



# Objectives of legal teaching methods in higher education Indian Law.

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## Abstract:

The Law is the field which binds the social, economic, and political circumference forming the inevitable part of the society. In India, Legal education is most complicated and multi layered. It needs certainly a reform. According to an estimate by the Bar Council of India there are around 1.5 million registered advocates in the country today, in addition to around 950 Law schools and five lakh law students, Every year approximately 70000 law graduates join the profession .. Around **23,790 Judges Strength (34 in Supreme Court, 1079 for High Court, 22677 for Subordinate Court)**. Judiciary is one of the three pillars enshrined in our constitution next to Legislature and Executive. For the population of 145 crores, only 22677 judges are rendering the judicial services, in that situation, the legal education should be more specific and equipped.

The teaching method is the base behind the legal education and reform plays a crucial role. In India, legal education has prepared many lawyers as social engineers, paving the way for societal change. This article revolves around the important methods of teaching legal studies and their impact on the students pursuing law in India.

The intricacies present in teaching legal studies have been dealt in detail and the need for reforms in such techniques is also covered.

Keywords: Legal Education, Globalization, Transformation

## Introduction

Historically, Indian legal education consisted of a three-year and 5-year undergraduate program within the law departments of universities and resulted in an L.L.B and BA LLB degree. Legal education and its importance in establishing a rule of law society did not receive any serious priority or attention in these universities, although due to the sheer motivation of students themselves the departments were successful in producing many of the brightest lawyers and some of the best academics in the country.

Law as a profession and legal education as a discipline was not a popular choice of the students in India prior to the introduction of five-year law course, most of the students who performed well in their Intermediate Education aspired to study medicine, engineering, computers, business management and accounting.

In fact, the study of law has received better attention among high school graduates in the country since the introduction of five-year integrated programs. These programs raise new issues relating to pedagogy and approach to undergraduate studies for imparting legal education for high school graduates.

University law departments have not made adequate progress in academic standards such as innovation of course design, development of appropriate teaching modules, formulation of research agendas, undertaking of research projects, and promotion of advocacy in lawyering. These traditional departments also suffered from lack of independence and institutional autonomy, as they were within the university system whose priorities did not always match. As a result, the ability to attract serious students with a passionate commitment to study law in all its facets dramatically declined, culminating in institutionalized mediocrity in a large number of law faculties across the country.

Indian Higher Education System is the third largest in the world next to the United States and China. After Independence, Indian Education system is progressing although there have been many challenges to Higher Education.

The legal profession at the highest level develops absorptive and analytic capacities of the human mind and offers great intellectual stimulus. It is no small service to be called upon to defend life, liberty and the other fundamental rights. The quality legal education is the most important factor for the protection and development of democratic and principle of social justice underlying the Constitution.

The quality legal education only can produce responsive and sensitive legal professionals. The success and healthy development of law profession solely depends upon the effective legal education. Thus it is the solemn duty of the government,

Bar Councils and Bar Associations to play significant and meaningful role in promoting legal education. For any society, ripening of civilization is attributed through the social consciousness of the significance of law. The history of our own independence movement, if impartially written, will devote more pages to lawyers than to the votaries of any other vocation. It is well accepted proposition that the Profession of Law is a noble calling and the members of the Legal Profession occupy a very high status

## 2. Objectives of Legal Education system in india

Traditionally universities in India offered Legal education as a three years graduate degree. The eligibility requirement for the Bachelor of Law was that the applicant already has a Bachelor's degree in any subject from a recognized institution. The legal education was imparted only at law departments in the university system and through affiliated law colleges. Now some institutions also offer an integrated five years BA-BL course after twelve years of schooling.

In India the legal education is regulated and controlled by Bar Council of India. It is imparted the at different levels, namely, law Universities, government law colleges, private law colleges (government aided) and private law colleges (non-aided). Imparting practical skills to law students is a compulsory component of legal education in all the institutions imparting the legal education.

