

APPLICATION OF STUDENT CENTRIC TLE APPROACHES IN LEGAL EDUCATION: ISSUES AND CHALLENGES

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Abstract - A diverse and multifaceted subject like Law can never be studied in isolation. More importantly, law is not just interconnected with other branches and subjects, but is also having a vital role to play in the society. “Law is the rule whereby the invisible borderline is fixed within which the being and the activity of each individual obtains a secure and free space”.¹ However, it is not easy to understand the meaning and application of law. The legal education has to take into account the changes in society and equip the law students to face these changes and challenges. In this context, the methods for teaching the subject of law become very relevant. This Article attempts to examine application of Student-Centric TLE Approaches in Legal education. It discusses role of law in the society, need for Student-Centric Approaches, their merits and demerits and pragmatic solutions for improving TLE approaches in law.

“There never was a time when the barrister had greater need of a wide culture and of full acquaintance with history, with economics and with sociological science”²

The above views of Justice McCardie emphasize the need for the study of law along with other social sciences. Indeed! A diverse and multifaceted subject like Law can never be studied in isolation. Law is closely connected with various other branches of knowledge like history, political science, economics, sociology, psychology, etc. More importantly, law is not just interconnected with other branches and subjects, but is also having a vital role to play in the society. Law guides the conduct and activities of individuals in the society. “Law is the rule whereby the invisible borderline is fixed within which the being and the activity of each individual obtains a secure and free space”.³ Thus, every individual and every activity in society has to be according to the law of the country. However, it is not easy to understand the meaning and application of law. This is law is interconnected with other disciplines as well as concepts like Justice, morality and Rights and what may appear to be just and moral in one situation may not be so in another situation. Also, the society is diverse and made up of various groups of individuals. Moreover, the society itself is dynamic and susceptible to so many changes and influences.

Law not only gives the rules to be followed by men; but is also the medium which resolves any disputes and conflicts of interests in the society. Any dispute between the people and within the society is resolved with the help of law. With the passage of time, the societies are becoming more and more diverse and pluralistic. Also due to rapid technological advancements, socio-economic-political changes and developments there arise various issues and often conflicts of interests between the different groups and communities in the society.

The legal education thus has to take into account these changes in the society and equip the law students to face these changes and challenges. The students of law need to study not just the bare provisions and texts of laws, but must also understand the inter-connection between law and other disciplines as well as understand the role of law in resolving the conflicting interests in society. Unless and until the students of law realize the inter-disciplinary nature of law they will not be able to apply the law in the correct perspective for resolving the various conflicts and disputes in the society.

In this context, the methods for teaching the subject of law become very relevant. The methods of teaching law in the Universities and Colleges must not be only theory-oriented but must focus on the learners or students. The teaching methods must consider the students and involve them in the class so that the students are able to understand the inter-disciplinary nature of law in the correct perspective and apply the knowledge of law in the society for resolving the conflicts. This Article attempts to

¹ The meaning of Law as given by F.K. Von Savigny (1779-1861), a Jurist and considered as the founder of Historical School of Jurisprudence

² These are the views of Sir Henry Alfred McCardie (19th July 1869- 26 April 1933), a British Judge

³ The meaning of Law as given by F.K. Von Savigny (1779-1861), a Jurist and considered as the founder of Historical School of Jurisprudence

examine the application of Student Centric TLE Approaches in Law. It discusses the role of law in the society and the need for such Student Centric Approaches. It also discusses the merits and demerits of the student centric TLE approaches in Law and attempts to provide pragmatic solutions for improving such TLE approaches in law.

I. LEGAL EDUCATION AND THE ROLE OF LAW STUDENTS IN SOCIETY

The concept of legal education in India can be traced to the Vedic Age, when education was essentially based on the concept of 'Dharma'. The Kings either used to dispense Justice themselves, or appoint Judges and Assessors to administer justice, not necessarily trained in law but who were known for their righteousness and justness and had the reputation of being fair and impartial. With the advent of British, the pattern of legal education underwent a change and in year 1857 steps were taken to introduce formal legal education in the country. After Independence, legal education acquired importance and with passage of time legal education was introduced as a course of study in many States⁴.

