

AN OVER VIEW ON: TEACHING METHODS IN LEGAL EDUCATION SYSTEM IN INDIA

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Abstract: The Law is the field which binds the social, economic, and political circumference forming the inevitable part of the society. In India, Legal education is most complicated and multi layered. It needs certainly a reform. Over 1.3 million advocates are practicing across the nation and almost 1.5 lakh students are graduated across the year. Around 16726 judges in the lower courts and around 700 judges in the High Court and Supreme Court. Judiciary is one of the three pillars enshrined in our constitution next to Legislature and Executory. For the population of 130 crores, only 17500 judges are rendering the judicial services, in that situation, the legal education should be more specific and equipped. The teaching method is the base behind the legal education and reform plays a crucial role. In India, legal education has prepared many lawyers as social engineers, paving the way for societal change. This article revolves around the important methods of teaching legal studies and their impact on the students pursuing law in India. The intricacies present in teaching legal studies have been dealt in detail and the need for reforms in such techniques is also covered.

Key Features:

Legal education system, Meaning of legal education, Teaching methods, Judiciary system, Role of Advocates, Role of Bar Council of India

1. Introduction:

The Law is a tool for social engineering and social control which should be studied along with the social content. Education is refulgence that shows the mankind the proper path to excel. Person pursuing Law should be exposed to proper Legal Education to become an expert in that field.¹ The main purpose of education is to develop rationale thinking, enhance of knowledge and self-sufficiency. Legal education has an important role in directing and moderating the social change forming an inexorable part of the society. Such education must be imparted with proper teaching methods so that the real essence of the subject is known. Teachers are the one who shapes the character, calibre, and future of an individual. Thus, teachers of legal education should have the skills of interpretation, communication, research, problem solving, drafting and analysis for the purpose of incorporating them in the minds of the future legal professionals. In India, there are several law schools offering quality legal education. However, the most immediate challenge is to improve the quality of legal education by introducing various reformative techniques of teaching, leading to the development of young lawyers who are skilled in dealing with the differing legal systems that make up our global community. Thus, the teaching in legal education ‘should prepare the students to meet the challenges and dimensions of internationalization, where the nature and organization of law and legal practice are undergoing a paradigm shift.

2. Basic concept of Legal Education:²

The changes in Legal Education and Legal Profession have been long overdue. There have been voices sometimes sharp and sometimes subdued for such change. An unfortunately, no serious attempt could be made. In fact, so far, we have miserably failed to look into the problems of Legal Education and Legal Profession, which have been squarely facing us at our face. It is no use now putting the dust under the carpet as the atmosphere above the carpet is fairly polluted, it is high time we seriously look into these problems. To quote U.S. Chief Justice Warren E. Burgers, “My mother taught us that the time to fix the cracks in the plaster is when you first move into a house. Later on, you do not pay attention to them”. Chief Justice A.M. Ahmadi sounded almost the same note of Caution when he said in a Lecture: “I think we have waited long enough to repair the cracks in the Legal Education system of this country and it is high time that we rise from our arm Charis and start the repair work in right earnest”.

The present Law has to meet the requirements of the society, which is entering into 21st century. Law has to deal with problems of diverse magnitudes and a student of law and an Advocate has to be trained in Professional skills to meet the challenges of globalisation and universalisation of law. With the advent of multi-nationals in India as anywhere else, the task of lawyers would be highly technical and an imperative need would arise to have competent Lawyers who would be trained in the right culture of Legal Education. This makes a sound case for improving Legal Education and Legal Profession at the earliest.

¹ S.Ganesh Sankar & S. Praba Muthu(10th, June-2020), International Journal of Research(IJAR), ISSN:2320-5407, Website:www.journalijar.com, p.110

² Sushama Gupta(Ph.D.in Law,Advocate, Punjab and Haryana High Court Foreword by Professor I.P.Massey, Professor(Retired) Himanchal Pradesh University, Shimla(2006), History of Legal Education,ISBN 81-7629-893-X, P.1

3. Meaning of Legal Education:³

The term “**Legal Education**” is very difficult to define. It gives different meanings, at different times and places in the light of existing circumstances of the society. It is an admitted fact that legal education is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques, and instrumentalities all addressed to the creation and maintenance of a just society. It provides occasions for articulation of theories of a just society; and teaches us that articulation must be grounded in historical realities so that the truth of the working of the legal order is brought to the forefront.

