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INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/11269
DOI URL: <http://dx.doi.org/10.21474/IJAR01/11269>



RESEARCH ARTICLE

TEACHING METHODS IN LAW SCHOOLS: NEED FOR REFORMS

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Manuscript Info

Manuscript History

Received: 05 May 2020
Final Accepted: 10 June 2020
Published: July 2020

Abstract

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 Executive. 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.

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Introduction:-

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. The main purpose of education is to develop rationale thinking, enhancement 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, caliber, 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'.

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Methods Of Teaching In Law:-

There are various methods of teaching practised across the globe. Out of which, the more specific and prominent methods are as follows:

Lecture Method:

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.

Case Method:

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.

Problem Method:

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.

Discussion Method:-

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.

Collaborative Method:

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.

Clinical Method:

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.

Lacunae in present 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.

Desirable Reforms:

Recommendations:-

by Bar Council of India:-

The Bar Council of India which is the governing body of legal education in India recommended many reforms then and there to increase the quality of education. In a note on proposed directions for reforming legal education, BCI suggested institutional reforms in which it mentioned about establishment of the National Academy for Law Teaching and Continuing Legal Education so that novel methods of pedagogy can be implemented and a minimum base level for teaching quality in legal education is established.

The National Knowledge Commission established in 2005 had suggested establishing teachers' training institutes and a committee that would determine the teaching hours along with their qualifications. This commission gave some practical methods to retain skilled faculties in the Universities which were reiterated by BCI in its report. BCI cannot frame norms on its own accord rather should consult with the universities before implementation. Some suggestions of BCI are:

1. Improve the remuneration and service conditions of the faculties
2. Providing sufficient time for research purposes
3. Recognition of reputed teachers and researchers
4. Appointment of teachers must be made flexible by focussing on their academic or professional credentials and not based on their qualification
5. Reconsidering the existing promotional schemes and avenues to promote meritorious faculty members
6. Free faculty housing is another considerable incentive
7. An atmosphere of research amongst the teachers must be promoted to encourage them indulging in influential writing along with teaching

Suggestions:-

by University Grants Commission & Others:

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 Pragaji 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 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.

Important changes brought in after this framework is:

1. Holistic development of learners by reduction of curriculum content to enhance essential learning and critical thinking
2. Effective teacher recruitment and deployment
3. Establishment of National Research Foundation (NRF) to grant competitive funding for outstanding research proposals across all disciplines
4. Curriculum to reflect socio-cultural context and multi-lingual education
5. The National Repository of Educational Data will maintain all the records related to institutions, teachers, and students in digital form
6. 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 & Ors was based on Law Commission of India's 184th Report on Legal Education and National Knowledge Commission Report on Legal Education Reform.

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

1. Constitution of National Legal Knowledge Council comprising legal luminaries as well as experts from various fields to assist BCI
2. 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
3. Faculty remuneration should at least be in accordance with the recommendations of Central Pay Commission

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.

Conclusion:-

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.