The University Grants Commission approved one-year LL.M. courses in India on 6 September 2012 and the 2 guideline for the same was notified in January, 2013. "We have an immense problem with the faculty, especially with more than 950 plus law schools all over the country,

**Legal Aid :** Universities and colleges rendering legal education may develop an action plan to strengthen and enhance legal assistance to the poor through legal aid. Institutes may explore the possibility of launching a pilot program involving rural youth to facilitate more effective use of the legal system by the rural poor. It will help to promote legal awareness in the community for achieving social and economic Justice.

**Measures to Improve Pedagogy and Methods of Teaching** New technologies to be used in legal education-

**Standards for faculty evaluation** Steps should be taken to ensure effective measures for faculty evaluation through students feedback. These parameters would be used not only to measure faculty quality and performance, but would also be a part of the factors evaluated when accrediting law Institutions.

**Research Projects :** Since all teachers in the University are primarily researchers in their respective streams, there is a need to promote excellence in research and hone further their research skills by providing opportunities to them for carrying out research, for their academic and professional development.

**Faculty members:** should take research projects sponsored by UGC and other agencies, the University may also provides financial support to its own teachers for minor research projects in their specialized areas that have theoretical, conceptual, methodological and policy implications.

### 3. WEAKNESS AND CHALLENGES OF INDIAN LEGAL EDUCATION

**The** course content for these courses is decided by the universities with guidelines from the bar council of India, under the Advocates Act inter alia has the function to promote legal education to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils. The Bar Council of India, Rules provide for compulsory and optional subjects to be taught in the LL.B course Rule (9) (1) lists 6 subjects for Part- 1(compulsory); Rule 9 (2) lists 21 subjects for Part 11 (compulsory). Rule 9(3) lists 15 subjects (optional) out of 3 which three have to be selected. A fresh UGC Model Curriculum was prepared by the Curriculum development committee constituted by UGC in 2000 which was circulated to various universities for revision of their law courses. Despite measures and recommendation to equip the Indian Law graduates with better professional capabilities the challenge posed from international as well as the cross country institutions is imminent. Some major shortcomings of our legal education system are: The quality of legal education in India has been a matter of concern for a long time, with issues such as inadequate infrastructure, lack of qualified faculty, and poor quality of teaching cited as major problems.

In recent times, the legal education system has been facing challenges such as a lack of practical training and exposure, inadequate research, and a lack of focus on the needs of the legal profession. The UGC and the BCI have made efforts to improve the quality of legal education, such as setting standards for accreditation and curriculum and providing funding for legal education institutions. However, these efforts have not been able to address all the issues related to the quality of legal education in India. Some major shortcomings or challenges faced by our legal education system are as follows:

**Easy Entry in Legal Education:** It has been observed that when a student fails to get admission in a medical, engineering, Commerce etc. they choose for law as the last resort. In this Law College which is the part of the mushroom growth plays an important role to degrading the standard of legal education by filling their vacant seats by taking huge donations which creates the casual atmosphere and approach which decrees the enthusiasm of students as well as the teachers which causes degradation of environment of legal education in India.

**Lack of Infrastructure:** Bar Council of India in its Rules( Legal Education Rules,2008) has made the provision of infrastructure under Rule 1129 Schedule III where provisions for adequate library with online database, reading room even size of class room is mentioned. This problem has also been suggested by the CJI T S Thakur to Bar Council to Shut those law college which lack in appropriate infrastructure

**Lack of Practical Training:** The majority of the college curriculum is built on theory, which students find uninteresting. As it has been observed by the Apex Court in V. Sudeer v. Bar Council of India, AIR 1999 SC 1167 case that practical training should be mandatory to all universities in imparting legal education prior to getting his degree of law and Bar Council of India has function to promote the standard of legal education in consultation with universities

**Mushroom Growth of Law Colleges:** Legal education has nowadays emerged as a promising business activity for the law institutions which are mostly run by politicians, builders and industrialists. The mushroom growth of law colleges resulted in ill-equipped law college with dull rooms, lacking in adequate faculty and some of them in short duration of evening classes. The main problem is that the team of Bar Council and the university which is responsible for the inspection of colleges seeking permission to start law courses.