To be true, it is a subject of great importance in view of its dynamic role in moulding and envisioning the legal system of the cherished objectives of justice, liberty, equality and fraternity of a sovereign, socialist, secular, democratic republic. It may be called a branch of logical science through which the struggle for a just must be waged. Freud rightly opines that legal education is the combination of both the law and its context, social, political and theoretical.

Legal education is a broad and comprehensive concept. It includes not merely the profession which is practiced in courts, but also covers law teaching, law research, administration different branches where law plays a role and, in fact commercial and industrial employments and all other activities which postulate and require the use of legal knowledge and skill.

4. Aims of the Legal Education:

The prime object of legal education is to produce professional lawyers. The term “**Professional Lawyer**” does not only cover the Litigating, Lawyer, viz., “The Lawyer who argues before the ordinary courts but all persons trained in law, whose employment is mainly dependent on their degrees in law. A Lawyer is not merely craftsman or even an artist. He has a special role in our society. He is the principal laboratory in the mixing of the governmental prescriptions. He is an important hand at the wheel of our economy because as a lawyer he has a profound important voice in business transactions.

Gajendra Committee on the reorganisation of Legal Education in the University of Delhi also endeavoured to reflect on the education. He has opined that the legal education envelops within its ambit the knowledge of the theory and philosophy of law and its engineering role in the modern democratic society. Dr. Mohammad Farogh (Barrister-at-Law) in his observations on legal education in modern civilized society wants to include the following aims and objectives: -

- To inculcate students with the operative legal rules, both substantive and procedural.
- To provide the student with adequate experience to apply these rules.
- To equip the students with sufficient knowledge of the historical and sociological background of the country’s legal system.
- To provide the students with some knowledge of the other legal systems of the world so that the students do not find themselves at a complete loss when it comes to adopting a comparative approach.
- Very significantly, the students should be encouraged to participate in discussions, seminar’s and challenge the very premise of legal concepts and their application.

5. Domain of Legal Education:⁴

The term of legal education in Modern Democratic Welfare State is a broad and comprehensive concept. It is most demanding. What is demanded is not the skill of technician trained in the craft of courtroom adjudication. Compartmentalisation of legal education into professional, academic, practical and theoretical would not help in producing a legal professional competence to respond to community demands. The power to receive and respond dispassionately to the situation put to him is the primary quality of a legal professional.

While highlighting the widening dimension of legal education in modern world and showing concern to the poor state of modern legal education, David Walkins points out: - “Today’s students do not know the history of profession, nor when they begin, do have they sense of whom it serves and whom it does not. Man start idealistically, some cynically. The ideals of professional life come to them haphazardly rather than in a structured form”. It is also important to consider the different cohorts of law students and to recognize the ways in which their outlooks on life in general and their personal histories may conflict with the norms of professional behaviour today or, at the very least, must be considered when contemplating legal education and the socialization process-especially in its exploration of the question- “knowledge for what?”

6. Sum-up:⁵

It may thus be summed up from foregoing study that legal education is the combination of both law and its context. It is a broad and comprehensive concept. It is a multi-disciplined, multipurpose education, which can develop those human resources and idealism needed to strengthen the legal system. It is an additional science or art, which can not be brought within any definition of law, and yet may be helpful to the prospective lawyer in all the way. It is a process which equips the future lawyer, law teachers,

³ Sushama Gupta(Ph.D.in Law,Advocate, Punjab and Haryana High Court Foreword by Professor I.P.Massey, Professor(Retired) Himanchal Pradesh University, Shimla(2006), History of Legal Education,ISBN 81-7629-893-X, P.p.17-21

⁴ Sushama Gupta(Ph.D.in Law,Advocate, Punjab and Haryana High Court Foreword by Professor I.P.Massey, Professor(Retired) Himanchal Pradesh University, Shimla(2006), History of Legal Education,ISBN 81-7629-893-X, P.p.27-28

⁵ Sushama Gupta(Ph.D.in Law,Advocate, Punjab and Haryana High Court Foreword by Professor I.P.Massey, Professor(Retired) Himanchal Pradesh University, Shimla(2006), History of Legal Education,ISBN 81-7629-893-X, P.p.34-35

judges, administrator, law review editor, counsellor and legal scientist to fashion and refashion ways of peaceful and ordered attainment of ideals of human governance on the one hand and democratic right on the other.

