
Teaching methods in Law

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Abstract

Teaching is a very tedious job if someone does not know how to teach. A teacher plays a pivotal role in a student's life to be played in different capacities such as a friend, philosopher, guide depending on the situation and circumstances. Teaching whether in school or higher education institutions requires a lot of hard work, perseverance and dedication on the part of the teacher. The six-letter word teacher can be denoted as T-Tolerant, E-Energetic, A-Awesome, C-Caring, H-Helpful, E-Enthusiastic, and R-Responsible; an effective teacher needs to have all these qualities. Teaching in higher educational institutions is becoming very difficult these days as there are plenty of knowledge available very easily at a single click which is both a blessing and a boon for a teacher. Blessing in the sense that unlike earlier times when a teacher had to confine his or her understanding and knowledge within few books, these days a lot of relevant and endangered e-resources are available for a teacher which ensures a comprehensive understanding about any topic before disseminating the knowledge to the students. But this can also be said to be a boon as the available content turns to be a limitation for the teacher not to develop an analytical understanding of the subject. Moreover, the student can also easily access the materials which may be a hindrance to the creativity of thoughts and free flow of knowledge. Teaching law involves a lot of techniques, methods and skill. Being a unique degree which when offered as 3Year, LL.B., 5 Year B.A.L L. B (Hons), B.Com. LL.B.(Hons), BSc. LL.B. (Hons) etc., is known as a professional degree. But, in LL.M. which is again designed both as 1 Year Degree or 2 Year Degree is more of an academic degree.

Keywords- e-resources, teaching, limitations

Introduction-

The academic disciplines of Social Science include History, Archeology, Geography, Political Science, Sociology, Economics, etc., every subject has its own significance such as history helps to know the roots, achievements and the mistakes humans have committed, it portrays the legacy of different relevant dimensions of life. Archeology is a subject which studies the past or ancient times relating to the society and culture. Geography studies different ingredients including earth's landscapes, people, places etc. Political Science deals with systems of governance and analyse political thoughts, systems, behaviour and activities. Sociology is one of the most important subjects of the branch of social science which studies the human behavior in social context. Economics on the other hand is the scientific study of production, consumption and market. There is a very close relationship amongst all these branches of social sciences with law. As law is needed to study each branch of human life. Thus, a law teacher is expected to have explicit information about each discipline.

In legal education either in LL.B., or at a higher level that is LL.M. or doctoral research, different methodology of teaching has been employed. This paper mainly deals with different pedagogy used for teaching legal principles. Some of the methods are used by teachers of both undergraduate and Master's level. But some methods are only employed to inculcate professional skills needed for lawyering that is mainly in the under graduate level. Some of the main methods which this paper deals mainly includes: Socratic Method, lecture method, case study method, adversarial method, group discussion method, cooperative teaching method, clinical method, etc. The later part of the paper also talks about e-learning in imparting legal education.

The Socratic Method: The Socratic method of teaching law is a traditional classic method of interrogations where the teacher interrogates the student with number of questions and very less lecturing. Though this method has become vogue but it is still used by many of the law schools, departments and teachers. This method developed by the name of great scholar Socrates (469 B.C. - 399 B.C.), got its popularity because of the series of "dialogues" of Socrates summarized by Plato, a promising pupil of Socrates. Socrates had a very innovative way of teaching as he while teaching students used to engage them by asking questions relating to any aspect of life and when it was answered immediately another question was posed mostly in contradiction to the first answer showing the uncertainty to the assumptions made while answering the first question. It is this uniqueness that the Socratic method despite being so opaque and pointless is still used by many law teachers. There are a lot of advantages of including the Socratic method in teaching, one of the most remarkable change which is evident in

the students while using this particular method of teaching is the presence of mind of the students being ignited with a lot of thoughts as in no time, they have to react immediately to a given question. Debating skills among the law students is highly desired to make them ready for the real court room experiences, the Socratic method helps the students to imbibe this quality of debating skills in them. Lastly, this method also helps in the development of the skill of articulation a must need one for a good lawyer. Tutorial in present-day context includes Socratic method to a very large extent.

Lecture Method: Lecture method is one of the oldest methods of teaching. It is a direct teaching method that involves one to one interaction with the students. Inter-personal communication is always beneficial for the students as their psychological conditions is reflected clearly. For instance, if a student is undergoing some problem at the personal level and he or she is not able to concentrate in the class than this method can help the teacher in identifying the problem and reasons for lack of concentration. Thus, this method develops skills and makes an assessment about the degree of differentiation in understanding and learning the students. The lecture method puts a responsibility upon the teacher to create interests among the students about the subject by giving live examples in relation to the topic of teaching. Thereafter, the teacher introduces the subject, states the objectives of the study, goal to be achieved, design of the lecture and the conclusion which will include problem solving capacity.

