

The Future of Indian Universities

Comparative and International Perspectives

edited by

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19 Clinical Legal Education and Democracy in India

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Formal clinical legal education programmes with instructors teaching clinics in a classroom and practice setting are not common in Indian universities. There are, however, programmes in which law students provide legal services on a voluntary basis to poor communities. Jindal Global Law School is one of the few institutions where there is a formal clinical legal education curriculum. There are many reasons law schools and universities in India should institute clinical legal education programmes—through these classes, students learn practical lawyering skills and at the same time, students provide assistance to people who could not otherwise afford legal services. One less explored rationale for clinical legal education is the relationship between clinical legal education and the promotion of democracy. I teach an International Human Rights Clinic at a law school in the United States where I work both on international issues and on domestic human rights problems in the United States. Through my experience in co-teaching

a clinic at the Jindal Global Law School,¹ I develop the connection between democracy in India and clinical legal education.

UNIVERSITIES AND COMMUNITIES

At the outset it is important to point out a premise on which this chapter rests. Many of the quality higher education institutions in India are not representative of the economic, social, and geographic diversity of the country as a whole. To enter the best higher education institutions in India (many of which are public/government-supported), students must take competitive exams. Performance in these exams depends on the level of preparation for the exams themselves and the quality of primary and secondary education that a student receives.

Despite great efforts by the government to improve the education system as noted by the adoption of the Right to Education Act in 2009, many government schools lack the quality of education that trains their students to achieve admission to the most competitive schools. The wealthy classes in India send their children to private schools, which tend to have superior teachers, materials, and infrastructure. Thus, students from rich families are typically better prepared to gain admittance into elite institutions of higher education.

The situation is similar (albeit less acute) in the United States. Unlike in India, middle-class Americans send their children to public schools. Indeed, 90 per cent of all American children attend public schools. But the quality of public schools across the United States is uneven. Schools are largely funded by property taxes. As a result, schools in poor communities have less funding to pay teachers, maintain infrastructure, and other expenses needed to provide high quality education.

Some have noted that there is an 'achievement gap' between white people and minorities in the United States. Because of this and other reasons, the population of students who enter the top universities in the United States is not representative of population as a whole in the United States.

¹ 'Promoting Clinical Legal Education in India', *A Joint Report by Cornell Law School and Jindal Global Law School* (July 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2112429.

Consisting of a disproportionate number of wealthy students from privileged communities, universities by and large have not engaged with the communities around them. Instead, they have often erected physical barriers that separate the communities from the university (such as gates or fences around the university). Where there aren't physical barriers, there can be private security forces to protect people within a university campus. To break these barriers that further deepen the divide between universities and their communities, it is imperative for Indian law schools and universities to develop curriculum that requires students to engage with the communities around them.

Universities in the United States are increasingly engaging with the communities around them. 'Civic engagement' departments and initiatives are emerging in many universities. There are a number of ways in which this engagement is taking place. For example, universities are engaging faculty to conduct research in issues that impact the community. Universities are also investing resources to economically develop their local communities. For example, University of Pennsylvania invested \$ 150 million in retail development in areas around it. Another way of community engagement, which I focus on here, is to encourage students to interact with the communities surrounding the schools. At the undergraduate level, these initiatives are being described as 'service-learning'. Although not exactly the same, law school clinical education programmes can be seen as a form of inherent community engagement.

CLINICAL LEGAL EDUCATION IN INDIA AND THE UNITED STATES

In the United States, 'clinics' are small law school classes taught by full-time faculty where students learn lawyering skills by undertaking legal services, typically on behalf of poor or marginalized people and communities. Clinical programmes in American law schools burgeoned in the 1960s alongside the civil rights movement and the national focus on eliminating poverty. Most clinics at the time engaged students in providing routine legal services to local community members who could not otherwise afford them. Today most law schools in the United States offer clinics as part of their curricular offerings, in many different subject areas of law.

