

INTERVIEW WITH PROF. (DR.) PRABHAKAR SINGH ON LEGAL EDUCATION AND RESEARCH IN INDIA

1. *Please tell us about your childhood and schooling.*

I originally belong to Darbhanga. It is a small town near the Indo-Nepal border in the State of Bihar. My schooling happened in Darbhanga until the 12th grade. I wanted to go out but could not for several reasons. So, all the early and almost everlasting influences are from that tiny place. My father was a Professor of Sociology. My mother is a school teacher in a middle school, so we are a teachers' family; perhaps it has shaped what I wanted to do. But even though both my parents are government teachers at a college and a school, I never went to a government school. The reasons are apparent. Anyone interested, including those who work at government schools, knows that the quality of education is quite alarming. So, even in smaller towns, anyone who can and has the resources wants their kids to go to a private school, and we were no exception. So, we all went to private schools in Darbhanga. However, at the time, Darbhanga's private schools were still in their infancy. I remember seeing that transition. My eldest sister and I spent a few years in a semi-government school without English-medium schools. But, in 1994, I remember when this big school started. My father shifted us to that school, so that's when I moved to a proper English-medium school. But I would still say that getting there in time did help us; for instance, my sister entered the school when she was in Standard 8, and I was in Standard 4, and you know, those four years in childhood significantly impact a child's development. We studied everything, but somewhere, I was always inclined towards literature, although I did not have enough opportunity to do English literature. But naturally, Hindi and Maithili literature were available, and I read them. Maithili is my native language. Moreover, because my parents were themselves readers, being teachers, I picked up the extensive reading from them. I liked biology, and I wanted to become a doctor initially. However, I ended up choosing mathematics, and you know, so eventually none of that happened to me to doing law, and I think what saved me then at the Law School was the fact that I was somehow more prepared than others with literature, although Hindi literature but, literature, nevertheless.

2. *So that would prove one thing for sure: none of the paths we see to success, even in academics, is linear.*

I had a challenging childhood in terms of schooling. As a teacher, my father always wanted to give the best education to his kids, but that was not available in that city. What I am telling you about is the post-liberalisation period. In 1991, the Indian

market was opening, and the impact of that opening was also seen in very small towns. So, I think the fact that we had a private school coming up, in some sense, has to do with the fact that we were trying to be liberal and open. I changed about seven schools in ten years. My father experimented by admitting me to a new school every two years. He would withdraw my admission from an established school and put me in some random new school. It significantly disrupted me, and I realised that the disruptions shaped me as a person because now when I share this story with some of my colleagues, they say that with so many changes and upheavals, people would essentially end up away from education itself. But this has shaped me. I suppose there are many interruptions, and you still must carry on and build some muscle.

3. I can somewhat understand this because even my family migrated from Darbhanga. My sister, who is around seven years older than me, had to go through this. She studied in a school in Bihar, then she had to start school in Delhi, and she had this entire cultural shock. It takes a toll. Let's move to the next question, which concerns your academic journey after schooling, i.e., your graduation and master's. So, where did you complete these? And how was the experience there?

As I said, having switched to mathematics, a B.Tech. was the only option. However, I could have been more enthusiastic about engineers, so I started exploring other options after my intermediate. There was a person who spotted me. My father's teacher, Prof. M.S. Verma, a retired Political Science professor, is very educated. He was a civil servant earlier. Later, he resigned from the civil service to become a teacher, so you can imagine how idealistic he must be. He was my father's teacher. Therefore, naturally, we were also introduced to him. He told my father, "Prabhakar is good with social sciences. I hardly see people interested in social sciences, and he reads all these sections on society and stuff that no other people read". Those were the days when the Hindu newspaper would arrive in Darbhanga a week later. We would go to his place and read a whole week's worth of news. So, he was the one who spotted it. And when I was doing my 12th, he suggested doing something other than regular, and he told me law school was a great idea. So, he was the one who brought the concept of a law school to me, and then I wrote a few examinations, both for NLUs and private colleges like GGSIPU. This is the pre-CLAT period. I did not get into NLS Bangalore, but luckily, I got into NLIU Bhopal in 2002. I would say I was fortunate to get into NLIU Bhopal because I was an outside Madhya Pradesh resident and general candidate, and there were only 19 seats. It's just a stroke of luck; my faith, which had troubled me so much in my schooling, finally had something in store for me, and that was all the bad luck of changing schools. I think all of that accumulated positive karma, and I got what I had not expected.

4. *Alright, so where did you do your postgraduate? And what was the area of research, among the various subjects we have, that, you know, interested you the most? And did you get some inspiration from it?*

What happens when we look at any scholarly research is that we see people in hindsight and think that it must have been a straight line from here to there. When I went to law school, I thought of my first feeling of jubilation and happiness at having gone to a national school. Because if you have not cracked IIT, at least you've cracked some national, if not Indian. So that was the first sense of achievement—that we are not useless. Having entered the National Law School, I was a misfit for a very long time because of things like the syllabi and the expectations. What is it like to be a National Law School student and all of that? Fitting into that took time. For instance, I was not interested in mootings; I felt it was too artificial, or perhaps the public speaking that is expected of you was something that I did not have, or maybe I had it, but I was not interested. Out of those five years, I think the first three years were wasting time, which went into passing exams, writing reports, and trying to fit into law school. After that, the soul-searching began when I asked myself what I wanted to do. Because I was not landing any internships at top law firms, all of that was always a function of connections, and I had none. We needed random internships that have no value in corporate eyes, just to put a new line in the CV, and having gone to the courts, I realised that I did not like any of that, either being a practicing lawyer or being at a law firm, and that again pushed me to think very hard about other possibilities, and it was at that point that I realised that my core strength is reading and reflecting, which I have always liked. But it was somehow hushed because you stick to other people's expectations of what you should become, and that is when I began to deconstruct. I had that strength, and the deconstruction started. I realised that I would like to read and write.

I think that was the fourth year of my B.A.LL.B. when I suddenly woke up and started to apply at non-conventional places. I landed an internship in Sri Lanka. I spent two months in Sri Lanka. In the summer, I got a full scholarship for the summer school in international trade law. For that, I went to Macau, next to Hong Kong. All these things that suddenly happened at the end of the fourth year for two and a half months of exposure changed me, and I came back as a changed person because I saw top-class professors for the first time in Hong Kong. The professors, even the governments, listen. The kind of professors whose views are respected or sought by the states. I saw that, and that exposure changed me, making me determined to become a professor.

