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Sridhar Patnaik Dabiru

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Draft Outline

Position Paper
On
Teaching and Research in International Law in India

D.Sridhar Patnaik
Assistant Professor
The Indian Society of International Law
New Delhi
Teaching and Research in International Law in India – An Outline

Background

The Indian Society of International Law (ISIL) is organizing an international conference in December 2007. Teaching and Research in International Law is one of the themes of the conference. The increasing demand of lawyers in a globalized world had given a fresh impetus to the study of international law in India. Therefore this demand testifies the requirement to revisit the present curriculum and pedagogy related to international law and teaching so as to set some new standards in the field of international law training in the universities and national law schools. ISIL, as a focal point for international law in India and other developing countries is having a key role to play in this academic

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1 The other themes for discussion in the conference are: International Environmental Law and Law of the Sea. The conference is scheduled from 8-10 December 2007.
3 In India, universities are classified as traditional universities, open universities, professional universities, institutes of national importance, deemed universities, which includes private deemed universities. These universities in India are supported by the Central Government and State Governments. These universities are members of ‘Association of Indian Universities (AIU)’. For more details see http://www.aiuweb.org. Visited on 6.10.2007. The other apex organization endowed with the responsibility of promoting and coordinating university education and determination and maintenance of standards in institutions of higher education, is the ‘University Grants Commission (UGC)’. See http://www.ugc.ac.in. Visited on 6.10.2007
4 In order to improve the quality of legal education in the country, several members of the legal fraternity debated a new system of legal education in the 1970s and 1980s. Thus the National Law School of India University (NLSIU), Bangalore was set up in 1987 as a bold experiment in legal education. Currently there are more than eight law schools established in different parts of the country offering five years B.A.LL.B (Hons), LLM and PhD programmes. See http://www.en.wikipedia.org. Visited on 8.10.2007, R. Khan, “National School of Law-A Proposal”, Journal of the Indian Law Institute, vol. 14 (1972), pp 590-594. Also see generally, K.L. Bhatia, Legal Justice Education; Vision Plan For Legal School (Deep and Deep, New Delhi, 2006)
exercise and to coordinate the activities of all interested parties in solving the problems related to teaching and training in international law.

It is in this background, the writing of the present position paper assumes significance.

Scope

The scope of this paper is defined by the importance of the study of international law in universities and the national law schools across the country. The curricula of undergraduate, postgraduate and diploma programmes, if any will be examined. The significance of the subject will also be considered from the viewpoint of the ongoing and completed doctoral dissertations at these places. A study on international law as a subject in universities may be limited to few universities taken as a model with a traditional interest in international law and to evaluate the current trends in international law teaching in those universities. Teaching and research of international law in the Jawaharlal Nehru University (JNU) will taken up as a paradigm for the present paper

Objectives and Key Points for the Position Paper

- Examine international law curriculum in universities and national law schools in India.
- Examine the pedagogy of international law teaching in India.
- Identify some approaches in order to establish the relevance and importance of international law in the context of globalization.
- To establish a systematic study and evaluation of a pattern for trainers in international law. It is axiomatic to the present theme as teachers have a crucial role in efforts to stimulate interest in interest in international law.
- To develop improved methods and materials for teaching international law

The guiding question remains as to what kind of lawyers or law graduates are to be produced the institutions of higher learning in law. It is important to attend to this question which is to be addressed before we embark upon to revisit the curriculum and suggest some changes for making international law as a discipline more effective and

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5 For example Madras University, Osmania University, Andhra University, Poona University, Nagpur University, Delhi University
6 Of late international trade law has become a popular choice among students. The relevance and interface of comparative law and international trade law cannot be overlooked or ignored. However, for a major part of the curriculum, comparative law is an optional paper in the curriculum. It is prudent and desirable to teach this subject. For an interesting methodology of teaching comparative law, see Gert Steenhoff, “ Teaching Comparative Law, Comparative Law Teaching”, Electronic Journal of Comparative Law, vol. 64 (2002), pp 47-51. Available at http://www.ejcl.org/64/art64-4.pdf. Visited on 7.10.2007. Some group of scholars like Prof. Ugo Mattei, Prof Duncan Kennedy et al launched a new project and institution-International University College Torino, Turin, Italy in 2006. It is expected that the academic session will start in fall 2008. The aim of this project is advanced academic study of global capitalism and the preparation of international class of lawyers and finance experts with a highly integrated background of comparative law, economics and finance. Focus will be on legal, economic and financial specificities of Asia, Latin America and Africa and interdisciplinary studies like law and sociology, law and anthropology. See http://www.iuctorino.it. Visited on 30.09.2007
influence students to read the subject in detail. This exercise to a large extent will
influence the purpose of international law teaching and methodology. In this perspective,
we cannot disagree with D’amato’s view that “International Law as a discipline is more
exciting and challenging. As a law school subject, it is our window to the world…If there
is going to be change, it has to come from student demand. To be more effective, students
should demand international law courses not just because of subject matter, but also
because of the light they throw upon the study of ‘law’ in general.7

Thinking out of the Box: An Agenda for Future

-ISIL may collaborate with UGC and establish a consultative committee and redesign the
curriculum and pedagogy.
-Ensure coordination of efforts to improve training in international law- The committee
may be composed of representatives from ISIL, UGC, well know legal professionals,
academic experts and representatives from various universities.
-Offer consultation services to universities across the country in this process.
-Develop a model for alternative assessment and outreach activities so as to enhance the
interest of students and creative thinking in international law.

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p.294. Also see chapter on International Law as a Career, pp.358-370.