Although clinics vary a great deal, there are a few key features of clinics in the United States. First, there are typically low student/teacher ratios. To

ensure that students are closely supervised in the legal work they perform and to provide them with appropriate feedback, clinic classes are typically limited to eight students per instructor. Second, most law schools have dedicated clinical faculty with extensive practice experience. In some schools, these professors are on the same tenure track as non-clinical professors, but in many other schools they work on long-term contracts. Third, virtually all clinics are offered to students for law school credit. This allows students to participate in clinics while simultaneously working toward their credit requirements.

Even though most Indian law schools do not offer clinics defined in this way, many have 'legal aid cells' where students, largely without faculty supervision, perform legal services for poor communities. In India, there have been waves of national-level reform efforts concentrating on the development of a skills-based curriculum.²

The Bar Council of India issued a directive in 1997 that requires law schools to include certain classes focused on practical training.³ Where schools have introduced these classes, it is common for more than 80 students to be enrolled in one class. This makes it virtually impossible for instructors to provide supervision to students in undertaking legal work. In a 2002 report, the Law Commission of India suggested that clinical legal education should be mandatory.⁴ Today there are a number of 'legal aid cells' in Indian law schools where students, largely without faculty guidance or supervision, provide direct legal services to individuals.⁵

Despite these national calls for reform, most law schools in India lack robust clinical education programmes where faculty directly supervises

² For an excellent review of policy reform efforts in Clinical Legal Education in India, see Frank Bloch and M.R.K. Prasad, 'Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States', *Clinical Law Review*, vol. 13 (2006): p. 165.

³ Bar Council of India, Circular No. 4/1997; see United Nations Development Programme India, *A Study of Law School Based Legal Service Clinics 2* (2011), available at http://www.in.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf (covering seven major states: Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa (now Odisha), Rajasthan, and Uttar Pradesh) [hereinafter UNDP Study].

⁴ Law Commission of India, 184th Report (2002) available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf>.

⁵ For some examples of law school based legal services clinics in India, see UNDP Study.

students in experiential learning. A recent UNDP report surveying 39 law schools with legal aid cells found that although 82 per cent of those schools had faculty designated to supervise legal aid cells, 63 per cent of those schools gave no academic credit to students.⁶ Where law schools do undertake legal aid activities, most involve legal literacy camps.⁷ According to this UNDP study, the key problems in developing clinical legal education in India are that: (1) no credit is given to students who undertake these activities, which is a disincentive to students to conduct them and discourages them to follow through on their commitments; (2) there is no workload reduction given to faculty who are designated to supervise legal aid cells; (3) communities are not aware that the law schools provide free legal services; and (4) under the Advocates Act, full-time law teachers and students are not allowed to represent clients before courts.⁸

TRADITIONAL JUSTIFICATIONS FOR CLINICAL LEGAL EDUCATION

Clinical Legal education emerged in the United States from a desire to give greater access to poor and marginalized communities to legal services. Law students, working under the supervision of lawyers, could provide basic services, such as drafting wills or leases or assisting with landlord-tenant disputes and divorces. Typically, only those who fall below a certain income level can qualify for these services and such individuals would likely not have access to the legal services were it not for law school clinics.

In addition to the public service that law clinics provide, another reason that is increasingly cited to justify clinical legal education is that it trains students in skills that will prepare them to practice law. In contrast to the casebook method that prevails in law school (where students read legal opinions), clinics require law students to actually work on cases or projects that involve representing clients or advocating for certain policy changes.

In today's increasingly challenging legal market for law graduates in the United States, some law schools have renewed their focus on clinical

⁶ UNDP Study, pp. 16, 20.

⁷ UNDP Study, p. 45.

⁸ UNDP Study, pp. 33–44.

legal education. To give their law graduates better tools to succeed in practice, law schools require students to participate in clinics. The New York Bar association recently mandated that anyone who wishes to gain admission to the New York Bar must have performed at least 50 hours of pro bono services.⁹ Through working on cases, students learn interviewing, client representation, fact-finding/investigation, report-writing and documentation, empathetic lawyering, and formulating and advocating policy reforms.

DEMOCRACY AND CLINICAL LEGAL EDUCATION

To supplement the other justifications for clinical legal education, all of which are valid and applicable in India and other contexts, I would like to offer another theory for why it is crucial for universities in India to incorporate clinical legal education: it will promote the proper functioning of democracy in India.