This happened, and I got an almost full scholarship from Barcelona in trade law, which was the original subject of my summer school, and with the same set of

people, I had started the master's. I was lucky to get into it, and I made the transition meant for my master's almost fully funded. I took some loans, but not a lot, and I started doing my master's again. I knew I wanted to become an academic, but what should I do? Academia was still an open question, and this was when I began reading. I was reading through the law school also, but all of that now began to take shape, and proof of what I did is what I published in the *Leiden Journal of International Law* in 2010. If you've looked at that piece, it is a piece I wrote during my LLM during 2008–2009, and the article was published in March of 2010, just two months before I joined O.P. Jindal Global University as an Assistant Professor¹. When I wrote this paper and it got accepted, I was essentially a student and a jobless postgraduate. At that time, it usually took international journals around six months to peer review, among other things. So, all of that happened during my master's, which was rigorous. So, for me, this paper was, more than anything, an expression of what I would do in the future. I used that slide in the paper to share my views and to signal to myself that this is the path I would like to take. I have had no doubts about becoming anything less than an academic. It was a matter of luck that I got into Jindal Global Law School when I decided on this. Also, if not that, had I been at any other place, I would have done the same.

5. *One question we skipped in the introduction part was your doctorate. What was the topic of your thesis? And where did you get your doctorate from?*

My master's was in International Economic Law. At some point, I was bored with what happened at the National Law School. It was too general, and my teachers were struggling. One of my teachers had become something somewhere in the government system. She was our teacher of public international law, and for a whole trimester, she narrated the India-Pakistan dispute, and only that was international law for us. I thought I would have to go outside India, not be in the same system, and get out of the system. I would go anywhere I got the opportunity to have a view from the outside. So, the initial priority was getting out of this system, and the second was to do something technical. My master's was very specialised in international economic loan policy. We studied investment and trade, something very technical and challenging for a fresh law graduate. We had, in that one year, some thirty-five examinations. So almost every second week, we had exams taught by top people like World Bank economists, people from Harvard, etc.

When I came back, I was jobless for six months and then got into Jindal; by that time, I had also applied for my Ph.D. Luckily, I got through the National University

1 Prabhakar Singh, "Indian international law: from a colonized apologist to a subaltern protagonist" 23(1) *Leiden Journal of International Law* 79-103 (2010).

of Singapore (NUS). I left my job at Jindal and went to NUS for four years to get my PhD. My PhD was on the sources of International Law. I moved from international economic law to a more general topic, heads of international law, Article 38(1)(d) of the International Court of Justice statute, which was very specific. But this was when I became interested in legal history, and something I saw was missing in the literature.

We are still trying to understand why India and China are different, both being developing countries. This should have been explained in the Third World Approaches to International Law (TWAAIL) literature. So, I shifted to legal history to understand why different states have different approaches to international law, what lies behind it, and what makes them use other methods. I was in Singapore for four years in a well-funded programme with a central location, enabling me to travel extensively to Myanmar, Thailand, Cambodia, China, and Japan. I did extensive travelling because of the place, and I could marinate myself in that subject.

6. Now, we can go to the next set of questions, which relate to the status of legal education in India. For undergraduate studies, what is the significant difference when it comes to a traditional law school, a national law school, or, for that matter, a private university—the ones that are coming up right now?

Today, we see three kinds of law schools: national law schools started in Bangalore, and now we have twenty-plus national schools. Then, we have traditional central and state universities with their law departments. And then private schools. Jindal, of course, is a pioneering private school, and it is doing things that others can only dream of because of how it was conceived, funded, and run. To answer your question, the critical difference is that national law schools succeed because they have great teachers and because those who go there are incredibly competitive. If you choose 80 people out of 100,000 applicants, you end up having highly motivated young people. When you get that kind of talent to come, it is not so dependent upon teachers, so national law schools struggle with good-quality teachers as you look around them. As you speak, Professor Krishnaswamy's project is to get top teachers at the National Law School, Bangalore. If you look at NLS Bangalore at this point, this is the first time they have such teachers; I mean teachers who have been everywhere in top-class global standards. And they are being stuffed by Krishnaswamy because he has a project to turn NLS into an academic institution. That's why NLS has succeeded in creating top corporate lawyers, and NLS graduates are everywhere in the world now, but it is still not the place where you would say, well, it is producing its academics. National law schools are a different model, and, you know, this is post-Jindal, which did it twelve years ago, and in that sense, NLS is simply copying Jindal. If you look at the kind of emphasis Jindal had, why did

he succeed? Prof. Rajkumar, Vice Chancellor of the O.P. Jindal Global University, was evident when he said that the strength of a school is not its vice-chancellor or principal, as is the case in India. It is the teachers.

Traditional colleges create a system where the school is either the vice chancellor's fiefdom or the principal's fiefdom, and the governing bodies feed them, or a family runs it. Teachers are really at the bottom of the pecking order. So that is a huge difference. Traditional schools learn with a legacy like the University of Delhi, which has a legacy of producing great scholars. You know, in the last 60 years, it had teachers like Prof. Baxi, and the legacy runs on, and anyone who can tap into that legacy.

India has a lot of private schools, and none can be compared to Jindal Global Law School (JGLS). I can only speak for Jindal because that's where I started my journey. Jindal's model was very different in the sense that it created empowered teachers at the beginning.

When I joined, I was amazed to see the genuinely international level of education in a global environment. We spoke our minds before the Vice Chancellor whenever we wanted to. We fought if we had to fight, and on the other side, we were graceful enough to realise that all these people are self-determined intellectuals who are invested. Jindal is something now, but it was not that in 2009 when we joined; it was all dust and concrete with just 20 students. That's when we entered and had faith in whatever dust and concrete was in front of us. We, as teachers, were able to invest. I never went to national law schools and didn't want to go to national schools to become a teacher. I've had offers and requests, but I denied them. I knew what I wanted to do. I understand that this is the path I would like to choose, and it paid off, and you were able to see it at this point. So, these are three different animals producing three different kinds of things. For the first time in India, Jindal was a school where research-informed pedagogy persisted.

