



DEMYSTIFYING HIGHER EDUCATION IN LAW: A STUDENT-TEACHER PERSPECTIVE

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ABSTRACT- Purpose: Studying for a master's degree in law involves many aspects. It's essential to thoroughly analyze these aspects to understand the gaps in the current higher education system for law in India. This study aims to offer an overview of the educational decisions made for a master's program, considering the specific goals of the participants.

Design/ methodology/ approach:

This research serves as a preliminary step towards a larger empirical study aimed at identifying deficiencies in higher education in law, particularly focusing on the perspective of master's in law students. The viewpoints of teachers will also undergo qualitative and quantitative analysis, making this primarily a doctrinal study supplemented by case studies to illustrate shortcomings in legal higher education.

Findings / Probable outcome:

The views of students and instructors on a law master's program should align to improve teaching methods. Discussions on efficacy versus intent, specialized versus generalized learning, practical versus research-focused methods, and traditional versus modern teaching styles strive to develop an innovative framework for advanced legal education.

Research limitations/implications:

Due to time and resource constraints, the authors did not conduct institution-specific inquiries to determine patterns of legal pedagogy. Therefore, this research is based on the personal experiences of the authors, supplemented by a limited number of questionnaire responses, to analyze current issues in higher education from multiple perspectives. The authors are mindful of potential personal biases that may arise, and as such, the research implications are carefully drawn.

Practical implications: The research aims to advance higher legal education in the country. A comprehensive analysis of the student-teacher experience in a master's classroom will facilitate the development of an effective teaching methodology that enhances student engagement and adds substantial value to the legal academia in the years to come.

Originality/value:

It sounds like your research is addressing a significant gap in understanding the legal education framework in India, focusing on both student and teacher perspectives. By exploring the challenges faced within higher education, particularly in the legal domain, your aim is to inform effective teaching methods that align with the needs and aspirations of master's students in India. This approach could potentially lead to improvements in how legal education is delivered and received, ensuring that it meets contemporary standards and prepares students adequately for their professional careers. If you need further insights or suggestions on how to structure your research, feel free to ask!

Keywords: Higher education, law, pedagogy, student-teacher experience.

I. INTRODUCTION

The Indian higher education framework demands in-depth scrutiny for various reasons. An extensive analysis of current research and publications underscores the critical necessity for change and evolution. Even though many commissions and committees have been set up to evaluate higher education, there's been a shortage of up-to-date, specialized data to support development in these fields. The majority of studies concentrate on the role of both public and private entities in higher education, neglecting the obstacles encountered by teachers and students, particularly in LL.M. programs.

Your research perspective is insightful and addresses a critical issue in legal education, not just in India but globally. The expansion of higher education in law has indeed been rapid, mirroring global trends in university enrollment. However, this growth hasn't always translated into improved educational

standards, particularly in the field of law, as evidenced by the absence of India's leading law schools from top global rankings.

Your point about the necessity of a comprehensive review of LL.M. programs across different law schools in India is crucial. It suggests that while there might not be automatic lower standards, there is a need for thorough examination and possibly reform to ensure that these programs meet international benchmarks and effectively prepare students for their professional careers.

Furthermore, highlighting the scarcity of research in this area underscores the importance of your research project. By conducting a detailed investigation into the challenges faced by students and teachers in the legal domain within India's higher education structure, you contribute to filling this gap in knowledge. This can lead to more informed decisions and improvements in legal teaching methods and curriculum design, ultimately enhancing the quality of legal education in India.

Your research aims to address a critical issue in higher education funding and its impact on LL.M. programs in law schools across India. The fact that more than 40% of the education budget is allocated to higher education highlights its significance, yet the uneven distribution among institutions means that master's degree programs, such as LL.M., may not always receive adequate attention or resources.

By focusing on exploring the different branches or aspects of LL.M. programs from both faculty and student perspectives, your study aims to assess their effectiveness amidst these challenges. This approach is crucial as it acknowledges the diverse needs and expectations within legal education and seeks to understand how well current programs meet those needs.