John Dewey, who was a philosopher at the University of Chicago, is known as an important proponent of education to advance democracy. Dewey emphasized the need for democratic citizens to understand and consider the welfare of the society as a whole. In order to balance their personal needs with the needs of others, citizens must gain an understanding of the lives and experiences of other citizens.

Dewey also theorized in favour of experiential learning. Dewey maintained that mere memorization of facts was not education; instead 'genuine education would be derived from life experience that was accompanied by opportunities for discussion and reflection. In the absence of reflection, experience by itself has the potential for 'mis-education' or a faulty interpretation of experience.'¹⁰

This theory was further developed by Martha Nussbaum in her book *Not for Profit: Why Democracy Needs the Humanities*.¹¹ She is concerned

⁹ Pro Bono Admission Requirement, see <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>.

¹⁰ Kenny, Maureen E. et al. (eds), *Learning to Serve: Promoting Civil Society Through Service Learning* (Kluwer Academic Publishers, 2002), p. 18.

¹¹ Nussbaum, Martha, C. *Not for Profit: Why Democracy Needs the Humanities* (Princeton University Press, 2010).

that globally education policies are focusing on teaching students technical skills or other skills needed to enhance economic growth and development at the cost of instilling critical thinking and other ways of thinking that are needed to enhance democratic participation.¹² She is particularly worried about the lack of emphasis and funding for the humanities and arts. In contrast with recent trends in education policy, she points out that the goals of education should include the promotion of ‘a humane, people-sensitive democracy dedicated to promoting opportunities of “life, liberty, and the pursuit of happiness” to each and every person.’¹³ She gives a concrete list of abilities to achieve this goal. I include those that are relevant to this chapter below:

1. The ability to think about political issues affecting the nation, which gives the ability to think about the good of the nation as a whole, not just that of one’s own local group.
2. The ability to recognize fellow citizens as people with equal rights, even though they may be of different race, religion, gender, and sexuality.
3. The ability to have concern for the lives of others, to grasp what policies of many types mean for the opportunities and experiences of one’s fellow citizens.
4. The ability to see one’s nation as a part of a complicated world order in which issues of many kinds require intelligent transnational deliberation for their resolution.

To further education for democracy, she favours a model of active learning, rather than desk-learning where students memorize information.¹⁴

Clinical legal education in India (as well as other countries) can accomplish many of the goals of promoting the functioning of a democracy that values equality and enhances opportunities for all citizens rather than just a select few. In clinics at many law schools in the United States, students enter into a relationship with a person (client) who is typically from different and often disenfranchised community where the student serves as an advocate for the individual. Sometimes the representation may involve

¹² Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, pp. 1–3.

¹³ Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, p. 25.

¹⁴ Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, p. 18 and chapter 4.

more than one individual, but a community, or in other cases, the student must advocate in favour of certain issues. During the course of his or her work, the law student often interviews/meets with his or her client, which may require him/her to go into neighbourhoods or places that he/she does not normally travel to.

For example, during the course of our work on investigating whether police were illegally entering into homes to find out if there were undocumented people living there, we travelled to a home only one hour away from our university in the United States to interview dairy farm workers. Students would not be able to understand the conditions that many people live in without seeing them. There were ten unrelated individuals with a few children living in a run-down house without adequate furniture. The workers worked in shifts, some of which were overnight. They risked their lives travelling from Guatemala to engage in low-paid labour not far from Cornell University.

Although much of the conversation between the student and client will involve gathering facts and developing legal strategy, discussions often move beyond that. During the 'ice-breaking' or introductory stage, students will establish a relationship or common ground with the client to facilitate open discussion and trust. This relationship can mature and deepen over the course of time and multiple meetings. Through these interactions, the student often develops a personal relationship with the client. The student may learn of the difficulties some people encounter who do not have a stable place to live or who may not have regular phone access or Internet. They also learn that they may have a lot in common with their clients who have similar desires, views, or goals for their families as the students do.

