

LEGAL EDUCATION AND PEDAGOGY IN CONTEMPORARY ERA: INDIAN PERSPECTIVE

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ABSTRACT

In the current scenario and with the advent of information technology, artificial intelligence and rapid globalization, economic liberalization, WIPO and WTO, the ambit of the term legal education has attained multi-dimensional meaning. Legal education in contemporary times has not remained concise in terms of imparting the knowledge on law; rather it connects its horizons to history, economy, polity, jurisprudence and therefore it has attained a multidisciplinary approach. Legal education has witnessed a paradigm shift from earlier times till now: ranging from the legal curriculum to teaching methodology there has been vast changes. Keeping in view the present situations of the pandemic there will be drastic changes in the pedagogy and the changes have commenced already. The world is shifting to online methods of learning and even the courts have adopted the online means to address cases. Technology is playing a pivotal role in shaping the dynamics of legal pedagogy and now no more traditional approach stands in line with the contemporary advancement in legal education, with changing educational patterns the professional roles are also mutating such as that of a policy planner, legal advisor, negotiator and arbitrator. This paper aims to trace the historical development of legal education in India and reflect on the contemporary developments,

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involvement of various players and stakeholders in shaping legal pedagogy. The study further delves into various post-modernist perspectives and ideologies, ruminates on the challenges posed and opportunities evolved for legal education with reference to techno-legal growth and finally attempts a formulation of suggestions to conquer the challenges ahead.

Keywords: *Legal education, legal pedagogy, multidisciplinary*

I. INTRODUCTION TO LEGAL EDUCATION

The Law Commission of India puts forward the definition of legal education as a scientific study, the aim of which is to impart legal knowledge of various laws and provisions to the students, which further enhances their abilities to join the legal industry. In a similar manner it might be termed as a science which manages the pragmatic part of law, practicing it by way of implementing the theoretical legal knowledge as well as putting forward one's arguments and moot points.¹ Law incorporates a dual learning aspect i.e. both liberal and professional knowledge; a law student equips oneself with the socio-political, cultural, economic studies and ultimately blends this knowledge with the practical learning which as a result produces value oriented law professionals. Irrespective of the fact whether a student of law enters into the practice of law or not, he becomes a boon to the society at large as he contributes and works to shape the societal structure by analyzing the grass root problems which further leads to bringing justice to the society. The task of a law student is to bring a social change that is necessary to make refined and civilized law abiding citizens, which in turn gets instilled with the idea of human rights, equality, fraternity, nationalism.

The role of legal education in India now has not just limited to imparting legal knowledge to the students and making them budding lawyers, judges, or legal academicians; but rather the role has transformed to a bigger picture. The paradigm shift in the legal industry, with the influx of technology has turned the tables completely, the scope is not just limited to

¹ The Curriculum U.G.C. Guidelines, Report : The Curriculum Development Centre in Law (1990).

books and paper but with prevailing contemporary situations, the world is becoming digital and with the advent of digitalization the legal world has entered into a completely different era.

Legal education has various pivotal objectives such as to (i) explore beyond the grey area of law where no development has happened and there is a need to frame legislation in that area, (ii) acquaint the law students with the procedural as well as substantive study of law (iii) make students well versed with the historical, political, sociological and legal structure of our country and (iv) impart the comparative analysis of the international laws and draw an analysis with the laws of other countries so that students can make substantiated decisions.² In contemporary times the focus has shifted to legal education with respect to a wider frame, the purpose of it has now not restricted to imparting theoretical knowledge but the emphasis is now on revisiting the teaching patterns, conducting research in law with the aim to achieve an overall exemplified process of education. Moreover the assimilation of the practical learning process like internships with the traditional learning has changed the scenario and the concept of learning with doing has come into picture. Law is a diverse field where practical learning has its own importance.

