

Scope of Regional Level Professional Studies in Law for Students of SAARC Member States

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This paper explores possibilities of making the regional university South Asian University (SAU) at Delhi, India as regional centre of excellence for developing and delivering of legal education to students from member states of regional association known as SAARC. At present, SAARC comprises of eight countries of SAARC and legal education discourse of all eight member states is neither equipped to make students industry ready, nor it makes them employable beyond their domestic jurisdictions. The paper calls upon the SAU to make use of huge infrastructure and resources that it has at its disposal to fulfil the very purpose of regional level education.

Keywords: Regional education; legal education; south Asia; SAARC; Curriculum development; law degree; law graduation; gender-based discrimination

Introduction

The South Asian Association for Regional Cooperation (hereinafter 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. The objectives of the Association are: 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 realise their full potentials. SAARC also aims to strengthen cooperation with other developing countries and to cooperate with international and regional organisations with similar aims and purposes. 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 member states. Recent such example being: SAARC Covid-19 emergency fund, amounting to around 22 million USD.

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

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Second SAARC Summit¹, the Heads of member states reiterated importance of increasing involvement of their people for regional co-operation. For the same, the member states agreed to promote greater contacts among the peoples of the region through regular and frequent interchange of scholars, academics, artists, authors, professionals and businessmen as well as facilitation of tourism. At the Third Summit², 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 Summit³, the leaders decided that to include Education as area of cooperation since it is the principal means of human resources development. The member states agreed to give children the highest priority in national development planning. The Leaders at the Ninth Summit⁴ agreed to share best practices in area of new and innovative methods like Open Learning and Distance Education. Accordingly, the leaders agreed to utilise the institutional facilities in such education available in the region on a regional scale. They also agreed to explore the possibility of the creation of a Consortium of Open Universities in the region. At the Eleventh Summit⁵, the Heads of States recognised 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 Dhakar in April 2000. At the Thirteenth SAARC Summit⁶, the leaders stressed on challenges of the twenty-first century, and how the SAARC member states must make important strides in the areas of science, technology and higher education. In this meeting, India proposed to create a Centre of Excellence, in the form of a South Asian University (hereinafter 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 finalise 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 Summit⁷ expressed their resolve to ensure quality education in all institutions by reforming curricula, teaching methods and evaluation systems adequately supported by physical, technical and other facilities. 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.

¹Bangalore, 16-17 November 1986.

²Kathmandu, 02-04 November 1987.

³Islamabad, 29-31 December 1988.

⁴Malé, 12-14 May 1997.

⁵Kathmandu, 04-06 January 2002.

⁶Dhaka, 12-13 November 2005.

⁷Kathmandu, 26-27 November 2014.

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 etc. The SAU has so far been one concrete and major achievements of SAARC. The first academic session of SAU commenced on 26 August 2010 with an intake of 50 students in MA (Development Economics) programme and MCA (Master of Computer Applications) programme. In its second year of functioning, SAU had 156 students enrolled for Masters' Degrees in Development Economics, International Relations, Sociology, Law, Biotechnology and Computer Science. For its third academic year (2012-13), SAU began admissions through common entrance examination. Today, the SAU offers both post-graduate and doctoral programs in Development Economics, Computer Science, Biotechnology, Mathematics, Sociology, International Relations and Law.

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 latter jurisdictions have 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.⁸ Whether or not we chose to agree with these crude observations, but it is definitely worth exploring for 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.

⁸Poddar (2022) at 14-45.

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 Aesthetics	Grammar	Jurisprudence	Contract Law	Constitution
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 organisations	Constitutional Law of Bangladesh	Legal composition and rhetoric	Law of Contract	Criminal Law	Criminal law 2
SEMESTER 2	Criminal Law (Pakistan IPC 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 – 1 (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
SEMESTER 3	Muslim Personal Law	Contemporary legal systems	SEMESTER 3	Legal writing and research	Methods of legal research and writing	Any one of option: International	Law of Tort 2