As students develop relationships with clients and understand the similarities and differences between themselves and their clients, their perspectives often change. One student was afraid to even meet a client who was in jail because he had illegally entered the United States and was also charged with drug possession and dealing. She did not personally meet with him, but communicated with him by phone. She learned that he accepted only \$ 50 for driving a car that contained marijuana. He said he needed the money to pay his rent. In writing an appeal brief on his behalf, she learned how his family was killed by a gang in another country. She dedicated herself to obtaining justice for him. From a 'criminal' he became a person to her. Serving in a client-attorney relationship, can be very humbling as well as eye-opening for students.

Humanizing people from different walks of life can have a lasting impact on a student. Many of our students become legislators, judges, prosecutors; they will draw upon these experiences in their work to come up with fairer laws and better decisions. Clinical work can impact the career choices they make. Through their experience of working in a clinic, some students may decide to devote their lives to fixing inequalities and others may undertake pro bono services for free.

AN EXAMPLE OF DEMOCRACY AND CLINICAL LEGAL EDUCATION

With the support of the Fulbright-Nehru fellowship, I had the opportunity to live in New Delhi for the Fall semester in 2012. During this time, I co-taught a clinic with Professors Elizabeth Brundige (Cornell), Priya S. Gupta (who was a professor at Jindal Global Law School at the time), and Ajay Pandey (Jindal Global Law School).

The Cross-National Human Rights and Rural Governance Clinic ('Cross-National Clinic') was a unique collaboration between the Good Rural Governance and Citizen Participation Clinic ('Citizen Participation Clinic') at Jindal Global Law School and the Cornell International Human Rights Clinic ('Human Rights Clinic') at Cornell Law School. The Citizen Participation Clinic aims to address the disconnect between the Indian Constitution's promise for a dignified life for every citizen and the reality of undignified human existence for the majority of the population, particularly in rural India. The Human Rights Clinic works with organizations and individuals around the world to promote human rights through a multi-faceted approach, including through litigation, human rights education, and law reform.

The Cross-National Clinic was taught by videoconference to students both based at Cornell Law School and Jindal Global Law School. Students from Jindal Global Law School and Cornell Law School participated in class discussions and exercises, which involved intensive interaction among students on both sides of the videoconference screen. Students gained substantive exposure to the principles of clinical legal education, international human rights law and its implementation, and the theory and practice of good rural governance and citizen participation. Through simulation activities, students developed skills in investigation and

interviewing, explored strategies for the enforcement of human rights, and reflected critically on difficult questions of ethics and professional responsibility in human rights lawyering. Other sessions offered students an opportunity to present, discuss, and receive feedback on their clinical project work.

In addition to the seminar component of the course, the students worked on clinical projects that aimed to promote good governance and citizen participation in India. At Jindal, students furthered the Citizen Participation Clinic's mission by supporting the effective participation of rural communities in bringing good governance to their villages. They consulted with community members about their concerns, advised them on potential avenues for redress, and assisted them in filing complaints and petitions under the Right to Information Act, and writing letters to relevant government authorities. During the course of the semester, the Jindal students attended weekly *sabhas* (meetings) with community members and shared their work and experiences with the Cornell students through the videoconference format. The Cornell students conducted legal and factual desk research on the Citizen Participation Clinic's model of clinical legal education and its contributions to the advancement of human rights. They also prepared sample interview questions to guide their subsequent field research.

In March 2012, the Cornell students travelled to Sonipat, India, to engage in person with the Jindal students, to learn first-hand about the implementation of India's human rights obligations, and to gain an understanding of the mechanics of the Citizen Participation Clinic. Jindal and Cornell students interviewed community members, teachers, employees of non-governmental organizations, and policymakers. They conducted site visits of government-run day care centres (*aganwadi*), ration distribution centres, and government schools in two villages in the state of Haryana.

The Citizen Participation Clinic is a community-based clinical programme that relies on a continuous dialogue with communities in order to learn from them and to secure their effective participation in the political processes. In addition to formulating their own goals and articulating their needs, participants take action on their own behalf to the furthest extent possible. In this way, community members gain skills they can use in the future, gain the knowledge to teach those skills to other villagers, and develop confidence and self-sufficiency. To the extent community members need their assistance, students assist them in writing letters and other petitions.