II. IMPORTANT STAKEHOLDERS IN LEGAL EDUCATION

Education in India comes under the concurrent list i.e. list III (Entry 26). The center has the power to arrange and decide norms in foundations for advanced education or research, apart from private institutes the centre holds jurisdiction to govern educational institutions of national importance which impart scientific, technical, professional and vocational training. Amongst many stakeholders which govern the legal education in Country one is the Bar Council of India which was set up under the Advocates Act 1961, under Section 7(h) (1) of the act. The Bar Council is set up at both centre and state level; every state has its own bar council and the Bar Council of India is the central governing body. With the Bar Council of India lies the power to decide minimum standards of academics as a pre-condition for initiation of law courses across the colleges. Additionally it is enabled to decide as to

² Vincent Luiz, *Philosophy in Legal Education*, 29 JLE (1978).

which university's degree in law shall be considered as a qualification to enroll students for the purpose of becoming advocates and this gives the further power to BCI to visit and inspect universities so as to assess their performance standards, recommend the legal curriculum.³

The Bar council of India currently has a mandate for namely two types of professional degrees in law colleges, one is the traditional three-year bachelor degree i.e. LL.B which is for students who have graduated from various disciplines another is the five year integrated course which was introduced in year 1982 by BCI this degree aim to provide enrollment of students in professional law course after they pass 12th standard , this combination of LL.B with various disciplines such as B.A, B.com, BBA, B.Sc.⁴has opened multiple dimensions for the candidates to pursue their interest in law as well as their subject of other interest.Both of these law programs have a prerequisite that the students must pursue at least twenty eight law subjects which consist of substantial laws and clinical papers. Students have an option to elect subject from a recommend exhaustive list of courses for their specialization/ honors, this list includes subjects from diverse laws such as Intellectual property law, Constitutional law, criminal law, corporate law, and international law.

Another important stakeholder in imparting quality legal education are the esteemed National Law Universities across India and other top notch Private law colleges which stand in concurrence with the tier 1 NLU. These elite Institutions follow a unique pedagogy which itself has a different character of teaching students, the pedagogy followed in these institutions is far more rigorous and enriching in contrast with the 3 year LL.B course, majority of these institution follows the idea of residential study programme the spirit of which is to amplify the teaching-learning process beyond the classroom. The curriculum is designed in such an innovative manner where not only the classroom program is given emphasis but also extra-curricular activities such

³ Dr. Jay Prakash Yadav, Legal Education in the Era of Information and Communication Technology: An Analysis, 1 JLJ 11, 12(2016).

⁴ Yashuchandak, Legal Education System In India, Legal Service India (JUN. 14, 2020, 6:49 PM), <http://www.legalservicesindia.com/article/1976/Legal-education-system-in-India.html>

as Moot court, Debate, Research, drafting are also prioritized as part of complete learning process.

Another important player in determining the legal pedagogy and making rules and regulations for all universities is the University Grants Commission. It was set up under the Universities Grants Commission Act, 1956 which is an act of parliament, the purpose of this act was to make a body whose duty should be to make policies and decisions which it deems fit for coordination and promotion of legal education. The UGC can also make recommendations in respect to the fees norms under section 12 (a) (5) of the Act. As per section 13 of the act UGC in consultation with the university, can make an inspection to the university. The UGC as per section 26 (e), 26(f), 26(g) mandates for the minimum qualification required for the teacher to be eligible to teach in law colleges, also it lays down the standards for the process of appointment of teachers.⁵ The apex court in *Osmania University Teachers Association vs. the State of Andhra Pradesh*⁶ it was held that “In order to shape the academics of the country, UGC has a greater role to play; it shall not fail in the duty to maintain high standards in the universities.

III. MODERNIST PERSPECTIVE ON LEGAL PEDAGOGY

With broadening access to clinical legal education and legal aid to the poor, financing of various programs such as legal literacy drive, arbitration and conciliation, lokadalats, research programs. The learning is moving forward to a practical based learning. The modern objective of imparting legal education is not only to provide students with the theoretical knowledge but it also invites participation in community service programmes such as legal aid, mediation, conciliation, arbitration, negotiation, internships, moot court competitions, research paper presentations and conferences, Model United Nations conferences, youth parliament, legal workshops, legal certification courses and several other enterprises which are of contemporary significance. This legal socialization holds a crucial value for educational advancements in law colleges.

⁵ Krushna Chandra Jena, *Role of Bar Councils And Universities For Promoting Legal Education In India*, 44 JILI. 555, 560 (2002).

⁶ *Osmania University Teachers Association v. State of Andhra Pradesh*, AIR 1987 SC 203.

