

# Contemporary Law Review

Special Issue on “Teaching Methods & Techniques”



**Vijender Kumar** - *Multi-Skilled Teacher and Teaching of Law: A Need of the Hour*

**R. Venkata Rao** - *On Being a Teacher*

**V. Vijayakumar** - *Curriculum Planning, Development and Implementation in Law Schools: Challenges and Prospects*

**Naresh Kumar Vats** - *Teaching and Learning of Law: Multidimensional Approaches*

**T. S. N. Sastry** - *Traditional to ICT Based Approaches to Teaching in Indian Law Schools: Problems and Perspectives*

**G. S. Bajpai & Neha Kapur** - *Innovative Teaching Pedagogies in Law: A Critical Analysis of Methods and Tools*

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**K. Vidyullatha Reddy** - *Clinical Legal Education in India: Issues and Challenges*

**Anirban Chakraborty** - *Using Clinical Legal Education in Law Schools: The NUJS Experiment*

**Madhukar Sharma** - *Teaching in Era of Information and Communication Technology: Issues and Perspectives*

**Faculty Members** - *Interdisciplinary Approach of Teaching at National Law Universities*

# Contemporary Law Review

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# Contemporary Law Review

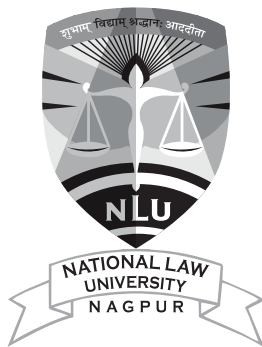
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Volume 2, Number I

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Special Issue on “Teaching Methods & Techniques”



A Biannual Faculty Peer Reviewed Journal  
of

**MAHARASTRA NATIONAL LAW UNIVERSITY  
NAGPUR**



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## MESSAGE FROM THE PATRON

Maharashtra National Law University, Nagpur is dedicated to providing qualitative value based legal education and conducting cutting edge interdisciplinary research in a cordial environment with advanced and modern facets of learning. MNLU, Nagpur fraternity is also committed to bringing the University on the global map as an institution of eminence, an education hub for unique methods of research and teaching techniques. The University facilitates *sui generis* conducive teaching-learning atmosphere to develop an independent cognitive thinking with rational and logical reasoning. On September 29, 2017, Hon'ble Shri Justice S.A. Bobde, Judge Supreme Court of India and the Chancellor of the University released the first issue of Contemporary Law Review (CLR), a biannual faculty run peer reviewed journal which highlights a number of contemporary socio-legal issues. I am indebted to the Hon'ble Chancellor for his continuous support and guidance in the academic activities towards making this University as a preferable destination for learning the law. It gives me immense pleasure in bringing to you the second volume of CLR which is dedicated to "*Teaching Methods and Techniques*". The journal promotes and advocates critical and quality research. Hence, the editorial committee of the journal has come out with this special issue on the theme which is most relevant to the contemporary academic fraternity. This special issue aims to share varied perspectives, tools and strategies for teaching and learning more effectively with the help of scientific methods, logical reasoning adapted from traditional approaches to ICT based tools and techniques.

It has been observed over the years that there are well qualified scholars available for recruitment to the teaching at the entry level as Assistant Professors. However, dilemma surfaces when we are in search of the teachers who are capable of not only teaching the course(s) assigned to them well but also guide the students as their mentor in curricular and co-curricular activities and/or supervise their research at different levels of students, who come to law courses by choice. Many a times, the candidates appearing before the selection committee fail to name quality research sources or merits and demerits of different teaching methods and techniques including ICT. In such a situation, the selection committee is left with no choice but to recommend the candidates who are on the edge of minimum requirements so as to fill the vacancies and put the institution on motion. Hence, there is a dire need of grooming young scholars with best possible training on teaching methods and techniques so that there is no mismatch among the teachers and the students in the classroom. Following the vision and mission of the Ministry of Human Resources Development, the University Grants Commission, the Bar Council of India on "Building Excellence in Higher Education Leadership for the Nation", the University feels duty bound to contribute to this noble mission.

The idea of this special issue was conceptualized by Prof. (Dr.) Ranbir Singh, Vice-Chancellor, National Law University Delhi during his visit to the University. While deliberating on quality research and teaching in law and allied disciplines, he motivated the faculty to come up with a special issue of CLR on “*Teaching Methods and Techniques*” as the young teachers need to be oriented. In addition, the senior teachers need to refresh their research and teaching potentials with ICT enabled techniques. Since Prof. Singh’s visit, the faculty members have been working hard on this idea and the present issue is the outcome. The quality of research papers published in the journal bears the testimony to the commitment of the journal to explore new horizons of teaching, research and learning. The present issue also contains contribution of research papers from acclaimed academicians from institutions imparting higher legal education. The authors have exhibited through their writings a dire need of quality research and teaching with multi-dimensional approaches which is diminishing year after year raising serious concern in the minds of the legal educators. I wish to put on record our gratitude to Prof. Singh for the guidance and supervision extended by him which is unparalleled and the University and its community shall remain indebted to him forever.

I hope the readers of the journal would find the present issue interesting and a good basis of information on teaching methods and techniques. Our reader’s response will always be a source of inspiration for the editorial team of the CLR to improve further. I wish to put on record the professional advice and guidance provided by Hon’ble Members of the Editorial Advisory Board of the journal to the editorial team. I also wish to thank each and every member of the editorial team of faculty colleagues for their hard work and commitment towards upholding research and teaching standards. I feel indebted to all the contributors of the journal for their valuable intellectual inputs. I am sure they will continue their support to the journal in future as well. I also hope that this issue of the journal would be a valuable addition to the contemporary research and teaching. The information published in the journal would be significant source for future teaching and learning endeavors and it will be useful to potential teachers.



**(Vijender Kumar)**



## EDITORIAL

The teaching methods and techniques are considered as one of the important academic performance indicators in any stream of learning, especially in legal education. A premeditated notion of legal luminaries supported by academic fraternity, young scholars and students, having concern for quality of education and academic performance, they are restlessly looking for affirmative movements and recourses which may escort teachers, students and administrators in educational institutions towards developing a system where all best methods, practices, techniques and instruments for teaching-learning can be welcomed and applied objectively. The Second Volume of Contemporary Law Review (CLR) 2018, a Special Issue on “Teaching Methods and Techniques”, is a successful attempt to cater this long awaited need.

This special issue comprised of invaluable contributions made by authors on multidimensional methods of teaching and learning techniques in law courses, they acted as ambassadors for this journal. The editorial board has judged each article in all possible perspectives to ensure the quality and utility of its contents for intended and prospective readers. All noteworthy articles containing a descriptive, analytical and critical thinking on contemporary issues.

Prof. (Dr.) Vijender Kumar, in his article titled “*Multi-skilled Teacher and Teaching of Law: A Need of the Hour*”, contains a descriptive approach, a mix of real-life experience, theories, existing practices and knowledge reflecting multiple attributes of a teacher. These are the instrumental factors in facilitating a versatile teaching-learning process. He has underlined the need for taming the true potential of a teacher through enhancing his/her skills, as the nature of the teaching profession requires a teacher to be very spontaneous, which often renders a teacher vulnerable to criticism.

Prof. (Dr.) R. Venkata Rao, in his article titled “*On Being a Teacher*”, is a formal expression, of a long voyage as a teacher, in a precise manner. The author expressed his concern that standards in education system are rising up but there is always lurking fear as to whether standards in values are going down. Academic excellence without human excellence is disastrous. Therefore, the teaching should not be isolated from human values. The author supported his notion by statement of Swami Vivekananda that “education is the manifestation of perfection in human beings, teaching is more than a noble profession; it is a divinely ordain profession.”

Prof. (Dr.) V. Vijayakumar, in his article titled “*Curriculum Planning, Development and Implementation in Law Schools: Challenges and Prospects*”, emphasizes on importance of both curriculum and syllabus in terms of their nature as perspective and descriptive forms. Different facets in implementation of curriculum and syllabi have been analyzed in the light of the initiatives taken by the University Grants Commission to bring them

within the preview of statutory obligation to co-ordinate the standards of higher education in India including the law subject which has developed its model of curriculum for law courses under the 10<sup>th</sup> plan in 2001. Therefore, a well-designed curriculum is to be developed by the institutions for producing competent lawyers in India.

Prof. (Dr.) Naresh Kumar Vats, in his article titled “*Teaching and Learning of Law: Multidimensional Approaches*”, has critically analyzed the scopes and limitation of various, traditional as well as modern, methods of teaching. The author recommended the ways to over come the limitations of these methods by using supplementary modes of teaching. He further proposed that two or more methods of teaching can be used as complimentary and supplementary to each other. He formulated an idea of multidimensional methods of teaching to make the environment holistic and conducive for teaching and learning.

Prof. T.S.N. Sastry, in his article titled “*Traditional to ICT Based Approaches to Teaching in Indian Law Schools: Problems and Perspectives*”, covers a description of trans forming education system in India from traditional to modern approaches of teaching and learning. It also analyses the utilization of various pedagogical skills and suggests different methods of teaching with help of ICT based approach.

Prof. G.S. Bajpai and Ms. Neha Kapur, in their article titled “*Innovative Teaching Pedagogies in Law: A Critical Analysis of Methods and Tools*”, have thrown a light on existing gaps between theoretical understanding of law and its practical applications. In order to address these gaps, the authors suggested the use of innovative methods of teaching such as collaborative method, clinical methods, etc. to develop a holistic model of teaching which includes the use of best practices suits according to nature and objective of teaching. In addition, they also mention the importance of teaching tools such as Information and Communication Technology (ICT) etc.

Dr. Himanshu Pandey, in his article titled “*Lecture Method: Its Nature and Scope*”, has posited the lecture method as valuable and unparalleled, despite advancements in the methods of teaching and techniques. The author emphasizes that the lecture method is indispensable part of every teaching process, even if any other independent method of teaching is opted. He shows a critique on the overuse of modern techniques of teaching, which would possibly undermine the traditional notions of teaching involved in lecture method.

Dr. Deepmala Baghel, in her article titled “*Discussion Method of Teaching: An Inclusive Way of Imparting Knowledge*”, emphasizes on admiration of ICT based approach and internet enabled classroom teaching in the modern world that has acquired new dimensions in the knowledge dissemination process. The author suggests the ways to make teaching vocation more interesting, which includes a great deal of planning, time and resources. She further opines that, in present time the teachers cannot solely

rely on the conventional methodology of teaching since the students are more demanding in terms of knowledge assimilation. Therefore, innovative techniques are the need of the hour.

Dr. Manish Yadav, in his article titled “*Learning Law Through Lecture and Case Method: A Practical Approach*”, focuses on the importance of lecture method in association with case method of teaching in law school. He has also suggested certain improvements to be incorporated in the existing teaching methods that can transform the nature of learning from theory based approach to practice based approach, in order to teach the students ‘think like a lawyer’.

Dr. Vijay P. Tiwari, in his article titled “*Teaching and Learning of Law through Moots*”, focuses on mooting as a novel and innovative method of teaching, as it involves many skills that are required in shaping of law students professionally competent. He addresses dilemma in considering mooting as a curricular and/or a co-curricular activity in the law schools. He opines that moot court exercise can be incorporated in the curriculum, in order to encourage the students to develop advocacy skills and make their learning more interesting.

Dr. Ragini P. Khubalkar, in her article titled “*Socratic Method of Teaching in Law: An Experiment*”, emphasizes on revival of socratic method of teaching in law courses. It develops the curiosity among the students and motivating them to understand, analyze and comprehend the situation by applying their intellectual abilities and logical legal reasoning. The author further suggests to promote socratic method of teaching as a supplementary method along with other methods.

Ms. Shreya Mishra, in her article titled “*Cafeteria Style Teaching Methodology: An Analysis*”, discusses the advent of cafeteria-style teaching methodology in India during a transitional phase of educational reform. She considers the problems in the application of this method to pedagogy and andragogy, and suggests a ‘phased-interdisciplinary approach’ to address these problems. Advantages and disadvantages of this method has been critically analyzed by the author.

Mr. Sopan Shinde, in his article titled “*Role Play and Simulation Method of Teaching for Humanities, Social Science and Law*”, has described his experience while stating that unlike other professional courses i.e., engineering course, wherein the subject matter is tangible in the form of machines, legal education poses students to abstract notions of socio-legal issues which are intangible in nature making problem solving a very complex process. Therefore, teaching ‘thinking like lawyers’ requires methods that could avail students a first-hand experience of critical legal thinking and problem solving.

Prof.(Dr.) K. Vidyullatha Reddy, in her article titled “*Clinical Legal Education in India: Issues and Challenges*”, describes the importance of clinical legal education as a part of practical training in undergraduate law

courses. Author also focuses on initiatives to be taken for operating legal aid clinics by law schools in India as recommended by the Law Commission of India. She has also discussed various issues and challenges in establishing and running of legal aid clinic which demands huge financial and human resources. Role of the University Grants Commission and the Bar Council of India are critically analyzed. It demands legal educational institutions to equip themselves to provide practical training.

Dr. Anirban Chakraborty, in his article titled “*Using Clinical Legal Education in Law Schools: The NUJS Experiment*”, has drawn from his experience as a law teacher in one of the prominent law schools in the country. He has focused on objective and importance of clinical legal education as a method of teaching and describes his observation of teaching through this method, a unique experiment resulted in better academic performance by exposing students in situations requiring practical training and skills. He presents this method as a model well-aligned with the objectives of access to justice in India.

Dr. Madhukar Sharma, in his article titled “*Teaching in Era of Information and Communication Technology: Issues and Perspectives*”, focuses on impact of the uses of ICT, where the tools, processes and procedures are the crucial aspects, technologies evolve with the pace of human actions and comfort but it has some repercussions i.e., reliability, affordability and sustainability of various tools. Hence, the accessibility and dissemination of information has made teaching very crucial where teacher has a responsibility to convert information into knowledge.

Faculty members, in this article titled “*Interdisciplinary Approach of Teaching at National Law Universities*” is a consolidated work of all faculty members of Maharashtra National Law University, Nagpur. This writing is inspired to develop an understanding of relation between law and other disciplines of learning. To shape the budding lawyers to the socially relevant and technologically advanced, national law universities needs to encourage the students and synchronize the syllabi to realize the essence of interdisciplinary approach. Study of law in the context of humanities and social sciences expand the horizon of critical perspectives of understanding the legal doctrines and principles more emphatically.

The Editorial Committee is indebted to the contributors for their invaluable contributions in furtherance of fulfillment of the goal towards the educational reform in India, hence, the Committee places on record its gratitude towards their contribution.

**(Editorial Committee)**

## MULTI-SKILLED TEACHER AND TEACHING OF LAW: A NEED OF THE HOUR

Vijender Kumar\*

### Abstract

*Teaching profession; a passion or tool of creativity cherished by human beings on whom the future of civilization rests; demands special skills. A teacher is never born but is a creation of human efforts. Teaching becomes easy when teaching skills are imbibed from others irrespective of their age, work, culture, ethnicity, expertise, or language. When one thinks of becoming a good teacher, he needs to obtain multi-skills and exhibit them in the classroom where students are the key players whose career and success is the goal and passion of a teacher. In this paper, the author attempts to pen down his experiences as a lawyer, research scholar and teacher with a hope to ignite learning of multi-skills of teaching among the next generation of teachers. Need for multifaceted approach to teaching, learning and soft skills for a teacher was felt due to a shift in the focus from a teacher-centric to student-centric approach. The author is aware of teaching profession where sizable qualified young graduates are available to hire but he understands that most of them are only eligible but not employable. The real problem is not with the qualified young graduates; rather it is an institutional failure to produce employable graduates. In addition, the existing teachers are also reskilled their teaching and research in a digitalised world to adapt with the technological advancement. Hence, the author was obliged to add his share of experience to create employable young graduates.*

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**Keywords:** Teaching, Course, Classroom, Skill, Information, Communication, Technology, Pedagogy, Language, Profession, Relationship, Research, Method.

### Introduction

Teaching is an art as well as a science. As an art, it portrays the imaginative and artistic abilities of teachers in creating a worthwhile situation in the classroom in which the learners learn and achieve the immediate and ultimate goal of education.<sup>1</sup> As a science, it points to the

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1 Ravi Ranga Rao and Digumarti Bhaskara Rao, METHODS OF TEACHER TRAINING, 1<sup>st</sup> ed. 2004 rep. 2006, pp. 145-146.

logical, mechanical and procedural steps to be followed to attain an effective accomplishment of goals.<sup>2</sup> As an expert manager of the class, the teacher uses his/her authority and leadership as twin keys to classroom management. The scientific consideration of teaching has led to the evolution of a concept of teaching technology.<sup>3</sup> The accumulated knowledge that the teacher is required to impart to the students is in a continuous flux, growing exponentially with time. It is a continuous process of acquiring the skills, of becoming a good teacher. Self-study by the teacher on a routine basis is, therefore, a necessary condition for updating one's intellectual base and keeping pace with advancements not only in the field of one's special interest but in proximate areas also. Only then, a teacher would become highly competent and resourceful. The same is true in the case of a law teacher. The fact that quality of an educational institution is largely dependent upon the composition and competence of its teaching faculty hardly needs emphasis and explanation. Therefore, the role of a teacher assumes significance.

It is often said that there are broadly two kinds of teachers; one who makes things very simple to understand, though the subject may be very difficult; and, second, who makes things very difficult to understand, though the subject may be easy to teach. Further, we can classify teachers into three categories: first, who is a brilliant teacher and also an excellent research scholar; second, who is a good teacher but not a good research scholar; third, who is neither a good teacher nor a good research scholar but a good human being and lends a helping hand to the students all the time. Therefore, an ideal teacher is the one who is a good researcher, brilliant teacher, and a good human being. It is left to the young teacher to set the target of what kind of teacher he/she would like to be. A teacher must remember, first three to five years is a period when a teacher finds his/her space in the academia under the observation of the students and colleagues. Initial period of teaching seems to be tough wherein a new teacher lacks experience in terms of research or teaching or both. Therefore, a new teacher is advised to concentrate on taking regular classes, doing a lot of research, involve in course designing in association with his/her senior faculty colleagues and interact with students and faculty on regular basis.

The author of this paper pens down his professional research and teaching experiences of more than two decades. The intention of the author is that this paper may be of proper use to the newcomer in the teaching profession, since there has been a visible paradigm shift both in research and teaching. Nowadays, students having multiple skills of learning are

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2 S.R. Joshi, *TEACHING OF SCIENCE*, 1<sup>st</sup> ed. 2007, p. 121.

3 S.B.J.R. Chowdary and Naga Raju, *MASTERY OF TEACHING SKILLS*, 1<sup>st</sup> ed. 2004 rep. 2006, p. 284.

demanding. Hence, they need a teacher who can challenge them and fulfil their expectations.

### **Developing a Course Syllabus**

Course development is the first assignment for any teacher, naïve or experienced. It needs special kind of training. It is easy to learn how to teach, what to teach, where to teach, and whom to teach, but it is difficult to understand what not to teach. Therefore, creating deliverable course syllabi becomes an integral part of learning and teaching. All educational institutions are working regularly on development of their course syllabus irrespective of the level of degree course; on this point there is no dispute but where well established institutions are working towards quality, the new institutions work to create course syllabi for the first time and try to follow certain well established models. Specially in case of a newly established educational institution where faculty members are also new with good composition of just entered into the teaching profession, middle age but experienced and senior faculty members, it is a herculean task for the administration to get desired course syllabus.

A well designed course syllabus provides academic outline to the students on a very first day of their class and therefrom, they set their learning goals for each and every course. Therefore, a teacher is required to prepare well in advance the course outline, course objectives, teaching methodology, list of reference material, course evaluation plan and expected outcomes of the course. Once, these broad parameters are set, the teacher is expected to design and divide the whole syllabus into five to seven modules based on the learning development about the concepts and application of these concepts. After dividing the syllabus into different modules, each module needs to be identified with teaching hour which may be based on the total credits allotted to the course as a whole and division of the course into number of modules. Thereafter, each module needs to be assigned concepts, exercises, statutory and judicial references, mandatory and suggestive readings, and the syllabi for tutorials. The planning of the syllabus can reduce, even before a class meets, about half the work of teaching a course. A course syllabus needs to be justified from an administrative, accreditation, instructor, industry, takers and student perspectives.

However, the teacher must base his/her course syllabi on certain norms or academic regulations set by the internal and external administering/regulatory bodies such as the Board of Study, Academic Council, Executive Council, Curriculum Development Committee Report of the University Grants Commission and Bar Council of India for law degrees, etc. Furthermore, the teacher should keep in mind the requirements of internal administrative approvals after exhibiting the proposed syllabi before the subject experts to ensure credibility of the course contents so designed. It will be a value addition if the feedback is taken from the alumni also, who

are in service, in active legal practice, or on the bench. The course syllabi so approved must keep in view the contemporary aspects and must fulfil the requirements of the bar, bench, and the industry. However, the syllabi should be revisited on a regular basis to keep it on the cutting edge. Thus, sincere efforts on the part of a teacher are desirable.

### **Teaching Plan and Procedure**

One of the primary roles that a teacher performs is that of designer and implementer of teaching schedule. Teacher at every level prepares plans that aid in the organization and delivery of the daily lessons. Planning of a lecture and classroom delivery innovations usually come once you are in the classroom with your own set of learners, have developed your own instructional resources, and have experimented with various strategies. Although fundamentals of lesson planning elements tend to remain unchanged, their basic formula is always modified to suit the individual teacher's lesson preparation or style of presentation.<sup>4</sup> Lesson planning involves much more than making arbitrary decisions about "what I'm going to teach today."<sup>5</sup> Many activities precede the process of designing and implementing a lesson plan.<sup>6</sup> Similarly, the job of systematic lesson planning is not complete until the teacher has assessed both the learner's attainment of the anticipated outcomes and effectiveness of the lesson in leading learner to these outcomes.<sup>7</sup>

While making teaching plan for law subjects, the teacher needs to make extra efforts to create a mixture of theoretical concepts with relevant statutory provisions and judicial pronouncements in his/her teaching. While doing so, the entire course is required to be divided into modules, and each module needs to be identified with number of teaching hours to be invested to cover the contents. Further, each module must have an identified exercise to be done by the students, short or long, formal or informal, within or outside the classroom. This exercise must be in consonance with the diversity of recipients in terms of slow, average and fast learners. The teacher must announce at the end of his/her each class a certain amount of homework with reference material, which the students are supposed to do before the next class. The teacher while teaching law subject must make sure that his/her students are reading minimum one original case of the Supreme

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4 Francis Ofunya Afande, "Drivers for Lesson Planning in Pre-Schools in Kenya (A Case of Allen Grove School, Nairobi)", PUBLIC POLICY AND ADMINISTRATION RESEARCH, Vol. 5, No. 5, 2015, p. 50.

5 <http://www.preservearticles.com/2012022723801/what-are-the-stages-of-lesson-planning-in-physical-education.html>, (visited on November 27, 2017).

6 Olusanjo, M.O. "Lesson Preparation and Presentation during Teaching Practice". A paper presented at 2010/2011 Teaching Practice Seminar for students. Osun State College of Education, Ila-Orangun; Available at: <http://olusanjomichael.blogspot.in/p/lesson-preparation-and-presentation.html>, (visited on November 30, 2017).

7 *Ibid.*



Court of India from reliable source on the topic in hand. Therefore, teaching schedule/plan is one of the essentials of teaching profession which needs to be adhered to sincerely by all teachers irrespective of their teaching experience, course and target group.

### **Course Material Preparation**

Nowadays, it has become imperative for the teachers to prepare course (reading) material for each course he/she offers every semester. Almost all the national law universities provide reading material to their students irrespective of undergraduate, postgraduate or any other degree, or diploma program. All the faculty members are required to prepare reading material well in advance so that it can be provided to the students on the first day of reopening of each semester. On the day of reopening, the faculty members are required to introduce their course with detail course outline, teaching plan, teaching methods, evaluation plan and reading material. Therefore, it is necessary for a young teacher to learn and understand how reading material is prepared in the course he/she would be teaching at present or in future. Though preparation of reading material is not so easy, one has to learn to do it. While making efforts towards preparing reading material, a teacher needs to avoid copyright issues attached with it. Further, a teacher should also understand administrative issues involved in creating, publishing, and distribution of the reading materials among the students on roll. However, the length, reference sources, and mode of printing or digital are to be taken care of by the teacher based on the number of modules involved in the course design. Though it is difficult to say what kind of reading material is perfect and useful for the students, yet it certainly helps the students to a great extent, and also assists the teachers to cover course syllabi with focused teaching within the schedule time.

### **Pre-requisites for a Teacher**

Good teaching is all about not only motivating students to learn, as well as teaching them how to learn easily, what is to be learnt, how much to be learnt and doing it in a manner that is relevant, meaningful, and memorable. As rightly emphasised by Dr. A.P.J. Abdul Kalam on good teaching that (i) *Teacher loves teaching (you should be passionate about giving your knowledge)*; (ii) *Teacher encourages question from students (you should let them think beyond your teaching)*; (iii) *Teacher puts the student ahead*; and (iv) *Creates pressure on the student to explore own capabilities*.<sup>8</sup> It is about caring for your craft, having a passion for it, and conveying that passion to everyone, most importantly to your students.<sup>9</sup> Good teaching is about

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8 <https://www.linkedin.com/pulse/4-great-qualities-teacher-must-have-apj-abdul-kalam-ajay-mishra>, (visited on December 3, 2017).

9 A. Bame Nsamenang and Therese M.S. Tchombe (eds.), HANDBOOK OF AFRICAN EDUCATIONAL THEORIES AND PRACTICES: A GENERATIVE TEACHER

substance and treating students as recipients of knowledge, and eventually remember you are serving the next generation among whom you are disseminating your learning and knowledge. It's about doing your best to keep on top and in the thick of your field, reading sources, inside and outside of your areas of expertise, and being at the cutting edge as often as possible. But knowledge is not confined to scholarly books and journals alone.<sup>10</sup> Good teaching is also about spanning the gap between theory and practice. It's about leaving the ivory tower and immersing oneself in the field, talking to, consulting with, and assisting practitioners, and liaising with their communities.<sup>11</sup> It is about "listening, questioning, being responsive, and remembering that each student and class is different".<sup>12</sup> It's about eliciting responses and developing the oral communication skills of the reticent students. It's about prompting students to excel, and at the same time, it's about 'being human' and being professionally accurate at all times. One should not always have a fixed agenda and be rigid about it. The teacher needs to be flexible, fluid, innovative, and quick to react and readjust to changing circumstances. It's about getting only 10 or 15 percent of what you wanted to do in a class and still feeling good. Good teaching is about the creative balance between being an authoritarian dictator on the one hand and a pushover on the other.<sup>13</sup>

Good teaching is also about style. Good teachers work in the room and every student is drawn into it. They realize that they are the conductors and the class is the orchestra. Humor can be very efficacious in teaching. It's about being self-deprecating and not taking your-self too seriously. It relieves the student of their intellectual tedium. One should aim at developing, nurturing the talent among the students. Therefore, the whole time invested in proper grading, course redesigning, is not actually wasted but invested efficiently. Good teachers practice their craft not for the money or because they have to, but because they truly enjoy it and because they want to.<sup>14</sup> Good teachers couldn't imagine doing anything else.<sup>15</sup>

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EDUCATION CURRICULUM, Human Development Resource Centre (HDRC), 2011, p. 298.

10 Myron Jaworsky, "DO's and Don'ts for a Teacher", Accounting, Pima Community College, Tucson, Arizona.

11 Richard Leblanc, "Good Teaching: The Top Ten Requirements", The Teaching Professor, October 8, 1998.

12 Sandra Goss Lucas, A GUIDE TO TEACHING INTRODUCTORY PSYCHOLOGY, 2008, p. 279.

13 *Ibid.* See also Panch Ramalingam, EDUCATIONAL PSYCHOLOGY: TEACHING AND LEARNING PERSPECTIVES, 2013, p. 363.

14 R.C. Mishra, TEACHING STYLES, 1<sup>st</sup> ed. 2007, p. 167.

15 *Ibid.*

## First Day of the Class

There are many possibilities that one could explore on the first day of the class. The first impression is more often than not the last impression. In order to ensure attention, a teacher should manage to stimulate the students to such an intellectual level that their attention is retained for the rest of the course. There are certain important tasks that have universally been identified by various teachers around the world that a beginner should perform in order to get familiar with the students.

First impression lasts longer: the teacher must attempt to involve the students as quickly as possible to understand the course, teaching methods, and course execution plan. But before the formal beginning, let the students introduce themselves, enable them understand each other and familiarize with the class atmosphere. A group discussion may also be conducted to let students know from the outset that they will be actively participating. Secondly, the importance of the subject should also be inculcated among the students. The sooner this is done the better it is for the students to readily invest their time and energy in learning of the subject matter. The first day also offers an opportunity to find out what expectations the students have from the teacher in the class. Almost any class will be more enjoyable for both the teacher and the students if they knew each other a little bit from the beginning itself. Therefore, it is very significant to establish a good rapport with the students to start with. Sometimes students can relate to the teacher more productively if they can see him or her as a human being, i.e., as something more than just an authority figure or subject matter expert.<sup>16</sup> Sharing personal experiences and being able to laugh at oneself can help this process. One must also establish his/her own academic credibility by evidencing research potentials. Sometimes this happens automatically due to a long list of publications or long experience of teaching. But, at other times, students need to know about the teacher's prior teaching experience, travel experience, research experience, publications, and connection with industry and corporate houses in the area he/she is likely to deal with. Having this knowledge can help students gain confidence that the 'teacher knows what he or she is talking all about'. Therefore, an academic conducive atmosphere in the classroom needs to be set up quickly. Whichever climate one wants, he/she should try to establish it early and set the tone for the rest of the semester.

Generally, the introduction will be facilitated by starting with some kind of an overview of the subject or by answering questions pertaining to the nature of the subject. For instance: What are the parts/modules of the

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16 L. Dee Fink, "First Day of Class: What Can/Should We Do?", University of Oklahoma Instructional Development Program, July 19, 1999, p. 2; available at: [http://www.ryerson.ca/content/dam/lt/programs/new\\_faculty/2008/Materials\\_0808/1\\_dayo\\_fclass\\_article1.pdf](http://www.ryerson.ca/content/dam/lt/programs/new_faculty/2008/Materials_0808/1_dayo_fclass_article1.pdf), (visited on November 15, 2017).

subject? How is it connected to other disciplines of knowledge etc.? Remember that it is imperative for a teacher to set the target on the first day itself. Whatever it may be, the teacher wants the class to do it for the rest of the semester. If you want the students to discuss certain topics, do it on the first day only. Further, if the teacher wants them to divide into small groups, he/she should do it on the very first day; so that the students would understand the way they are going to learn the subject.

### **Encouraging Students Retention**

It is important to understand the target group of learners, their learning goals, age, cultural traits, language proficiency, living style etc. If the target group of learners is mature in age, with professional grasp and comfort with language of instruction etc., their grasping capacity of lectures would be much faster than teaching a target group of tender age students, who do not have definite idea of their professional life yet. Therefore, a teacher must draw a line between pedagogy and andragogy of teaching and its learning outcomes before launching a course. Hence, based on the learning outcomes, retention of students in the classroom can be thought of.

A teacher must try to know the name of each student as quickly as possible and call the students by their names in the class instead of addressing them by identity numbers or roll numbers. Once the teacher is familiar with the names of the students, acquaint himself/herself with their culture, ethnicity, educational background, variety of language, and level of understanding. A teacher shall always remember that each student has respect being a student, a human being, a learner and concerned citizen of the country, he/she belongs to, therefore, the teacher must respect his/her students. As they have come to you to learn something new and to make their career based on their learning through you and while doing so the students in any way do not become subservient or surrender to your authority, hence, the students need to be respected. A teacher who respects his/her students in the classroom, he/she is respected more on reciprocal basis and the students pay full attention during his/her class. In such classes, the students open up more to have free academic interaction with the teacher, within peer groups and class teaching remains relaxed. Further, if a teacher shares with the students a weekly, fortnightly and a monthly his/her feedback on the teaching and learning, the students enjoy more of this kind of exercises and it boots their academic pursuits. Give your telephone number to the students and the location of your office. In the very first class, pair up the students and have them get acquainted with one another. Switch partners every five (5) minutes. Have the students establish a 'buddy' system

for absences, work missed, assignments, tutoring, etc. Exchange telephone numbers and pair them by majors or geographical proximity.<sup>17</sup>

If some of these efforts are made by the teacher, he is very likely to retain attention of the students during the lecture to a great extent, and if it happens, the teacher should be more confident of his/her lectures and the method of teaching. Dealing with the students is an art, and it is as important as the art of teaching. Both are complimentary and supplementary to each other.

### **Classroom Management**

Classroom management is one such element of teaching profession that cannot be taught to a young teacher. Rather, it needs to be learnt while doing experiments in the classroom. As it may differ from course to course, person to person, style of delivery, mode of communication, medium of instruction, and one must learn how to manage a class while formal teaching is under way and still complete the course with successful outcomes. It may also differ with the age group of the target group of the recipients. Here are certain tips for the general classroom management. Move around the class as you talk or ask questions. This movement creates a physical proximity with the students. Avoid standing behind the lectern or sitting behind the desk for the entire period or playing with the digital podium for different kinds of settings. It is always better if a teacher moves around in the classroom and sometimes interacts with them individually which breaks artificial barriers between the teacher and the students. Once the artificial barriers are created, students become reluctant to approach the teacher and in a long way; it creates gap between the teacher and the students. The teacher must allow students to ask questions even when teaching is in full swing, though the questions so asked must correlate with the topic of lecture. If this exercise is done in the classroom learning improves a lot and the teacher becomes confident. Give each student a mid-term grade or draft of research projects, they have done under your guidance, and indicate what each student must do to improve upon it further. Tell the students (orally and in writing) what your attendance policy is. Make them aware of your deep concern for attendance and remind them periodically of the policy and the concern. Conduct a full instructional period on the first day of classes. This activity sets a positive tone for the kind of learning environment you want to create. Engage in some of the interpersonal activities such as the written tests, quizzes, and term papers as much as possible. Write comments +<sup>ve</sup> and -<sup>ve</sup> on their project reports, assignments and evaluation sheets, wherever required. Your instructional techniques while using different teaching methods such as lecture, discussion, debate, small groups, films, etc. should

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17 Daniel E. Vogler, *Performance Instruction: Planning, Delivering, Evaluating*, Instruction Performance Systems, Inc. Eden Prairie, MN, 1991.

vary module to module, and course to course. When a teacher comes fresh into the job, some students ask questions just to rile the teacher. He should always be able to distinguish between the wheat and the chaff and respond accordingly. However, there are always some questions that are probably very important to the students though it may not seem so to the teacher. It must be realized that the knowledge of the teacher is superior to that of the students and it is necessary for the students to be comfortable in order to facilitate its full benefit. When you answer a student's question, be sure he/she understands your answer. Make the student repeat the answer in his/her own words. Also, go to the class in time, preferably before the students arrive; be the last one to leave, if the classroom needs to be changed. Use familiar examples in presenting materials and do connect them with the problem solving skills. If you teach rules, principles, definitions, and theorems, explicate these with concrete examples that students can understand. Clarify and enable the students to understand what an acceptable and unacceptable behaviour in a classroom is. Be consistent in enforcing your rules. Be prepared to use an alternate approach if the one you've chosen seems to bog down.<sup>18</sup> Do not discriminate with the students on the basis of caste, language, colour, gender, region or religion. Be uniform in your approach to them. Do not remain too far, and do not come too close to the students. Also, do not get easily irritated if a student asked an irritating or irrelevant question.

You should be confident enough with your own material so that the students show interest and concern, on lecture notes, determine the format of instructions. Distribute an outline of your lecture notes before the class starts. This approach assists students in organizing the material that you are presenting to them. If you require a term paper or research paper, you should take the responsibility of arranging a library orientation. A teacher is required to make it sure that when the list of titles of research papers, projects and assignments is prepared, the library which is available to your students, has all possible printed and e-sources in it and the teacher lends his/her guidance on regular basis to the students. Further, a young teacher is also required to try the following:

**(i) *Involve Students Quickly***

A teacher is advised to involve students as quickly as possible in his/her delivery of lecture. It can be by using information and communication technology (ICT) equipment, using board etc. A teacher must keep in mind that every subject is awarded definite credit value and as per the credit value of the subject, a teaching plan is designed for the subject, irrespective of the duration of teaching period in the semester or the trimester method of working of the university. Therefore, a teacher is advised that without

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<sup>18</sup> [www.adprima.com/teachmeth.htm](http://www.adprima.com/teachmeth.htm), (visited on December 9, 2017).

wasting time the subject needs to be introduced to the students and while doing so, students have to be informed about the teaching methods, techniques and their execution plan. It could be with all students as a whole, or to divide them into small group or some other method, the teacher is willing to do so. However, paramount consideration of the teacher should be promoting critical thinking and learning among the students wherein they become problem solving architects rather than waking on the bitten paths of their career. The teacher should also make the students understand that they need to get involved in the whole learning process while working tirelessly as success cannot be achieved with shortcuts.

**(ii) *Identify the Value, Importance and Employability of the Subject***

Nowadays, students have plenty of career options to choose from but when they join law or legal profession as a career, it becomes imperative for the teacher to make them to understand that by opting law as a career they have not committed any mistake as legal profession has widened its horizon globally. Therefore, the teacher needs to help them to understand the significance of the course and explain to them the relevance of the subject under study to the job market and to the moral enrichment of life.

While appearing for the competitive examinations, to crack either any competitive examination or appear for the interview/interaction, the students seek information about each course, which generally are not factual or real; hence, there is a scope of confusion among students. Most of the students attend all classes with no clear idea of why this subject is important for them, why did they join this course, what they would like to be in the legal profession. In this regard, the teacher is required to help them to understand the significance of the course/degree programme. Therefore, a teacher is desired to make it clear in the minds of the students the value, importance, and employability, the course can offer to them, if taken seriously.

**(iii) *Set Expectations***

This can include things such as what the teacher considers as appropriate amount of study time, research time and homework for the class, the importance of turning homework in on time, expectations about in-class behavior, how the teacher wants to relate to the students, and how much interaction among students is desired. The first day also offers an opportunity to find out what expectations the students have from the teacher and from the class. Thereafter, the teacher should disclose course expectations he/she has set while designing the course and made his/her teaching plan. While teaching at the law university, a teacher must always remember that he/she is grooming a generation of budding lawyers who are going to lead the legal profession for a long time. These budding lawyers are to be trained not only in understanding the nuances of law, social sciences, and humanities, finding suitable law, interpretation and application of law but also to be sympathizing with pains of litigants. Furthermore, drafting and

public speaking for any lawyer are the key concerns and they play a vital role in their professional success, hence, while setting targets for the learners of law courses, the teacher and students, both should pay focused attention in learning these goals of their career.

**(iv) *Establish Rapport***

Almost any class will be more enjoyable for both the teacher and the students if they know each other a bit. This exchange can be started with introduction, sharing some background information, etc. Though it does not look directly an academic exercise but it can add a lot to intellectual learning of the students and also can give a morale boost to the teacher in his/her content delivery. In any professional course it is better if the instructor and the learners know each other and the same principle applies to law as well. While thinking out of the box, students should be encouraged to become familiar with senior students, alumni of the university, members of the academia, bar, bench, law firms, corporate houses and social workers, who visit them for value addition teaching or adjudging moot court rounds or chairing various technical sessions of seminar, conference, etc. This kind of practice would make them to understand professional working of these experts and the students may think about doing internship with the experts of their choice. Therefore, a teacher must make such kind of efforts and help the students in their career building process.

**(v) *Reveal Something about Yourself***

Once a particular subject or course is allotted to a teacher by the administration and after he/she prepares all possible materials for that course along with course outcome or expected outcomes or course learning, etc. the next step for the teacher is to introduce that course to the students as quickly as possible. While doing so, the teacher becomes an authoritative person very often which he/she could not have imagined; the students, may be due to their first impression or otherwise, do not take the instructions seriously in the first class as they do not correlate with expectations they have in their minds, unless the teacher connects the course outline with the job, or higher learning. In such situations, the teacher is expected to disclose to the students some things about himself/herself on the kind of educational qualification he/she has earned, the way of learning during his/her educational days, experience with industry, bar, bench, academia, or social works, if any. If a teacher shares with students about his/her experience of any research where he/she has been involved or working on or has future plan. Further, while designing the course outline, objectives, execution plan, teaching methods, evaluation methods, etc. the teacher must have had in his/her mind the vision and mission of the course which needs to be revealed to the students at the initial stage of the execution of teaching.

Further, it would be better if a teacher reveals cultural, ethical, spiritual, and professional habits to his/her students and correlate them with his/her



teaching and research skills. He/she should also share with the students that in difficult times, how he/she has managed to overcome from professional problems and what his/her experience has been with the peer groups, and how he/she would like to advise the students, while helping them not to get in those kinds of situations. Therefore, if some of the personal information is revealed to the students, the author is sure that the students would not only take the course seriously but also respect the teacher.

**(vi) *Establish Your Own Credibility***

As nowadays the students are sort of technocrats, while having easy access to internet, social media and interpersonal relations for quick information about the subject of their interest; they hardly take time to understand academic potentials of the teacher in the classroom and his/her expertise over the subject. Further, the students are also comfortable with variety of medium of instructions which make them to judge their teacher very quickly and they consider their teacher based on his/her commend over the language coupled with contents of the lecture. Therefore, a teacher before introducing the course to the students, reveals about his/her expertise of the subject with suitable examples of his/her previous research, their outcomes, and his/her teaching experience with different pedagogies, students would take the teacher seriously and this exercise would generate interest among students. Once the students understand the authority or expertise of the teacher over the subject and there is formal exchange of dialogues between them, it not only creates confidence in the students about their learning but also boosts confidence in the teacher on his/her teaching and research.

However, such bonding and respect empowers the teacher in the classroom which he/she should take utmost care never to misuse. A teacher being a lifetime researcher, should not be strongly opinionated or fundamentalist because students in the classroom represent different religions, races, castes, cultures, etc. as such fundamentalism might disturb academic harmony of the class. Therefore, even if a teacher is of certain opinion, he/she should uphold diverse opinions made by students with logical reasoning before reaching due conclusion.

**(vii) *Establish Conducive Teaching and Learning Atmosphere***

Teaching is a profession from which many other professions take birth. Traditionally teaching as process takes place within the four walls of a classroom which is a formal and mechanical delivery system of academic contents through which dissemination of knowledge takes place. Though nowadays teaching takes place in a variety of classrooms with the aids of ICT devices wherein a teacher remains more relaxed in comparison to the traditional lecture methods but the climate of the classroom depends on the target group, its learning pedagogy, medium of instruction, level of interaction, etc. therefore, it depends on a teacher as to what kind of climate

he/she requires in the classroom. However, sometimes the climate of the classroom depends on the subject matter, course contents, understanding of the course and its evaluation methods. The climate *per se* could be intense, relaxed, formal, informal, humorous, etc. but it has to be as per the need of the course and its expected outcomes wherein the teacher and the students are on the same level. It is always better if the climate of the classroom is set at the beginning of the semester and being deliberated by the teacher and the students.

**(viii) *Provide Administrative Information***

At the very beginning of the course, every teacher is required to disclose administrative approvals on the syllabi with all the details about the number of modules, number of classes, credits of the course, regular or remedial classes and medium of instruction, etc. The teacher is also required to disclose important dates of assignments submission like, the dates of submission of rough draft and final draft of the project or seminar paper and also if any student fails to comply with these dates what are the consequences, the students are likely to face. Students also have to be informed about the administrative approvals on the absentees from the scheduled examinations and failure from the submissions of written assignments, etc. The administrative schemes about the retake, re-submission, and re-evaluation, etc. are also to be disclosed to the students in the very beginning of the course in each semester separately. Further, the students should also be informed about their class teaching timings, extra class hours, tutorials hours, and doubt seeking from the teachers in their respective cabins, etc.

Furthermore, at the academic excellence level of any educational institution imparting higher education, legal education for example here, students admitted to various degree courses including vocational courses, have to be informed about their participation in various academic, sports, and other co-curricular and extra-curricular activities at the institution and representing their institution at other institution, the financial support would likely to be provided by the institution of their enrolment. Whether financial aid would be provided before the event is over or there would be reimbursement of approved expenses on the production of receipt along with the sufficient paper evidence produced by the student(s) to the concerned authority of the university.

Furthermore, students should also be informed at the initial stage of their studies about the scholarship or fee waiver scheme of the university so that not only financially unstable students would make their plan of study but also meritorious students would make their subsequent plan accordingly and in both the cases the students would become more academically oriented due to financial help and honour extended by the university. Therefore, a teacher

who is also a member or chairperson in some of the important committees of the administration should supply the required information to the students.

**(ix) *Introduce the Subject Matter***

At the beginning of any course, a teacher while introducing his/her course needs to disclose to the students briefly about the course, its viability, usage in practice, number of modules, statutory references, judicial references, readings etc. in order to relate the subject to the real profession. A teacher must have ability to introduce subject with all facets of formal learning in very precise form at the earliest.

First and foremost, the teacher must make him/her approachable. It is not possible for the teacher to attain his/her goals by the development of young minds in a climate of fear. The students would be too scared to either ask questions or develop a bond that is so important in any teacher students' relationship. It may as well slowly lead the students lose their interest in the subject. Secondly, he/she must be friendly because such an attitude minimizes hesitation between the teacher and the students. It must be realized that interested students are essentially like sponges soaking up as much information as they can. If the teacher is relaxed in the presence of the students, the attitude is reciprocated and it initiates fruitful discussion which is helpful for both the teachers and the students.

The teacher should undoubtedly be knowledgeable; there is no alternative to it. He/she must have a very firm grasp over his/her subject, especially its finer nuances which he/she must understand and elucidate in the best possible manner. Unless a teacher manages to give satisfactory responses to the students on their queries, it is not possible for him/her to be respected by the student community. In all branches of education, there are changes in the subject that are constantly taking place. If the teacher does not upgrade his/her knowledge, it would be very difficult to answer all questions and because of this he/she would be typecast as basically incompetent by the students. It would cause a total breakdown of his/her command over the class.

Therefore, these techniques should be followed at the initial stage of the classes and teaching must be implemented at least once, as we all know that observations and experimentation are the basis of learning even if it's for a teacher. Utilize small group discussions in class whenever feasible, especially among the differently abled learners. Take the initiative to contact and meet with students, especially those who are not performing well, do not mix up with the bright students. Be specifically cognizant of the 'passive' students, those who come to class, sit quietly, do not participate in classroom discussions, and also do poorly in the tests and quizzes, etc. Develop habit of providing supplementary reading lists which complement course content while selecting books, journals, reports at various reading levels. Throughout the semester, have students submitted topics that they would

like to cover through project research or discussions. The teacher needs to respect it and promote the students to do it on constant basis. Use your imagination to devise ways to reinforce positively student accomplishments; it would enhance effective teaching and learning in the classroom. Try to avoid putting students in embarrassing situations, particularly in the class, individually or publicly. The teacher should also arrange tutorials for enhancing problem solving skills with special focus on understanding and application of judicial pronouncements, not only for the differently abled learners but also for the average and fast learners. If need be, arrangement for special classes be made for differently abled learners on reading, writing and public speaking. Further, you can consult other faculty members who are teaching the same students in their classes and find out their learning outcomes, behavioural attitude and intellectual performance. Thereafter, try to reinforce the idea of relearning through different styles. If administration permits, invite subject experts from the bar, bench, academia and industry for value addition lectures. Finally, conduct periodic self-evaluation of each class, each module and comprehensive course so that necessary improvements may be made.

#### **(x) *Entertaining Interaction with Students***

While teaching rigorously, a teacher needs to see whether understanding level of students in the classroom is up to the rigorousness of teaching. Sometimes student/s wishes to get further clarification on a point or issue from the teacher to understand better but causing interruption in the flow of teaching may make the student not to ask for clarification so required. In such a situation, a teacher is expected to see whether students are getting from him/her the amount of learning as they expect; if there is any disturbance or inconvenience among students, the teacher needs to stop and find out the issue or query and make it clear with supplementary teaching. Further, a teacher needs to provide positive reinforcement whenever possible; give students a respectful answer to questions they ask, listen intently to students' comments and opinions. By using a 'lateral thinking technique' (adding to ideas rather than dismissing them), students feel that their ideas, comments, and opinions are worthwhile. The teacher must be aware of the difference between students' classroom mistakes and their personal successes or failures; be honest about his/her feelings, opinions, and attitudes toward the students and toward the subject matter. In addition, the teacher must be willing to admit that he/she does not know all or any of the answers. If a student tells the teacher something in confidence, his/her confidence must be respected. Avoid making value judgments (verbally or non-verbally) about these confidences. A teacher must understand that sometimes student asks questions during teaching to just check the depth of knowledge of the teacher or an amount of patience in the teacher or to see whether students can divert the attention of the teacher. At the same time, a differently abled learner may not ask question during teaching but may be

comfortable to ask the same in person outside of the classroom or in the cabin of the teacher. Further, there may be a question which has nothing to do with the topic of teaching at a given point of time but student thinks it has indirect connection with the topic of lecture. Therefore, a teacher must understand the dynamics of students while entertaining their questions and answering them to their satisfaction. Hence, healthy interaction from both the sides in the classroom is a feast of learning and boost of teaching where teacher and students grow together.

### **(xi) Video Conferencing and Studio Teaching**

Video conferencing or video conference means to conduct a conference between two or more participants at different sites by using computer networks to transmit audio and video data.<sup>19</sup> This technology facilitates an ‘e-learning environment’ wherein the students get an opportunity to interact with experts irrespective of their location. There are numerous benefits of video conferencing in the field of education, some of them are as follows: one, it enables virtual field trips; for instance, if the funds are less or there is scarcity of time for actual travel, then video conferencing can be very beneficial as it enables the students to take a virtual tour of the destined place from the comfort of their classroom; two, ‘inviting experts to visit classrooms via video allows for an interactive experience for students with people skilled in the field being discussed’<sup>20</sup>. In addition, these experts often are packed in tight schedules, and video conferencing saves their time and travel expenses; three, there are instances wherein the students who reside in rural areas may lose out various opportunities due to the distance they have to travel, so connecting these rural students to virtual field trips, lectures, etc. via video conferencing from their home village can give them better opportunities to improve upon; further, it is evident that the students are curious to know about the world around and the people, their culture and heritage. Through video conferencing the students connect with classroom from other countries allowing them to perceive and work with geographically distant cultures and to grow into a better world citizen; furthermore, we know that students record the classes and lectures on their mobile phones either to listen to it again for better understanding or making notes or to share it with their classmates who were absent in the class. So, video conferencing recording can recapitulate the classes and share it with the students to tackle above mentioned nuances of virtual learning. These recordings may also be beneficial to the teaching faculty; and lastly, video conferencing is also a beneficial and convenient mode for both parents and teachers to interact on the performance of the student. Some video

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19 <https://www.webopedia.com/TERM/V/videoconferencing.html>, (visited on December 15, 2017).

20 <http://www.ingrammicroadvisor.com/unified-communications-and-collaboration/six-advantages-of-video-conferencing-for-education>, (visited on December 15, 2017).

conferencing systems offer tools like guest invitees in order to engage parents in parent/teacher conferences.<sup>21</sup>

In addition to this, studio teaching is a new perspective to teaching wherein the standard conventional lecture method is replaced. In this way of teaching, the teacher records his/her lecture either in a studio or in the classroom and he can make that video public either paid or free. So, studio teaching approach is a mixture of both virtual learning and the conventional type of classroom teaching which gives the students a feeling of classroom teaching.

### **Importance of Eye-contact**

The eye contact is one of the most important ingredients of body language in good teaching, so much so that it needs a separate section in this research paper. Watching the students while teaching them is another level of confidence and adventure of teaching profession. A teacher understands better when he/she is teaching and having perfect eye contact with all the students sitting, listening and grasping knowledge disseminated by the teacher which is just like singing at a very high pitch where the singer does not know reaction of listeners but a teacher knows and reads the mind of his/her students. At the same time, to have class discipline, the teacher must see with open eyes what the students are doing in his/her class when teaching is underway. If the students are not paying proper attention to the lecture, the teacher may change the teaching method, topic, technique, or may involve the students in discussion but it is possible only when a teacher is having eye contact with the students. A teacher needs to understand that speech is one of the modes of communication and there are many more of them, an eye contact for non-verbal communication is another wherein performance of the teacher and the students can easily be gauged. One aspect of non-verbal communication is the use of eyes to convey messages. The eyes are a powerful tool for both the teacher and the learner, yet much time is spent with eyes firmly on the book, the board, the floor, the window, or roaming randomly around the teaching and learning environment.<sup>22</sup>

The author of the research paper has experienced many kinds of teachers who have different style of their eye connections while teaching such as the teacher looks at only one side of the classroom and does not see other side; teacher looks at the front rows of the students and does not see or address the remaining rows of students; teacher looks at the fan, air conditioner, window, etc. while teaching the whole class but literally does not focus on the students as he/she is teaching and not the objects available in the classroom. In such situations, neither do students pay attention to the teacher

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21 <http://www.ingrammicroadvisor.com/unified-communications-and-collaboration/six-advantages-of-video-conferencing-for-education>, (visited on December 15, 2017).

22 Nazmi Al-Shalabi, "Keeping Students Engaged: A Prerequisite for Learning", MEDITERRANEAN JOURNAL OF SOCIAL SCIENCES, Vol. 6 No. 5, 2015, p. 578.

nor do the contents delivered by him/her and it results in a very poor interaction between the teacher and students.

While teaching law subjects, a teacher must teach students to have professional eye contact with honorable members of the bench while submitting their oral arguments. This kind of learning can easily be given to the students through mock trial and moot court exercises. Students can also be groomed to understand the importance of eye contact with opponent lawyer, peer group members, and the bench while addressing them on facts, law or interpretation of law. Further, the students can also be taught that whenever they present their research project, seminar papers, dissertation, they need to have eye contact with the fellow students, scholars and the examiners.

Much of the above is likely to seem transparently obvious, only natural, and an aspect of human behaviour either innate or developed over time.<sup>23</sup> But watch yourself, watch your colleagues, and watch your learners!<sup>24</sup> But do not watch too much and do not act as a peeping Tom.

### **Use of Audio-Visual Aids**

There are many visual aids that a teacher may employ during teaching to ensure the student retention and better understanding of the course. However, these aids may or may not help depending totally on the personality of a teacher and his/her style of teaching but, once again, the observation and experimentation never hurts anyone. It is recommended that the visual aids be used by a beginner but one must amend his/her own teaching style according to the visual aid, the teaching should supplement it rather than complimenting it.<sup>25</sup>

Technology has taken every aspect of our life to new rarefied levels. It has affected our lives to such an extent that it is unthinkable that we can lead our ordinary lives without the use of technology. Hence, it is only logical that it is used in case of teaching also because it is not fair or proper that the teaching line remains in a retrospective age while the rest of the world goes on in the jet set age exploiting the various uses of technology. In fact, this would be akin to the frog in the well syndrome. The ways and methods of teaching must come out for better effectiveness.

New methods and techniques of teaching have evolved to supplement the existing methods and techniques and using them is certainly one of the better skills of teaching which interest the class more. These devices as given below can be very useful in teaching:

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23 <http://iteslj.org/Techniques/Darn-EyeContact.html>, (visited on November 21, 2017).

24 *Ibid.*

25 Pat McCarthy, "Getting the Most out of Your AIDS/HIV Trainings", East Bay AIDS Education Training Centre, RN, MSN, 1992.

**(i) Flip Charts and Posters**

Flip charts are the other mode of display of information while actual lecture is on. Flip charts are not very expensive but when they are used, they can be preserved as an evidence for future sessions and they are transportable from one classroom to another. If the multicolour markers are used, the flip charts can be made attractive to retain attention of the students for a long time. It is uncertain that flip charts can address large group of learners as they are more suitable to small group, say fifteen to twenty students in a group. It is necessary for a teacher to have good hand writing for usage of flip charts. The flip charts are generally used when a teacher or instructor intends to explain to the target group many things simultaneously by using a variety of ITC aids in the classroom. It also requires the learners to participate in learning while remaining focused on the topic.

Poster presentations are welcome in professional learning. When common topic for discussion is thrown open to the learners and they are asked to make a poster presentation before the peer, it brings in holistic learning where everyone deliberates on the topic. Therefore, a teacher needs to develop this skill too and must encourage his/her students to learn to create meaningful, crisp and precise poster to display their points of learning.

**(ii) Overhead Projector and Transparencies**

This is a certain improvement over the other aids mentioned earlier. This involves a projector that is placed on the ceiling and is connected to a computer or a laptop on which power point presentations have been made. These presentations are then displayed on a screen with the help of the projector. The slides can in fact be moved forward with a remote control. This gives greater control to the teacher and not that it only affords the teacher to include greater information. This is a method that undoubtedly uses both the visual and aural methods very efficiently. Also, students would always be more interested in these presentations because this is an instrument that they can relate to because of having brought up in the information age. And, if a student asks questions, it is very easy to go to an earlier slide to answer it. Here, one thing has to be mentioned, i.e., the usage of video clippings. This is a modicum which would undoubtedly catch the interest of each and every student in the class. These clippings should preferably be that of a graphic nature so as to interest the students more and drive them to participate in the proceedings of the class. It is understood that in classes it is not possible to use video clippings. But, what is definitely possible is the use of animation, and this must be done to sustain the interest of the students in what otherwise can be a difficult and dry topic.

The overhead projector and transparencies are quite professional in appearance and are also good for large groups. But, they also have many disadvantages. They have to be shown in the dark room where having eye



contact with the students is not possible and there is very less scope for interaction among the teacher and students. Displaying lecture contents through overhead transparencies are good for large groups and are easy to create, easy to transport and provide an informal atmosphere. Nowadays, power point presentation has taken over the utility of overhead transparencies as power point presentation seems easy to make and affordable to display, especially in the ICT enabled classroom.

### **(iii) Power Point Projection**

The projections are professional in appearance and are evidence of thorough preparation. They are also good for large or small groups and are easy to integrate with classroom discussion. The up-to-date technology ensures that they are easy to update. However, they require special equipment/facilities and require initial training to create and significant time to create. Nowadays there is a variety of animations available which can be inserted into PPTs wherein a teacher can retain attention of the students when these PPTs are displayed and explained point by point during the class and there are new technologies which allow the teacher to control the PPT's display while moving around the class remotely, thus not restricting the teacher to the podium.

### **(iv) Liquid Crystal Display (LCD) Projector**

The liquid crystal display (LCD) projector is a device for displaying video, images, graphics, and digital data on a screen to the students. It is a modern aid used in teaching while using slide projector or overhead projector. There are many models of LCD projectors available in the market, though it is up to the administration to buy and set them into the classroom. But it creates additional work for the teacher to learn and make compatibility with the usage of LCD projector. This involves a certain amount of preparation and hard work on the part of the teacher. The power point slides or transparencies should contain a large amount of information, but in short clipped style. Here it is important to notice that in such cases it is not feasible that the entire gamut of information need to be there. All that is required is a basic summary and the main pointers which must be expanded by the teacher. The teacher is required to update his/her digital notes on regular basis and he/she should declare before display of these digital slides in the class that students are supposed to concentrate on learning and not to involve in writing down the notes rather involve in discussion as these digital slides will be given to them in the printed or electronic form after the lecture or module is over.

### **(v) Virtual Learning**

Nowadays there are many educational contents oriented videos made by many education institutions as promoted by the University Grants Commission, New Delhi and also by the Ministry of Human Resources

Development, Government of India, and YouTube portal, etc. All that can be displayed to the students to their big benefit. These videos are not only professional in experience but are also equally good for large and small groups; however, they are much more expansive than other visual aids as they require special equipment and are not conducive for discussion and interaction.<sup>26</sup> Therefore, virtual learning is growing by the day and year as a complement to the classroom teaching to a great extent.

**(vi) *Laser Pointer***

This appliance is not used too often but in the author's opinion this is a must. Using it as a pointer on the screen and simultaneously explaining it to point out the highlighted portion can really grasp the attention of the students. Further, the students do not have to search for the lines that the teacher is pointing out. It makes the job easier for the student helping him to concentrate and listen better. However, care must be taken that it is not misused by pointing it to any student, not only because it has a very visual singling effect, but because it has also the effect of being harmful to the health. The laser technology can prove hazardous especially, if pointed in the eye by any chance because of its particular sensitiveness.

**(vii) *Use of Mic and Speakers***

Nowadays a variety of mics such as the wired one with the podium, collar, hand-held one, face mic, etc. are available in the market. It is left to the teacher to see what kind of mic will suit his/her comfort. Nevertheless, the essential point here is to reach all the students present in the classroom easily, as some teachers have low volume of voice, some have grown old in age cannot exert, and some of them are hesitant to speak loudly. This is another device that is not used as often as it should be. It provides the teacher a very helpful appliance for amplifying his/her voice so that even without raising the pitch or putting the strain on his/her own voice, he/she can easily reach out to every student of the class. Further, it evens out the voice thus correcting the variations in pitch automatically. It is an aid that helps the teacher tremendously. It also gives the teacher the power to walk around the class while teaching and everybody can hear him/her also. This does not restrict the teacher to use the podium and the fixed microphone.

But what is probably most important is the skill in using these aids. It's no use pretending to be hi-tech if you make a faux pas at every juncture of the class. This merely provides the class entertainment while showing the teacher in a very poor light. This contributes to the teacher losing command over his/her class which is always the most undesirable thing. Undoubtedly the skills increase with practice and the teacher would be adept in using these aids very soon. But before even starting a basic dry run about the equipment, how to use them, how to set them up, and how to troubleshoot

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26 <http://everythingaboutvisualaids.blogspot.in/>, (visited on November 11, 2017).

the minor errors, it is required so as to enable the teacher to use them in the proper fashion to their proper effectiveness.

With all the technological advancements happening in the classroom, the use of microphones, video conferencing, digital podiums, speakers in the classroom for announcements, etc., they all need a systematic audio output, i.e., speakers. It is also essential to install proper speakers with loud and clear audio and they should be facing in all the directions of the classroom which gives the students an immersive experience especially in video conferencing and when teachers use the mic. It is also important for the speakers to be compatible with all the devices that are being used in the classroom and should also have proper amplifiers so that the voice of the teacher or the video being displayed should match with the audio output to avoid confusion and wastage of time while teaching. Therefore, it is necessary for a teacher to have an adequate knowledge of ICT devices and their accessories installed in the classroom as teaching aids.

### **Expectations of Students from a Teacher**

Ultimately, the aim of teaching is not merely to increase the student's knowledge but also to teach, develop and enhance transferable personal and professional skills. Further, to develop oral and written communication and self-presentation, team work, critical analysis and problem solving skills are useful. These skills are applicable not only in the workplace but also in everyday life. To achieve these qualities, students expect the following from a teacher: good teacher; mentor; guide; research scholarship; academic leader; enthusiasm; caring attitude; sense of humour; dedication and commitment to teaching; good organisation; accessibility; innovative teaching methods; comprehensive study guide; use of a variety of teaching aids including ICT; periodic feedback; information about assessment requirements; confident; modest; must respect students; flexibility; good communication skills; fairness; multi and soft skilled etc.

A radical change is desired in the present form of law teaching, legal research and contents of legal education. As Justice V.R. Krishna Iyer observes that “*A strong independent, competent legal profession is imperative to any free people. We live in a society that is diverse, mobile and dynamic, but its very pluralism and creativeness make it capable of both enormous progress of debilitating conflicts that can blunt all semblance of order. One role of the law teacher and the lawyer in a common law system is to be a balance wheel, a harmonizer, a reconciler. He must be more than simply a skilled legal mechanic. He must be that but in a larger sense he must also be a legal architect, engineer, and builder from time to time, an inventor as well*”<sup>27</sup>.

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27 V.R. Krishna Iyer, J., “*The Social Dimensions of Law and Justice in Contemporary India-The Dynamics of a New Jurisprudence*”, 1979, p. 1; Ranbir Singh, “*Universities Engaging*”

## Manifestations of Technological Advent and Teaching Pedagogy

Due to the impact and influence of information technology on society and education, computer-assisted language learning is becoming the trend in foreign language teaching.<sup>28</sup> Interactive computer network allows students to test the result of learning without the risk of being punished for any mistake.<sup>29</sup> Learning need not be related to stress. Computer-assisted language learning can reduce the anxiety of students and turns out to be a positive side of learning.<sup>30</sup> Consequently, the objective of the present research is apt to discover how learners adapt themselves with English through the help of multimedia computers and communication amongst the learners and multimedia computers. The literature of past research in the communicative language teaching (CLT) approach and computer-assisted language learning usually look into the topics in their own domain.<sup>31</sup> The study conjoining the two fields is not usual hitherto which makes this study significant.

Further, this segment of the paper confronts three significant questions as stated : (i) *What are the similarities and differences of language teaching and learning between a traditional classroom and a multimedia language lab?*; (ii) *Are there any changes in the roles of teachers and students when they are in a different teaching environment from traditional classroom?*; and (iii) *What are the implications of the Communicative Language Teaching Approach (CLT approach hereafter) in a multimedia computer language lab in teaching?*<sup>32</sup>

Technological innovations such as laptop, computer, digital podium, smart interactive board, wireless fidelity enabled display system, liquid crystal display projector, light emitting diode display, closed circuit television camera and sophisticated sound systems with audio-visual recording facility in the classroom, has had a substantial effect on teaching. Now, it is a regular practice for the teachers to present their lectures with the aid of power point slides which has numerous benefits over the conventional use of chalk board lecturing mode, but there are also many drawbacks to it; first, disadvantage being, the power point presentations are too swift which

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*With Their Social And Cultural Environment*", NALSAR LAW REVIEW, 2003, Vol. 1, No. 1, p. 19.

28 Meenakshi Raman (ed.), ENGLISH LANGUAGE TEACHING, 1<sup>st</sup> ed. 2004, p. 94.

29 *Ibid.*

30 Mujibul Hasan Siddiqui, TECHNIQUES OF TEACHING STRATEGIES, 1<sup>st</sup> ed. 2007, p. 101.

31 Ashok Kumar and Runita Marwah, "Challenges Faced in the Effective Utilization of Multimedia Labs in Oman", JOURNAL OF TEACHING AND EDUCATION, Vol. 3, Issue 2, 2014, p. 163; available at: <http://www.universitypublications.net/jte/0302/html/H4V383.xml>. (visited on December 10, 2017).

32 A. Joycilin Shermila, "Language Teaching in a Multimedia Language Lab", LANGUAGE IN INDIA, Vol. 9, 2009, p. 380.

do not allow the learner to grasp the material efficiently as there are presenters who projects and explains 65 or more slides in short duration. Secondly, it is observed that there is lack of elasticity intrinsic in power point presentations as the content of the power point cannot be modified to assuage the questions that might arise from the slides itself. The technology used while delivering lectures, needs to be user friendly and handy, so the invention of tablet-PCs makes the use of technology in the context of lecturing, more personal and immersive. A tablet-PC is an all-in one computer whose monitor gives dual functioning; one, it acts as a writing board which needs a stylus that replaces the traditional use of chinks and markers, and this is connected to a projector placed in the classroom; and two, it performs as a virtual blackboard and projects live output of the activity done on the monitor using the stylus and also saves the same so the student need not worry about taking down notes as notes can be shared to them electronically allowing them focus on the concept being delivered better.

The technologically sound lectures delivered through the use of Tablet-PCs are more convenient modes over both the traditional chalk and marker style and the conventional laptop style as, each of these modes have demerits to them. The teachers using traditional chalk and marker style cannot express themselves via multimedia files in order to make the listeners understand the concept of their lectures better. With the conventional laptop style, though the teachers can make the students understand the concept better, they cannot indicate the points to be emphasis on. Thus, with the cross-breeding of these two styles, the teachers can deliver their lectures by making the listeners understand better and also indicate the points so that the listeners can focus on the emphasised points and not get confused with the irrelevant point.

### **Soft Skills for a Teacher**

A teacher's contribution to the growth of this world is immeasurable. He is the torch holder for an entire generation which one day would rise to lead the nation and the world. Hence, it is the first and foremost duty of a teacher to foster in the students the best of what he/she knows. It must be remembered that knowledge of any kind is never useless. It always helps to reach the rarefied levels where every student should aspire to arrive. For this the teacher must always provide them with whatever information they might require. This is because the teacher is not only a person who teaches a particular subject or a course, he/she is in fact a friend, philosopher, and guide for the students. He carves out their destiny by exploring deep within them what lies beyond the common comprehension. Hence, what is very important is that a teacher should not only be knowledgeable but also be able to pass his/her knowledge onto the students. For this, the teacher should have some basic skills related to the actual method of teaching because this

not only helps him/her to acclimatize with the environment of the class but also builds up an equation with the students. These skills are also very closely related to the actual teaching of the subject because it would help make the subject much more lucid and would help the students to understand the subject much better. In turn, the teacher would too undoubtedly gain credibility and respect among the students as well as the teaching fraternity.