**Old Teaching Facilities and Techniques:** The law schools are still accustomed to the age old method of teaching through lectures in a class room. No heed is paid to these suggestions and recommendations made by the committees assigned the role of upgrading education.

**Poor Attendance:** The Attendance is another factor which plays an important role in degradation of legal education India. As per rule 4 of Bar Council of India (Part IV), "The student shall be requested to put minimum attendance of 66% of lecture on each of the subject as also at the moot courts practical training course. The provision of compulsory attendance is been observed that it remains on paper only and hardly it is enforced. Due to of these kind of practices a large number of students are joining Law (LL.B) course without a serious objective.

**Shortage of Good Teachers:** Many law schools in India have been criticized for having poor quality of teaching, with inadequate resources and infrastructure, and a lack of well-trained and motivated faculty. Generally, law colleges fail to attract talented law professional for joining as teachers in their institution. The requirement of requiring the NET qualified applicants as lecturers has invariably limited the choice of appointing good teachers. Also selection committees, in different universities are restricted to make free judgments of the quality of teacher.

**The Irrelevant Syllabus:** The legal curriculum in India has been criticized for being outdated and not reflective of the changing legal and social landscape. Even after being asked by the UGC Committee and Bar Council of India for upgrading of syllabus of law courses here remain a lack of uniformity in law curriculum of different Universities. Further the inclusion of too many subjects in the syllabus has diluted the concept of teaching skills and research orientation.

**The faulty Examination System:** The true value of any curriculum can only be realised if the knowledge is put to the test in a controlled environment. Law school examinations must be rigorous to eliminate misconduct. The nature of the questions must be analytical, requiring students to develop the law in the form of application rather than the duplication of law and cases found in textbooks. This phase would ensure that students use their critical thinking skills to respond to the questions. But, the laws schools adopt the traditional examination pattern. The malady of covering a part of the prescribed syllabus and fallacy of memorizing the selected questions rules the roost.

**Lack of Research:** Faculty members should encourage students to conduct research and write persuasive memos on projects allocated to them, and they should place an embargo on plagiarised projects. Plagiarism has an impact on academic writing quality. Due to the teacher's lackadaisical approach toward reviewing the projects, the majority of the projects submitted by students are plagiarised. Professors frequently award top grades to all students, regardless of whether or not the student finished the project assigned to him. This has given the students who study hard and deliver their projects on time a negative perception.

**Problem of Placement:** Students usually complete their placement with a lawyer, NGO or a corporate house. The law students are expected to learn the skill of reading and maintaining case files, legal research, drafting and client interviewing and counselling. Students are required to maintain a diary of their visits to lawyer's chamber and courts recording the work they did there and the proceeding observed. Their diaries and their preparation for the mock trail and mood court do reflect their learning from placement. Practical training in law schools imparted though choosing one of these methods or their combination, namely, legal and clinic, class based lectures and simulation, and external placement.

**Globalization:** Globalization makes it increasingly difficult for legal study to be contained within the territorial boundaries of national legal systems. The operation of formal State law can be understood by taking into account the proliferation of supranational sources of law such as those emanating from the European Union or WTO. While traditional jurisprudence focused exclusively on municipal and public international law; globalization requires notice of other forms of legal ordering, such as the sue generis legal order of the ED.

