

The Complexities of teaching International Law: The Bihar Chapter

*Small steps in the right direction are better than big steps in wrong direction .
Martin Luther King Jr.*

Abstract

International law has by far remained the most underestimated and challenging subject of the legal curriculum in India. This is for two reasons. First, as compared to other law subjects, it does not fetches much enthusiasm among students as it does not help the legal aspirants in any competitive exams which is primarily confined to either as practitioners or in judicial services. Second, the subject still struggles with the question of effectiveness and legality amongst most of the learners of the law except few who are expert in international law which is rare across India. There are few institutions that have designated courses for different branches of International law. It is in light of these pressing issues that the author has been motivated to write this paper and address the concerns as far as possible. My own engagement with the subject during my under graduate law course was not very pro International law. Neither the faculty nor the students in general were interested in the subject. However, the scenario changed when I went to pursue my higher studies at Centre for International Legal Studies (CILS), Jawaharlal Nehru University, New Delhi. International Law was all that was taught during my M.Phil course work. After completing my studies, I landed up in Bihar again and the atmosphere for International law has remained the same. It was still grappling with the issue of legality (the perception was common not only amongst the students but amongst the faculties as well). For every debate or research on International law both at undergraduate and masters level, the internal legal experts would question the students by stating the favourite quote of Sir Thomas Erskine Holland “International law is vanishing point of jurisprudence” or that of Austin which quotes “International law is not law, it is positive morality”. The perception in Bihar in context of the subject has not moved beyond that. I have argued in my paper that while the geographical disadvantage of the place cannot be ignored, the intellectual disadvantage is beyond any understanding. The paper also counters the ‘legality’ narrative while highlighting its importance. Before I dwell on all these issues, I will share a brief personal and professional background of my introduction, interaction and exposure to the subject.

Key Words: *International law, legality, teaching, Bihar, application*

Background

Back in 2010, when I got enrolled as a law student in one of the law colleges in Bihar which had produced greatest legal luminaries of their time, the importance that was attached to traditional law subjects which fetched aspirants for the future judiciary or bar, international law was not much asked for. Nobody bothered nor was anyone interested in the subject. It was taught just as a paper which required some passing marks. Its relevancy was linked only when it came to be associated with human rights as human rights and its violations has become the jargon of that time. Every violations either national or international were questioned under the wider ambit of human rights asserting that human dignity is paramount and needs to be protected at all costs. Governments were questioned not on the ground of any specific norm that they violated under specific convention but under the general umbrella term of human rights. Everyone knew of human rights and the era was filled with human rights activist and discourse. However, no one talked of International Law (IL) of which human rights law was a part. After completing my masters (LL.M) in Comparative Constitutional law from the same place, I landed up in Jawaharlal Nehru University (JNU) for my higher studies where I had the opportunity to study the integrated M.Phil/Ph.D. course in International law (2015). The Centre for International Legal Studies (CILS) was the place where for the first time I heard of the word “colonial history of international law” and then it started making

sense that how the Indian legal system is so deeply effected by the colonialism and what was the legal escape for the colonisers if they could ever be questioned. International law which during my undergraduate days made no sense now was the answer to almost all the legal questions.

After completing my course (2019), the obvious search for a career in teaching began. I applied to both public and private institutions. The search landed me in a private institution in Bengaluru where I stayed for one month as during that tenure only my results of being selected as an Assistant Professor in Central University of South Bihar (CUSB) was received. I joined CUSB in 2020. At the time of writing this paper, I have already completed five years of my learning in International Law (IL) excluding the 4.5 years of IL in JNU. To have more in-depth understanding of IL, I also attended the summer course on Public and Private International Law in 2023 at The Hague Academy of International Law, Netherlands. That was an enriching experience. The idea for this paper came while grappling with the paper as a teacher. It was more a learning experience for me than teaching. This paper incorporates all the issues that came while teaching this paper. For this, I owe a huge sense of gratitude to my students who were a inspiration to write this paper. When I was in undergraduate, I have never heard of articles, term papers or any of the foreign authors to which I was introduced in JNU. But I tried my best to not keep the students devoid of any recent activities or discourses on IL. This was done keeping the motto “geographical disadvantage should not result in intellectual disadvantage”. Mentioned below are some of the questions and issues that I could figure out during my interaction with the students. The paper also tries to answer to an extent the response to the issues as far as practicable and possible.