The concept of Legal Education in India generally refers to the education of lawyers before entry into practice. Currently, the legal education is offered by the traditional Universities, law colleges and specialized Law Universities and Law Schools for either three years or five years. Students with interest in higher education and academics, can pursue LL.M. (Master of Laws) which is of two years; and further PhD. (Doctorate in Law). The Bar Council of India recommends the compulsory and optional papers for these law courses and also gives the standards for the legal education in the country.

In the modern times, law, legal education and development have become inter-related terms in the developing countries. The Law Commission of India defines legal education as, "*a science which imparts to students knowledge of certain principles and provisions of law to enable them to enter the legal profession*"⁵ The main function of legal education is to produce lawyers with a social vision. In present times, law and legal education are regarded as instruments for social change and social design.

From the 20th Century, Jurists have started focussing attention on the role and function of law in the society. "It is said that law is more than a body of rules. Law is a body of knowledge and experience with the aid of which a large part of social engineering is carried on. The aim of social engineering is to build as efficient structure of society as possible which requires the satisfaction of maximum wants with minimum friction and waste."⁶ This requires the balancing of competing and conflicting interests in the society.

The modern societies are heterogeneous and pluralistic societies and made of different groups of people with diverse thinking and ideologies. Different people and different sections of society have different interests which often conflict with each other due to the developments in society. Further, the rapid developments in science and technology have led to changes in life-style and thinking and affect each and every facet of the social life. There is interface between morals, ethics, human rights, development issues etc. If the order in the society is to be maintained, there is a need to resolve the conflicting interests in society. Thus, the law students have a greater role to play in the society⁷.

Law acts as a cement material of society and an essential medium of social change. In the present era, the role of law professionals is changing. They are directly in contact with society as they have to deal with all kinds of problems of people from different sections of the society⁸. Hence, the legal education and law teaching must focus on the inter-disciplinary nature of law and devise innovative student centric TLE approaches so that the students of law develop interest in the subject and are able to apply the law effectively for social engineering and social change.

II. INTER-DISCIPLINARY NATURE OF LAW AND NEED FOR STUDENT CENTRIC TLE APPROACHES

In the present times, the interface between law and other disciplines is very clear and recognised. The subjects of law as well as other social sciences like history, political science, economics and sociology study the actions of human beings living in society, though from different angles. Law is closely related with sociology as anything and everything in society affects law and vice-versa. Almost all legal aspects have a social dimension. The relation of law with psychology can be seen in criminology as

⁴ Dr. Justice A.S. Anand, "Legal Education in India- Past, Present and Future", H.L. Sarin Memorial Lecture, Organised by The Sarin memorial Legal Aid Foundation, Chandigarh, 31st January 1998., www.ebc-india.com

⁵ Dr. Jay Prakash Yadav, Legal Education in the Era of Information and Communication Technology: An Analysis, in Manupatra, 04/10/2019. Also see, The Curriculum U.G.C. Guidelines, Report: The Curriculum Development Centre in Law, 1990,

⁶ See, Roscoe Pound, Interpretations of Legal History, Cambridge University, Press, 1923; Also see, The Theory of Social Engineering by Roscoe Pound considered as the Father of Sociological School of Jurisprudence

⁷ Emphasis mine

⁸ Tabrez Ahmad, Legal Education in Indian Perspective, SSRN Electronic Journal, November 2009, also see, <http://ssrn.com/abstract=1513826>

motive, intention play an important role in crimes. Law is related with history as the past events and developments have shaped the present law. The inter-relation with political science is again evident due to the fact that in modern times, law is made by the State. Law and ethics ; and law and economics are inter-related as both ethics and economics are relevant for society⁹. Further, in modern times, the development of science and technology has led to new issues and there is conflict between various interests among different sections of society¹⁰.

