IHL in the context of the global war on terror, role of non-state actors in IHL, role of ICC, emergence of transnational armed groups in the post-9/11 era are still not a part of the IHL curriculum in most of law schools of member states. Without the inclusion of such developments in the curriculum, classroom teaching of IHL remains incomplete.⁴⁶ In this context, the SAU can step in to provide contemporary developments besides raising theoretical underpinning of the subject. As noted in the EU context, legal education discourse has played very important role in consolidation of EU conventions, treaties and the EU law itself has been carved out as an important discipline for which member states within EU are offering specializations. The regional level legal education discourse can help legal profession in Asia to build strong ties and this will go long way in building strong bonds between the member states.

to engage the legal academia in the formulation of solutions to complex contemporary issues.”

⁴⁵ Teaching International Humanitarian Law at U.S. Law Schools, available at https://www.researchgate.net/publication/228242629_Teaching_International_Humanitarian_Law_at_US_Law_Schools (Retrieved September 10, 2024).

⁴⁶ Ghosh, Pritam. (2015). Teaching and Research of International Humanitarian Law in Asia: Efforts, Issues and Prospects. *ASIAN J. LEGAL EDUC.* 2(1): 1-16.

11. Educating Lawyers in Contemporary Social Context

Almost all the member states of SAARC are having substantial young population at risk of being deprived of their basic rights. Therefore, the regional level legal education discourse has to offer the specialized courses to create awareness on the pressing socio-economic problems and make legal profession future ready to offer possible solutions through laws and regulations. Educational interface will create greater understanding of available framework⁴⁷ and help in better implementation of rules and regulations to address complex problems faced locally.

12. Increasing Cross-Border Flows of Students within SAARC

Some decades ago, one western scholar had travelled to both India and Pakistan for his empirical study on legal education in India and Pakistan.⁴⁸ His observations six decades ago that - students in both countries pursue legal education with hardly any interest in learning the law and the percentage of those who are serious scholars go abroad for their legal education - still hold true for SAARC member states as confirmed by the recent study of countries from where students go outside to study.⁴⁹ The UNESCO study confirms that students from SAARC member states have been migrating to the west for their education as reflected by the table below:

⁴⁷ Every member state of SAARC has laws and regulations to benefit their child population. Nonetheless situation on ground is contrary in all member states. It is therefore high time that all member states come together to share their success-failure stories, thereby enriching each in ideas to deal with ground level situations.

⁴⁸ Rice, W. G. (1958). Quick look at legal education in Pakistan and India. *Journal of Legal Education*, 11(3), 364-366.

⁴⁹ Done by UNESCO in the year 2017. See, UNESCO INST. FOR STAT., <http://uis.unesco.org/en/> (last visited Nov. 17, 2017). These figures were extracted on Oct. 23, 2017 and are for 2016. See also, Anthea Roberts, Cross-Border Student Flows and the Construction of International Law as a Transnational Legal Field, 3 U.C. IRVINE J. INT'L TRANSNAT'L & COMP. L. 1 (2018).

Country	Outgoing students	Incoming students	Destination where internal students go	5 countries from where maximum students come
Australia	12026	294438	US, New Zealand, UK, Germany, Canada	China, India, Malaysia, Vietnam, Nepal
China	801187	123127	US, Australia, UK, Japan, Canada	No data
France	80635	235123	Belgium, UK, Canada, Switzerland, Germany	China, Morocco, Algeria, Tunisia, Senegal
Germany	116342	228756	Austria, Netherlands, UK, Switzerland, US	China, Russia, India, Austria, France
India	255030	41993	US, Australia, UK, New Zealand, Canada	Nepal, Afghanistan, Bhutan, Nigeria, Malaysia
Italy	56712	90419	UK, Austria, France, Germany, Switzerland	China, Albania, Romania, Iran, Greece
Japan	30179	132685	US, UK, Germany, Australia, France	China, South Korea, Vietnam, Nepal, Indonesia
Kazakhstan	77,965	12,533	Russia, Kyrgyzstan, US, Turkey, UK	Uzbekistan, India, China, Kyrgyzstan, Russia