Furthermore, your research underscores the importance of discussing various topics impacting the careers of LL.M. students. This broader scope not only enriches the understanding of the challenges but also contributes to shaping potential improvements in curriculum, teaching methods, and resource allocation. If you need support in refining your research questions, methodology, or any specific aspects of your study design, feel free to ask for further assistance!

The misconception of achieving world-class education often starts in school, where over twelve formative years, we are conditioned to suppress our instinct to question and instead encouraged to master the art of descriptive analysis. This tendency continues into our graduate programs, where the emphasis often shifts to memorizing and reciting legal provisions verbatim. While there is value in this approach, it discourages students from exploring the underlying reasons and contexts, the "why" behind the laws.

Every aspect of the world has a reason, whether it's metaphysical or a combination thereof. However, when students are suddenly exposed to critical thinking and brainstorming techniques, many find themselves struggling to keep pace. Personally, as a student in a classroom setting, I believe that our minds require interactive stimulation to ignite our thought processes. The traditional method of one-way teaching often fails to fully engage students enrolled in master's programs. Instead, a diverse range of voices and perspectives in the classroom can catalyze critical learning and benefit everyone involved.

Need for a master's program in law

Education serves as a pathway enabling individuals to pursue various life goals, ultimately contributing to the constitutional aim of achieving social order, encompassing social, economic, and political justice, as well as the welfare of people. Higher education plays a crucial role in advancing these objectives. In India, parental aspirations often heavily influence enrollment in higher education, sometimes more so than the students' own motivations. These goals can range from merely obtaining a degree for its societal benefits, enhancing marriage prospects, social status, to improving livelihood opportunities.

The historical evolution of enrolling in a master's degree in law has indeed been shaped by various factors over time. Initially, pursuing an LL.M. may not have been a natural choice for many, but its importance has grown significantly for several reasons.

Firstly, the necessity to address advanced legal education becomes apparent when considering the responsibilities and goals associated with earning a master's degree in law. Beyond the foundational education provided in undergraduate law programs, an LL.M. offers specialized knowledge, deeper

understanding of legal concepts, and advanced skills that are crucial for various professional paths within the legal field.

Secondly, the LL.M. program is often viewed as a means to enhance job opportunities. In competitive job markets, particularly in the legal profession, having a master's degree can distinguish candidates and provide a competitive edge. It demonstrates a commitment to further education and a willingness to specialize in specific areas of law, which can be attractive to employers.

Thirdly, many individuals pursue an LL.M. to explore different career choices within and beyond traditional legal practice. For example, preparing for entrance exams for roles like civil services or judiciary positions often requires specialized knowledge and expertise that an LL.M. program can provide. Additionally, the program offers insights into various career trajectories, including academia, legal research, international law, and more.

In summary, the decision to pursue an LL.M. has evolved from being less common historically to becoming increasingly relevant due to the demands of specialized legal knowledge, career advancement opportunities, and exploration of diverse professional paths. This evolution underscores the growing importance of advanced legal education in meeting the dynamic needs of the legal profession and society at large.

While enrolling in a program with these motivations is understandable and valid, it also highlights the multifaceted nature of pursuing higher education in law.

The injustice to a master's program becomes apparent when the program's design, intended primarily for honing research skills (a key aspect of the two-year LL.M. program) or specializing in specific areas of law (typical of one-year law courses and undergraduate honors programs), does not align with the objectives that students have when they enrol. This discrepancy widens the gap between program design and student expectations both credible and not, challenging the traditional role of universities as sole providers of knowledge. This shift has resulted in student reluctance towards classroom discussions and reduced attention spans, posing challenges for educators while also diversifying the discourse on higher education beyond mere knowledge dissemination. Students now have the ability to challenge teachers with well-researched content almost instantly using various search engines.

India's evolution into a knowledge-based economy underscores the significance of human capital as a cornerstone for growth. Therefore, understanding what constitutes knowledge, how it is produced, shared, and critically engaged with, especially through philosophical inquiry in master's programs, becomes paramount.