It is a science which deals with the practical aspect of the law of the land consists of readings on the statues, moots or arguments on points of law and putting of cases. It is two tired one identifies subject matters such as human life, technology, governance, and responsibility in complex, business organisation, family relations, the penal system, and intergovernmental relations for the “more special and compel”, on the other side it must be organised as the back bone of society, because it enables society to function avoiding conflicts and confrontations as far as possible.

7. Teaching Methods in Legal Education:

There are various kinds of Teaching Methods in Legal Education an across the global level. An out of which more specific and prominent methods are as follows:

- ✓ 7.1.1. Lecture Method
- ✓ 7.1.2. Case Method
- ✓ 7.1.3. Problem Method
- ✓ 7.1.4. Discussion Method
- ✓ 7.1.5. Simulation and Role Play
- ✓ 7.1.6. Collaborative Teaching Method
- ✓ 7.1.7. Seminar Method
- ✓ 7.1.8. Clinical Method
- ✓ 7.1.9. Other Method

7.1.1. Lecture Methods on Legal Education:⁶

One of the traditional methods is lecture method. In the lecture method, the teacher lectures about the subject or the matter in depth or in the manner the teacher wanted to do so. In this method, the student must listen the lecture and make appropriate notes for better understanding. In a short period of time or specific period, the teacher delivers the lecture and the student will be having grip over the subject or the lecture only during that period or for limited period of time as the next teacher or next lecture session begins. Lectures are used for introduction of new subjects, summarising ideas, showing relationships between theory and practice, and reemphasising main points. This is a ‘teacher-centred’ approach where the teacher is an authoritative figure with the students as mere passive recipients of listening information. This is the most familiar and efficient method of teaching in which sensibly organised materials can be rapidly presented. This method is though awfully familiar, but it has its own demerits and disadvantages.

7.1.2. Case Methods on Legal Education:

In studying science subjects, there are always practical method of teaching and which helps the students to learn the subject matter as well as the practical issues involved. Whereas in legal education, the defined case laws and the issues dealt by judiciary system in various courts are the practical and real time experiences. Case method of teaching enables the students to have active participation in the process of learning. Here, the students understand the legal concepts based on decided case laws and various interpretations made by the judiciary. Judicial precedent is one of the primary sources of law and hence learning based on this becomes more effective. Obiter Dicta and Ratio Decidendi are the basics for any law student and the analysis of the judgement on their own helps to understand them.

For any law student, interpretation plays a major role. Application of logical mind, common thinking, social responsibility plays a vital role. While analysing the case law, or the events happened in past and the approach by the judicial and legal persons, helps the student to understand the subject, provisions involved, legal interpretation and logical reasoning behind the judgment. In western countries, it is the quite prominent method of teaching. The students even represent along with their teachers in the judicial process and this helps them to learn the subject behind and the practicality.

7.1.3. Problems Method on Legal Education:⁷

One of the prominent methods is problem method. Problem method of teaching is considered as an alternative to the case method. This method is based on solving real world problems which develops critical thinking, problem solving and decision-making skills among the students. Moot Court Competitions can be called as an example for this kind of method of teaching. The problem is given to the student based on the real time issue and the students will be asked to prepare their standing based on the issue both as a person who is involved or suffered and for a person responding to them either as Government/State or for the defendant. This helps the students to understand both practical and theoretical way of gaining knowledge. In the western countries, the problem method is followed widely, and the students will be gaining knowledge based on working out the solutions for the same. Which helps the student to understand the legal issues and it will help them to exercise their social responsibility practically.

7.1.4. Discussion’s Method on Legal Education:⁸

A teacher should not dump the students what they know. A teacher should inculcate the efficacies of the education and enrich their knowledge. Discussion method is one way of teaching method in which an issue is taken for discussion. The legal implications and the legal background will be discussed in detail. This helps the student to understand the issue at large, legal background and the legal provisions involved. In Indian Law Schools, this method is often used along with lecture method to develop the skills of legal investigation, synthesis, analysis, and appraisal etc. This method increases the thinking capacity of the students and they can gain more stuffs through discussion. Active participation of all the students and time management of the session should be ensured for successful outcome. This method of teaching is used in the post graduate levels.