**(i) Writing**

For all the audio visual aids that are used, one thing must be realized that the teacher always has to use the board for writing. This is primarily required because even if the teacher is fully prepared with slides or presentations, still all the different avenues cannot possibly be covered, and if any question is asked, it is the teacher's primary duty to answer it to the student's satisfaction. For this the teacher would have to use the board for proper elucidation of the various concepts related to the question asked along with the diagrams to be necessary. First it is the size of the alphabets and the handwriting that matters much. Neither should it be chicken scratch handwriting, nor LKG type huge cursive writing. This is because in the former case it needs to be remembered that most of the classrooms nowadays are very big with a large number of students and not all of them can view the board clearly from the back benches. However, the writing should be of such a size and of such a legible nature that the student should be able to read it without any strain on the eyes from all sides of the classroom. For this, the words and sentences should have a proper space between them for a distinct identification. The punctuation marks should be distinctly identifiable. The handwriting should not be too large also as it tends to create an image which is very light and also much of valuable time is wasted in producing such huge letters. Basically, the handwriting should be legible enough so that it can be read by all in the class without being overbearing on the eyes. The teacher should not quickly erase the writing on the board. It would be unfavourable to sumptuous note-taking by the students.

Now, it must be remembered that the old drab black board is not the only available option for the teachers. Various types of board are available, e.g., the green fiberglass board which provides a smooth grip to the chalk and helps in writing legibly. But all these boards in the opinion of the writer have a common disadvantage of leaving a chalk trail on the board when rubbed with a duster thereby giving a very unclean appearance. Also, it is not favourable to the teachers and students who are allergic to dust etc. Hence, probably, the best option is to use the white board on which letters can be written with a felt pen. In such boards the mark left is not permanent and can be easily removed by using a wet cloth as a duster, leaving it as clean a surface as originally it was. It also gives a sophisticated and novice impression to the students who always look for a difference. However, in

case the use of the old board is unavoidable, chalks of various colours can be used. This colour coding heightens the interest and also helps in differentiating the various precepts of the concepts that the teachers are teaching. It also makes the entire display much more glamorous, attractive, and hence attracts the attention of the students more conveniently. It as well enables the teacher to hold the concentration of the students for a longer time. Moreover, the visual component of any mode of instruction has its distinct advantage. The visible makes a lasting and legible impression on the student's mind than the audible. It is reproducible whereas the audible may be mixed up or forgotten. The visual impression on the mind aids the remembrance of the audible also.

Next point is that the teachers often ignore while writing: it must be remembered that whenever a teacher is writing something on the board, his/her back is often turned to the students enabling the students to do mischief or gesticulate or talk to each other. That is indeed an opportunity that the students exploit to indulge in such unwanted activities. This can be detrimental to the silence and seriousness in the classroom much to the disadvantage to the serious students. It also adversely impacts the respectability of the teacher among the students, which counts much for silence and concentration in the class. While this is a malady that probably has plagued the teaching process for a long time, it therefore cannot be fully eradicated so very easily. Still, one could make an attempt in the interest of the students, if not in his own. Probably an important measure that would help is to change the posture. Instead of facing the blackboard completely, a bit sideways approach can be adopted which would enable a teacher to see the students from sideways. Also, the sentences used on the board should always be crisp and concise instead of long winded statements which take up long time in writing. It is an accepted fact that writing has to be supplemented with speaking, but it must be remembered that it is not possible for the teacher to write on the blackboard and speak simultaneously, expecting the students to listen because it would be tedious for the students to write and listen simultaneously. Rather after writing, if the teacher turns around, faces the class, and then addresses the student, it would certainly be more effective. Thus, the teacher would be well appreciated and his/her lectures listened to in the proper spirit and the teacher could guide the students in the best possible manner.

### **(ii) Communication**

Language is a very significant mode of communication between the teacher and students. Actually, there are two distinct types of languages which have to be considered. One is the technical aspect of the subject which requires a different language and quite a different vocabulary. The second is the ordinary but formal language which is spoken commonly in the

course of the teaching process. Both of these comprise different degrees of command over the required type of language.

First, the technical aspects of the language shall be dealt with. It is absolutely imperative that each and every technical expression is known to the teacher because not knowing it always shows him/her in a bad light. Also if some expressions are in a language other than the one in which he/she is teaching, then knowing its proper diction is an absolute necessity. Pronunciation is an ability that is very important that a teacher should have and having a neutral accent is equally important. A marked preference for a particular accent poses problems for rural students and always provides fodder for the students to make fun of the teacher. In addition, as far as the technical aspects are taken into consideration, it is also necessary to know their origin so as to provide a holistic approach to the teaching of the concepts.

Secondly, it is the normal but formal language delivery that is accompanied by the dialogue delivery that comes along with it. The language used should be sufficient without being high sounding because using too many, particularly difficult expressions not only makes the students disinterested but also weans their interest away from the language. By this, their attitude becomes indifferent as they might not be able to get hold anyway. Good vocabulary is a very valuable thing but the entire armoury in one's language should not be unleashed at once. But what if the teacher's vocabulary is not that good? It is absolutely necessary that the first portion of the language as mentioned above is firmly in the grasp of the teacher. But as far as the second part is concerned it is not always possible that the teacher shall have a particularly good command over language. If the teacher knows that some aspects of his/her language are weak, the best thing would be to accept it in front of the students and try to improve slowly. It in no way demeans the self-respect of the teacher, rather the students respect him/her all the more for his/her honesty in accepting his/her deficiency. But acceptance is the first step on the path of which recovery can be made. The teacher must make conscious attempts to learn the nuances of language, if necessary by enlisting the help of a language expert or one of the various books that are available in the market today. There is nothing the students like better than to see that the teacher is trying to improve his/her diction, vocabulary and in doing so improving his/her command over the language as a whole. Using simple and not verbose language is good for the students as they follow it conveniently. After all, the aim of teaching is to add to the student's knowledge and not to impress them. Some teachers try to impress their students by language, accent, and body gestures. They do it at the expense of their positive energy which can be fruitfully invested in effective teaching.



### **Dress Code and Teaching Profession**

Dress code is something which is a very important part of the general impression or the aura created by a teacher. Dresses are dependent upon the age of the teacher and also the gender, and the community in which they teach. For example, in some places, especially the international schools and also in some areas in the USA, it is not at all surprising for lady teachers to be wearing executive style short skirts. But, in many places, especially in India, such a dress code could be absolutely blasphemous and totally unacceptable. Hence, what should be remembered is that culture and taste of the place where the educational institution is based is very important and has to be kept in mind in matters of dressing. Also, something which is true, the administration's directions should be followed as far as possible in this matter. The difference in age vis-a-vis the dress must be considered, i.e., teachers who are no longer in the spring of their youth should not wear dresses which are outrageously fashionable, or make any extremely bold statement concerning caste, gender, and religion. Use of gaudy colours should also be avoided. As far as young teachers go, especially the ladies, they would do well to be conscious of their dressing to prevent any unnecessary comments from students and fellow teachers. For men it is easier and it is probably best to ordinarily wear formals because it not only looks good but also enhances the personality of a teacher.

### **Gender Neutral Approach**

In some of courses/subjects to have open discussion, where gender of the target group or its member is involved, becomes difficult for a teacher. Especially in advanced courses that are taught at many places on many topics come up in relation to gender and its various connotations directly or indirectly. In such situations it is extremely important that a gender neutral holistic approach is taken. It is obvious that the teacher might have some personal opinion about a particular topic in which he/she either eulogizes or demonizes a particular sex. However, such views should never be brought before the class. This tends to either hurt a section of the class or make the students hostile. Such attitude would immediately label the teacher as sexist and discriminatory. It might have adverse repercussions on his professional career. Thus, prevention is better than repentance.

Hence, what the teacher should do is to follow a balanced approach-the middle way. He/she should make the class interactive in such situations and encourage free and fair discussions among the students. He/she can effectively act as a mediator bringing out the points which are the most important to the topic concerned and at the same time maintain a gender sensitized mode of address. This will help the students understand the topic and its intricacies in its entirety and not skewed single channelled views outlining an approach that is neither correct nor proper. Hence, for a holistic study of the subject a gender neutral outlook is extremely essential. A true

teacher should never discriminate among his students on the basis of caste, colour, gender, region, and religion. All students are same for him-gender neutral and secular.

### **Setting of Question Paper**

Setting of question paper is another skill of a teacher needs to be well versed with and it is an art which one learns with experience of observing, reading, writing and listening to eminent scholars. There is no set pattern of question paper among the teaching fraternity. Largely, format of a question paper depends on the teacher, nature and objectives of course or institutional direction. The question paper may be in the form of 'multiple choice questions', 'true or false', 'descriptive-short or long', 'review of assignment', or 'statement of problem', etc. but setting of any kind of question paper is a serious work for a teacher.

Before starting setting of question paper, irrespective of its form, the teacher needs to declare it to students in the classroom as to kind of questions, format of question paper, duration of exam, and key points to be covered while answering the question paper. It is always better if a teacher makes and displays a sample question paper beforehand and asks students to prepare accordingly to see good learning outcome. Further, a teacher while setting question paper is required to prepare a key of answers or points for evaluation befitting the contents of the question paper so made. Furthermore, question paper needs to cover all modules of course contents, academic exercise conducted in the classroom and debate or presentations held during teaching. At the same time, the question paper should represent and make a balance between memorising core concepts, application of law, interpretation of statutes or religious texts and comprehension of concepts and application of theory to the facts and circumstances given in the form of questions. The students are to be taught and groomed to understand and respond to all these facets of question paper. The teacher must understand that designing of question paper should be such that a balance approach is considered wherein fast, average and differently abled learners give their best and remain confident about their learning of the course. If it is done regularly and professionally, the author is sure that a teacher can create next generation of thinkers, who would be perfect in drafting, writing, and public speaking skills.

Language used in drafting of question paper must be unambiguous and clear. A matrix of facts invoked by the setter of question paper must be in due chronological order and dates, places and character used in it must simplify understanding of exam takers. Sometimes the setter of question paper provides detail facts of artificial case and designs the issues to be answered by the students do not match, though language so used may be simple, clear or unambiguous but creates more confusion among the takers rather helping them in understanding and answering the questions. Hence,

language used in the question paper plays a vital role on which a teacher must be commended and must use it cautiously.

A teacher must remember that question paper is another tool of learning through which teacher creates situations where his/her students are required to find a solution while using their understanding of the course. It is further seen that academic discipline in the classroom is not only controlled or maintained by effective teaching but also by providing quality question papers to the students. If a teacher, who makes quality question papers, evaluates them objectively and disseminates knowledge through multiple channels, he is respected by the students and it goes batch to batch, year by year.

### **Course Evaluation**

Course evaluation is considered to be another skill of a teacher. Once course outline, objectives, and execution plan are designed and executed, evaluation of academic assignment begins therefrom through which a teacher comes to know the real outcomes of the course. The evaluation scheme needs to be disclosed to the students, scholars and course takers of the course on offer in the beginning and it also needs to be executed accordingly. A teacher must remember that evaluation plan is not his/her individual decision; it is an institutional decision in the form of examination rules or regulations which only needs to be executed by the concerned course teacher to whom a particular course/paper is assigned. However, evaluation scheme needs to be executed in most objective and professional manner wherein interest of students is the paramount consideration. Teachers are required to prepare a key of evaluation along with the question paper/s and the same is to be submitted to the examination section/department. Moreover, transparency in evaluation and accountability on the part of the teacher are the key concerns for success of any educational institution. Nowadays, most of the educational institutions are providing evaluated answer scripts to students for them to see whether all questions attempted by them have been evaluated and also to see if the totalling of marks is correct; and if any discrepancy is found, the same may be discussed with the evaluator. Furthermore, the result of any exam needs to be declared within a stipulated time keeping in view students' career. Success of any administration of the university/college is understood based on transparency and accountability in admission, execution of teaching plan and how well the examination systems are managed.

On the part of educational institution, the way exams are to be conducted, schedule of time, preparation of list of invigilators, execution of invigilation duties during exams, coding and decoding of used answer scripts, evaluation of scripts, tabulation of results, and declaration of result are the key concerns. The administration needs to invest on these matters more than other ancillary but academic matters. The educational institution must

conduct or organise capacity building programs for the teachers to develop their skills towards evaluation of exam papers, setting of question paper and preparation of key of answers. Most importantly, the educational institutions must care for comforts of teaching staff during examination and publication of result and also understand the mental stress, the evaluators feel during these times. At the same time, the evaluators should understand the sanctity of invigilation; they are not supposed to carry any of their assignments, academic or non-academic, along with them to the examination hall, not even mobile phone and to behave professionally with the students in the examination hall. It has been seen that many a times, the evaluator either over exerts during invigilation of examinations or does not pay desired concentration on the job so assigned. Evaluation and publication of result are time bound matters wherein comforts and expertise of the evaluators are essential to be protected in the larger interest of students. If publication of result is delayed because of any reason, students suffer in their further academic or professional matters and the administration is bound to be blamed for it.

A teacher is required to behave professionally in matters relating to setting of question paper, preparation of key points of evaluation and discloser of evaluated answer scripts to the students. The teacher must assure to the administration that course contents are covered through teaching, remedial classes or special classes wherein fast, average and differently abled learners' interest is taken care of and question paper is prepared accordingly. If need be, the teacher may conduct extra classes for differently abled learners. The setting of question paper may be for close book, open book, statutes or cases, take home assignment or public display of academic assignment purpose wherein learners need to exhibit their understanding of the course. However, evaluation of answer scripts is quite tedious but important work for a teacher where he/she needs to be unbiased towards students and their behaviour in the classroom, moot court hall or academic block of university/college. Same shall be the understanding and method of evaluation of project reports, dissertations and theses of students and scholars.

Nowadays some of the national law universities have dropped five marks assigned towards attendance, just a mere physical presence in the classroom which may not get any intellectual learning, may be on experimental basis. Though they feel that students admitted by them to the undergraduate degree course are mature enough to understand the value or importance of attendance in the course they have opted for, but the reality is something different. As students admitted for undergraduate degree course are different from the students of postgraduate degree program in their mature understanding of presence in the classes, they require to attend lectures regularly and to connect their understanding with profession. Eventually, level of maturity of students of these two degree programs becomes totally

different from the scholar of doctorate of philosophy program. Keeping in view the importance of the course, its execution plan, employability, and professional requirements, the attendance of the students' is to be thought of. But, we need to understand that if students are not present in the classroom where teacher conducts classes regularly, it is the student who loses learning or understanding of the course, so taught by the teacher. Further, poor learning or understanding of course can be seen at the time of evaluation of answer scripts when students do not perform well in their exams due to not attending certain portion of course. At large poor performance reflects on the teacher with negative mark as students, parents and the institution expect good result from the teacher. Furthermore, apex educational regulating body, the University Grants Commission mandates 180 working days plus examinations days in an academic year for all educational institutions in the country and the Bar Council of India expects minimum classes must be attended by every law professional but when each credit of the course on offer is identified with certain number of classes, i.e., sixteen taught hours, and individual educational institution makes attendance mandatory or just put emphasis on a minimum cut off attendance has an impact on quality education so provided. A teacher and the institution must regulate attendance system; working or teaching work load and evaluation work on constant basis failing which higher education may face more challenges than ever before.

The evaluation of answer scripts or academic assignment is largely based on expertise and professional skills of a teacher, who has been or is part of course design, teaching plan and course execution. A teacher, who has not been a part of these assignments, may fail to do justice to evaluation plan, as expected. But, many a times teacher is expected to evaluate exam papers, term papers, assignments, masters' dissertations, and doctorates' theses of other institutions whose academic syllabi or pattern of evaluation may not be known to the teachers. Hence, a teacher needs to develop course evaluation skill along with other skills as required for multi-skilled teaching as profession.

### **Professional Ethics of a Teacher**

One thing that students are always interested in is the evaluation of their project reports, assignments and answer scripts, be it in a subject which their most detested teacher is teaching or their most favourite one. The teacher must consider it a cardinal rule that he/she shall not be in anyway biased or partisan in the correction of the project reports, assignments and examination papers. He/she shall observe absolute objectivity while correcting any assignment. He/she shall not let any past or present incident with a student reflect itself on the evaluation sheet, however strong his/her feelings may be.

The teacher is also a human being and therefore he/she is bound to have his/her personal favourites in any class. This is practically unavoidable. As

mentioned earlier, in a class there are always unruly or uninterested students. Naturally they would probably not endear themselves to the teacher, but it is always to be remembered that it is absolutely wrong to carry out a vendetta against those students. It must be realised by the teacher that correction of project report, assignment and examination papers in an impartial manner is the foremost duty of a teacher. The pen in hand is not a weapon with which he/she can play with the lives of the students. Similar is the situation for project presentation, seminar presentation, and viva voce examinations. Their deep rooted bias comes to the fore where some students go scot free whereas others are harangued unnecessarily, just because of some minor misdemeanour earlier in or around the classroom. Hence, the teacher must rise above his/her own self and evaluate the assignments in such a fashion as it does not violate the canons of ethics, justice and equality.

Next is the duty of a teacher as a member of the administration. In that capacity the teacher is privy to a lot of information that is meant for the ears of teachers alone or members of the administration. However, it is often seen that students are aware of what is going on in administrative meetings that take place between the officers and the staff. This is because of some teachers who do not consider it important to keep the information confidential. This does not augur well, neither for the individual teacher nor the entire administration in general. Some of the policies formulated might be useful only in the long run but when they come to the knowledge of the students, it may cause unrest. Hence, the teacher must always be scrupulously ethical about his/her dealings with the administration and not divulge it to any third party.

Furthermore, while performing multi tasks, a teacher needs to be more careful as there is a high possibility of mixing up of the tasks given to him/her. For example, many teachers are involved in moderation of question papers and results which is confidential work and at the same time these teachers are the main course instructors in their respective course on offer. In such situations, the teachers some time may provide certain information to the students. Similar is the situation when faculty members are involved in administrative committees of general administration where they come to know many decisions of the administration which they are not supposed to disclose prior to the announcement by the concern administrative authority. Contrarily, some of the teachers promptly disclose these premature decisions of the administration.

Lastly, it is the dealings among the students themselves. It has been seen that some teachers set some students against others by instigating them or by showing them fear or favour. It must be remembered that a teacher should not disclose to any other student as to what transpired between him/her and the other students. What one student says to his/her teacher is always keeping in mind that those things will not go to any other. But if the teacher

does so, once again he/she disregards the basic ethics that he/she must follow. Hence, the teacher must guard himself/herself against doing so.

### **Interpersonal Relations of Teachers**

Teaching as profession is indeed noble though non-lucrative in terms of financial viability, and infamous in terms of publicity unless certain academic achievements are not made. While doing so, a teacher tends to indulge in one or the other incidents of research where plagiarism took place in publications, or appeasing students with non-desired or unprofessional ways, or behaving with crass non-academic attitude. It has also been seen that sometimes senior faculty members also treat their junior faculty colleagues with bias which leads nowhere in institutional as well as professional growth of any institution or teacher. Many time it is also observed that among students there seems diversity of cultural ethnicity, language, living styles, intellectual level, etc. It creates hostile atmosphere in the classroom wherein teachers get involved and start taking side with the students or sometimes use the students in settling scores with their faculty opponents. Sometimes when teachers cannot bring own demands to the notice of the administration directly, they use the technique of bringing students in front and creating fake situations against the administration to enforce the same.

Teaching being a highly respected profession imposes certain conditions on the teachers which are not to be exhibited to the students since they treat their teachers as their role models. Whenever teachers are involved in their interpersonal or intrapersonal activities where they behave indifferently and lose their mental peace, lose control over their language and exhibit it publicly in contravention to the institutional or individual reputation while proving their stand correct, the students do not like it; they rather start maintaining distance from these teachers. As a consequence, the institution and the individual teacher lose his/her credibility and it also leads to unprofessional behaviour on the part of the erring teacher/s.

Most of the educational institutions offering quality higher education had a practice of weekly faculty seminars wherein the faculty members were to deliberate on academic agenda to bring their institution at par with any other institution of excellence globally. But, due to degrading practices of interpersonal relations of teachers, this practice lost its glory and utility. It resulted into poor academic standards to the detriment of both teachers and students. No one can be blamed for this kind of practices except the teacher himself/herself. As we know that there is no shortcut for success, surprisingly some teachers do try to find out some shortcuts and indulge in unwarranted activities to cover up their personal and professional lacunae. These lacunae could be like not covering syllabi on time, not completing project/seminar presentations on time, not conducting viva voce publicly, not evaluating answer scripts objectively, or not taking classes as per

academic calendar of the university etc. Therefore, it is desirable of any educational institution to maintain certain amount of standards of interpersonal relations among its faculty members. If need be, the institution can invest to create a conducive atmosphere where its faculty members are able to work happily.

### **Role of Teacher in Extra-Curricular Activities of Students**

Teaching and learning traditionally happens in the classroom but nowadays there are many other ways through which teaching takes place. Higher education regulators in India are keen on seeing inclusive growth of students and scholars for which they have introduced a bundle of extra-curricular activities besides co-curricular activities. Specially in professional or vocational courses, students are hard pressed with academic activities or assignments where they do not get time for their physical, cultural, spiritual or social growth. At the same time, administration of higher educational institutions involves these young minds in decision making process under the pretext that administrative skills are as important as learning for expertise on the contents of any subject. However, it is quite democratic system of administration, if faculty and students are involved in academic and non-academic decisions making process including administrative matters of the institution wherein administration, teachers and students work together as a team and contribute to the best of their capabilities for not only in institutional growth but also in individual growth. Further, working together brings sense of belongingness, responsibility and accountability on their parts.

In most of the national law universities there are number of students' committees to look after students' concerns-academic, non-academic or interpersonal. These committees of students are constituted by the administration on preference-cum-indirect selection/election basis whereas administration plays a neutral role while facilitating students in formation of these committees. Once the formation of committees is over, the administration provides a faculty adviser/mentor to each one of the committees from the pool of faculty members available to the administration. The main role of these faculty members is to guide the committee of students in its working; mentoring and orienting members of the committee; and training them in public representation and drafting of required documents, etc. To train students from drafting agenda of meeting, call of meeting, organisation of meeting, noting of minutes of meeting, liaising with administration, communicating resolutions of committee, etc. are the core functions of a faculty adviser, who happens to be a teacher. Hence, a teacher is required to perform this role with most care and caution.

If a teacher is not well versed with the role, he/she needs to perform being a faculty adviser to the students' committee, he/she may either guide the committee wrongly or may indulge in the activities of the committee or



may act as a member of the committee without understanding the consequences of his/her role in working of the committee. A teacher needs to understand that he/she is a mentor of the committee but not a member of the committee. The sole purpose of the students' committee is to train and groom students to learn while working in a team, its leader or a member, and to understand requirements of fellow students and to bring them to the notice of the administration. While doing so, students do have certain amount of freedom to express their genuine concerns, verbally or in writing, to the administration but these concerns are to be addressed through the mentor or advisor in certain format which needs to be taught to students and they are to be made to follow certain requirements to express their concerns. During the whole process a teacher needs to behave friendly with the students involved in a committee with which the teacher is attached but the teacher must understand that he/she cannot be a friend of students; as there is a thin line of sacrosanct relationship between teacher and student which needs to be honoured by both of them. If this practice works well during the course of study, a unique bonding between students and the teacher comes into existence and this bonding certainly brings professional outlook in working of the teacher and students.

### **Academic Stress**

Good teaching comes as a result of passion for teaching; otherwise teaching is a difficult task for a teacher, who does not enjoy it. One should understand that the teaching in any way is not easy profession as it needs a lot of preparation, reading, analysis, research, comprehension, articulation, writing and finally delivery of contents in a formal way to the target group of learners. As many methods of delivery changes due to technologically advancement, much away from the traditional lecturing methods, creates unseen, unheard and unfelt stress on the teacher which he/she does not feel initially but as time passes he/she becomes stressful and it reflects on his/her health which leads to find excuses from taking regular classes and not doing research as per academic schedule. Sometimes it may lead to avoiding students from giving them sufficient time for mentoring them on their research assignments. It is easy to get entry into teaching profession, once a person acquires requisite qualifications to be an assistant professor, but getting promotion further is not that easy. While following University Grants Commission regulations on promotion and the university scheme of career advanced promotion, an assistant professor is required to publish certain amount of research papers periodically, to conduct research on funded projects, to get a minimum score on course evaluation by the students on regular basis, and to exhibit expertise on the subject at the various seminars, conferences, or conclaves. It has been the experienced by the author when selections for faculty recruitment are done and if by chance written test is conducted for the entry level of teaching posts, a large number of candidates do not know a minimum five names of standard journal nationally and

internationally; ten titles with authors of books in the area of their specialization, which is considered to be unfortunate as if they are selected to be assistant professor, they cannot guide the students just because they do not possess adequate knowledge of sources on the subject of their expertise.

However, it gets worst for the teacher when administration assign him/her with administrative works, if in these works he/she has no previous experience as these administrative works are time consuming assignments. Though administration has no other option, but to involve the teachers in its routine works may be due to financial hurdles but in any way these additional works create a lot of stress for a teacher yet they learn a lot about decision making skills. If a teacher works in confidence with professional ethics and contribute in decision making process of the administration he/she becomes institutional builder, team builder and a true leader, wherein not only the students respect him but also he/she receives full support from the institution. When we talk about multi-skilled teachers, we must groom the young generation of teachers with teaching, research and administrative skills, who can do justice to their given tasks and to be proved really the role model for teaching profession.

A key person who is solely responsible for the overall growth of a teacher is the student. When a teacher disseminates knowledge among the students and take them to the highest possible level he/she sometimes unintentionally creates an academic stress on the students which neither a teacher nor the student knows about. As the teacher has high expectations from his/her course in the same way he/she sets tone of expectations from the students and while doing so both of them are often found under stress. The academic stress is found more among the students who compete among themselves at the top level whereas the differently abled learners have different kind of academic stress in comparison of fast learners. But one thing is common among all students of professional courses that while competing for professional career they often tend to work more than their physical and mental capacity which leads them into not only intellectual problems but also into health problems. Therefore, a teacher is advised to create conducive atmosphere in the classroom and some time the students can be taken out the classroom, court visits, social works, old age homes, etc. so that they feel comfortable and come out from the intense classroom learning, may be for some time.

### **Research Skills**

A teacher, who is consistently engaged in research, should analyze contemporary issues regularly and refer his/her research outcomes into teaching. Such teacher is always liked or appreciated by the serious and sincere students. Eventually, when we talk about multi-skilled teacher, it means not only about good teaching, but also means a good research scholar. Legal research alone can enable a teacher to have in-depth insight and

knowledge of the legal principles and precedents, though it requires immense patience. Research, especially, in the field of law, occupies a significant place because law is not only an instrument to maintain law and order in the society but it also provides social, political and economic justice by effectively implementing welfare schemes. Law operates in society which is itself influenced by various factors such as social structure, economic condition, nature and functions of government. With the advancement of scientific and technological spheres, social dimensions such as means of communications have widened and brought different cultures together to give birth to new thoughts and ways of life. The modern societies have become more complex giving rise to more complex problems in civilised societies. Therefore, to cope with these problems law must gear up itself. It must have the capability to face, tackle, and resolve the problems. The end of law should not only be limited to the satisfaction of maximum of wants with the minimum of friction, which is only concerned with the peaceful animal existence, but also to preserve and promote the intellectual and spiritual aspects which influence the making of the sensible human beings. This quality of law can be acquired only through legal research. Every civilized country these days gives more importance to intellectual and spiritual aspects of the mankind. Hence, the recognition of rights such as equality, liberty and faith are the key concern of a research scholar.

Research in legal science is a continuous process; it is carried on not only by the students of law, scholars of law, teachers of law but also by the judges and the legal practitioners. It would probably be more appropriate to say that the judges and legal practitioners are better researchers than the law teachers and law students. Every problem undertaken by a legal practitioner demands a lot of critical thinking and in-depth study so that the problem may be resolved to the satisfaction of the social scientist and the legal philosopher. The judge is not wholly dependent on what has been submitted by the council of each parties; he does his own research and study before arriving at a particular decision. Both judges and legal practitioners obtain their materials from the socio-economic and legal history as well as from the statutes before they formulate an opinion to arrive at a conclusion. And what is propounded is neither the legal history nor the statute, but a new thesis in the process of the development of jurisprudence. It is the ongoing research which orders to keep the water of the legal stream fresh and pure. Otherwise, it becomes stagnant and stale. History of jurisprudence evinces different approaches and sometimes paradoxically divergent views on law and legal principles. It is, therefore, a unique and difficult task for a teacher in law to propound his/her thesis with utmost care and caution because there is hardly any legal principle which may not be challenged by its opponent tomorrow. G.W. Paton is right in illustrating that '*a principle which is valid today may*

*be discarded by its opposite tomorrow*<sup>33</sup>. Hence, it is essential for a teacher to develop his/her research skills without which he/she may not achieve the desired academic laurels.

Teachers working in the national law universities must know different methods of research and their usage as they are routinely required to supervise students' research projects, assignments, seminar papers, LL.M. dissertation, and Ph.D. thesis, etc. Unless the teachers are acquainted thoroughly with different methods of research, not only legal but also socio-legal, socio-cultural, socio-economic and legal etc. the desired intellectual outcome from the graduating students and scholars cannot be extracted. Therefore, every teacher must know different methods of research such as doctrinal method of research; non-doctrinal method of research; questionnaire method of research; interviewing method of research; sampling method of research; scaling techniques of research; and story-telling method of research. Aforementioned methods of research are only indicative and not exhaustive; therefore, it is left to the teacher to search one or more numbers of research methods which may suit the course/topic of research in hand.

The teacher should also learn research design, which could be based on certain parameters such as need of society, socio-economic-legal; need of new laws; need of academic exercise; needs of writing skills-computer skills, proof-reading, formatting, editing, etc.; he/she also needs to have analytical skills in research, supervision/guidance, sources/materials on the topic, sufficient time frame-work, and financial support. If research design is learnt properly, it may develop in him/her a fine research scholar who gains expertise on the topic/subject, provides relevant sources to the readers on the topic, creates awareness in the society, generates scope for further research. As we all know that society is dynamic in its nature and it is not static, hence it needs to change on constant basis and also law changes accordingly. Further, a teacher is also required to learn and guide the students and scholars on designing of research objectives, hypotheses, research questions, creating outline of chapters, designing of main heading and sub-headings, spacing-word spacing, line spacing, paraphrasing, page margin, font style, font size, pagination, and types of binding, etc.

The teacher is also required to know different styles of referencing in the form of footnotes and endnotes, which are in practice worldwide. Footnotes are conventional valedictory and explanatory procedures which should be used sparingly and only when the material of presentation clearly needs amplification or acknowledgment. The text of the footnotes is generally smaller in size than the text of the research in the main body, text needs to be justified, and they are given in single line space. The footnotes may appear

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33 G.W. Paton, A TEXT BOOK OF JURISPRUDENCE, 4<sup>th</sup> ed. 1972, 5<sup>th</sup> Imp. 2014.

at the foot of each page, as name signifies, may be running for the whole section of the research or may be provided chapter wise when the research is divided into several chapters. Therefore, it becomes essential, before including any footnotes in a research paper or project, to assess whether the material relegated to a footnote is important enough to be incorporated into the main body of the text, or whether it is essential to include it at all. Once a decision is reached on this point, there are a number of guidelines that can be followed for appropriate footnoting. In the same way, a teacher is also required to learn about bibliography and webliography which are another important aspects of research skills. Hence, a teacher must learn these techniques as early as possible after getting into the teaching profession and be ready to guide the students and scholars in their research. Further, a teacher is also expected to learn about plagiarism, how it is detected, how one can avoid it, what would be the permissible percentage of plagiarism, so that the students and scholars are made aware of it to foster academic honesty among them. As mandated by the University Grants Commission, New Delhi, all the universities and colleges offering postgraduate and doctorate degree programmes are required to submit soft copies of the Ph.D. thesis, LL.M. dissertation, and other final reports to the UGC. But it should be done only after running through the software which detects plagiarism. Therefore, all faculty members are required to learn about it so that they save themselves and the institution also from the blemish of plagiarism.

Hence, a teacher should not only focus on the development of his/her own research skills but also teach them to the students and scholars. It would facilitate their smooth passing through the process of their research work. The teacher should also assess the final research work of the students and scholars and tell them about the lacunae in their research skills and guide them towards further improvements. It allows the students to progress more in the field of research and also gives them confidence to undertake more research work. Further, it also gives them the courage of public presentation and demonstration of their research outputs. Hence, it is rightly said that research is *sine qua non* to the teaching profession.

### **Teaching Methods**

Teaching is presumed to be a unique profession, unparalleled to none as in this profession requires script writing, choreography, dialogue delivery, audience attention etc. which are offered by the same person who is known as a teacher, with no scope of retake of the entire process. This section of the research paper describes various methods used by teachers around the world while teaching different disciplines of learning. Each method depends upon the style and skills of a teacher, and hence a beginner must choose one in order to become a better teacher. This must however be in conformity with the skills and necessities that are outlined in the course on offer. The way a teacher organizes situations in the classroom to help students to learn better

can be called teaching techniques. When choosing and planning teaching technique, one should consider the type of learning involved, the ways that different people like to learn, and the context in which they are learning. Therefore, a teacher must have certain skills to choose a particular method of teaching and do justice to the teaching as profession and also deliver course contents with fullest satisfaction.

There are different methods of teaching; however, it is left to the teacher concern to adopt one or more than one teaching method while dealing with a course in hand. These methods of teaching are: Lecture method of teaching; Lecture with discussion method of teaching; Penal of experts method of teaching; Brainstorm method of teaching; Videotapes/slides method of teaching; Discussion method of teaching; Moot court method of teaching; Small group discussion method of teaching; Case studies method of teaching; Role play method of teaching; Report-back session method of teaching; Worksheet/surveys method of teaching; Index card exercise method of teaching; Guest speaker method of teaching; and Values clarification exercise method of teaching. To use any of these methods of teaching, a teacher is firmly required to understand strength and weakness of each of these teaching methods before selecting and implementing one or more methods of teaching. Therefore, selecting a particular method of teaching is another skill of a teacher which he/she should employ very carefully and he/she should also keep in mind that one method may not suit in more than one subject. Hence, selection from the aforementioned methods of teaching as suitable one or a combination of more than one shall be taken care based on the other academic parameters which a teacher must learn and employ that skill.

### **Academic Leadership**

A teacher while performing his/her multiple roles in the classroom such as a teacher, mentor, and guide towards his/her students, he/she is also expected to perform his/her duty as an academic leader. The sole purpose of teaching is not only making them knowledgeable but also to be made employable. It is the teacher who understands the diversification of students who have different goals in their life. While keeping these varied goals of students in view the teacher always tries his/her best to guide students with different career options. Further, these different career options require different kind of planning, execution and achieving them with successful approach and which can only be done by a teacher, who stands with his/her students like a wall. For example, if a student wishes to pursue his higher education abroad, he needs to be trained from second year to the final year of his studies about academic performance, participation in co-curricular and extra-curricular activities, participation in moot court or mock trial activities, and exhibition of research skills through publications of research paper, case or book or statute review in reputed journals to secure an admission in a

foreign university of his choice. The students should also be taught to prepare statement of purpose (SoP) of studies. What contents need to be incorporated in the SoP? How a recommendation letter needs to be prepared? Who can be the best recommender? etc., when he applies at the foreign university for higher studies. Similarly, if another student is willing to join the bar, he needs to be guided to take not only substantive laws seriously but also the procedural laws; develop writing, drafting, proofreading and other soft skills including public relations and public speaking which are necessary for a practicing lawyer. Further, he needs to be informed to register with the local bar immediately on his graduation as the date of registration matters a lot with regard to seniority with the bar in many ways. Furthermore, he needs to be guided to keep a watch on rules and regulations regulating legal profession by the Bar Council of India in general and the local Bar in particular with amendments into the practice rules and regulations from time to time. There could be other students who wish to join judicial services or civil services; he too needs to be guided to qualify state judicial services examination to get into the job of his choice. Similarly, there may be a case of joining law firm or corporate house or non-government organisation working in the field of their choice; students need to be groomed to achieve their goals of professional life and this depends to a great extent on the motivation and guidance provided by the teacher in the classroom while teaching core subjects; hence, the academic leadership is also an important tool in the hands of a teacher.

Teaching a subject of one's expertise is a job and a teacher is being paid for it. However, giving something towards making a career of students while guiding them with own experience of a teacher is something different for which no honorarium is paid to him but due to his passion for teaching or due to his inherent nature of landing helping hand to the next generation in their job opportunity is the habit of a teacher which makes him a unique academic leader. The teacher who is well read, does a lot of research, takes teaching with passion and devotes full time to his job can only become a good academic leader who leads the next generation of lawyer or creates teachers. Academic leadership skill needs to be exhibited at the postgraduate and doctorate degree levels as well wherein much more mature and advance academic advice and supervision are required. Therefore, academic leadership is another skill of a teacher which he/she shall look forward to enhancing. In order to prove "*a teacher never dies*"; one has to commit to the teaching profession and must create another set of teachers through whom the teachers' lineage continues until perpetuity.

### **Conclusion**

It is an evident fact that the country is suffering with shortage of good teachers in higher education sector and legal education is very much part of it. However, a teacher with aforementioned skills need not be bothered about

the employability, instead he/she should continue improving research and teaching skills. As recruitment of teachers is easier than retention of good teachers for any higher educational institutions in the country. Therefore, a good teacher is the vital point of education system imparted to the next generation and making them employable. Hence, a teacher's role in orienting the minds of the students is incomparable to any other profession, probably barring the parents. They are responsible for the training of those people who are the leaders of tomorrow, on whose shoulders the burdens of the country lie. They need to lighten it. For this, what is important is the qualified, competent and experienced teachers with passion for teaching. Teachers must have a strong character and personality which the student can imbibe. The teaching should be done in such a way that the student becomes self-sufficient and brave enough to venture into the world with the knowledge that he/she has acquired from his/her teacher. For this, it is important that the teacher has the capability and the capacity for giving the students the knowledge that they need. But, as is widely known, it is not sufficient for the teacher to merely have knowledge. What is really required is that he/she should pass it on in its entirety in a fashion which is the best for the students. No person is a born teacher; it is earned by hard work and training. It is undoubtedly a difficult profession and to do justice to it means that a large portion of one's life is sacrificed on the altar of the betterment of the students. It is here where the multiple skills of teachers are so much important. They help the teacher to communicate his/her knowledge in the best possible way so as to enlighten the students and at the same time impart a certain dignity to him/her. These skills would undoubtedly increase a teacher's potential and also earn him/her greater respect in the eyes of students.

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## ON BEING A TEACHER

R. Venkata Rao\*

I am trying to rush in where angels fear to tread.

Undoubtedly, standards in education are going up, but there is always a lurking fear as to whether standards in values are going down. It is wisely said, permanent values are more important than temporary valuations. It is also sagaciously observed that academic excellence without human excellence is disastrous.

As teachers, are we reminding ourselves of our pious obligation and onerous responsibility? Teachers should always be lifelong learners, frontline researchers and eternal problem solvers. Do we have the courage of conviction to make an honest self-introspection?

The following is a sincere endeavor to pen down my feelings when my Teacher left for heavenly abode-my Teacher under whom I learned “*the law of life and the life of law*”.

On February 25, 2013, a great human being has completed his voyage on this planet. A spiritual person has completed his human experience. Prof. B.S. Murthy (the first Vice-Chancellor of NALSAR, Hyderabad), a person in whom all the elements were perfectly mixed, a teacher extraordinaire and a human being par excellence, has left. I had the soul filling experience of being under his tutelage from Year-1975 to 1977. Sharing my feelings with legal fraternity, on the divinely ordained mission of teachers, will be the best way of paying my eternal gratitude to my Teacher, I thought.

The caveat: I have learnt all these from BSM (sobriquet of Prof. B.S. Murthy) and let me not be accused of originality.

Thirty-nine years of my tryst with teaching both as a teacher and as an administrator first in Andhra University and then in National Law School of India University, Bangalore, an institution that brought about a total paradigm shift in legal education and the preferred destination of quality legal education, have taught me the lesson: ‘passion for what you do and compassion for whom you do’ should be the *Mantra*.

Sometimes I wonder: are we churning out “LETTERED” than “LEARNED” young persons’ forgetting that education is not information but formation. T.S. Eliot’s aphorism on information, knowledge and wisdom always keeps taunting me.

Once during my interaction with Mother Teresa when she visited Andhra University to address the University Community, she asked me a question –

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Son, what are you?

I humbly said: I am a teacher.

Mother asked: What do you teach?

I said: I teach Law.

Mother said: God Bless you, son, also teach Ethics.

I said: I will.

Then Mother asked me,

Do you know the meaning of Ethics?

I humbly said: Mother, kindly enlighten me.

She said: By Ethics I mean: "Show concern for others".

This is what exactly Prof. B.S. Murthy told me "Show concern for others". What magical words, if everyone does it, how beautiful will be this Planet?

Normally teachers have a universal complaint that they are always hard-pressed for time to cover syllabus oblivious of the fact that the job of a teacher is not to cover the syllabus, but to uncover the syllabus, to remove the cover of darkness, to remove the cover of ignorance. The journey is from darkness to light, ignorance to knowledge and here to eternity.

I cannot but recall the words of Aristotle who said: *"If my teacher and God were to simultaneously appear before me, I will bow down before my teacher because it is my teacher who has shown me who God is"*.

The first lesson in nobility of teaching I learnt from Prof. B.S. Murthy. He always used to say any one has a right to complain, but not a teacher, because a teacher should always be a part of the solution and never be a part of the problem. Students will continue to respect a teacher as long as they realize that a teacher is also a student committed to incessant learning. Certain things in life have only a beginning and learning is one such thing.

A student is never a problem but has a problem. If teachers walk that extra mile to make students go from the classroom wise and not otherwise, Alvin Toffler's prediction that power will shift in Twenty-first century to knowledge societies which will be found in abundance in India, will certainly come true. That will be the day on which we the teachers can say we have redeemed our pledge.

Let us always remember what Swami Vivekananda said. On being asked, how God looks like, Swamiji said: "Is there God?"

He continued: "Perfect Human is God and Imperfect God is Human".

Education is the manifestation of perfection in human beings.

Are we striving to bring that perfection in our students?

Teaching is more than a noble profession; it is a divinely ordained profession.

Let us not let it down.

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# CURRICULUM PLANNING, DEVELOPMENT AND IMPLEMENTATION IN LAW SCHOOLS: CHALLENGES AND PROSPECTS

V. Vijayakumar\*

## Abstract

*Designing curriculum and syllabus is one of the essential tasks for an academician. Curriculum and syllabus are of equal importance for an Institution. Curriculum is prescriptive in nature and syllabus is descriptive. University Grants Commission as it has its statutory obligation to co-ordinate the standards of Higher Education in India including the Law has developed the model of curriculum for law courses under the 10<sup>th</sup> Plan in 2001. With the establishment of the Bar Council of India, many attempts were made to enhance the status of Legal Education under the Advocates Act 1961 in India. The first ever Curriculum Development Committee of the BCI was constituted to facilitate universities in formulating the Course Design. Further, National Knowledge Commission, Law Commission of India have also played a significant role in enhancing the Legal Education. Technology Driven Curriculum Development is a norm of 21<sup>st</sup> century. A well-designed curriculum, if developed by the institutions, the prospects of producing competent lawyers can be realised successfully in India.*

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**Keywords:** Curriculum and syllabus, Curriculum Development Committee, Technology Driven Curriculum Development, Multidisciplinary Body.

## Introduction

As a beginner in the academic world during 1978, I found out that phrases like ‘curriculum development’, ‘curriculum planning’, and ‘curriculum restructuring’ were all alien to a large majority of teachers both in the universities and colleges. Strict directions issued by the University dominated the scene rather than regulation. As the curriculum and the syllabus are by and large developed and implemented by the traditional universities, the art of framing the curriculum and syllabus, to a large extent, remained within the domain of very few senior teachers, and had never been a part of training given to the teachers in general. Therefore, the teachers had very little role in changing or modifying the existing curriculum unless they

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had the privilege of being members of the 'Board of Study' that prescribed the curriculum for the entire university and its affiliated colleges.

Due to this scenario, some amount of confusion exists among the academicians regarding the distinctions between the curriculum and syllabus. Curriculum and syllabus are of equal importance for any institution. Yet there are distinctions between curriculum on one hand and syllabus on the other. Curriculum may be broadly defined as a set of guiding principles, set up by the institution to assist the teachers to frame the necessary contents to be administered over a period of time. Curriculum, therefore, apart from specifying the contents of a course, also provides the techniques for administering the same as well as the process of evaluation. Curriculum is not only the detailed contents, but also the techniques to be adopted, teaching methods to be followed in teaching of a particular course, the diverse methods of evaluation of the students throughout the course and the like. Curriculum is not fully made available to the students, although in the information society in which we are living, the curriculum is also made available to the students at times. Sometimes, the curriculum, or at least part of the curriculum, is made by the regulating agencies like the University Grants Commission or the Bar Council of India. Thus, curriculum planning and development takes place among the regulators first, before the same is tested and supplemented with the course specific contents.

Syllabus, on the other hand, is a detailed list of concepts to be taken up in a particular course or a subject at a particular level during the specified semester or a trimester or any such time frame fixed by the institution. In the traditional universities or colleges in India, even the syllabus is not framed by the teachers who teach a particular subject at a particular level, i.e., undergraduate or postgraduate levels. However, irrespective of who frames the syllabus, the objective remains the same. That is to provide the students with an overview of the course content in facilitating their participation and understand the outcomes desired by the institution.

Curriculum is the complete set of taught material in a school or a university system. It is, therefore, prescriptive in nature. Although the syllabus is descriptive in nature, indirectly, it is also prescribed by the regulators or the respective Universities of higher learning. The curriculum, prescribed by a regulator, would generally specify what are the courses to be taught during a block of one year, three years, five years and the method and manner in which these courses are organized depending upon their duration. Therefore, it becomes the duty or obligation of the institutions to strictly adhere to the curriculum and not deviate from it. It is because of this, all the students belonging to different colleges of a particular university are being tested based on the common question paper set by individuals not belonging to these colleges or the university and also evaluated by others who may not be teaching in those colleges. Thus, the setting up of question papers,

evaluation and the declaration of the results are the activities done outside the institution that is imparting the curriculum. It is because of this, the teachers and the students alike are expected to follow a stereo type administration of the curriculum rather than creating or even modifying the same.

### **Evolution of Curriculum**

Having discussed the meaning as well as the distinctions between curriculum and the syllabus briefly, the evolution of curriculum planning in India needs to be understood. Some of the Universities that were functioning much earlier to our independence, had the opportunity to plan the curriculum for themselves and for the higher educational institutions that were affiliated to them. However, after independence, the Union Government enacted the University Grants Commission Act, 1956. Till that point of time, diverse curriculum developed by these universities continued to exist. In 1990, the University Grants Commission constituted a Curriculum Development Centre (CDC) for designing new curriculum in 'Law' with a clear vision of promoting human resources development. The CDC was located at the University of Delhi in order to promote excellence at both the undergraduate as well as postgraduate courses in Law. Probably, this was the first meaningful initiative to streamline legal education in a holistic manner. The CDC was coordinated by Prof. Upendra Baxi with ten other senior professors of law from various universities as its members. The CDC recognized three major challenges in legal education and emphasized on (a) modernization of syllabi to make it socially relevant; (b) multi and inter disciplinary approach to the study of law to enrich the curriculum; and (c) appropriate teaching methods including the pedagogic modifications. The CDC, realizing that the existing syllabi was not in tune with the present day needs, prepared a detailed syllabi and curriculum for 31 LL.B. courses (undergraduate), 29 LL.B. (Honours) courses and 59 LL.M. courses. In this process, the CDC had observed that 'the Bar and Bench attach a low priority to legal education and the primary responsibility was left to the law teaching fraternity'.<sup>1</sup>

The CDC was also most agonized concerning the general state of masters' programme, LL.M. or M.L. With an exception to a few recent developments in the teaching of masters' programme, no significant improvement has taken place at this level.<sup>2</sup> The CDC even went to the extent of recommending one-year LL.M./M.L. programme for three categories of law graduates. Accordingly, one-year LL.M was recommended for (a) those accomplished LL.B. (Honours) with one-year M.Phil. (Law) programme;

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1 With a very few regular teachers available in a large majority of law colleges and universities, this responsibility could not be fulfilled meaningfully.

2 Report of the Curriculum Development Centre in Law, Vol. I, University Grants Commission, New Delhi, 1990, p. 33.

(b) similar programme for those who have completed the five-year LL.B. programme with distinction; and (c) for all others with LL.B. degrees from any stream, but with distinction.<sup>3</sup> In an attempt to strengthen the undergraduate programme in law, the CDC also recommended to all the University departments of law and teaching only Masters' programme to adopt LL.B. (Honours) programme as well, but with not more than 30 students in a class.<sup>4</sup> However, these recommendations have not been implemented or even tried by the University departments of law as traditionally the universities impart only postgraduate degrees in various disciplines including law. All these efforts were taken by the University Grants Commission as it has the statutory obligation to coordinate the standards of higher education in India, including law. Subsequently, the UGC also developed model curriculum for law courses under the X Plan in 2001.

### **Bar Council of India and Curriculum Development**

With the establishment of the Bar Council of India under the Advocates Act, 1961, attempts were made to enhance the status of legal education. The qualifications for enrolment to the Bar were laid down by the Bar Council of India, which was done by all the High Courts till then. The Bar Council prescribed graduation in any discipline as a prerequisite for admission to the three-year LL.B. or B.L. course. Running the three-year course on the semester pattern was left to the choice of individual institutions. In 1982, the Bar Council of India took a major initiative to make legal education not only effective but also professional by introducing the five-year composite degree in law after higher secondary examination. However, the three-year law course after a basic degree also continues to exist alongside with the new professional legal education after higher secondary examination. The five-year law course was made a full time regular course; it cannot be run on part time basis by any institution whatsoever in India. Unlike the three-year law course where one is expected to take 16 courses (ten core courses and 6 optional courses), the five-year law course was basically designed to impart instruction in social science subjects along with English and Legal History courses during the first two years (9 subjects) and in regular law subjects from the third year onwards with the last six months devoted to practical training, a total of 21 compulsory courses, 4 compulsory practical courses called Clinical Courses and 3 Optional courses to be selected from a list of approved subjects. However, the Bar Council of India, responsible for professional legal education, allowed the universities to offer liberal education in law for the benefit of persons in different occupations and in public life with a caveat that such degrees would not qualify them to become lawyers. The mode of such liberal education was also left to the universities

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3 *Ibid*, p. 19.

4 *Ibid*, p. 30.

that can even offer a three-year liberal or non-professional education in law, Bachelor of Academic Law (B.A.L) or a two-year degree course in law called Bachelor of General Laws (B.G.L) by distance education mode. While such degrees may assist individuals to know law and legal institutions better, they cannot enroll as lawyers before the Bar Councils of the States.

However, the first ever Curriculum Development Committee (CDC) of the Bar Council of India, constituted for the purpose of facilitating Universities and Institutions to formulate the course design in various courses in Law, Social Sciences, English Language, Science, Management and Commerce courses for the professional degree courses, submitted its report during 2010. This Committee consisted of Professors N.L. Mitra, Ranbir Singh, Gurjeet Singh, M.K. Balachandran, V. Vijayakumar, Amar Singh and Senior Advocate J.R. Beniwal. This Committee recommended 30 courses (20 compulsory; 6 Optional and 4 Clinical courses) for the three-year LL.B. degree and 44 courses (English-2; integrated courses 12; 20 compulsory law courses; 6 Optional and 4 Clinical courses). However, if Honours Degree is to be offered by any institution, an additional 8 courses for both three-year and five-year degrees have been recommended. Since then, these recommendations, with some variations, are followed by all the institutions imparting legal education, including the National Law Schools. Such an approach also gives autonomy to the institutions to introduce new courses depending upon their interests and availability of faculty members to teach such courses.

### **National Knowledge Commission**

The National Knowledge Commission that submitted its report during 2007 had made a ten point recommendations for the overall improvement of legal education in India. Addressing the curriculum specifically, the Commission observed that ‘it should be made contemporary, integrated with other disciplines ensuring regular feedback from stakeholders. Autonomy may be granted to universities, National Law Schools (NLSs) and other law schools to decide the core and optional courses to be offered. This is a departure from current practice where the BCI largely determines curricula and syllabi. A committee should be formed that includes faculty and practitioners and seeks student feedback to discuss curricula, syllabi and reading material of all core and optional courses, and devise a ‘model’ syllabus for all core and optional courses. Law schools and universities would be free to use and depart from the ‘model’ syllabus’.<sup>5</sup>

The Commission went on to add that ‘law teaching must be interwoven with related contemporary issues, including international and comparative law perspectives. The curricula and the syllabi must be based in a multidisciplinary body of social science and scientific knowledge.

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5 National Knowledge Commission Report, 2007, pp. 39-41.

Curriculum development should include expanding the domain of optional courses, providing deeper understanding of professional ethics, modernizing clinic courses, mainstreaming legal aid programmes and developing innovative pedagogic methods. Legal education must also be socially engaged and sensitize students on issues of social justice'.<sup>6</sup>

Again with regard to the examination system, the National Knowledge Commission observed that 'the prevailing examination systems may be revised and evaluation methods be developed that test critical reasoning by encouraging essential analytical, writing and communication skills. The end-semester examination should be problem-oriented, combining theoretical and problem oriented approaches rather than merely testing memory. Project papers, project and subject viva, along with an end-semester examination to be considered as pedagogic methods imperative for improving quality'.<sup>7</sup> However, these recommendations remain on paper, although some of the features mentioned above are already incorporated in the NLSIU, Bangalore curriculum.

### **Law Commission of India on Curriculum**

The Law Commission of India submitted its 184<sup>th</sup> Report on "*The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956*", during December 2002. The Law Commission of India had the benefit of the new model curriculum prepared by the UGC in 2001 that revised the earlier report of 1990 both for LL.B. and LL.M degree courses.

The Law Commission of India, keeping in mind the development of curriculum, observed that legal education must seek to serve distinct interdisciplinary knowledge domains-law and society, law, science and technology; law, economics, commerce and management. To that extent, certain new law subjects should be introduced in the five-year degree course of LL.B. in the first and second years.<sup>8</sup> The Law Commission further observed that the curriculum should not make the mandatory element too large but subjects which are in need in the bulk of the courts in the mofussil, in the civil and criminal law, must be mandatory. While subjects mostly in use in the courts at the grass-root level must be mandatory and some new subjects can also be made mandatory, care must be taken to give more choice to the students in the optional subjects.<sup>9</sup> A curriculum design has to

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6 *Ibid.*

7 *Ibid.*

8 Law Commission of India, 184<sup>th</sup> Report on "*The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956*", 2002, p. 59.

9 *Ibid.*, p. 60.



be made, theory and practice must be put together, a problem-data bank must be generated and circulated to all law schools.<sup>10</sup>

As observed earlier, many suggestions about the planning and development of curriculum for the professional undergraduate degree as well as the post-graduate degree have come from the University Grants Commission, Bar Council of India, the Law Commission of India as well as from various other committees constituted by the judiciary. Yet, very few suggestions have been incorporated over a period of time and the impact one can see on legal education is rather abysmal. In this context, the progress made in curriculum planning and development by the National Law School of India University, Bangalore for the five-year integrated law course as well as the two-year, and at present, the one-year postgraduate degree in two specific branches of law.

### **The National Law School of India University Experiment**

As one among the eight founding faculty members of the National Law School of India University (NLSIU), Bangalore let me share my personal experiences in curriculum planning and development during the past three decades or so and more specifically at the NLSIU, Bangalore since 1988. One interesting development that needs to be mentioned here is that when the process of selection of the faculty members took place during the first part of 1988, all the candidates were required to prepare a course outline along with indicative reference books and articles in a subject of their choice. Probably, this is the first time that such an exercise was made mandatory for selection of faculty members in the field of legal education. After the faculty selection was made, the then Director Prof. (Dr.) Madhava Menon along with the faculty members spent considerable time in curriculum planning even before the first batch of students were selected. One among the major decisions taken at the meetings was about the method and manner in which the social science courses were to be integrated with the curriculum. As such, this decision, unanimously approved, became the institutional effort in the curriculum planning.

There were two dimensions of integrating social science courses with the law courses. The entire duration of five-year B.A.LL.B.(Hons.) was divided into fifteen trimesters, with each trimester having 80 or more working days excluding the examinations, tests and other modes of evaluation. Once this structure was agreed to, curricular planning in organizing the social science courses, law courses as well as optional courses were discussed with a clear intention to integrate these courses and bind them together. This experiment remained a very distinct and unique practice as opposed to the other five-year law courses. While the five-year integrated law courses were, since their inception, divided into what is

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<sup>10</sup> *Ibid*, p. 92.

popularly called even now as 'Pre-law Courses' during the first two years and the rest of the three years were meant for the pre-existing three-year law courses. It is observed here that such a division of the five-year integrated law course as pre-law course and regular law courses has clearly undermined the very concept of 'integration' of social science courses in the study of law. Both the teachers and the taught never had an idea or the significance of social science courses to the study of law. As such, social science course remained, and continue to remain in a majority of law colleges as something imposed on the students. Thus, the teachers and the taught alike did not recognise the significance of this integration, and therefore, it failed in all the traditional law colleges that offered the five-year law degree course.

However, the NLSIU, Bangalore experiment clearly sought to achieve the integration in a different manner. A two dimensional approach to integration of social science courses was undertaken consciously. As mentioned earlier, this was first achieved by the role played by the Institution in the curriculum development for all the fifteen trimesters. English language was never taught as an independent course(s) at NLSIU, Bangalore. Initially, the selected students were tested by the Regional Institute of English, located in the Bangalore University campus and certified that no additional teaching of English language was required for them. A very few students who failed in this test were given coaching in English language up to one full year depending upon their individual requirements.

As far as the social science courses were concerned, three courses in Political Science, four courses in Economics, two each in Sociology and History were made compulsory. Political Science was taught as Paper-I Political Theory, Paper-II Law, State and Political Obligation and Paper-III International Relations. Economics courses included the Micro-Economics, Macro-Economics, Law and Rural Development and Law and Urban Development. With two courses in Sociology and History, the total number of Social Science courses stood at eleven during the first two decades of NLSIU, Bangalore. Many inter-disciplinary courses were offered as optional in the fourth and fifth year like Law, Poverty and Development, Sociology of Law and the like. Legal Methods was taught in the first trimester itself to enable the students to get engaged in legal research and complete the mandatory written projects in all the courses.

The institutional approach to integration of social sciences resulted in offering the social science courses only to be followed by a law course that could be better understood with the inputs given in the specific social science course offered in the previous trimester. For example, during the second trimester of the first year, the students were offered courses like Political Theory, Economics-I and two law courses (Law of Torts-II and Law of Contracts-II). The course content in Political Theory was prepared

keeping in mind a solid foundation to be laid for the proper and effective understanding of Constitutional Law-I course on Centre-State Relations. Similarly, courses in Sociology were followed in the subsequent trimesters with courses in Family Law-I and II. As such, the study of social science courses became the foundational courses for the effective and meaningful understanding of law courses. Similarly, Political Science-II on 'Law, State and Political Obligation' was followed by Jurisprudence and Political Science-III on International Relations was followed by Public International Law Course. This is the first level of integrating social science courses with the law courses in the overall curriculum for the five-year period.

At the second level, the course outline of various law courses was prepared keeping in mind the linkages between them and the social science courses, either individually or collectively. In this level, the role of individual teachers in integrating what has been done in social science courses with the legal concepts, issues, processes and institutions in regular law courses. However, the decades of such an experiment got diluted over a period of time even in all the National Law Schools for want of institutional as well as individuals' contribution to such an integration of disciplines. In many western countries, the links or integration, sometimes even among law courses, are called as 'pre-requisites' without which a student cannot take up subsequent courses in law. It is observed that a serious consideration has to be given by all the National Law Schools to revitalise the integration so desired in the years to come.

Once the curriculum planning is done, the other dimensions of planning include the preparation of course outline, teaching plan, reading materials, evaluation pattern and the grading system. Here also the curriculum planning contained uniformly certain features for compulsory courses, somewhat different one for the seminar/optional courses and distinct one for the clinical courses. During the first decade of NLSIU, Bangalore certain practices were followed to ensure that the curriculum planning derives the best possible results. Some of the practices are mentioned in the following paragraphs.

Prior to the commencement of the classes all the teachers were required to prepare the following:

- (a) Course outline (including course objectives, a brief summary);
- (b) Course contents in detail (with specified number of Units/Models);
- (c) Reading materials (both recommended and reference);
- (d) List of references-books, articles, statutes, rules, regulations, judicial decisions;
- (e) Teaching plan-date and day-topic or title-teacher(s)-reference materials (Performa of Teaching-plan is given below as **Table-A**);
- (f) Teaching methods-lecture-(co-operative), audio visual, expert views, field visits, case study etc.;

- (g) Pattern of question paper (problem based-multiple choice questions, descriptive and examinations with 'open book' concept);
- (h) Method of evaluation (model answers-open mind-time);
- (i) Access to answer books (to promote transparency and accountability);
- (j) Projects presentation/viva (practical issues relating to kinds of laws);
- (k) Seminar courses and clinical course contents and evaluation; and
- (l) Course evaluation by students including course audit by foreign students at the end of each and every trimester.

**Table-A****Performa of Teaching-plan**

Sl. No	Day & Date	Name of Teacher	Topic of Lecture	Specific page(s) from Book(s), Journal(s) or Reading Material	Statute / CoI / Convention	Judicial decision(s)	Remarks
1							
2							
3							

Along with this process, internship provided the necessary practical inputs, thereby making the graduates employable (100%). This method realized that (a) autonomy of the teachers; (b) provided practical exposure necessary for law students; and (c) flexibility in changing the curriculum every year (2 to 5%). Once the teachers have submitted this material well in advance and prior to the commencement of the trimester, the same is referred to an Academic Review Committee, constituted every year with the senior teachers. This in-house mechanism remained a watchdog for the proper implementation of the curriculum in the NLSIU, Bangalore.

Thus, for the first time in the country and particularly in legal education, a five-year degree programme based on trimester system was introduced at the NLSIU, Bangalore. The trimester system is very demanding both on the teachers and the taught. Yet, the founding members of the faculty and the students were willing to experiment this system that continues to be present even today with few modifications. The NLSIU, Bangalore is probably the only university that works for more than 240 days in a year with each trimester having not less than 70 working days. With the continuous assessment taking place in all the courses, the burden on final examination has been by and large de-emphasized.

All the students are expected to submit a written project, viva-voce test on that project, marks for attendance and the division of examination in mid-term and final make them work hard. On the part of the teachers, they are

expected to prepare the reading material, course outline, teaching schedule, list of project topics and methods of teaching well in advance before the commencement of the trimester. This is done for all the 60 courses at the undergraduate level with four subjects being taught every trimester. With an exception to the optional seminar courses and clinical courses, there is uniform pattern of evaluation in place that is transparent and effective. Probably no other law school established in India after NLSIU, Bangalore has even attempted this experiment.

The method of teaching involves lecture-cum-discussion, case study, moot court and project work that promote self-learning process at the NLSIU, Bangalore. Teaching methods involves a combination of various techniques. An innovative feature of the NLSIU teaching right from the beginning is the co-operative teaching where two or more teachers jointly offer a course and interact with students in the same class throughout the trimester, thereby facilitating different viewpoints that are present in the field of law. This has enabled the students at NLSIU to go beyond the text books as well as the judicial decisions and critically evaluate them as well. Another method employed is clinical method of teaching to integrate field work component with class room instruction. Various techniques are followed to realize this clinical method of teaching like making students participate in legal services clinic, project assignments and placement training.

### **Curriculum Planning and Development: Contemporary Issues and Future Prospects**

Basically, the impact of globalization on law and legal institutions could be felt in three different areas. They are: (a) legislations and policies; (b) legal institutions; and (c) legal education. Under the first one, many a legislation were enacted or at least amended to facilitate the process of globalization. For example, the Arbitration Act of 1996, the Information Technology Act of 2000, the Protection of Plant Varieties and Farmers' Rights Act of 2000, the Bio-Diversity Act of 2002, the Designs Bill of 1999 and the amendments made to Copyright Act in 1999, Trade Marks Act in 1999, Patents Act in 1999, 2000, 2002 and 2005 may be referred to as examples. Under the second one, the creation of new institutions to facilitate competition and regulation like the Telephone Regulatory Authority of India (TRAI), the Insurance Development and Regulatory Authority (IDRA), the Electricity Regulatory Authority (ERA), the concept of Good Governance, Special Export Zones and the various institutions to facilitate Foreign Direct Investments (FDI) may be cited as examples. With these developments taking place in the world, legal education worldwide has to necessarily undergo series of changes to provide the lawyers of the twenty first century the required expertise to face these fast changing legal institutions and the

laws. India is no exception to this. Some of these and many other issues have also been raised by Syed Maswood as well.<sup>11</sup> He went on to observe that ‘the post-globalization impact on the Indian legal education system has to be addressed in the wake of the following challenges:

- (a) to train corporate or business lawyers who could ably face the new corporate consumers;
- (b) to equip them to compete with their foreign counterparts;
- (c) to restructure and reorient Indian legal education; and
- (d) to re-emphasize the short-comings of the present legal education so as to make it more practical oriented.

Keeping in view the above parameters in mind a new dimension is to be given to the Indian legal education in the context of fast changing socio-economic conditions. No doubt this has already drawn the attention of the educational administrators as well.<sup>12</sup>

### **Curriculum Planning: An Institutional Responsibility**

Organization of various courses in a particular sequence of the five-year integrated curriculum and the three-year curriculum were recommended by the Bar Council of India that mandated every law teaching institution should strictly adhere to the regulations framed by the BCI. Although these regulations suggested for the integration of Social Science courses, Science, Commerce and Engineering courses, the entire sequencing of these courses were left to the respective institution. With the integrated legal education curriculum becoming the order of the day, the National Law Schools should revisit their institutional responsibility in curriculum planning and encourage the faculty members to actively participate in this process.

### **Curriculum Design: An Individual Teacher’s Responsibility**

Once the academic environment is created or provided by the institutions for curriculum development, the role played by individual teachers, either law teachers or social sciences or humanities teachers should supplement the same. In this process, the institutional initiative and individual teacher’s involvement would go a long way in enhancing the standards of legal education in India.

We are at a very crucial phase of development today that force us to think in terms of curriculum planning and restructuring to provide a well-qualified graduates in every field, not only to satisfy the Indian labour market, but for providing and presenting them to the global work force. Increased local demand for higher education in India and the resultant enhancement of number of institutions of higher learning (need to maintain

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11 Syed Maswood, “Globalization: Its Impacts on Indian Legal Education”, INDIAN BAR REVIEW, Vol. XXX (2 & 3) 2003, pp. 319-322.

12 *Ibid.*

quality along with quantity); and to face the challenges of globalization and more specifically the WTO obligations along with GATS

An article written by Judith Howard on 'Curriculum Development' in 2007 identifies two important foundational works on curriculum, one by Ralph Taylor (1949) and the other by Jerome Bruner (1960) and Judith Howard observed that their contributions have been the most enduring.<sup>13</sup> Jerome Bruner wrote that 'learning should not only take us somewhere; it should allow us later to go further more easily...the more fundamental or basic is the idea, the greater will be its breadth of applicability to new problems'. He advocated that these ideas, once identified, should constantly be revisited and re-examined the fundamental ideas over time, what has become known as a 'spiral curriculum'. As time goes by, students return again and again to the basic concepts, building on them, making them more complex, and understanding them more fully'.

Ralph Taylor who published his classic text on curriculum development, posed four questions:

- (a) *What educational purposes should the school seek to attain?*
- (b) *How can learning experiences that are likely to be useful in attaining these objectives be selected?*
- (c) *How can learning experiences be organized for effective instruction? and*
- (d) *How can the effectiveness of learning experiences be evaluated?*

Dee Fink (2007) called it as 'Integrated Course Design' (ICD) that includes the familiar triad of learning goals, teaching and learning activities and feedback/assessment. Learning goals identify what we want the students to learn, learning activities identify how students will learn what it is we want them to learn, and the feedback/assessment identifies how we will know students have achieved the intended goals. Dee Fink went on to identify that these components are all influenced by situational factors (such as course context, professional expectations and the nature of subject) the students and the teacher.<sup>14</sup>

Curriculum Review Committee may be constituted in law schools every year consisting of senior teachers in the field of law and other integrated courses that should meet at least two weeks prior to the commencement of the semester/trimester or during the last week of the preceding semester/trimester, to take stock of available expertise, courses to be offered, optional and elective courses to be introduced as well as hiring of teachers either on a contract basis or any other mode to make this exercise a

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13 [https://www.pdx.edu/sites/www.pdx.edu.cae/files/media\\_assets/Howard.pdf](https://www.pdx.edu/sites/www.pdx.edu.cae/files/media_assets/Howard.pdf), (visited on February 28, 2018).