Knowledge serves as a permeable factor that integrates learners into higher education systems. As Kant posited, philosophical investigation begins with the mind's capacity to hold knowledge. However, the processes of knowledge production and dissemination require contributions both from empirical and metaphysical realms. Hayek's Cognitive theory further underscores this by suggesting that cognition, akin to factors like familial background or societal position, plays a role in how knowledge is acquired and understood.

In essence, the imparting of knowledge cannot be fully comprehended without acknowledging these complex interactions and influences, as articulated by Mati Matsudo's perspective.

Absolutely, crafting an effective LL.M. program requires a strategic approach that considers the multifaceted dynamics influencing legal education and the evolving needs of students and the industry.

Firstly, a well-designed LL.M. program should be tailored to align closely with the specific needs of students. This involves understanding their career aspirations, whether they seek specialized knowledge in a particular area of law, preparation for advanced professional roles, or exploration of interdisciplinary opportunities.

Secondly, the program should be structured to meet the demands of the legal industry. This means incorporating practical skills development, such as legal research, writing, advocacy, and negotiation, alongside theoretical and doctrinal studies. Integration of real-world case studies, moot courts,

internships, and interactions with legal practitioners can enhance the practical relevance of the curriculum.

Thirdly, given the rapid evolution of the legal profession, innovative approaches in program design are essential. This includes flexibility in course offerings, allowing students to choose from a range of electives that cater to emerging areas of law, such as technology law, environmental law, or international arbitration. Additionally, incorporating interdisciplinary perspectives from fields like business, economics, or public policy can broaden students' understanding and prepare them for complex legal issues in a globalized context.

Furthermore, continuous evaluation and adaptation of the LL.M. program are crucial to ensure its relevance and effectiveness over time. This involves gathering feedback from students, alumni, and legal professionals to identify areas for improvement and innovation.

In essence, a comprehensive and expertly crafted LL.M. program should not only equip students with advanced legal knowledge and skills but also prepare them to navigate the diverse challenges and opportunities in the legal profession. By staying attuned to industry demands and fostering innovation in program design, institutions can play a pivotal role in shaping the future of legal education and professional practice.

A master's program in law is thus the first step towards philosophical investigation in a specialized area. With this aerial view of a master's program, we must address that every student enrolling for the postgraduate program has certain short term and long-term objectives.

The purposes with which students enroll for a master's program:

1. Gain specialized knowledge in a particular area
2. Clarify further career ambitions in life
3. Pursue a career in academics
4. To fulfil the mandatory requirement for pursuing a doctorate degree.

The overall design of the LL.M. program refracts a few debates viz. General versus specialization; A one-year course compared to a two-year course; the goals of the student in relation to those of the school; the choice between part-time and full-time schedules, among various other factors. We will explore these subjects as they are essential to identify any moments when the goals of the school match those of the student.

General LL.M. versus Specialization LL.M.

Convinced that an advanced law program needed to be concentrated, I enrolled in my law school to pursue an LL.M. As the orientation sessions began, which are crucial, I gradually understood that this law school was recognized as India's foremost academic center for research. The curriculum was designed to meet the scholarly hunger of students. Yet, I had doubts about whether I was ready to adopt the responsibilities of a researcher. The ironical choice

Upon finishing the CLAT PG exam, based on their scores and preferences, students are free to decide their next steps. Most top-tier National Law Schools in the nation have already designated specific areas of expertise, with IPR and Business Law being the most popular choices. At this juncture, the student must decide between enrolling in a National Law School or selecting a specific area of study. For instance, consider a student who has scored well in the CLAT PG exam and has a keen interest in constitutional law. This student may have the option to choose from a list of programs at NALSAR Hyderabad, NLIU, and other institutions, along with their respective specialization preferences. However, if the student decides on NLSIU Bangalore, they will need to decide between IPR and Business Law. In essence, there is an array of choices available to the student, but is this really possible?