You might not be doing your own research. But you are researching. So even if you are doing international law, you're teaching the law of contract, the law of evidence, and the fact that you are constantly searching, writing, reading, and engaging with the world. It is impacting your writing, it is affecting how you speak, and it is building your vocabulary. You take that vocabulary to the classroom, practice it, and interact with it. You are creating an unprecedented environment where you are stationed geographically in India and function like any top school in the world; we saw that at Jindal.

I think it's a privilege for me to have been part of that system, given that every third word in Jindal is Oxford and the fourth word is Harvard. And I went to

none of those universities, but I never for once felt that they, in a way, were inferior or superior to anyone. We felt equality, and it simply had to do with the fact that, for me, an argument was more important than the name of a university. Harvard, Oxford, or any other university is only in name, not an argument. If you throw me Harvard as an argument, I will not accept it. My question is, what is the argument? You come from Harvard; what's your argument? If you have none, then there is nothing. I think that mindset was built because I invested in social science. Instead of being impressed by their profiles, I began to look for arguments. I've travelled widely in the last ten years, from Japan to Brazil, and I met all kinds of academics, and my question to them was the same: Yale, Harvard, or whatever. And most of them didn't have any, and they were useless to me. You might have gone to Yale or Harvard; it doesn't matter if there's no argument; that's it.

7. You've done your post-graduation in Barcelona. There are similar programmes of post-graduation throughout these types of schools in India as well, and the programmes themselves are not researched, and the programme's curriculum does not reflect research either. What do you think of the research culture we have in the country regarding the post-graduate level? So, what are your thoughts on that? How does a one-year programme affect the entire research culture?

Overall, in India, if you look at post-graduate programmes, it could be better because those who run them themselves have no sense of what research is. They are made directors or directors of programmes, or they need to run programmes because, with time, they're expected to do it. Earlier, people became professors through promotions with age. Around five years before my father's promotion time came, that system was discontinued. I remember that very late in his life, my father had to learn to write something and then have some publication to qualify for associate and full professorships. Not long ago, people became professors from assistant professors with age, and research was never a priority. We read textbooks without asking who wrote them. Well, someone wrote it; that's why you are reading it. We read a textbook and an article without thinking that someone is writing. It's not our job to write.

But then, when you read the first footnote, you realise that somewhere, someone was a professor or a student who wrote the papers that we teach. This changed because I think there has been an emphasis on conducting research in the last twenty years, and we are expected to do research. This is easier said than done because suddenly expecting that generation to do research was difficult for them, even for the people who did their PhDs. Their research ended with their PhD.

The PhD is also not seen as arming you with skill-building, or, I mean, with writing or research ability. You do a PhD like I'm a doctor, and then it stops you. They do not think; they just read and teach. However, there are exceptions in exceptional

places. One of the places that has done wonderfully well in the Indian setup is the South Asian University (SAU). South Asian University masters' students are doing fabulous work, which is as good as any other standard. UK, US, and European international master's So, suddenly, what happened was that SAU was able to, in whatever limited form with its limitations, be able to produce. I know of this because those who do international law are usually connected with me through SAU. I know many examples and see them operating internationally, like a graduate from the London School of Economics or University College London. And the difference is not substantial; some of them have started getting PhDs right after their masters in India. This is also happening. But SAU is an exception, and you must ask why SAU is an exception. Well, SAU had people like Prof. Prabhash Ranjan and Prof. Srinivas Burra. So, eventually, it comes down to one or two people of that type who can galvanise the environment for excellence, and I know that because I'm also connected to them. Two people have done so much, and you will see that now SAU students are doing PhDs in Australia. I know of admission offers from this year, which I will not disclose at this point, from the top places in the world after SAU Masters. So, it is possible to achieve excellence even in the government system. The key is teachers and creating an environment where the teacher has always wanted to become a teacher.

8. *I would add to that question. I understand that individuals in the right places produce good results, which has been the focus. But is there something structurally wrong with our system?*

That's true; the first structural issue is that of our traditional teachers. Their focus is to become a Principal, Vice Chancellor, or Dean. There is nothing wrong with it, but that only happens with networking and connections. Professor Baxi became the Vice Chancellor; similarly, Professor B. S. Chimni became the Vice Chancellor. I'm not saying that it is wrong or unimportant. I was asked to become Dean of a law school. I did become the Dean. The problem is that once you become an assistant professor at some government college or university, the whole energy is diverted towards networking—for getting publications and the quid pro quo invitations—but not for knowledge creation. What made Prof. Prabhash, Prof. Burra, or Professor Chimni different? It is that they did not walk the beat in fast and the offers came to them, and we only know the offers they have taken, and we don't know of the office they declined. So, at some point, at some age, you're expected to be a Vice-Chancellor. But the office came to them in their sixties or seventies. These people did not become Vice Chancellors by application; the Governors invited them. People of eminence were invited by governors to become Vice Chancellors. Now, people pay to become Vice Chancellors, and there is a list of corrupt Governors who would take money to appoint a vice chancellor. I can't say more. It's a complete inversion of whatever it meant.

9. *The next question relates to the National Education Policy launched by the government in 2020, which aims to overhaul the entire education system from pre-primary to the doctorate. However, it focuses on ancient Indian wisdom and local languages. How do you see that impacting legal education? And as for the legal education in this country, it's more English, and regional languages are not given that much importance. With this perspective, how do you see National Education Policy 2020 impacting the legal education scenario?*

As we've received it from the British, legal education is in English. There's no doubt about it. I sent you that chapter. You know it's a very illuminating chapter. It answers all the questions anyone has about the Indian legal system in India, so there's no need for an interview². It's so well done, and these are people of high credibility. This paper is by Yves Dezalay, a French sociologist, and Bryant G. Garth, an American law firm partner, who left that and became a professor. So two top people—a French sociologist and a former law firm partner, now a professor—are trying to come together to do something about India.