	(Guardian and Wards Act, Dissolution of Muslim Marriage Act 1939)					1 human rights International 1 trade law Clinical legal education 1 Maritime law Environment t law	
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 relations of Afghanistan	Interpretation of Statutes and General Clauses Act	Chen-ju	PART 3	Clinical legal education 2	Equity and trusts
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 ¹
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 organisations 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	International law, peace and security	Islamic Sharia 2

					- victimology - cyber law		
Company law	FIVE YEAR LLB	Obligations law	SEMESTER 5	Environment law	5 years BALLB	Evidence	Taxation
Drafting, Pleading and Conveyance	SEMESTER R 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 R 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 R 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 R 6	Economics-I	Criminal Law	
International institutions	Sociology 2	State building in post-war countries	SEMESTER 7	Administrative 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 constitutional law	Jurisprudence-I	Constitutional 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 R 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 R 7	Alternative English (For foreigner in Lieu of Legal Nepali)	Environment 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	Professional responsibility	International Relations and	Law of property 1	

			Law	Law and ethics	Diplomacy	& 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	
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)	
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	SEMESTE R 7	History of Islamic civilisation			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		
Constitutional Law 1	Environme nt laws	Objective law			Interpretation of Law		
Legal History	Research methodolog y and project	Media rights			Any one of: - Torts and consumer protection - insurance law - socio- economic crime - international humanitarian law		
Sociology 2	SEMESTE R 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	SEMESTE R 9				SEMESTER 8		
Economics 2	Civil procedure 1				Professional ethics and lawyering skills		
Political science 2	Criminal procedure 1				Moot court (civil case)		
SEMESTER 4	Law of evidence 1				Private international law		
Family law -2	Administrat ive law and service laws				Administrative law		
Law of Crimes 2	Labour and taxation				Clinical law – 2 (conveyancing)		
Administrative Law	SEMESTE R 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)		
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							
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 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 marginalised people							
Developing entrepreneurial mindset							
Summer internship							
SEMESTER 10							
Dissertation							
Internship							

Comparative Table Analysis

From the above table of curriculum of law graduation degrees in 8 member states of SAARC, we learn that while member states like India, Pakistan and Nepal are offering both 3 years LLB course after graduation as well as 5 years BALLB course after the high school, Afghanistan and Bangladesh offer 4 years LLB course after graduation. Bhutan has recently started its 5 years BALLB course after the high school. Both 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. 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.

How Regional Level Law Undergraduation Programme will benefit?

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. 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 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 SAU (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 one professor who is acting dean and who was investigated for sexual harassment complaint⁹), 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 centre 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.

The SAARC needs to organise 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.

What could be the Objective of SAU Law Graduation Courses?

As a legal educator, I feel that the SAU's vision for undergraduate law school should be to prepare lawyers, judges, prosecutors, draftsmen, 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,

⁹<https://www.shiksha.com/news/college-sau-law-student-writes-to-ministry-of-external-affairs-demanding-action-against-prof-blogId-122915>

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:

Setting up Professionalism as an Agenda of 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.¹⁰ The member states of SAARC thus continue to face falling standards of legal profession in their respective jurisdictions. And there is realisation that compiling booklets of rules and regulation and developing codes on ethics - are not of any help in redressing this situation. The regional level legal education discourse seems to provide the possibility for an isolation from the compulsions of domestic setting. Such isolation offers ample opportunities to the educators to develop and inculcate values in students that makes them shun any kind of unwanted unprofessionalism and unethical behaviour. 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.

Increased Gender Representation

Chamblee points out in her research that two-thirds of the world's illiterates are female.¹¹ In the year 2000, the World Education Forum met in Dakar, Senegal, and set goals to (1) eradicate gender disparities in elementary and secondary education enrolment by 2005, and (2) reach educational gender equality by 2015.¹² Two months before 2004, the United Nations Educational, Scientific, and

¹⁰Baxi (1982) at 75.

¹¹Chamblee (2004).

¹²UNESCO, Gender and Education for all: The Leap to EQUALITY, summary report 10 (2003).