THE PROMOTION OF DEMOCRACY

An old lady gave a hand written letter to me, which stated all her grievances with regard to the management of the village, expressing her hope and faith that I, as a law student, should on her behalf make her letter reach the appropriate authorities who will take the required steps to address her grievances. This was very touching, and I felt that I owe an obligation to the society members and should put my legal knowledge or resources to fruitful use and betterment of fellow citizens, especially those who cannot voice their opinions before the government, policymakers, and other stakeholders. It is my duty to become the bridge between these two ends with the State on one end and the marginalized on the other.

—a student from Jindal Global Law School who participated in the Cross-National Clinic.

During the course of teaching the Cross-National Clinic, I observed the many ways that the goals of education for democracy promotion proposed by Professor Nussbaum were achieved. For many students, it was the first time that they interacted directly with people from poor villages. They went to visit the villagers in their own communities and observed their daily living conditions. Some of these villagers might be the same people who are working as domestic workers in the homes of the students. The roles were reversed, however, as the students were providing services to the villagers rather than vice versa.

By meeting and interacting with villagers on a weekly basis, students formed relationships with them and came to know of the serious problems they face and difficulties they have in achieving their solutions. One student observed the importance of the weekly meetings in creating an equality among people: 'The villagers, law students, law professors, and NGO workers all sat together as equals on a mat and discussed issues of concern to them in their communities'. Students worked on a project that required them to investigate the conditions of government child-care centres and primary schools. They witnessed first-hand the low quality care and education provided.

The clinic students demonstrated sensitivity to the plight of the poor and expressed a desire to use their privileged position as lawyers to improve the lives of disadvantaged populations. One second-year student said that the clinic has provided him with a 'very good grounding for social responsibility'. When asked what his primary goal was in participating in the course, he responded, 'We are trying to get equality before the law'.

Another second-year student reflected upon the problems of inequality in India, saying, 'The rich people are getting richer day by day. We have to change that on behalf of the citizens and the law.'

These experiences impacted the career goals of some students. One student mentioned that he would like to pursue a career in public interest law and assist in the implementation of government schemes for the poor. Other clinic students, who do not plan to work with poor communities after graduation, nevertheless see the value of the clinical programme to their future careers. Another student who wants to enter the judiciary after graduation, says that the clinical programme has benefited her because she now understands how the law intersects with reality and how the government works.

In whatever career path students pursue, they will benefit from a clinical programme that has given them invaluable insight into the lives of the rural poor and a better understanding of the human rights problems that plague much of India's population. When lawyers spend their entire careers in luxurious offices and ivory towers, it is easy for them to forget that an important objective of the legal profession is to promote social justice.

Through the course of the semester students met with, developed relationships with, undertook work and advocated on behalf of, and witnessed the daily lives of poor villagers in rural communities outside their law school. They learned the concerns and issues that villagers in India face, including lack of access to educational opportunities, poverty, and violence in their communities. They learned to humanize individuals and appreciated the shared humanity in their experiences. While one of the goals of the Citizen Participation Clinic is to empower Indian citizens to use the accountability tools available to them and to become more effective participants in the government, the education received by the students has also promoted democracy in another way. When working as policymakers, lawyers, and even as voters in a nation, students who have engaged in this type of education, will work towards the promotion of a democracy that values and considers the perspectives of all citizens.

To train the future lawyers as political and business leaders, there is an urgent need to develop clinical legal education in India to support the values of equality on which the Indian democracy was founded.



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Appendix 1: SONIPAT DECLARATION ON World-Class Universities in BRICS and Emerging Economies

We, the representatives of higher educational institutions from around the globe, meeting at the invitation of the *Times Higher Education (THE)*, O.P. Jindal Global University (JGU), and the International Institute for Higher Education Research and Capacity Building (IIHED), on the occasion of the **THE BRICS and Emerging Economies Universities Summit** on the theme: **“Why Emerging Economies need World Class Universities”** held in Sonipat (Haryana), National Capital Region of Delhi, India, from 2–4 December 2015, declare the following principles to guide the creation and development of world-class universities within our countries.