As far as using ancient wisdom to overhaul education policy is concerned, it is rhetoric. What is ancient? What do we know of ancient? Ancient is precisely what China is trying to convince the world about, and it is using that to claim territory, saying that this is ancient China. You must realize that the human mind works more on nostalgia than knowledge. We have this nostalgia for ancient India. I'm not saying we are not people with a continuous civilization. Yes, we are. However, how do you determine what was ancient and the content of that ancient wisdom? If you look at Marxist historians, I'm not saying I am a Marxist myself, but simply reading them. Their view is that Hinduism is a product of Buddhism. To put it in one sentence, Hinduism is a construction of Buddhism. RSS/BJP would say that Hinduism is one of the oldest, and Buddhism has come out of invasion. So then, of course, they are conciliatory people with conciliatory views; further, they would say Hindu Buddhists, so we can put them together and create some consciousness. Then, the Jains would say they are older than Hindus and Buddhists. Then the Sikhs would come along, saying, we are very new, but then we derive from Hindus. We look at Sri Guru Granth Sahib, and it talks about Ram and Rahim in equal measures. So, Sikhs also become part of that. Look at the Hindu Marriage Act. The Hindu Marriage Act includes Hindus, Sikhs, Jains, and Buddhists. Well, this together creates ancient Sikhism, which is very new. Marxist historians doubt whether

2 Yves Dezalay and Bryant G. Garth, "India: Colonial Path Dependencies Revisited: An Embattled Senior Bar, the Marginalization of Legal Knowledge, and Internationalized Challenges" in Yves Dezalay and Bryant G. Garth, *Law as Reproduction and Revolution: An Interconnected History* (University of California Press, California, 2021).

Hinduism, as we know it today, has been constructed for the last 400 years as an organised religion.

10. *If we secularise this question, we take out the entire debate about which was earlier and which was later. And we just focus on the rules as a society. Whether there was some rule of law at that point in time, whether there was some structure in the community that was followed, whether it was similar to what we had in critiques, and which Roman law draws from, can there be research or can there be an orientation towards realising the structure of society that we had?*

That research already exists. The politics of this top-down imposition of ancient wisdom is that those who speak about ancient wisdom have yet to read that literature. Marxist historians are thinking more seriously about religion than religious people. So, there is an academic way of thinking about this, and we must be objective enough that my personal bias as an upper-caste Hindu should not influence my reading. I should be able to be critical of reading religious texts while being very religious in my home. My father is not religious, but my grandfather is, and I am comfortable with them all. My point is that those who speak of ancient wisdom need to be more engaging. If you look at the Murty Classical Library of India List, it has been curated by Professor Sheldon Pollock. He is a professor of Sanskrit at Columbia University. Try reading one of his books and ask a Sanghi, a Congressperson, or a BJP person who is interested in ancient Indian wisdom to read ten pages and make a commentary on that. What is the expertise? So, all of this is nostalgia. That's the problem. All those pushing us to study Sanskrit are engineering graduates who never learned this, whose parents never allowed them to study Sanskrit and drove them away from Sanskrit and Hindi. I read a lot of Hindi because I was more interested in literature than science. Decidedly, a lot of Hindi was available to me automatically, and later I studied English. So, I consumed whatever was open to me. Therefore, ancientness is a nostalgia of the upper class and caste. You look around at the people you talk to; invariably, there will be an upper caste among both Hindus and Muslims, not just Hindus.

I'm not saying that caste is a Hindu thing; caste is a South Asian thing, and in the privacy of their house, you'll find Muslims, more casteists than some Hindus, and Sikhs, more casteists than some Hindus or Muslims. So, what I'm saying is that this is nostalgia. Now, given the kind of government we have and the manifesto of the party in power, they are pushing for whatever ancientness, but you must realise that we live with modernity. It is essential to overhaul yourself in a way that matches the rest of the world. It is possible to be modern and not trample on your roots. It's possible to do that. But the problem is the political part of it. It is dished out as a political project, which means that when you say ancient India, you mean ancient Hindu India. That is problematic because, of course, India is a Hindu majority, but

really, since ancient times, we have had people coming and going, and that has created what India is today. The most accurate information about ancient India is located in Chinese because when Hiuen Tsang, or Fa-Hien, came here to collect manuscripts, they went back and translated them into Chinese. So, it's not available in Sanskrit, but it's available in Chinese. If you really want to read ancient Indian wisdom, read Chinese so that you can decode all the text that Hiuen Tsang or Fa-Hien wrote, take it away, and store it in China. Invest in learning Chinese and Sanskrit.

Let's go to the next part of the question, which is related to the local language.

It is not very easy. The problem is that the aim of the legal system should be justice. If that requires that we speak English in Darbhanga, Patna, and the Supreme Court of India, then so be it. Judges don't have to start speaking in Maithili or Bhojpuri when put in Bihar. But at the lower level, we do that in the local language when the litigation begins. You will see that litigation is done in the local language in all the states. In high courts, it becomes English. And academia is so far away from reality. You are so far away from the actual play of law that we imagine things full of nostalgia, despite what practical value? Local languages have now disappeared. Why do we keep creating smaller new States under the Constitution?

Because we keep recognising languages, Maithili is now part of Schedule VIII, and along with Maithili, other languages were also included in it. You didn't speak Maithili when you moved to Delhi. Maybe your father is proficient, but you aren't. Who is to be blamed for that? Your roots are in Darbhanga, and you should be speaking Maithili, but I suppose you don't speak as well as your father. This is because you are not using it regularly. We have never been afraid of diversity; we are not China. Nehru, the then prime minister, said India's strength is in diversity, so you respect diversity. But, even if you appreciate diversity, you still have to have one language in which you speak. I propose we speak in Hindi, but Professor Anurag Deep said English is better because there's more. There is a bigger crowd for English. Naturally, I'm not saying that he's rejecting my local language or that he's rejecting me. He's just making a prudent decision about using a language that we're comfortable with and that will find us a larger audience.

11. *The next question is whether all these entrance tests for law schools are conducted in English. They do not even provide a Hindi translation, as we have, for instance, in JEE. We have a lot of scholars coming up who say that because of the English dominance in class and other exams that relate to being in education, it has become a very elitist profession. So, we've already talked about in the paper you sent me how that elitism is not being broken. How do you think introducing the local language will impact the elitism that we have in the legal profession and in education?*

The only problem with those proposing this overhaul and proposing local languages is, how on earth can you read five hundred books but not master one language? How is that difficult? What I'm trying to say is that if learning is about building skills and, in the future, the possibility of connecting from the District Court in Darbhanga to the International Court of Justice in the Hague, you cannot have five languages. And we are beneficiaries of English in some sense. We benefited from having better English proficiency than the Chinese, for instance. So, what I'm saying is that this is simple nostalgia.