⁶ ISSN:2320-5407, Int. J. Adv.Res.8(07), p.p.110-114

⁷ ISSN:2320-5407, Int. J. Adv. Res. 8(07), p.p.110-114

⁸ ISSN:2320-5407, Int. J. Adv. Res. 8(07), p.p. 110-114

7.1.5. Simulation And Role Play Methods on Legal Education:

The simulation and role play methods on legal education, the students are assigned roles as buyers and sellers of some good and asked to strike deals to exchange the good, they are learning about market behaviour by simulating a market. "A part to play simulation in undergraduate legal education".

7.1.6. Collaborative Methods in Legal Education:

Debating an issue will help anyone to understand what an issue and their own understanding is. In the teacher student method, teacher will have slighter edge over the student and the commanding will be prominent. This makes the student to hesitate in participating. Whereas, in this method, the students actively participate in the learning process by interacting with each other and listening to others opinion. It creates a personal contact between the students and the topic of study and helps them to think widely without being inclined. Group projects and discussions are few techniques used in this method. Here group members negotiate tasks, roles, and responsibilities so that better results can be sort. This method will eradicate the fear, hitches in the minds of the students. There will not be any hindrances in the communication between the students. Students will shoulder themselves the practical difficulties in the discussion and this helps them to enrich their knowledge, skills and most importantly the issue handling.

7.1.7. Seminar Methods in Legal Education:

A seminar is a group meeting (either face to face or online) where a number of students participate at least as actively as the teacher, although the teacher may be responsible for the design of the group experience, such as choosing topics and assigning tasks to individual students.

Seminars can range from six more students, upon it to thirty students in the same group. Because the general perception is that seminars work best when numbers are relatively small, they tend to be found more at the last year of under graduate programs.

The seminar method is the most modern and advanced group technique which is usually used in higher education. It is an instrumental technique it involves generating a situation for a group to have a guided interaction among themselves on a theme. It refers to a structured group discussion what usually follows a formal lecture or lecturers often in the form of an essay or a paper presentation on a theme.

7.1.8. Clinical Methods in Legal Education:⁹

Clinical Legal Education was introduced in India in 1999 by, Dr. N. R. Madhava Menon. The establishment of clinics paved the way to focus on the functional aspects of legal education and to expose students to the standards of service and excellence. Law students are trained to be productive members of a community of lawyers with refined skills to address the demands of social, political, and economic justice of the society. Clinical programs aim to develop the skills of interviewing, fact investigation, extensive application of problem-solving skills, attorney-client relations, negotiation and other alternative dispute resolution methods, ethical aspects, and trial skills. Students perform paralegal aid services such as visiting jails, registering marriages, births and deaths and preparing affidavits.

8. Lacunae in Present in Legal Education:

The Indian Legal Education went through a remarkable transformation although its success did not reach the zenith. Introduction of 5 years course in law, rapid expansion of law teaching institutions especially in private sector, establishing National Law Universities in different states and revision of core curriculum sporadically increased the access to legal education but the quality is diluted. The honourable Madras High Court observed in 2017 that "the 85% of law colleges must be closed to maintain the sanctity of legal education".

There are high restrictions in placing full time lecturers in India and full-time lecturers cannot practice their profession in the court of law. This is the biggest hindrance in the teaching profession, which enabled to hold a greater number of part time lecturers instead of full-time lecturers in the Colleges/Universities. Though Colleges/Universities are providing the scope of inculcating the practical scenario by means of appointing part time / guest lecturers, but it is not happening so.

Practitioners are forced into teaching sector due to dismal opportunities in legal profession which creates a perpetual privation of original teachers in law schools. Changes in legal education regulatory system (Common Law Admission Test, All India Bar Examination, and Directorate of Legal Education in BCI) increased the standard of legal education in India but the accessibility and awareness to the public lacked.

Recommendations and suggestions of BCI and other committees should be implemented accordingly to bridge the cavity present in legal education. The establishment of compulsory post LLB apprenticeship with a senior advocate as a requirement for licence to practice was dispensed by the recommendation of BCI. The original objectives of NLUs were to send to well-trained lawyers to the trial and appellate bar as well as for judicial service to justice is widened and the quality of justice for the common man is improved and strengthened. Emphasis should be given to the changing legal needs of the global community.