Principle 1. The mission of world-class universities is the pursuit of knowledge and promotion of innovation

- 1.1. A world-class university is one that considers access to higher education to be a human right and a public good. It recognizes that the pursuit of knowledge for knowledge's sake is itself part of the academic enterprise and should always be valued. The objective of a world-class university is not only to produce a skilled workforce but also to prepare citizens to serve society and to understand and share human values. It is therefore incumbent on such universities to provide a liberal education, including the social sciences and humanities, so that students acquire, beyond professional preparation, the ability to think critically and to understand and appreciate their civilizational heritage and their role in a complex world.
- 1.2. Universities in the BRICS and Emerging Economies should encourage creative thought and value the diverse backgrounds of the different university stakeholders. Universities should be free, open, and liberal spaces where the heritage of the past is transmitted to new generations, where critical thinking is stimulated, and where innovation is promoted.

Principle 2. The highest qualities of students, faculty, and staff must be promoted

- 2.1. Recruitment, selection, retention, and promotion of students, staff, and faculty should reflect a balanced commitment to both excellence and equity and not be distorted by ideological, political, or financial pressures.
- 2.2. Gender equality within the university environment should be a priority goal at the student, staff, and faculty levels.
- 2.3. Special efforts should be made to ensure the highest quality of teaching, based on how students learn, and, for that purpose, teaching staff should be motivated and trained to achieve excellence in teaching.

Principle 3. Research should adhere to the highest standards

- 3.1. World-class universities in the BRICS and Emerging Economies have a special challenge to promote and produce the highest quality research at the undergraduate, graduate and professional school levels.
- 3.2. It is essential that all who engage in such research adhere to the highest standards of academic honesty and integrity and, in particular, that they ensure that all ideas, data, findings, reasoning, conclusions, and recommendations that are not original be properly attributed by faculty and researchers in their scholarship and by students in all the work they submit.
- 3.3. Governments should not interfere with the autonomy and academic freedom of higher education institutions. Research excellence should be a priority of universities in the BRICS and Emerging Economies in their pursuit of world-class status.

Principle 4. Universities must be provided appropriate resources to achieve greatness

- 4.1. Universities in the BRICS and Emerging Economies cannot achieve greatness unless they have sufficient financial and human resources, which may be from public or private funding. Governments have a particular responsibility to provide adequate resources to higher education and to facilitate private support for universities while ensuring that private support does not interfere with the other principles in this Declaration.
- 4.2. The role of philanthropy has been crucial historically in creating world-class universities and is beginning to provide the resources for quality education in the BRICS and Emerging Economies. This trend should be encouraged in ways that maintain the independence of the institution while encouraging private contributions to the funding of higher education.
- 4.3. Access to higher education should be affordable. While it is also sometimes necessary for students to pay tuition and fees for higher education, the burden on students and their families should be limited and adequate financial support should be provided to qualified students with limited financial means through scholarships and loans.
- 4.4. Funding from industry may be a valuable source for research but must be administered so as to avoid any conflict of interest and interference with academic integrity and freedom. A conflict-of-interest policy should be made explicit and transparent by the university, which should require a conflict of interest statement by the researcher receiving such support.
- 4.5. Excellent facilities and technology constitute an essential element of the resources needed to achieve world-class status for universities in the BRICS and Emerging Economies. Investments by governments and philanthropic entities in physical infrastructure should be strongly encouraged.

Principle 5. Governance of universities must provide an environment for free enquiry and career development

- 5.1. As part of their effort to achieve world-class status, universities in the BRICS and Emerging Economies must adhere to the highest standards of academic freedom, honesty, and integrity. Academic freedom requires that students, faculty, and other researchers have freedom to teach and disseminate ideas and information, however inconvenient to university or state authorities, without fear of reprisals from university or state officials, including providing legal safeguards where appropriate.
- 5.2. While maintaining the above standards, universities may have a valuable role to play in informing government policy at the local and national levels to help governments address issues affecting public welfare.
- 5.3. Universities should adhere to the best global policies and practices in ensuring the well-being of its faculty members and students, both in terms of infrastructure as well as social support systems.