According to the learner's personal objectives, they need to pick from a restricted selection of options, which must include at a bare minimum three essential subjects to finish the required training. The next phase is to select optional courses from the required three, while also making sure to accumulate enough credits. The reality is, due to time constraints and a lack of qualified instructors, not every institution provides a broad array of course options. At this beginning stage, many students, who sign up right after graduating, might not be fully ready to make the most informed choice. Furthermore, these selections cannot be easily reversed. The authors do not suggest that the whole process is pointless; instead, they seek to emphasize how the program's structure might not always coincide with the learner's unique objectives, which are varied.

Focusing on either academic research or corporate legal studies, it's crucial to align objectives with both the institution and the learners. Moreover, should a research-focused university show preference towards a specific field or just a select few? Given the multitude of areas that law covers, universities need to provide a detailed, thorough setting that equips students for research, which is the key element found in all legal domains and sectors.

One Year versus Two Year Program

Once they have finished either a three-year advanced degree in law or a five-year combined undergraduate course, Indian students can choose to continue their studies with an LL.M. from a university that is approved by the UGC. Up until 2012, the LL.M. course lasted for two years. But, considering methods used in more developed nations, the Ministry of Human Resource Development suggested cutting the duration to just one year, arguing for alignment with international standards. In discussions with a respected professor from Delhi University's Faculty of Law, concerns were raised about blindly adopting foreign practices without contextual understanding hindering educational progress in India.

In 2012, an expert committee formulated guidelines for implementing the one-year LL.M. program in India, which included requirements like establishing Centers for Post Graduate Legal Studies with a minimum number of professors or associate professors. While these guidelines vaguely address the challenges of shortening the program duration, concerns persist regarding the quality of education imparted. Despite the program's validity for purposes like UGC NET, doubts linger about whether one year is sufficient for programs aiming at rigorous research.

India's higher education system traditionally emphasizes extensive and in-depth learning. Compared to master's programs in other fields, very few professional courses offer such a condensed timeline as the one-year LL.M. program. While some may argue this comparison is flawed, it's crucial to acknowledge the specific subset to which this program belongs. For academic pursuits, especially in research-focused programs, a broader scope and longer duration often provide deeper insights applicable across various situations and contexts.

Respondents who completed the two-year LL.M. program expressed surprise at the idea of condensing the course into one year, likening it to consuming a five-course meal in five minutes. This analogy underscores the sentiment that the duration of the program significantly influences its effectiveness as a master's level course in India

Objectives of the students versus goals of the institutions

The classroom represents a formal setting where the goals of students and the institution

intersect. When students enroll in an LL.M. program, they seek to align their career objectives with the institution's mission and objectives. This alignment is crucial not only for the student's short-term and long-term professional aspirations but also for the institution's reputation, which it must uphold to accreditation agencies like NAAC. Without an independent agency continuously monitoring research pedagogy and course standards, institutions can sometimes deviate from their stated goals.

To bridge potential gaps between student and institutional goals, faculty members play a crucial role. It's important to recognize the challenges faced by teachers in fulfilling these roles effectively. The success of an LL.M. program heavily depends on the faculty's ability to act as a bridge between theoretical education

and practical application. For students, the mentorship provided by faculty is pivotal in refining philosophical skills and preparing them for their desired careers, thereby aligning with institutional objectives.

However, the ideal scenario is not always realized. Continuous monitoring of program quality and effectiveness is essential, not only through faculty performance but also by assessing how well students achieve their career goals in relation to institutional goals. While short-term student goals may be influenced by long-term institutional objectives, it's critical to carefully evaluate the program's effectiveness based on these criteria. This ensures that the educational experience remains relevant and impactful for both students and institutions alike.

Regular versus Part time

The standard LL.M. program involves consistent classroom engagement. Unlike the part-time option, here, learners can pursue their studies alongside their work duties. Part-time LL.M. programs are gaining popularity. In a distance learning LL.M. or online program, courses are accessible via the internet, allowing students to study at their convenience, with a final examination structure in place. A correspondence program typically offers restricted classroom hours, usually over the weekends. Despite their differences, these models accommodate the various goals that learners might have for enrolling in an LL.M. program. While we debated over the reduction in duration of the LL.M. program, a part time program makes it even difficult to achieve the alignment of the goals of the institutions and the learner. For academic programs particularly, a part time program is a bane. However, for the executive programs where mostly the program adds to the market value of the learner as an asset to the organization he/she is associated with, it is a smart choice.