14 <https://www.deefinkandassociates.com/GuidetoCourseDesignAug05.pdf>, (visited on February 28, 2018).

meaningful one. Based on the suggestions given by the Curriculum Review Committee, the individual teacher should carry out necessary corrections and incorporate the suggestions so given before offering the course.

### **Concluding Remarks**

Based on the views expressed above, it may be safely observed that the curriculum planning and development should keep the following in focus to be meaningful:

- (a) Hallmark of higher education is quality (candidates from some institutions need not apply);
- (b) Reducing the gap between theory and practice;
- (c) Inter and multidisciplinary approach;
- (d) Providing necessary industry and business links including the NGOs;
- (e) Teacher and the taught to learn together; and
- (f) ICT bases for continuous interaction.

Technology driven curriculum development is the norm of the 21<sup>st</sup> century. The computer technology of the 21<sup>st</sup> century influences curriculum development at every level of learning. Learning centers and classrooms increasingly provide computers as requisite interaction for studies among students. Technological multimedia use influences educational goals and learning experiences among students and the same could also be pressed into service for some components of examination and evaluation. If the significance of curriculum planning, development and implementation is understood both by the institutions and the individual teachers, the prospects of producing globally competent, socially relevant and technologically competent lawyers can easily be realized.

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# TEACHING AND LEARNING OF LAW: MULTIDIMENSIONAL APPROACHES

Naresh Kumar Vats\*

## Abstract

*Teaching method refers to class management strategies used for classroom teaching by the teacher or trainer. Students are viewed as empty vessels who passively receive knowledge from their teachers through lectures and direct instruction, with the aim to achieve positive results from testing and assessment. The teacher applies the teaching method in his class, what fits him according to his education philosophy, classroom demographic, subject area(s) and vision and mission of the institution. There have been frequent criticism of lecture method which is one of the oldest formal method of teaching, although, it cannot be considered as an independent approach and which is considered as a part of the traditional method of teaching including, discussion, debate method, Socratic learning or ICT assisted method and many non-traditional methods. Both the formal and informal method of teaching techniques are speedily shifting from a teacher-centric approach to the student-centric approach which have changed the face of modern education system. The author has tried to reflect through his research paper the supplementary teaching methods. The paper also highlighted their strength and weaknesses depending on the classroom demography and ability of the learners keeping in mind human social values and professional ethics.*

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**Keywords:** Multidimensional approach, Lecture method, ICT assisted, Inquiry method, Survey method, Street play, Group touring.

## Introduction

Teaching and learning both refer to the general principles, pedagogy and management strategies used for classroom instruction. It is a collection of practical activities aimed at bringing about learning or understanding. Students are viewed as empty vessels who passively receive knowledge from their teachers through lectures and direct instruction, with an end goal of positive results from testing and assessment. In this process, teaching and assessment are viewed as two separate parts. Teaching may be considered as formal and informal way of knowledge sharing by the teacher whereas

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student learning is measured through objectively scored tests and assessment process. But, in the technologically competitive era, it is a challenging task for the educational institutions and teachers to admit, train and produce the dedicated professional who can be assessed according to the social expectations. The researcher, through this paper intends to focus on emerging teaching methods, techniques and ICT tools that can be the supplementary to principal teaching methods describing their strength and weaknesses depending on the size of group, nature of subject, intellectual level, understanding and limitations of the learner(s), human social values and professional ethics.

### **Objectives**

The aim of training the trainer(s) and learner(s) is to strengthen the professional through multidimensional approach. This may result in getting the desired outcomes of effective teaching and learning methodology. In Modern era it has become a key factor of top professional educational institutions. Success story of every educational institution inevitably contains the devotion, knowledge, professional skills and attributes of teachers. Therefore, teachers' training, orientation and capacity building is equally important as a part of teaching-learning process. Although, training the trainer is more difficult than training a learner. Usually, trainers remain pre-judicious, pre-occupied with their thoughts during their own training, unless they are open to refresh course contents and update their knowledge. However, the unlearning and relearning becomes very difficult, unless, the trainer(s) do not apply the scientifically and technologically advanced tools and methods which help them to motivate and make the teaching interesting which learners desire. Meeting the minds of teacher and learner is important with the objectives of teaching and learning. Their social values, academic discipline, professional ethics and mutual relationship play an important role in creative thinking, novel ideas, skill excellence and grooming their personality.

Policy makers as well as the educationists need to brain storm in tailoring and implementing of the different modes of educations and review the existing modes, to check their effectiveness in catering the needs of the society. The real purpose of teaching as aimed by the policy makers is fading from the primary level to Higher Education level. The expected outcomes are not achieved due to bundles of lacunae while preparing the course curriculum and objectives to be achieved. The policy makers, teachers and learners need a tailor made course outlines for the welfare of the society and state by fixing the target. The course outlines are supposed to be based on the developed theories, its applications, practicability and expected outcomes which are subject to review.

The Government needs timely evaluation of these results through research papers or projects and review from time to time. However, teachers

and trainers may suggest the advanced modes of research and evaluation, which will provide the appropriate platform to the learners and trainers for qualitative research and confidence building. This may include the direct feedback and response from all stake holders or through media, project, research papers etc. which will be helpful in guiding the policymakers, enforcement agencies, researchers and teachers. According to Locke, the mind is a blank slate void of contents<sup>1</sup> “*until experience in the form of sensation and reflection provide the basic materials out of which most of our complex knowledge is constructed*”.

Teaching is a wider term that covers almost every practice that causes others to develop skill, knowledge or understanding. According to Paul Halmos,<sup>2</sup> “*there are three types of knowledge that we commonly speak of as subjects for teaching; they can be most effectively identified as what, how, and why. To be educated means to remember something, to be able to use it, and to understand it. Frequently these three kinds of education are thought of as belonging to altogether different kinds of human activities, but ideally they are all present every time. Our memory knows that Napoleon was defeated at Waterloo, our muscles knows that certain stretching and bending will cause our feet to alternate suitably so as to take us from the office to lunch, and our mind knows why three times five is the same as five times three*”. Therefore, the formal and informal, institutional and non-institutional teaching must be objective, purposive and method centric with due acknowledgment and reflection of all above three elements.

## Measures

The measures to achieve these objectives can be *Firstly*, the trainer or a teacher must ensure to deliver a lesson by involving the learner(s) interest in teaching-learning process by using effective method of teaching which makes teaching interesting. Teacher must be able to adapt according to the group size, academic needs and expectations of learner(s). If the learner(s) require basic understanding of any subject, then it becomes a duty of the teacher to step ahead to the expected requirement. Where the learners are slow in learning, teacher is expected to promote the slow learner parallel to level of other learner(s). Where the learners are advanced in learning and able to makeup quick understanding, they must be smartly handled by the teacher and channelize their sharp intellect in effective ways and means. All these aspects of teaching profession are the serious concern which need to be

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1 Uzgalis, William, “*John Locke-Stanford Encyclopedia of Philosophy*”, available at <http://repository.cmu.edu/cgi/viewcontent.cgi?article=1126&context=hsshonors>, (visited on October 19, 2017).

2 Paul R. Halmos, “*What is teaching?*”, Talk presented at the annual meeting of the Mathematical Association of America, Cincinnati, Ohio, on January 14, 1994, November 1994, p. 849, available at <http://math.cmu.edu/~bwsulliv/halmos-what-is-teaching.pdf>, (visited on December 15, 2017).

addressed specially in relation to the modern methods and techniques applied for teaching-learning process in India.

*Secondly*, learning aptitude needs to be examined at the time of admission with the help of admission ability test(s). Usually the highly reputed Universities/Institutes, *i.e.*, NLUs (*i.e.*, CLAT); IIMs (*i.e.*, CAT); IITs (*i.e.*, JEE) conduct the test as a prerequisite for admission and expecting the excellence in their respective field.

*Thirdly*, the trainer(s) need to be assigned the course(s) of their interest and expertise, where they can do justice to the subject(s) of their teaching and learner's satisfaction so as to spread knowledge on the specific domain. Researcher has applied various teaching methods in his teaching career and experienced the following methods and tools that can be used as supplementary methods of teaching in legal education. However, one independent method of teaching may not be complete in itself but need to be supplemented by other method(s) and tool(s). Following teaching methods/tools may be categorized as formal and informal methods of teaching.

### **Formal Methods of Teaching**

The formal method of teaching-learning ordinarily, involve classroom teaching which is divided into small group or whole group of class, wherein, there may not be pre-determined set of rules. There is free exchange of verbal ideas of the students. Teacher plays the role of leader in the class for direction and guidance. The group itself decides its role and turns to discuss on the assigned subject. The small group discussion encourages the participant to exchange their ideas comparatively the whole group discussion. In the classroom discussion, the slow learner(s), who do not have exposure, may not avail opportunities to participate in the discussion. Law teacher needs to gradually shift the discussion from small group to whole group so as to encourage and enable their participation at public fora.

### ***Lecture Method of Teaching***

Lecture method as a sole method of teaching is frequently criticized for various reasons, although it has managed to survive a long with the passage of time even after evolution of many technological developments. A teacher delivers lecture in a classroom to a good number of students in the formal way of deliberation and interaction with the students on facts and principles, where he has the opportunity to respond instantly, if any doubt comes, and suitable clarifications can be made then and there. If the lecture delivered by a teacher is interesting, stimulating the minds of the students and easily understandable, it would seek attention of the student(s). However, if the lecture fails to create interest and non-stimulating, then it becomes difficult to seek attention through verbal communication. Sometimes lecture method

becomes monotonous and the students specifically who opt their career in the field of law always need more professional training and orientation.

According to Perrott<sup>3</sup> “in almost all lessons or learning sequences, the teacher has to present information and ideas. He has to introduce topics, summarize the main points of the learning activity and stimulate further learning”.<sup>4</sup> As Kauchak and Eggen concluded,<sup>5</sup> “lectures remain popular for several reasons as follows: (i) They are efficient, planning time is devoted to organizing the context. Less attention has to be devoted to teaching strategy. (ii). They are flexible and can be adapted to a wide range of subjects. (iii). Most people can learn to lecture well enough to survive in a classroom. Lectures are easier to learn than most other instructional strategies. (iv). They are easier for teacher due to simply “telling” students about the subject”.

### ***Advantages of Lecture Method of Teaching***

The proper perspective and orientation of a subject can be presented and the general outline and scope of the subject can be brought out. Many facts can be presented in a short time in an impressive way. The lecture can also stimulate the interest of the students in the subject, if it is prepared and delivered strategically with the help of suitable examples and adequate in size, shape and manner. A greater attention can be secured and maintained, as the interest leads to attention. Spoken word has a greater weight than mute appeal by books. The verbal communication is considered as an effective way to pass on knowledge or information to every member of the group. Lecture method enable to present a number of facts, theories and philosophy belonging to different subjects in one go.

### ***Limitations of Lecturer Method of Teaching***

It is a waste of time to lecture on the matter in the classroom which is already available in the text book and easily accessible to all. The teacher may take care of this fact while preparing his lecture more impressive by adding some additional contents, manner and style of delivery of lecture and interaction but by and large contents are the major concern of lecture method. If the lecture delivery is very fast, the learner(s) cannot easily write down the notes and will not have any written record of the salient points of discussion. A lecture delivered in a specific style which is not easily understood by learner(s), serve no purpose. In the process of lecturing, the learners’ have passive participation and the teacher has an active role in the

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3 Elizabeth Perrott, EFFECTIVE TEACHING: A PRACTICAL GUIDE TO IMPROVING YOUR TEACHING, 1982.

4 Gurpreet Kaur, “Study and Analysis of Lecture Model of teaching”, INTERNATIONAL JOURNAL OF EDUCATION PLANNING & ADMINISTRATION, Vol. 1, Number 1 (2011) p. 1.

5 Paul D. Eggen & Donald P. Kauchak, STRATEGIES FOR TEACHERS: TEACHING CONTENT AND THINKING SKILLS, 2<sup>nd</sup> ed. 1988.

classroom. Therefore, the problem solving skills may disappear in the lecture method. Sometimes, absence of cooperation and interaction between the teacher and student(s) in the lecture process loses its importance.<sup>6</sup>

### ***Discussion Method of Teaching***

The classroom discussion seems to be the best way of developing teaching and learning environment. This method of instruction encourages students to express their views and understanding orally on the particular subject. In this method any one may start deliberation on the subject at a given time, while others listen to him. It does not always mean to involve the presentation of new information and concepts on the subject. But, it also involves sharing of ideas, forbearance, criticism and analysis, problem solving and understanding on the subject of peer group. Discussion method prevails in many situations which can also be applied in teaching and learning. Discussion method of teaching can be categorized as formal and informal method of teaching.<sup>7</sup>

### ***Advantages of discussion Method***

There is more emphasis on learning rather than teaching. The groups of learners participate in discussion with the spirit of listening and providing opportunity to the other participants democratically on the target topic(s) with their own experience. It is a self-expressing training to the group which encourage them to awaken their curiosity. The participants are self-guided, matured and interdependent to facilitate and guide the discussion. It also promotes brainstorming and innovative ideas.

### ***Limitations of discussion Method***

Discussion method is effective, where the members of the group have a basic understanding of the particular topic, but it is not considered appropriate method to teach all the subjects. Some of the students may not participate in discussion due to their lack of exposure and sometimes, the teacher may lose control over the students due to various factors which are unsuitable to this method.

### ***Debate Method of Teaching***

Debates can be involved as a method for conveying the ideas and arguments relating to the course contents. Debates may be categorized as formal and informal debate. Debate includes regular and targeted verbal exchange of ideas and arguments on concepts that can be made among the members of a small group. This form of learning is organised in formal manner for collaborative learning. 'Debate' is a specific training method that has some fundamental principles and specific steps, which are discussed in

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6 *Ibid.*

7 S.K. Kochhar, METHODS AND TECHNIQUES OF TEACHING, 1<sup>st</sup> ed. 1985.

this study.<sup>8</sup> There may be two or more persons who advocate ‘for and against the motion’ on an assigned topic and submit their views and ideas with logic and reasoning on questions and make their appeals to the audience to accept their submission. Mostly people have the personality traits to participate in debates informally, i.e., trying to persuade friends why a particular film, song, book, artist, etc. is better than another or to ‘praise or criticise’ any social, political or other matters of public discussion. However, this exercise often devolves into circular arguments, personal ‘attacks’, tangent, etc. Socrate was the main designer of the educational debate, but his teaching was in informal and unsystematic form, through which, one tries to dominate the opponent. After Socrate, Aristotle was the first, to be known for this method because he shaped the Socratic teaching method into a formal methodological ones.<sup>9</sup> Therefore, the debate method is considered as a special method which have lesser number of weakness as compared to other form of group learning methods. However, this method is least applied as the formal method teaching in educational institutions.

The formal debates are subject to some fundamental rules and regulations to ensure that the discussion should remain on the objectives of the topic. It has long been as an integral part of professional education system, particularly parliamentary politics, although, it has become increasingly high-profile over the past few years with televised debates on issues, i.e., Queen’s speech debate over five sitting days telecasted on June 29, 2017, and parliamentary debate on passing the bills etc.

*Firstly*, the debate method of teaching can be applied amongst the group of learners where participants are encouraged to explore new issues emerging in the society and try to submit their solution of the problem. The students of professional courses, i.e., Law, are usually more confident while presenting their arguments. *Secondly*, in the class room debate, the learners are taught to be a good listener and be patient at the time of training and interaction. The students are encouraged to participate in debate, organise the workshop and identify the strengths and weaknesses so as to improve in future. *Thirdly*, in “*multi-stage debate*” wherein the systematic program of preliminary study and preliminary debate, workshop and analysis is done.

### ***Advantages of Debate Method of Teaching***

Debate method of teaching is one of the important training tool which provides an opportunity for debating through educational training. In this teaching process, the learner participates actively and eagerly assume the responsibility of preparation on the topic and sharing the same in the

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8 Mohammad Najafi et al., “*Debate learning method and its implications for the formal education system*”, Academic Journals, EDUCATIONAL RESEARCH AND REVIEW, Vol. 11(6) p. 212, available at <http://www.academicjournals.org/ERR>, (visited on October 29, 2017).

9 *Ibid.*

classroom. Debaters get the opportunity to exchange their ideas, experience. Their mind can be more engaged and stimulated to have a critical analysis on the topic. In this method, the mental involvement with a provocative reaction and self-motivation will lead to scientific, rational and social development, which equip the learner to social experiences which would help them in the process of knowledge production and the use of their own skills in social life. This proved to be a democratic process of sharing ideas, checking issues and challenges with collective wisdom and consider arguments of opponents in right perspective. In this teaching process, the learners learn, the skills and techniques of gathering material and organizing and presenting them in a coherent and logical manner so as to create the favourable condition for them. In this way, the professor acts as trainer to guide learners at the right moment of debating process.

### ***Reciprocal Teaching and the Socratic Learning Method***

Because of the striking similarities between the Socratic learning method and reciprocal teaching, it is conceivable that the Socratic learning method can lead to improved learning outcomes like reciprocal teaching. Both learning methods emphasize the teacher's role as a dialogue facilitator rather than a direct instructor. In both cases, the teacher starts by "*being the student*" and modelling how the student approaches the material. In reciprocal teaching, the teacher instructs the students regarding use of the four strategies by following certain steps, first demonstrating them in person and "*thinking aloud*," similarly, in the Socratic learning method, the teacher plays the role of questioner that students should take up after they become comfortable with the method. In terms of procedure, there are some overlapping between the steps in both methods. In the Socratic learning method, the students "*elicit, clarify, test, and decide*". In reciprocal teaching, the students "*summarize, question, clarify, and predict*". Both learning methods help learners; confront the potential obstacles to learning. In summarizing and questioning, reciprocal teaching checks any misunderstandings of the text that learners have; by eliciting and clarifying, the Socratic learning method brings misconceptions to the learners' conscious attention. In testing and deciding, Socratic learners produce new interpretations of information and their prior knowledge; and in reciprocal teaching, learners reaffirm their grasp on the text by clarifying and predicting. Reciprocal teaching leads students to greater mastery of reading skill through fostering comprehension monitoring activities (meta-cognition) as the method requires the learners to check their own understanding of the text consistently. Based on the similarities between the Socratic learning method and reciprocal teaching, there is a strong reason for us to believe that



the Socratic learning method can lead to better learning outcomes through its enhancement of meta-cognition.<sup>10</sup>

Teaching higher order thinking skills as a goal of scholars, educators, researchers, and many experts involved in advocating the teaching of ‘higher order thinking skills’ as an aim of education. The term ‘higher order thinking skills’ means different things to experts across different disciplines nonetheless. For philosophers, higher order thinking skills are associated with critical thinking and logical reasoning; for developmental psychologists, the term goes hand in hand with meta-cognition; for cognitive scientists, higher order thinking skills are connected to cognitive strategies and heuristics; and, for many educators, higher order thinking skills are related to studying skills and problem solving ability.<sup>11</sup> Despite these different significations for the term, educational psychologist Lauren Resnick points out that there are some essential features of higher order thinking that can help us to identify it. These features of higher order thinking include: (i) Higher order thinking is non-algorithmic: the path of action is not fully specified in advance. (ii) Higher order thinking tends to be complex: the total path is not ‘visible’ (mentally speaking) from any single vantage point. (iii) Resnick, Lauren B. ‘Introduction’. Higher order thinking often yields multiple solutions, each with costs and benefits, rather than unique solutions. (iv) Higher order thinking involves nuanced judgment and interpretation. (v) Higher order thinking involves the application of multiple criteria, which sometimes conflict with one another. (vi) Higher order thinking often involves uncertainty. Not everything that bears on the task at hand is known. (vii) Higher order thinking involves self-regulation of the thinking process. (viii) Higher order thinking involves imposing meaning, finding structure in apparent disorder. (ix) Higher order thinking is effortful. There is considerable mental work involved in the kinds of elaborations and judgments required.<sup>12</sup> These features point out the overlapping between scholars’ interpretations of the term across disciplinary differences; because this thesis emphasizes the Socratic learning method as a learning approach that can be utilized by learners on their own.

### ***ICT Assisted Pedagogy and Learning Process***

The Information Communication Technology hereafter referred as (ICT) pedagogy seems to be more effective in classroom teaching as well as distance mode of learning provided the teacher and learners are well equipped with the ICT operating system. Use of ICT, either in the form of Power Point Presentation, Video Conferencing or audio lecturing, etc.

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10 Resnick, Lauren B., “*Introduction Education and Learning to Think. Washington*”, D.C.: National Academy, 1987, pp 1-2, available at <http://repository.cmu.edu/cgi/viewcontent.cgi?article=1126&context=hsshonors>, (visited on October 10, 2017).

11 *Ibid.*

12 *Ibid.*

covers the wide range of teaching even beyond the four wall of classroom as well as across the globe. This method removes the barrier on the way of learners and their communication, transition in education, transmission and mobility, etc. This practice of integrating ICT, in support of teaching and learning reflects the progressive relationship of knowledge and education. ICT stimulates both students and teachers to engage differently so as to modify their research and knowledge for effective communication of information. The European Council in 1998 published a report using information technologies to improve the teaching of history.<sup>13</sup> The experiments presented in the report following a conference held in Finland that wished to answer this question. Indeed, for a number of students, having recourse to ICT already constitutes, according to the report, a powerful motivation. Students use computer at home and, therefore, can use the abilities and knowledge obtained at home when they are in class. ICT often oblige students to work in collaboration and to share their thoughts.<sup>14</sup>

### ***Advantages of ICT Assisted Pedagogy and Learning Process***

ICT learners are benefited in retrieving their lecture with the help of e-mail, web, blogs, wikis, chat rooms etc. This method enables in content simulation, role-playing and decision making exercise and access to huge amount of information. This method replaces the teaching process, from teacher-centered to student-centered learning, from passive process of learning to active process of learning and from traditional lecture form of learning to multiple representation either by audio or video modes of learning. ICT in teaching method also help in translation of speech into text or sign language and vice-versa. Lastly, ICT provide equal opportunity to all the learners whether may be fast learner or slow learners.

### ***Limitationsof ICT Assisted Pedagogy and Learning Process***

In the distance mode of teaching and learning, the teaching becomes technology driven or student-centred than teacher centred learning process. In absence of eye contact and gestures, to understand, ICT in teaching becomes remains non-interactive. Many times, teacher while making power point presentations takes help of technology and limit the teacher's knowledge within which he would have learnt and updated in the absence of ICT. In support of this Quebec's researcher Robert Martineau and American's Downey and Levstick observed as, "*the current methods and teaching equipment used by teachers contribute to reduce students' interest in studying history*".<sup>15</sup> There is rather a tendency to 'infantilize' the students by obliging them to limit their learning only what one teaches them. Several

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13 The European Council, "*History Teaching and Information Technologies: Can Information Technologies Improve History Teaching?*", European Seminar of Teachers, Espoo (Finland), March 1998, p. 16.

14 *Ibid.* pp. 3-4.

15 Martineau, op cit., p. 231; Downey and Levstick, op cit., p. 406.

researchers noted that complete use of ICT in teaching does not protect the interest of the students sufficiently and sometimes students have the misgiving of accessing the unauthenticated sources. Trainers are expected to remain armed in teaching the learner(s) even in the absence of power backup and if teachers are not well prepared they may face the difficulty in sharing the knowledge in the classroom.

## **Non Traditional Methods**

### ***Moot Court Method of Teaching***

The National Law Universities are well known specifically for teaching through Moot Court Method techniques which over all dominate the other academic activities. The learner(s), experience the real court proceedings, starting from the trial court proceedings to the Appeal in Apex Court. Mooting teams advance their arguments in support of the latest judgments pronounced by the High Courts and the Supreme Court, to contest the competition by finding the weakness in the case(s) undertaken by the opponent. Budding lawyers learn the client counseling, way of eliciting out the facts from the parties, using of evidences and witnesses, cross examination of the witnesses, way of presenting their arguments in the court they learn the professional ethics, protocol and decorum of the court which also boost their confidence high.

### ***Limitation of Moot Court Method of Teaching***

However, the practice of mooting is limited to a small group of students at a time. Still many numbers of teams consisting of maximum three students i.e. as mooter(s) and researcher, may participate in the competition. Shy and introvert students may miss participation in the moot court method of teaching. A good law teacher will supplement the quality of teaching who is well versed with this method.

### ***Inquiry Method of Teaching***

Inquiry Method predominantly allow some degree of freedom and develop initiative and divergent thinking. When learners are left to manage their own learning, be it in pursuit of answer, mastery of contents or simply solving a problem that assigned them instantly. Trainer(s) strongly believe that the fact and concepts which learner(s) discover by themselves become rich knowledge and their permanent learning.

### ***Advantages of Inquiry Method of Teaching***

Evolving Information Technology is the boon for inquiry method of teaching. Inquiry based success or discovery of lessons, build up the learners' confidence. Their participation in inquiry activities strengthens learners' intellectual capabilities.

### ***Feedback/Questionnaire Method of Teaching***

Majority of the students learn fast by doing practical rather than theoretical learning. Therefore, if the budding lawyers are taught through practical approach of interaction and counseling to their potential clients, it will help the budding lawyers as well as society in a long run. The feedback method of teaching is considered as informal way of teaching. This method is instrumental in teaching the budding lawyers and other professional scholars during their course of learning and research. As an example, it is a process that all the Bills for legislation, are presented in the Parliament or Legislative Assembly and be critically debated at every stage of their committees, by the members, before any bill is presented to accord the assent of the President or Governor for its enactment. Consequently, it is the duty of the researcher and scholar to find out the gap(s) in its application and execution with socio-legal, socio-economic perspectives and analyse the post enforcement impact of any such legislation. This method of teaching is recommended for budding lawyers and students of professional courses who are confident and updated with the legal knowledge. They will also be instrumental in educating the society and minimizing as well as zeroing inter-personal conflicts. The scholar and researchers after educating their potential clients on the cardinal principles of expected 'Bill' or 'Act', will get feedback on those provisions with the help of questionnaire about their impact on the of society. Questionnaire technique to be used for teaching to the budding lawyers will also provide exposure of interacting, high confidence and winning the trust of their potential client. The budding lawyers, students and scholars will learn and get first-hand information from the mouth of common man (Aam-Aadmi) after they are educated and the grass root impact of any legislation.

Feedback method is useful where researcher is able to gather information that is not likely to be available from any other source. The information as gathered usually provides an unbiased representation of the target population. This method also provides the means of standardizing the data collection because the same data is collected from every respondent.

Questionnaire is typically a paper-and-pencil or computerized instrument that ask respondents, a standard list of questions, which are typically short and closed-ended questions. Questionnaires may be given to individuals or may be administered to groups. Interviews are more personal form of surveying that allows the researcher to work directly with each respondent and ask the questions in person.

Gathering information from a specific group of society on the subject of their interest, with the help of street play, dramatic work, public discourse, cafeteria education and their feedback on their understanding, is an informal way of teaching technique. Feedback method is commonly used about

matters of behaviour, opinions, attitudes, beliefs, symptoms, and demographic characteristics etc.

### ***Limitation of Feedback/Questionnaire Method of Teaching***

Feedback/Survey method of teaching may not be applied uniformly for all groups of the society. This method of teaching may be separately applied amongst the uneducated and non-law background people. However, the opinion of law literate people is pre-determined and influenced by their legal knowledge. Their teaching and feedback may be handled by the senior budding lawyers so to as control the group and may be evaluated as a separate group to understand the gap of knowledge amongst the illiterate and non-law literate background people.

### ***Advantages of Feedback/ Questionnaire Method of Teaching***

*First*, the budding lawyers, who are not able to participate in the classroom events or who shy to participate with the peer group, but sometimes they are comfortable when encouraged or given opportunity to interact with the strangers. *Secondly*, some of the students perform exceptionally high in the practical field, where they inherited strong knowledge from their own family members on the subject but they may be weak to perform in classroom activities. *Thirdly*, Feedback and questionnaire method of teaching also serve the purpose of spreading the basic legal education to the rural population.

### ***Picture Method of Teaching***

Research shows that media contents continue to be important for the development of understanding on academic contents. As David Buckingham and others have pointed out, children come to school already with a significantly high level of possessed knowledge about the media. Teachers may enable students to build upon this knowledge, to develop new insights and understandings. It is worth reminding ourselves that how important moving image educates to mass viewers in the world. Moving image or electronic media have a unique capacity to develop viewers' cultural understanding, civic sense, social values and morality in a multi-ethnic nation like India. Watching programmes and films, which are made and set in different cultures can help in developing understanding of similarities and differences amongst the different cultures. This is not a simple matter of receiving information for face value. It helps to understand, how other people are represented in the electronic media, is at the root of larger inter-cultural understanding. News, documentary programmes and films that are widely used as part of geographical and societal needs to be watched closely and critically if they are to be of real use, not just for the entertainment of the viewers, but for developing awareness such programmes are objectively designed to serve different purposes and motives. Children are also keen to understand the world around them and to learn the ways and means that how

moving images leave their effect in the society. On the other hand, sometimes they are also provoked to challenge media representations where they observe it to be unfair or misleading, or indeed where groups or events are systematically marginalised or excluded from the media. It is not enough for children to learn merely to objects of stereotyping and bias; they must also learn to offer alternatives, to present what they think a fairer ought to be representation.<sup>16</sup>

### ***Advantages of Picture Method of Teaching***

The modern Indian society is tightly gripped by many social evils which have rotten the roots and minds of society, and caused breach of social bonds. The multimedia education method with the help of street plays or through media education, the budding lawyers specifically those who are shy in classroom performance, can perform excellent in skits and are able to influence the viewers. Students/scholars who participate in this method of teaching will have a good exposure in public speaking and artistic performance which will be helpful in confidence building. A small group of students can educate the society about their rights and responsibilities with the help of 'short street plays' on socio-legal issues that helps to eliminate the social evils. The students and scholars also get exposure to develop their public relation skills and educating the mass with media technology.

### ***Limitations of Picture Method of Teaching***

Multi-media education is non-traditional method of teaching, wherein teacher has to take the lead role in motivating and encouraging the budding lawyers and liaising with the local people. Limited number of students can only form and participate in the group of 'street play' and sometimes the teacher who is not good in liaising and motivating for this method of teaching and learning, the students may not be able to explore the opportunity. There may also be the practical problem of liaising and organizing such events at public places, *i.e.*, schools, *Panchyat ghar*, etc. Children are now immersed in a consumer culture that appears to position them as active and autonomous; yet, in school, a great deal of their learning is passive and teacher-directed. Indeed, as Jane Kenway and Elizabeth Bullen<sup>17</sup> pointed out, the 'Knowledge politics' of children's consumer culture often explicitly oppose that of formal schooling, presenting teachers as dull and earnest, worthy not of emulation but of well-justified rejection. Like a Rabelaisian 'carnival', children's media culture has increasingly become an arena in which authoritarian values of seriousness and conformity are subverted and undermined.

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16 "Case for moving image Education for 3 to 11 years olds", available at <http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-education-look-again-teaching-guide-to-film-and-tv-2013-03.pdf>, pp. 4-6, (visited on October 29, 2017).

17 David Buckingham, BEYHOND TECHNOLOGY: CHILDREN'S LEARNING IN THE AGE OF DIGITAL CULTURE, 1<sup>st</sup> ed. 2013, p. 2006.

## Informal Teaching

The informal discussions are governed by pre-determined set of rules, *i.e.*, in debate, panel discussion and symposium etc. Where, exchange of ideas among several people is the best process of mutual teaching and learning.

### *World Cafe Method*

Once students become aware of the power of conversation as a key process in all aspects of our lives, we can use it more effectively for our mutual benefit. World Café is also an exciting metaphor enabling us to see new ways to make a difference in our lives and work. The power of conversation is so invisible and natural that we usually overlook it.

Teacher can outline series of guidelines for putting conversation to work through dialogue and engagement. If teacher uses these guidelines in planning his meetings and gatherings, he will find that he is able to create a unique teaching learning environment and useful outcomes are likely to occur. A World Café is always intimate, even when it scales to very large numbers.

Conducting an exciting World Café Conversation is not hard rather it is only a hesitation of teachers' mind. The World Café system is flexible learning and adaptable to different circumstances. When these design are used together, they foster collaborative dialogue, active engagement, and constructive possibilities for action. This mode of learning and sharing is appropriate with group of person to discuss and create hospitable space. It is learnt that when people feel comfortable then, they can do their most effective creative thinking, speaking and listening. "*One can explore questions that matter the powerful questions*", which travel well and help to attract collective energy, insight and action as they move throughout a system. Depending on the timeframe and objectives, Café may explore a single question or use progressively a deeper line of inquiry through several conversational rounds.<sup>18</sup> It is also important to encourage everyone in the meeting to contribute their ideas on different perspectives, while also allowing the same person who want to participate for listening only. As participants carry key ideas or themes to new tables, they exchange different perspectives and afford the opportunity for new ideas. "*Listening is a gift we give to one another*". The listening quality and attention of the participants are perhaps the most important factor determining the success of a Café. The last phase of the Café, often called the 'harvest', which involves making this pattern of wholeness visible to everyone in a large group conversation.

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18 "*The World Café*", 2015 The World Café Community Foundation Creative Commons Attribution, available at <http://www.theworldcafe.com/wp-content/uploads/2015/07/Cafe-To-Go-Revised.pdf>, (visited on October 30, 2017).

### ***Benefits of World Cafe Method***

Participants can place large post on a blackboard, wall etc. and it is with a single key insight of each one, so that everyone can review the ideas during a break. It is into 'affinity clusters' so that related ideas are visible and available for planning the group's next steps. Some World Café hosts to create a newspaper or storybook to bring the results of their work to larger group of audience after the event, using graphic recordings along with text as documentation.

### ***Limitation of World Cafe Method***

There can be a seat of four or five people at small café style or conversation cluster with minimum three rounds in sharing discoveries, insights, themes or ideas. The World Café physically can be organized in the same city only which is convenient to the participants to travel.

### ***Academic Touring Method of Teaching***

Study/Academic touring or field trips are the very important and effective way of teaching and learning in the professional courses. There should be a proper planning and selection of the site to visit for certain objectives. Therefore, students are required to submit individual or group report which is evaluated objectively. While planning of academic tour instructions, suggestions are invited and considered for planning an effective field study. Teachers are also required to guide, monitor and assign the group responsibilities to the students. Students leader of the group liaise for their requisite demands for specific tour *i.e.* pre-planning, logistics, list of group, activities to be carried out, post tour activities, evaluation report and feedback. The tour may be the visits to Court, Lok-Adalat, Legal Aid camps, Prison or any place of historical or otherwise importance for the learning.

There is a human tendency to learn more quickly by practical experience rather than theoretical learning. Where the participants gain practical experience by visiting the Court, Lok-Adalat *i.e.*, National Legal Service Authority, State Legal Service Authority, District Legal Service Authority, Legal Aid Camps, etc. they easily remember the relevant activities carried out during the visit, suggestions proposed and the difficulties experienced.

### ***Advantages of Study Touring Method of Teaching***

The participants observe and gain practical experience and understand the management and organising skills which able to build up the sketch of particular exercise and remember forever. The practical orientations of the budding lawyers in the field of law, strengthen their knowledge and professional skills.

### ***Limitation of Study Touring Method of Teaching***

In the group of academic touring or field study method, only the teacher and leader student(s) have knowledge of the sites to conduct the visit. The nominated students may only exercise their decision for planning and selecting the place of tour in consultation with the teacher and participating



student mates. The learners will be divided in the small groups, so as to enable the students to visit and learn the background of site. The participants only have to submit the report of study and feedback of the visited site. Learning of individual visitor-student is difficult to ensure and evaluate in group report. Usually, teachers who do not have control over the students and good in relation building, refrain from organising study tour(s).

### **Conclusion**

Teaching is a complex task rather than attaining the status as a teacher in the society. Teaching profession is a task performance rather than a 'word' achievement. It is said that development of ethical learning and social responsibility in the pupils is a pattern of teaching activities. The teachers who understand the modes of behaviour of their pupils and motivate them to inculcate these habits in their pupils is a successful task of teaching.

Teaching is a very humanistic profession which requires compassion. A compassionate teaching leaves its imprints upon the students with her/his actions, as a result of which, student will be more open to know the world around them. A great teacher bridges gaps and builds relationships, friendships, and a community. Teachers always look to make things better and improve things in and outside the classroom. Building community is a something great for teacher who teaches in the classroom and extends his teachings to the entire school and its community. The problems faced by learner can find solutions with the help of teacher through progressive disclosure, by making hypotheses, exploring mechanisms, developing and researching issues, and applying new information to the case.

Thus, with the growing needs of the society in the competitive world, teachers and trainers are compelled to be advanced so that the learners' academic zeal can be satisfied. Today the learners are more demanding and curious due to the changing phase of education system and technologies. The classroom lecture method of teaching is still able to survive due to its informative and thrilling nature to cover the large group of audience, although it is considered solely as a teacher-centric approach. But, the debate method and Socratic learning are complimentary to each other and shifting paradigm to student-centric approach. This approach will supplement the knowledge and exposure of the learners. The sole aim is to make the learning useful and provides equal opportunity to learners through ICT, who are away at distant place or unable to attend the face to face interaction. Usually, due to family constraints or other unavoidable reasons, the self-learners develop their inquiry zeal through self-learning. This creates eagerness in the learners' minds. Therefore, ICT or Picture method remain supplementary tools in enhancement of their learning skills.

The lecture method of teaching and learning approach needs to be interactive in the classroom wherein mock trial method of teaching and learning can be beneficial to students and shifting the teaching, from

teacher-centric approach to student-centric approach. Feedback method and academic touring method of teaching and learning are complementary to each other which will help the researchers to understand the ground realities and impact of the subject in hand. Advantages of method are that students who have learned through the lecture method and have some basic knowledge on the subject will be more confident and having better convincing ability. The World Cafe method of teaching and learning is informal way of learning which encourage every participant for sharing their opinion on the issue. This method motivates the participants to have healthy discussion but the informal way of teaching cannot be considered as a complete package for the teaching-learning in educational institution.

The multidimensional approaches are not exhaustive but inclusive. The sole aim to propagate this idea is to encourage the teachers and trainers to promote multidimensional approach of teaching to shift their way of teaching from “*Teacher centric approach*” to “*Student centric approach*” with the help of emerging approaches. They can supplement the principal method of teaching with additional teaching method(s), tool(s) and technique(s) appropriate and suitable to teach according to the nature of the course, availability of resources and interest of the students.

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# TRADITIONAL TO ICT BASED APPROACHES TO TEACHING IN INDIAN LAW SCHOOLS: PROBLEMS AND PERSPECTIVES

T.S.N. Sastry\*

## Abstract

*Legal profession and legal education are in a piquant place in India. From the making of Constitution and governance, lawyers played a greater role than any other professional. However, the recent trend of law students opting to non-professional jobs gives alarming signals to have a relook at the pattern impartation of legal pedagogical skills with the changing needs of the 21<sup>st</sup> century as law being the most important socio, economic, politico, and cultural discipline of society.*

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**Keywords:** Pedagogical Skills, Methodological Precepts, Cluster Teaching, Information and Communication Technology.

## Introduction

*“The great aim of education is not knowledge but action”.*

*Herbert Spencer.<sup>1</sup>*

Across the frontiers of the world, especially, the western law schools always discuss, debate, and articulate changes in legal research and pedagogical skills. A lot has been written, experimented periodically to make the legal profession live up to the expectations of contemporary changing realities of the world in general, and of the respective polities. All this is made possible due to the role played by teachers, researchers, policy makers, and the role of society in different ways and means, especially, keeping trust and providing the necessary resources with high independence attached to education in general and legal education in particular.

Whereas on the other hand, though legal education is centuries old in India, the attention it requires is scanty. Much has been debated, discussed and written still we do not consider our legal education as an area of

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<sup>1</sup> Herbert Spencer, SOCIAL STATICS, 1986, p. 86: cited in Steven I. Friedland, “How We Teach: A Survey of Teaching Techniques in American Law Schools”, SEATTLE UNIVERSITY LAW REVIEW.20:1. 4 (1996).

profound scholarship and enlightened research<sup>2</sup> in spite of tinkering changes made by the Bar Council of India.

Presently, in spite of the establishment of law schools in India, vast majority of law students posture towards the corporate sector or other jobs rather than making career in legal profession. As rightly observed by Getman, the trend started in late sixties itself and the process continues even in the 21<sup>st</sup> century without much changes.<sup>3</sup> The mushroom growth of law colleges, without much aptitude towards increasing calibre of law teaching and the changes required in the syllabus. The Socratic method of teaching still continuous without much enthusiasm to the students to have the legal aptitude in majority of the law schools across the country.

Well a number of measures are required to make the correctional changes to make the legal education more attractive and to motive the students towards legal profession than job oriented impartation. Among the many issue that are plaguing the legal education in the country, at least to arrest the damage to a certain extent, the paper subtly discusses the benefits of the techniques of various methods of legal pedagogical skills coupled with the use of ICT.

### **Methods and Significance of Theory in Legal Teaching**

The west and east debating the patterns and methods of teaching of law while introducing a number of methods time and again. The most important aspect one needs to remember is that legal education needs to equip the student to appreciate the acquisition of comprehensive knowledge about the basis of evolution of principles of law would help to develop an appreciative perspective to understand the whole gamut of structural precepts of principles and able to synchronize the consequences of it in the application to regulate human affairs. Instead of this, as rightly observed by Phelps long ago, if a law school adopts too many intricacies on the learning objectives with huge syllabi with too many topics, importance to procedural precepts than understanding the background of legal system, it would be a burden on the student, and becomes counterproductive. The mental discipline, without

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2 Bhanvnani J.K., “*Legal Education in India*”, JILI, available [http://14.139.60.114:8080/jspui/bitstream/123456789/15054/1/011\\_Legal%20Education%20in%20India%20%28167-190%29.pdf](http://14.139.60.114:8080/jspui/bitstream/123456789/15054/1/011_Legal%20Education%20in%20India%20%28167-190%29.pdf), (visited on December 5, 2017).

3 Julius G. Getman, “*The Development of Indian Legal Education: The Impact of the Language Problem*”, THE JOURNAL OF LEGAL EDUCATION, 21, (1969), pp. 513-521, <http://www.repository.law.indiana.edu/facpub/1900>, (visited on November 25, 2017).

understanding, equipping knowledge based on factual figures, sections and clauses impairs the efforts of accumulation.<sup>4</sup>

In order to counter the traditional Socratic method of lecturing over the years a number of methods have been evolved in the impartation of legal education, especially, in the west and some of the eastern law schools. To have a comprehensive knowledge of law with practical appreciation, case study method was introduced in late nineteenth century to have a pedagogic superiority over traditional lecture method. In order to have a realistic participation, the tutorial procedures were introduced to compensate the lectures to encourage the students with a thoughtful discussion to have practical experience to investigate and conduct inquiry into the principles of law.<sup>5</sup> Indian schools even today adopted only the lecture and case study method of teaching to a great extent. However, in spite of conflicting perspectives of theoretical cognition over the instructive precepts of law class, theoretical learning is helpful in identifying the methods of teaching and also promotes a student to undertake research in a scientific perspective to appreciate the progressive trends in law with a realistic perception to apply them not only developing the arguments as a skilful lawyer and to craft progressive judgments as a judge but also to find out the loopholes of the legislation as a researcher.<sup>6</sup> Accordingly a number of theoretical doctrines were propounded over the years. First, cognitive learning theory which focuses on the way people obtain, process, store and recall information with different approaches such as (1) schemata; (2) domain specific versus generic thinking; (3) orders of thinking; and (4) cognitive boundaries and context and approaches.<sup>7</sup> Secondly, the general theory which focuses on the subject matter with a tough, analytical, formal, to teach and develop their skills that are required for practitioners with marketability.<sup>8</sup> Thirdly, storytelling focuses in imparting legal principles through stories as a method of teaching. In the contemporary era since more attention is focused on the elements of advocacy, the believers of this method are of the opinion

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4 Edward J. Phelps, William A. Keener, Christopher G. Tiedeman "Methods of Legal Education", YALE LAW JOURNAL, 1(4) 1892, pp. 139-161.

5 Hall, Jerome, "Teaching Law by Case Method and Lecture", Articles by Maurer Faculty Paper 1469, (1955), available at <http://www.repository.law.indiana.edu/facpub/1469>, (visited on January 2, 2017).

6 Fowler V. Harper, "Scientific Method in the Application of Law", 1 DAKOTA LAW REVIEW (1927), p. 110.

7 For a detailed discussion on the theory and the approaches Steven I. Friedland; *supra* n. 2, pp. 3-15.

8 Peter Ziegler, "A General Theory of Law as a Paradigm for Legal Research", THE MODERN LAW REVIEW, Vol. 51, (5) 1988, pp. 569-592.

that this method will enhance the oral and written skills of a lawyer required for profession.<sup>9</sup> Fourthly, drama teaching which is considered as a necessary tool of instruction as a part of skill training to discuss the substantive legal provisions through drama in order to help the students to explicate and analyse the legal concepts.<sup>10</sup> Fifthly, role play teaching, which banks on teaching the problem solving issues of law through a diversity role models that could certainly enhance the experimental value of the legal problems, and enhance intellectual capabilities of the students in subjects like evidence, criminal law or human rights etc.<sup>11</sup> Sixthly, game teaching advocates to solve problems through the prism of games. The advocators of this school of thought believes that teaching through developing legal games not only creates challenging environment that may not work in a traditional method, but also activates the mind of students to participate fully in appreciating the problem solving issues of law with a more practical orientation.<sup>12</sup> Seventhly, law clinic or clinical legal education has different meanings and methods in its adoption. According to Grimes, “*a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced, ... It almost inevitably means that the student takes on some aspect of a case and conducts this as it would, ... be conducted in the real world.*”<sup>13</sup> Lastly, team teaching which was introduced in the 70’s with an aim to transform legal teaching with a comparative perspective in order to provide a divergent knowledge to the student to appreciate the legal precepts with a critical fashion to develop sound legal skills to apply in the professional front.<sup>14</sup> However, this has other

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9 Nancy Levit, “*Legal storytelling: the theory and the practice-reflective writing across the curriculum*”, THE JOURNAL OF THE LEGAL WRITING INSTITUTE, Vol. 15, 2009, pp. 259-283.

10 Anne Scully-Hill, Paul Lam, and Helen Yu, “*Beyond Role Playing: Using Drama in Legal Education*”, JOURNAL OF LEGAL EDUCATION, Volume 60, (1), 2010, pp.147-156.

11 Edward Phillips, “*Law Games-Role Play and Simulation in Teaching Legal Case Studies, Application and Practical Skills: A Case Study*”, THE JOURNAL OF LEARNING AND TEACHING at the University of Greenwich, Vol. 5, 2012, pp. 1-4.

12 Daniel M. Ferguson, “*The Gamification of Legal Education: Why Games Transcend the Langdellian Model and How They Can Revolutionize Law School*”, CHAMPAN LAW REVIEW, Vol. 19 (2) 629-57, 2016, Karin Mika, “*Games in the Law School Classroom: Enhancing the Learning Experience, Perspective Teaching Legal Research and Writing*”, Vol. 18 (1), 2009, pp. 1-4.

13 R. Grimes, “*The Theory and Practice of Clinical Legal Education*” in J. Webb and C. Maugham (eds.), TEACHING LAWYERS’ SKILLS, 1996, p. 138. Cited in Emil Winkler, “*Clinical Legal Education a Report on the Concept of Law Clinics*”, available at [https://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf), (visited on 28.12.2017).

14 Christine Godt, et al., “*Team Teaching-The Hanse Law School Teaching Methodology*”, HANSE LAW REVIEW, Vol. 7 (1) 2011, pp 67-73.

perceptions too. A section of jurists are of the view that this type of teaching is rendered by two teachers in a single subject in order to orient the student to achieve higher levels of synthesis and integration in their study legal issues to search for new materials or alternatives to address the traditional principles of law.<sup>15</sup> Apart from the above methods, there are various other models like experimental learning teaching method,<sup>16</sup> innovative and interactive method of teaching,<sup>17</sup> problem based teaching method, which are adopted by different law schools all over the world.<sup>18</sup>

Well in all the methods theory plays an important role. Theoretical analysis of each issue with its back ground in any subject of law helps the student to understand every aspect of legal system, more particularly the process and functioning of judiciary, legislative making, contemporary trends in law and its significance to society. In any method of teaching without giving a theoretical perspective, the method completely isolates the purpose for which it is prescribed. At the same time, it provides as a platform for investigative research and to develop research aptitude to the student to study law in an intricate fashion.<sup>19</sup>

In contract to the various models developed by the law schools across the frontiers, the majority of the Indian law schools except a few law universities mostly adopt the lecture method of teaching, with utmost importance in memorization of sections and some important case laws, which has an impact on the examination system poorly conducted<sup>20</sup> with different criteria in different universities based on the long drawn syllabi prescribed by the bar council of India without much novelty. This leads to

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15 Lanier Anderson and Joshua Landy, "Team Teaching: Benefits and Challenges", STANFORD UNIVERSITY NEWS LETTER, Vol. 16 (1) 1-4, 2006, available at <https://web.stanford.edu/dept/CTL/Newsletter/teamteaching.pdf>, (visited on January 2, 2007).

16 Jeff Gidding, "The Assumption of Responsibility: Supervision Practices in Experimental Legal Education", Mutaz M. Quafesh and Stephen A. Rosenbaum EXPERIMENTAL LEGAL EDUCATION IN A GLOBALISED LEGAL WORLD, 2006, pp. 29-53, Howard E. Katz and Kevin Francis O'Neill, "Strategies and Techniques of Law School Teaching A Primer for new (and not so new) Professors", New York, Wolters Kluwer, 2009.

17 Amy Deen Westbrook, "Innovative and Interactive Teaching and Learning", available at <http://washburnlaw.edu/publications/washburnlawyer/issues/51-1/22-29.pdf>, (visited on December 20, 2017).

18 Joanne Clough & Gillian W. Shorte, "Evaluating the Effectiveness of Problem-based Learning as a Method of Engaging year one Law Students", THE LAW TEACHER Vol. 49, (3), 2015, pp. 277-302.

19 Ian Curry-Summer & Marieke van der Schaaf, "The Theory and Practice of Teaching and Guiding Legal Research Skills", RECHT EN METHODE IN ONDERZOEK EN ONDERWIJS, Vol 1 (1), 2011, pp. 63-80.

20 Julies Getman, *Supra* n. 3.

poor relationship that exists between the teachers and students. Ultimately, all this will have a bad impact on the profession and the relations between the bench and bar are also reaching soaring points many a times. Highlighting the various problems, such as lack of autonomy to teachers in framing the syllabi, non-adoption of choice based credit system, cluster system, language barricade, motivation to teachers, poor infrastructural facilities, improper service conditions, mushroom growth of law colleges without proper financing, crude political whims of bar council with legal education, lack of interaction between teaching and profession, non-professional experience, too many regulators, non-involvement of judiciary and many more aspects, discussed and debated in the country over the years have had a great impact on the deterioration of legal education which was considered as a noble profession became a commercial hub. However, no concrete solution is evolved as yet. At this stage, as the present as well as the future generations have a great impact of science and technology, especially information and communication technology, where in majority of the law schools across the world swiftly move towards the adoption of the linkage of the teaching methods to ICT medium, in order to the regain the lost glory, the Indian schools need to change their pedagogical skills by employing the scientific skills to make law teaching and legal profession is more accommodative in order to regain the past glory of the nobility of the profession.

### **ICT and Legal Pedagogy**

Across the world including India became the hub of the use of technology. Information and communication technology plays a vital role in the contemporary era, and has a good deal of benefits in spite of certain negative impacts on society. The usefulness in ICT in Education has a potential benefit and stimulates both the teachers as well as the students in many ways and means, especially, bridging the interactive gap to attract students.

Law schools without exception have fallen in line imparting the legal skills through adopting changes to the pedagogical methods in many parts of the world. However, its use and the impartation pattern are limited in Indian context for varied reasons, as some of them are stated above. As the Government of India is in seriously taking steps for increasing the use of ICT in every medium of life of the polity, education sector, especially the law schools need to plunge in to adopt the pedagogical skills through ICT mode. Changing the modes of teaching from traditional to ICT positively helps the teachers to bring in more precise scientific temperament with



imaginative verifiable truth (i.e. the use of imaginative approaches in the search for impactful, effective and efficient models of engaging students and improving their learning).<sup>21</sup> According to Gutierrez Diaz “*the use of multimedia technology and the internet to enhance the quality of learning by enabling access to means and services as well as enable exchange and cooperation over distance*”.<sup>22</sup>

Law as a normative, prescriptive, behavioural, socio generic science, the adoption of ICT in legal teaching in Indian schools, can be a solution for the present day learning and definitely will be able to address many of the problems that are presently encountered by Indian Legal Education. The adoption of ICT, otherwise referred to as jurimetrics<sup>23</sup> brings in revolutionary changes in legal teaching and makes it more professional oriented with scientific investigation and to address a number of problems that are plaguing the society and judiciary. Since a lot has been written on the use of ICT in legal education, the paper will focus briefly only on the uses of ICT in the employability of ICT in teaching methods in Legal education.<sup>24</sup>

To implement ICT based technology in legal education in the country first of all, all teachers are to be trained in, especially the younger and middle level teachers to understand the significance of varied methods and their importance. Majority of the Indian law schools mostly employ only lecture method than any other method. Even in clinical legal education which is in vogue, mostly it is used in a non-scientific fashion, and confined to field based research. The implementation of ICT in each model requires a certain amount of technique and preparedness of teachers and the student.

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21 Eugene Clark, “*Teaching of Internet and E-Commerce Law: Research and Reflective Practice*”, available at <http://legal.thomsonreuters.com.au/browse/mentor/pdf/Overview%20of%20Approaches%20and%20Strategies.pdf>, (visited on May 20, 2014).

22 Gutierrez Diaz, available at <http://www.elearningeuropa.info>, (visited on April 15, 2014).

23 According to Roscoe Pound Jurimetrics is concerned with such matters as the quantitative analysis of judicial behavior, the application of communication and information theory to legal expression, the use of mathematical logic in law, the retrieval of legal data by electronic and mechanical means, and the formulation of a calculus of legal predictability. Cited in Lee Loewinger, “*Jurimetrics: The Methodology of Legal Inquiry*”, Vol. 28 LAW AND CONTEMPORARY PROBLEMS, 1963, pp. 5-35, available at <https://scholarship.law.duke.edu/lcp/vol28/iss1/2>, (visited on May 15, 2012).

24 Manikya Rao Burra and Viswachandra Nath Madasu, “*Importance of Internet Facility in Support of Legal Education and Legal Research*”, *abhinavjournal.com*, vol. 2 Issue 5, Gheorghe Carmen Adriana, “*The Connection between Information Technology and Law Education*”, available at <http://www.wseas.us/e-library/conferences/2011/Brasov1/LAW/LAW-58.pdf>, (visited on May 20, 2013) as the list is huge few have been cited here.

Each method, although vary in the descriptive practical approach in imparting skills of legal education by employing vivid modus operandi through the help of a number of web browsers in legal education to procure the data, their use and practical approachability will enhance legal teaching. At the same time, law schools need to concentrate their strength more in for the promotion of research with apt critical perspective skills required for the legal profession which will prudently enhance legal teaching.

In order to use the ICT techniques and its employability in legal teaching, research also needs a simultaneous a focus in the Indian legal system in general and the law schools in particular. To reap the benefits of ICT both in teaching and research with an analytical perspective some common parameters are necessary to achieve the desired results.

In order to empower the student with methodological precepts of teaching, both the teacher and taught requires certain level playing fields such as research aptitude, techniques of learning objectives, creation of conducive environment, changes in behavioural patterns, models to suit the class room teaching synchronizing the methods, strategies for coaching, preparation of materials and discussion with contemporary and futuristic problem oriented perspectives, comparative analysis of legal issues, interactive perspective with bench and bar at regular intervals, observation techniques and tools are required at the first instance.

Apart from just browsing the websites with loaded information, the law schools in India need to procure some of the important software and the hardware programmes such as PROSA, HYPATIA, and other web based tools are required to make teaching at ease without much burden to the student.<sup>25</sup> By adopting the methods, definitely some of the important methods such as role play teaching, problem solving teaching, game teaching, quiz teaching will reduce the burden of the teacher and student and improves the efficacy of lecture method. Further, the tutorial periods need a change. At present the tutorial periods means the repetition and recitation of the lecture delivered by a teacher with utmost sincerity with memorization skills. By adopting the methods of ICT with the help of new programming tools, the tutorial class can be made as experimental learning with different outlook to problem oriented studies to help the student to equip with varied skills.

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25 Daniele Bourcier (ed.), LEGAL KNOWLEDGE AND INFORMATION SYSTEMS, 2013, Muntjewerff, Antoinette, "*ICT in Legal Education*", 2009. COMPARATIVE RESEARCH IN LAW & POLITICAL ECONOMY, 2009, research paper no. 24, available at <http://digitalcommons.osgoode.yorku.ca/clpe/137>, (visited on September 10, 2017).

To meet the demands of contemporary and future generations, legal education has to undergo a change. One argues for legal education updating with scientific technology, but given the scenario of legal education in the country, a lot needs to be undertaken to eliminate the problem ridden scenario. A lot has been aired, host of suggestions have been rendered by jurists, a number of committees and commissions have been formed which also included law teachers and judges.<sup>26</sup> However, the affect is fragile and legal education continues to be imparted in its snails face. In order to counter the problems, the following needs a meritorious consideration for the augmentation of legal education and adoption of ICT techniques to improve the impartation of legal training in the Indian legal schools.

- The present structural pattern of fixed syllabi has to be reformed with freedom of teachers to frame the problem oriented syllabi drafting is necessary as expressed by the Knowledge Commission.<sup>27</sup> The regulator may outline the subjects with broad areas to be covered without specifying the modalities of the syllabi. For this all universities and law schools need to switch over to the Choice Based Credit System of the UGC for greater compatibility. By switching to the CBCS system, teachers will have the flexibility in designing the course content as their western counter parts.
- The entire regulation of higher education especially needs to be brought under a single umbrella with separate divisions to regulate each sphere of education. There is a need for a national legal authority consisting of law teachers, judges, advocates suggesting to the authority with respect to the content framing and teaching rendered by various law schools.
- On the ICT methods of teaching, all teachers in the country without exception needs to undergo rigorous training with respect to the methods of teaching, preparation of materials for teaching, use of domain specific knowledge with subject specific orientation at the beginning and followed at frequent intervals.
- The mushrooming growth of law schools need to be downsized. At present for the reasons better known to the regulator, BCI, the

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26 T.S.N. Sastry, "Legal Education Governance in the Globalised Economic World: Need for Retrospection of Indian Legal Education", INTERNATIONAL JOURNAL TRANSPARENCY AND ACCOUNTABILITY, 2017.

27 Report of the working group on "Legal Education of Knowledge Commission", 2007, available at [http://knowledgecommissionarchive.nic.in/downloads/documents/wg\\_legal.pdf](http://knowledgecommissionarchive.nic.in/downloads/documents/wg_legal.pdf), (visited on July 16, 2008).

number of law schools are around 1500. Amongst them a majority of do not even have the basic facilities such as access to 24x7 computer, web based tools, well equipped libraries, and above all no proper salaries to teachers. In such an environment if legal education is allowed to continue, it will not only be disastrous, it would lead to lose faith in the legal system of the country in the longer run, as these institutions produce degree oriented law students than profession oriented skilled law personnel.

- The idea of national law schools commenced by the Prof. Upendera Baxi and Prof. S.K. Agrawala in 70's has taken a different route today and most of the national law schools became the hub of activities that became institutions of non-professional job seekers than professional lawyers in the country.<sup>28</sup>
- The law schools need an integrative approach to take care of the needs of teachers in each state. Unfortunately, majority of law schools lack any kind of interaction with the law schools or established university law departments except between themselves. As some of them are well equipped, they need to change their course of action plan and concentrate on helping law colleges and law departments with regular interaction. Even the teaching methods used there in with the ICT techniques is mostly confined to lecture method with power points, or in imparting case methods and for the use of students for their moots and other preparations than designing patterns of legal methods for teaching.
- The law schools with the help of senior faculty in the traditional universities need to evolve materials, programmes that are suitable for each method of teaching and to equip ultimately the lecture method.
- To save the cost factor and economic barriers that impede the country and the law schools, all the legal schools need to form clusters in each region to have more pragmatic use of the methods of techniques and the optimum use of technology without duplication. By forming clusters, it is not only beneficial for reduction of economic crisis, but also increases the use of potential output of teachers to address the concerns of many law schools across the country.

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28 T.S.N. Sastry, "Access to Justice and Judicial Pendency: Confluence of Juristic Crisis", M.K. NAMBYAR SAARC LAW JOURNAL, July 2016-June 2017, pp. 83-118.

- Use of ICT techniques and methods go a long way in structuring the materials, subject contents and efficient acquisition of legal knowledge skills, to produce super specialty legal professionals, it changes the learners acquiring skills, and helps the teacher and the students in addressing the social concerns and to provide access to justice at ease.
- ICT techniques will help in crystallizing the non-legal syllabi in the five year integrated programmes with a legal fervour. In fact, the author has taken the steps to adopt such patterns in the syllabi of the Savitiribai Phule Pune University, Pune which is revised recently majority of the course content in non-law papers is mostly legal driven than teaching the specific perspective of non-legal subjects without their social and humanities approach. But since the ICT techniques are not employed, the teacher could not make the student to be more skill oriented in spite of syllabi drafted with advanced legal orientation.

## Conclusion

Equipping legal education does not mean establishing law colleges and law schools in huge numbers, or increasing the subjects and its content without much of practical orientation with memorization skills. The contemporary era of globalized economic world needs skilled legal personnel who could handle problems of the society with ease including addressing the concerns of industry and society at quick span of time with less time and expenditure with expertise skills. Incorporation of ICT skills in legal training is empowering both the teacher and student with varied skills but not to blame teachers and the traditional method of lecturing. The primary function of a law teacher is to teach for which the ICT techniques need to be considered as an additional knowledge resources to have a profound knowledge of the subject to know the breadth and length of it and to redefine it to the social needs with problem solving techniques.<sup>29</sup> At the same time, time has to be allowed to teachers to do their research and to take part in regular conferences and seminars. Learning always takes place at the active participation of student and increasing the quest of the teachers, if the student is more prudent towards the technicalities of the legal acumen.

If legal education is a science to impart the knowledge required to acquire the professional skills, the teaching process of it also needs to

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29 Harry B. Hutchins "The Law Teacher-His Functions and Responsibilities", COLUM. L. REV. 8 (1908), pp. 362-374.

change according to the necessities of contemporary era in order to prepare the future judges, lawyers, and other legal craftsmen to resolve the conflicts with a time frame with acceptable methods. If this being the function and purpose of legal education, the law teachers, law students, legal professionals, lawyers and judges need to join together to address the significance of digitization and the use of technology in the impartation of legal skills. At the same time, we need to keep in mind that no technology could replace the teacher and traditional lecture method. All that the ICT could bring in is to equip the teaching process and enhance the skills of law students with problem oriented application without any mistakes.

Last but not the least, the government, needs to change its perceptive towards education in general and legal education in particular to increase the budgeting to education along with inviting public private partnerships. Although the present government is contemplating of starting institutes of excellence and world class universities, it first need to establish a concerted effort to bring in reforms and introduce the cluster system then only can think of this type of cozy institutions. At the same time, the law schools need to change their orientation for more reciprocity with other law teachers and law schools than themselves forming as exclusive clubs of legal education.

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# INNOVATIVE TEACHING PEDAGOGIES IN LAW: A CRITICAL ANALYSIS OF METHODS AND TOOLS

G.S. Bajpai\* and Neha Kapur♦

## Abstract

*Law has always been taught with the help of theories, principles, their practices and applications. The connection can be easily seen between the legal theories and their real life application. But the subject has not been viewed with its social, economic and political circumference. Law as it is invariably known consists of multifarious areas such as Corporate Law, Intellectual Property Law, Criminal Law, Family Law and Environmental Law etc. each linked with the other. The task relevant for teaching these subjects is to bridge the gap existing between them. The conventional methods of teaching legal studies would encompass between theory, research and application but do not fulfil the subject requirements. In this context it is important to build some contemporary techniques suitable to the subject and which would enhance the teaching learning process. The goal of a law teacher is to use the teaching methods that most effectively and efficiently achieve desired educational objectives, employ context based instruction throughout the program of instruction and employ best practices when using any instructional methodology. The thematic analysis of this paper revolve around the significance and use of ingenious styles of teaching law, followed by the best practices and techniques. The paper is divided into four themes as: first, current status of Law teaching in India; second, the kinds of innovative methods of law teaching like collaborative method, clinical method, field action project etc.; third, the assessment model regarding monitoring the quality and functioning of ingenious methods; and fourth, various kinds of tools such as ICT, flip class technique. The paper also highlights some best practices for effective teaching strategies.*

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**Keywords:** Teaching Pedagogies, Problem, Collaborative Method, Simulation Exercises, ICT, Best Practices.

## Introduction

The higher education, generally and the legal education, particularly, are in the continuous process of evolving in terms of organization, management,

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content and delivery. Teaching law has become very complex, it requires a multidimensional approach and in depth knowledge. At the same time the linkages and gaps between the contents and method of teaching must be duly analysed and recognised. It is not very easy to develop pedagogical methods uniquely well-suited to teaching the subject. Every teacher comes across the common questions that how to teach the topic and what pedagogy suits to teach a specific topic? This goes to the necessity of having a subject-specific pedagogy which would bridge the gap between what to teach and how to teach.<sup>1</sup>

Some feel that “the technique makes the teacher,” but, actually, the most effective teaching ‘technique’ is a good interpersonal relationship with one’s students.<sup>2</sup> This means that teaching is essentially an interpersonal interaction which enables students to interact effectively with the teacher. It also helps in effectively conveying concepts, ideas and facts to students.

It is important that the teacher should be able to distinguish between methods to be applied in doing research in law and methods of teaching law. On the other hand, it is equally important that a good teacher must know the kinds of research methods and their application in order to collect, arrange and analyse relevant piece of knowledge and effectively lecturing thereon in the classroom. A teacher must address the course in a holistic and comprehensive manner, so that the expertise of teacher can benefit the students in all possible manner. Likewise, it is vital to realise that effectiveness of teaching depends on learning habits of students. Therefore, a teaching style can only be developed after a deeper understanding of the learning style, habits and other relevant antecedents of the students. The legal education must encourage various teaching techniques and methods which motivates critical thinking, diverse opinion and logical argumentative skills. In the present context the need of teaching law inclines towards alternative methods of teaching law courses.

It is commonly assumed that law teachers, undertake the pious obligation to produce budding lawyers possessing sound knowledge, professional competence and tech-savvy. In order to produce such competent and committed practicing lawyers, law schools must undergo to curriculum enrichment, innovative delivery of instruction and assessment of student learning as a regular practice. The commitment of law teachers should be towards the overall development of students i.e., personality development; values enrichment; sense of social responsibility, justice and

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1 Kris Franklin, “*Do we need Subject Matter-Specific Pedagogies?*”, JOURNAL OF LEGAL EDUCATION, Vol. 65, No. 4, 2016, available at: <https://jle.aals.org/cgi/viewcontent.cgi?article=1349&context=home>, (visited on January 10, 2018).

2 Jerry Bergman, “*The Eighteen Most Important Teaching Techniques*”, THE CLEARING HOUSE, Vol. 54, No. 2, 1980, pp. 75-79, available at: <http://www.jstor.org/stable/30185402>, (visited on January 26, 2018).



wisdom. These goals can be achieved by improving academic preparation, professional exposures and technological familiarity. A common method of teaching cannot serve all these goals together. Therefore, diversify methods for delivering instruction and suitable evaluation method to assess intended outcomes should be considered on priority in any academic programme.