As the role of law is to regulate conduct of individuals and balance the competing and conflicting interests in society, the students of law must be well-acquainted with the inter-disciplinary nature of law. Only if the students understand the inter-disciplinary nature of law properly, they will be able to perform the task of social engineering through law. Thus, legal education and student centric TLE become very relevant. In fact, a well administered and socially relevant legal education is a *sine qua non* for proper dispensation of justice in society.¹¹

III. MERITS AND DEMERITS OF STUDENT- CENTRIC TLE APPROACHES IN LAW

The student-centric TLE approaches focus on the student rather than the teacher and are thus a sharp contrast to the traditional classroom teaching methods. The student-centric TLE helps to develop interest of the students in the subject, enhance creativity and learn the various aspects.

There are various student-centric TLE approaches. Group Learning is one approach to organise collaborative learning. The students can participate in a task as a group and learn to complete a task. It helps to develop skills of team work and leadership qualities in students. Demonstration method can be used to provide opportunity for learning a new area of law. The teacher can also be a participant in such a TLE and help the students in the task. Service learning method tries to explain the subject by linking it with the needs of the society or community. By solving the real problems and addressing the real needs of the different sections of people in society, the students can learn how to apply the classroom learning to the real world. Activity method can be used to enable the students to participate in an activity and thus bring about efficient learning experiences.¹²

All these methods enhance creativity of students and facilitate acquisition of knowledge. They help to build students self-confidence, develop understanding of subject, a scientific and critical analysis ability and expression and presentation skills. All these are very important for the law students in future practice of law. At the same time, the demerits are that these methods can be applied only to a small group of students and cannot be used for large groups. Also, too much emphasis on student-centric TLE may give a false impression that role of teachers is minimum or not necessary and lead to lack of serious efforts on part of students.

IV. CONCLUSION AND SUGGESTIONS

The concept of legal education is of great importance and plays a vital role in implementation of the cherished ideals of Justice, Liberty, Equality and promotion of Fraternity as enshrined in the Constitution of India. The purpose of legal education in the present times is to develop lawyers who would contribute to the building of the society and Nation. The lawyers are like social engineers and have to resolve the competing conflicting interests in society with the help of law. Hence, the law students must study the inter-disciplinary nature of law and understand and appreciate its role in society. In this context the teaching of law becomes very important.

The student centric TLE approaches help to facilitate understanding of inter-disciplinary approach of law with other social sciences. These methods also help to develop personal characteristics of the law students such as, ability to assimilate and analyse facts, distinguish relevant and irrelevant facts, apply the law to a practical situation, develop and enhance their communication skills, convincing ability, and language. It also aids in developing participation skills, leadership qualities and team working all of which are essential for law practice. Hence, the student-centric TLE approaches must be included in teaching of law. The planning must consider the students and devise various appropriate methods to generate interest in learning of law. A combination of different TLE approaches may be followed as per the subject and area of law. At the same time, care must be taken that the role of teachers is well-defined even in such student-centric TLE approaches and a balance is maintained to ensure the respect and dignity of the teachers as well as seriousness and sanctity of the subject of law.

⁹ See, V.D. Mahajan, Jurisprudence and Legal Theory, Eastern Book Company, p.15 to 23.

¹⁰ Numerous examples can be seen. Such as conflict of law and morality, privacy issues, individual rights in cases of Surrogacy, Entry of Women in Temple, or Drone Surveillance, Cyber Crimes, Genetic Engineering, etc.

¹¹ Tabrez Ahmad, Legal Education in Indian Perspective, SSRN Electronic Journal, November 2009, also see, <http://ssrn.com/abstract=1513826>

¹² See, Amilou S. Morante, Teaching Strategies for TLE Teacher, Meycauyan National High School, 13 July, 2018.