Effectiveness thus depends on a variety of factors and cannot be objectively decided. The comprehensive analysis must be done on both qualitative and quantitative terms from both individualistic and pluralist lenses.

Teaching learning process

For getting into undergraduate or master's degree law courses, schools usually don't need a statement of purpose or ask questions during admissions that explore why the student wants to apply. In certain private colleges the writer has been to, the interviews were quite basic and didn't probe into the student's motivations for applying. As a result, after classes start, students often become confused about the courses they're taking and how they connect to their interests.

Furthermore, the course curriculum is typically not developed in consultation with the students, who are the primary beneficiaries. Pedagogical approaches are also not discussed with them, nor is their diverse background considered. Instead, students are treated as a homogeneous group assumed to have a basic understanding of core subjects from their undergraduate studies. Teachers start teaching with the assumption that students possess foundational knowledge and aim to build critical thinking skills throughout the semester or trimester.

However, as the course progresses, teachers often discover that students may struggle due to language barriers, lack of basic knowledge, or conceptual understanding of the subject matter. This realization forces instructors to simultaneously establish foundational concepts and promote critical thinking, which can be challenging. As a result, courses may conclude without covering the entire syllabus, exacerbating the educational dilemma.

In summary, the lack of emphasis on purpose-driven admissions, consultation with students on course planning, and recognition of diverse backgrounds contribute to these challenges in legal education programs. Addressing these issues could lead to more effective and inclusive learning experiences for students.

According to NAAC requirements, the preparation of Program Outcomes (POs), Program Specific Outcomes (PSOs), and Course Outcomes (COs) typically does not involve student consultation. This approach stems from a hierarchical perspective where students are perceived as receivers rather than contributors who could also provide valuable input. Consequently, students may adopt a passive attitude

towards their courses, sometimes due to lack of confidence in speaking up or doubting their own knowledge. This dynamic often results in teachers assuming an active role while students remain passive, missing out on opportunities for mutual growth.

This classroom dynamic can be analyzed through Michel Foucault's theory of power-knowledge, where traditional teaching methods subtly exert control over students, shaping them into compliant, disciplined individuals rather than encouraging critical thinking. The emphasis on compliance with exam and program completion requirements can lead students to view education merely as a bureaucratic obligation, potentially hindering the true purpose of knowledge generation and sharing.

Classroom environments are influenced by various interpersonal, social, and technological factors that impact interactions and learning processes. For a master's program in law, unilateral decision-making processes can impede learning, especially considering the diverse backgrounds of students in terms of gender, caste, class, community, language of instruction, disabilities, and combinations thereof. The classroom should not solely consist of physical presence but must recognize and leverage these diverse influences to enrich intellectual processes.

As stakeholders in legal education, it is crucial for both students and teachers to find common ground where their perspectives intersect, enabling effective pedagogy. This involves ongoing debates on effectiveness versus purpose, specialization versus generalization, and classical versus progressive pedagogical approaches to evolve a more progressive legal education model.

In conclusion, while there are exceptions to the generalization of program design alignment with student objectives, all law schools must strive to cater to these diverse needs to serve as catalysts in their students' professional careers. Understanding and addressing these dynamics can enhance the educational experience and outcomes for all involved.

Assessment

The assessment of students' performance in LL.M. programs has long been a subject of debate among both students and teachers. Particularly in LL.M., where critical learning is emphasized, students often find themselves navigating numerous assignments and projects as part of continuous assessment. Many students expressed through questionnaires that they prefer a balanced assessment approach that includes both continuous evaluation and end-term examinations. They believe this combination reduces the potential for bias that may seep into continuous assessments and provides a more holistic evaluation.

Students emphasized quality over quantity in continuous assessments, suggesting that a single assignment, ideally focused on research paper writing, would be more beneficial than multiple types of assignments. They also proposed alternatives such as two-week internships, volunteering, teaching experiences, or research assistance, instead of being restricted to just one of these options. Moreover, students highlighted that the prevailing assumption in many LL.M. programs—that students aspire primarily to become law teachers—is not universally true. This assumption influences how assessments are structured, even in institutions known for their rigidity in assignment requirements.