The hardest way to open a discussion of legal education is to begin by asking what it is for? It is easy to talk about instructional 'methods' and 'techniques'; it is very difficult to say what these are intended to accomplish. Legal education does not differ in this respect from any other human endeavour that is truly creative. The man who sets out to write a symphony, to organize a labour union, or to found a great retail chain will usually find it easier to describe his mode of procedure than to tell you just what it is he hopes in the end to achieve.<sup>3</sup>

The Lecture and the Socratic methods have primarily been able to help in the development of legal education in India, but now the time demands to build some ingenious methods which can further lead to innovation in legal education to withstand global standards. New dimensions have emerged and must be included in decision making. Demands for accountability require that choices be made rationally or empirically instead of in accordance with tradition. Pressure is being exerted for clear statements of instructional goals and the evaluation of student achievement of them. This stimulates faculty to seek more efficient methods.<sup>4</sup>

The recent focus of Indian law schools is on establishment of centres of excellence through clinical legal exercises and experiential learning opportunities. But merely through these activities the core objectives of law course i.e., lawyering skills, professional judgement and ethical values cannot be achieved due to lack of a fixed pedagogy. Moreover, the traditional law curriculum has not been changed with the only expansion done by adding clinical exercises and internship activities. This cannot be described as innovation but only an intermittent step.

Further, the teachers teaching the course are not familiar with the various pedagogies which are required to be employed in teaching specific contents, lack of exposure and willingness of the teacher are the main constraint. Due to this, they are also resistant to develop new course materials involving problem based approach in teaching law.

While some law schools have made some reforms by adding regulatory and international perspectives in the first-year of undergraduate law course

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3 Lon L. Fuller, "On Teaching Law", STANFORD LAW REVIEW, Vol. 3, No. 1, 1950, pp. 35-47, available at <http://www.jstor.org/stable/1226048>, (visited on January 26, 2018).

4 Russell P. Kropp, "Teaching Method", AMERICAN JOURNAL OF AGRICULTURAL ECONOMICS, Vol. 55, No. 4, Part 2, 1973, pp. 757-776, available at <http://www.jstor.org/stable/1238398>, (visited on January 26, 2018).

curriculum, such improvement have only altered the contents we teach, without making changes in means to achieve those intended changes. A proper teaching training is required to make them multidimensional and multi-skilled trainer.

Thus, it can be said that the law teacher should first understand the learning style of students<sup>5</sup>, then apply the five components of effective instruction<sup>6</sup> and match the suitable method most suited to the subject.<sup>7</sup>

### **Current Status of Law Teaching in India**

Teaching and learning are the two aspects of education. It is often confused by using these terms interchangeably. Unfortunately, it is believed that a teacher is responsible for the teaching part only. Whereas, learning is considered as individual exercise, capacity and competence on the part of students. Therefore, sometimes classroom teaching takes place without intended learning outcomes. It would not be wrong to say that sometimes teachers are only transferring knowledge without ensuring learning of the students.

If teaching is seen as what students learn, then effective delivery is paramount. If students do not retain the information and cannot easily retrieve it for use later, then the best lecture is of little value. The method which is chosen must be the one which best achieves the instructional objectives of the course. Thus, law teaching can be improved if methods are implemented.<sup>8</sup>

The focus of legal education in India as borrowed and developed from American Law Schools' culture has mainly been centred around theory of law rather than on practice of law. Legal educators have not attempted to think on the practical side of law and on the point that theory of the law is only leading the students to "thinking like a lawyer".<sup>9</sup> The advocates of teaching theory have seized the semantic high ground in the discussion by

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5 "Learning style" refers to the characteristic way a person acquires and uses knowledge.

6 Components of Effective Instructions: a) Enthusiasm: The Zest for Teaching b) Preparation and Organization c) Stimulating Student Thought and Interest d) Explaining Clearly e) Knowledge and Love of Content.

7 Gerald F. Hess and Steven Friedland, *TECHNIQUES FOR TEACHING LAW*, 1999, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.689.959&rep=rep1&type=pdf>, (visited on January 21, 2018).

8 Steven I. Friedland, "How we Teach: A Survey of Teaching Techniques in American Law Schools", *SEATTLE UNIVERSITY LAW REVIEW*, available at <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1489&context=sulr>, (visited on January 22, 2018).

9 The concept of thinking like a lawyer is not defined in the literature, and subject to debate, but it usually means a particular method of thinking or analysis for understanding law. But definitions of what that method consists of vary considerably. Even in the absence of a precise definition of its meaning, much of legal education is concerned with developing in students this important skill, and the law schools are quite successful in inculcating this method of analysis in their students.

labelling the teaching of lawyering skills as teaching nuts and bolts and accusing those who advocate for such courses as wanting to “run a trade school”.<sup>10</sup>

The term ‘theory’ when used in the context of the debate between teaching theory and practice usually refers to teaching law students to engage in doctrinal analysis or learning to “think like a lawyer”.<sup>11</sup> The entire discussion of the conflict between theory and practice continues to be at the threshold due to the lack specific pedagogy to teach certain topic of law and creates turmoil. The reason of such a dilemma goes to the backdrop of not having clarity in aims and outcomes of the curriculum, which is inevitable to develop understanding of students, on pedagogies of teaching different fields of law, well in advance so that they can make up their minds about the teaching pedagogies before entering in classroom. The teachers usually focus only the contents and not the context of the subject.

Excellence in teaching is locally valuable, as opposed to excellence in research which has national currency, and bears hardly at all on "making a contribution to the discipline" which is a traditional standard of appraisal. Departments simply do not have a history of putting large amounts of money into course development. Departments traditionally make investments in faculty and permit faculty to dominate courses.<sup>12</sup>

In order to achieve this goal, the question that constitutes the core of the inquiry regarding teaching methodology ought to be used by law schools depends on this fact that what kind of lawyers a law school wants to produce, the pedagogical tools shall be determined accordingly. Thus, the need is to rethink the teaching methods, students' study methods, and even law school's curriculum.<sup>13</sup>

## **Innovative Methods of Law Teaching**

### **(a) Case Method**

Judgments of the Courts are considered as the primary source of law. The study of cases on every subject helps student in deciphering the *Obiter Dicta* and *Ratio Decidendi* of the judgment. It makes them read, analyze, and interpret cases themselves. By this method law student are able to learn

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10 Hoffman Toll Peter, “Teaching theory versus practice: Are we training lawyers or plumbers?”, MICHIGAN STATE LAW REVIEW, 2012, p. 625, available at <https://digitalcommons.law.msu.edu/lr/vol2012/iss2/12>, (visited on January 20, 2018).

11 Steven I. Friedland, “How we Teach: A Survey of Teaching Techniques in American Law Schools”, SEATTLE UNIVERSITY LAW REVIEW, available at <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1489&context=sulr>, (visited on January 22, 2018).

12 Russell P. Kropp, “Teaching Method”, AMERICAN JOURNAL OF AGRICULTURAL ECONOMICS, Vol. 55, No. 4, Part 2, 1973, pp. 757-776, available at <http://www.jstor.org/stable/1238398>, (visited on January 26, 2018).

13 *Ibid.*

better as they are asked to reach their own conclusions about the meaning of the court's judgment.

There are four things to be attained by a systematic legal instruction, and no system is complete which does not make provision for the attainment of all of them, *viz*: to teach (1) what is the law; (2) how law is evolved or made; (3) how to extract the ruling principle of law from an adjudicated case; (4) how to apply known principles of law to new cases as they arise.<sup>14</sup> The case method of teaching law is based on the principle that the best way to learn law (particularly common law) is to analyze the actual judicial opinions which become binding under the rule of *stare decisis*.<sup>15</sup> Further, the case method assumes prime importance because of the common law being included in many courses like Law of Torts, Commercial Law etc.

This method enables students to understand legal principles on their own through carefully framed questions. Students are expected to be prepared for class in advance by reading the assigned materials like case opinions, notes, law review articles, etc. and by familiarizing themselves with the general outlines of the subject matter. The student has to review the cases analysed in class. From these materials, he tries to construct an orderly statement of the legal rules and principles in the course's field. The student learns the rules and principles developed by Courts and learn to relate those rules to legal doctrines and to facts and vice-versa.

### **(b) Problem Method**

The problem method of teaching is often used as a major alternative to the case method teaching. It can be defined as a method which uses hypothetical fact situations as the centre piece for student analysis and discussions.<sup>16</sup> The problems typically present plausible situations of varying detail and complexity. Students then select a course of conduct or predict a court's decision based on a variety of legal and non-legal materials either provided to the students or readily available to them.

The materials which can be utilized to solve problems are court's opinions, statutory materials, administrative regulations, legal documents, articles and other materials relevant to the solving of the problem. Requiring

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14 Edward J. Phelps, "*Methods of Legal Education*", YALE LAW JOURNAL, Vol. 1, No. 4, 1892, available at [http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4930&context=fss\\_papers](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4930&context=fss_papers), (visited on January 16, 2018).

15 *Ibid*.

16 Gregory M. Ogden, "The Problem Method in Legal Education", JOURNAL OF LEGAL EDUCATION, 1984, pp. 654-657, available at <https://eric.ed.gov/?id=EJ313968>, (visited on January 25, 2018).

students to present their solutions to the class and then to discuss those solutions in class is an integral part of the method.<sup>17</sup>

The problem method helps in imparting the knowledge of substantive law, judgment and analysis, lawyering skills and professional responsibility.<sup>18</sup> The merit of the problem method is that it more effectively forces the law students to reflect on the application of pertinent materials to new situations and accustoms them to thinking of cases and statutory laws as something to be used, rather than as something merely to be assimilated for its own sake.

### (c) Collaborative Method

Under the Collaborative method students actively participate in the learning process by interacting with each other and listening to other's point of view. It establishes a personal connection between students and the topic of study and helps them to think in a less personally biased way. Group projects and discussions are examples of this teaching method. Teachers may employ collaboration to assess student's abilities to work as a team, leadership skills, or presentation abilities.

In a collaborative project, group members negotiate tasks, roles, and responsibilities. In essence, the goal of collaborative learning is a group project in which the group process will produce a better final product through the students' discourse.<sup>19</sup>

By the collaborative teaching students learn better indirectly from teachers through constructed group work and directly from other students in the discourse directly associated with that group work. In addition, group work reaches to a broader range of students than traditional teaching methods, reaching across race, gender, class, and learning style differences. These pedagogies work because students, through the conversation, are more actively engaged with the material.<sup>20</sup>

Hundreds of studies have demonstrated that collaborative learning is more effective than competitive or individualistic learning methods for a broad spectrum of cognitive, affective, and interpersonal goals. Collaborative learning is an efficient and effective method to achieve objectives central to legal education: critical thinking, reasoning, and problem solving. Learning in group helps the students to understand, retain,

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17 Hoffman Toll Peter, "Teaching theory versus practice: Are we training lawyers or plumbers?", MICHIGAN STATE LAW REVIEW, 2012, p. 625, available at <https://digitalcommons.law.msu.edu/lr/vol2012/iss2/12>, (visited on January 20, 2018).

18 *Ibid.*

19 Elizabeth L. Inglehart et al., "From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom", THE JOURNAL OF THE LEGAL WRITING INSTITUTE, 2002, available at [http://law.byu.edu/Law\\_Library/jlwi/archives/2003/ing.pdf](http://law.byu.edu/Law_Library/jlwi/archives/2003/ing.pdf), (visited on January 20, 2018).

20 *Ibid.*

and apply concepts. Well-run small group activities increase students' motivation and lead to students' positive attitudes towards the subject matter.

In addition, collaboration among students helps them develop skills such as listening, expression, conflict resolution, negotiation, and consensus building. Finally, collaborative learning in heterogeneous groups results in students expanding and deepening their understanding of different perspectives of students from various backgrounds.<sup>21</sup>

For instance, in Corporate Law, the students can be given a collaborative learning exercise by forming groups of three students and each representing the Joint Stock Company, Registrar of Companies (ROC) and Securities and Exchange Board of India (SEBI). The target of the group would be to discuss and comply with the legal formalities for incorporation and registration of a company. In this process the team would be able to deliberate upon the conditions and eligibility requirements mandated by the ROC and SEBI for commencement of business and issuance of securities by the company.

#### **(d) Interactive Method**

It can be simply defined as experiential learning whereby law students gain practical skills and deliver legal services in a social justice environment. During the process students are confronted with real life situations and play the role of lawyers to solve the problems. They do it by interacting with clients or each other to identify and resolve legal issues, and are subject to critical review by their teachers or peers.

Although clinical legal education learning methods are traditionally used to teach such lawyering skills as interviewing and counselling, legal writing and drafting, fact finding, case analysis, trial preparation and trial advocacy, they can also be used to teach substantive and procedural law courses. Some of the most common interactive learning methods include: role plays, simulations, moots, mock trials, case studies, small group discussions, debates, 'taking a stand'.

Role-playing typically involves taking sides on a case. From there, groups can present opposing perspectives on the facts, simulate oral advocacy, or even re-enact oral arguments. On research and citation assignments, student groups can complete exercises, as well as complete research pertinent to their memorandum or brief assignments.<sup>22</sup>

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21 Hoffman Toll Peter, "Teaching theory versus practice: Are we training lawyers or plumbers?", MICHIGAN STATE LAW REVIEW, 2012, p. 625, available at <https://digitalcommons.law.msu.edu/lr/vol2012/iss2/12>, (visited on January 20, 2018).

22 *Ibid.*

### (e) Seminar Method

It refers to a structured group discussion and what usually follows is a formal lecture or lectures often in the form of an essay or a paper presentation on a theme. It is a teaching technique for higher learning. A specific subject or topic is delivered as an article, report and working paper in the seminar. The article and its concepts submitted in the seminar are analyzed and discussed through group discussion to arrive at a final decision or concept.

### (f) Lecture Method

The lecture method can be defined as a continuing oral presentation of information and ideas by the teacher; it is presumably a synthesis of his own reading, research and experiences, interpreted in light of his own insights. Theoretically, in the true lecture, little or no active student participation is involved. In practice there can be much variation in how closely this format is adhered to. There is a varying degree of use of the blackboard, slide projector, assignments to be done outside of class and question and answer sessions: but all of these variants involve the lecturer as the primary agent in the instruction. The lecture is thus distinct from the other major recognized methods of instruction such as the discussion, Socratic dialogue, project method, and the laboratory.<sup>23</sup>

A great lecture constitutes the following:<sup>24</sup>

- empowers the audience and keeps them focused;
- inspires people and engages them;
- moves the audience and makes them more willing to learn more about the topics discussed;
- provides new insight and stimulates thinking and analysis;
- makes people think and motivates them to develop new skills;
- gives the audience a desire to listen to it again and again.

Clearly then, the key to a good lecture is the degree to which students are encouraged to think for themselves and to engage in deep versus surface approaches to learning. Lectures should thus be participative and engaging, as well as challenging and thought-provoking. But is this really what makes lectures ‘unmissable’-or are there any other more practical factors involved in ensuring high levels of attendance? Perhaps it does not matter how inspiring or engaging a lecture is; if students feel they are under acute time pressures, they may attend classes ‘tactically’ so that they are present only

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23 Thomas M. Sutherland, “*The Lecture Method*”, NACTA JOURNAL, 1976, available at [https://www.nactateachers.org/attachments/article/1514/Sutherland\\_NACTA\\_Journal\\_September\\_1976-8.pdf](https://www.nactateachers.org/attachments/article/1514/Sutherland_NACTA_Journal_September_1976-8.pdf), (visited on January 19, 2018).

24 Latessa R, Mouw D. “*Use of an audience response system to augment interactive learning, Innovations in Family Medicine Education*”, 2005, 37:12–4, available at <http://www.stfm.org/fmhub/fm2005/january/robyn12.pdf>, (visited on January 15, 2018).

for those lectures that link directly to a piece of coursework or examination question. Or perhaps students see lectures as eminently 'missable' if they believe that all they have to do is read the handouts in order to pass the course.<sup>25</sup>

### **(g) Socratic Method**

The Socratic Method also known as Socratic debate is a form of cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presumptions. The Method has been praised for many reasons such as it aims to develop crucial legal analytic skills, to accustom the student to the lawyer's adversary style of exchange, and to provide a forum in which the student speaks in public.

There are three very important benefits of the Socratic Method: first, it gives professors the ability to teach large bodies of students in an active manner; second, it is instrumental in teaching cognitive skill development i.e. to teach students to "think like a lawyer"; and finally, it helps students to hone their verbal skills.<sup>26</sup> Even as the Socratic Method is increasingly surrounded by innovation, it still persists and endures in legal education and reframing the Socratic Method as attorney-client lawyering would help align this teaching method with other law teaching innovations.<sup>27</sup>

### **(h) Clinical Method**

The clinical method of teaching known as Clinical Legal Education in India was introduced in the year 1999 by the pioneer of 5-year law course, Dr. N.R. Madhava Menon.<sup>28</sup> The establishment of clinics created a way to

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25 Andrea Revell & Emma Wainwright, "What Makes Lectures 'Unmissable'? Insights into Teaching Excellence and Active Learning", JOURNAL OF GEOGRAPHY IN HIGHER EDUCATION, 33:2, 209-223, available at <http://www.tandfonline.com/doi/pdf/10.1080/03098260802276771>, (visited on January 16, 2018).

26 Lowell Bautista, "The Socratic Method as a Pedagogical Method in Legal Education", University of Wollongong, Australia, available at <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=2486&context=lhapapers>, (visited on January 20, 2018).

27 Jamie R. Abrams, "Reframing the Socratic Method", JOURNAL OF LEGAL EDUCATION, Vol. 64, No. 4, 2015, available at <https://jle.aals.org/home/vol64/iss4/2/>, (visited on January 16, 2018).

28 The Bar Council of India gave a fresh look at legal education at an All India Seminar held at Bombay in 1977. On the basis of the recommendations of this Seminar, a dialogue with the universities teaching law was initiated by the Council which eventually, in 1982, resulted in a new 5-year integrated professional programme after 10+2 school education. Two important features of the new pattern of legal education which was to come into force from the year 1987-88 are the introduction of a two-year pre-law study consisting of several social science courses, and a six-month intensive compulsory clinical education. N.R. Madhava Menon, CLINICAL LEGAL EDUCATION, Chapter 1, "Clinical Legal Education: Concept and Concerns", 20 (1998). Dr. Menon describes The National Law School of India (NLSIU) as the first school developed under this model. See *id.*, at Chapter 15, "Development of Clinical Teaching at the National Law School of India: An Experiment in Imparting Value Oriented Skills Training", pp 238-263.



focus attention on functioning models of legal education reform and to expose students to the standards of service and excellence. A major way in which this is achieved is by implementing a range of carefully planned clinical programs and connecting them effectively to the rest of the curriculum, pausing regularly to evaluate the extent to which they are accomplished.

Under this model, law students are trained to be productive members of a community of lawyers that have the refined skills needed to develop and implement creative strategies for addressing the pressing demand for social justice in the country.

Among the principal aspects of this method, students are confronted with problem situations of the sort that lawyers confront in practice; they deal with the problem in role; they are required to interact with others in attempts to identify and solve the problem; and, perhaps most critically, the students' performance is subjected to intensive critical review.<sup>29</sup>

Clinical programs introduce students to the competencies they will need, strategies for building expertise and critical assessment of the lawyer's role. The skills that clinical exercises aim to build include interviewing, fact investigation, an extensive application of problem solving skills, attorney-client relations, negotiation and other alternative dispute resolution methods, ethical considerations, pre-trial and trial skills.

They are taught using methods that include role-playing, simulations, brainstorming, highly interactive discussions, regular in-depth feedback, and direct client representation.<sup>30</sup>

Further, clinical courses expose students to opportunities to use legal expertise to address issues of social concern, particularly the needs of the poor. Regardless of whether students intend to work in public interest law, they need to be aware of their obligations to contribute to their communities and of the special role they are becoming equipped to play in addressing a range of social problems.

While the classroom can raise theoretical issues about social justice, access to legal interventions and reform, understanding the problems in terms of access, application, and sufficiency comes from well-supervised work with poor people. Thus, these issues are best raised through direct service to disadvantaged clients, either through representation or some other

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29 William P. Quigley, "Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor", AKRON LAW REVIEW, available at <https://www.uakron.edu/dotAsset/6083417d-8a9d-44a4-8a1b-5db63572c6cd.pdf>, (visited on January 21, 2018).

30 Margaret Barry, "Clinical Legal Education in the Law University: Goals and Challenges", INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION, Vol. 11, 2007, available at <http://www.northumbriajournals.co.uk/index.php/ijcle/article/view/76/79>, (visited on January 23, 2018).

opportunity to work closely with them in order to understand the problems and the attorney's special ability to provide effective assistance.<sup>31</sup>

An example of what can be achieved in India, and is an example of India's potential as a leader the international clinical legal education movement is V.M. Salgaocar College of Law Legal Aid Society, which began in 1998. It operates thirty-five permanent free legal aid cells throughout the state of Goa. Each cell consists of a team of two students. The cells are set up and housed in government buildings, schools, and church or temple premises. Students carry out awareness campaigns, provide legal advice and pursue remedies such as meeting with the other party, meeting with government officials and providing legal referral services.<sup>32</sup>

The students also perform paralegal aid services, such as visiting jails, registering marriages, births, and deaths, obtaining ration cards, and preparing affidavits. They also prepare and file documents that are required for obtaining benefits under various welfare schemes. Students also work with faculty members to petition relevant authorities who are obliged under the law to provide remedy for injustice. If relief is not provided, the students work with lawyers to file a petition before the High Court. Students can argue these cases under special rules that allow any member of the public to present such cases.<sup>33</sup>

Another area where law schools can establish a clinic would be on the 'Role of the Real Estate (Regulation and Development) Act, 2016 in protecting home buyers in NCR' for the people who are unable to pay for legal services or are unable to find representation. It would also serve the purpose of indigent clients. A team of five students would provide legal advice to home buyers about the unfair practices by builders. It would help in protection of interests of flat buyers by informing them of their rights and would bring transparency in real estate projects by disclosure of information about builder and the project and establishment of the Real Estate Regulatory Authority for redressal of buyer's grievances. Also, RERA has been empowered to impose penalties upon builders in case there is delay in construction, quality of construction, breach of buyer's agreement etc.

### **(i) Field Action Project**

Law is an instrument of social control and constitutes as an important variable in any social investigation. Law and society are not divisible in water-tight compartments. The quantitative research method is often used to inquire the efficacy and implementation of a statute and measure its impact

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31 *Ibid.*

32 *Ibid.*

33 William P. Quigley, "Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor", AKRON LAW REVIEW, available at <https://www.uakron.edu/dotAsset/6083417d-8a9d-44a4-8a1b-5db63572c6cd.pdf>, (visited on January 21, 2018).

on the society. Field action projects can be used as a method to investigate and inquire issues affecting the society and suggest remedial measures to solve them. In this method, the law students are associated with the members of social work group to conduct an inquiry on social issues particularly relating to women and children.

#### **(j) Outcome Based Learning Method**

Another innovative method that needs to be introduced in the law schools is the outcome based model of learning. There is a need to shift the focus from content based programs to outcome based programs. In this direction the faculty must prepare course outcomes on the subject and map them with the program outcomes. The school must ensure that there is adequate matching of these course outcomes and program outcomes with the mission and vision of the School.

Outcome-based education (OBE) requires that a future-driven curriculum focus be developed, and demands performance assessment. It is a systemic reform effort which focuses on predetermined outcomes, or curriculum goals. This result oriented approach uses those outcomes to drive instructional and curricular decisions and actions. All decisions including those related to curriculum, delivery of instruction, assessment, and promotion are based on the best way to achieve the predetermined outcomes.

The list of operational essentials of outcome-based education was published by the Network for Outcome-Based Schools, in 1981. The Network stated that schools wanting to become outcome-based should develop the following components<sup>34</sup>:

- (i) Publicly determined and stated learning outcomes for all the students.
- (ii) A criterion-referenced assessment system derived from those outcomes.
- (iii) Objective-based core and alternative curricula derived from those outcomes.
- (iv) A systematic process for planning and providing instruction appropriate to each student.
- (v) A mastery learning system which includes corrective instruction, extension/ enrichment, and mastery requirements.
- (vi) A criterion-referenced information management system.
- (vii) An evaluation system which allows students to receive credit at any time.

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34 Timothy Gene Hoffman, "An Examination of outcome based education practices, standards, and factors that enhance implementation of OBE", 1996, available at <https://lib.dr.iastate.edu/cgi/viewcontent.cgi?referer=https://www.google.co.in/&httpsredir=1&article=12112&context=rtd>, (visited on January 23, 2018).

- (viii) A program evaluation component which guides instructional planning by comparing the learning outcomes of program graduates with the performance demands of post school roles.

### **(k) Research Methods**

Law is a logical and argumentative discipline and in order to build arguments a study of legal provisions and theory is required. Legal Research methods have been largely ignored in India as the content is only studied whereas the methods are ignored completely. Broadly research methods are divided into two parts i.e. Quantitative method and Qualitative method. The quantitative method focuses on research about law whereas the qualitative method deals with research in law and is concerned with propositions and doctrines while the quantitative method is concerned with people, social values and social institutions.

Research methodology is a separate branch of law providing for a systematic method of discovering new facts, verifying old facts. Also, the challenge of legal research is to liberate ourselves from single to plurality of methodologies and give value to experiences of people in our country. The purpose of research is to acquire knowledge in a scientific and systematic way. Its purpose is to find solution to the identified problem. The quest for knowledge makes one to achieve new insights into a specific problem or a phenomenon.

It highlights different dimensions and tools of doctrinal legal research as well as non-doctrinal legal research or socio-legal research. In other words, it strives to instil the basic skill of identifying research problems, planning and executing legal research projects and of appreciating the problems associated therewith, so that they can plan and pursue legal and socio-legal research in future.

The available tools for Quantitative method are SPSS and MS-Excel while Qualitative research tools are Atlas-ti, content analysis and case study method.<sup>35</sup> Examples of quantitative research method are efficacy of the Insolvency and Bankruptcy Code, 2016 in resolving insolvency cases in Delhi/NCR, Study of factors affecting litigation behaviour in South West District, Delhi etc.

### **Assessment Model Vis-à-Vis Innovative Teaching Methods**

*“The great aim of education is not knowledge but action”*-Herbert Spencer.<sup>36</sup>

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35 Khushal Vibhute and Filipos Aynalem, LEGAL RESEARCH METHODS, 2009, available at <https://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>, (visited on January 21, 2018).

36 Herbert Spencer, SOCIAL STATICS 86, New York, D. Appleton and Co. 1896.

Unless followed by monitoring and assessment the methods can have no ascertained results. In order to implement these methods, the quality and functioning of methods can be checked with a robust mechanism of an assessment model consisting of various assessment tools such as Client Counselling, Court Room Exercises, Case Comment/Case Brief, Panel Discussion, Essay writing, Mock Trial, Role Playing exercises and Movie Screening. The aim of introducing pedagogical tools would be achieved only if the assessment model is followed.

The whole idea of introducing these activities in the law school is to equip students to “think and act like a lawyer”. Through preparation of case briefs and case comments, the student is asked to read, analyse and critique a judicial opinion of a court of record and compare that case with related cases. The analysis of the legal issue involved in the case helps the student to understand the law involved and its application in a given situation. By studying various cases, he learns the substantive law in different areas and the student’s analytical skill will be sharpened. It helps the students to learn how to spot legal issues. Case briefing, case comments and essay writing give an opportunity to the students to practice legal writing by identifying the core issues and developing arguments on them.

The activities like client counselling and court room exercises enable the students to find out legal issues and arguments involved in the case and also prepare them to present themselves as a lawyer by inculcating a habit of mooting. Tools like panel discussion and mock trial provide a platform to students to discuss and depict the role of a counsel, accused, witness and a victim. In a panel discussion the students are given a topic to form a panel on which they are asked to put forth their views and arguments from both sides on an issue. Investment and security Law, Property Law, Law of Bankruptcy and Insolvency etc. can be the most apt subjects for a panel discussion.

Mock trial can be used as a role playing exercise where students are asked the role of a counsel, accused, witness and a victim. It gives an insight view and practical training of presentation of the case from prosecution and defence. Criminal Law, International Law, Family Law, Law of Torts etc. are the most apt subjects for a mock trial.

Movie screening can also be used to develop the thinking process of students in the area of law. Commentaries, movies and plays depicting a contemporary social, economic and legal issue can help raise critical issues among law students and lead to fruitful discussions on the subject.

### **Tools of Teaching Law**

The following tools can be applied while teaching students in a Law Course:

- (i) Visual Tools

- (ii) Use of Computers/ ICT
- (iii) Writing exercises
- (iv) Flip Class technique

**(i) Visual Tools** -Visual tools are devices that allow teachers to engage students through their sense of sight. They include handouts, chalkboards, flipcharts, overhead transparencies, slides, videos, and computers. Visual tools can be divided into two categories according to their primary uses. The first category-handouts, chalkboards, flipcharts, overhead transparencies, and slides-is most useful for presenting graphics.

**(ii) Computers or Information and Communication Technology-** Presently, five of the most effective and promising applications of computers in legal education are (1) the computer as a visual tool in the classroom, (2) electronic lessons, (3) electronic discussion and supplements, (4) the Internet, and (5) electronic casebooks.<sup>37</sup>

In the midst of increasing knowledge and abilities through technological resources it should not be ignored that human interactions between teacher and student have a profound impact on students' learning experiences. Whereas computers and learning applications and the Internet can extend and enhance our teaching and our courses and help us to individualize our students' education and monitor their progress, they cannot replace the human presence and intelligence and emotion that we bring to the educational process.<sup>38</sup>

**(iii) Writing exercises-** exercises, whether done in or out of class, whether graded or not, whether formal or informal, help to develop thinking skills. As students explain or explore an idea in writing, their understanding and misunderstanding of concepts become clearer. For example, when students draft legal documents such as a will or a complaint, they discover the limits of their knowledge and they develop a deeper understanding as they apply abstract principles to a life-like situation.

Writing exercises also helps to generate thoughtful class discussions. By writing on a topic for several minutes, students tend to develop their thoughts much more thoroughly than when responding immediately to teachers' questions in class. Writing not only helps the students to learn content and skills, but also act as an excellent vehicle for students to explore and articulate their values.

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37 Gerald F. Hess and Steven Friedland, *TECHNIQUES FOR TEACHING LAW*, 1999, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.689.959&rep=rep1&type=pdf>, (visited on January 21, 2018).

38 Warren Binford, "How to be the World's Best Law Professor", *JOURNAL OF LEGAL EDUCATION*, Vol. 64, No. 4, 2015, pp. 542-561, available at <http://www.jstor.org/stable/24716712>, (visited on January 26, 2018).

Empirical study demonstrates that the use of laptops in the classroom has a negative impact on student learning by distracting them from focusing on classroom tasks. Moreover, students who use laptops in the classroom do not perform well academically, and are less satisfied with their educational experience.<sup>39</sup>

**(iv) Flip Class Technique-**The flipped classroom is a pedagogical model in which the typical lecture and homework elements of various courses are reversed. Short video lectures, are viewed by students at home before the class session, while in-class time is devoted to exercises, projects, or discussions.

The video lecture is often considered as the key ingredient in the flipped approach, such lectures being either created by the instructor and posted online or selected from an online repository.<sup>40</sup>

At a Law school, the teacher may either upload the video lectures on the online database of the University or e-mail on the group e-mail Id. of the class. A compliance report is prepared by the teacher where the entire week's course materials or video links are circulated in advance to the students.

The flipped classroom model saves the class time as it enhances the use of time of the class by not only engaging students interest also providing advanced knowledge about the content or topics taught by use of technology and Laptops improves student's interest.<sup>41</sup>

### **Way Forward: Best Practices for effective teaching strategies**

In light of the above discussion about the innovative teaching pedagogies and techniques, it can be stated that there is no perfect method for teaching every course but the following can be considered as principles for effective teaching<sup>42</sup>:

#### **(i) To integrate theory, doctrine and practice**

Theory means a doctrinal theory explaining a case or series of cases, a school of jurisprudential thought, or a perspective on examining and

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39 *Ibid.*

40 Such as the e-PG Pathshala, an MHRD initiative under its National Mission on Education through ICT, by University Grants Commission for development of e-content in 77 subjects including law at postgraduate level, available at <http://epgp.inflibnet.ac.in/ahl.php?csno=20>, (visited on January 25, 2018).

41 William R. Slomanson, "Blended Learning: A Flipped Classroom Experiment", JOURNAL OF LEGAL EDUCATION, Vol. 64 No. 1, 2014, available at <https://jle.aals.org/cgi/viewcontent.cgi?article=1016&context=home>, (visited on January 10, 2018).

42 Roy Stuckey and Others, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP, 1<sup>st</sup> ed. 2007, available at [http://www.cleaweb.org/Resources/Documents/best\\_practices-full.pdf](http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf), (visited on January 16, 2018).

understanding the law.<sup>43</sup> But, while subject to debate, the term ‘theory’ when used in the context of the debate between teaching theory and practice it usually refers to teaching law students to engage in doctrinal analysis or learning to “*think like a lawyer*”.<sup>44</sup>

Even in the absence of a precise definition of its meaning, much of legal education is concerned with developing in students this important skill, and the law schools are quite successful in inculcating this method of analysis in their students.<sup>45</sup> Hence, the objective would be achieved by combining the learning obtained from theory and experience of law.

### **(ii) Explain Goals and Methods to Students**

Learning is enhanced when students understand why certain instructional and assessment methods are employed. It is especially important that new law students understand that the development of professional expertise is the ultimate objective and that it will take time and hard work to achieve it.<sup>46</sup> Likewise, the teacher should take every opportunity to engage students in a discussion of what we are trying to accomplish and how it is intended to enhance their professional development.<sup>47</sup>

### **(iii) Choose Teaching Methods That Most Effectively and Efficiently Achieve Desired Outcomes**

Student learning is enhanced when the teachers have clear educational objectives and use the most effective means to make learning possible. The selection of the most appropriate instructional tools depends largely on having clearly articulated educational goals. The best method for imparting information is not likely to be the best method for teaching analytical skills. Some tools may be better for developing basic understanding and abilities, whereas others would be better for developing in depth mastery of subjects. .

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43 Peter Toll Hoffman, “*Teaching Theory Versus Practice: Are we Training Lawyers or Plumbers?*”, MICHIGAN STATE LAW REVIEW, 2012, pp. 625, available at <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1038&context=lr>, (visited on January 23, 2018).

44 Mark Spiegel offers a definition of theory and practice that works well for the purposes of this essay: “*By ‘theory’ we commonly mean a set of general propositions used as an explanation. Theory has to be sufficiently abstract to be relevant to more than just particularized situations. By ‘practice’ we commonly mean the doing of something*”. Mark Spiegel, “*Theory and Practice in Legal Education: An Essay on Clinical Education*”, 34 UCLA L. Rev. (1987), p. 577.

45 Roy Stuckey and others, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP, 1<sup>st</sup> ed. 2007, available at [http://www.cleaweb.org/Resources/Documents/best\\_practices-full.pdf](http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf), (visited on January 16, 2018).

46 *Ibid.*

47 *Ibid* p. 95.



#### **(iv) Use Multiple Methods of Instruction and Reduce Reliance on the Socratic Dialogue and Case Method**

Law teachers need to be multi-modal in their teaching and should reduce reliance on the Socratic dialogue and case method. There are many more tools for reaching students than one finds in the typical law school classroom. These include encouraging deep processing, maintaining high levels of attention, fostering motivation, matching the mix of student learning styles within the classroom, and providing students with opportunities for feedback. One mode of procuring students' feedback is a Quality Circle Meeting. A QCM is a focus discussion on teaching and dynamics of the classroom. It can be done on topics like class-room ecology and culture, readings and assignments, discussion of cases and problems, communication and movement of teacher in class, problematic students, evaluations, grading, and exams.<sup>48</sup>

#### **(v) Employ Context-Based Education throughout the Program of Instruction**

Context helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers' tasks in practice. Context is arguably important for three reasons. First, students are more interested in learning when the information they are studying is placed in a context they care about. Second, it increases the likelihood that students will understand the information. Third, it helps in organizing and storing it in memory differently for the purpose of studying for a test than we do in order to retrieve it for legal practice.<sup>49</sup>

### **Conclusion**

Through this paper, the researchers have made an in-depth study of the teaching learning theories in law and the significance and need of innovative methods of teaching law. The researchers have aimed at concluding and suggesting some best practices for effective teaching strategies. Legal education in its true sense has not been viewed from the perspective of students learning styles and the pedagogy of imparting instruction. Eventually, the students and teachers have been facing a number of issues due to the lack of a tool kit in teaching the subject.

The research has been carried on the premise that there is ample scope of improvement in imparting legal education if a methodical way of teaching

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48 Eric W. Orts, "Quality Circles in Law Teaching", *JOURNAL OF LEGAL EDUCATION*, Vol. 47, No. 3 (September 1997), pp. 425-431, available at <http://www.jstor.org/stable/42893527>, (visited on January 26, 2018).

49 Roy Stuckey and others, *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP*, 1<sup>st</sup> ed. 2007, available at [http://www.cleaweb.org/Resources/Documents/best\\_practices-full.pdf](http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf), (visited on January 16, 2018).

is introduced. A clear and comprehensive understanding of methods like Collaborative teaching, Outcome based learning, Field Action Projects, Clinical Method, Research Methods etc. would enhance the student participation in the teaching learning process and fulfil the goal of legal education in the country. The methods should be followed by a strong assessment model to test their working.

The aim is to provide a method based approach in teaching law rather than a content based approach. It can be said that teaching style and technique can make a difference as to the quality and quantity of learning of students in a classroom. In this context, the institutions must hire capable and well qualified teachers and develop a quality based curriculum so as to enhance the level of legal education. Thus, developing innovative teaching pedagogies will lead to training and mentoring of future generations in a better manner.

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# LECTURE METHOD: ITS NATURE AND SCOPE

Himanshu Pandey<sup>♣</sup>

## Abstract

*The present trends of teaching professional courses in India have more emphasis on use of modern teaching methods and techniques. Many of these teaching techniques are really not new. To a certain extent they are simply given us to approach old ideas in a new way. Modern teaching methods, techniques and Information and Communication Technology hereinafter referred as ICT have been indubitably proven in raising the standard of education. But the quality of education substantially depends on the relationship between the contents and their teaching manner, logical and scientific linkages, besides instruments used therein. Employing new techniques on continues experimental basis sometimes undermine the traditional methods of teaching in which the lecture method has been pertinently predominant from immemorial time. Advent of new technology have changed the mind-set of the people which shift from original cognitive thinking to artificial intelligence models. The paper focuses on aim and objectives of lecture method and its nature, both as art and science inclusive of all possible factors making lecture method objectively focused and effective.*

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**Keywords:** Lecture Method, Lecture Process, Teacher Centric Approach, Student Centric Approach, Classroom environment.

## Introduction

Survival of every human on the earth depends on some *praxis* and *reflexive* actions inherited by birth or acquired from the nature and surroundings. The basic activities of humans as characterised by Aristotle are: *theoria* (thinking), *poiesis* (making), and *praxis* (doing).<sup>1</sup> These activities are corresponding three types of knowledge as: *theoretical*, the end goal being truth; *poietical*, the end goal being production; and *practical*, the end goal being action.<sup>2</sup> Primary goal of knowledge is to protect human lives and their survival. After attaining the sense of security, human thinking and activities derive to quality full life of mankind. Therefore, every mankind is destined to enjoy a degree of knowledge, insight, energy and efficiency. These things are to be developed in each and every individual. Especially,

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1 Marcello Di Paola, ETHICS AND POLITICS OF THE BUILT ENVIRONMENT GARDENS OF THE ANTHROPOCENE, 2017, p. 112.

2 M.K. Smith, WHAT IS PRAXIS? (1999, 2011), available at <http://infed.org/mobi/what-is-praxis/>, (visited on December 9, 2017).

young human minds, since they looked upon as a piece of wax or a lump of clay which can be moulded into any shape. Shaping of young minds is formally guided by the prevailing education system. The purpose of education is to encourage and guide man as a conscious, thinking and perceiving being in such a way that he may develop a capacity to attain primary needs of life and further opportunities to excel his life and society through his own personal choice. Education must show the ways and means of attaining that goal. It is a tool to mitigate most of the challenges of life. Education tells us the value of life and also suggests the ways to improve living condition by facilitating our learning, knowledge and skills. It is a process of transformation of human mind and personality, and also helps to attain the positive attitude. Education must be given priority over other aims of life. It is an imperative source to enjoy life happily.

Education is the process of facilitating or acquiring knowledge, skills, values or beliefs with the aim to bring intended changes in visualizing and realizing the things, their analysis and response thereupon. Educational methods include various common and uncommon, tools and techniques according to nature and aim of the learning. Educational process requires an able guidance of expert educators, but without active participation from the part of the learners, it fails the whole purpose of teaching. The education is not only concerned with intended behavioural changes in the individual human units, it is also considered as a vital tool for regulation and control of social and institutional behaviour, and social transformations are the long term goals. It is a key component of equity; human rights; peace; tolerance and democracy. It is a master key of individual, social and national development.

Every civilised and developed society promotes creativity through their education policy. Present education pattern is worldwide creativity oriented. Global economic competition and political developments have direct linkages with the education system of the countries. Therefore, the right to education has been recognized by many countries, at the global level. In most regions, education is compulsory up to a certain age. The Constitution of India also provides for educational development through various provisions. Indian soil is also known for indigenous knowledge, wisdom and philosophy of human development and civilisation. It is well known fact that human advancement comes through reasoning, and good reasoning comes with original thought process that enhances creative thinking and behaviour accordingly.

Education began to be included as a component of international relations, economic and political competence. A number of multilateral and bilateral agencies were established to implement various types of educational aid programmes; however, their effectiveness is constantly being questioned and challenged due to variety of problems. The Educationists extend their duties not only towards teaching their contents, they frequently

research on these pertinent questions, that *how to teach?* and *how to make teaching effective?*

The quality of education and its influence on the society have always been pinned with the ideology, policy and practices rooted in the system of any institution. The teaching method and pedagogy are the keys to involve these ideologies and procedures used for tutoring by teachers to attain the desired learning by students. These strategies are partly determined on subject matter to be taught and remaining on the antecedents of the learner. For a particular teaching method to be appropriate and efficient it has to be in relation to the characteristic of the learner and the type of learning it is supposed to bring about. The design and selection of teaching methods must take into account not only the nature of the subject matter but also how students learn.

A common complaint from the stakeholders and the academicians regarding day by day dwindling standard of education in India is due to assorted reasons are considered and analysed from various angles to improve the academic standard. Teaching-learning methods and techniques have been considered as focal factors for educational performance in all the times. The question on good teaching method has been researched by the Social scientists, Educationists, Psychologists and Philosophers and no one method can be considered as a self-sufficient method in all times, groups and subjects. Commonly used teaching methods may include class participation, demonstration, recitation, memorization, or combinations of these.

Usual teaching practices are followed in their classical form or scientific patterns. The most traditional and common method of teaching is the 'Lecture method' but unfortunately at most places this is not supplemented by any regular work on the part of the individual student either by way of preparation for the lecture or by library work after the lecture or any tutorial or seminar work. There is no doubt that some teachers make very effective use of the lecture method for imparting instruction and their lectures are well prepared and interesting, but at several places lectures consist merely of dictation of notes.

Negating the importance of Lecture-teaching methodology because of new ICT based teaching aids, methods and techniques would be a blunder that can't be brought back in teaching practice once it is stop in class room teaching.

It is a pertinent question to be resolved that how the lecture should be idyllically delivered so that the minds of the students can be developed with clear, comprehensive, and analytical understanding of the subject. The contents must be presented in such a manner so that it can seek the attention and create interest of the students.

This paper attempts to focus on the importance and role of 'Lecture Method', as a primary method to introduce and explain the concept to the students. The Lecture method should not be classified as a method of

teaching like other methods, rather it is an inevitable step involved in process of teaching with all other specific methods of teaching. The confusion in the minds of critics of lecturing may be resolved by realising the objective of lecture method with the help of literal definition, evolution and uses of lecturing in different subjects and different patterns.

### **Landscape of Teaching**

A teaching method is characterised by a set of principles, procedures or strategies to be implemented by teachers to achieve desired learning in students. These principles and procedures are determined partly by the nature of the subject matter to be taught, and partly by our beliefs or theories about how students learn.<sup>3</sup> The approaches for teaching can be generally classified into two categories as:

#### **(i) Teacher Centric Approach**

In Teacher-Centric Approach to learning, Teachers are the main authority figure in this model. Students are viewed as “empty vessels” whose primary role is to passively receive information (via lectures and direct instruction) with an end goal of testing and assessment. The approach is expository in nature and easier to implement than student-centric activities. Teacher-centric Methods includes:

- |                              |                   |
|------------------------------|-------------------|
| (a) Teacher talk (lecturing) | (b) Demonstration |
| (c) Assignments and homework | (d) Memorizing    |
| (e) Reviewing                | (f) Questioning   |
| (g) Discussion               |                   |

In teacher-centric education, students put all of their focus on the teacher. Teacher talk, and the students exclusively listen. During activities, students work alone, and collaboration is discouraged. In this approach, the classroom remains orderly. Students are quiet, and teacher retain full control of the classroom and its activities. Because students learn on their own, they are independently participating in learning and make their own decisions. When students work alone, they don't learn to collaborate with other students, and their communication skills may suffer. Teacher-centric instruction can be boring for students. Their minds may wander, and they may miss important facts. But it does not mean that in Teacher-centric instruction students are not allowed to express themselves, ask questions, and direct their own learning.<sup>4</sup>

#### **(ii) Student Centric Approach**

In Student-centric approach to learning, while teachers are an authority figure in this model, teachers and students play an equally active role in the learning process. Student learning is measured through objectively scored tests and assessments. Student learning is measured through both formal and

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3 Peter Westwood, WHAT TEACHERS NEED TO KNOW ABOUT TEACHING METHODS, 2008, p. 5.

4 <https://education.cu-portland.edu/blog/classroom-resources/which-is-best-teacher-centric-or-student-centric-education/>, (visited on February 28, 2018).

informal forms of assessment, including group projects, student portfolios, and class participation. Teaching and assessments are connected; student learning is continuously measured during teacher instruction. When a classroom operates with student-centric instruction, students and teacher share the focus. Instead of listening to the teacher exclusively, students and teachers interact equally. Group work is encouraged, and students learn to collaborate and communicate with one another. Students learn important communicative and collaborative skills through group work. They direct their own learning, ask questions, and complete tasks independently. Students are more interested in learning activities when they can interact with one another and participate actively. This approach is also subject to various limitations because students easily get opportunity of indulging in talking and classrooms may often be noisy or chaotic. Teachers may have to attempt to manage all students' activities at once, which can be difficult when students are working on different stages of the same project. Because the teacher doesn't always deliver instruction to all students at once, some students may miss important facts. Some students prefer to work alone, so group work can become problematic for them.<sup>5</sup>

As a teacher considering appropriate means of instruction, one should keep in mind a method that can convey the maximum academic benefits to maximum students. Teacher always want them to enjoy the learning process, and classroom to be orderly and controlled. There are the forefront debates among educators on this question that what's better, Teacher-centric or Student-centric education? Both have their own benefits and limitations but without frontal role of teacher no education system can be orderly managed and sustain for long time. Therefore, even today, Lecture method is considered as a primary step of teaching collaborative to other methods.

### **Aims of Lecture Method**

Lecture play a significant role in building thought process, therefore it can be inferred that the aim of lecture is to do something more than just transmitting information or sharing knowledge. Main aim of Lecture method is:

- (i) To introduce the subject and facilitate an overview by identifying all the possible key areas.
- (ii) To build a required approach regarding the subject.
- (iii) To encourage thinking and develop understanding in depth.
- (iv) Motivating and creating interest in-order to initiate further discussion.

### **Nature of Lecture Method**

Lecturing is an art like musical composition and performance. Skill is acquired by practice rather than by reading books.<sup>6</sup> Using lecture as only mode of teaching in modern time with traditional lecture method of *chalk*

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5 *Ibid.*

6 Bligh Donald, WHAT'S THE USE OF LECTURE? 5<sup>th</sup> ed.1998, p. 1.

*and talk* where teacher talking and pupils taking notes is the idea of teaching, definitely not appreciable. Although reducing the lecture in notebook cannot be too strongly condemned as it deprives the students even of the practice of trying to understand the lectures and taking down their own notes, to be supplemented by diligent students by what they read from books afterwards.<sup>7</sup> But it is also criticised for many other reasons, i.e., one-way communication that does not involve significant audience participation and more relies upon passive learning. Therefore, lecturing is often contrasted to active learning.

Fundamentally, the lecture has been adopted through the years as a means of transmitting cognitive and factual information from a teacher to a group of students. It is an efficient way of imparting knowledge in a scheduled time without interruption, and with less planning and arrangements than in most other teaching methods. However, from a learning theory standpoint, it is a very low form of instruction as far as amount of knowledge retention is concerned.<sup>8</sup>

Lecture method is used either through reasoning and logic or effectively appealing to make intended changes in targeted domain. Some teachers try to mix emotions in lecturing the subject, which is not the intended purpose of lecture method.

Lecturing is an exercise based on mutual trust and understanding between student and teacher. It is based on the strong assumptions and believes that teacher is the expert of the domain and student is willingly participating to learn through his expert interaction. The teacher also prefers to confine his lecture within the boundaries of his/ her expertise. Sometimes, if the discussion goes beyond the demarcated boundary of expertise, sometimes, it becomes difficult to resolve the debate and differences between teacher and student. Consequently, teacher-student relationship bonds become weaker and they lose the interest and faith.

Teacher is primary communicator of knowledge. He directly manages the pace and sequence of instruction. Which includes formal and informal interactions between a teacher and students. Lecturing to students is a formal communication rather talking with students is informal. It is understood that the communication and interactions takes place during the class room must follow some rules and procedure of lecturing.

### **Lecturing Process**

Term lecture is derived from the French word *lecture*, meaning *reading*, is an oral presentation intended to present information or teach people about a particular subject. It is the primary role of teachers to pass knowledge and information onto their students. In this model, teaching and assessment are viewed as two separate entities.

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7 *Supra* n. 2.

8 Martin M. Broadwell, "The Lecture Method of Instruction", THE INSTRUCTIONAL DESIGN LIBRARY, Vol. 27, 1982, p. 3.



The teacher's primary role is to coach and facilitate student learning and overall comprehension of material. Lecture method is a classical method of passing instructions. A lecture is an oral presentation of contents intended to inform or teach people about a particular subject. Lectures are used to convey critical information, history, background, theories, and equations.

The lecture is considered as a method as just one of several teaching methods, though in schools it's usually considered the primary one. The lecture method is convenient and usually makes the most sense, especially with larger classroom sizes. Therefore, lecturing is compulsory standard for most college courses, where several students in the classroom are addressed by professors in the most general manner, containing introduction, explanation, analysis, comparison and conclusion of subject topic. But teaching critical topics in ordinary lecturing pattern may sometimes fail to attain the objective of teaching, the instructor must analyse and understand the objective, scopes and limitations of lecturing. Thereafter, it should be applied accordingly.

The lecture is a procedure which includes classroom environment, teaching techniques, etiquettes and various other factors. Some important components of lecturing process have been captured by the researchers for discussion.

#### **(i) Classroom Environment**

For an effective learning of student, essential effective classroom environment plays a significant role, an academic progress can be measured by applying a test by making an environment student friendly, innovative and expressive. The performance graph of an average student will be improved. On the other hand, if classroom environment is stressful or a dominating attitude is portrayed by the teacher, then there will be a conflict in thought generation and performance of the student will be average or sometimes it may affect adversely.

A successful classroom sketch should be such that it maintains equilibrium between the teaching methods and learning styles in the classroom. A fruitful learning environment will facilitate both the student as well as the teacher, as the cardinal principle of acquiring knowledge is, may be the education may be put to rest at some point of time after acquiring a degree but learning is a continuous process which never stops, in this face it aids the teacher and thus creates a fruitful learning experience.

It is also important to point that an innovative and well equipped classroom will help students to reach their full potential. This will definitely enhance student's personality, confidence and attitude and the result will be visible as students will perform best of their ability. A proper strategy if followed to buffer against the negative environment in the class this will definitely help students to realize their full potential and stand with a sense of pride by bringing outstanding results.

**(ii) Demonstration, Collaboration and Discussion**

The main aim of the lecturing method is to spread information in large group of receivers where person to person interaction is not possible. Although lecturing process includes *Demonstration, Collaboration and Discussion*. But the ratio of these three elements is scientifically standardised in Lecture method. Demonstrating is the process of teaching through examples or experiments. A demonstration may be used to prove a fact through a combination of visual evidence and associated reasoning. Demonstrations help to raise student interest and reinforce memory retention because they provide connections between facts and real-world applications of those facts. Contents presentation are designed in such a manner as will make its own environment of natural phenomenon in the classroom which can be understood with least possible expenditure of mental exertion and time on the part of the student. Further, the teacher should strive so to correlate facts and suggestion that the phenomena and their explanation should be the most easily remembered.<sup>9</sup>

There should be a proper learning opportunities, one content should be taught in two or more different manners so that, if the student missed the opportunity in one occasion, he may grasp subsequently. Some students have good listening power; others may be blessed to have good visual perception. Those concepts which can be shown in pictures or sign should not be expressed in words. Because the retention power in the memory is easier to imagine rather memorising the concept in letters.

Teacher must avoid too much or irrelevant talk, conversations should not be too fast and must make sure that he can be heard and understood by the students attentively. Just because students hear something does not mean they understand it. Support lecture with direct or simulated learning experiences and don't assume anything, ensure that students know prerequisite knowledge and skills.

**(iii) Intervals**

Teacher can teach students, but it does not ensure that students have learned the material. Teacher must monitor students to ensure that he has not lectured too long. Intervals between two topics, short pause and long pauses should be used to switch from one sub head to other sub head. Long pause is important to switch from one head to other head.

**(iv) Interest of students**

Interesting topics relate the student directly with the topic, teacher should emphasise in the beginning, how the proposed topic has direct relationship with the life, health, profession etc. of the student or in other words the importance and utility of the topic must be emphasised in the beginning. When teacher addresses the class on the importance of subject at

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9 Norman A Dubois, "Teaching by Lecture System", SCIENCE NEW SERIES, Vol. 30, No. 775, 1909, p. 628, available at <http://www.jstor.org/stable/1635733>, (visited on October 30, 2017).

that time the full concentration of the students is very necessary, thereafter students will automatically attend the lecture with their interest and cognitive involvement.

### **Post Lecture Assessment**

The Post Lecture Assessment of teaching and learning are necessary for further road map of interaction with the students. The process of assessment should be a professional, holistic, systematic and transparent based on objectives of the teaching, that can also contribute to professional improvement and personality development of students. The post lecture assessment should become an inevitable part of teaching learning process to ensure the visible change in the level of understanding and also gives scope for improvement to the teacher so that the differences between teacher and student on academic contents can be easily patch-up.

Students and teacher both may contextualize the assessment, taking into account the class room experience and requirements. Which include the introspection. Any remark positive or negative should be considered for the next lecture from both the sides. The teacher has to ensure that the students' perception of teaching should be individually and collectively considered and analysed objectively to make further interaction more fruitful. While deciding the Post Lecture Assessment criteria, the aim and objectives of the course, key indicators of the topic and intended outcomes must be kept in mind.

### **Effective Lecture Methods**

Lecture is perceived as Teacher's talk. With intent to make it more effective, following things to be employed by the teacher are:

- (a) Guidance and Supervision;
- (b) Responsive;
- (c) Demonstration;
- (d) Pause and Intervals;
- (e) Process-Thinking, Writing and Discussing;
- (f) Graphical representation;
- (g) Illustrations and Examples;
- (h) Familiarity value of contents;
- (i) Feedback; and
- (j) Improvement and Implementation.

### **Limitations of Lecture Method**

Critics of the lecture method say that only smart students can learn through lecture method, which is not true. The smart lecturing can make the learners smart. Lecture can be more effective if the teachers use advance teaching aids, to save the time and the students' attention can be sought easily. There are individual cognitive and personality differences among the students in the class room are common. All students cannot equally follow the lecture; especially students cannot concentrate long time. If the lecture is

not presented strategically or if the teacher has some ordinary personality challenges, the students will definitely loose concentration.

### **Conclusion**

Technological development has brought immutable change in teaching patterns and practices. But use of technology without teacher cannot deliver learning to learners. Presence of the teacher in the classroom for the introduction of subject, guiding and controlling thought process by way of instructions, discussions, arguments and conclusion is the primary part of educational exercise, which can be effectively served by understanding the importance of lecture.

For a meaningful teaching-learning classroom environment, the teacher must gain learner's attention throughout the lecture, for which a systematic arrangement of course contents, importance of contents, order of discussion, analysis with examples and tactics to make the environment pleasant, harmonious and aesthetic. Teacher must promote discussions, integration of other methods, integrate visuals and manipulatives into the lecture.

It is incorrect to visualise Lecture method as purely Teacher-centric method, teaching is always being student centric. Teachers use learner cantered approaches in Lectures too, where students have a strong trust in intellectual qualities and knowledge of teacher, and vice-versa teacher believe that students want to learn, have great faith in student ability and design their teaching plan keeping in view the aim, and outcome of learning, qualities, interest and limitations of learners.

The present work can be used as a tool to inform teachers in order to enable them manage the classroom and learning activities. There is a significant relationship of lecture method with other methods and use of technology meant for teaching and learning. Effectiveness of lecture completely depends on learners' attention, motivation and stimulating factors to be engaged in learning.

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## **DISCUSSION METHOD OF TEACHING: AN INCLUSIVE WAY OF IMPARTING KNOWLEDGE**

*Deepmala Baghel\**

### **Abstract**

*In today's world of technology savvy pupils and internet enabled classrooms, knowledge dissemination has acquired new dimensions. Resultantly traditional pedagogical approaches are in dire need of new tools to energize the classroom environment for enhanced interaction. In this context, present study aims to weave together the threads that compose a fabric of an effective teaching through the discussion method. Discussion in a guided classroom environment having definite subject-matter acts as an efficient means of introducing democratic teaching that empowers students to build their knowledge through collaboration, and to promote active learning. This article explores various kinds of discussion method to deliver an analytical thought about how the discussion method is applied to teaching. Moreover, this article presents examples from the discipline of 'sociology' and 'law' to demonstrate the practical considerations of 'discipline-specific pedagogical knowledge' that needs to be taken care while adopting the discussion method of teaching. The discussion method of teaching will be efficacious only when it is in a highly structured format and involves modulations as per discipline specific knowledge. The article proposes for the practical field based research to reveal nuances associated with a discussion method. The analyses of discussion method suggest that to make this method successful, it requires to consider carefully how socio-cultural and gender binaries impact the discussion process. Managing the voices of marginalities and ensuring social equality in the classroom discussion will result in an inclusive way of imparting quality education.*

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**Keywords:** Discussion method, Classroom Lecture, Socio-Cultural factors in teaching, Gender binaries in Classroom.

### **Introduction**

Students' success in learning is the paramount goal of any academic program. Interchange of ideas, views and perspectives are the essentials of knowledge building through classroom teaching. Traditionally, lecture method within the classroom bound setting has been applied to impart

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knowledge and information to the students. However, in this world of technology savvy pupils and internet enabled classrooms, the knowledge dissemination has acquired new dimensions. Consequently, traditional pedagogical approaches are in dire need of new tools to energize the classroom environment for better teaching and learning. Today where students are full of excitement and expectations, the teacher cannot solely rely on the conventional methodology of teaching. Innovation in terms of teaching techniques and methods is the new age requirement. Infusion of technology into the classroom teaching has created a demand for student centric learning methods along with the traditional teacher-centric instructional strategies that has been at work for long.

In recent years, newer pedagogical techniques have been introduced to enhance learning, scholarship and professional competence among pupils. These new techniques include technology guided lecture, seminar, simulators, online instructions, video recording problem-based critical learning, guided discussions and debate in the classroom. Resultantly what we witness is that there is no consensus on the best teaching method. Moreover, fusion of different methods have been termed as a great way to impart education. In this context, in a technological world, where students have information ready on their phone, we can incorporate discussion as a method of teaching. It will be helpful in channelizing student's zest for knowledge aggregation. For instance, in a conventional lecture method where students use mobile to distract themselves from receiving what teacher is delivering. Whereas, in discussion method the same habit of mobile using can be channelized to collect data on the topic and in that process, he/she get a flair for knowledge generation along with analytical and decisive thinking. Research claims that use of mobile phones in classroom distracts students from acquiring knowledge.<sup>1</sup> Many have even reported strong perception for strong policies to restrict the usage of phones in classrooms. Studies from Korea, Norway, and the US confirm that all over the world in the classrooms, mobile phones are found to be used for diverse purposes.<sup>2</sup> Even so, as a response to this some discursive debate proposes to rethink about the ban owing to benefits that use of mobile phone lend to learning.<sup>3</sup>

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1 Communication Education 55(3) pp. 280-294 July 2006, available at [https://www.researchgate.net/publication/233006151\\_Perceptions\\_of\\_Mobile\\_Phones\\_in\\_College\\_Classrooms\\_Ringing\\_Cheating\\_and\\_Classroom\\_Policies](https://www.researchgate.net/publication/233006151_Perceptions_of_Mobile_Phones_in_College_Classrooms_Ringing_Cheating_and_Classroom_Policies), (visited on February 17, 2018).

2 Katz, J. MOBILE PHONES IN EDUCATIONAL SETTINGS. IN, K. Nyiri (ed.), "A Sense of Place: The Global and the Local in Mobile Communication", 2005 pp. 305- 317, available at <https://pdfs.semanticscholar.org/0041/4992320b72079357dae67af46ed4f7c65518.pdf>, (visited on February 19, 2018).

3 Thornton, P. and Houser, C., "Using mobile phones in English education in Japan", JOURNAL OF COMPUTER ASSISTED LEARNING, 21(3), 2005 pp. 217-228, available at [http://oro.open.ac.uk/24647/2/on\\_the\\_spot.pdf](http://oro.open.ac.uk/24647/2/on_the_spot.pdf), (visited on February 21, 2018).

In this setting, this article aims to show the discussion method as an efficient means of introducing democratic teaching with an intention of finding ways to involve students in an act of active learning. Discussion in the class room provides the students inclusive learning environment, wherein they can play an active role in their learning process and determine how to attain the aimed learning outcomes. Discussion in a guided environment having definite subject-matter empowers students to build up their knowledge, enables them to ponder their intellectual ideas, develop their critical thinking ability, work in teams and collaborate to solve problems. Today's dynamic world requires citizens who can intellectually deliberate, discuss and able to build constructive ideas. Through discussion methods teacher can provide positive direction to the students' enthusiasm and develop positive attitudes towards the performing adult roles in later life.

To make teaching more interesting and student oriented, it has to be inclusive and democratic towards students. Active participation of students into learning process adds new dimension to the teaching. Moreover, in case of certain disciplines, it seems inevitable that students do involve in knowledge generation. In other words, teaching method also need to take into account the specific requirements of the discipline being taught. Each discipline has its specific characteristics that teacher and learner both have to acquire. Therefore, 'discipline-specific pedagogical knowledge' has its own importance in the education discourse.<sup>4</sup> This article presents examples from the discipline of sociology and law to reflect upon the practical considerations of 'discipline-specific pedagogical knowledge' that needs to be taken care while adopting the discussion method of teaching. The focus in both sociology and legal learning is on how we better able to embed the subject matter in a social context. To this end, the challenge for a teacher is to articulate through the course contents a conception that is beyond a narrow construction provided by the book view of the curriculum. The teacher needs to focus on a wider consideration of the place and relevance of these disciplines in the society. Sociology deals with each and every aspect of everyday life of the individual whereas law as a discipline reflects interconnections between rules, norms, written code of conduct and fabrics of life. Thus both the disciplines offer rich descriptions that helps not only opens up new vistas for understanding need of discussion method for imparting knowledge but also offers exciting possibilities for enhancing learning through this method of teaching. This article outlines some examples from these disciplines that are particularly well suited to explain the necessity of discussion method for imparting attributes that have been

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4 Lenze, Lisa Firing, "Discipline-Specific Pedagogical Knowledge in Linguistics and Spanish. *New Directions for Teaching and Learning*", Win 1995 No. 64 pp. 65-70, available at <http://onlinelibrary.wiley.com/doi/10.1002/tl.37219956410/abstract>, (visited on January 21, 2018).

identified as characteristics of modern age graduates. However, discussion being a platform to perform requires strict guidelines in order to attain its optimum goal. Otherwise it may result in negative consequences for both the teacher and students. There are diversified angles that needs to be considered for making discussion an effective method for teaching. For instance, consideration requires from individual psychological impacts on students like losing confidence to the realisation of social dichotomies like caste, class and gender imposing power in terms of participation leading to exclusion of certain groups from participation in discussion. In this context, the article aims to weave together diverse dimensions of the discussion as a teaching method to compose the fabric of an innovative teaching and learning environment for the twenty first century classrooms. Moreover, this article reflects upon the discussion method applied in teaching sociology and law to explain how certain disciplines benefit immensely from the diligence of the discussion method of teaching. In this endeavour, experience in teaching sociology in law school has facilitated to meditate upon these two disciplines.

In this article, following sections begin with what literature proposes about the discussion method of teaching. After that various forms of the discussion method is elaborated to have a broader view about applications of this method in teaching. Further the application of discussion method in the study of sociology and law has been discussed and conclusions with some propositions are offered at the conclusion of the article.

### **Discussion Method of Teaching**

It refers to the method of instruction which gives students an opportunity to express their views or opinions orally on certain issues. One person speaks at a time, while others are listening. It doesn't always involve the presentation of new information and concepts. In fact, it is about sharing of ideas and experiences, working problems and promoting tolerance with understanding. According to Brookfield, and Preskill,<sup>5</sup> "discussion is a disciplined and focused exploration of mutual concerns, but with no end point predetermined in advance". In general parlance, it is an interactive learning process in which the teacher and students participate in collaborative endeavour. As Gall and Gall<sup>6</sup> define "discussion as a method of teaching in which a group of persons, usually in the roles of moderator-fader and participant, assembles at a designated time and place, to

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5 Brookfield, S. and Preskill, S., DISCUSSION AS A WAY OF TEACHING: TOOLS AND TECHNIQUES FOR DEMOCRATIC CLASSROOMS, 1999, available at [https://www.staff.ncl.ac.uk/nick.megoran/pdf/teaching\\_interventions.pdf](https://www.staff.ncl.ac.uk/nick.megoran/pdf/teaching_interventions.pdf), (visited on February 22 2018).

6 Gall, M.D. and Gall, J.P., THE DISCUSSION METHOD, In N.L. Gage (ed.), *The psychology of teaching methods*, the 75<sup>th</sup> Yearbook of the National Society for the Study of Education. 1976 pp.168-169, Available at <https://files.eric.ed.gov/fulltext/ED359256.pdf>, (visited on February 15, 2018).



communicate interactively, using speaking, nonverbal, and listening processes, in order to achieve instructional objectives". The discussion method used in the classroom usually involves a liberal stream of verbal interchanges revolving around the considered ideas for all students as a whole. In such discussions, the teacher not only leads the discussion, but also guides and channelizes the flow of ideas, interchange in order to achieve maximum benefits of discussion. The teacher is the guiding person who begins the discussion process by asking questions to students and it is the teacher who decides on who should speak. The discussion method of teaching facilitates both teachers and students to reflect on issues on the basis of their own experiences often culminating in better outcomes from the fusion of viewpoints. This method is easily put through and accept by students without requiring much teaching aid materials.

### **Diverse forms of Discussion Method**

There exist various forms of discussion methods to assist students achieve different kinds of instructional objectives. Scholars have emphasised on the different strains of discussion to attain the aim of interactive and inclusive learning. This section will discuss some of the prominent forms that help us to understand the varied dimensions of the discussion as a teaching method. At the broader level, the discussion can be categorized between what Kochhar<sup>7</sup> described that there are two major types of discussions which are formal and informal.

Informal discussions are not governed by a pre-determined set of rules and it includes debates, panels, symposia, etc. Whereas formal discussions resorting to predetermined rules and regulations involve whole group or small groups of people divided with the intention of discussing themes.

(1) Cooperative learning discussions- teacher is the resource expert in this method. The objective is to attain academic excellence as reflected in these statements from 'Circles of Learning' by Johnson "*The discussion process in cooperative learning groups promotes the discovery and development of higher quality cognitive strategies for learning than does the individual reasoning found in competitive and individualistic learning situations*".<sup>8</sup> The cooperative learning situations imbibe liberal and repetitive flow of oral information; its explanation, confrontations and justifying integrations. It is proved that oral repetition of information led to storing stock of knowledge in the memory; often culminate into long-term

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7 Gall, M.D. and Gall, J.P. THE DISCUSSION METHOD. In N.L. Gage (ed.), "*The psychology of teaching methods*", the 75<sup>th</sup> Yearbook of the National Society for the Study of Education, 1976, pp.168-169, available at <https://files.eric.ed.gov/fulltext/ED359256.pdf>, (visited on February 15, 2018).