1. On the question of legality of International Law

There are many questions that surrounds international law apart from the fluctuating nature of international depending upon the power play and international politics. One question that remains pertinent is the question of the ‘legal nature’ of international law. Is it really a ‘law’ or a ‘soft norm’ or just ‘positive morality’? Anthony D’Amato goes a step further and questions whether it is a law or a vested professional interest? (D’Amato, 2010). Doubts are also often raised on the relevancy of the subject. Louis states that it is considered to be a luxury subject which is not useful otherwise but included for prestige purpose (Sohn, 1995). The main attack on the nature of international law since its inception has been from Austin who considers both Constitutional Law and International Law (IL) not as law rather ‘positive morality’. The question of morality itself is contentious as the positivists in order to discard the theory of natural law, tagged natural law as order based on morality rather than obligatory compliance. In laymen’s term ‘morality’ is subjective consideration and keeps changing with times and there is no stability. And law in order to be complied with must have binding permanent obligation until it is changed by the sovereign itself. The compliance is not contingent on the wishes of the masses rather on the order of the sovereign. However, Austin’s definition of law when analysed does not appears to be applicable to the realm of international law. Hence, applying Austinian benchmark of law appears to be unjustified and absurd. According to Austin, Law is command of sovereign backed by sanction and sovereign is a political superior receiving habitual obedience from political inferior. The structure of International law does not fits in the equation of political superior and political inferior. In international law, every State whether big or small geographically or otherwise is sovereign and equal. So, there will neither be any one superior who will dictate the so called inferior States.

Secondly, as rightly pointed by D’Amato that “Is ‘enforcement’ the hallmark of law”? Let us dwell upon this question. Austin’s command and sanction theory has been critiqued by Hart who questions it on “Gunmen’s theory” approach (Wacks, 2006). So, every command given by anyone will not qualify as command and the one giving the command will not quality as sovereign. For instance, if a robber points a gun and asks you to handover your belongings then you are forced to do that but you did not had any obligation to do so. This obligation part makes the difference. So, in international law even if there is no one to command and everyone is fulfilling their duties habitually out of the obligation taken on their own (*opinio juris sive necessitates*), it qualifies as

law. Most of the times, the laws are complied with because people find it to be just, right or appropriate which is a major tenet of natural law which Austin discarded. According to natural law, a law is not natural if it is not just or right (Wacks, 2006). Further D'Amato points out that if command is everything then for every set of enforcement mechanism, there has to be someone to police the enforcers and this shall continue till it reaches the last pedestal of enforcers. This would require equal number of enforcers to supervise the proportionate number of compliers which is absurd (D'Amato, 2010). On many levels, people comply out of the understanding that the law is just and right and hence compliance becomes easy. In addition, for precedent to be enforceable, there is no compelling sanctions but is still complied with on the good will of the abiders. That does not makes the precedents in domestic level much less of a law or a mere 'positive morality' (D'Amato, 2010).