Apart from the socialization objective the economic activities of law students also holds importance, their engagement in public services, entrepreneurship, economic affiliations and brokering politics. In present time, the role of law graduate shall not just restrict within the boundaries of litigation but they must also engage in arbitrations, mediation, and legal aid service. They must assess the impact of law on society and vice versa, which means that not only the impact within the country shall be assessed but also with the advent of liberalization in India and its entry into the global market has opened diverse arenas and increased the responsibilities of the legal fraternity to develop comparative studies with law of other countries, in field of international commercial arbitration, business law, Environment law⁷ and the like. Another important modern change in the legal studies is the advent of Artificial intelligence, this meaningful interaction of technology with the humans has brought newer prospects for both research and teaching, not only this has increased the efficiency of work within the legal paradigm but also has made it more feasible to arrive at a balanced decision. Law schools are currently fusing legitimate tech modules into their educational plans, from enormous information and legal bots to block chain and online business. Not just these themes are mentally captivating for law studies; they additionally permit law students to render a serious edge with regards to entering the workforce. The selection of tech modules in law schools mirrors the requirement for students to make themselves adaptive with the fundamental specialized information and mindfulness for the present work. However imbuing tech into legal studies goes above and beyond: it brings legal studies into the modern advanced economy, where customary limits among enterprises and domains do not exist anymore. Organizations and law offices work across landmasses, jurisdiction, and markets, and the current modern legal education needs to mirror this.⁸

IV. LEGAL EDUCATION AND TECHNOLOGY : NEW PROSPECTS

With the evolution of Technology in IT and its application in the legal industry has made a widespread facilitation not only to the law students but

⁷ A. Lakshminath, Legal Education, Research And Pedagogy- Ideological Perception, 50 JILL. 606, 615-616 (2008).

⁸ Driving Innovation, <https://drivinginnovation.ie.edu/ai-in-the-classroom-how-artificial-intelligence-is-changing-law-students-day-to-day-lives/> (last visited Jun. 19, 2020).

also to the courts and lawyers. Digitalization of the legal studies has enhanced the solidarity among the legal fraternity, if we give a look to the prevailing circumstances across the globe; the only solution to the problem of not conducting regular classes is to switch to the online mode of learning. The global pandemic has left the education sector too paralyzed to conduct classes, take examinations and assessment for students, but education being a basic necessity cannot be done away with, therefore this necessity becomes the mother of invention in this case and adoption of e-learning method come to the rescue for this problem. In present situation the legal pedagogy is witnessing radical changes, with the physical classroom environment being replaced with the Google Classroom, where all the studies and exchange of thoughts, discussion, and deliberation is happening. Classes are being conducted via video conferencing platforms and also webinars on diverse subjects of law are conducted by various colleges, private individuals, and legal organizations. Above all even the apex court has taken recourse to the online method of hearing cases.

Universities, apart from having well built infrastructure for libraries at their campus, have also put emphasis on creating exhaustive e-libraries with access to plethora of legal databases. This helps the students so that they are not deprived of the resources and enables them in keeping the dynamic nature of their studies going on. Remote Access to these databases such as Manupatra, SCC online, Jstor, Ebsco, HeinOnline, LexisNexis keeps the students up to date and help them prepare for moot court competitions, debates, legal drafting, and legal research. The field of law definitely maneuvered into the quick pace of rising trends which are being practiced worldwide and constrained to push ahead with the innovation to meet the closures of justice with ideal speed. In the midst of this era, technology being a shelter just as a bane, it has wildly become an integral part of the framework by and by and accordingly, it is perfect to receive the prescribed viewpoints to furnish as per the requests to get together the social, prudent and lawful desires to remain and keep up the core competency to get the basically required result.⁹

⁹ Anubhav Pandey, How technology is changing the practice of Law, ipleaders (Jun. 19, 2020, 10:10 PM), <https://blog.ipleaders.in/technology-practice-of-law/>.