8 Johnson, David W, "*Circles of Learning Cooperation in the Classroom*", 1984, p.15, available at <https://eric.ed.gov/?id=ED241516>, (visited on February 18, 2018).

information retention.<sup>9</sup> Moreover, it facilitates generation of cooperative competition among students.

(2) The subject mastery discussion method- to explain this method Hill,<sup>10</sup> states explicitly that its objective is “subject matter mastery” and “learning of the course material”. In this form, students are expected to read an assigned text beforehand and then to have a discussion that covers nine topics: (i) Definitions of terms and concepts in the text. (ii) The author's overall message. (iii) Identification of major themes or subtopics. (iv) Allocation of discussion time for each theme or subtopic. (v) The author's statements about each theme or subtopic. (vi) The relationship of the text content of ideas and concepts acquired in previous discussions or other learning situations. (vii) Applications and implications of the text content. (viii) Criticism of the author's statements. (ix) Evaluation of the group and individual performance during the discussion. This form emphasis on developing students' critical thinking and group process skills.

(3) Issues-oriented discussions – this form is well accepted as a teaching method in diverse disciplines of sociology, history, and economics. Its emphasis on concerned themes and issues makes it an apt selection for the makers of social studies curriculum. Here in classroom instruction, teacher, play the role of moderator. Gall and Gillett identified the following objectives of issues-oriented discussions: “The most basic purpose of this type of discussion is to increase students' awareness of their own opinions and the opinions of others. Other purposes are to help students analyse and evaluate opinions, and to modify their own opinions in a way consistent with their analysis and evaluation. Some teachers use the issues-oriented discussion to help their students reach a consensus opinion on an issue”.<sup>11</sup>

Several studies have published guidelines to make discussion as an effectual method of instructing. According to instruction guide for GSIs, prepared by Graduate Student Instructor, the University of California (2016)<sup>12</sup>, following are three prominent ways to determine the discussion method in a classroom. Prominently they aim to assure that the class environment does entails respect and participation across student diversities.

### **Small Group Method**

- Small groups of students usually of three or four students;

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9 *Ibid.*

10 Hill, W.F., *LEARNING THROUGH DISCUSSION*, 2<sup>nd</sup> rev. ed. 1977, available at <https://files.eric.ed.gov/fulltext/ED359256.pdf>, (visited on February 27, 2018).

11 Gall, M.D., and Gillett, M., “*The discussion method in classroom teaching, Theory into Practice*”, 19, 1980 pp. 98-103, available at <https://files.eric.ed.gov/fulltext /ED359256.pdf>, (visited on February 18, 2018).

12 “*Teaching Discussion Sections*”, GSI Teaching and Resource Centre, available at <http://gsi.berkeley.edu/media/Discussion-Sections.pdf>, (visited on February 27, 2018).

- Give each group an index card and ask them to list two guidelines they think are important for a good discussion section;
- Allow them five to ten minutes to complete the activity;
- Go around the room and ask each group for their guidelines.

### **Brookfield and Preskill's Method**

- Brookfield, S. and Preskill, S. posit about method of teaching that ask some of the basic questions to make discussion method an effective tool of teaching.<sup>13</sup>
- Ask the students to think about the best group discussions they have been involved in.
- What happened that made these discussions so satisfying?
- Next, ask the students to think about the worst group discussion in which they have been involved. What happened that made these discussions so unsatisfactory?
- For each of the characteristics, have the students suggest three things that the group could do to make discussions more productive.
- Use the students' suggestions to draft a set of ground rules on which you all agree.
- Record the guidelines. Copy the list and bring it to section the following week. This means all students have copies that they can refer to over the semester.
- Periodically, have the class take a moment to evaluate whether the guidelines established at the beginning of the semester are being followed and whether they work.

### **Acronym Method**

- Write the words "Discussion Guidelines" on the top of the board. Write the word "ROPES" along the left hand side of the board (or use a similar word).
- Explain that, like a safety net, the ROPES will serve as communally agreed-upon guidelines to which everyone will adhere during the discussion section.
- Elicit from the students' words (related to discuss guidelines) that begin with those letters. Require the students to explain why they have recommended a word and what it signifies to them. For example, R: respect, responsibility; O: openness, etc.
- Add your own ideas and suggestions.

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13 Brookfield, S. and Preskill, S. "*Discussion as a way of Teaching: Tools and Techniques for Democratic Classrooms*", San Francisco: Jossey-Bass, 1999, available at [https://www.staff.ncl.ac.uk/nick.megoran/pdf/teaching\\_interventions.pdf](https://www.staff.ncl.ac.uk/nick.megoran/pdf/teaching_interventions.pdf), (visited on February 22, 2018).

- Ask for a general consensus about which guidelines are chosen.
- Record the guidelines. Copy the list and bring it to section the following week. This way all students have copies that they can refer to over the semester.
- Periodically, have the class take a moment to evaluate whether the discussion guidelines established at the beginning of the semester are being followed and whether they work.

There can be small groups as well as a large group of the whole class. In this case of group discussion, students can divide into small groups of, four, five, six, seven, eight or nine and then questions are given or task to discuss and then report back. Each group should have a group leader who is instructed to control the discussion process and someone who can report back on what has been discussed. In some other cases, the teacher can be a group leader and a whole class can become a group for discussion.

### **Internet based discussion**

In today's internet savvy world, the net-based discussion becomes new age teaching pedagogy to deliver knowledge. This mode gives tough competition to the traditional mode of classroom based discussion pedagogy.<sup>14</sup> The role of the internet as a usable medium for discussion has some merits with respect to students' involvement and participation in learning. Through this medium, it is possible to compensate introvert and extrovert students' efforts towards learning. Some studies have proved how internet based discussions enhances students' involvement in learning.<sup>15</sup> Nevertheless, there also exists debate over the suitability of internet based discussion as a learning method, wherein research proposed that although more time-consuming, class-room based discussion becomes a necessity to meet synchronous format of teaching. As in this kind of courses, all-class participation is a prerequisite. Opposite to this in an asynchronous format in courses, students and instructor has choices to set their time table as per their own schedule. They do not need to be present at the same time. The internet based discussion also favours those who feel shy or those who are less demonstrating in physical group settings of class.<sup>16</sup> Theorists have suggested

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14 Arbaugh, J.B., "Virtual Classroom versus Physical Classroom: An Exploratory Comparison of Class Discussion Patterns and Student Learning in an Asynchronous Internet-based MBA Course", *JOURNAL OF MANAGEMENT EDUCATION*, 24, 2000, pp. 207-227, available at <http://journals.sagepub.com/doi/abs/10.1177/1350507602333003>, (visited on February 17, 2018).

15 Dumont, R.A., "Teaching and Learning in Cyberspace", *IEEE Transactions on Professional Communication* 39(4) 1996, pp.192-204, available at <http://journals.sagepub.com/doi/abs/10.1177/1350507602333003>, (visited on February 18, 2018).

16 Webster, Jane and Peter Hackley, "Teaching Effectiveness in Technology-Mediated Distance Learning", *THE ACADEMY OF MANAGEMENT JOURNAL*, Vol. 40, No. 6 1997, pp. 1282-1309, available at <https://pdfs.semanticscholar.org/21fc/2d32070d0882a6a952435f2d11e8be014d37.pdf>, (visited on February 17, 2018).

that internet-based discussion provides better results for collaborative learning.<sup>17</sup> Scholars have also documented about the potential that internet based discussion have for attaining gender equity and more female participation rate in learning programmes.<sup>18</sup>

When we look at the discussion as a teaching method from a critical perspective, we discern that small group discussions are better than a whole class discussion. It encourages more students to organise their own opinions and demonstrate it before class. In small groups, students who are shy, feel less threatening and, thus, are more likely to enrol into the discourse. The student being in the social group experience reduced self-presentation anxiety.<sup>19</sup>

### **Pre-requisites for a Well-balanced Group Discussion**

There are some prerequisites for attaining good results from the discussion method of teaching. General guidelines to achieve good discussion involve a good planning along with the role of instructors as well as pupils. For the success of discussion method, it is imperative that teacher do perform some prerequisites. It is the responsibility of instructors to make students prepare for the discussion and alleviate their anxiety by letting them know it is a constituent of the everyday act of learning and one should not expect everyone to speak every time. One of the greatest bottleneck in using the discussion method is the fear that no student will talk and this will result in a waste of time. Research indicates some measures to get pupils involved in the discussion, such as helping students to prepare before discussion, promote thinking, involve everybody, ask for a written response, ask for student questions, give time to conceive, etc. It is important that teachers do emphasize on their credentials rather than on their lacunas. To accomplish this, it is imperative to let them loosen up and enjoy the discussion. Do not feel the burden of performing rather feel that they are here to share their opinions and observations.

Prior to the discussion, it is advisable to detail the students about the discussion format well in advance. Let students know what they necessitate to bring and read beforehand so they can concentrate on a topic of the

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17 Leidner, Dorothy E. and Sirkka L. Jarvenpaa, "The Information Age Confronts Education: Case Studies on Electronic Classrooms", INFORMATION SYSTEMS RESEARCH, Vol. 4, 1993, pp. 25-54, available at <https://link.springer.com/article/10.1007%2Fs10551-007-9614-y>, (visited on February 15, 2018).

18 Arbaugh, J.B., "Virtual Classroom versus Physical Classroom: An Exploratory Comparison of Class Discussion Patterns and Student Learning in an Asynchronous Internet-based MBA Course", JOURNAL OF MANAGEMENT EDUCATION, 24 2000, pp. 207-227, available at <http://journals.sagepub.com/doi/abs/10.1177/1350507602333003>, (visited on February 18, 2018).

19 Strauss, S.G., "Getting a clue: Communication media and information distribution effects on group process and performance," SMALL GROUP RESEARCH, 27(1), 1996, pp. 115-142, available at <http://journals.sagepub.com/doi/10.1177/1046496496271006>, (visited on February 18, 2018).

discussion, pay attention to a number of issues such as previously passed-out questions or a special subject, etc. Clear definitions of terms, rules and regulations of the discussion and stating assumptions make the process smooth and organized. Contrarily, changing discussion formats frequently will result in students' losing interest in the discussion. Students' participation in formatting and regulating discussion will ensure that all are involved and well learned about the process. To gain better outcomes, the instructor needs to clarify terms that may require a definition and assumptions that may be implicit, but not stated. For instance, in discussing adequate social services for individuals living in poverty, the following questions arise: How is 'adequate' defined? Are students making assumptions about what social services exist or are readily available? How is 'poverty' being defined? Often behavioural issues required elaboration from the teacher in order to make students realize what exactly they need to talk about. Failing to execute this will result in communicating wrong information to the students. Communication barriers should be eliminated to attain the desired aim of the discussion within the class. To accomplish the utmost benefit of discussion method, the group setting arrangements should be in such a way that pupils are relaxed and can hear, and understand each other comfortably.

### **Teachers' Prominent Role in Discussion Method**

To attain optimum result in the discussion method there are certain responsibilities need to be fulfilled by the teacher who is going to conduct discussion as a part of teaching. In modern times, within technology oriented classrooms the role of teacher has transformed from the fountainhead of knowledge to a facilitator and a mediator between knowledge and students.<sup>20</sup> In this context, the discussion method creates avenue for teacher to perform as a guide, and channelize the learning process in a positive direction for students. The instructor in this method, rather than simply being a dictator (often linked up with lecture method) in the learning process, can sustain a position of facilitator to organize a coherent flow of learning process within the classroom.

- (a) Here the teacher requires to receive a well-defined apprehension of how to conduct group discussions of students. He/she must be well-versed in the subject matter, content and objectives of the lesson to be discussed. He/she should know the students' level of thinking and understanding.
- (b) The teacher's communication needs to be appropriate as per the tempo of the class. His/her manner of giving instructions should be clearly and effectively transmitted in an ambience that is conducive for free

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20 Hughes, J., "The Role of Teacher Knowledge and Learning Experiences in Forming Technology-Integrated Pedagogy", JOURNAL OF TECHNOLOGY AND TEACHER EDUCATION, 13(2) 2005, pp. 277-302, available at <https://www.learntechlib.org/p/26105/>, (visited on February 16, 2018).

discussions. The teacher instead of indulging in criticizing the students stimulate their curiosity in the subject of discussion by giving positive comments.

- (c) The teacher should know how to moderate the domination of the discussion by the outspoken members in a group. She/he must provide equal opportunity of discussion to each and every student. Although, it is difficult to attain, the teacher should aim towards that. For example, a teacher should ask the shy student, “Sita you tell us about your thoughts on this issue? Or Ram what do you know about this, can you tell us?”
- (d) In the group discussion method, it is very important to stick to the topic and discourage group going in a different direction and conduct discussions to an end as scheduled.
- (e) The teacher needs to be patient enough to listen to the students with diverse opinions and confused about the topic. He/she must realize that not every student is capable enough to read the topic, form an opinion and convey those to others.
- (f) The teacher should know how to use personal anecdotes. He/she should know how to take further the discussion. He/she can give personal examples and stories to lead the discussion, motivate students to participate in the discussion.
- (g) The teacher can be able to paraphrase in the discussion. The leader should be able to sum up the discussion, its aims and consequences. This serves to insure that everyone is watching the evolution of ideas, and provides a starting stage for continued discussion. Requiring pupils to write the zest of the whole discussion is a dependable path to find an optimal outcome from the process. Usually five minutes are being enough time for pupils to develop an answer. This scheme also helps pupils to think concisely and relate to the given theme. This too facilitates them to commemorate the significant stages of the discourse.
- (h) The teacher’s role in the discussion is not to pass judgment, but to mentor the students. Teacher requires to accept the students’ views rather than being judgmental or evaluating of them. Aim to concentrate on the information supplied by the student’s and evaluate it in order to improve it.
- (i) The discussion method allows the teacher to gather knowledge through reviewing students’ experiences. The teacher can have a bird’s eye view of student orientation and their intellectual level. Accordingly, he/she can decide how much learning the students can take. For example, discussions on personal choices and preferences for study will tell the teacher about class orientation and help in conducting class with full potential.

### **Discussion as a Democratic way of Learning**

Open discussion on particular topics in the free flow of verbal exchange often results in awakening of students' curiosity and desire to learn. It allows students the freedom to expand their viewpoints, form their opinion and develop ideas. Moreover, it assists them to improve their interpersonal skills such as understanding and communicating their viewpoints. The method also involves taking responsibilities by students. Therefore, by being a pupil centered approach it provides an opportunity for students to learn from each other, and thereby encourages leadership qualities and teamwork among them. It shows varied viewpoints of one topic which promotes tolerance for different opinions among students and enriches them to look for multiple aspects or dimensions of any one topic. It also helps in developing communication and listening skills among students, more specific is that they form the habit of listening to others.

Ace of the aspect that make the discussion method effective tool of imparting knowledge along with lecture method is its stress on creating an environment for student's active participation and thereby gaining self-confidence. Scholars have agreed that the discussion method of teaching often results in the enhancement of communication capabilities of students and confidence for presenting themselves in a group situation.<sup>21</sup>

Extant research while comparing between lecturing and discussion confirmed that students' mental abilities and skills are higher in group discussions and that this approach is useful for remembering information. By participating in discussions, students learn to visualize a problem with multiple perspectives, deliberate upon diverse dimensions and learn how particular issue can be analysed from diverse dimensions. In this process, when students are challenged to develop critical thinking, and analytical skills for problem-solving they are encouraged to learn more about their subjects.

Although the discussion method facilitates a path to achieve participatory learning, this method yields fruitful result when intertwine with the other methods of teaching wherein students are explained about the theme and related dimensions in advance. In this setting, traditional method of lecture within class bound mode is the possible way through which sessions carry out within the classroom with teaching equipment. For instance, students can deliver information through lecture method that can shape the pedestal on which the discussion undertakes with an analytical perspective. Combining discussion with traditional methods led to increased student satisfaction and motivation towards learning, which culminate into

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21 Dallimore, E.J. and Hertenstein J.H., "Using discussion pedagogy to enhance students' oral and written communication skills", *College Teaching* 55 2 2008, pp. 1–12, available at <https://www.tandfonline.com/doi/abs/10.3200/CTCH.56.3.163-172>, (visited on February 17, 2018).



higher educational quality. Fischer in their study confirms that medical students prefer discussion method as compared to lecture method for better understanding of medical knowledge.<sup>22</sup> Likewise, a survey conducted by, establishes that pupils are prompted more by discussion or cooperative learning methods than lecture method.<sup>23</sup> Research also confirms that the initiation of a discussion approach significantly improves student motivation towards the instruction method.<sup>24</sup>

### **Demerits of the Discussion Method**

There are some serious concerns related to discussion methods of teaching. These shortcomings need to be taken care if we wish to reap the benefits of this method for teaching and learning. Some of them are as follows:

#### ***Discussion Method is time Consuming***

The researchers have proposed that discussion method is time consuming, often traditional class timing falls short for effective discussion to begin.

#### ***Dominated by outspoken Students***

Some students take time to open up in new situations, hence many times discussion is dominated by outspoken students and due to time constrains shy students left behind. As a solution, scholars advocate some measures on the part of teachers, such as encouraging a broader range of student participation that would involve both shy and outspoken students so that everyone get a chance to participate in the discussion.<sup>25</sup> Another measure would involve the use of cold-calling (i.e., calling on students whose hands are not raised) to extend the benefits of in-class discussion to all students.

#### ***Not appropriate for every Topic***

There are certain theoretical topics where students' knowledge falls short for conducting discussion, in such areas, it is better that the teacher should begin with lecture method. Through lecture method teacher do make

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22 Fischer OA, et al., "Veterinary Microbiology Beetles as possible vectors of infections caused by *Mycobacterium avium* species" 102, 2004, pp. 247-255, available at <https://www.vri.cz/en/research/+dt-404>, (visited on February 18, 2018).

23 Hanze, Martin and Berger, Roland, "Cooperative Learning, Motivational Effects, and Student Characteristics: An Experimental Study Comparing Cooperative Learning and Direct Instruction in 12<sup>th</sup> Grade Physics Classes," available at <https://eric.ed.gov/?id=EJ754320>, (visited on February 14, 2018).

24 Peyman Hafezimoghada, et al. "A Comparative Study of Lecture and Discussion Methods in the Education of Basic Life Support and Advanced Cardiovascular Life Support for Medical Students", TR J EMERG MED 2013, pp. 59-63, available at [www.trjemergmed.com/full-text-pdf/176/tur](http://www.trjemergmed.com/full-text-pdf/176/tur), (visited on February 14, 2018).

25 Dallimore, E.J. and Hertenstein J.H., "Using discussion pedagogy to enhance students' oral and written communication skills", College Teaching 55 2 2008, pp. 1-12, available at <https://www.tandfonline.com/doi/abs/10.3200/CTCH.56.3.163-172>, (visited on February 17, 2018).

students aware of the topic and then the only discussion method can be applied to discuss diverse dimensions attached to that issue.

### ***Not useful for all types of Learners***

Hypothetically discussion method proposes to be inclusive of all diversities within a class. However, in practice a picture is different. There are students who are open, can communicate easily, dominate the class, these students easily take over the discussion. Nevertheless, the scholars who are timid and not very active by nature, such students often suffer, lag behind, and cannot take part in a discourse.

### ***Structural inequalities in the Society***

Many social disabilities obstruct the process of discussion. Often a discussion in a class easily dominated by the students, those perceived to have high status or only those who volunteer and participate most frequently may obtain its benefits. In a traditional setup, gender also plays its role in obstructing the girls' participation in a discussion. In our culture, it is expected from a girl that she should never express her opinion, always follow the male member of her family). This expectation is so rigidly inculcated by the girls that when situation come, they become unable to form their opinion, express it in front of the class and fight for proving one's own point of view.

### ***Structural Irregularities***

The present situation of our schools and colleges poses very serious preconditions for the application of discussion method for teaching. In our country, still many schools and colleges do not display any suitability for applying the discussion method for teaching. A few of these drawbacks are as follows.

- Overcrowding in a classroom leaves less room to engage students in fruitful conversation,
- Non-availability of books on a topic taken for teaching goal,
- Lengthy curriculum leaves no scope to discuss any topic,
- The unavailability of an efficient teacher for conducting discussion method, and
- Sometimes students may lose interest and distract while listening to the teacher.

Moreover, when some teachers neglect planning and therefore haphazardly handles the discussion, it often results in confusion among students. The efficacious use of interrogations in the classroom may be a difficult science to acquire. Good questions take some planning. Without it questions won't lead to appropriate discussion and conclusions.

From the methodological point this method finds it difficult to study homogeneous groups. Heterogeneity of population creates difficulty in arriving at proper results. At the same time too much heterogeneous

population would divide the results. Therefore, the appropriate balance of population is required for achieving optimum results.

### **Application of discussion method in an education field: the subject field of Sociology**

In this section, the article will delve upon the disciplinary areas of sociology and law. Teaching sociology to law students gives insight to ponder upon these two subjects and their teaching requirements. Sociology and law being a practical life oriented subjects where issues are mostly from social life, the discussion method can be helpful to motivate students to think over the issues, facts and problems that are concerned with their own life.

Researchers have proposed the use of discussion method to promote interactive learning in the social sciences. Max and Miller discussed the example of Illinois Wesleyan University, where the social science department has been using team teaching technique for sociology social science department has been using team teaching technique for sociology since decades and found that discussion is a successful method for teaching sociology. More important is when the teacher assigns topics to the class for discussion and mark were attached with the participation in the discussion, students begin to read relevant books and seek to gather relevant information leading towards generation of interest and motivation for the course of sociology. Application of games, films, novels, short stories, and television programs have researched to be proven useful for illustrating sociological ideas and providing interesting clues for discussion to which students can apply theories and concepts for deeper understanding. Reviewing the interactive, active learning paradigm and contextualizing the discussion as an active teaching- learning will provide a more holistic understanding of the discussion as a method. Over the years, a sustained critique of the traditional lecture-based method for teaching introductory sociology, has provided impetus to the adoption of discussion method in teaching sociology. Various scholars time and again emphasized that the reliance on passive methods of teaching has led to sociology's decline in popularity. Consequently, there emerged a demand for pedagogical innovations and suggestions for active participation of students in learning sociology. Sundgren proposes that instructors do follow "emphasizing the importance of sociological knowledge as a tool for survival in a complex world, and teaching the social-logical perspective in a way that will enhance our students' education and their ability to think critically about what they read and see".<sup>26</sup> Many opt for creating theme as a coherence way to tie together various topics and threads that will make understanding easy and promote critical thinking as an

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26 Sundgren, Ann., "The Introductory Course: A Personal View", TEACHING SOCIOLOGY 22 1994, pp. 345-350, available at [https://pdfs.semanticscholar.org/12c7/63640e621e9959\\_cfa0044039b565e1dd2ddf.pdf](https://pdfs.semanticscholar.org/12c7/63640e621e9959_cfa0044039b565e1dd2ddf.pdf), (visited on February 15, 2018).

objective of the course.<sup>27</sup> As sociology is often considered as a ‘discipline’ to think critically wherein one needs to apply sociological imagination to comprehend ground realities. In this context, the introductory course aims “to assist students in building a small, but well- equipped tool-kit with which they can become familiar enough to apply the concepts to analytical problems”.<sup>28</sup> To this end, interactive learning within discussion method promotes sociological understanding. Numerous studies have supported on the use of classroom discussion to promote interactive learning in sociology courses.<sup>29</sup> To this end, interactive learning within discussion method promotes sociological understanding.

This method can accommodate innovative pedagogical techniques like using films and documentaries to form discussion around them and thereby teach sociological concepts and theories.<sup>30</sup> Key sociological ideas as well as different dimensions of society can be further explored through discussion method. Very often discussion among students within a teacher guided environment of the class becomes helpful in throwing diverse perspective on power, politics, inequality and discrimination found in mainstream society. Students when involved in discussion on topics related to social life develops an inquisitive outlook towards issues of social concern.

One of the most significant aspects associated with application of the discussion method for sociology teaching is that it creates among students a sense of democratic learning wherein they are responsible for developing their own learning habits. It assists students to deliberate on social issues, arrive at conclusions by fruitful debate and thereby develop an attitude of democratic living in society. Such practice will empower them to handle the future real life situations. While letting the cat out of the bag about a classroom discussion, Yandell proposes in a chapter titled, “Literature and representations: The text, the classroom and the world outside” that discussion within a classroom generates rich data by students of cultural

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27 McGee, Reece et al., “*Introductory Instruction for a Discipline in Decline*”, TEACHING SOCIOLOGY 13 1985, pp. 12-33, available at <https://pdfs.semanticscholar.org/12c7/63640e621e9959cfa0044039b565e1dd2ddf.pdf> (visited on February 18, 2018).

28 Mayer “*Teaching Critical Awareness in an Introductory Course*”, TEACHING SOCIOLOGY 14 Jan. 1986, pp. 249-256, available at <https://pdfs.semanticscholar.org/12c7/63640e621e9959cfa0044039b565e1dd2ddf.pdf>, (visited on February 19, 2018).

29 Ziskind Berg, Ellen. “*An Introduction to Sociology Using Short Stories and Films: Reshaping the Cookie Cutter and Redecorating the Cookie*”, TEACHING SOCIOLOGY 20 1992, pp. 265-269, available at [http://allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/1/0/6/7/7/pages106776/p106776-11.php](http://allacademic.com/meta/p_mla_apa_research_citation/1/0/6/7/7/pages106776/p106776-11.php), (visited on February 16, 2018).

30 Misra, Joya, “*Integrating ‘The Real World’ into Introduction to Sociology: Making Sociological Concepts Real*”, TEACHING SOCIOLOGY 28(4): 2000, pp. 346-363, available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.823.7880&rep=rep1&type=pdf> (visited on February 18, 2018).

diversity.<sup>31</sup> It can be said that interactions in a classroom stimulate exploration of dimensions attached to a particular topic. In fact, a discussion between multi-cultural class participants often culminate into the generation of multidimensional viewpoints and building of a richer experience about life.

### **Application of the Discussion Method in Legal Education**

The most indispensable goal of legal education anywhere in the world is the attainment of clear understanding of the principles of the common law and its application to human affairs. In the context to seek for legal education sanctity in the eyes of legal fraternity, the traditional pedagogic approaches are emphasised and hence lecture/tutorial method of instruction with closed-book examination became widely practiced. However, what needs to be taken care is that textual source, perhaps enhances students' knowledge about a formal written code of conduct of the state, whereas its practical implications and diverse linkages with social life can only be a better gauge through the critical reflection process<sup>32</sup>. This is the challenge before those wishing to innovate and demonstrate the rigour of new teaching techniques like the discussion method of instructing. As one of the prime concerns of legal education is how to recognize that knowledge and skills provided through textual sources are assimilated and demonstrated by students. It is believed that law is not a static system of doctrine. Instead being a dynamic enterprise involves resolving conflicts of interest and providing solutions compatible with prevalent values and norms of society. Research confirms that legal education has an aim of transforming legal knowledge that spans over demonstrating legal problems, processes of identification legal concerns and solutions available for such problems. It is vital to learn the legal education in context and that it needs to have an understanding of its applicability. In that view, legal education is mainly related to the systematized reflection of the past as well as present normative and value system. Therefore, the prerequisite of legal education involves thinking clearly, accurately, and connecting to the societal value system. To make this possible the discussion method provides a platform where sharing of knowledge results from the consciousness of an active participation.

Discussion method is not just useful for deliberating what is learnt within lectures, moreover, it is about learning the function of legal profession in our society. Where the Problem Based Learning<sup>33</sup> is the

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31 Yandell, J., "*The social construction of meaning: reading 'Animal Farm' in the classroom*", LITERACY, 47(1), 2013, pp. 50-55, available at [https://research.gold.ac.uk/12488/1/EDU\\_thesis\\_HopeJ\\_2015.pdf](https://research.gold.ac.uk/12488/1/EDU_thesis_HopeJ_2015.pdf), (visited on February 20, 2018).

32 Combe, M. (2012), "*Reflective learning explained*", JOURNAL OF THE LAW SOCIETY OF SCOTLAND, 2012, 57(8).

33 It should be noted that there are other features of legal education. However, here only some of those features are discussed that helps to reflect upon the importance of the discussion method for legal education.

distinctive feature of legal education, discussion method of teaching immensely benefits to attain the set objectives. In this process, students are guided and supervised in developing problem from the policies, laws, court cases, an incident or set of incidents. After understanding the problem next step is critical thinking to solve that problem, and develop new learning goals by themselves. With the help of the provided material, students work in self-guided groups, discuss and identify their own learning needs and arrive at solutions may or may not be right.<sup>34</sup> In such practices, discussion method facilitates students to reflect, engage practically and be in a position to analyse what is being taught in a lecture method. In a nutshell, for law students, discussion as a method of imparting knowledge capacitate them as an active participant rather than being a passive recipient. It offers them an opportunity to raise their informed opinions and feelings, understand listening and learning from one another and hone oral advocacy and other skills, which are pre-requisites for attaining success in the legal profession. To express the relevance of discussion method in the law discipline, we can say that discussion method of teaching facilitates law students to realize the stature that law holds. A discussion based learning method facilitate students to accept that the law is, both a creator and created by the social conditions within which it is embedded.

### **Conclusion**

To make teaching an interesting vocation, it requires a great deal of planning, time and resources. A continuous innovative outlook towards pedagogical approaches add dynamicity to the everyday mundane activity of teaching. In this context, the discussion method fits the place.

The analyses of discussion method, both in general and in the disciplines of sociology and legal education suggest certain crucial issues that need consideration to make discussion method an inclusive way of imparting knowledge and quality education. It requires to emphasise its place in overall curriculum, and pedagogical approaches of the institution in which it is applied.

Research in education domain confirms that prior learning of students facilitates their current knowledge building. It is affirmed that students should not take as blank slates, contrary to this it is fruitful to encourage them to contextualize their knowledge stock in order to possess practical skills of vocation. This study proposes that discussion method provides a dynamic dimension to the traditional way of teaching. The one-way process of lecture method gets elevation by the dynamic participation of pupils in learning through the discussion method of instructing. It gets an addition to traditional teaching methods as well as enhances students' writing and speaking abilities in cross-curricular programs and standalone courses (such

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34 Boud D and Feletti G, THE CHALLENGE OF PROBLEM BASED LEARNING, 2<sup>nd</sup> ed. 1997, available at <https://eric.ed.gov/?id=ED415220>, (visited on February 18, 2018).

as public speaking, policy and development). However, to achieve maximum outcomes, instructors must remember that some students are uncomfortable with the discussion approach and, therefore, a mix of teaching strategies must be used to encourage students' abilities for critical-thinking and problem-solving skills.

Above all, this method aimed at creating in students' acumen to trust their own opinions. Nevertheless, in certain social settings that imbibe with caste, class and gender dichotomies students' forming their own feeling and showing it in class or group seems to be a difficult task. Variegated kinds of discrimination and exclusions obstruct students to enjoy their participation in a group like situations. Specifically, in an Indian context, where class is composed of pupils coming from different castes, classes and gender categories, expecting that each student is participating is an illusion. In fact, multi-cultural, multi-lingual setting of classrooms in India poses as both challenge as well as opportunity for adopting the discussion method in the education system of India. Owing to caste, class and gender barriers, a capability to learn is dependent on particular students' access to education by crossing these barriers. Bourdieu's cultural capital hypothesis<sup>35</sup> helps us to recognize how students' social-cultural background influences their ability to understand classroom teaching and therefore impact their ability to form opinions.<sup>36</sup> According to Bourdieu when students belong to the upper-class families they possess resources, not just economic but cultural. This possession of cultural capital<sup>37</sup> is the resource that helps students to survive in the educational field. On the contrary, students who belong to such families that lack cultural capital often find it difficult to gain the knowledge and feel misplaced within the group.<sup>38</sup> Another important dimension is a gender. In terms of gender, women are culturally expected to talk less, do

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35 The cultural capital hypothesis, formulated by Bourdieu 1973; see also Bourdieu and Passeron 1977, discusses about the impact of families' social origin on educational attainment. It postulates that as privileged families possess a greater quantity of cultural resources, this helps the children of such families to access faster and master the curriculum that is pervasive in schools.

36 Bourdieu, P., "Cultural Reproduction and Social Reproduction in Knowledge, Education and Cultural Change", 1973, available at [http://www.scirp.org/\(S\(351jmbntvnsjt1aadkpozje\)\)/reference/ReferencesPapers.aspx?ReferenceID=713859](http://www.scirp.org/(S(351jmbntvnsjt1aadkpozje))/reference/ReferencesPapers.aspx?ReferenceID=713859), (visited on February 22, 2018).

37 Cultural capital is the concept introduced by Bourdieu, refers to the collection of symbolic elements such as skills, tastes, posture, clothing, mannerisms, material belongings, credentials, etc. that one acquires through being part of a particular social class. Sharing similar forms of cultural capital with others-the same taste in movies, for example, or a degree from an Ivy League School-creates a sense of collective identity and group position (people like us). Bourdieu points out that cultural capital is a major source of social inequality, which means the ways in which relationships of social inequality were reproduced through the education system (Bourdieu, 1973).

38 *Ibid.*

not forge their notion and if form does not unwrap it in front of the other<sup>39</sup>. Moreover, for female student a complex interplay of caste and gender creates havoc and reduces her to the mere passive recipient. In such classroom settings, introducing discussion method will result in partial teaching, and exclusion of many. Specifically, for the Indian classroom that composed of students from various culture, caste, and class it is advisable for the teacher to make the discussion inclusive of all these diversities to achieve optimum results. Thus, to assure the success of discussion method there should an emphasis on reducing the engagement of codes of social inequalities in classroom participation. Similarly, the emphasis has to place on individual capabilities without recognizing the socio-cultural linkages. To be more effective, in a discussion teacher has to play a significant role in facilitating each and every student's involvement in the process. The discussion process requires to involve mechanisms to overcome the socioeconomic barriers and strategies to nullify gender differences in a class. The exclusion of discriminatory dichotomies from the discussion process will result in democratic participation of all students and improve the quality of knowledge dissemination.

There are certain definite prerequisites to make the discussion method inclusive process of teaching. The most crucial is training students and teacher in terms of their respective functions, and responsibilities of participation. Additionally, manuals have been developed to define requirements, specifically 'don't' and 'do's'. These manuals must contain explanations and provisions that will minimise ambiguities from students' mind. Therefore, discussion manual does contain specific agendas regarding syllabus, curriculum and pedagogical provisions that summarize teacher-student interaction for the ultimate goal of the teaching - learning process. In order to apply discussion method more frequently and effectively in classroom instruction there is a need to make it more inclusive of teacher-students interactions, varied socio-cultural dichotomies, and gender dimension within the classroom. The discussion method of teaching will be efficacious only when it is highly structured formats and involving modulations as per discipline specific knowledge.

As far as research is concerned, more needs to be done, specifically observing what is happening within the class. Practical field based research will reveal nuances associated with a discussion method. Scholars require to consider carefully how socio-cultural and gender binaries impacting the discussion process. It is imperative to know about the outcome of discussion on students' capability of forming opinions and developing acumen for disciplinary knowledge. However, careful consideration and limitation of the shortcomings will result in utilizing the discussion method for generating knowledge and quality education.

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39 Holmes, J. WOMEN, MEN AND POLITENESS, 2013.



# LEARNING LAW THROUGH LECTURE AND CASE METHOD: A PRACTICAL APPROACH

Manish Yadav\*

## Abstract

*This article focuses on the importance of using case method in teaching law. The central focus of education is learning. In a law school, the core of learning includes substantive content, skills, and professional values critical to the education of an effective, ethical attorney. The overarching aim of the research paper is to review relevance of lecture method and case method in learning law. This research paper will seek to examine the practice of lecture method and use of case method in classroom. In this research paper, author is not saying that there should be elimination of traditional methods of teaching like lecturing, Socratic teaching method, discussion method etc. but there is a need of integration of new methods of instruction and assessment in teaching law subjects. The research paper will deal with the advantages and limitations of case law method. This research paper also aims to deal with the need for improving existing teaching techniques and methods in legal education by adopting both case method and lecture method in teaching law. This article emphasises on considering the case method for teaching law with integration of lecture method. Towards the end, paper suggests the format for case analysis and better understanding of the legal principles and case laws.*

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**Keywords:** Learning, Teaching, Teaching Method, Lecture Method, Case Method, Thinking Like Lawyer.

## Introduction

*The business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. It is to teach law in the grand manner, and to make great lawyers.*

*-Oliver Wendell Holmes*

The central focus of education is learning. In a law school, the core of learning includes substantive content, skills, and professional values critical to the education of an effective, ethical attorney. If the learning is central mission of legal education, then an understanding of human learning process

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is necessary to understand, so the law teachers can teach law more effectively.<sup>1</sup>

The teaching method is characterised by a set of principles, procedures or strategies to be implemented by teachers to achieve desired learning among students (Liu and Shi, 2007). These principles and procedures are determined partly by the nature of the subject matter to be taught and partly by our beliefs or theories about how students learn. The appropriateness and efficacy of a particular teaching method can be considered in relation to the type of learning it is supposed to bring about, and in relation to the characteristics of the learners.<sup>2</sup>

More than half a century ago, famed educator John Dewey predicted that, “*if we teach today's students as we taught yesterday's, we rob them of tomorrow*”.<sup>3</sup> The MacCrate Report,<sup>4</sup> the Carnegie Report,<sup>5</sup> and Best Practices Report<sup>6</sup> identified major drawbacks in the educational programs of law schools and urged schools to implement significant curricular and pedagogical reforms to cope up those weaknesses.

Traditional methods of teaching that are still employed by many law professors fail to provide students with a variety of important skills that are necessary to practice law profession. Further, critics argue that those

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1 Gerald F. Hess and Steven Freedland, *TECHNIQUES FOR TEACHING LAW*, Carolina Academic Press, Durham, North Carolina, (1999), p. 3.

2 Peter S. Westwood, “*What Teachers need to know about Teaching Methods, Acer*”, AUSTRALIAN COUNCIL FOR EDUCATIONAL RESEARCH, 2008, p. vi.

3 John Dewey, “*Democracy and Education*”, 1944, p. 167, Stephen M. Johnson, “*Teaching for tomorrow: Utilizing Technology to implement the reforms of Maccrate, Carnegie, and best practices*”, 92 NEB. L. REV. 46, 85 (2013) p.47 available at HeinOnline.

4 In 1992, the American Bar Association Task Force on Law Schools and the Profession issued *Legal Education and Professional Development*, a report that criticized law schools for failing to prepare students for the practice of law. The Task Force on Law Schools, of which Robert MacCrate was the chair, spent three years preparing the report by surveying practicing lawyers and law professors. The report is now commonly referred to as the MacCrate Report.

5 Fifteen years after the MacCrate Report was issued, the Carnegie Foundation for the Advancement of Teaching issued a report entitled “*Educating Lawyers: Preparation For The Profession of Law*”, Carnegie Report, prepared by William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman. The Carnegie Report found that few law schools had adopted the comprehensive reforms suggested by the MacCrate Report. The authors of the report noted, “The relatively subordinate place of the practical legal skills, such as dealing with clients and ethical-social development in many law schools, is symptomatic of legal education's approach to addressing problems and framing remedies”.

6 In the same year that the Carnegie Foundation issued its report, the Steering Committee for the Best Practices Project of the Clinical Legal Education Association (CLEA) issued *BEST PRACTICES FOR LEGAL EDUCATION A VISION AND A ROAD MAP (2007)* (Best Practices) by Roy Stuckey. That report concludes that “most law schools are not committed to preparing students for practice” and recommends that law schools “make a commitment to improve” in that area, available at [http://www.cleaweb.org/Resources/Documents/best\\_practices-full.pdf](http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf), (visited on February 27, 2018).

traditional methods fail to adequately focus on the important issues relating to advocacy skills, professional ethics and moral values in the law profession.

In this research paper, the author does not advocate the elimination of traditional methods of teaching like lecturing, Socratic teaching method, discussion method etc., but emphasis that there is a need for integration of new methods of instruction and assessment in teaching law subjects. Law Schools in India can strengthen the legal profession by inculcating critical thinking among students by training them to “think like a lawyer.” Although, it is not possible only through case law method of teaching because no particular case law can develop better understanding without having knowledge of jurisprudential basis of such concepts of law which have been developed through such case. The Case method is collaboration of critical legal thinking of scholar through his research with relevant cases towards the solution of legal problem. Thus, in Case Method, a student is expected to search the answer based on legal principles, logic and reasoning applied by the courts in their judgments. Students are given some hypothetical problems containing some clues in different ways and it is all upon the student's potential to draw the inferences from those clues, if he/she possesses prior knowledge about relevant legal principles and carefully studies the relevant cases, can easily associate and recognize those clues, the connecting link, and may form a provisional judgment (hypothesis) which he/she can later verify, amend or reject, based on the conclusion or inferences drawn. There is also a qualitative difference in the knowledge acquired in this way. Case method reaches into the dynamics of the judicial process, especially the adaptation of generalizations to the varying facts and social problems.<sup>7</sup>

In the 5<sup>th</sup> Century BC, the philosopher Lao-Tse (also Lao-tzu) wrote “*If you tell me, I will listen. If you show me, I will see. But if you let me experience, I will learn*”. And so began one of the first active learning philosophies. Other Chinese philosophers, such as Kung Fu-tse (Latinized as Confucius) and Han Fei-Tzu, followed Lao-Tse by using a method that closely resembles what we call the case method or case study. A member of the study group would present a paradox, which would be in the form of a parable. They would then discuss it and explore possible resolutions.<sup>8</sup>

The essential difference between the old method and the new, lies in the attitude towards law which the students are expected to adopt. Learning through Case Method helps to develop critical legal thinking, direct access to primary legal authority, confidence building and professional attitude under able guidance of the teacher. But in lecture method, students get a

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7 Hall, Jerome, “*Teaching Law by Case Method and Lecture*”, 1955, available at <http://www.repository.law.indiana.edu/facpub/1469>, (visited February 27, 2018).

8 See “*Indian Legacy of Case Study Method-An Ancient Idea Invading Internet Era*”, available at <http://www.ciiologistics.com/indianlegacy.pdf>, (visited on October 23, 2017).

passive learning experience. They are as receptive, without active participation in teaching-learning process where teacher is the sole authority. Comparatively, students get more exposure and opportunity to discover the law themselves. It has advantages both in the training of lawyers as well as for students studying in law schools.

The Case Method is advantageous as a method for training young lawyers, if the aims and objectives of the method are clearly ascertained and well appraised to the students, it may be promoted at par with other scientific methods of teaching. Students can learn better by doing rather than mere teaching in classroom through traditional methods. 'By doing' means to provide a real learning environment to students. Today's students would be the future lawyers and lawyers' primary work is to read, understand and analyse the legal and judicial authorities in favour of their case in hand. Students are trained in doing this preliminary work which will help throughout their professional life. They also learn the techniques to content analysis; identify obiter and ratio of the case; factual and philosophical part of the case and most important thing is the generalisation values of the case. It also helps to develop drafting skills and abilities to defend on legal matters.

Role of the teacher in this method is to identify the technical issues, legal principles, question of law and question of fact and to pose the crucial questions before the students regarding judicial view, legal principles, logic and reasoning applied by the court. Learning of the students through this method will appear later in their professional career, they also learn to articulate their ideas, which may have great value to lawyers community.<sup>9</sup>

The truth is that every case contains in itself a wealth of law once the case is considered for comprehensive independent study severed from its proposition in text books, it enhances students' cumulative effects of the critical examination of such case in wider manner. The knowledge of law acquired by such reading will remain in the memory of students for years and it is not forgotten.

In 1880s, Christopher Langdell,<sup>10</sup> the dean of the Harvard Law School, revived the case method that the early Chinese Philosophers used. It slowly

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9 McGechan R.O., "*The Case Method of Teaching Law*", VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW, p. 407, available at [https://www.victoria.ac.nz/\\_data/assets/pdf\\_file/0006/848850/McGechan-casemethod.pdf](https://www.victoria.ac.nz/_data/assets/pdf_file/0006/848850/McGechan-casemethod.pdf), (visited February 27, 2018).

10 Christopher Columbus Langdell (1826-1906) is arguably the best-known and most influential figure in the history of legal education in the United States, having shaped the modern law school by introducing significant reforms during his tenure as dean of Harvard Law School from 1870 to 1895. Indeed, Langdell may well be the most influential figure in the history of American professional education, because he established at HLS, with the help of Harvard president Charles W. Eliot, the model for twentieth-century professional schools. His innovations-including the admission requirement of a bachelor's degree, the

won acceptance in the schools of business, law, and medicine etc. Langdell felt that the students could learn more about the law by studying actual court opinions than by reading legal texts. By the early 20<sup>th</sup> century, virtually every American law school had adopted Langdell's method. In the 1960s, most schools began to introduce some form of clinical education to supplement the classroom study of cases.<sup>11</sup> Professor Langdell rests mainly upon his work as a teacher of law. His most remarkable achievement as a teacher was the changes introduced by him in the method of legal education teaching, by substituting the classroom lectures and text books reading by the study of cases in Law Schools. This system was commonly Known as the 'Case System' might well be called the 'Langdell System'. In order to understand it and to form a judgment as to its merits and tendencies, some knowledge of the personality and intellectual characteristics of Professor Langdell will be useful, if not essential.<sup>12</sup>

### Case Method

The case method emphasizes participation of students in the solution for legal problems and it is sometimes established to compete the pedagogic superiority over lecturing which is not practically viable in the interest of overall academic development of the students. But one must be realistic about students' participation when any legal concept is discussed with the help of illustrations designed on some decided cases, the students are required to participate with their full attention and curiosity to understand and analyse the facts in the light of relevant legal principles, legislative provisions, judicial precedents attracting such facts of the cases. The young budding legal professionals are blessed with the sharp memory to memorise and recall the facts, healthy cognitive thinking capacity which helps in concept formation and socialization instinct to accept and abide social norms, human values and professional ethics. Personality traits and individual qualities also influence the learning process and their professional life. Therefore, classroom exercise should be planned to create such academic environment which affords opportunity to promote effective perception, analytical thinking and interactive skills. This is difficult for the teacher to create such atmosphere because the teachers are also expected to possess all these qualities in addition to other professional skills of a teacher.

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graded and sequential curriculum, the hurdle of annual examinations for continuation and graduation, the independent career track for faculty members, and the transformation of the library from a textbook repository into a scholarly resource-became the norm to which leading law schools, medical schools, and finally other professional schools in the twentieth century aspired.

11 See Case Method (Case Study), available at <http://www.nwlink.com/~donclark/hrd/history/case.html>, (visited on October 23, 2017).

12 See Christopher Columbus Langdell, "*The American Law Register Founded*", available at [http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=6713&context=penn\\_law\\_review](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=6713&context=penn_law_review), (visited on February 27, 2018).

Besides, regular classroom activity, teacher has to spare some additional time for those students who are intellectually different from the ordinary students of their group. Teacher is also expected to devote his time for producing quality research work which will undoubtedly help to articulate his ideas on socio-legal issues therefore it should not be ignored.<sup>13</sup>

Case Method promotes and facilitates active learning<sup>14</sup> which expedites significant learning in following ways-<sup>15</sup>

- Students are involved in more than mere listening.
- Less emphasis is placed on transmitting information and more on developing students' skills.
- Students are involved in higher-order thinking (analysis, synthesis, evaluation).
- Students are engaged in activities (e.g., reading, discussing, writing).
- [Teachers] place greater emphasis ... on students' exploration of their own attitudes and values.

There are some views expressed by some eminent authors and teachers about case method and how this method can do better for teaching in their writing.

Keener<sup>16</sup> said that *“it is by the study of cases that one is to acquire the power of legal reasoning, discrimination and judgment, qualities indispensable to the practicing lawyer;.... the study of cases best develops the power to analyze and to state clearly and concisely a complicated state of facts, a power which, in no small degree, distinguishes the good from the poor or indifferent lawyer; ... the student, by the study of cases, not only follows the law in its growth and development, but thereby acquires the habit of legal thought which can be acquired only by the study of cases, and*

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13 Hall, Jerome, *“Teaching Law by Case Method and Lecture”*, 1955, available at <http://www.repository.law.indiana.edu/facpub/1469>, (visited on February 27, 2018).

14 The term ‘active learning’ was introduced by the English scholar R W Revans (1907–2003). Bonwell states that in active learning, students participate in the process and when they are doing something besides passively listening (1991). Active learning is a method of learning in which students are actively or experientially involved in the learning process and where there are different levels of active learning, depending on student involvement.

15 Charles Boswell and James A. Eison *“Active Learning: Creating Excitement in the Classroom”*, 1991, p. 2. See also Schwartz, above n. 5, at ch. 1: Lynne Taylor, Ursula Cheer et. al. ‘Improving the effectiveness of large class teaching in law degrees’, University of Canterbury, p. 5, available at <https://akoatearora.ac.nz/download/ng/file/group-7/improving-the-effectiveness-of-large-class-teaching-in-law-degrees.pdf> (visited on February 27, 2018).

16 Keener, *“The Inductive Method in Legal Education”*, 17 A.B.A.REP. 1894, pp 473, 480.

*which must be acquired by him either as a student or after he has become a practitioner if he is to attain any success as a lawyer.*"<sup>17</sup>

Ames<sup>18</sup> emphasized another aspect of the same idea "*The object ... is the power of legal reasoning, and we think we can best get that by putting before the students the best models to be found in the history of English and American law, because we believe that men who are trained, by examining the opinions of the greatest judges that the English Common Law System has produced, are in a better position to know what legal reasoning is and are more likely to possess the power of solving legal problems than they would be by taking up the study of the law of any particular state.*"<sup>19</sup>

There are certain aspects that need to be taken care of by teacher while discussing any case during the classroom discussion. The critics of case method often challenge on the ground that it consumes more time, relatively lecturing conserves it. But the best use of case method often focuses on a single aspect of the cases; and after the elementary skills have been imparted, it avoids routine summaries and other pedestrian accumulations. At the same time, a careful lecture may require detailed description and analysis of particular concept in order to widen horizon.

Through experience of teaching law course the Author opines that the law teaching should be primarily based on lecture method to be supplemented with other methods in order to make the lecture more interesting so that the real objectives of teaching-learning can be achieved effectively. He should introduce students very briefly to the topic; provide preliminary insight into certain generalised ideas; and organize the knowledge in proper presentable manner. It would be mistaken, to say that the case method should not be used at all for any of these purposes, i.e., in the introduction of a problem or to impart information. Often the problematic side of individual and social interests and the dynamics of the facts can best be communicated by case method.

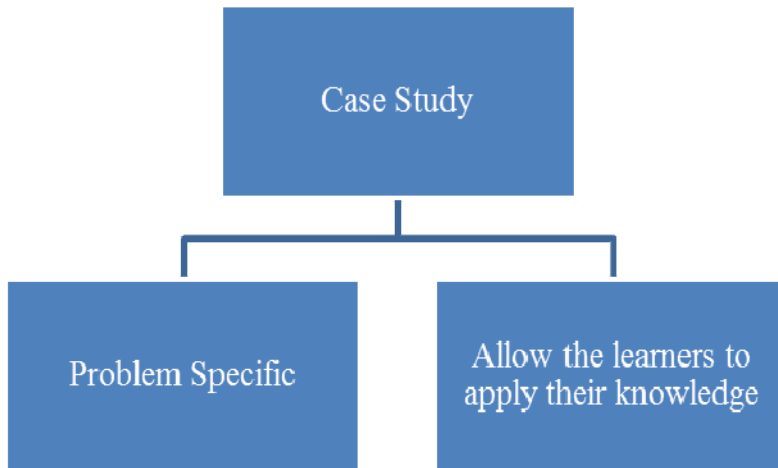
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17 Edmund M. Morgan, "Case Method", JOURNAL OF LEGAL EDUCATION, 1952, p. 380, available at HeinOnline.

18 *Ibid.*

19 Robert Bocking Stevens, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850s TO THE 1980s, 1987, p. 55.

The Case study method is normally discussed in two ways:



The first problem specifically tends to use very short and specific kinds of case in which the problem is transparent. With this kind of case study, the learners can demonstrate their problem solving ability using theories that they have been taught before. The second method uses case study which allow the learners to apply their knowledge and skills. This type of case study uses complex and lengthy information which must be deeply analysed. The problems may not easily be defined. In addition, the case may not be about a problem needing a solution, rather engaging them in various perspective issues. The purpose of this method is to help learners to identify problems, issues, and opportunities, as well as about fitting solutions and developing the logic that supports both problem identification and proposed solution or actions.

After reading any legal principle with the help of case law, students get acquainted with the distinguishing feature of any legal problem that arise in different fields of law and the fundamental principles and doctrines upon which the judges or courts rely in deciding the cases and adjudicating the matter. Therefore, the case method will prove handy in following ways as:

- (a) In analyzing a factual situation, and identification and classification of relevant and irrelevant material in legal perspectives;
- (b) In eliminating so far as possible the emotional and superficially relevant elements; and
- (c) In reaching such a decision as in their opinion should be reached in any case in the foreseeable future containing the similar problem.<sup>20</sup>

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20 Edmund M. Morgan, "Case Method", JOURNAL OF LEGAL EDUCATION, 1952, p. 380, available at HeinOnline.



The author suggests the format (Annexure-I) for case analysis for students for their project and better understanding of the legal principles and case laws.

### **Selecting Cases for Teaching**

The case method is comparatively a hard task for those teachers who do not have training or experience of this method. Once a comprehensive set of lecture notes or power point slides have been prepared, it becomes easier to maintain the record and data easily presentable at any time. Updating the information with recent developments in the law also becomes easier for the teacher. When teaching by the case method, author still finds it necessary to read the cases and other materials relevant to the discussion in the classroom. Prior preparation by the teacher should be very careful indeed the class teacher has read them many times before.<sup>21</sup>

Case method study is intensive; it requires analysis of many cases; and it presupposes the ready availability of the case materials in class. Given the set of materials the teacher indicates at the end of one class hour what part of the materials he intends to use during the next class hour. The method cannot work unless students read carefully and critically the materials they are asked to read.

It must not be forgotten, however, that the law as a whole is a vast growth, and that each stage in its development contributes something to enable us to understand how it came to be as it is.

A collection of cases upon any topic, if made by a skilful hand and arranged in chronological order, will exhibit the origin and growth of the principals involved with almost photographic vividness and accuracy. In the first place, the objection assumes too readily that legal cases cease to be worthy of study when they are no longer binding as law. In truth they may remain of great a value not only historically but practically.

### **Benefits of Case Method**

Teacher's role in the classroom is not to teach the law itself, but to teach students how to extract the law from the case or cases they have read. Students are also taught how to read cases adversarial, which is to say, to find ambiguities, vagueness's, or 'gaps' in them which, as lawyers representing clients, they could exploit to make the cases seem to support the views of the law they want the courts to adopt.<sup>22</sup>

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21 JC. Smith, "*The Case Method of Teaching Law*", 1 J. ASS'N L. TCHRS. 17, 23, 1967, available at HeinOnline.

22 Slawson W. David, "*Changing how we Teach: A Critique of the Case Method*", SOUTHERN CALIFORNIA LAW REVIEW, p. 343, available at <http://www-bcf.usc.edu/~usclrev/pdf/074119.pdf>, (visited on February 27, 2018).

The advantages of Case Method as a way of training young lawyers once the core of the method is appreciated seem to me to be clear. Student learns by doing; and by doing in the way all lawyers do their work, in the way he himself will work throughout his professional life. He learns techniques as well as law.<sup>23</sup>

There are following benefits of learning through case method-

- Case method gives students a change to bring their opinions and feelings to the study of law.
- Students get a real-life context in which they give meaning to the ideas, skills, and values explored in the classroom.
- Case method helps in broaden, extend, and deepen students' understanding of concepts and principles.
- It helps students develop oral advocacy and other skills.
- Case Method learning gives students the opportunity to be actively involved in their own education.
- Case method has positive effects on students' motivation, attitude toward the course, willingness to participate Real-Life Learning Opportunities in class, ability to ask insightful questions, and acquisition of knowledge and skills.

### **Limitations of Case Method**

In case method of teaching there are some limitations for teaching which depend upon the teacher and his capacity to arouse among the student an enthusiasm for the subject with the help of case. Nevertheless, so far as preparation for instruction in class is concerned, what *James Bradley Thayer* said still holds good : “*Every teacher, as I have said elsewhere, in law, as in Other things, has his own methods, determined by his own gifts or lack of gifts,-methods as incommunicable as his temperament, his looks, or his manners*”.<sup>24</sup>

Students should be informed in advance as to what is expected of them, which is, that he read in each case about the following aspect from the case law-

- (a) The facts as revealed in the text,
- (b) The problem presented to the court,
- (c) The solution of the problem, and
- (d) The reasons which led the court to the solution.

The University/Teacher will have to find examining methods to suit Case Method, ways of testing ability to use material, for this is what a teacher would teach student to acquire. Memory tests are obviously

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23 McGechan R.O., “*The Case Method of Teaching Law*”, VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW, p. 407, available at [https://www.victoria.ac.nz/\\_data/assets/pdf\\_file/0006/848850/McGechan-casemethod.pdf](https://www.victoria.ac.nz/_data/assets/pdf_file/0006/848850/McGechan-casemethod.pdf), (visited on February 27, 2018).

24 *Ibid.*

irrelevant. A suitable examining technique will probably involve allowing the students to have case book and their own notes with them in the examination room. But in any case the usual style law examination paper, with its thinly disguised memory test, i.e. problems the answers to which anyone who remembers a certain illustration from a set text book cannot miss, is no better in fact it is only a memory test, though examiners who employ the method bluff themselves that it is not. If a teacher is to test whether students are able to use materials, the materials must be more complex than the Simple Simon stimulus-response reaction which goes by the name of problem in law examination papers, and if you are to test with more complex materials, to make the test fair, the teacher must prepare the examination paper; and as he alone can assess the individual student's capacity in relation to the materials, the teacher must be the determining factor not only in setting the paper but in marking the scripts, for no one else can know what the student has really contributed.<sup>25</sup>

The case method proceeds through the learning process backwards. Students read cases before they have a basis for understanding them or even for knowing what to look for in them. Of course there will be exceptions, but the rule should be that students first be given textual explanations of the laws they are to learn. The cases can then be presented to them as demonstrations of the laws' applications or of interesting problems the laws present.<sup>26</sup>

## Conclusion

In the context of legal education, it has been noted that teaching is effective if it results in "*significant learning*", when students "*can apply what they have learnt to solve a previously unseen problem.*" In order to do so, students must master the skills of analysis, synthesis, critique and evaluation. Studies emphasise the importance of active learning in this process.<sup>27</sup> Case studies facilitate development of the higher levels of Bloom's taxonomy of cognitive learning<sup>28</sup>; moving beyond recalling

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25 McGechan R.O., "*The Case Method of Teaching Law*", VICTORIA UNIVERSITY OF WELLINGTON LAW REVIEW, p. 407, available at [https://www.victoria.ac.nz/\\_data/assets/pdf\\_file/0006/848850/McGechan-casemethod.pdf](https://www.victoria.ac.nz/_data/assets/pdf_file/0006/848850/McGechan-casemethod.pdf), (visited on February 27, 2018).

26 W. David Slawson, "*Changing How We Teach: A Critique of The Case Method*", SOUTHERN CALIFORNIA LAW REVIEW, p. 345, available at <http://www-bcf.usc.edu/~usclrev/pdf/074119.pdf>, (visited on February 27, 2018).

27 Lynne Taylor, et. al. "*Improving the effectiveness of large class teaching in law degrees*", available at <https://akoatearora.ac.nz/download/ng/file/group-7/improving-the-effectiveness-of-large-class-teaching-in-law-degrees.pdf>, (visited on February 27, 2018).

28 Bloom's taxonomy is a set of three hierarchical models used to classify educational learning objectives into levels of complexity and specificity. The three lists cover the learning objectives in cognitive, affective and sensory domains. The cognitive domain list has been the primary focus of most traditional education and is frequently used to structure curriculum learning objectives, assessments and activities. The models were named after Benjamin Bloom, who chaired the committee of educators that devised the taxonomy.

knowledge to analysis, evaluation, and application.<sup>29</sup> Case method is at its best when dealing with rules of law, while the lecture is at its best in communicating principles and in the systematization of law. Every lawyer would agree that a critical and lively mind is invaluable in practice. The Case method encourages the development of a lively intellect. And Case Method is the best of all methods for encouraging development of a critical and lively mind.

There are following suggestions based on author's understanding.

- Case method presupposes and requires careful preparation in advance for the class discussion.
- Casebooks/Study materials should be compiled despite the fact that students have access to database.
- Students should be provided with the necessary minimal understanding of certain general ideas/concepts of law which render the cases, to be analysed later through lecture by teachers.
- Teachers should read the cases and other materials that they are going to discuss very carefully.

Further, author also suggests the format (Annexure-I) for case analysis for students for their project and better understanding of the legal principles and case laws.

### **Annexure-I**

#### **Proforma to be used for Case Analysis**

1.	Name of the Case (With Citation):
2.	Composition of the Bench: Name of the High Court / The Supreme Court: Single Bench/Division Bench/Constitution Bench Name of Judges:
3.	Area of Law: Constitutional/Criminal/Civil Law and Others.
4.	Brief Facts of the Case:
5.	Jurisdiction: Preliminary objection, if any:
6.	Question of Law: (i) Substantial Question of Constitutional Law/ Interpretation (Article 132). (ii) Substantial Question of General Importance (Article 133).
7.	Reliance on Relevant:

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<sup>29</sup> Anderson LW and Krathwohl D.A, "Taxonomy for Learning, Teaching, and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives", 2000.

	<ul style="list-style-type: none"> <li>(i) Statutes;</li> <li>(ii) Decided Cases.</li> </ul>
8.	Legal issues of Determination:
9.	<p>Nature of the issue:</p> <p>Impugning the constitutional validity of:</p> <ul style="list-style-type: none"> <li>(i) Statue;</li> <li>(ii) Executive.</li> </ul> <p>Impugning the correctness of the judgment on the ground of:</p> <ul style="list-style-type: none"> <li>(i) Wrong appreciation of evidence.</li> <li>(ii) Wrong appreciation of law.</li> <li>(iii) Violation of principle of Natural Justice.</li> <li>(iv) Exceeding Jurisdiction</li> <li>(v) Perverse finding</li> </ul> <p>➤ Question of Interpretation of:</p> <ul style="list-style-type: none"> <li>(i) Constitutional Provisions</li> <li>(ii) Statutory Provisions</li> <li>(iii) Fiscal/Penal Statute</li> <li>(iv) Beneficial/ Remedial Statute</li> </ul> <p>➤ Federal Disputes on Fact or Law</p> <ul style="list-style-type: none"> <li>(i) Article 131</li> <li>(ii) Article 136</li> <li>(iii) Inherent Power of Supreme Court Article 142 (Sou Moto)</li> </ul>
10.	Methodology of judging the issues involved:
11.	<p>Weather the opinion of the court is:</p> <ul style="list-style-type: none"> <li>a. unanimous as on Judgment or difference if divided.</li> <li>b. Majority view as one judgment, difference Judgments, Concurring if any.</li> <li>c. Minority view as one judgment, difference Judgments, Concurring if any.</li> </ul>
12.	<p>➤ Majority- reasoning including reasoning of each judge (Ratio Decidendi) reason for decision.</p> <p>➤ Minority-reasoning including reasoning of each judge (Ratio Decidendi).</p>

13.	<ul style="list-style-type: none"> <li>➤ Ratio of the majority opinion;</li> <li>➤ Executive action or legislative action (Law) or Constitutional amendments quashed; or</li> <li>➤ Upholds the same; or</li> <li>➤ Merely interpreted the law.</li> </ul>
14.	Whether the majority has issued any new rulings, new guidelines or any new principle(s) of interpretation, while upholding or quashing or interpreting law.
15.	Whether the majority ruling in each issue/point: Still holds good; Overruled by the Supreme Court Subsequently by larger bench; Suppressed by legislature by law or Constitutional Amendment; or Parliament making the Law in complying with the judgment.
16.	Whether the majority decision is towards establishing a: <ul style="list-style-type: none"> <li>➤ Just Social Order;</li> <li>➤ Just Economic Order;</li> <li>➤ Just Political Order; or</li> <li>➤ Just Legal Order or more than one.</li> </ul>
17.	Student's own remarks/submission.

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# TEACHING AND LEARNING OF LAW THROUGH MOOTS

Vijay P. Tiwari\*

## Abstract

*Teaching and learning law has always been challenging. However, complexities have enhanced in recent years with the advent of welfare state, liberalization, privatization and globalization due to number of reasons including flooding of legislations. In order to overcome the difficulty of learning law, scholars have been evolving various methods of teaching such as Socratic method, Case study method, Cafeteria model of teaching, etc. Moot Court method of teaching has also been introduced either as a curricular or a co-curricular activity by various Universities and Law Colleges. Moot Court method of teaching is very fascinating to the students for the fact that they get an opportunity to appear before Judges and act as Advocates. Students get the opportunity to research, draft their petition or memorial and present the oral arguments before the designated Judges. Moot Courts hone all the three skills, i.e., research, drafting and oral advocacy integral to the success in legal profession and hence is constantly becoming more popular with every passing day. Besides them, it is an effective method of self-learning. This paper is a humble attempt to understand as to how moot courts are organized and how moot court method of teaching and learning helps students become de facto Advocates even before passing out from law schools and becoming de jure Advocates.*

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**Keywords:** Cafeteria Model, Group Discussion, Legal Education, Legal Research, Memorial, Methods of Teaching, Moot Court, Oral Presentation, Qualities of a Teacher, Socratic Method.

## Introduction

Quest for knowledge has been the mission of all the generations ever since its advent. However, the journey has not been easy. Want of proper language, proper method, the gap between the teacher and the taught, difference in learning capabilities, level of interest and involvement are some of the challenging areas which we all face and always try to find out some solution and way out for better and effective teaching and learning. The teaching and learning in good olden days was easy for the fact that too many things were not there to be learned. However, a lot of water has passed

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under the bridge since then. Schooling has renovated from a simple informative function into a complex learning-teaching arcade. This has become so because education develops the minds of children and prepares them to become future flag bearers of national growth and development, whiling making their own life prosperous and better. Teaching of law has become even more complex and needed much attention and reform. Not long before the Law Commission of India observed that:<sup>1</sup>

*The system of legal education has been defective and is not calculated to produce either jurists or competent legal practitioners and in recent years there has been considerable deterioration in the standards of legal education. There is a widely prevalent impression that legal training is just a passport to practice and that it need not be thorough unlike other professional training. The impression stems from a confusion of thought that law studies need not be theoretical or academic since the object of such study is to practice, and that they need not be practical either since that could be attained only when one starts to practice. It is also a sad fact that, at present, for a considerable part, it is the left-overs of the University not wanted in other fields that take to law studies. The legal profession itself does not seem to be over-popular and is often the butt of criticism from various quarters. The techniques and methodologies of legal research have been neglected. The importance of law as a science as well as its relation to other disciplines has been little appreciated and above all the atmosphere is lacking in which alone legal thought can develop. It is true that modern scientific and technological progress has been amazing and revolutionised our social and economic life and has brought about a shift in emphasis from humanities and liberal sciences to the exact and applied sciences. That however, is a world-wide phenomenon. Nonetheless in other countries while laws are being moulded by changing economic and social factors to some extent, at the same time, legal thought in its turn has also influenced social and economic life and attitudes and provided the lines along which solutions could be found for the emergent new problems. It is well known that in the Western countries as well as in America the Governments often look to the jurists for assistance and legal research is utilised for shaping the course of legislation.*

Learning of law had been easy in societies which were homogeneous because there were few laws. However, the complexities enhanced when societies started coming together due to migration or otherwise, which gave

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1 "Some Reflections on the Fourteenth Report of the Law Commission", 1 MLJ 1959, pp. 56, 67.



rise to heterogeneous societies. This complexity got heightened with the advent of welfare state, liberalization, globalization and privatization, which led to flooding of legislations on variety of subjects. In order to overcome the difficulty of learning law, scholars have been evolving various methods. Innovation and improvement is a continuous process in all spheres of life including academics and hence everyone involved with academics must work hard to continue bringing the best out of himself and from the students. To make the study of law purposive and to foster the spirit of research, the Law Commission recognized that '*Law Colleges should be full time institutions and law teaching should be done by full-time teachers*'. The Commission is also against law being taken as a part-time study or in combination with other courses. If these suggestions are adopted, it will restrict admissions into Law colleges and may lead to the law course being taken more seriously. The Commission also believes that in the existing conditions the principal method of teaching law should be through lectures only and that it should be supplemented by seminars, group discussions, moot courts and mock trial etc. The Law Commission has also made a reference to the case-law method of teaching as valuable tool of learning and advocated increased use of case study method of teaching as far as possible.<sup>2</sup>

### **Methods of Teaching**

There are a number of methods of teaching. Some of them are lecture method, Socratic method, role play, case study method, tutorials, projects, group discussion, seminars, etc. However, the researcher has chosen to discuss Moot Court method of teaching, because, he feels that this stimulates self-learning and can be proven most advantageous and popular among the law students.