D'Amato gives three prominent arguments to counter the 'sanction' narrative. First is the Contingent Argument, second the Verbal Argument and third is the 'Reciprocal Entitlement' argument. According to the contingent argument, the relation of force to law is a contingent and not a necessary relation. Not every society run by law needs enforcement. For instance, in the primitive society, people were governed not by any sanction or fear of punishment but through self taken obligation and willing compliance. This is Hart's conception of primary rules which stated that there are certain acts of use of violence to which every human being is tempted but which they normally repress if they are to co-exist in close proximity. These rules of primitive societies are often restricted to these primary rules imposing obligations (Goudine, 1980). Positivists counter it by saying that even if enforcement is not invoked that doesnot mean that enforcement is not present. The argument is furthered by stating that there are many forms of enforcing a law which would not always require the use of sanction. For instance, what if in place of actual sanction, there is moral disapproval from society or ostracisation. The positivist considers that also to be a form of sanction. By that logic even if the enforcement is not flowing from a determinate superior, IL is indeed law. Positivists count such social disapproval in addition to physical coercion as part of sanction just to negate the legality of IL (D'Amato). In international system, some States are not deterred by social disapproval system (D'Amato). However, this is not completely true for all States. International Law grows out of human nature. States like beings are concerned about criticism. It was due to this fear that many monarchs in the early time use to hire scholars to enhance their understanding on IL. In addition to criticism sensible rulers were also vary of the fact that other governments should not take offence of their acts (Sellers, 2006). The contention that IL mostly rests on idealism and is utopia, ignores the fact that idealism contains realism in it. There can be no actual relation between the States in absence of norms. Many also contend that IL is weaved around soft normativity and is not binding but carries only persuasive value. IR scholars questions the effectiveness of 'persuasion' and its role in world politics. According to them, IL rests on legal agreements/treaty rules and hence its whole relevance is reduced only to the core principle of "*pacta sunt servanda*". They conclude that States manipulate IL to serve and support their interests (Sellers, 2006). The treaty rule only benefits the interested parties to the treaty. It has not even culminated into a general norm acceptable to all. Some norms as in the case of bilateral or multilateral treaty are effective but does not ensures universal compliance. Hence, there is no legitimacy. When all nations benefit from the application of a given rule, then the rule is both effective and legitimate (Sellers, 2006).

The verbal argument rests on the usage of IL in IR. It states that the inter governmental communications are validated through use of legal language and not through laymen's language. Hence, IR becomes effective and legitimate (in particular) through use of legal language, otherwise there would be no damages for actual breach of such communications (D'Amato, 2010).

The third argument is the "Reciprocal Entitlement" argument which states that there are certain entitlements which a State gets by virtue of its birth as a State. The list of rights include right to have internationally recognised boundaries, protection and immunities to diplomatic envoys and embassies, rights related to law of the sea, space venture rights and many more. The entitlements carries a reciprocal duty to respect the similar entitlements of other States. The theory developed to

counter the consent theory which states that States shall be bound only by such obligations which they have voluntarily undertaken. If they have to manifestly consent for the duty then that manifest consent equally applies for entitlements. There cannot be a pick and choose position. This is also in consonance with Hohfeldian Correlatives. In case of erosion of entitlements, States often do not resort to force rather than seek recourse in the measures provided under the Charter of UN. The case of United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran, 1979) became a prominent example of such compliance. In this case, Iran took US citizens as hostages in American Embassy in Tehran. US in response did not retaliate by taking military action rather imposed economic sanctions and freeze all Iranian accounts in USA and Europe. Due to this, the American citizens were safely rescued. Every action is taken only if it qualifies under the concept of “just war” which is effectuated through means of collective sanction by the UN. These measures again are not for enforcing IL but for ensuring and enforcing peace (D’Amato, 2010). The overview of the above arguments is enough to conclude that IL is not devoid of sanctions rather it is enforced in a different way. The fact that law can become ineffective does not mean that there was no law in the first place.