You tell me those are proposing local languages; how often do they read local literature? Ask the same people. So, this means we are speaking without thinking, and all of this is because of the political climate.

If I'm operating globally today and you're interviewing me, or if I made my views heard on a different forum, it is simply because I did not write in Maithili and Hindi. I chose English as the medium, and it has made a huge impact on me, someone who, only twelve years ago, was not sure about what would happen because I don't want to be a lawyer, a judge, or, you know, a civil servant. I want to be an academic with impact, so I choose English. I'm sitting in Germany, and the whole course was taught in English because they are switching to English even though they are very nationalist. Remember, nationalism is not an Indian thing; it is a European export to the rest of the world through Latin America.

Accordingly, in your opinion, the solution to that would be that they, for legal education or at least for legal training, have English training first. English classes are mandatory at the National Law School. We had full-time English teachers. So that's why English graduates are recruited at the national law schools to become teachers. So, what I'm saying is that if you want to communicate with more people in the world today and avoid intellectual inbreeding, you have to shift to a language that is widely spoken. If you can choose Hindi and Chinese and don't speak English, then you also have a promising career.

You can choose not to speak English but Hindi and Chinese, so you can operate with the Chinese, make a lot of money, and be successful in China. They will know you in China. All I'm saying is that language is a medium, and as progressive people, we should not make it a subject of nostalgia but a subject of skill. You will naturally, from your parents, learn Hindi in school. You practice it amongst yourself. Now you don't want your kid to. You send your kids to Springdale, and you speak to them in English in your household, but outside, you want everyone to speak Maithili. This will not work.

My parents were government teachers. They never sent me to the government college because they knew that it was going backward. So, if they had resources,

they took them from the government system and put us in a private system. Why? Because they knew that in the government system, we would not be learning in English. We are a product of pragmatic decisions. And this, by no means, is relinquishing your past, your local language, or your cultural heritage. In fact, you become more competent to do it. Now I can speak about the work I do in Darbhanga, or the localization of International Law in Germany, Japan, or America, because I speak English. This skill has allowed me to internationalise my locality, my localism, and my regionalism. If that is your desire, then you should also learn English more vehemently.

12. We'll go to the last part of these questions, and that relates to the private universities in India. You taught at one of the best schools in our country. These private universities have very exorbitant fee structures, to be honest, and that kind of fee structure cannot be afforded by most of the people in this country. When I talked about local languages, and now I'm talking about these fees, the impetus again is on inclusion and diversity, which is not the impetus of all the justices who go to all kinds of seminars and speak about it. So, what are we doing about it? All these premier institutes, be it the national law schools or good private schools, kept away from these people through language as a medium, or, for that matter, fees. So, what is your viewpoint on that?

You are making one wrong assumption, which is that all those who speak local languages are poor; these are rather two exclusive things. You come to Sonipat; it is close to Delhi. At some point, land prices around Jindal Global University were so high that a farmer bought a helicopter. This is a true story; you can find it on the internet. So, these are ultra-rich people who certainly had our institution in front of them. They spoke their local languages, but they said we have enough money to send their children to Jindal, and it may internationalize their children. So, of course, when you say local languages and high fees, you think of poorer parts of our country like Bihar, parts of Bengal, etc. You go to South India; they speak their language, and they are rich. There is no connection between local languages and money. I'm saying that a lot of people who speak their local language very vehemently are capable of paying high fees.

Jindal offers a unique model. India is a large country. The world looks up to India to counter China. And in a situation like this, we don't have one law school in the global rankings. This is true. Jindal tried to create one such institution. And it took ten years for them to do it. IITs and IIMs have been there for ages, but Jindal did it in around ten years. In ten years, it secured a rank in the top hundred law schools in the world. Not the whole university, but the law school rankings. It was a product of a certain kind of imagination that excluded certain kinds of people. So, when you have a specialised project, it leads to exclusion. I'm not justifying it. All I'm

saying is that there are thousands of law schools where people can go, but this one we create for global rankings. India must have an elephant's task.

Anywhere you go in the world, the only place they know is Jindal, because it created that model successfully. Its fees are exclusionary; that is true. Nevertheless, why should everyone want to have a Jindal kind of education? It's not those who want to speak local languages and those who want to go backward. Jindal is not teaching Sanskrit, Parsi, Awadhi, or any other local language. The problem is that people who speak of Khadi eventually want to get a Raymond-tailored suit. It is exclusionary, and so are the National Law Schools, because the government is reducing funding and they have to be, so everyone talks about this. This is the classic problem. Everyone talks about high tuition fees, and you want to create a gurukul system and go back to ancient wisdom, expecting teachers to be poor. So how do you pay salaries to faculty members? They don't have to do other things. They can sit with peace of mind and think. They are not government institutions. Where do they collect money to pay high salaries? I was able to produce a scholarship because I did not think about anything else. I did not think about food on the table daily, which 99% of Indian teachers must think about in the system. They do not get salaries for six months. They prepare a separate register in private law schools, where they lie about what they pay to their faculty members. Is that not true? I have been a dean of a private school, and I've seen the kind of figures it generates and the kind of money-making that happens at the private law school. Now ask about the teachers that they hire and the kind of money they pay them. The same people are crying about Jindal being exclusionary. So, while you cry about the high salaries, these are also institutions that honour teachers and are creating teachers.

IITs were heavily funded by the government so that they could create future technocrats. It was cheap at the time, but not anymore because it was subsidised by the government. Private schools cannot do that. If the private school must create excellence, they have to charge the students. A middle-class person twenty years ago couldn't have gone to an IIT despite having cleared the examinations because of the high fees. It's very high, but it is an IIT, and you gradually get a 50 lakh per year package after studying there. The whole generation of people has paid very high fees at government institutions. Where did they get the money from? They did not have black money. They, of course, took out loans and arranged money for fees. I'm not justifying a high salary or a high tuition fee. All I'm saying is, look at the other side as well.