Cultural Organization (UNESCO) reported that sixty percent of the 128 countries that attended the Dakar Conference would not meet these goals. The report attributed the failure to sharp discrimination against girls in social and cultural practices. In relation to legal education, in 2011, the American Bar Association reported that among ten top law schools in the US, female made up an average of 46.7% of the enrolment.¹³ If this is position of enrolment of female population in legal education in the west, nothing great could be expected from other regions. Further, it is very important to increase participation of female population in legal education because it has been found by number of researchers that women and men have different motivations for attending the law school. Angel in her study points out that women take admission in the law school for substantially more idealistic reasons than men. Her research points out that female law students were concerned about children, family, civil rights, and those generally in the position of the underdog; whereas male law students were found studying law for the egotistical interest in money-making and because a law degree is useful in politics and business.¹⁴

Therefore, it is extremely important to increase enrolment of female students in legal education discourse. However, as the domestic cultural and religious norms in some member states of SAARC are not conducive to participation of female population in higher education, it is expected that the SAU, being far away from these domestic internal compulsions, can provide greater preference to female candidates in admissions so that the gender disbalance in legal education in domestic settings is set right for SAARC as a region.

Promoting Judicial Education & Civil Service Trainings

The SAU with its up-to-date infrastructure, location and facilities is in better position than any other institution in India to step in to fulfil the role that some important EU institutions perform. 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 huge investment that has gone in making it a regional centre of excellence. It is time to show this excellence beyond paper by actual delivery of educational activities and trainings – for they not only increase capacity and capability of citizens of member states, but even go beyond to serve the larger interest of ensuring the Rule of Law in the region.

Preparing Lawyers Skilled in Court Craft

In almost all jurisdictions (of 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. One reason that emerges for this gap is

¹³Weiss (2011); See also Warner (2013).

¹⁴Angel (1988) at 808.

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 specialised in-depth orientations needed for preparing students for the court craft and for handling trial complexities before the courts.

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 utilised to analyse 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 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.¹⁵

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.¹⁶ 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.¹⁷ 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.

¹⁵Khan, Tabassum & Noor (2023).

¹⁶Siddiky (2019).

¹⁷Singh (2017).

Mobilising 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.

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.'" White¹⁸ 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 note¹⁹ 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.

Stimulating the Interest in IHL

Academic community has contributed immensely to popularise teaching and research in area of International Humanitarian Law (hereinafter 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, Geneva²⁰; Geneva Academy of Human Rights and Humanitarian Law²¹; International Institute of Humanitarian

¹⁸White (2011) at 274.

¹⁹<https://escholarship.org/us/item/32z767zn>; See Cummings (2004).

²⁰This 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.

²¹This 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

Law, San Remo, Italy²²; The International Humanitarian Law Project, London School of Economics (LSE).²³ 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.²⁴

In Asia, member states within SAARC have not taken any dedicated step to popularise 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.²⁵ 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 specialisations. 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.

Educating Lawyers in Contemporary Social Context

The interconnections among law, mindfulness, and community development are often overlooked in the legal education discourse offered by the member states

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.

²²This non-governmental organisation (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.

²³This research project undertaken at the Department of Law, LSE has taken up the mantle of coordinating and encouraging research and teaching of IHL within the borders of the UK. Faculty members of the Department of Law at LSE are associated actively with the centre, thereby engaging in seminars, conferences, discussions and research projects on the LOAC. Visiting professors such as Prof. William Schabas are involved in the project that aims to engage the legal academia in the formulation of solutions to complex contemporary issues.

²⁴Teaching International Humanitarian Law at U.S. Law Schools. <http://www.wcl.american.edu/humright/center/documents/IHLSurveyReport.pdf>

²⁵Pritam (2015).

of SAARC. This is so even when almost all the member states of SAARC are having substantial young population at risk of being deprived of their basic rights. The regional level legal education discourse has to be developed so as to offer the specialised courses to create awareness on the pressing socio-economic problems and make law students future ready to offer possible solutions through laws and regulations. Educational interface will create greater understanding of available framework²⁶ and help in better implementation of rules and regulations to address complex problems faced locally. Pedagogy for involving law students in community service can help students in transforming as sensitive to the needs of society in which they have to serve as lawyers, judges, prosecutors or the state law officers.