2. Equating International law with International Relations

Many often due to the power politics involved, students often treat international law(IL) as part of International Relations(IR) domain. The perception is international law in the form of bilateral or multilateral agreements are complied only as long as the reaction between the concerned states are good. Any shift in the relations, effects the sanctity of the agreements and hence international law is contingent upon international relations and the power play that surrounds the equation. It cannot be denied that both International law and international relations are mutually dependent on each other and some of the areas of convergence such as war, environment, trade etc. has blurred this distinction and their mutuality can help resolve issues demanding international cooperation but to use the two disciplines interchangeably would cast a gross injustice on the two domains. International law provides the norms on which the legal relations between the states operate (Sellers, 2006). They help in the smooth functioning of each other but they do not overshadow each other. Having said this, it becomes pertinent to discuss the present rift between International Relations and International law over the past centuries. Initially, international law was not considered poles apart from the discourse on international relations. There was mutual respect. Hans J. Morgenthau who was a prominent figure in International Relations was trained in law. He was optimistic of the role International law played in international relations. However, he became delusional after the outbreak of Second World War (WW II) which turned him to hold the opinion that International Law enshrined in the Charter of the League of Nations had failed to uphold the International order. The scholars of IR then started discarding the importance that IL can hold, if any. The main point of difference came from the theories surrounding the two disciplines. IR scholars believed that IL lacked any theoretical perspective (Irish, 2013). But that does not mean that IL lacks any fundamental principles (*jus cogens*) (Bhat, 2019). IR also discarded IL on ‘as it is’ and ‘ought to be’ parameters. After First World War (WW I), there has been a general tendency within the IR scholarship to discard the importance of IL. This was mainly due to the perceived failure of IL to stop WW II. IR scholars viewed IL as a reflection of power interest and distribution. IR resorted to scientific rigour and tagged IL as descriptive and expositive (Irish, 2013). The ignorance of IL led to exclusion of IL from many IR courses as it was considered to be irrelevant. However, this was still retained in the MA IR course of JNU wherein IL was taught as a compulsory paper under the title “International Law of Peace” in two semesters. The students studied the subject with utmost interest as the paper was taught by renowned scholars of IL which included Prof. B.S. Chimni and Prof. B.H. Desai. I was appointed as teaching assistant for the subject for almost 1.5 years. In CUSB, though it is part of the IR curriculum in Department of Political Science, it is not offered as of now. There appears to be two reasons for the same. First, the non availability of the faculty trained in IL and second owing to the obvious reason of non

relevance of the subject. Though IL is part of the compulsory paper in Semester IV of both BA/BBA LLB, the perception still remains the same even in the legal academia within the department that IL is not law. It is owing to all these reasons, it becomes pertinent to clear the relation between the two.

As stated earlier that both the disciplines if can work in cooperation can produce excellent results in many domains including environment, trade, human rights etc. However, the two are not ready to bridge the gap owing to their own perceptions. IL scholars are not conversant with the social scientific method and IR scholars do not acknowledge the legal language that binds the inter governmental communications. Considering the growth of supranational institutions and other global actors which are now effecting individuals, the exercise of power by traditional players have undergone change. This shift calls for an integrated nexus of work between IR and IL without compromising the key disciplinary issues of their domain (D'Amato, 2010).

3. Steps of teaching International Law

The curricula of International law follows a linear pattern. The students are first introduced with the traditional topics such as statehood, nationality, sovereignty etc. and then comes the structure of United Nations and that is how the formalities of teaching International law are completed (Gauci and Sander, 2024). On the contrary the subject should first start with the history of International law that should not confine itself to the treaty of Westphalia rather to the whole hegemonic structure of International law that was dominated by western colonial powers. Then students should be introduced with critical theories like Third World Approach, Feminist Approach, Critical Race theory etc. While teaching International law in CUSB, I have been fortunate to have given Constitutional history in third semesters which precedes International law in fourth semester. The advantage of teaching Constitutional History was that it provided a background for the brief introduction of International law while teaching not only the codification of laws in India but also the transfer of territory and power from British authorities to Indian representatives through Indian Independence Act, 1947. Though its placement as an optional subject bars the other students who did not opt for Constitutional history to not have the same exposure to the background. While dealing with the codification part, the colonial laws are introduced and while dealing the transfer of power and territory, the historic case of *Right of Passage over Indian Territory* (Portugal v. India, 1960) becomes a reference point which is a major case under International law. In addition, apart from the social, economic and political reasons for British conquest in India, the students are introduced to the legal occupation of India which was validated by colonial theories from the West including theory of allegiance, legal theory of occupation, concept of just and unjust war among others. In the fourth semester, where International law is a compulsory paper, the task of interconnecting the theories with the real world problem remains a challenging task to keep the students interest alive in the subject. International law is not only about its legality or the accepted narrative that it is no law rather it is about knowing its centre and the interest that it serves. It is no brainer that it does serves majorly the interest of the West but accepting that alone shall not change the fate of the Third World. It requires a constant effort to break that structure and this would not be possible without knowing the structure and uniting for resistance. For instance, climate crisis or poverty is not the result of inborn fate of third world rather it is the constant and discriminated effort by West who keeps dumping their waste in the third world. The resistance from the third world has by far yielded positive results in the form of adoption of some major international legal documents that include New International Economic Order, Resolution on Permanent Sovereignty Over Natural Resources, Basel Convention on Movement of Hazardous Waste, the framework on International Investment etc. It is due to its gradual effectiveness that it has now begun to attract scholars, practitioners, civil society groups, governments, international organisations, universities, military academics in the field. The recent scholarship includes decolonizing the teaching of International law, Eurocentricism and decolonizing the curriculum (Gauci and Sander, 2024).