## 4. Purposes of Legal Education important in law

According to the Indian Law Commission, “Legal education is a science that imparts to students knowledge of specific principles and legal provisions to enable them to enter the legal profession.” Producing lawyers with a social conscience is the primary goal of legal education. But in the modern era, legal education ought to be seen as a tool for social design as well as a means of producing lawyers. The progress of high quality legal education is a prerequisite to high quality legal practitioners. Legal education involves the education of laws generally to lawyers before entry into law profession. Law of a society is the standard of its social values. The need to assess and revise the curricula and methodologies of law courses with an objective to upgrade them for meeting the new challenges and the needs of the society is felt worldwide. The main purposes of legal education are as follows:

1. To inculcate the ability to make use of law, to analyze it and to criticize it as a member of the legal community.
2. To guarantee the individual freedom and the development of society, solidarity and strengthening of rule of law.
3. To produce high quality legal practitioners. To serve the society by imparting to law students general and cultural education making them good law abiding citizens.
4. To bring out among students the aptitude, interest, commitment, skills and knowledge necessary to perform variety of roles in society including works for socially excluded people and the poor at the local level, to espouse the cause of justice.
5. To prepare legal professionals as also good citizens including legislators, judges, policy makers, public officials, civil society activists having altruistic feelings and sense of social service.
6. To help rapidly growing nation to update its legal education mechanism to suit to the requirements of the competitive world. In *Manubhai Vashi v. State of Maharashtra* AIR 1989 Bom 296 case, the Supreme Court held that the Legal Education System should be able to meet the ever-growing needs of the society and should be thoroughly equipped to furnish to complication of various situations.

## 5. CONSTITUTIONAL PROVISIONS REGARDING EDUCATION IN INDIA

Right of free and compulsory education – Article 45 Right to education –

Article 21A Education for women, Article 15(1) (3) Promotion of education and economic interests of SC, ST and other weaker sections Article 25 28(1), (2), (3) Education of minorities, protection of interests of minorities, Article 29 Right of minorities to establish and administer educational institutions –

Article 30 Instruction in mother-tongue at primary stage – Article 350-A Promotion of Hindi Article 351 Education in union territories – Article 239 Fundamental duty to provide opportunity for education –

## 6 .Role of Bar Council of India

All the matters relating to admissions, practice, ethics & standards are dealt by BCI in consonance with state bar councils. 15 The powers of BCI are also envisaged under Advocates Act, 1961 under Section 7. “7. Functions of Bar Council of India.—

- (1) The functions of the Bar Council of India shall be- (h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils; (i) to recognize Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities 3[or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf]; 4[(ia) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of

legal interest; .....” Similarly, section 49 of the Advocates Act, 1961, provides powers to BCI to make rules with respect to legal education & related matters: “49. (1) [The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe—

2[(a) the conditions subject to which an advocate may be entitled to vote at an election to the State Bar Council including the qualifications or disqualifications of voters, and the manner in which an electoral roll of voters may be prepared and revised by a State Bar Council; (ae) the manner in which the seniority among advocates may be determined;

[(af) the minimum qualifications required for admission to a course of degree in law in any recognized University;]

(ag) the class or category of persons entitled to be enrolled as advocates;

(ah) the conditions subject to which an advocate shall have the right to practise and the circumstances under which a person shall be deemed to practise as an advocate in a court;]

(d) the standards of legal education to be observed by universities in India and the inspection of universities for that purpose;

(e) the foreign qualifications in law obtained by persons other than citizens of India which shall be recognized for the purpose of admission as an advocate under this Act; .....” While exercising the powers given under Advocates Act, 1961 BCI has tried its level best to reform Legal education, like introduction of five years integrated degree program in Law in 1982. This system has since been gradually adopted in various Universities and Colleges. In 1987, NLS was established at Bangalore by the Bar Council of India.

184th Report of the Law Commission of India in year 2002 suggested for harmonious construction of UGC & BCI powers & regulation of legal education in India through joint committees. It also recommended for examination to be conducted for enrolment of advocates in Bar. In the year 2007, the National Knowledge Commission submitted its report for reforms in legal education & suggested many steps to be taken for justice-oriented education in field of law.