Increasing Cross-Border Flows of Students

A study of countries from where international students go outside to study done by UNESCO in year 2017²⁷ reveals that students from SAARC member states have been migrating to the western universities for their education as reflected by the table below:

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

²⁶Every 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.

²⁷UNESCO Institute for Statistics - figures were extracted on Oct. 23, 2017 and are for 2016, and see Roberts (2018).

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, Turkmenistan, 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

Conclusion

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 (outgoing spheres of influence). However, what are the patterns that reflect, and forces that shape, whether individuals from certain states are likely to cross borders to undertake tertiary studies? And, if they do undertake transnational study, where do they go? For legal education, the SAU can step in by offering cost effective quality education meeting global educational needs to students not only from SAARC member states, but even to neighbouring non-members. When students only study law in their own state, they are more likely to develop a nationalised approach to law, but when they cross the borders to study the law, this has a denationalizing effect on them as they are exposed to universal approach to the law. When these students return their home countries to practice or teach the law, they are ready with ideas, approaches, and materials from wider perspective to deal with complex ground situations. The regional education will cultivate professional and personal networks that will carry on into the future.²⁸ It is therefore high time that the SAU structurally brings changes to make itself a true regional centre for educational excellence so that the foreign students who take admission in its programmes are prepared to survive in a globally competitive world.

²⁸See Mattis (2012).

References

- Angel, M. (1988). 'Women in Legal Education: What It's Like to Be Part of a Perpetual First Wave or the Case of the Disappearing Women' in *Temple Law Review* 61:799.
- Baxi, U. (1982). *The Crisis of the Indian Legal System*. Delhi: Vikas Publishing House.
- Chamblee, L.E. (2004). 'Rhetoric or rights: when culture and religion bar girls' right to education' in *Virginia Journal of International Law* 44(4):1073-1144.
- Cummings, S.L. (2004). 'The Politics of Pro Bono' in *UCLA Law Review* 52(1):1-149.
- Ghosh, P. (2015). 'Teaching and Research of International Humanitarian Law in Asia: Efforts, Issues and Prospects' in *Asian Journal of Legal Education* 2(1):1-16. <https://scholarship.law.uci.edu/ucijil/vol3/iss1/2>
- Khan, Tabassum, Muhammad Khan, S.A., Tabassum, R. & M. Noor (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
- Mattis, P. (2012). 'Reexamining the Confucian Institutes', in *The Diplomat*, 2 August, 2012. <https://thediplomat.com/2012/08/reexamining-the-confucian-institutes/>
- Poddar, D. (2022). 'Comparative Sociology of the Law Profession' in *Dharma Shastra National Law University Law Review (DNLULR)* 1(1):14-45
- Roberts, A. (2018). 'Cross-Border Student Flows and the Construction of International Law as a Transnational Legal Field' in 3 *U.C. Irvine J. International Transatlantic & Comparative Law*. 1:3-38.
- 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' in *Pakistan Journal of Applied Social Sciences* 10(1):61-82.
- Singh, A. (2017). 'Effects of co-curricular activities on academic achievements of students' in *International Journal of Education and Multidisciplinary Studies* 6(3): 241-254.
- UNESCO Institute for Statistics. <http://uis.unesco.org/en>. These figures were extracted on Oct. 23, 2017 and are for 2016.
- UNESCO, Gender and Education for all: The Leap to EQUALITY, summary report 10 (2003). http://www.unesco.org/education/efareport/2003_pdf/summaryen.pdf
- Warner, D.M. (2013). 'Forty years on: women lawyers still on that and ecofeminism again' in *Tennessee Journal of Race, Gender, & Social Justice*, 2(1), 41-[xvii].
- Weiss, D.C. (2011). 'Men Outnumber Women at Most Top Law Schools, But the Imbalance Is Greater at B-Schools'. <http://www.abajournal.com/news/article/men-outnumber-women-at-most-top-law-schools-but-the-imbalance-is-greater>.
- White, L.E. (2011). 'African Youth Mobilize against Garbage: Economic and Social Rights Advocacy and the Practice of Democracy' in S.L. Cummings (ed.). *The Paradox of Professionalism: Lawyers and the Possibility of Justice*. Cambridge University Press.