9. Desirable & recommendations by Bar Council of India:¹⁰

The University Grants Commission and other universities have suggested many reformative measures with the aim of uplifting the quality of legal education. In State of Maharashtra v. Manubhai Pragati Vashi, the Supreme Court observed that- 'the need for convincing and well organised legal education is essential reckoning the new trend in the world order, to meet the over grooving challenges. The legal education should be able to meet the eves growing demands of the society and should be thoroughly equipped to cater to the complexities of different situations.'

Improvement of quality of education in law schools requires a close consideration in faculty composition, contributions to curriculum and governance structure in these institutions. The Moot-Courts must be under the supervision of a specially selected

⁹ ISSN:2320-5407, Int. J. Adv. Res. 8(07), p.p. 110-114

¹⁰ ISSN:2320-5407, Int.J.Adv.Res.8(07), P.P.110-114

and equipped member of the Staff. Unless carefully prepared and directed Moot Courts do not have much value. Tests of progress and compartmentalization of examinations both time and subject wise should be made.

Attempts to change the teaching pattern are conditioned by numerous factors like staff-student ratio, the overwhelming majority of law students being less than serious with little or no commitment to the study they have undertaken by compulsion of circumstances, etc.

A National curriculum is essential to have a uniform educational system in a nation and to provide general education to all. National Curriculum Framework was revised by the National Education Policy Draft, 2019. The main objective of this framework is to revamp higher education system and to create world class multi-disciplinary higher education institutions across the country and increase GER to at least 50% by 2035.

10. Important changes brought in after this framework is:¹¹

- Holistic development of learners by reduction of curriculum content to enhance essential learning and critical thinking.
- Effective teacher recruitment and deployment.
- Establishment of National Research Foundation (NRF) to grant competitive funding for outstanding research proposals across all disciplines.
- Curriculum to reflect socio-cultural context and multi-lingual education.
- The National Repository of Educational Data will maintain all the records related to institutions, teachers, and students in digital form.
- Advancing core artificial intelligence research and developing application-based research.

The Final report of the 3- member committee on Reform of Legal Education given after the case Bar Council of India v Bonnie FOI Law Colleges & Or's was based on Law Commission of India's 184th Report on Legal Education and National Knowledge Commission Report on Legal Education Reform.

11. Recommendations of this report are important, and they should be implicated:

- Constitution of National Legal Knowledge Council comprising legal luminaries as well as experts from various fields to assist BCI.
- Establishment of legal aid clinics/centres in all the law schools/colleges to provide inexpensive and efficient justice to the needy sections of our society.
- Faculty remuneration should at least be in accordance with the recommendations of Central Pay Commission.

12. Way forward:

Based on the recommendations and suggestions of various committees, proper measures must be taken by providing optimal learning environment and support for students. Legal education should be provided in adequate and highly qualified standard so that many experts in legal profession would create societal change in future by rendering justice to all the people. The syllabi of law courses must be upgraded to focus on the current issues and the knowledge should also be gained from international and comparative law perspectives.

To be precise, legal education should aim to prepare legal professionals who play decisive role not only as advocates but also as legislators, policy makers, judges, public officials, civil society activists and legal counsel in private sector. Teaching is an art and art of teaching is the learning process. The word teacher says mere imparting the knowledge is not an idea of teacher but making the student perfect human.

13. Conclusion and Suggestions:

A competent class of faculty is the foundation for the progress of legal education. Without them the future of legal education is bleak. Teachers are an integral part of universities which give a platform for developing legal academia. Shri Mahatma Gandhi said: "Let us keep our doors and windows open for all the winds to come in and at the same time to keep our feet firm from being swept away".

The present crisis in legal education is the absence of competent individuals who can impart good knowledge to the students. Teachers are made by the society for survival and for meeting out the desire, but the teaching profession is not meant for that. Teaching profession requires knowledge, compose, desire to teach, interest in the profession. The law schools are the base for such kind of imparting; hence schools/colleges/universities should change themselves accordingly. The Legal education has to be an adopt primary, elementary & up to under-graduation. The State Government and Central Government have to take the action for standard legal education in the modern context.

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