## 7. ROLE OF INDIAN JUDICIARY IN LEGAL EDUCATION:

The judiciary has an indispensable role in enacting and interpreting laws. Multitudinous landmark judgments have rigorously affirmed that legal education in India must undergo substantial reformation and be modified regularly. In its landmark decision in *Deepak Sibal v. Punjab University*, the Supreme Court of India stated that the legal study should be fostered as much as possible without any undue interference. In the *Indian Council of Legal Education v. BCI*, the BCI’s decision to limit entrance into the legal profession to people under the age of 45 was found to be arbitrary and unconstitutional. **The Supreme Court of India decided in *Bar Council of India v. Aparna Basu Mallick*** that since obtaining a law degree is required to be enrolled on the bar; the BCI must have the right to regulate the quality of legal education followed by institutions across the country. Attendance in legal classes, tutorials, moot courts, lectures, and other requirements set forth by the BCI must be met before enrolling as an advocate.

## 8. Teaching methods SUGGESTIONS TO MAKE LEGAL EDUCATION MORE EFFECTIVE

The appropriate step needs to be taken in the matter so the law graduate acquires sufficient experience before they become entitled to practice in the Courts. The legal education must reflect participation of representative of the Judiciary, bar council and UGC. The Bar Council should regulate and supervise the affiliation of colleges. There must be an entrance examination to Law Colleges. It is advocated the Five year law course after 10+12 level. Professional ethics should be made a compulsory course. The case methods and problem methods should be made compulsory and must carry more marks than theory. Necessary amendments should be made to supplements lecture method with problem method and other modern technique of importing legal education. Parting in moot courts, mock trials and debaters must be made compulsory and marks awarded.

Practical training in drafting pleadings, contracts can be developed in the last year of the study. Students' visits to the courts are made compulsory so as to provide greater exposures. The legal education committee should lay

down norms for the conduct of these examination. It may be noticed that the main focus of this committee was on regulating admission to law colleges and admission to the Bar and not on community responsive legal education. However, introduction of compulsory practical training and clinical methods as per the directions of the Bar Council of India, have brought to focus the potency of legal education to become more respective to community needs in addition to becoming professional. The course is taught classroom teaching coupled with placement with lawyer for the weeks useful for dealing with different aspects of the course. The choice of methods is dependent on the skill/s to be learnt. I prefer to use the following teaching methods while teaching different topics. Brain Storming introduction to practical skills course, experiential client interviewing/client confidentiality, simulation moot courts, negotiation role plays client interviewing, group discussions, legal aid, games, examination-in-chief, pyramid fact gathering and recollection, active listening, subgroups peer observation and feedback, hypothetical problems, ethics case methods, lecture court structure/information, handouts course material/points to remember

For making legal education more effective and legal profession more competitive and value oriented certain suggestions may be taken into consideration.

Firstly, the global or transnational curriculum should be developed keeping in view the challenges of globalization; high technology crimes and changing concept of sovereignty.

Secondly, the teaching methodology should be upgraded and the combination of lecture method, case study method and Socrates method along with tutorials and other modern techniques of imparting legal education such as power-point presentations, audio-visual demonstrations, video conferencing etc. The Socratic Method refers to the teaching style used by most law professors. Instruction by lecturing is quite limited and more often takes the form of directed questioning. These methods help to sharpen critical thinking skills and the ability to distinguish between subtle underlying principles of a certain area.

Thirdly, there is need for original and path breaking legal research to create new legal knowledge.

Fourthly, lawyers must be trained to specialize in international trade practices, comparative law, conflict of laws, international human rights law, environmental law, gender justice, space law, bio-medical law, bio-ethics, international advocacy etc., They must also acquire a requisite knowledge of foreign laws like the American, French, German, Chinese and Japanese law. For instance, in South Korea, in the last 10 years, the curriculum has been expanded to include not only the above subjects, but also International Business, International Contracts, International Civil Procedure and laws of England, America, France and Germany.

Fifthly, the law schools must improve their library facilities to include use of computers and internet so that the students and faculty are able to draw regularly from the internet sources.