### **Moot Court and Trial Advocacy**

It is said that doing is learning. *Learning by doing* is a method which helps the students to learn the *law in action* and that is why it has become very popular in law schools these days, where the students are encouraged to research on statutes, judicial precedents and juristic works and to apply them on fictitious problem in hand. Law schools are providing numerous opportunities, to develop the research and professional skills by involving their students in school-wide, state, national and international competitions. The Moot Court competition provides opportunities to enhance advocacy skills; Trial Advocacy, which allows students to gain valuable skills and training of practicing in Trial Courts and litigating techniques.<sup>3</sup>

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2 "Some Reflections on the Fourteenth Report of the Law Commission", 1 MLJ 1959, p. 67.

3 Kia H. Vernon and Krishnee G. Coley, INVESTIGATING IN YOUR SUCCESS: A PRACTICAL GUIDE TO ACHIEVING YOUR BEST RESULTS IN YOUR FIRST YEAR OF LAW SCHOOL, 2010, p. 6.

### **Moot Court Method of Teaching and Learning**

Moots are legal problems in the form of imaginary cases, which are argued by student ‘counsels’ on each side, before an artificially constituted bench of the Judges representing the High Court or the Supreme Court as the case may be or other National/International Tribunal, as designed by organizer of such event.<sup>4</sup> Moots are considered to be the best way of learning law for the fact that students take a great deal of interest in solving the problem given in the moot proposition. There can be another important reason for the moots to be popular and effective way of teaching because it ripens all the three important skills together which are emphatically needed to become a successful Advocate, i.e., *researching, drafting and oral presentation*. Generally, the moots are organized as a competition by a number of institutions as a grand academic event for budding lawyers, where a number of teams from other law schools are invited to participate. However, some of the institutions have gone ahead and made the moots an integral part of their curriculum. For example, National Law University, Jodhpur, where the researcher had been associated for the period from the year 2005-2008, had a practice to have a minimum one moot court participation of each student in each law course taught in a semester, which was evaluated for 10/20 marks depending on nature of subject and the choice of the faculty concerned. Sometimes, in the first and second semesters, there used to be two to three moots for each student. In this type of moot, the respective course teacher designs a problem on a topic from the syllabus, and the students required to research and prepare the memorial and on a scheduled day and time, the student orally presents the facts, legal issues and arguments thereon, as contend in written memorial, before the faculty member(s) judging them. During the presentation all other students of the class are compulsorily required to be present in the Moot Court Hall to observe the presentation made by both the parties. They are encouraged to learn about the problem, relevant facts and provisions of law through keen observation and analysis of case. Students are also expected to observe the discipline and decorum of same standard, as they would be expected in original court room. However, this practice is not common in all law schools in India. Students in other institution get a very limited opportunity to participate in moots, only when the competition is organized, but not as a part of compulsory curricular activity on regular basis. To participate in the competitions, students have to qualify either through intra-moot court competition or through faculty round. Intra-moot court competition is organized to make a merit list of those students who intend to participate in the competition. In case, this is not possible, the students can be short listed by faculty round also. Once the competitions and the intended aspirants are

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4 Smith, ATH, GLANVILLE WILLIAMS: LEARNING THE LAW; Sweet and Maxwell–Thomson Reuters, 2013, p. 193.

identified, they register for the competition and are given the moot proposition. Some of the renowned competitions being organized these days are:<sup>5</sup>

- Manfred Lachs Space Moot;
- Philip C Jessup, Washington
- Stetson World Rounds
- Henry Dunant
- Surana and Surana International Moot
- Willem C, Vienna and Hong Kong
- ELSA WTO Asian Rounds
- Foreign Direct Investment International Moot Competition, California
- Frankfurt Investment Arbitration Moot Court Competition
- ICC Moot
- John Marshal Law School International Moot Court Competition in IT and Private Law, Chicago
- Law Asia International Moot
- Leiden Sarin Air Law Moot
- Maritime International Arbitration Moot
- Oxford IPR Moot
- ICC Trial Moot, The Haque
- Manfred Lachs Space Moot, Asia-Pacific rounds
- Oxford Media Law Moot

These days, it has become a trend for law schools to organize Moot Court Competitions; their information is uploaded on their official websites that can be accessed through internet by google search.

### **Moot Proposition**

Care should be taken in designing a moot proposition, which, as far as possible be balanced in terms of merits of the case, from both the sides (petitioners as well as respondents). The students, who are beginning the moot, should be assigned a simple problem, not too much complex. Teachers, in the initial days of their career may find it difficult to make the problem and hence they must not hesitate in extracting the facts from some existing cases, which might have been decided by some High Court or is pending in the Supreme Court. For practice rounds, already decided cases can also be given and the parties are advised to read original case and arguments advanced by the respective parties. However, it has been observed that moot propositions, which are prepared for renowned national and international competitions are very complicated. They involve many

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5 “*Mooting Premier League 2013-14 moot court competitions*”, available at [http://www.legallyindia.com/wiki/Mooting\\_Premier\\_League\\_2013-14\\_moot\\_court\\_competitions](http://www.legallyindia.com/wiki/Mooting_Premier_League_2013-14_moot_court_competitions), (visited on November 3, 2017).

legal points and require lot of efforts to understand. It is always better for the students to keep browsing the proposition of previous moots and practice on framing of issues and finding out legal resources etc.

### **Legal Research**

After getting the moot proposition, the student must read it at least five-six times before articulating the possible issues and sub issues involved in the problem. It would be better if the team members divide their work and research on the issues in cooperation and coordination of other team members. The team should not divide work on the basis of issues; instead they should divide research according to the sources of data collection, i.e., offline and online data, books, journals, case laws, law reports, parliamentary debates, foreign cases, materials, etc. This is because all human beings are not alike. Someone may be a very good researcher and more agile than others in the team. In case, they research on issues basis, the chances may be afoot that one who is a very good researcher and agile may research the issue given to him/her extensively while others' topics may lack proper research leading to the team securing poor marks. The moot team must also read the 'rules of the moot' carefully, and if need be several times, to appreciate all important points. They should discuss amongst themselves all important points such as registration and last date of submission of memorial, length of memorial, number of the copies to be submitted, colour of cover page, footnoting format, page numbering, etc., so that all of them are well aware about the rules of the competition. The teams should not hesitate consulting their friends, seniors and faculties in understanding the facts and framing possible issues before starting the research. Rather, it must be done as a matter of rule.

A good legal research involves the ability to do an in depth analysis of problem involving a question of law and provides a best possible legal solution to it. This involves the following qualities as:

- (a) To identify and collect the relevant material on legal authority and sources;
- (b) To extract the essential points from those legal sources and materials;
- (c) To apply the law to the facts of the problem to produce satisfactory answers to the questions posed; and
- (d) To communicate the reasons for the admissibility of those answers, with the help of legal sources and materials.

Student must research all possible material available and accessible on the subject. That may include both online and offline data. Statutes, Commentaries, Law Commission Reports, Parliamentary debates, Constitutional debates and the Reports of other Commission/Committee, besides books and articles on the subject should also be referred to establish

a complete and clear understanding of case. Special care must be taken to ensure that the researcher is referring authentic, latest and updated data. It has been observed that during research, the researchers end up referring old books/data, etc., which do not contain latest amendments on the subject and should be invariably avoided. Research has now become easier due to availability of infinite data accessible through internet. However, these data may not be relevant or reliable, hence they must refer off line data too. Similarly, there may be some cases, which have been bypassed or overruled in subsequent cases decided by the Apex court or the law passed by the legislature, for which the researcher has to be extremely careful. Some of the important websites providing online data are as follows:

- [www.claonline.in](http://www.claonline.in)
- [www.ebscohost.com](http://www.ebscohost.com)
- [www.heinonline.org](http://www.heinonline.org)
- [www.jstor.org](http://www.jstor.org)
- [www.kluwerlawonline.com](http://www.kluwerlawonline.com)
- [www.lexisnexis.com](http://www.lexisnexis.com)
- [www.liiofindia.org](http://www.liiofindia.org)
- [www.manupatrafast.in](http://www.manupatrafast.in)
- [www.scconline.com](http://www.scconline.com)
- [www.supremecourtfindia.nic.in](http://www.supremecourtfindia.nic.in)
- [www.taxmann.com](http://www.taxmann.com) and [www.westlawindia.com](http://www.westlawindia.com)

These websites are indicative and there are many more online data sources. Students must be careful in accessing the data, for the fact that all that is available may not be necessarily of use. They need to be very selective and only relevant information should be referred in the memorial.

### **Preparation of Memorial**

Next important step in moot is preparation of memorial. Memorial is a written statement of facts, issues, arguments and authorities in support of the arguments and prayers made before the jury in a moot competition. On the basis of a long academic experience, it can be stated that the best memorials are always well organized, precise and written in clear, simple and error free language. Usually a memorial contains following parts:

- Cover Page;
- Table of Contents;
- List of Abbreviations;
- List of Authorities;
- Statement of Jurisdiction;
- Statement of Facts;
- Issues Involved;
- Summary of Arguments;
- Arguments Advanced;

- Prayers; and
- Annexures; and Exhibits.

Each of these points is being elaborated below for easy understanding of the beginners.

### ***Cover page***

Usually the format of the cover page is provided by the organisers. Wherever it is not provided, the following information should be included in the cover page.

- Name of the Competition
- Name of the Court/Tribunal where the matter is being argued
- Case No
- Name of the Parties
- Submitted to the Court
- Submitted on behalf of
- Code No, if any, allotted by the organizers, wherever applicable.

**An example of a Cover Page is given below for ready reference:**

<p><b>Team Code :</b></p> <p><b>SURANA AND SURANA NATIONAL TRIAL ADVOCACY MOOT COURT</b></p> <p><b>COMPETITION, 2017</b></p> <p><b>BEFORE THE HON'BLE SUPREME COURT OF INDIA</b></p> <p><b>CIVIL SLP NO 100/2017</b></p> <p>SLP UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA</p> <p>IN THE MATTER OF</p> <p>DR. SUBRAMIAM</p> <p>SWAMI.....PETITIONER</p> <p>VERSES</p> <p>UNION OF INDIA.....</p> <p>RESPONDENT</p> <p>SUBMITTED TO CHIEF JUSTICE AND HIS PUISNE JUDGES OF</p> <p>HON'BLE SUPREME COURT OF INDIA</p> <p>WRITTEN SUBMISSION ON BEHALF OF PETITIONER</p>
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Above information must be written in such a manner that the cover page must leave an aesthetic and decent perception. On the top right-hand side, the team code allotted by the organisers should also be written. Names of Participants, College's name or University's name should not be mentioned anywhere in the memorial, otherwise the team may be disqualified for the competition.

### ***Table of Contents***

The first important page, after the cover page is the index page known as Table of Contents. It should be the endeavor of the mooting team to arrange and to catalogue all the headings and sub-headings on this page and their respective page number should be correctly indicated on the right side, and it must be checked before printing to avoid any kind of error and personal satisfaction too. The page numbering before the page titled '*Arguments Advanced*' must be in roman numerical (i.e. i, ii, iii, ...) and from that chapter onwards in normal English numerical (i.e. 1,2,3, ...).

### ***List of Abbreviations***

This part of the memorial is expected to contain an alphabetically arranged list of all the abbreviations wherever used in the memorial with their full form. Special care should be taken to use only standard abbreviations commonly used in legal fraternity and they must be used correctly. Those abbreviations which are not used in the memorial are not required to be referred in the list of abbreviations. The abbreviations must be in alphabetical order. An example of abbreviation is given as:

- Cr PC - Criminal Procedure Code

### ***List of Authorities***

The next page comes in order of the memorial writing is the 'List of Authorities'. In this page students are expected to write a list of all the authorities they are intending to cite in the memorial, in support of their arguments. The authorities cited may be:

- Acts and Statutes;
- Cases (with page number on which quoted);
- Books Referred;
- Dictionaries Referred; and
- Websites Referred.

This list is inclusive, not exhaustive.

### ***Statement of Jurisdiction***

The next important part of the memorial is the 'Statement of Jurisdiction'. The mooters are required to either accept the jurisdiction of the court or reject it (basically being Respondents). In case if they oppose the jurisdiction, they must raise it as the first issue and advance their arguments with the support of authorities (relevant statutory provision which expressly

or impliedly bar the jurisdiction of the court) in their favour. They are also expected to cite the authority (relevant statutory provision) under which the court in question has the jurisdiction to hear the matter.

### ***Statements of Facts***

The chapter contains brief facts required to introduce the cause of action and explain the legal issues which are necessary for the party, in whose behalf the mooter is preparing the memorial i.e. Petitioner or Respondent. It must be kept in mind that the moot team does not have authority to change the fact, assume or presume certain things, which are not given in the facts. However, there can be certain natural inferences that can be safely deduced.

### ***Issues Involved***

This is the most important part of the memorial. This is a short introductory statement of the legal issues or points of law involved in the case. It precisely conveys to judges about legal issues by the party who presents the matter before the court and expects the court to decide them. These statements should be phrased to help one to argue for a particular conclusion rather than simply saying something against the other side. These issues are framed in questions form and should be phrased in such a way that it shows the side being favoured. These issues should be very short and not lengthy so as to make an individual understand the very essence of it. Ideally, they should not be comprised of more than one sentence. The sentence should start with 'Whether' and end up with the 'Question mark'<sup>6</sup>. The moot team must include all possible issues and sub-issues under this chapters.

### ***Summary of Arguments***

This is a summary of the arguments advanced. It must be as brief as possible but must cover all issues and main contentions raised by the team.

### ***Arguments Advanced***

This part of the memorial is the heart and soul of the memorial. The team must support each and every argument with some authority. If direct authority is not available on the subject, the authority which may convince the judges or the authority of persuasive value should be quoted. Care should be taken in drafting the arguments which should be well-organized, convincing and easy to understand. Each point that the team wants the court to consider in deciding the case must be described, the reasons explained with appropriate references of research materials used, and their citations should be inserted according. The arguments should address legal precedents

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6 "How to draft good Moot Court Memorial", available at <https://blog.ipleaders.in/draft-good-moot-court-memorial/>, (visited on October 20, 2017).



and policy issues<sup>7</sup>. The team should first address the issues supporting their case and then move on to address contentions anticipated to be brought up by the opponent party. The arguments should be written in persuasive, impressive, active and positive language. It is better to avoid passive sentences. Headings and sub-headings are used to help in organizing the arguments in proper order. The structure of headings and sub-headings match with the Table of Contents. The idea is to do everything in terms of both form and substance to help the court to understand the reasonableness and logic of the argument, and thus decide the case on merits.

### ***Prayer***

Last but not least, is the prayer part of the memorial. It is a well settled principle of law that a remedy which is not prayed is not granted. A remedy, which should have been sought, if not sought, becomes bared by constructive res-judicata. Hence the prayer must include all possible remedies available to the team and should also include ‘any other remedy, which the Hon’ble Court may deem fit in the interest of justice, equity and good conscience’. Usually the prayer should begin with ‘Wherefore, in the light of the facts stated, issues raised, authorities cited and arguments advanced, it is most humbly prayed before the Hon’ble Court, that it may be graciously pleased to adjudge and declare’ and should be bifurcated into (a), (b) (c). etc.

### ***Annexures and Exhibits***

This part is not mandatory but students may like to attach with their memorials certain things, which could not be written in memorial, but are important to be included. They should add it in this section.

Marking of the Memorials, usually the memorials are marked on following points:

- Knowledge and clarity of Law and Facts;
- Proper and Articulate analysis;
- Extent of Research and Use of Authorities/Precedents;
- Argumentation, Clarity of thoughts and presentation;
- Presentation;
- Grammar, Style and Originality; and
- Oral Presentation.

The last leg of the moot court competition is the presentation of the arguments before the judges. It is usually done four times by a team who is the winner or runner-up in the following order:

- Elimination Round;
- Quarter Final Round;
- Semi Final Round; and
- Final Round.

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7 *Ibid.*

All the registered teams get an opportunity to participate in Elimination Round, which according to the researcher is the most crucial round. This is crucial for several reasons but most important facts are: first, the teams are appearing for the first time in a new environment which create some amount of mental pressure and anxiety; second, there are several benches of judges when there is a large number of participating teams and the judging criteria of each bench may be identical, but differences are bound to be there (in spite of the best efforts of the organisers). For example, one may be strict while others may be liberal. Thirdly, in Elimination Round, usually the judges are comparatively less experienced and at times it becomes very difficult to find out the difference between a team who is mooting at number two place and a team who is mooting at number seven place, due to neck to neck competition. The teams have to work hard, prepare well and aspire to be the best.

### **Judging of Oral Rounds**

Usually teams' performances are judged on the basis of following criteria:

- Knowledge of the Facts and Laws;
- Application of Laws to the Fact and Interpretation;
- Argumentative Skills;
- Ingenuity and Ability to Answer Questions;
- Clarity of Thoughts and Expression;
- Style, Poise, Courtesy and Demeanor and Court Mannerism; and
- Organization.

### **Dos and Don'ts**

Some of the points which a moot team must keep in mind while mooting are as:

- Team members must be well dressed; hair should be properly groomed;
- They must be very polite, both in words and gestures;
- They should neither very loud nor very low and modulation of voice is important;
- They must not speak very fast;
- They must establish a proper eye contact with the judges;
- They must not read from the memorial. However, they may refer it wherever needed;
- They must not lose their cool and smile even if being irritated by the judges or the opposition;
- They must try to coax the judges to accept their viewpoint through logic and authorities cited, but should not indulge in arguments; and

- They must keep the track of time and rules of the court. In case they need some more time to finish some important points, they must politely seek for an extension of time.

The most common breach of etiquette committed by an enthusiastic beginner when arguing a moot case is the expression of personal opinion on the merit of the case being presented. Counsel may “submit” or “suggest” strongly and may state proposition of law and fact, but should not express a personal belief and opinion. One should also avoid the expression ‘I think’, however natural it may seem to employ it. It is regarded as being disrespectful to the Bench to say- ‘My Lords! In my opinion the law is so and so’<sup>8</sup>. Another point, which must be remembered at all times is to not interrupt anyone. If it cannot be avoided, it should be done as gently and courteously as possible. It would not be out of place to mention the difference between the words ‘My Lord’ and ‘Your Lordship’. The difference is that ‘My Lord’ is the mode of addressing a judge in the vocative case, i.e., as a polite way of drawing attention of the judge to oneself and what one is about to say, while ‘Your Lordship’ is the mode of referring to the judge in the course of a sentence, i.e. as a polite substitute for ‘you’.<sup>9</sup>

### **Limitations in teaching through Moots**

Researcher strongly feels that no one method of teaching can completely embrace to teach the whole course and same goes even with the Moot Court method of teaching. Although this method is very interesting and stimulating, like other methods, it has own limitations. The most important of them are: It has the capacity to stimulate only those students who are willing to participate in the moot; It has been observed that the students who do not participate in moots do not take interest, consequently, they are not able to concentrate carefully on arguments of the speakers; In case of any doubt, they are not allowed to raise any kind of question, because only the judges can ask the questions and not the students. It has also been observed that the teams in the moot advance only those arguments and authorities which favour them and on the other hand the just, balanced or correct approaches are either ignored or concealed. In spite of all these limitations, the researcher strongly feels that Moot Court method of teaching is very important and it must be adopted in curriculum in balanced manner so that the each and every student must get a chance to moot at least once in a semester.

### **Conclusion**

Teaching has always been a tough job. A teacher should always have positive attitude for the fact that there are infinite possibilities and solutions

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8 Smith and Glanville Williams, *LEARNING THE LAW*, 2013, p. 196.

9 *Id.*, p. 195.

to every problem, including the problems of effective teaching. The researcher strongly recommends that a teacher may use this method for teaching law courses effectively. If the method is promoted and strengthened by proper mentoring and guidance to students it will become an effective way of learning law by doing research exercises. Doing is learning and in moots students practice all those activities and intended behavior which develop the capacity of a successful lawyer, i.e., research, drafting and oral submissions. Students, as young unregistered advocates, feel proud to represent the institution they are studying and appear before high dignitaries (most of the times the judges in final round are Hon'ble Judges of Supreme Courts/High Courts) and give their best for the moots. It would not be superfluous to say that students work more intensively in moots than for normal classroom study, because in moots, they get respect, recognition, publicity, certificates and awards, which is not available in other mode of teaching-learning. The researcher also recommends that mooting should not be considered to be an extra or co-curricular activity, but must be made an integral part of curriculum of law course in all the law universities.

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# SOCRATIC METHOD OF TEACHING IN LAW: AN EXPERIMENT

Ragini P. Khubalkar\*

## Abstract

*Study of law is different from study of science subjects, since law deals with social and behavioural patterns of humans. For better understanding of the law subjects, it is more desirable that the law students are accustomed to think rationally, to go to the core issue of necessity for the laws, with the study of the aims and objects of the law. Socratic Method appeals to the curiosity of the law students and trains their minds to analyse the situation from different angles. The Socratic method involves asking questions, posing tentative answers, testing those answers, evaluating the results, and living out those results to the best of human understanding. This is something for which human minds are naturally trained. The study of subjects of law can be best possible by this method of dialogues, discussion and critical thinking. The study of all the laws is not possible in the five years' law course. So, it is needed to develop the ability in the law students, to understand the legal provisions, to understand the objective of law and to develop the ability to apply it to the given situation. With this understanding about the Socratic Method of law teaching the researcher has analysed the technique of Socratic Method, with its pros and cons in law teaching.*

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**Keywords:** Socratic Method, Law teaching, Legal Scholars, Modern Socratic, Socratic circle.

## Introduction

*“You cannot teach a man anything, you can only help him find it within himself.”<sup>1</sup>*

Today's economy is known as knowledge based economy. The teachers and their teaching methods are the foundations of knowledge building. It is a well-known fact that the teaching is an art as well as science. As an art, it portrays the imaginative and artistic abilities of a teacher in creating situation in the classroom so that the learners can learn and achieve the immediate and ultimate goal of education. As a science, it points out the logical, mechanical and procedural steps to be followed to attain an effective

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1 Galileo Galilei, available at <http://www.goodreads.com/quotes/tag/teaching>, (visited on January 30, 2017).

accomplishment of goals.<sup>2</sup> The teaching-learning process starts with the birth of child. But a systematic and formal teaching-learning can be said to be initiated from the school to college level.

It is said that 'law is based on common sense', which means that law is based on commonly accepted behavioural patterns in consonance with the moral values and right reasons. Therefore, the precise knowledge of law is an inevitable part of human life. Hence, the legal education and method of teaching law assumes very high expectations. The Law Schools, primarily owe the responsibility of teaching fundamental legal notions. However, afterwards they also need to train the trainers who can inculcate the great human values, professional skills and intellectual capacities amongst the students. Hence, the students can be capable to defend the challenges of life and excel their living conditions in the society. Especially, the legal professionals need to have multidimensional abilities and critical thinking power as they need to assume numerous roles while solving the practical problems. It requires various qualities i.e., rational thinking, narrative, legitimate considerations which are vital for lawyering<sup>3</sup>. An attentive lawyer also requires a critical contemplation about professional roles and consciousness at various levels of decision making for which they must accept their accountability.

Since the inception of National Law Universities in India, the teaching methods and modern techniques have been considered as a priority for training and grooming the students opting for legal profession. Teaching methods have always been a significant part of the mission these universities. As commented by Dr. N.R. Madhava Menon, "*Communalism, castism and fundamentalism are raising their ugly heads systematically challenging the very foundation of Indian society. It is in this context that the role of law schools, particularly the teaching of law calls for critical examination.*"<sup>4</sup> There are various methods available for teaching law subjects. The hypothesis of the researcher is that the Socratic methods can be considered as an effective tool of teaching law course with other traditional and modern methods of teaching. Since, the lawyers' professional role and requisite skills can be easily accessed and improved by opting this Socratic method for teaching law course. Even at the National and International level, many well renowned universities are following the Socratic Method while teaching. With this view, the researcher in this paper tries to explain the meaning and nature of Socratic Method, its various types and benefits and its

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2 Reddy R.A., LAW TEACHING METHODS AND TECHNOQUES—A CRITIQUE WITH SPECIAL REFERENCE TO INDIA, AIR InfoTech.

3 Peggy C.D. and Elizabeth E.S., "A dialogue about Socratic Teaching", 23 N.Y.U. REV. L. & SOC. CHANGE, 1997, pp. 249, 280.

4 Paranjape V.N. LEGAL EDUCATION RESEARCH METHODOLOGY, 1<sup>st</sup> ed. 2011.

limitations in law teaching. Further, the researcher adds his comments and concludes with its suggestions.

### **Socratic Method**

Socrates says that

*“Do not take what I say as if I were merely playing, for you see the subject of our discussion-and on what subject should even a man of slight intelligence be more serious?-namely, what kind of life should one live . . .”*<sup>5</sup>

The above saying of Socrates, gives us an idea about his method of critical thinking in the classroom through discussion. Socrates (470-399 BC) was a Greek rationalist who, notwithstanding being viewed as one of the best and most imperative savants, left no compositions by any stretch of the imagination. What we think about his life and work originates from the compositions of his disciples, Xenophon and Plato. Socrates addressed his understudies in an unending quest for truth. He tried to get to the establishments of his understudies and partners perspectives by making persistent inquiries until the point that a logical inconsistency was uncovered, subsequently demonstrating the paradox of the underlying presumption. This wound up came to be plainly known as the Socratic Method, and might be Socrates' most persisting commitment to logical thinking<sup>6</sup>. The Socratic method of teaching is a student-centred approach that challenges learners to develop their critical thinking skills and engages them in analytical discussion. It is also called as 'Dialectic method'. The Socratic Method can be used at any grade level and with all subject areas and lessons can be adapted to fit a changing society.

The Socratic Method, as seen in the early dialogues of Plato, is similar in structure to Scientific method. The structure which is common among the Socratic and Scientific method is fundamental to human living. The general structure of the Socratic Method and the Scientific Method are as:

- (i) Ask a question;
- (ii) Form a hypothesis;
- (iii) Test the hypothesis;
- (iv) Accept/ Reject according to testing; and
- (v) Act accordingly.

The Socratic method, in its classic form, does not seek to test our understanding of the facts of Geometry, in spite of Plato's suggestion to the

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5 Max Maxwell and Melete, “How to use the Socratic Method”, available at [http://www.socraticmethod.net/how\\_to\\_use\\_the\\_socratic\\_method/using\\_the\\_socratic\\_method.html](http://www.socraticmethod.net/how_to_use_the_socratic_method/using_the_socratic_method.html), (visited on July 21, 2017).

6 The University of Chicago, the Law School, “The Socratic Method”, available at <https://www.law.uchicago.edu/socratic-method>, (visited on November 30, 2017).

contrary with his Meno Geometry experiment. It focuses on moral inquiry that tests ideas as to, '*How we should live the nature of virtue and justice, and the human character and results of good living.*' The Socratic Method focuses on moral inquiry related to how we should live in the light of the knowledge of justice, virtue, beauty, happiness, and our own human character. The Socratic Method attacks the complacencies that arise when what passes for "common sense" has become too convincing. Although, the heart of the Socratic Method beats to the same rhythm as all scientific inquiry and human innovation, it addresses subjects that have historically been deemed not to be amenable to the inquiries of the scientific method. Yet, the structural commonalities listed above remain intact. Living in wonder and asking questions, imposing tentative answers, testing our answers, evaluating the results, and living out those results to the best of our understanding is a basic pattern of human thriving that was just as valid in the ancient Athens of Socrates as it is in our science laden 21<sup>st</sup> century. This is something for which we are natural born adepts. Curiosity, asking questions and testing things are part of our natural character.<sup>7</sup>

An extreme version of this technique is employed by the infamous professor, Dr. Kingsfield, portrayed by John Houseman in the 1973 movie, "The Paper Chase." In order to get better understanding of ethical dilemmas and the principles of moral character, Dr. Kingsfield terrorizes and humiliates his law students by painfully grilling them on the details and implications of legal cases.

In his lecture, Reich describes a kinder, gentler Socratic Method, pointing out the following interesting aspects:

- (i) Socratic inquiry is not "teaching" per se. It does not include Power Point driven lectures, detailed lesson plans or rote memorization. The teacher is neither "the sage on the stage" nor "the guide on the side." The students are not passive recipients of knowledge.
- (ii) The Socratic Method involves a shared dialogue between teacher and students. The teacher leads by posing thought-provoking questions. Students actively engage by asking questions of their own. The discussion goes back and forth.
- (iii) The Socratic Method says Reich "is better used to demonstrate complexity, difficulty, and uncertainty than to elicit facts about the world." The aim of the questioning is to probe the underlying beliefs upon which each participant's statements, arguments and assumptions are built.

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7 Max Maxwell and Melete, "*How to use the Socratic Method*", available at [http://www.socraticmethod.net/how\\_to\\_use\\_the\\_socratic\\_method/using\\_the\\_socratic\\_method.html](http://www.socraticmethod.net/how_to_use_the_socratic_method/using_the_socratic_method.html) (visited on July 21, 2017).



- (iv) The classroom environment is characterized by “productive discomfort,” not intimidation. The Socratic professor does not have all the answers and is not merely “testing” the students. The questioning proceeds open-ended with no pre-determined goal.
- (v) The focus is not on the participants’ statements but on the value system that underpins their beliefs, actions, and decisions. For this reason, any successful challenge to this system comes with high stakes-one might have to examine and change one’s life, but, Socrates is famous for saying, “the unexamined life is not worth living.”
- (vi) “The Socratic professor,” Reich states, “is not the opponent in an argument, nor someone who always plays devil's advocate, saying essentially: ‘If you affirm it, I deny it. If you deny it, I affirm it.’ This happens sometimes, but not as a matter of pedagogical principle.”<sup>8</sup>

In the Socratic method of education, teachers engage students by asking questions that require generative answers. Study of law is different than study of science subjects, since law deals with social and behavioural patterns of human beings. For better study of law, it is desirable that the law students are made to think rationally, to go to the core issue of need for the laws, in order to better understand the applicability of the laws. Socratic Method appeals to the curiosity of the law students and train their minds to analyse the situation from different dimensions.

### **Different concepts of Socratic Method**

There are different concepts which are used as methods and types in the Socratic Method. Some of the significant concepts are as follows:

#### **The Classic Socratic Method and the Modern Socratic Method**

There are two main patterns in the use of the Socratic Method. The Classic Socratic Method is distinguished from the Modern Socratic Method by the nature of its questions. The Classic Socratic Method pursues the big questions about justice, virtue and other basic qualities of human character and living. Here, the answers are not known by the Socratic facilitator. The Modern Socratic Method asks questions about topics that have known, expected, and verifiable answers.

#### **Socratic circles**

Socratic circles can be used to engage in the Socratic Method in various subjects. Typically, when participating in Socratic circle activities, students first read a passage critically and then form two concentric circles. First, the inner circle which examines and discusses the text and the second circle

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8 *Ibid.*

which comments on the quality of the dialogue. Then, the two circles switch places and roles, and the process is repeated with the new ideas from a new circle. The outer circle is required to remain quiet while the inner circle reacts and dialogues, and conversely, the inner circle must listen quietly to the outer circle's evaluation of their conversation. Copeland explains that Socratic circles

*“turn partial classroom control, classroom direction, and classroom governance over to students by creating a truly equitable learning community where the weight and value of student voices and teacher voices are indistinguishable from each other.”* Copeland suggests that Socratic circles help to develop *“critical and creative thinking skills that will ultimately facilitate their growth and development into productive, responsible citizens.”*

According to Copeland, Socratic circles encourage students to

*“work cooperatively to construct meaning from what they have read and avoid focusing on a ‘correct’ interpretation of the text.”*<sup>9</sup>

**Steps for Creating Socratic Circles**-Typically, Socratic circles must include a short passage of text in which students have already been given a critical reading, and two concentric circles of students - one circle focusing on exploring the meaning expressed in the text and a second circle observing the conversation.

The basic structure of a Socratic Circle can be summed up as follows:

- (i) Teacher assigns a short passage of text the day prior to the Socratic circle activity;
- (ii) Students read, analyze, and take notes individually;
- (iii) Students are divided into two circles;
- (iv) The inner circle reads the passage aloud and discusses the text for about ten minutes, while the outer circle silently observes;
- (v) The outer circle evaluates the inner circle's conversation and provides feedback to the inner circle;
- (vi) Students switch circles; and
- (vii) The new inner circle discusses the text for approximately ten minutes and then is given ten minutes of feedback by the outer circle.<sup>10</sup>

### **Socratic Seminars**

Lynda Tredaway describes the Socratic seminar as *“a form of structured discourse about ideas and moral dilemmas.”*<sup>9</sup> According to Tredway, the Socratic seminar is a 50-80 minute discussion in which 25 or fewer students

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9 Matt Copeland, SOCRATIC CIRCLE: FOSTERING CRITICAL AND CREATIVE THINKING IN MIDDLE AND HIGH SCHOOL, Ch. 2 p. 26, available at <https://books.google.co.in/books?>, (visited on February 26, 2018).

10 *Ibid.*

react to a novel, poem, essay, document, or art reproduction. Students engaged in Socratic seminar generally sit in a circle and do not raise their hands to speak; instead, they make eye contact and observe body language in order to learn the cues for engaging in discussion.<sup>11</sup>

In the Socratic seminar, the teacher usually provides questions that require students to evaluate options and make decisions. When Socratic seminars engage students in active learning, they develop knowledge, understanding, and ethical attitudes and behaviours, they are more apt to retain these attributes than if they had received them passively. Proponents of this teaching methodology propose that it also has the potential for character and communication development in addition to facilitating the improvement of self-esteem.

In the Socratic seminar, the teacher is responsible for guiding students to *“a deeper and clarified consideration of the ideas of the text, a respect for varying points of view, and adherence to and respect for the seminar process.”*

The teacher also counts the number and type of comments made by students and models expected behaviours for listening, thinking and interacting within the dialogue<sup>12</sup>. Teachers often participate in student-led seminars, and in case, the dialogue is charted by students who tally the types of contributions made by classmates. There are several methods of developing questions for Socratic seminars; however, creating an opening question can determine the success of the seminar. According to the Greece Central School District of New York, a good opening question must:

- (i) Arise from the curiosity of the leader.
- (ii) Have no single “right” answer.
- (iii) Be structured to generate dialogue that leads to a clearer understanding of textual concepts.
- (iv) Require participants to make textual references.<sup>13</sup>

The questions that follow the introduction to the seminar require students to make personal connections with the text and the world outside school. For example, the questions might ask the students to share similar or different experiences as those in the text. The teacher might also pose questions that ask students to clarify their perspectives and draw on textual evidence to support their claims. The questions in a Socratic seminar might

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11 *Ibid.*

12 Socratic Seminars, Greece Central School District, New York, available at <http://www.greece.k12.ny.us/academics.cfm?subpage=1260>, (visited on January 30, 2017).

13 Heather Coffey, “*Socratic Method*”, available at [http://evergreen.edu/sites/default/files/writingcenter/docs/cv/Heather%20Coffey\\_Socratic%20method.pdf](http://evergreen.edu/sites/default/files/writingcenter/docs/cv/Heather%20Coffey_Socratic%20method.pdf), (visited on February 26, 2018).

also challenge students to make comparisons, give evidence for cause-and-effect relationships, provide suggestions for why this text might be realistic or unrealistic, and compare it to their personal lives.

This allows the students to think about important concepts in a new light. This method is ideal for questions of a philosophical nature like “*What is Beauty?*” or “*What is Life?*” However, this method may not be right for concepts that have a clear definition like “*What is a Cell?*” Based on these ideas, the Socratic method of teaching may seem to work better in some disciplines than in others. This method works well in subjective disciplines like philosophy, art, the humanities, or even the ethics of science, but it may not be the best teaching method for objective disciplines like mathematics or science.<sup>14</sup>

For the study of law subjects, this method may work better, since the study of law inherently consist of the study of human behavioural pattern.

### **Advantages of Socratic Method**

The Socratic strategy is still being used in light of the fact that it builds up various aptitudes and is outstanding instructional device. The first and most noticeable benefit is that it teaches students to think swiftly. The inquiries put forward by teachers in the middle of class are intended to exhibit a comprehension of the issues in a specific case. The scholars cannot really get ready for the teacher's inquiries and must react to it instantly. For those without involvement in face off regarding or arguable investigation, the Socratic Method challenges the scholar to be clever and tests them to deliberately express their opinions. Another skill which a scholar develops through the use of the Socratic Method is critical thinking.<sup>15</sup> Socratic Method helps the scholars to understand that there are two or more possible sides to any issue and as far the study of law is concerned, with the use of this method a competent lawyer is able to influentially be eloquent in all of them.

The advantages of Socratic Methods, are recapitulated as follows:

- (i) While using this method the teacher keeps in mind the abilities, needs and interests of the learner which proves helpful for students;
- (ii) It involves the student's participation in the subject matter;
- (iii) It helps in achieving cognitive objectives and bringing conscious level;
- (iv) Classroom verbal interaction is encouraged and

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14 Concordia University, Portland “*Should Educators use the Socratic Method of Teaching*” available at <http://education.cu-portland.edu/blog/curriculum-instruction/shouldeducators-use-the-socratic-method-of-teaching/>, (visited on January 30, 2017).

15 Washington University Law, “*The Socratic Method: Why It's Important to the Study of Law*”, available at <https://onlinelaw.wustl.edu/blog/the-socratic-method-why-itsimportant-to-the-study-of-law/>, (visited on December 4, 2017).

(v) It is a useful strategy at all the levels of education.<sup>16</sup>

Though there are many advantages to the teaching method of Socratic, it has other side also, which can be termed as the disadvantages.

### **Disadvantages of Socratic Method**

It can be observed that Socratic Method is not applicable in all kinds of teaching at all levels. Some of the teachers are also not ready to promote this method of teaching. A Socratic dialogue has been viewed as sadistic for promoting hostility and competition amongst the students. It is proved to be self-serving and destructive of positive ideological values.<sup>17</sup> Some of them are of the view that the Socratic Method fails because the interlocutor is not motivated to go through or to internalize the process or because the interlocutor is not willing to, or used to, be questioned on important issues or because the 'teacher' is not experienced with the ways in which the interaction may go.<sup>18</sup> There are different views about the Socratic Method as every coin has two sides. Apart from this, sometimes it may happen that students may not answer on the questions raised by the teacher<sup>19</sup>. Sometimes discussion may lead to different area or no outcome is seen. Former Law Professor MA wrote about Socratic Method that, 'the classes consist of twisty discussion that often have no real point and leave students even more confused than before'<sup>20</sup>. In some of the Universities students feel that the Socratic Method is the curse for every law scholar. If executed through cold calling, it meant that you sat there knowing that at any given moment you could be called upon to publicly humiliate yourself in front of your peers. There is an argument that the system itself is disadvantageous to women. More recently, according to a 2012 study at Yale Law School, men made 58 percent of comments in the classroom, while women made 42 percent.<sup>21</sup> These all shows that the Socratic Method has its own dark side also.

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16 "Socratic Method of Teaching" available at <http://www.studylecturenotes.com/curriculum-instructions/question-answer-method-of-teaching-%7C-socratic-method-of-teaching>, (visited on January 30, 2017).

17 G.M. Reddy A.R., "Law teaching methods and Techniques: A Critique with special reference to India", LEGAL EDUCATION IN INDIA-CHALLENGES AND PERSPECTIVES, ed. Rao G.M. 1<sup>st</sup> ed. 2007, pp. 103-117.

18 Omer Aygin, "What are the weaknesses of the Socratic Method?" available at <https://www.quora.com/What-are-the-weaknesses-of-the-Socratic-Method>, (visited on January 30, 2017).

19 Hess G.F. and Friedland, QUESTIONING AND DISCUSSION TECHNIQUES, Ch 3 of Techniques for Teaching Law 1999, Carolina Academic Press, USA ISBN 0-89089-785-9.

20 Joe Patrice "The Socratic Method is A Sh\*\*ty Method of Teaching" available at <https://abovethelaw.com/2014/06/former-law-prof-says-the-socratic-method-is-a-shty-method-of-teaching/>, (visited on December 4, 2017).

21 *Ibid.*

## **Legal Studies and Socratic Methods**

The Socratic technique is broadly utilized as a part of contemporary legal instruction by many schools all through the world; most graduate schools in the United States tend to utilize the Socratic Method. In a regular class, the teacher makes an inquiry and approaches scholar who could possibly have volunteered an answer. The teacher either then keeps on asking the scholar inquiries or proceeds onward to another scholar.

The Socratic Method, when applied in legal class in general procedure will be like this. It starts by approaching scholar aimlessly, and getting some information about the argument set forth by one of the judges (having majority view) in an allotted case. The opening step is to request that the scholar summarizes the contention to guarantee that they read and essentially comprehend the case. Assuming the scholar has perused the case and can express the court's contention, the teacher at that point asks whether the scholar concurs with the argument. The teacher at that point ordinarily debates for the sake of debating, endeavouring to constrain the scholar to guard his or her position by countering contentions against it.

These consequent inquiries can take a few structures. Now and again they try to challenge the suspicions whereupon the scholar based the past answer until the point that it can never again be safeguarded. Additionally, inquiries can be intended to push scholars toward more prominent specificity, either in understanding a legal principle or a specific case. The teacher may endeavour to propose a theoretical circumstance in which the scholar's contention would appear to demand an exception. At last teachers can utilize the Socratic technique to enable scholars to come to legal principle all alone through precisely worded questions that support a specific line of reasoning.

The essential objective of the Socratic technique in the graduate school setting is not to answer typically unanswerable inquiries, however to investigate the forms of regularly troublesome lawful issues and to show scholars the basic intuition aptitudes they will require as lawyers.

This is frequently done by changing the actualities of a specific case to coax out how the outcome may be extraordinary. This technique urges scholars to go past remembering the actualities of a case and rather to concentrate on use of legal principles to unmistakable certainty designs.

As the allotted writings are normally case law, the Socratic strategy, if appropriately utilized, can show that judges' choices are typically scrupulously made however depend on specific premises, convictions, and conclusions that are the subject of true blue contention.

Sometimes, the class closes with an exchange of doctrinal establishments (legal rules) to understand the concepts in contemporary lawful comprehension of an issue.

At different circumstances the class closes without such exchange forgetting scholars to figure for themselves the lawful tenets or rule that were at issue.

For this Method to work, the scholars are required to be set up for class ahead of time by perusing the allocated materials (case conclusions, notes, law articles, and so forth.) and by acquainting themselves with the general outline of the topic.

It is seen that the Chicago law school scholars found that the Socratic Method is an apparatus and a decent one that can be used to connect with a huge gathering of understudies in a talk, while examining inquiries to get at the core of the topic. The Socratic Method is not utilized at Chicago law school to threaten or to 'break up' law learners, rather Socrates created it for the specific reason that is 'to create critical thinking abilities in law scholars and empower them to approach the law as scholarly people'.<sup>22</sup>

The use of the Socratic Method has some uniform features but can also be heavily influenced by the temperament of the teacher. This shows that the teacher need to have thorough knowledge about the case, about the arguments raised by the lawyers of both sides in that case and the reasoning and decision given by the Judges in the particular case. Then only this method will be effective in law teaching.

### **Conclusion and Suggestions**

The Socratic Method can be most suitable for law teaching. The study of law, in contrast to study of science subjects, needs understanding of the human thinking process. The study of subjects of law can be best possible by this method of dialogues, discussion and critical thinking. The study of all the laws in force is not possible in the five years' law course. So, what is needed is to develop the ability in the law students, to understand the legal provisions, to understand the objective behind the law for better implementation of law and be able to apply it to the given situation.

The inherent requirement of Socratic Method of study is that the students must participate and interact in the discussion. This presupposes that the students have basic idea of the concept to be discussed. However, study of law many times involves study of various complex issues and at that stage, the Socratic Method may create confusion rather than clearing the concept. For, teaching law, the Socratic method can be effective for teaching a subject after discussing the basic concept, thereafter, the students

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22 The University of Chicago the Law School, "*The Socratic Method*", available at <https://www.law.uchicago.edu/socratic-method>, (visited on November 30, 2017).

will be encouraged to understand the niceties of the case. Apart from this, the discussion, analysis and interaction can be actually fruitful amongst a limited number of students which could be ideally 15 to 20 students.

It is therefore suggested that the Socratic Method for law teaching can achieve the best results by targeting a smaller group of students.

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# CAFETERIA-STYLE TEACHING METHODOLOGY: AN ANALYSIS

Shreya Mishra\*

## Abstract

*The conventional methods of teaching have seen a gradual change over the years. The innovation and change in teaching methods has been necessitated with the mushrooming of a number of institutions catering to students from diverse backgrounds and their varied interests in terms of the choice of subjects. One of the many changes has been brought about by the cafeteria-style teaching methodology. The cafeteria-style teaching methodology is essentially both instructor-friendly as well as student-oriented in terms of the choices that could be offered. In India, the cafeteria-style teaching methodology has been adopted in the form of Choice Based Credit System (CBCS) by the University Grants Commission (UGC) as part of a transitional phase in the education system of the country. In addition, the introduction of the cafeteria-style teaching methodology has helped further in its evolution and manifestation in various forms in the classroom. Through this paper, the author attempts to present a detailed analysis of the implementation of the cafeteria-style teaching methodology. Part II of the paper describes the cafeteria-style teaching methodology, both in terms of the concept as well as the possibility of various manifestations thereof. Part III of the paper highlights the conflict that could arise with the application of cafeteria-style teaching methodology to pedagogy and andragogy; and its possible reconciliation through the execution of the cafeteria-style through a 'phased-interdisciplinary approach'. Parts IV and V discuss the advantages and disadvantages respectively of the cafeteria-style teaching methodology. Part VI summarises and concludes the paper.*

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**Keywords:** Cafeteria, Phased-interdisciplinary approach, Pedagogy, Andragogy, Choice-Based Credit System.

## Introduction

Albert Einstein aptly said, “[e]ducation is not the learning of facts but the training of the mind to think”. Teaching involves a two-way communication between the ones who teach and those being taught. This communication comprises of listening, interrogation, and assimilation on the

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part of the student; and a process of what could be considered ‘creative unlearning’ on the part of the teacher. His or her prowess as a teacher largely depends on his/her own ability to assimilate information and present it to the students in a lucid, comprehensible form. Teaching methodology has traditionally been understood to comprise of the ‘lecture method’, wherein a teacher imparts knowledge through a lecture. For the students who are not very inquisitive, the lecture method works very well as they tend to take down copious notes for future reference. For many others though, it frequently works as a disadvantage as they often lose the opportunity to ask questions. Nowadays, conventional methods of teaching are gradually undergoing transformation in many parts of the world. Some of the factors driving the need to constantly improve the methods of teaching include--- different comprehension levels of students, convenience of both teacher and students, and the need for less gap between knowing and doing. Some of these methods are increasingly being adopted and encouraged in the Indian education system whereas some are in the nascent stages of adoption by Colleges and Universities in India.

The ‘cafeteria-style teaching’ is a method that could be placed somewhere in the middle of the two stages. The cafeteria method of teaching, as the name suggests, utilises a set of options which are used as tools for teaching and/or evaluation, similar to the assorted menu in a cafeteria. In the light of widely practised methods of teaching, the present paper expounds the nature, merits, and demerits of the cafeteria style of teaching. Part-II of the paper discusses the meaning of cafeteria-style teaching and explores the possibility of its different interpretations. Part-III discusses the cafeteria-style teaching in the light of utilisation of resources for a target audience, such as undergraduate students and postgraduate degree students. In other words, the utilisation of pedagogical approach and/or andragogical approach has been taken into consideration. In particular, the author has discussed her own observations with regard to the same. The author has proposed to call the intersection of cafeteria-style teaching with andragogical and pedagogical approaches as ‘phased-interdisciplinary approach’. Parts-IV and-V discuss the advantages and disadvantages of the cafeteria-style of teaching. Part-VI provides a summary of the research and concludes the paper.

### **Meaning of Cafeteria-Style teaching**

The cafeteria-style teaching witnessed its beginnings in India when the University Grants Commission (UGC) introduced Choice-Based Credit System (CBCS), which requires students to choose from an array of

‘elective courses’ in addition to ‘core courses’ as part of the curriculum. The UGC defined the CBCS in its guidelines in terms of a cafeteria approach by delineating that “[t]he choice based credit system provides a ‘cafeteria’ type approach in which the students can take courses of their choice, learn at their own pace, undergo additional courses and acquire more than the required credits, and adopt an interdisciplinary approach to learning”.<sup>1</sup> It was introduced with the aim of encouraging interdisciplinary education, so that a student who was pursuing a course such as B.Com. could also pursue some elective courses of his/her own interest, that may or may not be directly related to B.Com. subjects. Each subject is allotted a certain number of credit which is used as a tool to evaluate a student’s academic performance. Under this system, a student is provided the freedom to choose a course and also choose the pace at which he/she would want to study. Thus, the cafeteria-style teaching provides ‘choice’ to students. It develops in them the ability to take fruitful decisions about their academic career.

However, the cafeteria-style teaching does not necessarily restrict itself to the choice involved in the selection of subjects. The cafeteria-style teaching could also be adopted within the classroom, i.e., as a broad method comprising the selection of different methods depending upon the nature of the topic, in order to address the students’ doubts better and to make both the teacher and students flexible in their approach towards study and analysis of a subject. This flexibility in approaches could refer to the utilisation of content involving the application of ‘soft skills’;<sup>2</sup> or it could refer to the varied selection of sources of teaching material, the selection of different modes of study based on different topics, selection of resources on the basis of maturity of students (pedagogical and andragogical resources), etc. In the context of instruction, it could also imply the selection of more number of teachers for a single subject, with the adoption of patterns such as one teacher being responsible for core teaching, and the other being responsible for setting the question papers,<sup>3</sup> or some portion of the syllabus being completed by in-house faculty, and some portion of the syllabus being completed by external faculty from other universities. A few of these

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1 UGC Guidelines on Adoption of Choice Based Credit System, December 2014, December 2015, p. 2, available at [https://www.ugc.ac.in/pdfnews/9555132\\_Guidelines.pdf](https://www.ugc.ac.in/pdfnews/9555132_Guidelines.pdf), (visited on December 1, 2017).

2 Douglas, et al., “*Let them Choose: Cafeteria Learning Style for Adults*”, ATD Press, 2016, p. xii, available at <https://www.td.org/Publications/Books/Let-Them-Choose>, (visited on November 25, 2017).

3 Vilanila, J.V., PUBLIC RELATIONS IN INDIA: NEW TASKS AND RESPONSIBILITIES, 2011, p. 44, available at <https://books.google.co.in/books>, (visited on December 1, 2017).

interpretations of the cafeteria-style teaching have been dealt with in detail in the following parts of the paper.

### **Pedagogy v. Andragogy in Cafeteria-Style Teaching**

Teaching through pedagogical mode takes into account the assumption that students are dependent on their teachers and as such, generally do not introduce novel ideas during the course of classroom teaching.<sup>4</sup> Another assumption is that the motivation to attend a class is primarily external in nature. On the other hand, teaching through the andragogy mode takes into consideration the fact that students are mostly “self-directed”,<sup>5</sup> because they are adults. One of the foremost assumptions in the andragogy mode include the provision of a cafeteria-style approach in teaching.<sup>6</sup> This difference<sup>7</sup> between pedagogy and andragogy is easily applicable to the difference in curricula designed for school students on one hand, and for college or university students on the other.<sup>8</sup> Applying the same distinction to the curricula for undergraduate as well as postgraduate courses becomes difficult at times. The Five-Year Integrated (FYI) B.A.LL.B.(Hons.) degree

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4. Blondy, Laurie C., “*Evaluation and Application of Andragogical Assumptions to the Adult Online Learning Environment*”, JOURNAL OF INTERACTIVE ONLINE LEARNING, Vol. 6, No. 2, 2007, available at <http://www.ncolr.org/jiol/issues/pdf/6.2.3.pdf>, (visited on October 28, 2017).
  5. Malcolm Knowles formulated a set of five assumptions centred around his concept of andragogy. The five assumptions of andragogy are that adults are self-directed learners, adult learners bring a wealth of experience to the educational setting, adults enter educational settings ready to learn, adults are problem-centered in their learning, and adults are best motivated by internal factors. Knowles, quoted in Laurie C. Blondy, “*Evaluation and Application of Andragogical Assumptions to the Adult Online Learning Environment*”, JOURNAL OF INTERACTIVE ONLINE LEARNING, Vol. 6, No. 2, 2007, available at <http://www.ncolr.org/jiol/issues/pdf/6.2.3.pdf>, (visited on October 28, 2017).
  6. Gardner, Susan K. et al., “*Engaging Graduate and Professional Students, in Quaye, Stephen John, and Harper, Shaun R., Student Engagement in Higher Education: Theoretical Perspectives and Practical Approaches for Diverse Populations*”, 2<sup>nd</sup> ed. 2015, p. 344, available at <https://books.google.co.in/books>, (visited on November 25, 2017).
  7. According to Knowles, there are basic differences between the assumptions of andragogy and those of pedagogy, one of the most contrasting being the fact that in case of assumptions of pedagogy, “learners are dependent personalities who bring little or no experience to the educational activity and learners attend to such activities because they have been told they need to do so”. Knowles, quoted in Laurie C. Blondy, “*Evaluation and Application of Andragogical Assumptions to the Adult Online Learning Environment*”, JOURNAL OF INTERACTIVE ONLINE LEARNING, Vol. 6, No. 2, 2007, available at <http://www.ncolr.org/jiol/issues/pdf/6.2.3.pdf>, (visited on October 28, 2017).
  8. McKenzie et al., THE RELIGIOUS EDUCATION OF ADULTS, 2002, p. 141. <https://books.google.co.in/books>, (visited on November 25, 2017).

course vis-à-vis One-year LL.M. course imparted in most of the National Law Universities of India is a case in point.

A student begins his/her undergraduate studies at a National Law University at ages ranging from 16-18 years. Since it is an integrated course, they have to adapt skills required for both humanities<sup>9</sup> (such as an ability to remember events and dates, correlate between the past and the present, critically analyse the various theories, etc.) as well those required for law subjects (such as the ability to remember reasoning in case laws, correlate the bare wordings in a legislation with the circumstances before the Court(s), understand why and how a case is admitted to a particular jurisdiction, drafting a case in a proper format, and so on ). A student entering in a National Law University as a fresher, could in many cases be, already an adult, i.e., 18 or above 18 years of age. In any case, by the second or the third year of studies, a student would definitely become an adult. Thus, the assumptions of both pedagogical as well as andragogical approaches get diluted in case of the FYI B.A.LL.B.(Hons.) degree course, if one considers the age criteria. If one removes the age criteria, one could assume that the pedagogical approach could be applied to the undergraduate students and the andragogical approach could be applied to the postgraduate students. But in reality, a common factor in the set of skills required for both humanities as well as law subjects is the ability to evaluate or examine or critically analyse an event or a given situation. In examination, this is gauged through the purposeful inclusion of words such as 'examine', 'evaluate', 'critically evaluate', 'critically analyse', 'discuss' in questions. Thus, a student is expected to bring forth his reasoning abilities into action. This consequently leads to students forming varied opinions on a single situation or event. During five years, a continuous process of such evaluation transforms a mind full of both questions as well as reasonable answers, and by the end of five years, most of the students become ready to embark on another journey of higher education.

It can thus be inferred that the strict distinction between pedagogical as well as andragogical modes diminish in case of the FYI B.A.LL.B.(Hons.) degree course. Despite this inference, it has been observed by the author that the existence of a distinction cannot be denied. When it comes to teaching undergraduate and postgraduate degree students, a marked difference exists

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9 Often, in some universities in the world, Law is considered a part of 'Humanities', but the author has chosen the traditional distinction between subjects recognized as 'Law' subjects as well those recognized as 'Humanities' subjects for the purpose of this article. Humanities subjects include subjects such as Economics, History, Political Science and Sociology.

not only in the subject delivery, but also in the comfort level with the subjects of the concerned students. Furthermore, the pedagogical and/or andragogical approaches could at times, conflict with the basic element of 'choice' involved in the cafeteria-style of teaching. The author shall attempt to elaborate these observations with a few examples.

The author had the opportunity to teach international relations as part of the curriculum of 'Political Science-II' during January-April 2017; and 'International Law' during July-November 2017. During the past one year, the author has also been part of the compulsory subject titled 'Law and Justice in a Globalizing World', currently being offered to the one year LL.M. degree course students. The author has utilised the cafeteria-style teaching in some ways during the teaching of the latter two courses. While offering 'International Law' as a subject, the author chose to adopt what the author refers to as 'phased-interdisciplinary approach' towards teaching the subject. The author considers this approach as an extension of the cafeteria-style teaching because the choice involved here was that of the instructor to adopt such an approach, and it was adopted during different phases depending on the demands of the students for a better explanation. First, a study of the subject 'Jurisprudence' was indispensable in order to understand the 'meaning and development of International Law', which was completed through relevant lessons during the first two weeks of the semester. Second, during the month of August-September, while discussing topics such as the sui generis entities such as the Holy See, the Palestine Liberation Organization (PLO), the Sovereign Military Order of Malta, etc.; and cases such as *Liechtenstein v. Guatemala* (Nottebohm Case),<sup>10</sup> *Gulf of Maine case*,<sup>11</sup> *M/V Saiga (No.2)* (*Saint Vincent and Grenadines v. Guinea*),<sup>12</sup> etc.; and cases involving maritime delimitation, determination of jurisdiction over fisheries and/or the delimitation of the Continental Shelf;<sup>13</sup> and principles such as 'Thalweg Doctrine', the author realised that without basic knowledge of world geography (location of countries, concept of 'thalweg', maritime zones etc.), it would be difficult for students to recall concepts during examination. Third, during the semester, while explaining cases such

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10 Nottebohm Case (second phase), Judgment of April 6<sup>th</sup>, 1955: I.C. J. Reports 1955, p. 4.

11 Delimitation of the Maritime Boundary in the Gulf of Maine Area, Judgment, I.C.J. Reports 1984, p. 246.

12 The M/V "SAIGA" (No. 2) Case, (*Saint Vincent and the Grenadines v. Guinea*), Judgment, ITLOS Reports 1999.

13 Fisheries Jurisdiction (*United Kingdom v. Zealand*), Merits, Judgment, I.C.J. Reports 1974, p. 3., Fisheries case, Judgment of December 18<sup>th</sup> 1951: I.C. J. Reports 1951, p. 116., North Sea Continental Shelf, Judgment, I.C.J. Reports 1969, p. 3., Maritime Delimitation and Territorial Questions between Qatar and Bahrain, Merits, Judgment, I. C. J. Reports 2001, p. 40.

as *Haile Selassie v. Cable and Wireless Ltd.(No.2)*,<sup>14</sup> *Salimoff & Co. v. Standard Oil Co. of New York*,<sup>15</sup> *Interpretation of Peace Treaties*<sup>16</sup> Advisory Opinion, *Alabama Claims* arbitration,<sup>17</sup> *Reparations* Advisory Opinion,<sup>18</sup> *Wall* Advisory Opinion,<sup>19</sup> the author found it necessary to impart knowledge of many topics of world history that they may not have studied during their schooling, such as the invasion of Ethiopia, the recognition by United States of the Soviet Union, conclusion of Peace Treaties of the Allied Powers with Axis (Minor) powers in the aftermath of the Second World War, the American Civil War, Sykes-Picot Agreement and Balfour Declaration, Mandate system of the League of Nations, Balkan War and dissolution of the Ottoman Empire, the cause of the dispute between Israel and Palestine, etc. Fourth, knowledge of international relations was automatically imparted at different periods during the semester. It was inferred by the author on the basis of this experience that there existed a visible incompatibility between the 'pure' pedagogical approach and the element of 'choice' involved in the cafeteria approach. On one hand, it was indeed adopted by the author in order to cater to the needs of the students, but on the other, the adoption of this 'phased-interdisciplinary' approach simultaneously meant that the students were dependent on the information for understanding the cases and the concepts. It could nevertheless be inferred that the adoption of this approach proved beneficial in case of its convergence with the andragogical approach, where students had the choice to refer to material belonging to different subjects in order to comprehend a topic.

### **Advantages of Cafeteria-Style Teaching**

The cafeteria-style teaching has several advantages. Since, the choice invariably belongs to a student, it relaxes his/her burden. Secondly, it increases the productivity of students as they continue to fulfil the objectives of the course curriculum by opting courses of their choice. Thirdly, the Grade Point Average (GPA) evaluation helps to promote healthy competition among students. Fourthly, the GPA evaluation system also helps advance the notion of fairness in evaluation. Fifthly, as the number of students varies with the number of subjects opted for; class strength reduces

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14 [1939] 1 Ch. 182.

15 186 N.E. 679 (1933).

16 Interpretation of Peace Treaties (second phase), Advisory Opinion: I.C. J. Reports 1950, p. 221.

17 *United States of America v. Great Britain*, RIAA (1872).

18 Reparation for injuries suffered in the service of the United Nations, Advisory Opinion: I.C. J. Reports 1949, p. 174.

19 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136.

which in turn leads to better teacher-student ratio and better learning. The most unique aspect about the cafeteria-style teaching is that it appropriately represents what is known as the “*knowledge transmission model*”.<sup>20</sup> By employing a student-centric approach, it facilitates “*5Cs-collaboration, communication, critical thinking, creativity and student choice*”.<sup>21</sup> In professional law institutes, such as National Law Universities, the cafeteria-style teaching method in its literal sense is being adopted in the curriculum by introduction of electives in the fourth and fifth year of B.A.LL.B.(Hons.) degree course and in one-year LL.M. degree course. The number of credits and teaching hours helps both students and teachers in ensuring that the learning process stays organized and systematic during a semester/trimester. The implementation of the cafeteria-style teaching can be easily aligned to the course objectives, despite its multifarious nature. This is so because the experiential approach helps in the completion of the course in ways that are interesting for both teachers and students. In addition, the grading process remains transparent owing to different parameters for evaluation, such as letter-grading system.<sup>22</sup>

In India, the adoption of the guidelines brought out by UGC for implementation of the cafeteria-style teaching in the form of Choice Based Credit System (CBCS) by Higher Education Institutions (HEIs) is a case in point. The guidelines were applicable to “*all undergraduate and postgraduate level degree, diploma and certificate programmes, offered by Central, State and deemed-to-be-universities in India*”.<sup>23</sup> The CBCS was introduced because of its inherent advantage of facilitating both “*vertical and horizontal mobility*”<sup>24</sup> during the learning process. As of 2015, close to

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20 Bailey, Thomas R. et al., REDESIGNING AMERICA’S COMMUNITY COLLEGES: A CLEARER PATH TO STUDENT SUCCESS, 2015, p. 88, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 25, 2017).

21 Ruhl, Joe. “*Teaching Methods for Inspiring the Students of the Future*”, YouTube. 27 May. 2015. TEDxLafayette, available at [www.youtube.com/watch?v=UCFg9bcW7Bk&t=3s](http://www.youtube.com/watch?v=UCFg9bcW7Bk&t=3s), (visited on January 18, 2017).

22 The letter-grading system has been adopted in leading institutions of the world, such as Stanford and McGill universities and is now being implemented in leading institutions of India, available at <https://registrar.stanford.edu/students/definition-grades/graduate-school-business-grading-system>; [https://www.mcgill.ca/study/2015-2016/university\\_regulations\\_and\\_resources/undergraduate/gi\\_grading\\_and\\_grade\\_point\\_averages](https://www.mcgill.ca/study/2015-2016/university_regulations_and_resources/undergraduate/gi_grading_and_grade_point_averages), (visited on December 1, 2017).

23 Sinha, Nikhil. “*On Your Marks*”, THE INDIAN EXPRESS, June 29, 2015, available at <http://indianexpress.com/article/opinion/columns/on-your-marks/>, (visited on December 1, 2017).

24 Ravi, V., COMPARATIVE EDUCATION, 2<sup>nd</sup> ed. 2016, p. 80, available at <https://books.google.co.in/books>, (visited on December 2, 2017).



71 HEIs including the 39 Central Universities had adopted the CBCS,<sup>25</sup> with 37 Central Universities having adopted the CBCS at the postgraduate level, and 18 Central Universities having adopted the CBCS at the undergraduate level.<sup>26</sup> With some more experiments, the evaluation/ student-feedback system can be upgraded to an even more flexible criteria-based cafeteria-style system. One of such experiments proved to be successful in Purdue University<sup>27</sup> where the students were provided with an evaluation scale ‘A-B-C-D-E-F’ to assess their own comprehension of a taught topic, where each letter represented a criterion.<sup>28</sup> A few universities in India<sup>29</sup> have applied this method of feedback system based on their own customized criteria, one of them being anonymity of the students. Furthermore, the utilisation of the proposed ‘phased-interdisciplinary approach’ offers an advantage in that a broad spectrum of choices could be utilised by students in terms of writing projects or research papers or term papers. This approach would not only ensure that students and teachers alike adopt a creative approach towards studying and teaching respectively; but it would also inculcate values such as cooperation, amicability, harmony, and healthy competition among students.

### **Disadvantages of Cafeteria-Style Teaching**

In the late 19<sup>th</sup> century in the United States of America, many colleges and universities including some of the Ivy League universities (such as Princeton, Columbia) rebelled against the introduction of cafeteria-style elective courses that had begun in Harvard University under President Charles W. Eliot.<sup>30</sup> Similarly, new teaching methodologies were being discussed in 1980s in the wake of the finding that cafeteria-style

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25 “All 39 Central Universities have agreed to adopt CBCS”, Smriti Irani, India, July 28, 2015, available at <http://www.india.com/education/all-39-central-universities-have-agreed-to-adopt-cbcs-smriti-irani-1580620/>, (visited on December 2, 2017).

26 “All Central Universities agree to roll out CBCS”, THE ECONOMIC TIMES, July 7, 2015, available at <https://economictimes.indiatimes.com/industry/services/education/all-central-universities-agree-to-roll-out-cbcs/articleshow/47977961.cms>, (visited on December 2, 2017).

27 Purdue University was founded in 1869 in Indiana State of the United States of America. It has been ranked among the top 25 public universities of USA, according to U.S. News and World Report, available at <http://www.purdue.edu/newsroom/rankings/ranking.html>, (visited on December 2, 2017).

28 Meyer, D.G., “A criteria-based course and instructor evaluation system: Recent experiences in development and utilization”, Conference: Frontiers in Education Conference, 1997, 27<sup>th</sup> Annual Conference, Teaching and Learning in an Era of Change, Proceedings, Volume 1, 1997, available at [www.ieeexplore.ieee.org/document/644839/](http://www.ieeexplore.ieee.org/document/644839/), (visited on January 18, 2017).

29 Eg-The West Bengal National University of Juridical Sciences (WBNUJS), Kolkata.

30 PRINCETON ALUMNI WEEKLY, Vol. 87, p. 14, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 19, 2017).

'Implementing In-Service Education and Training' (INSET) were not improving the state of education.<sup>31</sup> In India, cafeteria-style teaching has been only recently initiated over the past few years as an experiment in various universities, but the experience of implementing the model has shown that there are some defects for which it has been widely criticized.

At times, the style is implemented in the classroom through multiple teachers. Although this facilitates a variety of information being imparted to the students, it also renders the students confused due to any inconsistency in the rotation order of multiple lecturers. In addition, each teacher brings a different perspective to the classroom, which may cause further confusion regarding the same concept in a subject, and the students may feel clueless about the veracity of an explanation.<sup>32</sup> Another concern is the implication that two or more courses in the framework may seem disconnected and mutually non-exclusive. A student may opt for an elective of one's own choice in one semester, but may not be aware whether his/her selection would be beneficial for him/her in the long run. Furthermore, a teacher may consider it unnecessary to mention an important concept because it may be part of a subject that a majority of students might not have opted for.<sup>33</sup> With so much variation in the content, a teacher may not be able to select the best medium for imparting education out of many available options- board-and-pen, power point presentation, charts and diagrams, etc. and render his/her teaching disorganized and ineffective. This can create a vicious circle, where a teacher would have no incentive to improvise the content or to take up challenging exercises in the classroom. The decorum and discipline in a classroom might get diluted in some cases. In addition, this may have a negative impact on the academic rigour and affect learning outcomes as well as results of the students. Many such demerits have been elaborated in the landmark judgment of the District Court, New Mexico wherein the Court held that the model was in its infant stages, and suffered from lack of transparency on account of ambiguity with respect to 'highly objective criteria' for evaluation.<sup>34</sup> In India, the Semester system which is usually

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31 Burgess, Robert G., et al., *Implementing In-service Education and Training*, 2013, p. 71, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 19, 2017).