Kamkus Law Journal is the journal of a private law college. Look at it yourself after this conversation and think about it. I can see the numbers you would generate because I was a Dean at a private law school in Navi Mumbai. So, I can see the

amount of money that was being paid to the teachers and how they were treated. I had a huge issue there, actually. I left it because I didn't want to continue in Bombay, and I thought it was better to be around NCR. Then I had this offer and joined BML Munjal, which is another project. The current Dean at Munjal was a colleague of mine, a senior from Jindal. It's kind of Jindal transplanting. What I'm trying to tell you is that to be able to attract talent from universities like Chicago, Harvard, or Columbia that you need in this country, you will have to pay them, and if you are a private institution, where will you pay it from? The government will not hire foreign nationals. Only a private system can do it, and any of you who have worked with Jindal in whatever capacity will have seen the kind of quality teachers only because it had a free hand.

You can always create a parallel pro bono culture with teachers at law firms. I'm happy that you're thinking about publishing interviews. This is good, and I shared with you some examples from the past that I was aware of. You're thinking, That's great. Think more and create some kind of system where the faculty members also give some pro bono time to educate and train people in different corners of India. It is possible because people with passion don't want to care about money. If I get sufficient money from my job and I am comfortable as an academic, I don't go running for money. I would have done an MBA instead if I wanted to make money, but I didn't. I just want a comfortable life where I can feed my kid and have proper clothes. That is, basically taking care of my family, and with this, I'll put hard work into producing good quality work that is not produced even here. The only reason they (the Germans) invited me is that I have produced more work than most of the faculty combined at this school in Germany, in English, of course, because only then could they have realized. If I had written in Hindi, no one would have read me. We must realise that nostalgia is one thing, but we have to see through Pierce. So, to speak of this nostalgia, be progressive and think through things. So, I'm not supporting high tuition fees; it's exclusionary, but imagine that by creating an environment like Jindal, if you're able to, you can create some pro bono energy out of it. And if you're a teacher, you will always be happy to share your expertise in the farthest corner of our country to train people to train teachers, to make them think and support them. I will not find anyone who will say no to this. Yes, the fees are high, but, by using some imagination and some effort, you can create a system where you can do pro bono work at the same place where high fees are charged. You cannot take away Jindal from what Jindal did in ten years, and because it's so highly inaccessible because of the fee and other things like elitism, we have to now rethink democratising it and taking it to the farthest corner of our country. It will require some commitment on our part, but teachers are there to do this.

The German Society of International Relations has invited me for the first time to the conference, which happens once every two years. For the first time, they have an English-language panel, the opening panel for this conference, and I'm going to speak there. You see, Germans are organising an English panel on colonialism and international law, which is my subject of study. They are changing and adapting to move forward, but we want to go backward. And the biggest irony is that nationalism is their product, not ours, and you are more nationalist than them. There are so many kinds of nationalism in this country, like food nationalism and language nationalism. By doing so, we're creating a web instead of cutting through it, which we must realise.

13. *Let's go to the final part, which relates to research and training. In the last part of your answer, you talked about a faculty development programme where a trained teacher could go ahead and deliver something along the lines of how to give lectures to their students. But then there is more to do with teachers in this country. What is the current research framework as far as teachers are concerned? And you know, again, since I'm from the same system, I've seen some budding standards regarding the teachers and their research culture. What are your perspectives on this?*

The teaching and research culture is not changing, and it's deteriorating. If you face Jindal and put your back on the rest of the country, you will think that India is reaching heights, but if you put your back on Jindal and look at the rest of the country, you will see that it is going down. So, it's about looking at the problem first and accepting that there is a problem. Most of the master's and PhD programmes are kicking the box and are not aimed at creating excellence. Why? For someone to conceive excellence, they must have excelled before. How can I speak of excellence if I have not excelled before? So, it's a question of capacity building, which has always been our question. And with several fake journal publications and similar things in the last few years, it has just become worse. A tremendous amount of counterfeit publishing is happening, and people are falling into it. This means that we have to sit and think about this profound question, which is a question of capacity building, and every problem comes with an opportunity. Thus, the other side of that problem is an opportunity for a specific institution or person. There is a considerable problem of plagiarism and fake publishing, and India has roughly a thousand universities. So, there are a few hundred law schools, and everyone has to publish, which means that none of them is publishing anything good. People are going that way, which means there's a vast amount of training to be done. It's the problem side; the solution or opportunity side is that some institute, law school, or set of people can create a system inviting people to train them. Of course, the trainers will require some energy investment; then, you pay them to make such a system. Let me give you an example. The

government provides UGC with enough money for research grants. A teacher can get around 3–4 lakh worth of grants and develop something. As students, we pay tuition fees to learn and prepare for civil services and other competition exams and take coaching. So, of course, we have all always spent money on training ourselves, but suddenly, when we become professors, we would much rather plagiarise than invest in training, with the mindset that it must come for free.

You go to a doctor with around five years of experience, and you pay a fee of 500 or 1000; then, for the next visit, you again pay for a consultation. You pay the consultancy fee, the doctor prescribes you medicine, and then you buy medicine, and the treatment starts. Like a doctor, I've also invested ten years in legal education, including bachelor's, master's, and Ph.D. But the expectation is that I must go around giving my knowledge for free. The problem is that this assumption is drowning out the boat. How do professors make side money? Take money from the university in the name of a grant, do nothing but plagiarise, use only some amount of that, and keep all the money to themselves.

This is a big problem, and we don't want to look for solutions. Someone must sit down and start looking for an answer. India needs to have something in the world rankings. Prof. C. Rajkumar of JGU dreamed about it. He ran from pillar to post and created that in ten years. If that is possible, this is a much easier thing to do.

14. Does this current teacher selection system itself incentivize the kind of research framework we have in this country? If it remains point-wise, it will. This will remain likewise. It doesn't matter what the quality of your publication is. It doesn't matter whether you contribute or not, which can shake your hand.