V. ROLE OF TEACHERS IN REFORMING LEGAL EDUCATION: THE WAY FORWARD

The burning question that has to be answered is that the part played by law teachers in shaping and modifying the legal pedagogy and curriculum is significant to what extent. Need of the hour is to firstly, amend the legal curriculum so as to integrate the international law and cross border practices so that students learn beyond the national laws. Secondly, rather than focusing on delivering lectures, the thrust shall be upon problem solving, practical application of law, transactional law practice. Thirdly, theory shall be well linked with practice by introducing clinical legal education and lastly but the most crucial aspect to be practiced is to use the latest technology and e-learning.¹⁰ Presently there has been a shift in the teaching strategy from teacher oriented to learner oriented method, this calls for the participation of students in every discourse or topic discussed. Seminars and guest lecture technique to educate by prominent people in their specialized field as to give students information on explicit subjects from their viewpoint and experience, which help students to have better comprehension of the subject concerned. It is necessitated that apart from full time law faculty students ought to be educated by employees or scholarly people of field having scholarly information, experience and expert capability which needs full time educator of colleges or graduate schools to profit understudies from all sides.¹¹ So as to more readily understand the law, an increasingly thriving evaluation in doctrinal courses, lawyer aptitudes courses and clinical education might be utilized. Law teachers can utilize the continuous evaluation procedure to improve the meta-subjective abilities of law studies so they can figure out how to face new and novel circumstances in the practice of law. The objective of formative assessment is to bring out the practical learning sense within the students.¹² Nowadays most law colleges and teachers follow the Socratic method or more famously known as the case

¹⁰ Jane E. Schukoske, *Legal Education Reform in India: Dialogue Among Indian Law Teachers*, 1 JGLR. 252, 264 (2009).

¹¹ Yashu, *supra* note 6.

¹² Rajendrakumar, *Problems and Challenges before Law Teachers in India*, Legal Service India, (JUN. 20, 2020, 6:00 PM), <http://www.legalservicesindia.com/article/1480/Problems-and-Challenges-before-Law-Teachers-in-India.html#:~:text=Abstract%3A,and%20challenges%20of%20legal%20education.>

method of learning, with the expectation that the students will in the end impersonate the thinking and systematic abilities created through the scrutinizing innate in this technique. Often students don't realize that this scrutinizing is intended to build up their amalgamation, analogical, inductive, and deductive thinking aptitudes. Since teachers don't generally detail or unequivocally talk about the objectives of this technique, they are taking part in veritable instructing. The students are basically expected to comprehend the sorts of thinking without the teacher regularly mentioning to them what they are doing.

VI. CONCLUSION

In this period of promptly accessible technological advances, Indian teachers can share their work and concerns, team up on distinguishing the academic, curricular and evaluations, they can actualize inside the current structures, and advocate for transformations they feel are required inside the framework. They can design suggestions to National Institute of Legal Education, the Directorate of Legal Education or other such bodies to help the preparing and proficient advancement of law teachers all through. With the changing patterns of legal education, career option are also dynamically changing from the traditional litigation practice in court or to serve as judges, there are new options such as corporate counselors, paralegals with the increasing trend of corporate firms in India, those who have an inclination in serving the judiciary they have the option of civil & judicial officers, legal journalism is an emerging field where covering the crime and legal aspects of it is the motive. Various corporate, government departments, Banks etc. need legal advice therefore this open out opportunities for the job of legal advisors or in house counsel. Apart from all these new practices, those who have an inclination towards academics can opt for higher studies such as LL.M by clearing prestigious entrance Exams like CLAT to secure LL.M in prestigious National Law Universities, or to study abroad they can apply to various universities. Nowadays various specialization courses in any particular field of law are offered by NLUs' as well as foreign universities, this can also be taken up as an additional benefit.

However with changing circumstances and patterns the law must also evolve and be dynamic. This has become a vibrant, virtual, unreal and astounding world. However Corona poses challenges of physical presence and imposing social distancing and other norms, willy-nilly pushed universities to go for virtual teaching sessions. That also gave freedom to universities to take services of industry experts and professionals from the fields to impart online training. This initiative gives room for students to experience their learning autonomy to a great extent. Most of the new generation learners are welcoming these changes and that raises the expectation from regulatory bodies to change the approach and standards to accommodate this new expectation. This is an apt time for regulatory bodies to capture these reflections from stakeholders and gear up for new model of quality standards with definite outcomes.