Sixthly, the law students need to enhance their ability to argue, explain and convince points of law. Good command over spoken and written language, effective oral skills, diction and extensive reading are pre-requisites that go without saying. Knowledge of a foreign language is important to be a lawyer in the global economy. Law students should be provided with the opportunity to learn a foreign language of their choice. Lawyers, solicitors, legal executives all need good intellectual ability, the ability to assimilate and analyze facts quickly. Law students hence need to develop their ability to distinguish the relevant from the irrelevant, screen evidence, and apply to the law to the situation under scrutiny. Moreover, in order to retain good teachers in the law school who are the backbone of legal education facilities and incentives should be given. This may include, career development opportunities within the law schools; development of research infrastructure including the resources to organize and participate in national and international conferences, and undertake serious research; a harmonious environment that fosters mutual respect; governance of the law schools in a transparent fashion; and, above all, faith in the leadership of the institution that

Lastly, legal education must be socially relevant and justice oriented. This concept of justice education in the field of legal education means that the law school curriculum should entail certain programs like Lok Adalats, Legal Aid & Legal Literacy and Para legal training. The end-semester examination should be problem-oriented, combining theoretical and problem oriented approaches rather than merely test memory. Clinical legal education

should be given more emphasis, so that students can learn the law through experience and experience the role of law and legal in society along with acquiring professional skills. Autonomy, flexibility and freedom should be given to law schools, particularly departments in Universities.

Various methods and techniques of teaching are currently being used in law schools which range from lecture method to Socratic Method to problem based method. These methods have their own merits but at best they give the student knowledge about law and sound analytical capability. However, if students participate in the process of legal aid under the aegis of Legal Aid Clinic of their law school they get hands on experience in the practice of law. Organizing legal aid camps and distribution of legal aid literature are effective tools of spreading awareness about law which ultimately contributes towards legal enforcement.

Teaching in the modern world is a well-developed profession marked by ranks of teachers which characterize the hierarchy in the teaching community. Progress, for a teacher, would naturally mean moving up this ladder of hierarchy. Various ways and means have been devised by the University Grants Commission in this regard

On the same lines, the number and quality of cases argued by a teacher concerning legal aid should become a criterion for evaluating a teacher for the purposes of his promotion. In this manner, we shall be improving the quality of law teaching in the country together with building capacity for legal aid.

## 9. Conclusion

The teaching methodology should be upgraded and the combination of lecture method, case study method and Socrates method along with tutorials and other modern techniques of imparting legal educations such as power-point presentations, audio-visual demonstrations, video conferencing etc. There is need for original and path breaking legal research to create new legal knowledge. Lawyers must be trained to specialize in international trade practices, comparative law, conflict of laws, international human rights law, environmental law, gender justice, space law, bio-medical law, bio-ethics, international advocacy etc., The law schools must improve their library facilities to include use of computers and internet so that the students and faculty are able to draw regularly from the internet sources. The law students need to enhance their ability to argue, explain and convince points of law. Good command over spoken and written language, effective oral skills, diction and extensive reading are pre-requisites that go without saying.

The task of a teacher is not only to fill in the students with contents of his narration but to bring out the hidden talent in the students. The legal education must be socially relevant and justice oriented. Introduction of integrated five year program in law boosted legal educational reforms across the country and success of National Law School of India University at Bangalore revived Clinical Legal Education in India. With Bar Council of India making clinical courses compulsory and legal aid by the Law Schools mandatory, clinical education all of sudden become compulsory in all the Law Schools. Though it is a path breaking decision, it resulted in several problems like lack resources both; human and material. In spite of these initial hiccups, it opened a plethora of choices to the Law Schools to adopt and implement several social justice initiatives like legal literacy, para-legal services, law reforms and community Legal Aid Clinics. As clinical legal education has dual advantage of providing skills to the students and sensitizing them to the social needs it had a great role to play in ensuring access to justice.

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