Principle 6. Universities can enhance the quality of teaching and research through local and global connections

- 6.1. Part of building world-class universities is fostering local and international collaborations. Engagement with local communities through such activities as participatory action research and community outreach enhances the role and relevance of the university with local realities and in cultivating local knowledge and indigenous traditions.
- 6.2. In addition, universities should cultivate collaborations with institutions across the globe through joint teaching, faculty and student exchanges, joint research, seminars, training programs and conferences, and joint publications.

The above principles are designed to guide universities in the BRICS and Emerging Economies to advance towards world-class status. Ranking of universities may be a useful stimulus for improvement and in future should reflect achievements in relation to these principles.

**Appendix 2: Speech Delivered by the President of India,
Shri Pranab Mukherjee at the Conference on ‘The Future of
Indian Universities: Comparative Perspectives on
Higher Education Reforms for a Knowledge Society’
(O.P. Jindal Global University, Sonipat, Haryana 21.03.2013)**

It is indeed a privilege for me to be present on the inauguration of the conference on ‘The Future of Indian Universities: Comparative Perspectives on Higher Education Reforms for a Knowledge Society’ being hosted by O.P. Jindal Global University. I am thankful to O.P. Jindal Global University for organizing this conference. This Conference, I believe, could not have been organized at a more appropriate time.

The need to make critical reforms in our educational system is more compelling now, in many ways, than at any time before. There is an urgent need to raise the quality of teaching, faculty and research in our universities.

There could be no second opinion on the critical role that education plays in the development of a nation. It is the most powerful tool that can spawn societal changes and transform the economic fortunes of a country. In the words of Benjamin Franklin, ‘an investment in knowledge pays the best interest’. I compliment O.P. Jindal Global University for choosing a subject of such topical relevance and importance for the country for this conference that is being held today. I take this opportunity also of paying homage to Late Shri O.P. Jindal, a leading industrialist of this country in whose fond memory this university is established.

There are several important reasons why we need to focus our attention on the educational sector. I hardly need to emphasize that we have a young population and the demographic profile of our country can be a boon. It would be a boon if we are able to harness their potential. But our failure to do so and channelize their productive energies may visit us with terrible negative consequences.

These challenges can be daunting. By the year 2020, the average age of an Indian will be 29 years, which will be much lower than the average age of 40 years in the US, 46 years in Japan and 47 years in Europe. Over two-third Indians will be of working age by 2025.

These statistics make it imperative for us to focus on the educational needs of our young population. We must recognize that the demographic dividend can only be reaped if the young population is provided higher education and training in vocational skills.

At the end of the Eleventh Five Year Plan period, India had 659 degree awarding institutions and 33,023 colleges. These numbers are indeed impressive but many more would have to be established. They are required to meet the growing demands for higher education, especially in the rural areas in the country.

There are several areas in the country far removed from any college or university. This has led to the low rate of enrolment in higher education. Only around 7 per cent of those aged between 18–24 years join higher education in India, while it is 21 per cent in Germany and 34 per cent in the US.

Increased access would not only help expand the base of the educational pyramid, but also promote inclusiveness. It can also be promoted by making education affordable to the marginalized sections of the society. Student aid programmes like scholarships, education loans and self-help schemes should therefore be liberalized for deserving students.

We lack universities that can provide quality education that meet global benchmarks. It is a matter of concern that there is not a single Indian university in the top 200 universities in the world as per an international survey of universities. This position is not at all acceptable. This calls for serious introspection. With educational standards that fall short of international benchmarks, India would be grievously handicapped in this competitive world.

The National Knowledge Commission in its Report in 2006 described the falling standards of higher education in the country as a 'quiet crisis that runs deep'. We cannot wait any longer before we take remedial action. We do not have the luxury of time.

We must promote a culture of excellence in our educational system. I can suggest a concrete step in this direction which would be to identify one department in every university and transform it into a Centre of Excellence. To achieve this, the Ministry of Human Resource Development, the University Grants Commission and the Universities would have to work together in close collaboration.