To enable someone to write, the first requirement is to make them read. Access to books and journals must be given before expecting someone to write. What made me an academic? Eventually, I remember the third year of my law school in Bhopal. There was a journal exchange programme with American institutions. They sent us their journals, which got accumulated, but we have yet to publish or transmit any. When I lifted the first hard copy of their journal and read the titles of the articles, it stayed with me. That was something unique. It would be best if you created sovereignty in your own journal. The 2009 Jindal Law Review was started, and I was the co-editor of the following two issues. I changed the aesthetics and tried to make it international and more professional. All of this is skill development, capacity building, correct thinking, and a sense of giving. So, academicians and the university's administration must create a pro bono, participatory environment. Expecting teachers to not provide themselves and their families with an excellent living standard is unjustified. That model is not going to work anymore. Excellence can be built with such expectations.

It's easy to use terms like overhauling, but it's easier said than done. India is not a product of revolution or any transformation but a product of colonial continuity, and we have benefited from it. Article 372 of the Constitution says that colonial laws are good laws and can be changed in a piecemeal manner whenever required. China is a product of the revolution, and see, there are no human rights there. Similarly, Russia is a product of the revolution of 1917. Remember, we are not a product of revolution but a continuation of colonialism. The Indian Constitution is inspired by all the Constitutions present in the world; we're benefiting from their hard work.

15. *Which brings me to the next part of the question: in the last 5–6 decades, we've seen, of course, a few exceptions we've already mentioned, like others. The legal scholarship in this country has not been that developed. We've not seen so many scholars go out. Now, we see scholars going out. But before that study, Post General, perhaps I can say that we've failed to produce such legal scholars. So, to speak of international appeal, we keep reading about legal luminaries worldwide, which is essential because cross-referencing is a crucial tool in academia. But then, where did we lack the ability to produce our own? Such, you know, because this is a development question. We start with the problem with our education system and then the problem with that research. And then, ultimately, what is the problem? But that is why this kind of entire interview answers this question. But then, again, if you have something to add to why we cannot produce such people of international appeal?*

Because we keep looking backward, the world is moving in one direction, and we walk in the other, so we never meet international repute. It's a question of capacity. How do you create excellence? With capacity building? So, this reflects on everything. Our highest point in the Olympics is one medal. It used to be a silver medal; this time, we got gold. So, one gold medal in a country of 1.4 billion people. This tells you where we are. If this is what lawyers and law teachers do, we are only moving away from excellence.

Excellence requires that you keep thinking, think against the tide, and think outside the box. We need to create possibilities for thinking outside the box, invest in progress, and invest in creating a free society. America rules because it has bombs and technology. But what has allowed America to create technology? Free thinking. At this point, China and India are also getting richer. However, most Indians and Chinese are leaving their respective countries to settle abroad. Where is the money going, then? You cannot close your eyes to this; you cannot close your eyes to facts. You can have interpretations of the same fact, but you really cannot say the day when it's night. So critical thinking, in other words, will allow you to excel. It is difficult; you will not be supported because most people are not thinking, let alone thinking critically.

Another thing, more specifically for lawyers, is to read more and more. There is so much that is available these days, and that too easily. You can read all the material available with a laptop and an Internet connection. Please read them. Think about them and ask questions. Learn to ask, and questioning is not disrespectful. It would be best if you learned to question in a way that the other person does not find rude, but you nevertheless engage in a discursive debate.

The next thing is that quality takes time. It took me ten rejections and seven years to publish something I published in 2020, a piece on the Indian Princely States. Legal history is a very weak discipline, as the general research is inadequate, and even within that legal history, no one does legal history. But I wanted to do it with international law. So, I put international law and legal history together, and it took me seven years to write one paper and six years to do my law graduation and master's. My paper was longer than my first and second law degrees put together. Even two days ago, I got a rejection from a journal where I've already published because I'm trying to do something very original. Translating originality in the mind to originality on paper is a long process. You must embrace rejections cheerfully so that rejections become your teachers. This is self-taught because I wanted to excel and sit with the best in the world. I didn't design myself to accept failure because I come from the India-Nepal border. I did not resign to my fate. I would excel, see the best in the world, and do better than them. So, I developed my methods. Sometimes, a paragraph I write is the product of ten years of thinking and crystallisation of things coming together to make sense for me.

We live in a system where you would not spend a thousand rupees listening to that person share. Teachers are expected to just operate for free. But you pay the experts. Universities can spend money on getting rankings rather than on teachers. Nevertheless, you wish an academic who thinks for years and writes a paper in seven years could set everything free. This means only the legal experts and the scholarship are valued.

People only invest in lifestyle but not in skill development and education. If someone does not know any language and is facing problems, it is better to invest and learn it rather than cry over it. We have failed because we are full of contradictions. We want to become international scholars, but at the same time, we want to follow the Guru-Shishya Parampara. This immense country has only produced two legal scholars in history and only one world-class university. We are failing because we don't respect teachers. Teachers who have the key to success are the least respected in our country. Nobody respects the teachers, from the university administration to the students. We talk about Gurus and ancient India but don't respect them. Gurus were the most respected ones in ancient India. Why not now? Why this hypocrisy? We need to think about it.

16. *This is what I like. My next question was how to do a PhD in this country, at least in India, which is more attractive, rewarding, and socially valuable. Endeavour for people who graduate from, for instance, my batch itself. There were a few people who were interested in the academics. I have an academic bent of mind, so I'm engaging with you today. But I think doing a PhD here or pursuing pure academics is not rewarding enough for me. This is me personally speaking; that is why I'm taking up a corporate position. So, how do we make this entire circle more rewarding so that people with an academic bent and critical thinking are attracted to it? Ultimately, this is a circle of reward. After all, as you said, we cannot expect the scholars to have that for the whole image anymore because everybody wants those minimum standards.*

The first thing is that you need to explore yourself. If money satisfies you, you should work somewhere where you can make money, like coaching institutes where you need not be a scholar. There are many such avenues available. But you need to think that if you were that person, you would wait seven years to publish an article. People look for quick gratification, but it is not possible in teaching. Teachers can't meet the salaries of partners in law firms. This prevents talented people from pursuing teaching as their career. To attract talented people towards academics, you need to incentivize their careers.