Teachers, on the other hand, play a dual role in LL.M. education. They not only execute the course plan to achieve Course Outcomes (COs), Program Specific Outcomes (PSOs), and Program Outcomes (POs), aligned with the institution's vision and mission, but also facilitate students in achieving their individual objectives. This role positions teachers as bridges between the institution and students. Hence, the academic freedom and autonomy of teachers are crucial in retaining valuable faculty members. Teachers are expected to maintain integrity, uphold educational responsibilities, and remain steadfast in times of challenges or student misconduct.

In the classroom, teachers strive to balance syllabus completion with high-quality teaching. They incorporate new perspectives, content, and interdisciplinary approaches to foster interactive class deliberations. This approach not only enriches the learning experience but also aligns with evolving educational standards and student expectations.

Overall, addressing the diverse perspectives of students and teachers regarding assessment methods is essential for creating a conducive learning environment in LL.M. programs. Balancing academic rigor with

flexibility and maintaining alignment with both institutional goals and student aspirations can enhance the educational outcomes and overall satisfaction within these programs.

Grading

Teachers' grading practices in LL.M. programs can significantly impact the educational experience, reflecting varying conceptions about the importance and hierarchy of subjects in the national curriculum. While grading effects standardization processes in academia and professional contexts, it's crucial for LL.M. programs to adopt practices that align with both global standards and the specific objectives of students.

From a student's perspective, the current grading system often fails to bridge the gap between their learning objectives and institutional goals. Many students feel excluded from the grading process, as they are often unaware of the criteria upon which they are being assessed. This lack of transparency can lead to dissatisfaction among students regarding grading practices.

Innovative grading practices that address administrative and academic challenges should be encouraged. Given the shortened duration of LL.M. courses, grading practices must be thoughtful and developed in consultation with students to ensure fairness and alignment with educational objectives.

Previous experiences highlight issues with grading systems where competitive pressures led to student bullying and forced bell curve distributions. Such practices often result in biased grading outcomes, where only a few students excel while others are unfairly disadvantaged. This approach contradicts the goal of fostering a supportive and equitable learning environment.

Grading also becomes a contentious issue when students with above-average intelligence or skills struggle to achieve competitive grades, potentially affecting their employment prospects in specialized sectors like law firms, corporate departments, or public sector undertakings (PSUs). This discrepancy raises fundamental questions about whether LL.M. programs should prioritize producing market-ready graduates or well-rounded individuals with deep legal knowledge and skills.

There is a growing need to rethink grading practices with a more humane approach that considers the needs of students, educators, institutions, and employers—both in the private and public sectors. Moving towards a more transparent, inclusive, and fair grading system could help alleviate these issues and better serve the diverse goals of LL.M. students in India.

II. CONCLUSION

Since independence, India has commissioned numerous reports, studies, and research initiatives aimed at addressing institutional-level challenges that hinder the effective higher education system in the country. Despite significant financial allocations through various Five-Year Plans by the Government of India to enhance the capabilities of Indian students, the desired outcomes have often fallen short. Complaints about brain drain and the perceived lack of job-ready graduates or post-graduates continue to pose ongoing losses to the country.

Classrooms, however, provide a platform for positive interaction that can significantly influence the learning process. This process is inherently bilateral, necessitating that the design and structure of educational programs encompass all relevant facets. Debates spanning various dimensions have shed light on the challenges faced within LL.M. programs in particular. To address these challenges effectively, it is essential to delve into the micro-level root causes that impact the Indian higher education system.

It is imperative now to examine the behavioral and psychological factors influencing participants within this educational framework. The primary challenge facing the government is how to reform education to focus on imparting knowledge that meets market demands. As futurist Alvin Toffler suggested, education must prepare students to be future-ready. Only by achieving this alignment can education effectively enhance employability, thereby correlating educational outcomes with economic success.

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