Amongst the academic challenges that we face, is the large number of vacancies in the Universities. In Central Universities alone, the vacancy of teachers is around an unacceptable level of 38 per cent. This has to change. We cannot expect to impart quality education without qualified teachers who are most equipped to provide guidance to students and encourage research.

There are several steps that we may need to take to achieve qualitative improvement in our educational system, to make it as good as the best in the world. For this, the Ministry of Human Resource Development, the University Grants Commission and Universities and all stakeholders should work out a common approach. The focus should be on quality, affordability and accessibility, the three cornerstones of higher education. The private sector should be encouraged to play a larger role in our educational system. Some of the top universities of the world have been built on the initiative of the private sector. In India, the private sector has left its mark in several key sectors like health, transport and financial services. I see no reason why the Indian private sector cannot replicate its efforts in the higher education sector as well. But, care should be taken to ensure that there is no dilution in educational standards. Here again I take this opportunity of congratulating the O.P. Jindal Global University to take the lead.

Affiliated colleges enroll about 87 per cent of all students and are at the core of our higher education system. The affiliating universities should, however, exercise due diligence to ensure that adequate curricula and evaluation systems are adopted by such colleges.

We should also be able to harness the power of technology to promote education. Classroom teaching in one university could be transmitted for the benefit of a wider student population in other universities using modern technology. For instance, lectures of eminent professors could be transmitted to educational institutions situated away from the main towns and cities using the facilities offered by the National Mission on Education through Information and Communication Technology.

The National Knowledge Network, which aims at the connection of knowledge generating institutions through high speed broadband network, has made substantial progress. We have been able to link 955 out of the 1,500 institutions to this Network. The balance one-third institutions should be connected on priority basis to bring its benefits to remote areas.

Our universities would also benefit immensely by fully utilizing the services of 'inspired teachers'. About 10 to 20 such teachers who can spark the student minds to seek knowledge beyond the text book could be identified. When such teachers interact with their peers and with students, it will result in the qualitative improvement in the capacity to impart and absorb knowledge.

The progress of nations will be determined in large measure by their capacity to innovate. India's performance indicators in this segment are discouraging in comparison to her major competitors. Though Indians represent about 17 per cent of the global population, only 2 per cent of the patent applications in the world in 2011 were filed in India. In the same year, the number of patent applications filed in India was around 42,000. In comparison, 5 lakh plus patent applications were each filed in China and the US.

Universities and Research Centres should become fertile grounds for innovation. Setting up industry incubation parks, enhancing the coverage of research students by fellowships, promoting inter-disciplinary research through inter-university and intra-university collaboration, and empowering our centres of excellence would be important steps in this direction.

We should erect innovative structures to encourage and retain intellectual resources in our academic and research centres. Indian scholars working overseas in important research and teaching positions should also be encouraged to take up short-term assignments in Indian Universities. This would facilitate dissemination of knowledge and cross-fertilization of ideas.

In our country, there are many innovations that take place at the grass-root levels. But for the nation to derive benefit from them, we need to make them commercially marketable. Our universities should be equipped to encourage grass-root innovators and play the role of a mentor.

With a view to evolving a time-bound action plan and make innovative changes in the higher education sector, a conference of the Vice Chancellors of the Central Universities was organized in the Rashtrapati Bhavan in February of this year. The Conference identified certain immediate, short-term and medium-term measures that would need to be taken to reform the education system. The changes are being worked upon by the Ministry of Human Resource Development. I hope to see substantial progress in the implementation of the measures by the time we hold the next conference in February 2014.

I had stated in my Address to the Nation on the eve of the last Republic Day that it is high time for us, for the nation as a whole, to reset its moral compass. Our universities and other institutes of higher learning should aid in this process. A beginning may be made by introducing value education

that would supplement the academic curricula, thereby preparing students to face the test of career and life with equanimity.

I once again congratulate the O.P. Jindal Global University for taking the initiative and providing a platform to facilitate a greater understanding of the challenges of the higher education sector by all stakeholders. I am confident that this Conference would throw up new ideas and thoughts.

I wish the organizers every success in the conduct of this Conference.