4. On the scope of studying International Law

Students in almost every law schools be it Central, National or Traditional law schools are generally inclined towards the traditional law subjects which mostly include civil and criminal branches. The trend in the era of globalisation has shifted the interest to corporate sector (Galindo, 2020). Most students especially in law colleges in remote areas are ignorant of the scope, relevance and applicability of studying international law. This is particularly true about the law school in CUSB which is situated in the remote area of Gaya, Bihar. Panchanpur, the place where the University is situated is though a place of international tourist attraction due to 'Bodhagaya' but it has no bearing on students of law. It is not even in Patna where the political and legal activities are at centre. But had it been situated anywhere in Bihar, it would have not made any difference. Bihar itself is considered to be a backward State and there are no international stimulation here. On the contrary, universities situated in metropolitan and internationally relevant areas such as those surrounded by diplomatic embassies, for instance in Delhi or have any maritime boundary are comparatively advantaged due to its significant relevance with international law.

The scope of IL is profound. Ironically, the students in traditional and remote law colleges often do not have the exposure to the scope. But geographical disadvantage is not to be construed as intellectual obstruction. The scope of studying international law can be categorised under four heads. First, as a career like in any other discipline. Second, in academia as a researcher. Third, in the largest political-legal affairs of the States concerned and lastly and more importantly for a wholesome and robust understanding of domestic laws.

A thorough research on some of the key areas of IL can reflect the glorious past of India, not only economically but also legally. It can help deconstruct the Eurocentric approach on which both the domestic and international law so far has been based. Second, it can also help debunk the boasting claim of the West that "State in the West is political while that of the East is religious" (May et.al. 2014). By this they meant to confer rationality upon themselves over the rudiments of the East by tagging it as orthodox and religious. A study of the history of IL states that the scholars from West relied more on their religion to deny equality and colonise the States of the East. For instance, Francisco Vitoria who was a Professor of Theology and ironically gave lectures on IL stated that war can be justified on just grounds and considered obstructing the work of Missionary to be a just cause of waging war. He did not considered the Indian nations equivalent to the Christian States of Europe (Shaw, 2023). Under Christianity, the concept of adoption was not accepted initially. It was reflected when during the British rule in India, the local Rajas were not allowed to decide their lineage through adoption and the estate was merged in British empire through "doctrine of lapse". Adoption particularly inter country adoption was recognised only when Europe faced a crisis in population due to large scale death of people in WWII. Then also they did not adopt from anywhere else rather kept the racial supremacy in mind and allowed adoption from North American countries only. Such has been the ignorance of IL in the legal academia that apart from social, economic, political and religious causes none of the textbooks in India refer to the legal angle of British occupation in India. Britishers did not attack any princely State directly rather everything was done to ensure the legality of their actions. They introduced doctrine of lapse, subsidiary alliance to merge the estates within British empire. They also resorted to theory of occupation that if a territory has no sovereign it can be legally occupied. After the death of Aurangzeb, the subsequent rulers could not withstand the British power and submitted to the Empire without any actual use of force. They first merged every estate through the legal doctrines that they have introduced and would resort to war only when such doctrines were not complied as in the case of breach of legal obligation. When the sovereign fell finally, the whole of India was merged in British empire by virtue of theory of occupation. This was a clever move as no case so far has been filed against the British empire in ICJ. This is stated because a case was filed by Portugal against India for breach of its legal right (Portugal v. India, 1960). It is also pertinent here to mention about a lecture that was given by the then Member of Parliament (MP) Mr. Shashi Tharoor in University of Oxford in 2015 asking for token compensation of "one pound a year for the next 200 years" for the colonial exploitation of India. But at that time and no legal move was initiated. Hence, it has remained a