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

“Education plays a crucial role in shaping individuals' approaches and networks (incoming influences) and represents a meaningful form of soft power through which academics in some states are able to diffuse ideas, materials, and approaches across borders.”⁵⁰ However, what are the patterns that reflect, and forces that shape, whether individuals from certain states are likely to cross borders to

⁵⁰ <https://academic.oup.com/book/43096/chapter/361571238>. Last retrieved 10 September 2024.

undertake tertiary studies? And, if they do undertake transnational study, where do they go? For legal education, the SAU can step in to offer opportunities to students from not only SAARC member states, but even from neighboring non-members by offering cost effective quality education meeting global educational needs. When students only study law in their own state, they are more likely to develop a nationalized approach to law, but when they cross borders to study law, this has a denationalizing effect on them as they are exposed to universal approach to the law. When these students return their home to practice or teach the law, they are ready with ideas, approaches, and materials from wider perspective to deal with their specific ground situation. They cultivate professional and personal networks that will carry on into the future.⁵¹ It is therefore high time that the SAU structurally brings changes to make itself a true regional center for educational excellence so that the foreign students who take admission in its programmes are prepared to survive in a globally competitive world.

Conclusion

SAARC nations collectively fund the SAU, and therefore, the law graduation programme at SAU designed after consensus among all member states as equal partners – can wipe out inherent deficiencies that academic community feels due to mis-match between course objective and student maturity.⁵² Further, a common standard curriculum for all the member states to raise the bar of legal education, comprising of common legal principles for which every member state would like to orient their law graduates, will prepare students the skills and capacity to serve any jurisdiction of their choice. This common standard curriculum prepared with 80 percentage of standard legal principles that are universally applicable, and 20 percentage of discourse to be delivered through

⁵¹ See Peter Mattis, Reexamining the Confucian Institutes, *DIPLOMAT*, Aug. 2, 2012.

⁵² *Clinical Legal Education in Asia*. Edited by Shuvro Prosun Sarker, Palgrave Macmillan, New York, 2015, 250 Pp., ISBN 978-1-137-51753-1. See also, *Legal Education in Asia*. Edited by Shuvro Prosun Sarker, Eleven International Publishing: The Hague, 2014, pp. 298.

local experts appointed from all the member states at the SAU – will provide comprehensive legal education to make students not only industry ready to serve the justice system of any member state in the SAARC, but also employable in any other foreign jurisdiction.

At present, the website of SAU⁵³ (as of today on legal studies department known as faculty of legal studies) does not inspire any such confidence in its capacity to undertake such supra-national project. The website informs the public that only Indian faculties (that too 1 professor who is acting dean and who was investigated for sexual harassment complaint⁵⁴), with the help of another four – five associate professors - is managing the legal education department. All of them are drawn only from one country (India) and other member states do not have their representation in the law faculty. This does not augur well for the image of the SAU, and makes the promises made by the SAARC to work in collaborative culture, sound hollow.

For undertaking any supra-national project, the SAU, first of all has to appoint in its every department, the faculty or experts drawn from all eight member states. The faculty of legal studies too needs to adhere to this norm of having diverse faculty from all 8 member states to teach local laws to the local and foreign students. In fact, student intake or the faculty intake of every member state has to be fixed and the department administration has to be offered in rotation to every member state to as to make it truly regional level center of excellence with credible credentials. All students at the SAU must be offered an option to learn the local laws of their own country or of any other member states. Such comprehensive comparative discourse will produce well rounded and informed legal community, ready to serve subalterns in any of the member states.

⁵³ <https://sau.int> .

⁵⁴ <https://www.shiksha.com/news/college-sau-law-student-writes-to-ministry-of-external-affairs-demanding-action-against-prof-blogId-122915> .

The SAARC needs to organize meetings of the legal education regulators of all the member states to bring a consensus on common core curriculum to be delivered to their students. Ultimately, the legal education regulators from the member states will have to take a final call on future of their legal professionals. Whether they want to focus on the current technological revolution, or present climate changes, or socio-economic developments in the region, or inculcate the corporate culture, are the matters that require broad consensus among legal education regulators. Based on the common minimum agreed curriculum, the SAU needs to undertake development of undergraduate courses by dividing its time between the common subjects and the local laws.