You must do that kind of work that will be useful to other legal professionals, practicing lawyers, or judges. In the last few years, the Supreme Court judges, Justice Chandrachud in particular, have cited publications by Indian scholars. The Supreme Court has cited many articles published in NLU's Law Journals. And 99.9% of scholars are from Jindal. But it wasn't happening ten years ago. So, because of the Jindal phenomenon, the Court started to look at where quality is produced. It's created an image of respect for them. They began to engage with them, and then, of course, they've been graceful enough to cite Jindal's academics in the judgments. So, this is one example of how Supreme Court judges cite academics; it is also happening, but you must produce that kind of work. It's not that it's not happening, but you must create that kind of work, which should give you satisfaction. The point of pride is that the top people in the field are engaging with your work in whatever way, in a judgment, or in their articles, or in a larger sense. So, that should excite you, and then you can carry on.

You have to ensure that the PhDs are not looked down upon, which means they should be treated at least like assistant professors. Earlier, people became assistant professors, and then later, they did the PhD side by side, and this takes much time. However, good institutions outside India offer fully funded PhD programmes. So, you must create a system where you pay them relatively decently because they are young, so that they can manage. But you know, not the bare minimum, but something comfortable, and then allow them the time and space to produce and create that environment. So, you have to also, like others, make it lucrative.

The colleges eventually return to the books to see what is coming in and going out. It is about money at some point, so you must incentivize it to make it lucrative enough for people to be attracted to us. And you must see value in the fact that this will produce something relevant. It takes more time to be palatable than food. The college principals and the board must subtly understand PhD scholars' consumption, results, and observations. Only then can PhDs become better and stronger.

17. *The final question relates to the fact that most lawyers come to the courts or otherwise. Even in academics, some people are studying at 2 or 3 cities or colleges that are not even visible on the map of India, so to speak, not the traditional law schools. We talk about the big ones and all the good private universities. There are schools that we still need to learn about. I would say the standard and quality would not be up to par. Is it something to blame on the regulator because, ultimately, the BCI has many jobs? But BCI also regulates legal education. What do I see in the range? The spectrum of a person who's been going through the same syllabus and curriculum at a top law school and a person going through the same syllabus and curriculum at your 3-law college is so broad. It almost seems that the regulator itself is different. So, what do we do? We need an overhaul in the sense that we have that in medicine. Right? So, in medicine, we have one regulator and different colleges, good and bad. But ultimately, when the doctor is produced, they have to pass a few final tests, which would be like, you know, standard tests, which would be all across the board, right? And if you do not pass it, you do not become a doctor. So, what is it we can change in the current setting? We need to rethink the regulation part. Or what is it that we can change? This spectrum is not too wide. I understand. People who graduate from the top are very competitive, and you know they are highly bright individuals, but the spectrum should not be such that we, you know, cannot even relate to the two individuals graduating from different colleges. I'm sorry my question is too lengthy, but I think you get it; I understand.*

Again, a lawyer practicing in Delhi and one practicing in Darbhanga don't have to be the same. The work fields of a lawyer in Darbhanga and a lawyer in Delhi are different. So, expecting them to match quality is in itself a problematic thing. More than education, it's the skill. One thing that will always bridge the gap is communication, and how does communication happen? It happens with language. So, instead of thinking about local languages and all that can be used for the private sphere, having one language, English, and strengthening its use for only professional purposes will do the trick. Diversity is good in other ways. Even though we are comparing, when people are diverse, you can't reach them. See, anthropologically, they are two distinct people. The apples and oranges cannot be compared. So, if you are comparing a lawyer in Darbhanga to a lawyer in Delhi, they must speak the same language, at least with the same proficiency. And then you test whether the skill is similar or not. Again, you don't have to do this ancient wisdom business for that to happen because Indian law is not ancient.

They could do something about working on linking language skills, which is central. That is more central than knowing the law because you can experience the law during your practice and become a better lawyer every day, every week, every month, and every year. But it must begin with investing in the language, something that national law universities will push for through moot court competitions. That's why mooting, etc., is promoted. People then began to value speaking skills, presentation, and linguistic ability. So, working on that, I think we must start working on this instead of saying that this is a problem. Hindi could also be a foreign language for me because if you speak Maithili or Bhojpuri, there is always some distance between the two languages. So, I think that's the skill, and you must work on that queue because that is when we can communicate perfectly or even more efficiently.

18. I don't know how many people will go through this once it is transcribed. But you've touched one person, one interested academic but still a corporate person, and I thank you for that. I invite you to give some concluding remarks and a way forward for people who want to pursue a career in education or are still doubtful because of the reward theory we discussed. So, just some concluding remarks to our entire interview.

My concluding remarks would be that it is essential to sit with yourself and consider whether you want to be an academic; you should not be pressured to do a PhD or become an academic. All of this is pleasing; all my colleagues are practicing lawyers, and I admire them. I admire how brave they are; they started from scratch and knew they were doing well. That requires a different kind of skill. Being an academic requires different types of artistic endeavours. I suggest we all sit with ourselves, look for examples, read, try to know what an intellectual is, and read books. There's a lot to be learned from the books; do what academics do, and then make an informed choice. They should by no means come here for fashion or to meet other people's expectations; they should be convinced that they want to produce. It is rewarding for people who believe that they want to become academics. It is not satisfying for people who are not convinced and who have come here because they think working at a law firm is very tiring. This can also be very tiring; it's tiring in its own way. You've been sitting with a draft for five years; is it not tiring? It is tiring. This is not a refusal for people who do not want to practice or do not want to work in a law firm. It must not be seen like that. It has the autonomy to be academic, and they should be convinced about it. They should look for examples and listen to people. Now, because of the internet, you can listen to several great scholars on YouTube. Listen to them, and then you will know yourself. And eventually, this is for everyone; if someone wants to become a judge, lawyer, or something else, they must know themselves first. Invest in learning yourself, and then you'll see if you wish to do this or that.

Thank you for inviting me; conversations are vital. Academia is a product of conversation, as we prefer. When someone is a thinker or a scholar, it demands a privilege, and acknowledging influences is not always possible. And there are numerous influences, which go unappreciated. Even though they go unappreciated, their impact could be significant. So, we must establish an environment of conversation, create an atmosphere of motivation, and think imaginatively as academics. We need to invest in the aspects of academia by engaging intellectually and monetarily with time, ideas, and teamwork. This is a good start, and I'm grateful and honoured. Thank you.