matter of talk rather than a matter calling for concrete action. Having no in-depth study of IL has perpetuated to some extent that the researches that is done in India particularly under the fashionable terms of Intellectual Property Law (IPR) ends up reiterating the interests of the West. As far as Traditional Knowledge (TK) is concerned, it is definitely of our interest but researches that relates to IPR involving huge funds from government do not serve the third world interests. Rather there should be more demand for Transfer of Technology (ToT). For instance, nowadays non conventional IPRs are talk of the day which the West is in hurry to protect. How is it going to benefit India? Research in third world should now be focused on compensating for the past mistakes of the colonial masters and ToT for a harmonious and common future.

Secondly, as a career also the field is quite lucrative. IL offers a wide range of career opportunities which include cross border litigation, human rights advocacy, formulation of trade and investment agreements, legal counsels at embassies (Zin, 2025), internship opportunities and working in International Court of Justice (ICJ), International Committee of Red Cross (ICRC), Permanent Court of Arbitration (PCA), United Nations Commission on International Trade Law (UNCITRAL), Multi national Corporations (MNCs), International organisations such as Amnesty International, firms like Baker and MC Kenzie and Goodwin Proctor (Ebadolahi, 2026). Due to globalisation even the mid size companies are having cross border branches and they require legal counsel proficient in IL. In addition, the demand for diplomats, policy advisors and mediators are always there. International moot court competitions are not be forgotten particularly the Henry Dunant IL Moot court competition which has helped two CUSB law students Sanya Darakhshan Kishwar and Ashish Ranjan to fetch Pennsylvania Scholarship.

IL in a broader level can help change the unequal world through learned future IL scholars and lawyers. Louis argues that the study can even help build better citizens (Sohn, 1995). By this he meant that a basic grounding of IL can help build public opinion and awareness when these citizens become part of the larger administration. They can represent their country in many organisations in which they participate plus a majority of them also make their place in Parliament where both national and international issues are discussed at length. Taking the example of India, many of the former and present Members of Parliament are trained in law including late Arun Jaitley, Kapil Sibal and many more.

IL can also be beneficial for representation of India's interest abroad and in international legal cases. India has been represented in past by Harish Salve and Luther Rangreji (an alumnus of Centre for International Legal Studies, JNU). Unfortunately, not all who represent India had training in IL. They rely on the briefs provided by IL expert which obviously is a limitation. Specific focus on IL can help reduce India's burden on reliance on foreign lawyers for representing its case in World Trade Organization (WTO) or other international forums. IL training can also help in effective treaty formulation and negotiations of the terms. India though places "respect for IL" in its Constitution (Directive Principles of State Principles), it is yet to ratify many of the international treaties considering its interest. But if we as Third World Country are questioning the Eurocentric structure of IL, then it can either be deconstructed by being a part of the Treaty and lobbying for change or can demand the construction of a new structure. Both cases require IL scholarship which is not adequate considering the plight of IL as a subject in India.

Domestically, many of the traditional law subjects needs to be understood in light of IL terminologies. For instance, Sovereignty is a national concept and it states the supremacy of the State. This sovereignty gets manifested only if put in context. For instance, International Criminal Court (ICC) which is the organisational structure of International Criminal Law states that ICC shall take jurisdiction only if the State concerned is unwilling or unable to try the offenders, hence respecting the sovereignty of the State. Similarly, International Human Rights mechanism in case of violation can only be invoked when the domestic remedies has been exhausted. In conflict of laws, private international law cases are first to be decided by *lex fori* but *renvoi* is exercised to ensure justice to the parties. In addition, many of the provisions of the Civil Procedure Code (CPC) and the Bhartiya Sakshya Adhiniyam (BSA) need to be understood in light of Conflict of Laws cases and provisions. The relevance of "Enforcement of Foreign Judgement" lies in the understanding of

Private IL. Similarly, importance of public documents mentioned in BSA to be treated as “question of law” again finds its scope in the study of Private IL as a subject. The international relevance of Bodhgaya in legal terms can also be understood when viewed from the lens of Private IL. So, even if the subject does not appear to be of relevance on surface, it has deep and broad relevance for better understanding of domestic legal concepts.