32 Mandelbaum, David G. et al., *THE TEACHING OF ANTHROPOLOGY*, 1963, p. 506, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 22, 2017).

33 Bailey, Thomas R. et al., *REDESIGNING AMERICA'S COMMUNITY COLLEGES: A CLEARER PATH TO STUDENT SUCCESS*, 2015, p. 88, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 25, 2017).

34 Amrein-Beardsley, Audrey, *Victory in Court: Consequences Attached to VAMs Suspended Throughout New Mexico*, Vamboozled, December 3, 2015, by Audrey Amrein-Beardsley schools, available at <http://www.vamboozled.com/victory-in-court->

based on cafeteria-style teaching, has been criticised for similar reasons,<sup>35</sup> one of them being that it has trivialised humanities and social science courses.<sup>36</sup>

Cafeteria-style teaching has the potential to induce complacency among the students and can veil the merits of continuous, systematic general education courses.<sup>37</sup> Although not anticipated at first, the cafeteria-style teaching in a few institutions in the world has also led students to select subjects that manifest a “gendered spectrum”.<sup>38</sup> This happens due to conscious decision-making by a group of students. For instance, in an Indian scenario, a female student might want to opt for a course in women’s rights laws whereas a male student might opt for mining laws. It results in a paradoxical situation because these choices usually reflect the gender-biased notions and identities of otherwise well-educated students. E.D. Hirsch opines that the divergence in choices combined with a lack of hands-on approach results in a deterioration of a common cultural literacy with which a pool of students is apt to identify. He aptly calls it ‘cultural fragmentation’.<sup>39</sup> According to Chickering and Gamson, a curriculum which does not provide students with options to choose from is more successful than the cafeteria approach as it provides a proper direction to both teachers and students and is thus, more effective.<sup>40</sup>

## Conclusion

There are many ways to teach the students, and all of them have their merits and demerits. Almost all methods of teaching could be employed at some time or the other provided they do not tend to modify or usurp the main framework of a course. The availability of various teaching methods ensures that even if an education system is structured in a linear, hierarchical format, the teaching can be made flexible according to the need and

consequences-attached-to-vams-suspended-throughout-new-mexico/, (visited on January 25, 2017).

35 Agrawal, K.P., DELHI: A ROLE MODEL OF URBAN INDIA- PART 1, Ebooks2go, 2016, p. 27, available at <https://books.google.co.in/books>, (visited on December 1, 2017).

36 *Ibid.*

37 Banta, Trudy W., Polomba, Catherine A. ASSESSMENT ESSENTIALS: PLANNING, IMPLEMENTING, AND IMPROVING ASSESSMENT IN HIGHER EDUCATION, 2014, p. 112, available at [www.books.google.co.in/books?id=rO\\_sBQAAQBAJ&dq=cafeteria+style+assessment&source=gbs\\_navlinks\\_s\\_](http://www.books.google.co.in/books?id=rO_sBQAAQBAJ&dq=cafeteria+style+assessment&source=gbs_navlinks_s_) (visited on January 25, 2017).

38 Dominic Wyse, Dominic, et al., THE SAGE HANDBOOK OF CURRICULUM, PEDAGOGY AND ASSESSMENT, 2016, p. 252, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 27, 2017).

39 Hirsch, E.D., “Cultural Literacy”, available at <http://www.newlearningonline.com/new-learning/chapter-7/e.d.-hirsch-on-cultural-literacy>, (visited on January 24, 2017).

40 Matthews, Joseph R., LIBRARY ASSESSMENT IN HIGHER EDUCATION, p. 33. 2<sup>nd</sup> ed. 2015, p. 33, available at [www.books.google.co.in/books](http://www.books.google.co.in/books), (visited on January 28, 2017).

convenience of the generation. Teaching can be turned into an art or science, depending upon what is preferred by the students. The variety of teaching methods is testimony to the fact that education should be taken seriously, even if it is imparted in non-serious or less stringent ways.

Often, cafeteria-style teaching is still considered a transitional form of teaching and thus, many people in the teaching fraternity are often sceptical regarding it. Moreover, the above analysis shows that cafeteria-style teaching cannot have similar components for students of different age groups. On one hand, cafeteria-style teaching is touted as a truly unique experiment, while on the other it is discouraged for lack of clarity and multidirectional approach. The cafeteria-style teaching can prove immensely beneficial for advancing the aims of interdisciplinary studies across courses. However, it may lead to confusion regarding the structure and purpose of a particular course. The flexibility, which is characteristic of this method, may lead to inertia among the students, leading to downfall in the quality of education. Nevertheless, the method is often popular among the students because it allows them freedom to think for themselves and take informed decisions.

In order to derive the best out of this style of teaching, it is crucial that the number of choices is not limited. Availability of choices in this style of teaching is directly proportional to the teaching outcomes, which is the desired result of such methodology of teaching. Furthermore, feedback forms and evaluation forms could be used for research and development purposes, in order to enhance the quality of such mode of education. Such research will also be beneficial to the universities across the country and the world, and will help to identify measures to be taken for improvisation.

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# ROLE PLAY AND SIMULATION METHOD OF TEACHING FOR HUMANITIES, SOCIAL SCIENCES AND LAW

Sopan Shinde\*

## Abstract

*Professional legal education aims to develop critical legal thinking among the students while nurturing advocacy skills of applying such thinking to practice at bar and the bench. Unlike other professional courses of engineering wherein the subject matter is tangible in the form of machines, legal education poses students to abstract notions of socio-legal issues which are intangible in nature making problem solving a very complex process. Therefore, teaching 'thinking like lawyers' requires methods that could avail students a first-hand experience of critical legal thinking and problem solving. Role Play and Simulation, like the apprenticeship model of training, makes legal education experiential providing student opportunities to enter into the shoes of socially competent decision makers such as lawyers and judges. This paper explores Role Play and Simulation as a teaching method to teach Humanities and Social Sciences in law schools.*

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**Keywords:** Professional legal education, Critical legal thinking, Advocacy skills, Problem solving, Role Play and Simulation, Thinking like lawyers, Socially competent decision makers.

## Introduction

*We teach best what we most need to learn.*

Apprenticeship was an education system in itself in the ancient past and it has been persevered in the form of educational theory and teaching method by virtue of its foundation on direct experience of the skills to be acquired with mentoring from more experienced person. The apprenticeship model takes students beyond the abstract classroom teaching and puts them directly in charge of decision making or application of tools. It puts students in the context of learning and practicing skills and knowledge. In short, apprenticeship does definitely take learning out of the limits of traditional teaching methods such as lecturing. However, it may not be applicable to all kind of decision situations, particularly those which do not involve machines and technology. Therefore, in order to teach complex situations from literature, complex social decisions in real social context, legal decisions that happen in different judicial systems either with a single judge, a bench or set

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of jury members, there is an ardent need for an experiential learning model like apprenticeship. This necessity for experiential learning model in abstract domains such as social sciences, humanities and law have given birth to the teaching method known as 'Role Play and Simulation'. In this paper, the researcher attempts to introduce 'Role Play and Simulation' with application to teaching humanities and social sciences in legal education.

It is a human tendency to take experiences as a premise for assumptions about life. Teachers are no strangers to this tendency and they conduct hardly any enquiry into 'how students learn or want to learn' and teach students the way they have learnt themselves assuming that to be the best way. 'Student-centric' is a watchword in modern education and scholarship encompassing methods of teaching that shift the focus of instruction from the teacher to the learner. It puts responsibility for the learning path in the hands of students while teachers assume the role of facilitators. Indian education system is keen on adopting student centric curricula and encourages teachers to become facilitators. However, the role of facilitator is much more complex and demanding, because, apart from subject knowledge that a teacher must have, the teacher who facilitates has to know his students and the way they learn. At this juncture, it is important to acknowledge that today's generation of students is growing in the rapidly technology enabling world. It is a tech-enabled generation which we fondly call Digital Generation or D-gen. For all preceding generations, word from teacher's mouth and books in the library were the major points of access to knowledge; on the contrary, Digital Generation has a plethora of access points from Google guru to several social networking platforms. If we think that passing on information is teaching, modern technology does that much effectively than a human being can manage as a teacher. Therefore, construction of knowledge needs to be put at the centre of educational arena and all teaching methods need to be deconstructed and reconstructed to suit the Digital Generation/ D-Gen. In this paper, the researcher attempts to bring in technology based solutions while applying Role Play and Simulation to teaching humanities and social sciences in legal education.

Teaching and learning are to be seen complementary to each other; analogically, a single chemical procedure with three substances that interact: teacher, students, and knowledge. Ideally, no substance should be a catalyst, because if an element has not changed, has not learnt anything. Moving towards more practical grounds stemmed from this analogy, we need to deconstruct and reconstruct every teaching method that we employ in the light of 'how learning happens'. We may not be so successful if our teaching is either framed on how we learnt ourselves as students, or not framed on the basis of how learning happens at all. Because the process of learning is intangible or abstract process, the question of how leaning happens has

always remained a difficult one to answer.<sup>1</sup> However, we can simplify the matter with three things at hand to consider i.e. (a) Who are our pupils? (b) What are we teaching them? and (c) Why?

Our students are born on the eve of twentieth century and growing up in the rapidly transforming world of twenty-first century. The social life of this digital generation is different from the one the previous one grew up in. Previous generations respected teachers just because they were teachers or out of fear of caning, apart from the genuine respect for the lighthouse of knowledge. This tech-savvy generation who can tell you what is wrong with your smart- phone with an intriguing confidence, may not respect for respect's sake. They are in and out of social network, creating a new society for themselves; their social reality is different; the way they perceive the world around is different; and the way 'they learn' must be different too.

The new generation students are individuals. They might sit alone fiddling with their lap-tops or Smartphone. They might not go door to door catching up with friends, but they are more connected than we might assume. They may not be found in the libraries, but possibility is that they are carrying digital libraries with them. They may not write on paper and carry a stack of notebooks, but the fingers on keyboard might express volumes. Our student generation has outgrown the addiction to technology to instant hyper-texting, fast downloading, and effective communication via cell phone and text messaging.

All generations have despised their successors for walking ahead of them giving no heed to offers of handholding. But it is exactly at this juncture, the real educationists have to make the difference. Methods of teaching, which may have a proven track record for whatever reasons, need to be revisited, deconstructed, and reconstructed. The best effort in this regard would be no effort: let the learning happen. Role Play and Simulation would be the best method to consider for this analysis of reconstructing the methods.

### **Concept of Role Play and Simulation**

Role Play and Simulation are part of active learning approaches used in higher education wherein teachers engage students potentially and strengthen their understanding. In this teaching method, students are given an opportunity to participate and act out the role of a particular character in a specific situation. Participants makes presentation assuming the role of a character and abiding by a set of social norms and presentation rules imposed by situation and its context. Though Simulation is often used interchangeably with Role Play, it is different in certain respect. In simulation, students take part in those imaginary situations as themselves unlike Role Play wherein they enact individuals other than themselves.

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1 A Handbook of TEACHING AND LEARNING IN HIGHER EDUCATION, 2008, p. 8.

However, a common principle among them- students imagine themselves in a situation outside the classroom, use language, think, act and react suitable to that context-is so fundamental to the domain of active learning that they have assumed such interchangeable nature.

Simulation is traditionally known as role play teaching method which mimics real life situations. It enables the students to play an important role by taking part in dramatic representations of real life. In humanities and social sciences, choices that the characters or real life people make and the decisions they take are important for students to understand. In that way, lawyers and judges are also the people who make social choices and decisions for others. When it comes to educating such decision makers in thinking like those real life people (teaching to think like a lawyer for example), the best approach is to give them that experience and lead them to making their own inferences and judgments through such social procedures. Simulation or role play is the method that gives students personal experience of making decisions in situations that resemble complex professional situations and see for themselves the influence of those decisions on the outcome.

The term simulation is often used to refer to a variety of techniques used to mimic some social, political, economic, or psychological process.<sup>2</sup> Simulations focus students' attention not only on the decisions but also on the process of making those decisions. Unless you can put yourself in the shoes of the decision maker and understand the context in which the decision is made, you have not really understood the decision.<sup>3</sup> Socio-political and economic decisions that a parliament or judiciary makes are complex and involve similarly complex procedure. Not only are they made in a particular social context which brings in added dimensions of complexity, but also have diverse possibilities of repercussions on the society. Therefore, when it comes to training students to be stakeholders in such a process, giving information is not sufficient. Role Play and Simulations give the instructors an opportunity to design the situations and contexts artificially to emulate different decision topics. To summarize, simulation or role play method is an attempt of instructors to create synthetic or artificial situations to teach students about decisions or their process.

Role Play and Simulation are directly related to social nature or aspects of learning, they support students in learning to use other people's perspectives and thereby expand the horizons of their own thinking and conceptualization of issues. While playing their own roles, students learn to adjust with others and enhance their interpersonal and professional relations. In this sense,

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2 Steve Cohen et al., VIRTUAL DECISIONS: DIGITAL SIMULATIONS FOR TEACHING REASONING IN SOCIAL SCIENCE AND HUMANITIES, 2010, p. 4.

3 *Ibid.*, p. 12.



Role Play and Simulation are social in the real sense and are highly significant to teaching humanities, social sciences and law.

### **Characteristics of Role Play and Simulation**

M.E. Gredler gives five characteristics of simulation in his *Designing and Evaluating Games and Simulations*, which are applicable to Role Play and could further elaborate both the concepts:

1. Role Play and Simulations are problem based units of learning that are set in motion by a particular task, issue, policy, crisis or a problem. The problems to be addressed by the participant may either be implicit or explicit, depending on the nature of simulation.
2. The subject matter, setting issues inherent in simulation are not textbook problems or questions in which answers are determined quickly.
3. Participants carry out functions associated with their roles and the settings in which they find themselves.
4. Outcomes of the simulation are not determined by chance or luck. Instead, participants experience consequences that follow from their own actions.
5. Participants experience reality of function to the extent that they fulfil their roles conscientiously and in a professional manner, executing all the rights, privileges and responsibilities associated with the role.<sup>4</sup>

Students have to improve their understanding of complex social decisions, and books or lectures actually remove them completely from the context of those decisions. In fact, this is an educational challenge for humanities, social science and legal education; to bring students as closer to and make them part of the situations and problems they have to deal with in future as professionals; to be precise, help them develop thinking skills that are requisite for decision makers.

This challenge could be understood better from an educational psychology perspective. An educational psychologist, Heider in his theory "Psychology of Interpersonal Relations", promotes an idea that human beings have a tendency to reduce unpredictability in life. Therefore, they build their own network of beliefs about social relations and situations or issues.<sup>5</sup> Therefore, prior to attending any classes on some concepts of social sciences, law or humanities, they have built their own network of beliefs and they carry that as a baggage. It could be useful as well as detrimental to

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4 Gredler M.E, "*Designing and Evaluating Games and Simulations: A Process Approach*", 1992, p. 32.

5 Heider, F. THE PSYCHOLOGY OF INTERPERSONAL RELATIONS, 1958, p. 4.

learning new concepts or understanding the nuances of social decisions to be understood. Following example will enlighten this idea better:

In mediation session in a university, there is a student playing the role of a surrogate mother who had to terminate pregnancy due to unforeseen medical complexities. In the middle of the session, this student starts accusing the man in contract of inferior semen which according to her is the cause of medical complexities leading to termination of pregnancy. Apart from the fact that it was a hilarious situation and had it been an actual mediation it would have proven an embarrassment and insult for the man, the role play situation in mediation shows how the students playing the role of a surrogate mother falls short of medical as well as legal information and jumps onto what she possesses as her own general awareness.

The example reflects on a general tendency of a student to fall back on primary knowledge (different from previous knowledge) in assessing the given professional situation. The very first take on a legal, social or fiction situation will come from that personal perception, experience or background, which is a normative way of thinking or approaching a new situation. However, this could be seen to be playing a very positive role in learning. It creates an opportunity for the instructor to guide the student while showing the gap between general awareness and the professional knowledge that is required to be assimilated. This brings students to the situation where the network of their beliefs is inadequate to address the given situation through the role that he or she is to play, and assessing the primary knowledge they could lead to adopting new beliefs. In addition, the primary knowledge of students regarding the given problem and situation is challenged and proven inadequate, and if the student is not immediately aware of that knowledge, he does at least have the knowledge of his ignorance.

In a nutshell, when students enter humanities, social science or law classes from high school, they have lofty idealistic expectations of human behaviour and how government administration should respond to all needs of human beings or society. In another instance, there was a university legal aid clinic's visit to a village in Maharashtra, India. Looking at the poor conditions of the sewage and sanitation in the village, some of the students started discussing possible solutions. Based on their present knowledge, they thought that the Mayor of the district must be informed of such conditions through an official communication. This is an instance that illumines the gap in knowledge; the village administration is a Panchayat and there is a completely different procedure to solve such a problem. However, the intention of the learning exercise is fulfilled as it exposes this gap in knowledge due to placement of learning situation in the real life context for both learners as well as the instructor.

Role Play and Simulation teaching method creates a learning context to understand human behaviour, thinking and learning, which is very important

as it situates cognition of the concepts. The method offers learners opportunities to learn and develop perspectives in a range of realistic circumstances they might face as professionals. They have been provided experience of several decisions and factors in relation to real life problems and solutions; how certain social conditions reach to a conclusion and how decisions or interventions might change those conclusions. Therefore, role play simulations could be taken as teaching or training tools or applications designed to teach students who will need to make such choices or decisions in real life circumstances and take responsibility of the conclusions or outcomes of those choices and decisions.

On the other hand, learning removed from the real life or social context creates confusion or without context learning does not result at all. For examples, students find it very difficult to remember words from the dictionary and even if they do, they will generally use it oddly in practice. In the absence of the familiar context, application of newly learned vocabulary also suffers.<sup>6</sup> Simulation or role play teaching method creates a meaningful context in which students can apply their knowledge in everyday life. Social or legal decisions are particularly imbedded in the context and may not be fully understood merely with application of prior knowledge.

#### **Four Stages of Role Play and Simulation**

Dean Rehberger in *Teaching with Role Play Simulations* proposes four essential steps which maximize the learning outcomes:<sup>7</sup>

##### ***Readiness***

Instructors as well as students have to be ready for simulations. For example, the instructors and students who are used to didactic lecture method of teaching learning may have a belief that they need to experience a lecture to understand a topic fully. At this stage, both instructors and students need to work on simulations or role play method to understand its significance and contribution to learning. Another way of handling such impediments to learning could be conscious effort by instructors to relate course contents and learning objectives to simulations. The learning goals have to be put in clear relation to the experience that students gain through Role Play and Simulation. Another important thing is that the students have to know the role they have been given, because more students are prepared for simulation, better would be the learning outcome. Without good knowledge of the role and the situation or context, it may not appear real. For Example, it would be hard to look, act and work like a tramp if one knows nothing about tramps in general.

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6 Miller G A and Gildea, "How Children Learn Words", SCIENTIFIC AMERICAN, p. 3, available at <https://eric.ed.gov/?id=EJ358469>, (visited on December 11, 2017).

7 Steve Cohen et al. VIRTUAL DECISION: DIGITAL SIMULATIONS FOR TEACHING REASONING IN THE SOCIAL SCIENCES AND HUMANITIES, 2010, p. 29.

As the name 'role play' suggests, role and situation are central to the experience and success of simulations. Special care need to be taken to help students imagine that they are performing a role and make them take the artificial or hypothetical situation seriously. Students need to have some understanding of their own as well as the roles of other members and their perspectives in the contexts of the simulation exercise. Sometimes students could find it difficult to come out of their role as students in class and assume completely new artificial roles. Therefore, instructors need to address the expectations of different roles directly and monitor the student behaviour in relation to those roles.

### ***Reaction***

This is about the instructor intervention in Role Play and Simulation process. The simulation administrator or instructor has to be alert during simulation to watch for student reaction and offer insights and instructions when necessary. At this stage, the instructor guides the students without obstructing and addresses their needs, feelings and frustrations during role play. However, it is also possible that the instructor wants students to immerse completely in the role and make their own inferences through reactions based on primary knowledge and the situation. In this case, the instructor would be more of an observer avoiding leading and guiding.

### ***Reflection***

Students need to reflect on their experience to understand what they have learned, share that experience with others and apply the principles to new situations. This stage allows students to see the full range of consequences of decisions which they take in a certain real life role. It is a critical stage, because it is during reflections that the students have to step back from the roles they have played and think, question, write, share, apply what they have learned. Reflection could be achieved the best through discussion method as well. If in the reaction stage the instructor has depended on immersion of knowledge and did not interfere, guided and lead, it is during reflection that she can question students to guide them towards generalizing their experience to make connections to course concepts, contents and readings. Students could also maintain their reflections in written responses in a diary or a journal.

These four stages are helpful for the teachers in planning and execute simulations effectively with tangible learning outcomes.

### **Digital Role Play and Simulation**

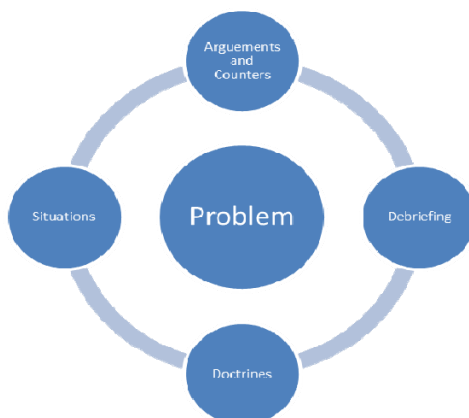
Student interaction with the world in the digital generation is speedy through Smartphone, tablets and computers. Consequently, the stimuli presented by these new access points of information are more appealing to students than hard-bound pages. With some creative thought on the Role Play and Simulation, we should be able to make a positive use of this tech-

enabled life style of students, although we must be aware that the attention span has also reduced. We need to focus on the problems and situations pertaining to humanities, social sciences and legal concepts, principles and doctrines through means of information from digital mode. Students are able to find number of pdf and word documents or web-pages that might help them resolve the presented complexities and solve the problems.

### **Role Play and Simulation in teaching of Humanities, Social Sciences and Law**

Students are able to find number of pdf and word documents or web-pages that might help them to resolve the presented complexities and solve the problems. If the role of teacher has reduced on talking and lecturing, it could be focused on advising students on which are valid sources and those which are not. In this way, the wealth of information that is at their fingertips could be useful in the simulation. In the light of this social change, simulation is an easier method with the new generation compared to their preceding generations.

Role Play and Simulation fits in learning by doing domain or the domain of experiential learning. The following cycle represent the method for humanities, social sciences and legal education.



### **Doctrine / Principles as Contents of Teaching**

In humanities, social sciences and legal education, there are concepts, principles and doctrines that have to reach home at the end of teaching learning. One might choose to deliver them theoretically through a lecture or use a dialectic method to allow students to have their say in a dialogue. However, what may appear to be the best approach is to engage students in thinking about those principles and doctrines; rather than making students know the concepts, make them think about them in a situation; make them accept and appreciate or challenge the knowledge under different circumstance in new situations altogether giving roles of those who work

with them in real life. We should remember that the concepts may change, we might develop new principles and adopt new doctrines in future, what will stay with the students is the way they approach and think about them and use that thinking to solve problem for their clients. Similarly, in the context of legal education, new laws will be passed and many of the existing laws may be amended, but the budding lawyer will require a set of thinking skills that will always serve them in making judgments.

### **Problem Solving**

The Role Play and Simulation method constructs knowledge by stimulating learning and critical thinking through a dynamic situation based experience. It puts students in a well-defined process around a social or legal learning situation. It brings in a real legal issue either from literature, society or adjudication into the classroom and students have to face its complexities and problems.<sup>8</sup> A real problem in classroom is a food for thought. It is a point to make a start with a direction as it defines some areas where solutions lie.

### **Cases, Situations and Context**

Solving a problem or resolving complexities does not happen in a vacuum, but in an interaction among students and teachers on a situation in context. Cases provide several contexts alerting the interpretation of facts, so the student lawyers in this case have to think critically to bring in solutions. There may be as many solutions as many are the students, because they think from different contexts. Their thinking may be questioned as there must be pros and cons of all solutions in other contexts. What is important is the outcome: How to think like lawyers in a variety of situations?<sup>9</sup> Role Play and Simulation offer exactly the same, hence a very effective method for teaching of humanities, social sciences and law subjects.

### **Arguments and Counter Arguments**

Using the facts and provisions of laws pertaining to the problems in situations, reasoning needs to be arranged in support of that argument which needs critical and constructive thinking. Generalizations could be made on the basis of analysis of facts rather than proposing theories. Teacher might ask further challenging questions so students to discover the minute areas into concepts, principles and doctrines of law. As the contexts change and challenge the solutions, students are in real situations of defending against counter agreements and negotiating to reach tentative conclusions.

In this way, no knowledge is passed on. Students are given opportunities to discover knowledge on their own with more focus on how knowledge is acquired than the knowledge itself, which keeps altering with the changing

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8 *Ibid.*

9 *Ibid.*

times anyways. The Case Study method offers inbuilt motivation space with need for student participation with revision, assessment, analysis, and articulation of the point of view. Creation of knowledge sees a greater influence of difference among students and their individual way of thinking, thereby accommodating everyone.

### **Debriefing**

Debriefing is the process of feedback to students on their performance. It needs to focus on the area of studies rather than deviating to too general comments. Open ended questions directed at the topic could be used to strengthen creative and critical thinking amongst the students. However, the timing, precision, and nature of debriefing in terms of formality or informality to avoid intimidating the learners are quite subjective issues, so they should be left to the discretion of the concerned teachers.<sup>10</sup>

### **Advantages of the Role Play and Simulation Method**

1. Role Play and Simulation is a shift from teacher focused to student focused teaching-learning;
2. It provides participative opportunities for learning as students try their hands on issues and problems;
3. It encourages discussion-give and take of perspectives-and thereby creates social atmosphere in the class;
4. There is good pace for self-assessment and introspection through counter arguments;
5. It leads away from rote learning and paves the way to internalization of concepts and principles;
6. There are real life situations for application of concepts;
7. It gives dignity to students with confidence in articulating their views and diplomatically counter argue points of view of others;
8. Role Play and Simulation prepares students for challenging workplace scenario and taking challenges headlong;
9. This method focuses on process of learning more than product or result of learning through examination system;
10. It pulls students out of the comfort zones of readymade answers spoon-fed by their teachers;
11. The method utilizes the differences in qualities of individuals rather than trying to test the fish by its capability to climb a tree. Diversity is at the best of its use rather than becoming a derogatory factor;
12. It provides an opportunity to spot qualities such as leadership among students; and
13. Students understand why they are learning and that could be encased as the best motivation.

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10 CASE STUDY IN BUSINESS EDUCATION, A Textbook, UNI-DRUK, 2012, p. 12.

### **Disadvantages and Challenges of the Role Play and Simulation Method**

1. In Indian context, students might be put off due to language barriers and not to take part in discussions or play any role at all;
2. There is a need to be a greater precision in defining problems that are relevant to the concepts and principles to be taught;
3. With a greater number of students in the class, there is a possibility of getting into chaos and losing the focus;
4. It may be too challenging for some of the students and making provisions to accommodate their learning at the same time could be a challenge;
5. Teachers might find it challenging to move away from traditional methods and allow students to employ ICT based research methods and control the class;
6. It may not be possible to all concepts and principles to be made so practical, so the method must be practiced with discretion; and
7. There is a need for focused preparation to use the method in the class as students might come up with direction in thoughts and point of views which has not so exercised by the teacher himself.

### **Conclusion**

Role Play and Simulation is an established method and it could be utilized for effective teaching and learning. It could be used to strengthen the understanding of concepts and principles on the one hand and to create a stronger socially inclusive and healthy atmosphere in the class on the other hand. In addition, the digital generation has their world of technology and all sorts of information riding through their brains, this method could be very useful in giving more concrete and useful dimension to what they are good at and what they enjoy most. Employing simulation method could also reduce the boredom of students which they often complain of and most importantly reduce that gap between the generation of teachers and students: allowing teachers to be the Digital Generation Teachers. In the context of legal education, Role Play and Simulation has a special significance as a teaching method, because it leads students into real life situations and creates opportunities to think like lawyers in those hypothetical or fictitious situations.

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# CLINICAL LEGAL EDUCATION IN INDIA: ISSUES AND CHALLENGES

K. Vidyullatha Reddy\*

## Abstract

*Legal education is fundamental to the very foundation of the judicial system of the nation. Professional competence and social responsibility are the two wings to be a successful law professional. Therefore, clinical legal education is mandated in undergraduate law courses to ensure proper practical training to budding lawyers. However, the Bar Council of India mandates the curricula and methodology for conducting these courses. A quality clinical legal education demands hefty financial and trained human resources which may not be easily affordable by many students. The citizens' rights are adversely affected if untrained lawyers are engaged to plead case in the court of law. This demands legal education institutions to equip themselves to provide practical training. This paper substantiates the role of functional legal aid clinics as facilitators of clinical legal education in addition to the traditionally conceived role of providing access to justice alone. This paper outlines the essential components of clinical legal education and the requisite time, methodology, teaching methods and techniques to conduct the same. This paper also explores the challenges and tries to suggest solutions for the long plaguing problem relating to clinical legal education in India.*

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**Keywords:** Skills, Mock Structures, Practice, Feedback, Live Cases, Methodology, Legal Aid Clinic, Legal Aid Committee.

## Introduction

Advocacy is one of the oldest professions practiced extensively world over even today. Professions as opposed to occupations are governed by ethics and code of conduct as the skill required to practice them are generally high; however the outcome of professional activity is not always dependant on the skill of the professional.<sup>1</sup> This demands greater discipline and accountability among the people who choose professions over occupations. The Bar Council of India (BCI) is the professional council that governs the discipline and accountability aspects of advocates in India. The Advocates Act 1961 prescribes the functions of the Bar Council of India

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1 *Indian Medical Association v. V.P. Shantha* (1995) 6 SCC 651.

(BCI) which include regulating the standards of legal education.<sup>2</sup> The power of the Bar Council of India to regulate legal education is limited to the extent of regulating law degree course which entitles the graduates to enrol as advocate on the roll of the State Bar Council; that is an undergraduate law course only. The postgraduate degree course and research degree course in law are governed by the University Grants Commission (UGC).<sup>3</sup> The UGC governs all aspects of higher education in India including undergraduate law degree courses. The legal education committee of the Bar Council of India undertakes the responsibility of regulating legal education in India on behalf of the council.<sup>4</sup> The 184<sup>th</sup> Report of the Law Commission of India on Legal Education and Professional Training submitted on December 2002, recommended amendments to be made to the Advocates Act 1961 and the University Grants Commission Act 1956 to co-joint responsibility of BCI and UGC towards the regulation of legal education. UGC members are co-opted to the legal education committee of the Bar Council to ensure coordination between both the legal education regulators. The report deals with challenges faced by legal education in India. It refers to goals of legal education; institutional structure; curriculum / syllabi; evaluation / examination; the difficulty in finding good teachers; technology and connectivity; class room; teaching tools and infrastructure; students; career opportunities and placements; Bar examination / apprenticeship; governance; accreditation and quality arrangement; and financing. Observations made by the National Law School has also been considered in the report. Devising an effective procedure to study various aspects of legal education; teaching methods; training through clinical legal aid and ADR

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2 Section 7 of the Advocates Act, 1961: Functions of Bar Council of India-(1) the functions of the Bar Council of India shall be: (h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils.

3 Professional councils are responsible for recognition of courses, promotion of professional institutions and providing grants to undergraduate programs and various awards. The statutory professional councils are: Bar Council of India (BCI):- The Bar Council of India is empowered to make rules to discharge its functions under the Advocates Act 1961. An important rule-making power is with reference to laying down guidelines for the standards of professional conduct and etiquette to be observed by advocates. The Bar Council of India Rules may prescribe for a class or category of person entitled to be enrolled as advocate. The Bar Council of India can also specify the conditions subject to which an advocate must have the right to practice and the circumstances under which a person must be deemed to practice as an advocate in a court, available at <https://www.ugc.ac.in/page/professional-councils.aspx#BCI>, (visited on March 15, 2018).

4 <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/committees/>, (visited on March 15, 2018). The Legal Education Committee consists of five members of the Bar Council of India and five co-opted members to represent the judiciary, the Law Ministry, the University Grants Commission, and academia. This committee makes recommendations to the Bar Council of India on all matters pertaining to legal education in the country.

procedures and establishing special centers for updating and improving the quality of teaching; apprenticeship or training etc.<sup>5</sup>

The Advocates Act 1961 required the candidates who have completed law degree to undergo mandatory apprenticeship with a senior lawyer for a year to be eligible to practice as advocate. This was intended to ensure proper training to the advocates; however, this was amended in the year 1973 which has removed the requirement of mandatory internship. The reasons specified by the amending statute are: firstly, the law course was made three years from the then existing two years and secondly, the law is a second degree course hence it requires prolonged academic persuasion. There is no requirement of mandatory apprenticeship with senior lawyer today, however, almost all aspiring lawyers prefer to join the chambers of senior lawyers to learn professional skills and real life court room practice under the able guidance of experienced senior advocates, rather than practicing on their own directly. This implies the need felt by them in spite of prolonged academic persuasion; however, this differs from pre enrolment apprenticeship as this is post enrolment apprenticeship and the candidate joins the senior lawyers' office at his/her own will and not by compulsion.

The Judges, Bar Council of India and the Law Commission of India at various junctures expressed their concerns regarding lack of proper training of advocates. This led to the constitution of a committee headed by Justice A.M. Ahmadi in the year 1994. The committee recommended that the law graduates should undergo one-year mandatory apprenticeship with a senior lawyer and clear a qualifying bar examination to be eligible as an advocate. The Bar Council of India (Training) Rules, 1995 were notified to implement the recommendations of the committee. These Rules were challenged before the Supreme Court of India in the case of *V. Sudeer v. Bar Council of India*.<sup>6</sup> The Supreme Court held that the Bar Council of India lacked the legislative competence to frame the rules making pre enrolment training mandatory. The Law Commission's Report on Legal Education and Professional Training, recommended adding Clinical Legal education as a compulsory academic exercise in legal education in India, to ensure an effective social outreaching training to prospective advocates. The 266<sup>th</sup> report of the Law Commission of India submitted in 2017 discussed over concern of the Supreme Court which in *Sanjay Kumar v. State of Bihar*<sup>7</sup> the court has observed that 'few "arji", "farji" half-baked lawyers under the label of "proxy counsel" abuse and misuse the court process'. The aforementioned report of the Law Commission of India on the Advocates Act 1961

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5 The Law Commission of India 184<sup>th</sup> Report on "*The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956*", December, 2002, pp. 13-14, available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf>, (visited on March 15, 2018).

6 1999(3) SCC 176.

7 (2014) 9 SCC 203.

(Regulation of Legal Profession) recommended an amendment into Section 7 of the Advocates Act to empower Bar Council of India to mandate pre-enrolment training and apprenticeship to prospective advocates. The Commission also examined questions relating to standard setting in legal education, skills and values, globalisation, accreditation, and ADR training. A similar line of reasoning is found in the National Knowledge Commission's Report 2009 which proposed suggestions regarding quality of education, rating systems, curriculum development, examination system, legal research, faculty talent, legal education finance, international dimensions and usage of information and communication technology.<sup>8</sup>

Clinical legal education refers to that component of legal education which strives to develop requisite practical skills required for a law graduate and also to develop a sense of responsibility towards the society. This is possible by exposing them to practice real life cases. However, people who have not completed law course are not eligible to be an advocate and hence are barred from representing the clients in the court of law. The Advocates Act, 1961 prescribes the qualifications required to be an advocate which includes completion of a law degree from a recognized university.<sup>9</sup> This bar thus challenges the law schools to devise ways to handle clinical courses in law which are required to be learnt by practice rather than by theoretical discussions or lectures within the four walls of classrooms.

### **Clinical Legal Education in India**

The Bar Council of India Rules 2008<sup>10</sup> mandated all undergraduate law course students whether studying in unitary stream or under the integrated double degree stream to study four courses in clinical legal education. The Bar Council of India also prescribed the methodology for conducting these courses and their evaluation pattern. The mandated four courses are as follows:

- Drafting, Pleading and Conveyance;
- Professional Ethics and Professional Accounting system;
- Alternate Dispute Resolution; and
- Moot court exercise and Internship.

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8 <http://lawcommissionofindia.nic.in/reports/Report266.pdf>, (visited on March 21, 2018).

9 Section 24: Persons who may be admitted as advocates on a State roll-(1) Subject to the provisions of this Act, and the rules made there under, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely:- (c) he has obtained a degree in law. Section 29: Advocates to be the only recognised class of persons entitled to practise law- Subject to the provisions of this Act and any rules made there under, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates.

10 Part IV of the Bar Council of India Rules (Rules on Legal Education) in schedule-II on academic standards and courses to be studied prescribed the mandatory clinical courses along with other courses, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartItoIII.pdf>, (visited on March 21, 2018).

The mandated four courses methodology and evaluation criteria suggested by the bar council is as follows:

***Drafting, Pleading and Conveyance:*** It suggests that “the course will be taught through class instructions and simulation exercises, preferably with the assistance of practising lawyers/retired judges”. Therefore, the Bar Council contemplates class teachings followed by simulation exercises preferably with the assistance of practising lawyers/retired judges which means that it is not compulsory but only desirable to have an instructor with practical exposure. The evaluation pattern suggests that students have to be tested on their exercises in this behalf (15 practical exercises in drafting and 15 exercises in conveyance for 90 marks and 10 marks for viva voce).

***Professional Ethics and Professional accounting system:*** It suggests that this course will be taught in association with practising lawyers on the basis of the prescribed materials. It suggests some list of books for the same. The evaluation instructions suggest that student’s assessment should be made through case-study, viva-voce, and periodical problem solution besides the written tests.

***Alternate Dispute Resolution:*** It suggests that the course is required to be conducted by Senior Legal Practitioner through simulation and case studies. The course evaluation suggests that student’s may be examined in practical exercises for significant part of their evaluation.

***Moot Court Exercise and Internship:*** It splits the course into three components, i.e., (i) Moot Court (at least three moot courts); (ii) Observance of Trial in two cases (one civil and one criminal case and to record the proceedings); and (iii) Interviewing Techniques and Pre-trial Preparations and Internship Diary (observe two interviewing sessions of clients and observe the preparation of documents, court papers and record them in diary). The course evaluation suggests that student’s performance shall be evaluated on three components with 30 marks for each component and 10 marks for viva-voce on all three components.

This is the framework provided by the Bar Council of India for conducting the mandated clinical legal courses and their evaluation pattern prevailing as on today in India.

### **Challenges to Clinical Legal Education**

There are two major challenges that this framework puts forth to us. First, is the framework of an ideal clinic for legal education. Does it encompass the whole requirement of clinical legal education? Secondly, is it possible to be implemented in Law colleges in India? An ideal clinical education aims to equip the students with the necessary professional skills which include drafting, argumentative and presentation skills and to apply the acquired knowledge with sense of justice and wisdom. In legal education it can be stated as an education which helps the student to find solutions to

common legal problems. This means that the student should be able to handle a client from the time he approached him with a legal problem till it is decided finally. There can be two situations, one when there is a real problem; and second, when the hypothetical problems are given to the student to analyse it and suggest relevant legal principles attracting such problem. Students have wider opportunity to learn in a better way with real life cases rather than hypothetical problems in view of their accuracy, availability of documents, genuine concern of the client and greater need to find the solution. However, the main challenge faced by law schools is to find live cases for the study of their students since they are barred from appearing in the courts. Although, they may be allowed to observe the proceedings of the court with the permission of the concerning authority in charge of court administration, which is ordinarily not easy to avail at all times. Therefore, the functional legal aid clinics are proven as effective device to help the students to have access to live cases to some extent.

The expected student learning from the clinical legal education does not change whether it is live case or a hypothetical case; however, live cases afford better opportunity to learn than hypothetical cases. So when we were to judge what is the expected learning that should be part of clinical legal education so as to find solution to general legal problems, we find that it should include the ability of the student to analyse and execute the following:

### ***1. Client Interviewing and Counselling***

Student should be able to factually investigate the client through probing and seek all relevant information of the case. It should also include the reason, purpose and end sought to be achieved by the client seeking legal recourse, what will he gain if he wins the case, what is the time within which he is seeking the remedy etc. This can be done by giving confidence to the client that this is done to help him in better and legitimate manner. The student requires to have patience to understand the case explained by the client and harmoniously convince him/her that how he will be helped in the matter.

### ***2. Possible Remedy/Remedies to the Problem***

There could be one or more than one legal remedies available for the matter in hand or even a compromise could be arrived. The student must possess the knowledge of what remedy suits the clients concern. The pros and cons of each remedy, their costs, and other relevant factors must be analysed and the best suited remedy for the clients concern has to be persuaded.

### ***3. Knowing Duties and Responsibilities towards the Client and the Court***

The student should understand the consequences of the failure to discharge his duties and also understand its implication for the clients. The

student should also understand the requirement of being a member of bar association, to have a certificate of practice to file a case, filing in court as advocate for his client, understanding disciplinary actions against erring advocates etc.

#### **4. *Jurisdiction***

The students should be able to find out the jurisdiction where they can file the case whether it is a court, tribunal, revenue officer or consumer forum etc., the different procedures, different remedies and the time taken in each of these also merit the consideration of the student when they decide on the jurisdiction.

#### **5. *Court process***

This includes learning the procedures of paying court fees, stamp duty, praying adjournments and engaging senior counsel, if required etc. Besides this the student should also understand the technicality of the process i.e., filing procedure, docket writing procedures, etc.

#### **6. *Drafting***

The student should be able draft the complaints, notices and writs etc., required to file the case. It may also include drafting conveyance deeds. Student must possess the knowledge regarding fundamental rules of pleading and conveyancing.

#### **7. *Responding/ Defence***

The student should be able to draft the defendant/respondents version and be able to assess the implications of the stand taken in defence. Student must possess the knowledge of fundamental rules and principles regarding written statement, set-off, counter claim, plea bargaining and compounding the case etc.

#### **8. *Preparing Witness***

The student should be able to prepare the witness psychologically and also help him with mannerism and etiquette etc., he should also explain the consequences of depositions made and answers given by the witness and also the punishment for giving wrong evidence etc.

#### **9. *Collecting Documents***

The student should be able to collect all relevant documents including decisions given by the High Courts and Supreme Court which may operate as precedents to strengthen the case on merit. Relevant documents should be collected and also screened for their reliability and utility for the client.

#### **10. *Examining Witness***

The student should possess the skills to examine witnesses in the court. He should have understanding to ask the questions in strategic manner, especially during 'examination in chief' and 'cross examination', so that the

relevant information may be extracted from the witnesses for the satisfaction of the court. This requires framing questions, analysing their consequences their relevance and utility to pursue clients cause etc. Presence of mind and cognitive techniques play important role during examination for which the student must undergo few exercises to develop their skill.

### **11. *Defending the cause of the client/ advocacy***

The student should be able to present the cause of the client in a convincing manner. This requires proper articulation and eloquence in addition to mannerism and style. The student appearing for defence must have a deep and pervasive knowledge of the facts, law and principles relevant to the matter in defence. Contents of the complaint and allegations alleged therein must be read and understood both in literal as well as practical sense.

### **12. *Seeking the Remedy***

The student should be able to pray to the court for grant of remedy sought for by the party, in a polite and professional manner. Student should also possess knowledge about other available remedies and their efficacy and the prayer must contain the remedy that best suits the clients cause and competence of the court.

### **13. *Executing the Remedy/ Appeal***

The student should be able understand the process once he obtains a favourable order. It includes filing execution proceedings, claiming possessions with the help of authorities etc. In case of unfavourable order the student should be able to find the recourse such as appeal, review etc. and the procedure thereof.

When we say the above are essential components of clinical legal education it also requires us to examine what should be the methodology and structure of the clinical courses that is required to be designed to encompass these essential abilities.

To begin with one component, i.e., drafting, let us examine the methodology and the challenges in equipping the student with requisite drafting skills. If a teacher teaches essentials of drafting a notice in money recovery suit, the teacher can address 100 students in a class at once. Engaging a teacher/practicing advocate/judge for an hour per academic day may satisfactorily serve the purpose of teaching. If a teacher tries to make the student to draft it and correct it and then inform the students of their fault and then asks the student to re do it and then corrects it again and informs them they can learn better. Skills cannot be acquired through lecture method only. The other available teaching methods and modern techniques founding on ideology of practical training or problem based learning i.e., Socratic Method; Mock Trial; Case Study; Moot Court and Legal Aid Clinic. But, they demand time, money and trained human resources. The more you make



them to practice the result would definitely be better in terms of knowledge and skills both. If you make the student to draft notice ten times and each time you guide him and give feedback, then the opportunity to equip the skill will be far better. This may require at least 100 hours dedicated teaching/assignment time to train 100 students. So to put it shortly you need to engage the teacher/practicing advocate/judge for 100 hours to train 100 students on how to draft a notice. This means it is 100 times expensive and demands 100 times more time. This is the main challenge in clinical legal education; it consumes a lot of time of the trainer. The rigorousness and the efforts made by the teacher are invisible workload as it appears to be an exercise on drafting a notice which can be met in theoretical outfit through teaching within an hour. However, it has to be appreciated that theoretical learning does not provide legally designed outcome rather it leaves the student deficient in learning the requisite skill. In the same way all components require to be handled; for example, in examination of witness, let there be audio visual recording and student be given feedback each time for improvement. If it takes one hour to teach the essentials of examination of witness to 100 students; it takes 100 hours to train 100 students on cross examination practically and asking them to redo and learn, relearn through practice and feedback mode.

The second challenge is to implement such rigorousness in terms of time and human resource expenses in the law schools which in turn will increase the per student cost of legal education. One fair criticism on national law schools which I have come across from a judge is as follows: “what is so great about legal education in national law schools? You teach the same subjects like in other law colleges but with a slightly changed methodology?”. If methodology is important for national law schools and those of us who believe that they have enhanced the quality of legal education, then why should the changed methodology be limited to non-clinical courses only? If we cannot invest, then who else will invest? is the pertinent question before national law schools to be considered for deliberation and adequate answer thereof. The other concern is its relevance for the students who intend to take up soliciting and do not intend to take up advocacy.

The third challenge is that if there is no functional legal aid clinic creating an authentic mock as an alternative. Making legal aid clinics functional requires huge investment in terms of finances and human resources. When we compare clinical education with other professional courses, especially medical course, where it is very successful we realize that medical colleges invest heavily in running a teaching hospital and in turn the cost of medical education is also very high. That kind of investment for the resources are not incurred in legal education. When we invest in legal aid clinics they can run successfully. As of now that culture is not very much prevalent in legal education institutions in India. Even if we invest heavily in creating a functional legal aid clinic the other problem is the student’s ability

to understand the local language; however, this problem cannot be a major hindrance as much as creating a functional legal aid clinic. The other challenges that a functional legal aid clinic might pose are: first, it might take away the business of the advocates; and secondly, gaining people's confidence in them.

People do not repose much confidence in legal aid clinics as they have not been very successful by and large so far. They do not distinguish between some form of community service and legal service. The National Legal Services Authority has notified the Legal Services Clinics Regulations in the year 2011, which also authorises the legal aid clinics to handle certain community service driven initiatives.<sup>11</sup> If people who approach legal aid clinic are not provided with the service which they view as legal aid their faith may further diminish and gaining their confidence may turn illusive. So this initiative helps to make the legal aid clinics functional to some extent. These regulations are notified by the National Legal Services Authority in exercise of its powers under the Legal Services Authorities Act 1987.<sup>12</sup>

The problem with the functioning of legal aid clinics under the Legal Services Authorities Act 1987 is that the objective of the Act is to ensure free legal aid to all sections of the society,<sup>13</sup> but the purpose of legal aid clinics of law colleges will be in addition to it to train the students. So, thus

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11 National Legal Services Authority (Legal Services Clinics) Regulations, 2011, Regulation 9: Legal services in the legal aid clinic-(1) Legal services rendered at the legal aid clinic shall be wide ranging in nature. (2) The legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed. (3) Besides legal advice, other services like preparing applications for job card under the Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different government purposes, liaison with the government offices and public authorities, helping the common people who come to the clinic for solving their problems with the government officials, authorities and other institutions also shall be part of the legal services in the legal services clinic: Provided that the legal services clinic shall provide assistance by giving initial advice on a problem, assistance in drafting representations and notices, filling up of forms for the various benefits available under different government schemes, public distribution system and other social security schemes: Provided further that, in appropriate cases, the legal services sought for by the applicants in the legal services clinic shall be referred to the legal services institutions for taking further action. These regulations are available at <https://nalsa.gov.in/sites/default/files/document/NALSA%20LEGAL%20AID%20CLINICS%20REGULATIONS,%202011.pdf>. (visited on March 18, 2018).

12 Section 29(1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-(a) the powers and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3A;(b) the terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3A.

13 An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok-Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

far there have not been many efforts to make legal aid clinics functional to ensure proper clinical legal education. Constitution of India intends that states should provide free legal aid to ensure equal justice to citizens;<sup>14</sup> rather than concern for clinical legal education, though free legal aid is not spelt out anywhere so far. This created an impression among judges and legal educators that legal aid clinics are meant for ensuring access to justice, hence, the clinical legal education did not get the requisite impetus from the legal aid clinics. However, Bar Council of India mandates setting up of a legal aid clinic in every legal education institution.<sup>15</sup>

The challenges in running the legal aid clinics and the expenses involved in running it made the law colleges to resort to authentic mock structures created which include asking students to do mootings, internship with advocates, observance of court proceedings, taught courses on drafting with simulation exercises etc. in lieu of functional legal aid clinics.

### **Conclusion**

Does functional legal aid clinic do away with the need for authentic mock structures? Does it help to provide all the students with live cases? Does it take away the business of the advocates? Are other prominent questions to be answered. The other problem associated with legal aid clinics is to see whether the law teachers supervising the legal aid clinics are eligible and possess relevant experience to practice as advocate; if not, then how far does the clinical legal education remain really practical and to ensure proper practical guidance are further challenges. The recommendations of the Law Commission of India to appoint adjunct teachers from lawyers and retired judges on part time basis may help to cope up the challenges of professionally trained teachers to run legal aid clinic in law schools. The additional time required for students to undertake clinical assignments need to be considered pragmatically and consequently, alternative time schedule is to be prepared for execution and implementation of the curricula so designed.

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14 Article 39A of the Constitution of India reads as follows: 39A Equal justice and free legal aid - The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

15 Part-IV of the Bar Council of India Rules (Rules on Legal Education) in schedule-III on Minimum infrastructural facilities required in a Centre of Legal Education for applying permission to run law courses with affiliation from an Indian University mandated at section 11 reads as follows: 11. Legal Aid Centre: Each institution shall establish and run a Legal Aid Clinic under the supervision of a Senior Faculty Member who may administer the Clinic run by the Final year students of the Institution in cooperation with the Legal Aid Authorities with list of voluntary lawyers and other Non-Government Organizations engaged in this regard in the locality generally from which the student community of the Institution, hail from, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesParttoIII.pdf>, (visited on March 18, 2018).

Therefore, real solution for a proper clinical legal education lies in (a) investing heavily in legal aid clinics in terms of finances and human resources to make them functional within the law university or college premises; (b) providing institutional support to the legal aid clinics with alternate mock structures and to allocate time and resources sufficiently to help in necessary skills development; (c) engagement of retired judges and practicing advocates as clinical course instructors or allow clinical teachers to practice actively; and (d) to provide sufficient time or rather whole of final year for the students to undertake clinical activities. Hence, we need to fine tune our clinical courses methodology and their evaluation pattern more than their content to make it more practical oriented.

While the above solutions suggested require structural changes and long term measures we need to look at the possible solutions which can be implemented in the existing national law schools model for authentically conducting the clinical courses. The solution lies in taking the following measures (i) appointing four clinical course teachers/trainers specifically for each of the course specified by the bar council and do not entrust them with any other assignment (ii) classes have to be split into small groups i.e. a class of sixty may be split into three or four groups. This provides more time and opportunity to discuss and train each member of the group effectively by the teacher/trainer for each clinical course (iii) there must be at least two practicing advocates/retired judges employed in each law school to help the trainers and the students in each group (iv) case documents must be archived with the help of judiciary or advocates to provide authentic details (v) law school faculty should be motivated to help the groups on theoretical aspects of the subject and provide guidance on the cases they picked if required (vi) trainer should give instructions followed by assignments and ask the student to practice and provide feedback regularly on components such as drafting, trial advocacy; case preparation etc. so that students get abundant chance to practice and develop the skills and (vii) allot class hours for the class groups and provide for sufficient time in the timetable as per the course requirement. These measures might certainly help in enhancing the quality of conducting clinical courses.

The above measures will certainly help in effectively conducting the three clinical courses i.e. (i) drafting, pleading and conveyance, (ii) Moot court exercise and Internship and (iii) Alternate Dispute Resolution. These may not be successful for the course on Professional Ethics and Professional Accounting system which is more in the nature of a taught course and may require to be reconsidered as a clinical course by the Bar Council of India.

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# USING CLINICAL LEGAL EDUCATION IN LAW SCHOOLS: THE NUJS EXPERIMENT

Anirban Chakraborty\*

## Abstract

*Clinical legal education is considered as an extremely beneficial tool of instruction for law students because it exposes the students to practical skills and values of the legal profession and serves the goals of access to justice. Clinical legal education has been a part of curriculum for legal education since 1997, but its implementation has faced several challenges. These challenges include defining the scope, methodology, learning goals and supervision structure of clinical programs in India. In this paper the author after giving a brief introduction to clinical legal education, its goals, shares his experience in organizing and supervision of a credit course using clinic legal education at WB National University of Juridical Sciences. The aim of this paper is to present a toolkit of a model clinic program suitable to Indian condition useful for young law teachers willing to experiment with clinical pedagogy. These actionable points can be very useful towards implementing an effective clinical program. However, the paper has attempted to conceptualize and discuss on the fundamental mechanics involved in designing a clinical teaching program, leaving it open ended for individual teachers to choose the substantive practice area and activities for their clinical program.*

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**Keywords:** Clinical Legal Education, Service to Society, Equal Justice, Professional Skills, Clinical Teaching Model.

## Introduction

In the twentieth century using clinical teaching in legal education has achieved a global appreciation and significance.<sup>1</sup> It is considered as an extremely beneficial tool of instruction for law students because it exposes the students to practical skills and values of the legal profession<sup>2</sup> and serves

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1 See generally Frank S. Bloch, "New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement", 28 WASH. U. J.L. & POL'Y 111(2008), Richard J. Wilson, "Training for Justice: The Global Reach of Clinical Legal Education", 22 PENN ST. INT'L L. REV. 421(2004).

2 See generally Anthony G. Amsterdam, "Clinical Legal Education - A 21<sup>st</sup> Century Experience", 34 J. LEGAL EDUC. 612 (1984); Frank S. Bloch, "The Andragogical Basis of Clinical Legal Education", 35 VAND. L. REV. 321 (1982); Margaret Martin Barry et al., "Clinical Education for This Millennium: The Third Wave", 7 CLINICAL L. REV. 1(2000).

the goals of access to justice<sup>3</sup>. It also provides unique opportunity for the students to work with their supervisors as co-counsel,<sup>4</sup> develop independent transaction planning skills and inculcate professionalism<sup>5</sup>.

Realizing the importance of clinical legal education the regulators of Indian legal education<sup>6</sup> has introduced mandatory clinical program in its curriculum for legal education.<sup>7</sup> But this clinic curriculum faces several challenges. These challenges include defining the scope, methodology, learning goals and supervision structure of clinical programs in India. In this paper the author after giving a brief introduction to clinical legal education, its goals, shares his experiences in organizing and supervision of a credit course using clinic teaching methodology at WBNUJS which can be replicated elsewhere. The aim is to present a toolkit of a model clinic program suitable to Indian condition useful for young law teachers willing to experiment with clinical pedagogy. These actionable points can be very useful towards implementing an effective clinical program.

However clinical legal education is a fluid concept and its organization and supervision will depend on individuals and their ideas about clinical programs. This paper has attempted to conceptualize and discuss on the fundamental mechanics involved in designing a clinical teaching program,

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3 See generally Frank S. Bloch, “*New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement*”, 28 WASH. U. J.L. & POL’Y 111(2008); Lauren Carasik, “*Justice in the Balance: An Evaluation of One Clinic’s Ability to Harmonize Teaching Practical Skills, Ethics and Professionalism with a Social Justice Mission*”, 16 S. CAL. REV. L. & SOCIAL JUSTICE 23(2006); Peter A. Joy, “*New Directions in Clinical Legal Education: Introduction: New Directions in Clinical Legal Education - Law for the People*”, 28 WASH. U. J.L. & POL’Y 1(2008).

4 Frank S. Bloch, “*The Andragogical Basis of Clinical Legal Education*”, 35 VAND. L.REV. 321 (1982), p. 120.

5 See generally Anthony G. Amsterdam, “*Clinical Legal Education - A 21st Century Experience*”, 34 J. LEGAL EDUC. 612 (1984); Lauren Carasik, “*Justice in the Balance: An Evaluation of One Clinic’s Ability to Harmonize Teaching Practical Skills, Ethics and Professionalism with a Social Justice Mission*”, 16 S. CAL. REV. L. & SOCIAL JUSTICE 23(2006); “*Task Force on Law Sch. & the Profession: Narrowing the Gap, ABA, Legal Education and Professional Development - An Educational Continuum*”, 3-8 (1992) (report issued by the Task Force, which was established by the ABA Section of Legal Education and Admissions to the Bar), available at [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/2013\\_legal\\_education\\_and\\_professional\\_development\\_maccrater\\_report\\_authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrater_report_authcheckdam.pdf), (visited on October 6, 2017).

6 The Parliament of India adopted the Advocates Act in 1961 [ACT No. 25 OF 1961]. The objective of this legislation was to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar. The Act in Section 4 established “The Bar Council of India” under Section 7 (h) the Act made the Bar Council of India responsible “To promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils”; See also Frank.S. Bloch and Iqbal.S. Ishaq, *Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States*, 12 MICH. J.INT’L L. 92 (1990-1991), p.104.

7 See the Syllabus for Legal Education in India as adopted by the Bar Council of India under its Rules Part IV, Chapter V, under the power vested upon it from the Advocate Act, 1961.

leaving it open ended for individual teachers to choose the substantive practice area and activities for their clinical program.

### **Clinical Legal Education**

The term clinical legal education is used to characterize a particular form of method of instruction in the contemporary legal education system globally. The term is considered as not capable to any precise and exact definition.<sup>8</sup> This problem is due to existing diversity among the law schools globally in applying clinical legal education. The composition of clinical teaching can vary in connection to real client clinic vis-à-vis a totally simulated clinical structure; or a clinical teaching through actual representation of a client in courts vis-à-vis legal literacy clinic or an alternative dispute resolution clinic where students do not represent any client before any judicial or quasi-judicial authority.<sup>9</sup> Therefore, the available literature on clinical legal education has attempted to define the term mostly in a contextual manner.

Prof. Antony G. Amsterdam explained that clinical legal education is an instructional method to “*precisely to teach students how to learn systematically from experience, and simultaneously to educate them in a broader range of legal analyses and skills than had theretofore taught in law school*”.<sup>10</sup> Prof. Stephen Wizner tries to explain the term from the perspective of co-relation between the legal education and the practice of law and functions of the legal system.<sup>11</sup> He considers it as a method of teaching law “*where students can engage in faculty-supervised law practice in a setting where they are called upon to achieve excellence in practice and to reflect upon the nature of that practice and its relationship to law... [I]t is a method of teaching law students to represent clients effectively in the legal system, and at the same time to develop a critical view of that system.*”<sup>12</sup> According to Prof. Margaret Martin Barry clinical legal education is a teaching method that “*allows students to confront the uncertainties and challenges of problem solving for clients in fora that often challenge precepts regarding the rule of law and justice*”.<sup>13</sup> An analysis of these different definitions of clinical legal education indicates that firstly, they aim to establish clinical legal education as form of an instructional method.

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8 Richard J. Wilson, “*Training for Justice: The Global Reach of Clinical Legal Education*”, 22 PENN ST. INT’L L. REV. 421(2004), p. 423.

9 Frank S. Bloch, “*New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement*”, 28 WASH. U. J.L. & POL’Y 111(2008).

10 Anthony G. Amsterdam, “*Clinical Legal Education - A 21<sup>st</sup> Century Experience*”, 34 J. LEGAL EDUC. 612 (1984), p. 616.

11 Stephen Wizner, “*What Does It Mean to Practice Law ‘In The Interests of Justice’ in the Twenty-First Century?*” The Law School Clinic: Legal Education in the Interests of Justice, 70 FORDHAM L. REV. 1929(2002), p. 1929.

12 *Ibid.* Stephen Wizner, p. 1930.

13 Margaret Martin Barry et al., “*Clinical Education for This Millennium: The Third Wave*”, 7 CLINICAL L. REV. 1 (2000), p. 38.

Secondly, it is characterized as a form of instructional method that aims to teach students practical legal skills, professional responsibility and assisting in securing access to justice to indigent clients. Lastly, they claim that the central goal of clinical legal education is to help law students to learn about these important issues through experience learning<sup>14</sup> in either real client scenario or through simulated exercises, which helps student to understand how lawyers do their work and learn from their experience and reflective practice.

However, the clinical scholarship has been uniform in defining the goal and objectives of clinical legal education. Clinical Legal Education as an independent and important component of the legal education pedagogy, made its beginning at United States. It initially evolved as a part of the movement generated by legal scholars and lawyers who realized the need to include instruction of profession skills and values in law school and also associate the students to represent clients who were unable to employ lawyers to represent them in their legal disputes.<sup>15</sup> But, with the beginning of the new millennium, Clinical Legal Education became a global agenda and many other countries followed the US and introduced instruction of professional skills and values in their domestic legal education system.<sup>16</sup> Obviously the access to justice dimension of clinical legal education had also played a significant role in extending the reach of clinical legal education globally.<sup>17</sup> It was an attractive argument in many countries to augment the adoption of clinical legal education<sup>18</sup> as these countries were under a severe challenge to meet the needs of universal access to justice to its citizens especially the economically marginalized groups and vulnerable sections, e.g., women, juveniles, child labours, sexual minorities, etc.<sup>19</sup> India

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14 This term 'experiential learning' has been defined in the Handbook for New Clinical Teachers, p. 11. "A teaching / learning methodology through which students learn from personal performance of a job or task, either in work contexts (e.g. a clinic) or in a classroom setting (e.g., a simulation class). Usually refers to structured programs operating from an academic base, and includes closely-related classroom, discussion, and supervisory elements." Handbook for New Clinical Teachers, May 2009, Produced and Distributed by Clinical Legal Education Association, Fifth Edition (2009), Compiled by Laura E. McNally.

15 Margaret Martin Barry et al., "Clinical Education for This Millennium: The Third Wave", 7 CLINICAL L. REV. 1 (2000), pp. 2-17.

16 Frank S. Bloch, "New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement", 28 WASH. U. J.L. & POL'Y 111 (2008).

17 See generally Richard J. Wilson, "Training for Justice: The Global Reach of Clinical Legal Education", 22 PENN ST. INT'L L. REV. 421 (2004); Frank S. Bloch, "New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement", 28 WASH. U. J.L. & POL'Y 111 (2008).

18 Frank S. Bloch and M.R.K. Prasad, "Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States", 13 CLINICAL L. REV. 165 (2006), p. 166.

19 See Frank.S. Bloch and Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States", 12 MICH. J.INT'L L. 92 (1990-1991). (Discussed about the Report on National Juridicare: Equal Justice-Social Justice, Ministry of Law, Justice and Company Affairs, Government of India (1977), recommended that the legal



is one such example. Since nineteen seventies, some Indian law professors have constantly advocated for introduction of clinical legal education as a vehicle for reform of the legal education system in place<sup>20</sup> and impart skills and value training in law schools<sup>21</sup> to make the curriculum more meaningful and relevant to students<sup>22</sup> and society.<sup>23</sup>

Clinicians<sup>24</sup> have progressively argued that their teaching methodology is primarily to enhance students learning through experiential setup<sup>25</sup> and it serves very specific curricular goals<sup>26</sup> that are otherwise unavailable in the legal curriculum. In the United States, clinicians have tended to put forward three main curricular goals of clinical legal education. As Prof. Bloch states, these goals are:

- (i) professional skills training;

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aid clinics established in law schools can involve several thousand young law students of this country in the service of the community while learning their law and preparing for entry in the legal profession).

- 20 Jayantha K. Krishnan, *“Professor Kingsfield Goes to Delhi: American Academics, Ford Foundation, and the Development of Legal Education in India”*, 46 AM. J. LEGAL HIST. 447 (2004); See also A.S. Anand, *“Legal Education in India-Past, Present and Future”*, 3 SCC (JOUR) 1 (1998).
- 21 Law Commission of India, 184<sup>th</sup> Report on *“The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961”*, Part-I, available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf>, (visited on October 6, 2017).
- 22 Jayantha K. Krishnan, *“Professor Kingsfield Goes to Delhi: American Academics, Ford Foundation, and the Development of Legal Education in India”*, 46 AM. J. LEGAL HIST. 447 (2004). See also I.P. Massey, *“Quest for ‘Relevance’ In Legal Education”*, 2 SCC (JOUR) 17 (1971).
- 23 Frank S. Bloch and M.R.K. Prasad, *“Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States”*, 13 CLINICAL L. REV. 165 (2006), p. 166.
- 24 The term is used to identify legal educators who advocated for use of clinical teaching in legal education and actively practiced it in their teaching.
- 25 Report of the Committee on the Future of the In-House Clinic, 42 J. LEGAL EDUC. 508 (1992).
- 26 See Elliott S. Milstein, *“Clinical Legal Education in the United States: In-House Clinics, Externships, and Simulations”*, 51 J. LEGAL EDUC. 375 (2001), p. 375. (for discussion of ‘goals and values’ of Clinical legal education in US); See generally Report of the Committee on the Future of the In-House Clinic, 42 J. LEGAL EDUC. 508 (1992); Margaret Martin Barry et al., *Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, (2000) and MacCrate Report (1992), available at <http://www.abanet.org/legaled/publication/onlinepubs/maccrate.html> (visited on May 22, 2010). See Frank S. Bloch, *“New Directions in Clinical Legal Education: Access to Justice and the Global Clinical Movement”*, 28 WASH. U. J.L. & POL’Y 111 (2008). (For discussion on global and a combined Indian and US perspective). See generally Frank.S. Bloch and Iqbal.S. Ishaq, *“Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States”*, 12 MICH. J.INT’L L. 92 (1990-1991). (Discussion on only on India). See generally Frank S. Bloch and M.R.K. Prasad, *“Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States”*, 13 CLINICAL L. REV. 165 (2006); Law Commission of India, 184<sup>th</sup> Report on *“The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961”*, Part-I, available at <http://lawcommissionofindia.nic.in/reports/184threport-PartI.pdf> (visited on October 6, 2017).

- (ii) generating awareness and understanding among the students about the important issues and concepts of professional responsibilities and values; and
- (iii) enhancing Access to justice.<sup>27</sup>

The Report of the Committee on the future of In-House Clinics 1992 discusses about the methodological goals of clinical legal education. The report states that:

*Among the principal aspects...[S]tudents are confronted with problem situations of the sort that lawyers confront in practice; the students deal with the problem in role; the students are required to interact with others in attempts to identify and solve the problem; and, perhaps most critically, the student performance is subjected to intensive critical review.<sup>28</sup>*

To summarize the discussion on goals, it can be stated that clinical legal education advances definitely some important curricular and methodological goals, although overlapping. In terms of curricular goals, it involves those aspects that were missing in the law school curriculum and clinical legal education infuses the teaching of these aspects into the curriculum.

### **Clinical legal education in India**

Formal legal education in India started during the British period in the last half of eighteenth century. The legal education during the pre-independence era was very rudimentary, derisory and few independent law teaching institutions existed.<sup>29</sup> But immediately after the independence of India, reform of legal education became an important concern for the government. The reform was considered necessary because it can foster the nascent democracy and meet the end governance that the Constitution of India envisaged by developing competent legal and judicial minds.<sup>30</sup> However, the observations of the 14<sup>th</sup> Law Commission of India Report, 1958, on standard of legal education, was grim. The Report stated

*The portals of our law-teaching institutions-manned by part-time teachers-open even wider and are accessible to any graduate of mediocre ability and indifferent merits...It is not surprising that in this chaotic state of affairs in a number of these institutions there is hardly a pretence at teaching ... This character is followed by law examinations held by the universities many of which are mere tests of memory and*

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27 Frank. S. Bloch and Iqbal. S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States", 12 MICH. J.INT'L L. 92 (1990-1991), p. 107.

28 Report of the Committee, "Future of the In-House Clinic", 42 J. LEGAL EDUC. 508 (1992), p.511.

29 A.S. Anand, "Legal Education in India-Past, Present and Future", 3 SCC (JOUR) 1 (1998), p. 2.

30 *Ibid.* A.S. Anand, p. 3.

*poor ones at that, which the students manage to pass by cramming short summaries published by enterprising publishers. The result, plethora of LL.B. half-baked lawyers, who do not know even the elements of law and who are let loose upon society as drones and parasites in different parts of the country.*<sup>31</sup>

To improve this deplorable condition of Indian legal education, the Advocates Act was enacted by the Parliament<sup>32</sup> of India in 1961 and the statute created an All India Bar Council and State Bar Councils. The legislation made these bodies as the common regulator of legal education and legal profession in India. The Bar Council of India (hereinafter to be referred as BCI) became the supreme regulator of Indian legal education. This effort attempted to streamline the system to some extent but failed to cement the existing cracks of the legal education.

Further, with the passage of time, more legal educators started to engage in the debate to find appropriate means to rescue Indian legal education.<sup>33</sup> Several law professors criticized the curriculum and teaching methodology followed by law schools in India.<sup>34</sup> It was argued that the Constitution of India in its Preamble speaks of justice in its most holistic form: Social, Economic and Political. It imposes the duty on the state to secure that the operation of the legal system promotes justice. But, it is a reality that access to justice is a dream to millions of Indian citizens. An effective justice delivery system requires that justice be made available at the door step of the people and for that we should have talented, dedicated and qualified legal professionals. Therefore, quality legal education is an essential precursor to the success of this grand constitutional vision.

In light of this constitutional vision, it was desired that legal education should aim at formation of a cadre of competent, socially sensitive and community service oriented lawyers in India,<sup>35</sup> and to this end, it is a necessary that the curriculum for legal education undergoes reforms to make

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31 *Ibid.* A.S. Anand, p.3.

32 The Parliament of India adopted the Advocates Act in 1961. The objective of this legislation was to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar. The Act in Section 4 established "The Bar Council of India", under Section 7 (h) the Act made the Bar Council of India responsible "To promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils".

33 Upendra Baxi, "Towards a Socially Relevant Legal Education", (A Working Paper for the UGC Regional Workshops in Law 1975-1977); See also Jayantha K. Krishnan, Professor Kingsfield Goes to Delhi: American Academics, Ford Foundation, and the Development of Legal Education in India, 46 AM. J. LEGAL HIST. 447 (2004).

34 Jayantha K. Krishnan, "Professor Kingsfield Goes to Delhi: American Academics, Ford Foundation, and the Development of Legal Education in India", 46 AM. J. LEGAL HIST. 447 (2004).

35 See Frank S. Bloch and Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United States", 12 MICH. J.INT'L L. 92 (1990-1991).

it more socially relevant.<sup>36</sup> There exists in the Indian society, a great disconnect between the law that is read in legal doctrines and theories and its actual implementation in the grass-root.<sup>37</sup> A socially relevant curriculum should aim to inculcate among the students the fundamental value of ‘*service to society*’ and teach the ‘*jurisprudence of empathy*’ by exposing the students to both the theory and the pragmatic realities of the existing social disconnects.<sup>38</sup> This approach in the study of law develops the critical faculty in students to question the injustices in the operation of the legal system, and seek to promote justice. Sharpen the students’ knowledge of the law along with professional and intellectual skills that will serve them well in the practice of law.<sup>39</sup> An advocacy, to make legal education holistic and socially relevant, to help India to bridge the gap between ‘*have*’ and ‘*have not*’s’ in the society in securing justice, was firmly rooted in the legal academia.

The Committee on National Juridicare: Equal Justice–Social Justice in 1977<sup>40</sup> catalyzed this academic discourse by recommending that every law schools in India should establish legal aid clinics in their campus and involve its students in assisting marginalized citizens to secure access to justice and in that process obtain valuable education by using clinical legal education.<sup>41</sup> The Committee observed that clinical legal education could serve the ends of reform in the curriculum for legal education in India and make teaching of law more socially relevant. The reports suggested that the Advocates Act may be amended to enable students and their instructors to represent their clinic clients before the adjudicatory bodies.<sup>42</sup> These recommendations were also echoed by many other high power committees appointed by the

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36 Chandra Krishnamurthy, “*Legal Education and Legal Profession in India*”, 36(2) INT’L J. LEGAL INFO. 245 (2008), p. 260.

37 A.S. Anand, “*Legal Education in India - Past, Present and Future*”, 3 SCC (JOUR) 1 (1998), p. 5.

38 Ipshita Sengupta, “*Nurturing Caring Lawyers: Rethinking Professional Ethics and Responsibility in India*”, 5(WINTER) JILS 2013, pp. 13-36. See also James E. Moliterno, “*The Lawyer as Catalyst of Social Change*”, 77 FORDHAM L. REV 1159 (2009).

39 Shah, “*Roles of Lawyers in Legal Institutions: Professional Conducts and Advocacy*”, INDIAN BAR REVIEW, Vol. XXXVI (1) 1999, p. 35.

40 See Frank S. Bloch and M.R.K. Prasad, “*Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States*”, 13 CLINICAL L. REV. 165(2006), p. 166. (These committees were appointed by Government of India to examine the barriers on universal access to justice.).

41 See generally N.R. Madhava Menon (ed.), CLINICAL LEGAL EDUCATION, 1998; Frank S. Bloch and M.R.K. Prasad, “*Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States*”, 13 CLINICAL L. REV. 165(2006); Frank S. Bloch and Iqbal S. Ishar, Legal Aid, “*Public Service and Clinical Legal Education: Future Directions from India and the United States*”, 12 MICH. J.INT’L L. 92 (1990-1991).

42 Frank S. Bloch and M.R.K. Prasad, “*Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States*”, 13 CLINICAL L. REV. 165 (2006), p. 166.

Government<sup>43</sup> or Supreme Court<sup>44</sup> to recommend reforms in legal education. The efforts culminated with BCI introducing four mandatory practical training papers in the bachelor of law curriculum in 1997.

The four practical training papers introduced by BCI in 1997, have made clinical legal education compulsorily part of Indian legal education curriculum. These four papers present the opportunity for teaching fundamental professional skills and values, theories of lawyering and procedures of legal institutions and involving students with access to justice initiatives. The teaching methodology as prescribed, involves primarily experiential learning by involving the students in the activities of the legal aid clinic, observing trials and appellate advocacy in actual courtroom and attending the chamber of a lawyer. The BCI also made it mandatory for every legal education institution to establish a legal aid clinic within its campus.<sup>45</sup>

However, implementation of this remains questionable. A study of the law school based legal service clinics<sup>46</sup> aimed to determine the status of clinical teaching and legal aid clinics in India has concluded in its finding that almost 82% of the colleges do have designated full-time faculty to conduct the teaching of professional skills. Only a handful of them provide academic credit to the faculty in terms of workload / lecture hours. Legal educators in India are struggling to grip this teaching methodology. There is serious dearth of literature in India and the available foreign scholarship is inadequate because of the diversities and differences that exist between these jurisdictions.

### Teaching a One Credit Clinical Course at NUJS

Service of law students in delivery of free legal aid through law school legal aid clinic has been long recognized as an important avenue to promote

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43 See generally Law Commission of India, 184<sup>th</sup> Report on “*The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956*”; Report of the Working Group on “*Legal Education, National Knowledge Commission*”, available at [http://knowledge.commission.archive.nic.in/downloads/documents/wg\\_legal.pdf](http://knowledge.commission.archive.nic.in/downloads/documents/wg_legal.pdf) (visited on October 6, 2017).

44 BCI 3-Member Committee on “*Reform of Legal Education*”, (available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/06/3-member-Committee-Report-on-Legal-Education.pdf>) (visited on October 6, 2017).

45 Rules of the Bar Council of India (2008), Schedule III, available at <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCIRulesPartIV.pdf>, (visited on October 6, 2017). See also Sec 4(k) of the Legal Services Authority Act also provides that National Legal Services Authority should provide support to the initiatives and activities of this clinic. This is further strengthened by the NLSA scheme to support legal aid clinics in law schools. See also National Legal Services Authority (Legal Aid Clinics) Regulations, 2011, available at <http://nalsa.gov.in/schemes.html>, (visited on October 6, 2017).

46 UNDP & GOI, A Study of Law School Based Legal Service Clinics (2011), pp.19-22, available at [http://www.undp.org/content/dam/india/docs/a\\_study\\_of\\_law\\_school\\_based\\_legal\\_services\\_clinics.pdf](http://www.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf), (visited on October 6, 2017).

access to justice.<sup>47</sup> The establishment of the National Law Universities in India opened the gateway to implement this goal and involve its students in legal aid delivery and experiment in clinical law teaching. In this context, the West Bengal National University of Juridical Sciences (hereinafter to be referred as NUJS) located in the city of Kolkata, has played a significant role since its inception in 1999. NUJS established a functional legal service clinic in its campus, inculcated a culture of social responsibility among its students and provided dedicated financial, infrastructure and human resource for the same.<sup>48</sup> It was emphasized in the NUJS curriculum to optimize the use of clinical legal education because it was seen as an important tool for teaching law and also involve the students in legal aid activities which would help to meet the institutional objective of social outreach. Students through legal aid clinic were exposed to various legal problems associated with the ‘*real world*’ under faculty supervision, thereby gaining precious opportunity to learn professional skills and values in actual context over classroom based learning.<sup>49</sup>

In furtherance of its curricular objectives, NUJS in 2007 initiated an innovative model for delivery of free legal aid and services to the grass-root on a sustained basis. Under this model NUJS Out-reach Clinics were setup at identified villages in the vicinity of the University. These clinics functioned as grass-root legal resource centre managed by students (working as paralegal volunteers) under supervision of the faculties. The student volunteers of the Out-reach Clinics were engaged in capacity building of villagers by generating awareness about their legal entitlements, information of the Govt. schemes introduced for their empowerment and zero tolerance to corruption. It also provided all types of information relating to legal services and legal counselling to the villagers free of cost. Every clinic was linked to the District Legal Services Authority (DLSA) established under the National Legal Services Authority (NALSA) and partnered in all its activities.

The number of these Out-reach Clinics by the end of 2016 increased to four and a footfall of 300-350 persons are recorded on an annual average over the period of 2013-2016. The number of student volunteers enrolled

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47 For example, in US legal aid clinics established in law schools are actively engaged in providing free legal services to indigent persons. According to a survey study conducted by Center for the Study of Applied Legal Education published in 2016-17 on contributions of US law schools’ legal services clinics states that, students provided 2.4 million hours of free legal services—1.8 million hours on civil matters, and 600,000 on criminal matters. The students have advised more than 128,000 clients. [Centre for the Study of Applied Legal Educations (CSALE) and its Survey Report published in 2017, available at [http://www.csale.org/files/Report\\_on\\_2016-17\\_CSALe\\_Survey.pdf](http://www.csale.org/files/Report_on_2016-17_CSALe_Survey.pdf), (visited on October 6, 2017).

48 See the Legal Aid Society of WBNUJS Mission and Vision, available at <http://www.nujs.edu/nujs-legal-aid-society.html>, (visited on October 6, 2017).

49 See N.R. Madhava Menon’s “*Reflections on Legal and Judicial Education*”, ed. G. Mohan Gopal, 2009.

with the Out-reach clinics and credit course at the end of 2016 was forty per semester. The contribution of these clinics in extending legal aid to the marginalized at their doorstep and promoting clinical legal education in India have been documented by several reports and studies conducted in India.<sup>50</sup> The University has also received the prestigious Society of Indian Law Firms-Menon Institute for Legal Advocacy and Training Institutional Excellence Award 2015 as recognition of its contribution by innovative socially relevant extension services in the field of legal aid delivery.<sup>51</sup>

One of the objectives of the Out-reach Clinic Model was to foster clinical teaching a one-credit course was designed and linked with it. Its *modus operandi* was students who opted to volunteer in the clinic were required to undertake this one credit course involving limited class-room based learning and majority by experiential learning by serving clients in the Out-reach Clinics.<sup>52</sup> The aim was to award academic credit to students for their work in the clinic. It was viewed that an academic credit based legal aid delivery model will bring more sustainability and academic discipline to clinical education as done in other countries. A proper course curriculum with desired learning outcome, teaching methodology, evaluation and grading system was accordingly designed for the course. Although at the beginning, the course had limited enrolment, but in due course, due to expansion of the clinics activities and popularity of the course among the students, the cap on enrolment was removed. However, to ensure to quality of supervision and proper work-load, a faculty-student ratio of 1:10 was always maintained.

### **Curriculum of the One Credit Course**

To meet the educational needs of the students volunteering in the clinics the one-credit course was introduced in the model. The objective for introducing this course was improvising on the existing clinical curriculum, award academic credit to students to address the unmet legal needs along with the legal services authorities. It was realized that structured training of students in core practical legal skills through experiential teaching e.g. actual client representation, observation or direct engagement and on field experience can yield more effective learning opportunities of substantive legal knowledge and the capacity to apply the law in real context. Also, a sense of public service and social justice will develop among the students which will help to shape them into a more responsible legal professional. The curriculum of the one credit course included:

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50 UNDP and GOI, A Study of Law School Based Legal Service Clinics (2011), pp. 48-50, available at [http://www.undp.org/content/dam/india/docs/a\\_study\\_of\\_law\\_school\\_based\\_legal\\_services\\_clinics.pdf](http://www.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf), (visited on October 6, 2017).

51 <http://www.nujs.edu>.

52 NUJS Legal Aid Society, Annual Report 2010-1, available at <http://www.nujs.edu/downloads/legal-aid-activities-for-2010-11-conveners-report.pdf> html, (visited on October 6, 2017).

### **A. Professional skills**

It was aimed at teaching students about law, procedures, systems, and protocols of the types of practice settings in which they will be engaging. Also, the curriculum intended to generate among students' awareness about professional skills e.g. interviewing and drafting skills, inter-personal and communication skills, counselling skills, working in team, peer-review etc.

### **B. Professional Responsibilities and Develop a Sense of Empathy**

1. *Teach the students key values of the profession:* The importance of seeking justice and providing access to justice, the reasons for fostering respect for the rule of law, the essentiality of integrity and truthfulness, the need to deal sensitively and effectively with diverse clients and colleagues, and the value of nurturing quality of life in light of the stresses and time commitments of law practice.<sup>53</sup>

2. To give students opportunities to meet and serve people who have few other resources for resolving legal problems and seeking justice. The process of providing services to under-represented segments of society helps develop positive professional characteristics.

3. Assuming responsibility for outcomes that affect clients with whom the student has established a relationship enables the learner to go beyond concepts, to actually become a professional in practice. Taught well, it is through this experience of lived responsibility that the student comes to grasp that legal work is meaningful in the ethical as well as cognitive sense.<sup>54</sup>

4. *Respond to the legal needs of the community*<sup>55</sup>: Providing access to justice and seeking justice are two of the most important values of the legal profession. One way in which a law school can impart these values to students is by establishing and supporting in-house clinics that respond to the legal service needs of the communities in which they operate. In-house clinics are all too familiar with the tension between providing required legal services and educating students through the clinical method. Legal Service should be the first priority. In-house clinics that relate to and respond to the under-served legal needs of the communities in which they operate have the best chance of imparting this knowledge.

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53 Jus. Rao, "Law Students, Lawyers and Judges in the New Millennium", (2000) 8 SCC (JOUR) 1, p. 2.

54 Frank S. Bloch and Iqbal S. Ishar, Legal Aid, "Public Service and Clinical Legal Education: Future Directions from India and the United States", 12 MICH. J. INT'L L. 92 (1990-1991), p. 109.

55 Ipshita Sengupta, "Nurturing Caring Lawyers: Rethinking Professional Ethics and Responsibility in India", 5(WINTER) JILS 2013, pp. 13-36.



### **C. Office Management**

The objective of the clinical curriculum was to assist students in transitioning from law school to practice and securing access to justice for underprivileged members of the community. Therefore, a well-ordered office management system is critical for students' professional development and responsible practice and service delivery. Constant supervision and review of whether the students are processing the legal work efficiently. Accordingly, CLE office practice manual and forms of procedure were developed and followed. According to the CLE office practice manual maintaining the office management system of CLE required students to observe:<sup>56</sup>

- a. Regular tracking case status, docketing and calendaring, file maintenance, security, cleanliness etc.;
- b. Clearly delineating case responsibilities and conflict checking;
- c. Balancing trust and office accounts according to acceptable accountancy and auditing systems;
- d. Maintaining a service delivery model (including use of ICT) that assures the clients receive expeditious and quality legal services; and
- e. Computerization of office files and data.

### **Clinical Teaching Model**

Clinical supervision was the central teaching tool used by faculties to accomplish the learning goals of clinical learning in the credit course. From clinical teaching context, the term supervision connotes a wider meaning. It is inclusive of supervision of student's field work and guiding and controlling the students learning about law and lawyering from the experience incurred through their clinical project.

Supervision is the central process of clinical teaching methodology. In the early evolutionary stages of clinical legal education supervision was the only available mode of clinical teaching. However, with the progress of time, clinicians have developed other methodologies<sup>57</sup> along with supervision. These new methodologies do not replace supervision but supplements it with a more wide pedagogical tools to strengthen all the

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56 Blanco, "Externship Field Supervision: Effective Techniques or Training Supervisors and Students", 10 CLINICAL L. REV. 611 (2004), p. 650. (The principles for effective supervision of externship projects and the role and responsibilities of faculty supervisor and site supervisor have been developed by GLACE in form of a code of guidelines called the GREATER LOS ANGELES CONSORTIUM ON EXTERNSHIPS JOINT STANDARDS FOR SUPERVISION OF EXTERNSHIP STUDENTS, Field Placement Supervision Manual).

57 See Ann Shalleck, "Clinical Contexts: Theory and Practice in Law and Supervision", 21 N.Y.U. REV. L. & SOC. CHANGE 109. (As clinical education matured, clinical teachers have developed other methodologies to supplement supervision. These includes simulations, case rounds or case meetings, and classroom lectures and discussions).

aspects of the educational project involved in clinical legal education.<sup>58</sup> Moreover, supervision also remains associated with these other methodologies. For example, the case-round a methodology used by clinician also involve an element of supervision.<sup>59</sup>

A review of the clinical literatures on supervision<sup>60</sup> establishes a basic vision for clinical supervision and the role of supervisor are as follows:

(a) *To define the content, structure and the supervisory model-* Supervisor has to determine what area of law and lawyering the supervisor wants the students to learn through the specific clinical experience and then constantly initiate and direct the students inquires in to that. This decision is often taken depending on the nature of the particular clinical project and what are the educational points can best address form the facts arising in the project.<sup>61</sup>

(b) *To guide the student-client relationship-* This is a very critical component of clinical supervision. The supervisor has a dualistic role, firstly as an educator of the students involved in the clinic project and secondly senior attorney for the client. Therefore, he has to always keep in mind the interest of the client. In a clinical set-up, the students should be provided the fullest opportunity to construct a relationship with the client. The supervisory should not become the lawyer for the client. But the supervisor has to oversee constantly that the students are adequately representing the client and their decision are not averse to the interest of the client.<sup>62</sup>

(c) *Give students repeated opportunities to perform the tasks-* Clinical teachers do not emphasize that it is necessary to develop skills proficiency in a single course. The students learn and improve their skills, e.g., legal analysis, research, and writing throughout their law school curriculum. Therefore, proficiency of professional skills, e.g., interviewing and

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58 See Susan Bryant and Elliott S. Milstein, "Rounds: A 'Signature Pedagogy' for Clinical Education?" 14 CLIN. L. REV. 195 (2007), p. 202. According to the paper "Clinical teachers typically engage in three pedagogies: supervision, seminar, and rounds. These pedagogical modes serve different purposes and, although they overlap, supplement and complement each other to maximize the educational benefits attainable from student practice".

59 *Ibid.* p. 202, (The paper argues that the combination of rounds, seminar and supervision allows teachers to tailor learning that draws upon both staged (simulated) and real experiences and addresses simultaneously the personal and professional dimensions of that experience).

60 See generally Ann Shalleck, "Clinical Contexts: Theory and Practice in Law and Supervision", 21 N.Y.U. REV. L. & SOC. CHANGE 109; Margaret Martin Berry, "Clinical Supervision: Walking That Fine Line", 2 CLIN. L. REV. 137 (1995); William P. Quigley, "Introduction to Clinical Teaching for the New Clinical Law Professor: A View From the First Floor", 28 ARKON LAW REVIEW, 463, (1995); Jennifer P. Lyman, "Getting Personal in Clinical Supervision: Looking for That Fine Line", 2 CLIN. L. REV. 211 (1995); Toll Hoffman, "The Stages of the Clinical Supervisory Relationship", 4 ANTIOCH L.J. 301 (1986).

61 Ann Shalleck, "Clinical Contexts: Theory and Practice in Law and Supervision", 21 N.Y.U. REV. L. & SOC. CHANGE 109, p. 179.

62 William P. Quigley, "Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor", 28 ARKON LAW REVIEW 463 (1995), p. 486.

counselling, negotiation and client representation, should also likewise occur in multiple courses throughout, over a longer period. Clinical courses supervisor requires providing students ample opportunity to repeat their tasks and slowly guide the students to the desired level of proficiency before they advance to the next level of instruction.<sup>63</sup>

(d) *Continuously monitoring the students' activities and provide feedback to the students regarding his performance*- The supervisor has a role to continuously and actively observe the activities of the student in the clinic. The supervisor should note all the verbal and non-verbal communications of the student, substance of the issues addressed, skills utilized and the reaction to new facts and situations.<sup>64</sup> The supervisor then needs to plan his feedback and hold a critical review session with the student. In his review, the supervisor should realistically and honestly critique the student's performance. But, the supervisor needs to keep in mind that his goal is also to inculcate in students the practice of self-critiquing and reflective learning.

The supervisory model of the credit course was based on the classical theories of clinical supervision discussed above. To enhance the learning opportunities for students' clear and explicit statements about learning objectives and assessment criteria was provided.<sup>65</sup> The curriculum was designed keeping in mind the educational objectives that can be achieved most effectively and efficiently through CLE education to meet the needs and interests of students. Supervisor helped students to identify and plan how to achieve individually important learning goals and gave students repeated opportunities to perform tasks, if achieving proficiency is an objective.

The relationship between the students and the clinical supervisor varied from a law intern model to direct one-to-one relationship depending on the cases and caseloads. The clinic developed written protocols for monitoring the quality of law practice and for responding effectively if issues arise. Clients' opinion about their satisfaction with the quality of representation was systematically canvassed, including whether they felt treated with dignity and respect.<sup>66</sup> Surveys about the quality of in-house clinics' law practice, including professionalism, should be conducted periodically and should canvas people who interact with the program's faculty and students, such as judges, hearing officers, judicial and agency staff, and opposing counsel. All correspondence and legal documents prepared by students, observe meetings with clients or opposing parties or counsel, monitor

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63 *Ibid.* William P. Quigley, p. 486.

64 *Ibid.* William P. Quigley, p. 489.

65 Sarkar (et.al), INTEGRATED CLINICAL LEGAL EDUCATION, p. 126.

66 *Ibid.* Sarkar, p. 125.

students' adherence to office and practice management protocols, and attend all court appearances by students.

At the beginning of every semester, a classroom based teaching component was designed.<sup>67</sup> The classroom component re-enforces and advances the shared learning experience of students enrolled in an in-house clinic. The classroom component was used to transmit knowledge and information necessary for competent representation of the population of clients served by the clinic. Classroom teaching was also used for group case planning exercises, for simulations directly related to the actual case experiences of students.

Finally, the most challenging aspect of supervision of live-client clinic project is the ability to maintain the dualist role by the supervisor. The supervisor had to discharge simultaneously the roles of a clinical teacher with respect to the students and a lawyer with respect to the clients. With respect to client the supervisor had complete responsibility to ensure that the client receives competent and quality legal service. This required a fine balance between the supervisory goals of allowing students to carry out their work independently, yet ensure a strict standard to maintain quality of the legal service delivered to the clients. Students were given sufficient autonomy while attending their client problems, but the supervisor closely observed and in occasions intervened into the students work to protect client interest. However, observation or review of the mundane and routine activities was not necessary if they are unrelated to educational objectives or clients' interests.

### **Assessment System used to grade the students**

Assessment is an integral part of any formal education initiative. The main purpose of assessments in educational institutions is to discover if students have achieved the learning outcomes of the course studied. A literature related to assessment, discussing on goals and methods for selecting a particular assessment system, states "*Assessment methods and requirements probably have a greater influence on how and what students learn than any other single factor. This influence may well be of greater importance than the impact of teaching materials.*"<sup>68</sup> Therefore a well-designed assessment process can only explicitly inform about several elements, e.g., judging mastery of essential skills and knowledge, measuring

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67 Susan Bryant and Elliott S. Milstein, "Rounds: A 'Signature Pedagogy' for Clinical Education?" 14 CLIN. L. REV. 195 (2007). (Milstein argues that the combination of rounds, seminar and supervision allows teachers to tailor learning that draws upon both staged (simulated) and real experiences and addresses simultaneously the personal and professional dimensions of that experience).

68 Alison Bone, National Centre for Legal Education, Ensuring Successful Assessment available at <http://193.62.18.232/library/archives/ukcle/78.158.56.101/archive/law/resources/assessment-and-feedback/bone/index.html>, (visited on October 6, 2017).

improvement over time, diagnosing student difficulties and finally evaluating the effectiveness of the course.

It is a surely a challenge for faculty teaching law using clinical legal education to determine an appropriate assessment system for students. Since live-client clinics primarily focus on generic transferable lawyering skills, the design of the assessment methodologies which would effectively and efficiently measure the extent to which these skills have been acquired and imparted is not simple. But it is impracticable to introduce a course in law school without an effective assessment system.

Guidance on designing the assessment model to assess students in clinical program was published in *Report of the 2002 CLEO Conference (CLEO, 2002)*,<sup>69</sup> and it recommended that methods of assessment in clinical teaching can be diverse and stated:

- (i) **Journals, portfolios and diaries:** For reflecting on both individual and shared experiences can be used for formative and summative assessment.
- (ii) **Oral communication:** Assessment can be carried out not just of oral advocacy carried out for the purposes of the cases being conducted by the clinic, but also students can be asked to make presentations reflecting on the work.
- (iii) **Group work:** Which can be accessed through tutor observation of a group of students tackling a 'real' problem, together with self and/or peer assessment.

The assessment model that was carried out at NUJS was a combination of multiple assessment system involving a) preparing reflective journal writing; b) written tests; and c) viva-voce and case presentation. On the basis of performance in each of these components, the students were awarded their grades.<sup>70</sup> The model was chosen after carefully considering its utility in (a) measuring the desired learning outcomes of the course, (b) validity of the assessment tool i.e. must accomplish the purpose for which it was intended: and, (c) reliability i.e. test or measuring procedure yields the same results on repeated trials.

## Conclusion

Clinical Legal Education is an integral part of contemporary Indian legal education. It is a useful teaching method and provides a wide range of choices to law teachers to design their program in a manner to meet the students learning needs more comprehensively. Also, in India, millions of people still have limited access to justice due to various socio-economic

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69 Philip Leach, "*The Effective Assessment of Clinical Legal Education*", available at [http://repository.londonmet.ac.uk/152/1/InvestigationsInUniversityTeachingAndLearning\\_v1n2\\_p61-64.pdf](http://repository.londonmet.ac.uk/152/1/InvestigationsInUniversityTeachingAndLearning_v1n2_p61-64.pdf), (visited on October 6, 2017).

70 *Supra* n. 68.

factors. Clinical Legal Education can serve their legal needs. The students enrolled with the clinic can play a vital role in meeting the justice needs of the marginalized citizens. However, clinical legal education in India is still at its very nascent stage. There is a dearth of literatures in clinical teaching. Various other challenges also exist in implementing a clinical curriculum e.g. supervision guidelines; determining appropriate assessment system; financial and infrastructural issues etc. Further, the restriction on law teachers and students in India to represent clients in court is considered as a constraint in development of clinical teaching.

NUJS a leading institution of legal education had introduced clinical teaching from its inception in 1999 and constantly nurtured its clinical curriculum. NUJS clinical programs have grown and diversified over time. It has succeeded to outdo the existing barriers and has established a self-sustainable legal aid clinic with a clinical teaching model based on a desired curriculum and effective supervisory and evaluation system. The author was an integral part in this NUJS's journey over a decade and has shared his experience in designing and supervising the clinical program in this paper. He has discussed the theoretical and practical issues relevant to clinical teaching model and its supervision. The aim is to provide a toolkit of a model clinical program suitable to Indian condition, useful for young law teachers, willing to experiment with clinical pedagogy.

The paper advances a roadmap to address the basic concerns involving clinical teaching e.g., how students can be exposed to clinical experience; how these experiences acquired by students can be used in educating them in professional skills and values; how to integrate appropriate academic credit with the activities of legal aid clinic; the curricular outline of such a clinical course and its learning outcomes; the supervisory choices and an effective evaluation system to assess students' performance. The paper discusses these important issues in light of the NUJS experience.

The author concludes that all law schools should establish a full-fledged legal aid clinic with dedicated budget and faculties to supervise the clinic. The clinic requires developing a CLE Manual containing details of the type of services offered by the clinic, office procedures and client management protocols, templates to be used in the clinic, supervision guidelines and procedure for service quality assurance of the clinic. The students who enrol with the clinic must work for one year or more. The students must be awarded appropriate academic credit for participating in law clinics through a clinical course linked with the clinic. The said clinical course should inform the students at the minimum about its curricular goals, learning outcomes and evaluation method. Finally, the clinic should forge partnership with NGOs, Legal Services Authorities and local communities to ensure its sustainability.

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# TEACHING IN ERA OF INFORMATION AND COMMUNICATION TECHNOLOGY: ISSUES AND PERSPECTIVES

Madhukar Sharma\*

## Abstract

*Information and Communication Technologies facilitates the teaching in modern era. Computer and internet have become essential for enhanced learning and sharing of the knowledge. Information era changed the very essence of teaching, it is a job of modern educator to convert gigantic information is available in web world information into knowledge. Educators of the modern India principally focuses on both behavioural as well as methodological aspects of teaching. Teaching methods for humanities especially in the context of legal studies requires various methods in competence with modern technological advancement and versatile visualization with an effective hermeneutics. Teaching in the era of Information and communication technology has an array of aspects such as use of technology, understanding of different modes, types of channels, online education and interaction, and reliability of the sources. Teaching in a tech-savvy environment is a learning in itself.*

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**Keywords:** Modern Educator, Era of Information and Communication Technology, Tech-savvy, Digital Age, Teaching Methodology.

*आ नो भद्राःकरतवो कष्यन्तुविश्वतो<sup>1</sup>*

*Let Noble thoughts come to us from everywhere and all directions.*

## Introduction

It is very easy to be a student, getting admission in an institution suffice the whole purpose but it is very tough to be a teacher, master and, faculty, besides wider sense of knowledge and understanding. A teacher needs plenty of skills to deal with the multilevel students according to their capacity as well as visualize the things as per their understanding. Due to the presence of internet the job of a teacher becomes more important and crucial. It becomes necessary to enhance the ability of the students to pursue right things in right way. It is done by utilizing the multi tools of the teaching.

Former President of India Shri Pranab Mukherjee started a new practice i.e. to interact with the students of centrally governed institutions through the

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1 REG. VEDA., Chapter 1, pp. 89-91.

video conferencing on opening day of the session. This practice incepted two sides of the coin; to develop the technology enabled institutions and remind the responsibility of the all stockholders as the President of India itself an ex-officio Chancellor of various institutions. This effort made a change towards the effective use of the modern technologies for the education. In the era of Information and Communication Technologies (ICTs) educator have two major tasks; to teach digitalization through digital.

Era of Information and Communication Technology is shaping human life in a unique way where chase for technology and changing pace of the technology is very crucial. Every era is recognised by its technologies as Stone Age, Copper Age and now Digital Age. In the era of ICT three aspects combined together: computer, telecommunication and internet which are providing a new ways of life, where the accesses, availability and affordability of gigantic information has entitled us as Tech-savvy or Netizen in Information Age.

Media is now extended to social media and individual accesses of social networking has changed the very essence of human life, real-time communication and widely dissemination of the information has enabled our civilization as cyber culture, where we are using ICTs in both way as means or an end. Communication is essential for the society because it is the first step towards the socialization, in every age different modes and tools were used for communications but reliability and authenticity has always been an issue. About half of the population in the entire globe has the facility of internet and it is making world globalize in true sense through the virtual dependency in the era of 'End of the Geography',<sup>2</sup> where connectivity changes the human interaction in an unequal manner.<sup>3</sup> While diffusion of the information society generates the crucial need of digital education. ICTs enabled society is the most important invention in the present era. In the information age the service sector became the most valuable sector for the nation's economic and social growth therefore to educate the newer generations would be the most significant service for the nation. Having the knowledge of technology and education system, educating through the utilization of most advanced technology is the main aim of the Digital India.

### **Philosophy of Education in Modern India**

India has a wide primordial education system; it is known for the development of different philosophies and evolution of teaching and learning. *Sanatan* tradition of the Indian education system has experienced various schooling and teaching models. Indian education system always

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2 Glen M MacDonald, "The end(s) of Geography", Feature News, American Association of Geography (President Address), 2016.

3 Daniel Bethlehem, THE END OF GEOGRAPHY: THE CHANGING NATURE OF THE INTERNATIONAL SYSTEM AND THE CHALLENGE TO INTERNATIONAL LAW, 2014.



focused on both ways of development of generation i.e. micro and macro developments. In modern India there are many thinkers who have developed various techniques of learning and teaching as Tagore advocated the holistic development of education. “Tagore had bitter experiences during his schooling and he said that our school was a place of torture and it looks like a jail, but paradoxically the school where he went for early education has a notice board ‘this is the place where Tagore got Education.’ Tagore argued that when we were sent to school, the doors of natural information were closed on us; our eyes see the letters, our ears the abstract lessons, but our mind misses the perpetual stream of ideas from nature, because the teachers, in their wisdom, think these bring distraction, and have no purpose behind them”.<sup>4</sup>

Nature, is the greatest of all teachers, it is thwarted at every step by the human teacher who believes in machine-made lessons rather than life lessons. The machine-made lessons impact the growth of child’s mind. It is not only injured, but forcibly spoiled. It is always suggested that children should be surrounded by the things of nature as it has its own educational value. Their minds should be allowed to stumble upon and be surprised at everything that happens in their day to day life. It helps the child to learn easily as compared to adults. Adults have become tyrants and the ignore natural gifts of a child and oppress children to learn through the same process that they learned by. We insist upon forced mental feeding and our lessons become a form of torture. This is one of man’s most cruel and wasteful mistakes. It is a known fact that the aesthetic development of the senses is as important as the intellectual. Music, literature, arts, dance and drama should be given great prominence in the daily life of the school.<sup>5</sup>

Girijashanker Badheka generally known as Gijubhai, born in Gujarat on 15 November 1885, he studied law in Bombay and started his practice in 1911 as a District Pleader and in 1912 he enrolled himself is High Court Pleader. Gijubhai was influenced by Montessori system; this convinced him about the need to begin the school for conducive environment for learning. Gijubhai evolved a new child education philosophy which was suitable to Indian environment. It talked about training teachers and creation of suitable literature for children, he advocated the introduction of equipment for sensory development, coupled with the use of music, dance, travel, story-telling and play-ground and it instantly acquired popularity with children and parents. He focused on teachers as well as parents training first. He produced more than hundred works which are focused on child centric education system.

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4 Neeraj Sharma, *EVALUATING CHILDREN IN PRIMARY EDUCATION*, 2003, p.11.

5 Rabindranath Tagore, *SCHOOL AT SHANTINIKETAN*, available [http:// new learningonline.com /new-learning/chapter2/rabindranath-tagores-school-at-shantiniketan](http://newlearningonline.com/new-learning/chapter2/rabindranath-tagores-school-at-shantiniketan), (visited on January 30, 2017).

J.P. Nayak a renowned educationist from Maharashtra, who was born on 5 Sep, 1907 in Kolhapur District, Maharashtra. He joined Indian freedom struggle and took part in Gandhian movements, started his career as a primary teacher and served up to the establishment of the Indian Institute of Education for postgraduate Training and Research in Bombay. He worked without salary to establish the National Council of Educational Research and Training, Jawarlal Nehru University, and National Institute of Educational Planning and Administration. Nayak focused on the equality, quality and quantity as an exclusive triangle for the education. He was the member of several Commissions and first member secretary to Indian Council for Social Science Research (ICSSR). He wrote many books on modern Indian education and developed a model of Socially Useful Productive Work (SUPW) and advocated the adult education and non-formal education system; on basis of his teachings S S Kalbagh, a renowned engineer, started a different kind of schooling in Pune called Vigyan Asharm, having the statement 'We would like to see India prosper and be a pathfinder to the rest of the world. This will happen only when everyone can reach his or her own full potential. Hence raise the lowest.'

Vigyan Asharm is performing in a unique way. Its various skilling modules designed for the rural students as per the requirement of society. Asharm used to admit the students those failed to get admission any other institution and vocationally trained them according to their choices, entire Vigyan Asharm is constructed and run by the students, the student will not be eligible for his diploma and degree till he starts earning by his profession. This is most successful society centric institutional experiment where the rural people get technological and innovative support form institute. It is worth with mention that institute don't have any teacher for specific branches, after the basic training student are attached with the experts of particular skill, in this way it gives the opportunity to enact withe Socially Useful Productive Work modules.<sup>6</sup>

Anant Pai is the pioneer of Indian comic books he was born in Karakala, Madras on 17 September, 1929 is famous for his two comic books Amar Chitra Katha and Tinkle. Anant advocated the impact and effect of the visual learning for the children through the comic characterization of the epics. In 1967 he left the job from Times of India and started publishing Amar Chitra Katha, a comic book based on the Indian mythology and Indian folk tales. He gave a new dimension to visual learning.

Prof Yashpal who was a scientist by profession but recognised as an educator in modern India he focused on 'learning without burden' through student centric approach in an environment of openness which enables the

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6 VIGYAN ASHARMA PHILOPSHY, available at <http://vigyanashram.com/InnerPages/Philosophy.aspx>, (visited on March 12, 2017).

students to access the source of the knowledge. He advocated use of the modern technologies like computer for promotion of individual learning styles. According to him education is not a physical thing that can be delivered by a teacher. Fertile and robust education is always rooted in physical and cultural environment of the child and nurtured by the parents, teachers, fellow and community.<sup>7</sup> His major emphasis was on qualitative teaching as he stated “teaching should aim to enhance student’s natural desires and strategies to learn”.<sup>8</sup>

Krishna Kumara a renowned educationist of India focussed on the pedagogical aspects of teaching he argued for curriculum designing as per students understanding levels and atmosphere, he advocated for local and regional aspects of understanding. He arose the four riddles of education as: first the student does not know that they have to learn. Second, students are not able to get proper knowledge. Third, burden of study consumes much time and fourth curriculum is not student centric.

All educationists of modern India have emphasised the importance of versatile learning and have focused their philosophy on various modes of learning. World Development Report 2016 determined that learning and skills of development starts at birth and lasts a lifetime. Good parenting and early stimulation prepare children for school, where cognitive and socioemotional foundations are laid.<sup>9</sup> Technological aspects of ICTs can play a wider role though enabling them with new gadgets as laptops, tablets, video-conferencing, audio-video tool and EDUSAT etc.

Today’s education system need to prepare students for a career and not only for a job but also it should be according to social scenario, modern labour markets requirement, market requirement, creativity, teamwork, problem solving, decision-making and critical thinking in an ever-changing environment. The traditional education systems have various methodologies but now there is requirement to cope up with the new technological advancements. Now many countries and institution are rethinking about new approaches. Singapore is moving from a fairly rigid ‘efficiency driven model’ to an ‘ability driven model’ that emphasizes project work and fewer assessments in place of frequent testing. Colombia’s Escuela Nueva model is focusing on group learning and problem solving approaches through ICTs enabled techniques, new approaches are changing the relationship between teacher and student. The lecture methods are no longer an effective tool for the knowledge creation and sharing, it is the time to instruct students to help them to find the information and apply it in an entirely new and unexpected context. This requires changes in teachers training and teaching methods.

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7 National Curriculum Framework-2005 (Report), National Council of Education Research and Training, New Delhi, p. II.

8 *Ibid*

9 Digital Dividends, “*World Development Report 2016*”, p. 59.

There are many new methods and digital technologies assisting teachers and students to be a knowledgeable society.

Rio de Janeiro's education department developed a portal named Educopedia an online platform containing reading material to increase the teaching ability. It provides contents and information for the teachers through multimedia resources including videos, interactive quizzes, and digital libraries etc. New advanced technological skills encourage a lifelong learning system by generating a multi-folded impact through internet. Indian government has also established the National Knowledge Network (NKN) in 2010 with the outlay of Rs.5,990 Cr. its aim is to create a knowledge revolution through connecting all knowledge and research institution with a high band width. Currently there are 1648 institution are connected under NKN service.

ICTs are enhancing the modern education system through access of information and providing the avenues for critical understanding. Ruth Johnson a modern educationist rightly described the role of higher education she said "*it should not either be mere servant of the government policy or passive respondent to public mood: higher learning does not teach what to think but how to think.*"<sup>10</sup>

Plato's concept of Idea is the basis for the understanding, according to him idea is absolute in nature and reality is just a shadow or closely relevant to idea, so it is the biggest challenge for a teacher in terms to generating an idea related to any phenomenon. In technology ridden world, ICTs are very helpful to present any phenomena in different way and establish a notion in various ways to variety of students. An eminent educationist, Anand Singh Bisht, emphasizes that if you have thirty-two students, then you must have thirty-two ways of teaching as every student is unique and has his own way of learning. In the age of ICTs, a teacher can present his topic in various modes like videos, different writings, cases, audios, interviews, panel discussions, video conferencing, corporate teaching, role-play, movies, images, diagrams, charts, pie-charts, power point presentation, satellite operated lectures, 3D-4D presentation, animations, cartoons, blogs, social networking and portals etc.

### **Information to Knowledge**

Modern era has been christened as information age where gigantic information can be disseminated within micro seconds, the information is everywhere and society is overburdened with oversized information. In such world, it is a biggest task for the teaching community to know how to convert information society into knowledge society. In the era of ICTs, students are much aware about the syllabi and course content and the

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10 Pankaj Chandra, "Class and Classroom", INDIAN EXPRESS (Editorial), January 2, 2018.

internet enabled society has huge information in all respects, hence there should be some methodologies and skills for the teaching in a digital tech-savvy environment. Informative to knowledge society there are various aspects in accordance to knowledge that underline the principles of how it is created, how is organised, who accesses it and what it is used for and way of thinking, of feeling and of doing things.<sup>11</sup>

### **Teaching Methodology for ICTs**

Hegelian concept of the thesis, anti-thesis and synthesis is the fundamental approach toward knowledge creation in an information society context. Critics and text are widely available and students usually have some glimpse of the topics, hence deductive approach is more appropriate for teaching; deductive and inductive are the two approaches toward the discussion on any topic.

Deductive reasoning has a top-down approach; it begins with selecting a pre-existing theory about a certain topic of interest. The theory is then narrowed down into more specific hypotheses that can be tested. Inductive reasoning has other direction, and it is based on a bottom-up approach. Inductive reasoning begins by detecting patterns and regularities within specific observations and measures. Deductive method is much useful in the presence of the technology-savvy smart class, where teacher can connect an issue by using different kind of explanations.

It is a common practice that curriculum of most of the subjects starts with the historical development of the topics or inception to present journey. In this process most of the time student lose their rhythm to connect themselves with the topic/subject instead of this process teacher must try deductive methodology to attain students interest with the subject for example if we start teaching computer with the historical development or invention of a machine then it will become very nasty and repulsive for them instead if the teacher starts the class with the discussion on the use, utility and accomplishments of the computer in their life as they are experiencing personally.

In a technology-savvy world induction of the technology for teaching can change the pedagogy in a versatile manner whereas various audio-video tools are available for the variety of the teaching. Once it was a fear that technology will replace the job of a teacher but ICTs enhance pedagogy, collaboration and participation in class room, and job of a teacher become more important in various aspects.<sup>12</sup> In a higher education system teaching

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11 National Curriculum Framework 2005, National Council of Education Research and Training, New Delhi, Report, p. 24.

12 Michelle O. Crosby and John Carfora, "ICT Application in US Higher Education in Book *Teaching Through Multi-User Virtual Environment*", Giovanni Vincenti and James Braman, ed. Information Science Reference, New York 2011, p. 49.

and learning are simultaneous process because university is a learning origination hence faculties have major responsibility of designing of accurate, current and substantial content for teaching.

Multi-User Virtual Environment (MUVE) is a potential form for the optimum use of ICT in knowledge sharing network. Team learning, collaborative learning as well as ICT enable the classrooms for experience learning. ICT transmittance the information easily, effectually and faster to vital size of the users in a recurring manner. Still some skills are prerequisite for the effective teaching as...

### ***Cognitive Skills***

- Literacy, numeracy and higher-order cognitive skills
- Problem-solving ability versus knowledge to solve problems
- Verbal ability, memory and mental speed

### ***Social and behavioural***

- Socioemotional skills and personality traits
- Openness to experience, conscientiousness, extraversion, agreeability and emotional stability
- Self-regulation, grit, mind-set, decision making and interpersonal skills

### ***Technical***

- Manual dexterity and the use of methods, materials, tools, and instruments
- Technical skills developed through postsecondary schooling or training or acquired on the job
- Skills related to specific occupations (for example, engineer, economist, IT specialist).<sup>13</sup>

## **Hermeneutic of Digital Age**

Hermeneutics is a science of the understanding and interpretation, Paul Ricoeur described the hermeneutics as discovering the meaning and philosophy where meaning means the 'meaning of life'. He interpreted the hermeneutics as 'it is to seek in the text itself, on the one hand, the internal dynamic that governs the structuring of the work and on the other hand, the power that the work possesses to project itself outside itself and give birth to a world that would truly be the thing referred to by the text. This internal dynamic and external projection constitute what I call the work of the text, it is the task of hermeneutics to reconstruct this twofold.'<sup>14</sup>

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13 Pierre, Gael, et al., "STEP Skills Measurement Surveys: Innovative Tools for Assessing Skills", WORKING PAPER 89729, 2014 World Bank, Washington, DC.

14 Simms, Karl, ROUTLEDGE CRITICAL THINKERS: PAUL RICOEUR, 2003, p. 33.

Teaching of humanities especially in the context of law is highly under the impression of the Anthony Giddens's Double Hermeneutics, which evolves the important difference between neutral science and social sciences. In natural science single dimension or one way hermeneutic is sufficient to elaborate the phenomenon but for the social sciences teacher has a responsibility to deal with the double hermeneutic with explanation of the what and how. As a natural scientist has to understand actions of a chemicals but social scientist has to understand what are the action of particular individual and why he undergone for particular action.<sup>15</sup>

In the persuasion of hermeneutic of ICTs era, now a day's power point presentation (PPT) is the most popular technique for the teaching, but it requires some modalities as, there should be a limitation of the text on a slide; most of the times people have huge text and usually try to read it. Number of slides and number of the words should be in an ethical manner, not more than twenty words on each slide is may a thumb rule for the power point presentation. Many resource persons have huge animated effects on slides which is goes for the disturbance. For a teacher, power point should be a tool not a source of information and abbreviations and critical terms on slide should be explained separately.

Online collaboration tools are available now through different Applications. Teachers can distribute and share documents online, edit them in real time and project them on a screen. It gives students a collaborative platform to brainstorm ideas and document their work using text and images. Tablets and smart phones can be linked to different devices and cloud computing so that students and instructors can communicate through text, drawings and diagrams. Course material like syllabi, assignments, readings, books, article, and alerts can be shared through the networking so that student has handful information. Lecture-capture tools, recording of lectures, interaction and real time communication can be used for effective teaching. For the creative writing, augmenting and enhancing of skill of debating can be improved through the real time communication by using the blog.

Studio teaching is a new teaching approach where a small group of participants work under a collaborative and cooperative learning system, it has an interactive engagement with the use of paper pencil exercise in discussion debates and presentations having samples and cases with projects Adaptive learning. It provides students an opportunity to learn according to his pace. In the same way collaborative learning is a group based activity where projects, joint problem solving case studies techniques allows the students to visualize the concept much better and also provide the facility of remote access that optimizes the various sources like e-book, e-journals, protocols, lecture series, documentation and analytical tools. Smart

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15 Giddens A, THE CONSTITUTION OF SOCIETY, 1984, p. 20.

pedagogy, smart teaching solution and smart learning space is the motive of the e-learning.

In India, 340 million people are use smart phones and more than 35 percent population use internet regularly, in such environment implementation of ICTs for knowledge sharing is an important aspect. As government is also dedicated towards formation of the Digital India and ministry of Human Resource Development has launched a vibrant scheme of Nation Knowledge Network to provide internet connectivity to every educational institution without any charges, and on other hand EDUSAT (Consortium for Education Communication) is also dedicatedly working for the education through Information Communication Technologies.

### **Critical Aspects of the ICTs**

In modern world we experience that all new technologies are used in both ways it serves humankind and destroy the masses and moralities. History has huge examples of use and misuse of technologies like nuclear technologies, space technologies, and chemical-biological inventions against the mankind. Era of Information and Communication Technologies also have huge adverse aspects regarding the techno-savvy generations there has been high dependency on the online sources, malware, virus, fraud, cyber stalking, hacking, copyrights and pornography. While using ICTs for the promotion of the visualizing the concepts and making teaching easier faces numerous aspects of the ethical use of the technologies. Modern ICTs and data processing and conservation technologies makes education system less paper to paperless.

Denise Lee Yohn raised the crucial situation regarding membership of different professional associations, he discussed about the widespread decline because ICT. New wave of ICTs provides online informal social and professional networking opportunities and access to content such as journal articles that negate the necessity of formal association membership. She also notes that Millennials are generally less inclined to value formal networking and organizations than earlier generations.<sup>16</sup>

E-learning is more intrusting and interactive with the tool such as slide presentation, audio-video conferencing, application sharing and multimedia usage. 'less is more' can be a slogan for e-learning, meaning that exposing students to less information but covering it in more depth can lead to better learning.

### **Conclusion**

*Masti ki Pathshalaan*<sup>17</sup> is a seminal work of Prof K N Jha it is most celebrated idea for the future education system with an argument of joyful

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16 Denise Lee Yohn, THE HARVARD BUSINESS REVIEW, 2016.

17 K.N. Jha, MASTI KI PATHSHALA, 2011.



learning with the different method for different students in different modes, it also arose the importance of the socio, economic, cultural and environmental aspects of the education.<sup>18</sup> World Bank started a program Info Dev for the promotion of digital technology for pedagogical strategies and content development for the ICTs in education. ICTs is not for the transform actions of teaching practices but it enables the teacher and improves the students learning.<sup>19</sup> In the era of ICT tools, processes and procedures are the crucial aspects. Technologies have increase a pace of human actions and comfort but it has some repercussions of reliability, affordability and sustainability of the various tools in the age of Big Data. In a tech-savvy environment availability, accessibility and dissemination of information made teaching very crucial where teacher has a responsibility to convert information to knowledge.

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18 K.N. Jha, "*Language and Language Teaching*", Vol. 2, January 2013.

19 Knowledge Map, "*Teachers, Teaching and ICTs*", Policy Document of Information for Development Program, World Bank, p. 35.



## INTERDISCIPLINARY APPROACH OF TEACHING AT NATIONAL LAW UNIVERSITIES

Faculty Members<sup>♣</sup>

### Abstract

*Interdisciplinary approach of teaching is very much essential to understand the relationship between law and other disciplines of learning. Law cannot be taught or studied in isolation. There is a dire need of producing socially relevant lawyers who can assist the adjudication mechanism in rendering justice in its true sense as enshrined in the Constitution. National Law Universities need to promote interdisciplinary approach of research and teaching, so that understanding capabilities of the students expand beyond the boundaries of 'Black letters of Law'. The University Grants Commission (UGC), Bar Council of India and National Knowledge Commission also recognise this fact that the curriculum must be shaped in such a manner so as to incorporate the interdisciplinary research and teaching.*

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**Keywords:** Interdisciplinary approach, Contemporary world, Law and Economics, Language and Law, Forensic Linguistics, World History, Law and Society and International Relations.

One of the unique features of national law universities curricula is its interdisciplinary approach of teaching and research. These universities offer integrated undergraduate degree courses of five-year as mandated by the Bar Council of India and recognised by the University Grants Commission (UGC). Some universities offer only one stream, i.e., B.A.LL.B. (Arts with Law) and others B.Sc.LL.B. (Science with Law); BBA.LL.B. (Management with Law) and B.Com.LL.B (Commerce with Law). Some of these degrees are on offer with honours tag wherein special focus of study during fourth and fifth years emphasised comprehensively. The idea behind introducing these integrated courses is to develop an understanding the relation between law and other disciplines of learning. Therefore, a newly recruited teacher must acknowledge the fact that teaching in national law universities needs a specific skill to correlate his/her discipline with law and vice-versa. Since introduction of Common Law Admission Test (CLAT) in the year 2008, the students who opt for national law universities are predominantly interested in study of law with rigour unlike the good olden days where it was considered as the last option. The teacher needs to penetrate into the minds of the students while dealing with the subjects other than law by conveying the relevance of the subject and its usefulness in the practice. The

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experiences in the national law universities show that over a period of time the students show lack of interest in the subjects of social sciences, humanities, management and science. The curriculum of these universities are shaped in such a manner that the subjects other than law are taught in the first two years of the undergraduate degree course and the core area of law along with the specialisations in the remaining years of their course.

Throughout the career a legal professional has to have a continuous interaction with the professionals from other disciplines. Therefore, the students shall be trained from the beginning about the nuances to work with other professionals and that is where the integrated degree course with interdisciplinary perspectives is useful. This interdisciplinary approach also encourages the students to choose their own interdisciplinary pathways to the career. The teacher must understand and realise the fact that while teaching the students of law in an integrated degree course, the focus must be on synchronising the subject in a manner that will be useful to the students in their professional life. In this paper an attempt is made to throw some insights to the interdisciplinary mode of research and teaching. This segment of the paper typically deals with the interface between law and social sciences and law and humanities only.

Law is one of the great departments of human thought and of social activity. As such, it claims the attention of all disciplines of social science. There is no relation in life that may not become the subject of judicial investigation and no branch of learning that may not be of great use to a lawyer. Thus, interdisciplinary approach to teaching and research in law has gained relevance in the contemporary period. In India to strengthen the curriculum of legal education an integrated program of LL.B. has been introduced with a very strong focus on interdisciplinary teaching. A student of law is required to learn the subject of political science at least for two semesters. The basic idea of introducing this subject in the formative years of law schooling is to make the students to understand the usefulness of this subject for understanding the nuances of the Constitution. Political Science is the study of the state, government, and politics. It is that part of social science which deals with the foundations of the state and the principles of the government. Sidgwick<sup>1</sup> explained the concern for the study of political science "*What as a student of political science we are primarily concerned to ascertain is not the structure of functions of the government in any particular historical community, but the distinctive characteristics of different forms of the government in respect of their structure or their functions; not particular processes of political change in Athens or England but the general law or tendencies of the change exemplified by such*

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1 Henry Sidgwick, THE ELEMENTS OF THE POLITICS, 1919, available at <http://www.shareyouressays.com/essays/1785words-essay-on-political-science/88141>, (visited on April 6, 2018).

*particular processes*". Thus, as a discipline, political science deals with those aspects of individuals in society which relate to their activities and organizations devoted to seeking power, justice and morality within an overall framework of the rule and law as laid down by the state.

In the course of study, the students of law need to be familiar with some concepts like theory of state, concept of sovereignty, power, forms and functions of government, making and execution of laws, elections, political parties, rights and duties of citizens, policy functions and study of welfare activities of the state and government. There are some other empirical aspect of the politics including actual formation of government, the working of government, administration, policy, laws and legislation. It also includes international matters such as peace and war, trade and economic order, protection of rights, etc., comprising the subject matter of the study of political science. Wellbeing of the society lays efficient political system and effective law and order which can be restored by the virtues of the citizens of the state as the Plato believed that "*the quality of the state was only as good as the quality of its citizens*"<sup>2</sup>. So understanding of political science expands the horizons of a student in formulating a concrete opinion about political system of a country.

Sociology is taught in the national law universities in two semesters. Discursive dialogue between the study of sociology and law permits us to realize the relationship that sociology and law share both historically and in the contemporary world. It is not simply about the relevance of sociology as a field of study for law students, rather the relevance is about having dialogic interconnections between the two disciplines that will result in deep integration between legal science and society. The importance of interconnections between the discipline of sociology and law depends much on the central tenet of how the relationship between law and society is perceived. From the sociological perspective, the law provides tools, resources, and visible symbols of solidarity useful in the construction of social order in society. At any given time and place, the law of the land reflects the moral values of the society. Therefore, epistemological and ontological explorations of law require its embedding in the societal setting. Need for having legal outcomes that benefit society at large is the ultimate goal of the legal profession. In this context, to have a positive functional effect of the legal profession, it is mandatory that law learning must incorporate in its curricula a sufficient scope for gaining knowledge about the social life. Without recognizing the social context, the learning about laws and policies will lead to the random application of knowledge and could have disastrous results for society. For example, law graduates in order to do analyses of legislations and policies require understanding the concepts of inequality, discrimination and marginalities with its existence in

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2 Tom Butler Bowdon, FIFTY POLITICS CLASSICS, 2017, p. 5.

society. Here, socio-legal scholarship may provide adequate groundings that concern various social issues and activities. This is crucial for students' future endeavours as well. Such as study of race and equality becomes the basis for a vocation in public service. Similarly, sociology of family and marriage will provide a basic knowledge for building careers in family law.

Sociology's concern with the explaining distinction between individual and social will be an added dimension to understanding the individual versus social responsibility. This will enable legal professionals to understand social policy implications for the society characterized with diversity. Moreover, the discipline of sociology with its strong footing in positivism, empirical observation and techniques of measurement is in a position to provide a strong feeling against speculative enquiry and moral philosophy. In this sense, sociology helps educators of law to direct students towards realistic, practical enquiry, where they can differentiate between fact and value. The amalgamation of sociological and legal perspective will give advantage for doing legal policy research that holds importance for societal planning.

Traditionally, the relationship between law and society has been established by movements and public discourses. For example, the USA has a long tradition of researching the factual significance of legal rules in society. From this perspective, legal science is criticised for focussing on formal rules, and the difference between formal law (law in books) and factual legal practises (law in action) is introduced in society.<sup>3</sup> Further, this criticism supported by the emergence of the 'Law and Society' movement is the USA, which has again criticised the traditional focus on formal rules and demanded studying law by focusing on empirical research on the effects of law in society, as well as analysis about the role of law as a means of social control.<sup>4</sup>

Most of interdisciplinary teaching to law students would rely on what Ehrlich states that 'the center of gravity of legal development' lays in altered way of life and in the changing organization of society. In today's highly competitive, technologically integrative and globalizing social environment, it is imperative for any discipline to integrate, collaborate and have seamless dialogue with other fields. Specific to the Indian society, where diversity is part of everyday life, it is imperative to hold a multidimensional approach towards a problem. To face the multi-dimensional social milieu, interdisciplinary is the key, which will facilitate the building of the knowledge stock comprising diverse perspectives and approaches. Traditionally, law has always been approached as an autonomous system,

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3 Pound Roscoe, "*Law in Books and Law in Action*", AMERICAN LAW REVIEW, Vol. 44, 1910, pp. 12-36.

4 White, G. Edward, "*From Realism to Critical Legal Studies: A Truncated Intellectual History*", SOUTHWESTERN LAW JOURNAL, 1986, pp. 12-36.

the official legal system having its own interpretation. However, today it is very well established that we cannot understand the law in isolation; it is a part of a larger social system. Thus, we witness emergence of various research fields of legal sociology, legal anthropology, legal history, legal psychiatry and economics of law, among others. Characteristic of all these research areas is a multidisciplinary approach, and have intertwined orientations. At international level also we can witness research is leaning towards interdisciplinary approach and hence emergence of a societal perspective on law. This has been depicted through a variety of terms, such as, sociology of law, law and society, socio-legal studies and empirical studies of law.<sup>5</sup> In many western countries sociology and law has become bound together through an established part of the university curriculum.

The discipline of history has been prioritized in the integrated curriculum of legal education. It is conclusive that study of history renders a scope for rich and valuable source of information to the lawyer. Also historian and the lawyer alike deal with the affairs of men, the most uncertain of all subjects of investigation. The lawyer is to-day dealing with that ever-changing life of man which, centuries hence, will employ the future historian. Further central to legal method and historical method is inquiry into mass of contradictory evidence taken from sources of varying degrees of credibility, and in itself containing various degrees of probability, that the historian is to gather his facts and reach to the conclusions. To conclude, law stands foremost among the practical sciences as an aid to history and history in turn becomes the interpreter of law. So history has a great relevance in legal education.

Contemporary world has a wide-ranging ambit, including interdisciplinary topics such as world history and international relations. Its interface with concepts such as 'State', 'Recognition' etc., can help students to appreciate International Law better. Background knowledge of important wars such as the American Civil War can prove essential for understanding landmark case laws, such as the *Alabama Claims Arbitration* (1872) between the United States and Great Britain, which marked the beginning of peaceful international dispute settlement as it is understood today. Similarly, knowledge about the Spanish Civil War and Italian invasion of Ethiopia is required for understanding the concepts of state recognition- *de jure* and *de facto*. The knowledge about establishment of important international institutions such as Permanent Court of International Justice (PCIJ) and League of Nations helps students understand the historical evolution of United Nations. An in-depth understanding of landmark cases such as the *Lotus case* (1927) and advisory opinions such as *Interpretation of Peace Treaties* (1950) requires an extensive knowledge of World Wars I and II. For

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5 Campbell C.M. and Wiles Paul, "The Study of Law in Society in Britain", LAW AND SOCIETY REVIEW. Vol. 10, No. 4, 1976, pp. 548-578.

instance, students will find it difficult to understand the *Interpretation of Peace Treaties* (1950) if they are not aware about axis minor countries during World War II.

There is a huge scope for developing the interface between Contemporary World and International Law in specific branches of international law, such as international criminal law, law of the sea, etc. Almost inevitably, the study of International Military Tribunals in Nuremberg and Tokyo is steeped in history and global politics. *Eichmann* (1961) and *Pinochet* (1998) cases are linked to concepts such as dictatorship; crimes such as enforced disappearances and mass killings; historical events such as Zionism and formation of the State of Israel; and practical aspects of international law such as extradition. Similarly, the study of the maritime history of nations has aided significantly to the development of public international law, especially law of peace, considering that *Mare Liberum* by Hugo Grotius was one of the first discourses relating to international law. A majority of contentious cases between countries have been a result of maritime disputes, and the PCIJ and ICJ have played a great role in increasing the understanding of maritime delimitation, increase in fisheries stock, marine conservation, etc.

Another concept in international law which has gained importance is the concept of state sovereignty. The concept has witnessed a gradual evolution over a period of more than 400 years, and every student of international law begins the process of understanding this with the Peace of Westphalia (1648), where the concept of nation-states was born. The world has come to witness a gradual erosion of this concept of state sovereignty in the recent times, with the rise of supranational organizations, regional groupings, and the like. But it is difficult to negate the idea of a 'State', which is why it is an oft-discussed topic within the confines of the interface between contemporary world and international law. Perhaps the best manifestation of this interface is the Legal and Treaties Division in the Ministry of External Affairs, Government of India. It is testimony to the fact that neither diplomacy nor implementation of international law can happen in isolation. Thus, an understanding of international law is incomplete without a supportive knowledge of issues related to the contemporary world.

The affinity between the law and economics opens up uncharted territories in the ocean of interdisciplinary research. Nobel laureate Ronald Coase in 1960 revolutionised the intersecting area of economics and law through his seminal work '*The Problem of Social Cost*'. Since then, the combination of Legal Theory and Economic Reasoning is proving to be an effective tool in the hands of researchers for gaining valuable insights in order to decipher and solve various challenges cropping up in modern socio-economic world. Some prominent concepts in economics such as economic efficiency, cost-benefit analysis, public choice theory, market failure,



welfare criterions, behavioural economics, etc. when studied in the light of legal philosophy brings more clarity in analysis that comprises three closely related aspects-evaluating what effect a particular law will cast on economy and society, elucidating why a specific law is framed, and affirming what laws are required for rapid progress of the country. The new wave of law and development economic activity corresponds with a shift toward market-oriented economic policies in the developing world. Reform of legal institutions is now seen as one pillar of a tripartite package of reforms that also includes democracy and economic liberalization.<sup>6</sup>

Study of law in the context of humanities includes disciplines such as languages, literatures, philosophy, cultural studies and many more. They expand the critical perspectives on law and make the understanding of legal doctrines and principles more emphatic. Among these interdisciplinary discourses, literature and law and language and law are well developed intersections and are studied in law courses around the world as well as in India. Language and Law is often referred to as forensic linguistics. In this case, methods developed in linguistics are applied in legal context. This application is intended to empower the students to read and interpret the language of statutes, courtroom interactions and multilingual communications with clients and other stakeholders. Similarly, language plays an important role in police investigation, defamations, confessions and personal notes of people involved in different criminal cases as convicts, witnesses and people in other legal capacities. In case of contracts, trade marks, and copy right, the language itself becomes a subject of territory of law. Because there are all such levels of interface between law and language, this field has been explored vigorously in countries such as the United States, UK, Germany etc., but the discipline remains under developed in India and the researchers are of the opinion that it is an opportunity for academicians to explore, though the regional languages and several varieties of those regional languages are likely to impregnate several complexities and challenges for such a study.

The spur of humanistic approach to law first emerged as part of conjunction of law and literature with James Boyd White's seminal text book, *The Legal Imagination* (1973). Since then, scholars from around the world have invested significant effort in analysing law and literature focusing on legal themes and images. Since law is written in language, the medium of language matters in the practice of law, but it is not to be perceived as a matter of rhetoric in the sense of persuasion alone. Instead, critical legal thinking, reading, speaking and writing have its roots in a critical understanding of the links among language, consciousness, and

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6 Tom Ginsburg, "Does Law Matter for Economic Development? Evidence from East Asia" *LAW & SOCIETY REVIEW*, Vol. 34, No. 3, 2000, p. 831.

power.<sup>7</sup> Literature is a product of a culture it emerges from, and gives space for emphatic understating of laws that have emerged from and are operating in the context of the same culture.

Traditionally, law and literature engages in those literary texts which use fictitious court trials as its plots and some others that thematically explore jurisprudential issues. In Indian context, the social context of law could be explored profitably through writers such as Munshi Premchand and Ishmat Chughtai who wrote in regional languages but most of their work is translated into English. Apart from this, entire world literature has plethora of literature texts thematically exploring status of women and children, genocide, holocaust and many other issues that give an emphatic understating of issues that are relevant to different branches of law.

Those days are gone wherein the subjects of law are taught as autonomous subjects. For rendering justice in its true sense, it is essential for the teachers at national law universities to take up the interdisciplinary approach of research and teaching of law. The law cannot be taught in isolation as 'Black Letters of Law', it needs to be connected firmly with other disciplines. The ultimate goal of legal education and adjudication mechanism is to provide justice to the needy in a just manner. By imparting interdisciplinary teaching, the national law universities not only produce socially relevant legal minds but also help the nation to achieve the goals as enshrined in the Constitution.

To be continued in Vol. 2 No. II of Contemporary Law Review...

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7 Austin Sarat et al., *LAW AND THE HUMANITIES: AN INTRODUCTION*, 2010, available at <https://books.google.co.in/books?id>, (visited on April 6, 2018).

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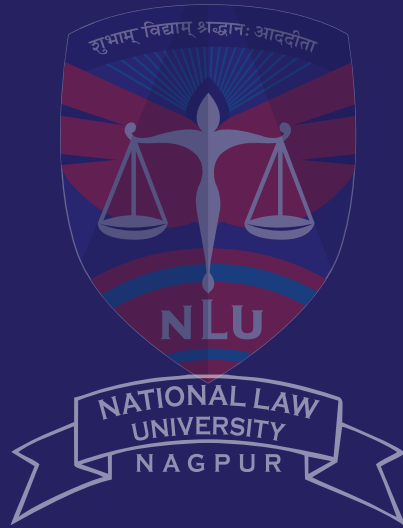
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