4. Language Barrier

Though the students in CUSB come from different backgrounds, language remains an important obstruction as students are mostly trained in Hindi until they enter the University for Five years integrated BALLB/BBA LLB programs. Studying in English medium is a privilege that few can afford in a poor State like Bihar. The establishment of Central University has opened up prospects of higher education for students from humble backgrounds. However, language still remains a major barrier for majority of students. It is not that the students are not hard working, but what we call as ‘merit’ is really a debatable and subjective topic. Those who manage to get into ivy leagues universities are no better but the only difference is the privilege that they enjoyed (Sandel, 2020). On the question of language, English is becoming a *lingua franca* and is posing a significant challenge to the study and research of International Law in many Third World countries (Galindo, 2020). The solution lies not to revert to the convenient language but dual hard work that requires not only a thorough grasp on the language as well as on the subject.

5. Challenges to make the subject Interesting

Amongst the many challenges in teaching IL, the foremost is to how to make the subject interesting. I have devised some pedagogical changes to make the study more interesting by introducing movie reviews in International Criminal Law which includes watching of relevant movies such as *Hotel Rwanda*, *Boy in the Striped Pyjamas*, *Operation Finale*, *Nuremberg Trial* and watching of certain UN clips in Public International Law (Sem IV) classes. I am still grappling with the issue of making other branches of IL that I teach to be of some interest. Some of the methodologies deployed includes learning through development of critical understanding rather than bookish language alone. This includes reference to article by Third World Approach to International Law (TWAIL) scholars, presentation by students through which students tend to clear the concepts on their own as they have to present the topic to the class. Next is participatory process in which the students are divided to represent the developed and developing countries and asked to present the case of interest of developing countries. Prof. Dr. Sandeepa Bhat B suggests several other approaches such as problem solving method (Bhat, 2019). The problem solving method involves giving of hypothetical problems to the students. This is done both during the discussion session in IL classes as well as in the final exam in which the analytical ability is checked through problem based questions. Next is comparative method which involves both vertical as well as horizontal comparison. In horizontal comparison one area of IL is compared with another area to draw some common analogies. This is particularly relevant while teaching Outer Space Law which is often compared and analysed in light with Law of the sea and Antarctica’s legal structure. Vertical comparison is often used when IL is compared with national law mainly to assess the legality and effectiveness. Dr. Bhat suggests that all these methods can be used on experimental basis. No one single approach (one size fits all) applies while teaching IL. It has to be decided after analysing the class and also the age appropriate teaching so that the class does not become heavy and boring. This is one of the challenge that is faced while teaching IL. However, with experience it is getting manageable.

It is also a herculean task to develop a curriculum that can instil a critical legal thinking among students of IL. While burdening them with reading articles and comprehending them sometimes puts us in the guilt that is it not too much for them or is it age appropriate? So, the first thing I do is

prepare a summary of the article, provide them a brief and about the main argument. This is done only in initial semesters not in advanced semesters. Because again the fear of them grasping my version and not developing their own appears. Then gradually they are asked to read articles on their own or to search articles and prepare on their own. In the process of searching for materials, they come across many other articles which awakens the enthusiasm in them. This helps in development of a reading habit rather than memorising (rote learning) the same bookish language. This is done with a clear intention to always make sure that geographical disadvantage should not become an intellectual disadvantage.

Secondly, many topics can be added to make the subject more interesting but it would again become difficult to finish the syllabus in one semester. Then it would only be completion of the syllabus on the surface and would leave no room for discourse. In this context, it is good that School of Law and Governance (SLG), CUSB is offering IL in subsequent semesters. Still the syllabus of PIL needs to be divided in two semesters for better understanding. The problem also lies with clubbing International Human Rights Law (IHRL) with IL. The domain of International Human Rights Law itself is quite big which includes both regional and international documents including their commentaries. In addition, there are very few Universities in India offering LL.M. in International law. On top of that the undergraduate LLB courses are already heavily domestic law oriented. The growing pressure by Bar Council of India (BCI) to teach IL compulsorily is also not taken in right stride. IL is being taught mostly for namesake by teachers having no or little specialisation in IL.

The way forward

Every semester the syllabus of BA/BBA LLB of School of Law and Governance (SLG), Central University of South Bihar (CUSB) goes for revision. It is due to this that the debate on the question of legality has been introduced along with the different approaches to study international which includes the Third World Approach to International Law (TWAIL) and Feminist approach. SLG offers almost every branch of International law in the five year BALLB course which includes the compulsory paper of Public International law in Fourth Semester, Outer Space Law as an elective course in Seventh Semester, Investment law including International Investment Law (elective) again in Seventh Semester, International Trade Law in Eighth Semester, Conflict of laws (elective) in Ninth Semester and finally International Criminal Law (elective) in Tenth semester. It also offers an integrated domestic and international law paper in the form of “Law and Justice in a Globalised world” and “International Trade Law” in One Year LL.M. Course. While I had a hand on in teaching all the above mentioned papers, I often find an eye of non conviction from the students about the relevancy of the subjects. My initial lectures therefore are on the question of legality of the above subjects and also on the career prospects which is not that convincing as students still are in the habit of resorting to traditional career options in domestic litigation or judiciary. This is despite the fact that many of the students who have graduated from law courses in CUSB have made their considerable mark in prestigious institutions for pursuing advance courses in IL which includes South Asian University (SAU), Jawaharlal Nehru University (JNU) in Centre for International Legal Studies, Gujarat Maritime University and Rashtriya Raksha Shakti University and many more. This shows the lack of not only the confidence amongst the students but also the environment which does not appear to be IL conducive. IL no doubt has the potentiality to create global network of opportunities. But this network is contingent on the geographical location. For instance, some of the senior JNUites well placed in Asian African Legal Consultative Organization (AALCO) and the Legal and Treaty Division of the Ministry of Foreign Affairs have helped in the entry of many IL students from SAU and CILS (JNU). The geographical advantage of law schools situated in Delhi also have put them under the exposure of several IL workshops and seminars organised by Indian Society of International Law (ISIL). This advantage is absent in case of traditional and remote law schools. But students who are motivated are anyways making their way but the number is still miniscule. To overcome this, CUSB needs to have collaborations and student

exchange programs with foreign universities. This will motivate students to take IL seriously. The department often organises seminars to keep the exposure angle alive but more needs to be done in the area of IL. The emerging areas of IL such as Outer space law, extradition law, maritime law, Intellectual property law can open a plethora of opportunities for IL aspirants. But not everything can be served on a silver plate. The people concerned which includes the faculties, administration and students need to make a positive effort towards such endeavour.

Even after incorporating all the possible angles of teaching International law, I would like to end the paper with the post of Prabhash Ranjan (Professor, Jindal Global Law School, O P Jindal Global University) that rightly summarises the struggle of every teacher who wants to offer a perspective to the students which says and I quote:

"A teacher was asked, 'What hurts you the most: having weak or less-bright students in the class, or disinterested ones?' The teacher replied, 'First of all, there is no such thing as a 'weak' or 'bright' student; I never categorise my students in that way. I am dedicated to teaching, engaging, helping, mentoring, and supporting any student who may be considered 'weak' to help them understand the subject, as long as they have the commitment and passion to learn.'"

"What truly hurts me is seeing students in class who simply are not interested in learning. I can understand occasional disinterest in one or two classes, but if this attitude persists in most or all classes, it is concerning. I often wonder why these students are in school and what might be troubling them. They seem unaware of the privilege they have; in a country where quality education is a dream for many, they are wasting a valuable opportunity and jeopardizing their futures. I am sure one day they will realise they have missed a golden opportunity to learn, but it will be too late by then. Neither that teacher, nor the school, nor that classroom will come back. They all would have gone forever." If you are a student reading this, please think. Yes, we often encounter teachers who don't meet expectations, but not all teachers are bad. Make the most of good teaching. The chance to learn in a classroom comes rarely and vanishes quickly. If you don't take advantage of this opportunity, you end up losing, not the teacher." (LinkedIn, 2026).

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