Case Study Method: Case study method is a method commonly used in many disciplines, most of the social science research which are empirical includes case study. Unlike other disciplines where a case study method mainly deals with analyzing existing political, economic and social problems, in legal study a case study includes analysis of different judgements by the Supreme Court, different High Courts and even the lower courts sometimes which are either decided or pending before the judicial administrative system in India. Some of the landmark judgements which changed the entire perception of the most fundamental rights belonging to an individual includes:

1. *Romesh Thappar Vs. State of Madras (1950)*
(Freedom of Press is part of Right to Freedom of Speech and Expression)
2. *K. M. Nanavati Vs. State of Maharashtra (1959)*
(The Jury system became controversial and finally abolished after this landmark judgement)
3. *Keshavananda Bharti Vs. State of Kerala (1973)* (Doctrine of Basic Structure)
4. *ADM Jabalpur Vs. Shivkant Shukla (1976)* (Habeas Corpus Case)
5. *Maneka Gandhi Vs. Union of India (1978)*

(Established the interrelationship between Article 14, 19 and 21, it also widened the scope of Right to Life under Article 21 of the Constitution of India)

6. *Bachan Singh Vs. State of Punjab (1980)*

(Rarest of rare doctrine evolved as a parameter for awarding death penalty)

7. *Mohd. Ahmad Khan Vs. Shah Bano Begum and others (1985)*

(It upheld the right of divorced Muslim women to the right of Maintenance, this case also emphasized to implement Uniform Civil Code)

8. *M.C.Mehta Vs. Union of Others (1986)*

(It changed the scope of Environment Law in India)

9. *Mohini Jain Vs. State of Karanataka (1989)*

(Right to Education was accepted to be concomitant to Right to life)

10. *Indira Sawhney and Others Vs. Union of India (1994)*

(The issue of reservation in Government jobs for Backward Classes was made constitutionally valid)

11. *Vishaka and Others Vs. State of Rajashthan (1997)*

(This case set the standard rules of sexual harassment in the workplace)

13. *Three Judges Cases (1981, 1993,1998)*

(The collegium system was evolved by the Supreme Court through different judgements)

14. *M. Nagaraj and others Vs. Union of India (2006)*

(It held directions to be given to states to make reservation for SC/ST in a matter of promotions)

16. *National Legal Services Authority Vs Union of India (2014)*

(It dealt with the grievances of the members of the Transgender Community)

17. *Shayara Bano Vs. Union of India (2015)*

(Triple talaq was declared to be unconstitutional)

18. *Justice K.S. Puttaswamy (retd.) and another Vs. Union of India and Others (2017)*

(Right to privacy was again reconfirmed to be a part of Right to life)

19. *Joseph Shine Vs. Union of India (2018)*

(Adultery was struck down under this case)

20 *Navtej Singh Johar and Others Vs.union of India (2018)*

(The constitutionality of Section 377 was nullified)

The above are just few landmark judgements to be mentioned which had a remarkable influence on the society and country. For a law teacher in case study method it is expected to interpret the cases properly and then connect with the concept. The nature

of the law discipline demands that a teacher must be well convergent about the art and skill and must have the ability to read the judgements delivered by different courts and find out the ratio decidendi and obiter dicta in the given cited case. A law teacher must possess ability to do critical analysis of the decided cases, write case comments and also to develop judgement writing skill. The discussion of different cases in a class gives room to the teacher to explore the analytical aspect of each case, sometimes a teacher may also take opinions of the students in contrary to the judgement which will invoke new ideas. It is important to note that there are number of International and National competitions held for writing case comments or judgement writing.

Adversarial Method: The next method used in teaching legal philosophies is adversarial method, in this method students are benefitted in a pragmatic way by enhancing their skill in drafting various documents to be submitted during the judicial process, preparation and examination of witnesses, right from opening and closing of the case example in case of civil matter from preparation and submission of plaint till the summary of argument, student must know all process and procedure.

Group Discussion Method: Group discussion are made for law students to bring out the clear understanding of any problem, existing laws, rules, regulation and judicial decisions in relation to given problem and to provide a concrete solution for the same. This is a mechanism of sharing of knowledge, showing leadership skills, enhancing understanding of law and skills to interpret law and most importantly to see the law in motion.

Cooperative Teaching Method: In this method the teaching is done in cooperation and the learning is done with the most efficient medium. Law being a professional course needs the guidance of subject experts for better understanding. For instance, the procedural law subjects are expected to be taught by practicing lawyer who is having an experience in both civil and criminal cases. Law subjects like Cyber law, Labour laws, company laws, security laws etc. needs the supervision of the subject experts for proper dissemination of knowledge. To exemplify the subject of Cyber laws demands the intervention of a computer expert, similarly the Intellectual Property Law needs the involvement of a scientist who is having a hold in innovative research for the practical knowledge. Thus, Labour commissioner/trade union, company secretary or chartered accountant respectively may be invited to teach the company law and other corporate laws in cooperation with the existing law teacher.

Clinical Method: Clinical legal education is a practical part of the legal education and demands a very different pedagogy to teach. This is one of the most significant methods of teaching law especially as the professional component of law being involved

which demands intervention of lawyers and professionals. The Bar Council of India (BCI) has mandated the teaching of four clinical subjects as compulsory subject for all law institutes.

Clinical I- Drafting, Pleading and Conveyancing: This subject signifies to teach drafting that means writing a document with legal perspective, pleading that mainly emphasis on the written legal statements drawn by each party opposing each other in a case. Conveyancing on the other hand deals with the documentation many used for transfer of different property.

Clinical II- Public Interest Lawyering, Para legal Services and Legal Aid: This paper mainly aims at capacity building of law students as an encouragement to be an efficient professional, organizing legal awareness camps and by engaging students as para lawyers the teacher gives a practical essence of law to each student.

Clinical-III- Moot Court, Pre-Trial preparation and Interview technique: Under this paper the students are introduced to the skill of being a lawyer and they are also engaged in chamber visits of the renowned advocates to learn the interviewing techniques of the clients.

Clinical IV- Professional Ethics, Bar-Bench Relation and Accountancy: This paper mainly trains the student with the help of different legislations like the Advocates Act, 1961 to inculcate the ethics needed for professional excellence.

All these four clinical subjects are taught as per the methodology, techniques laid down by the Bar Council of India. These methods are not the exhaustive methods of imparting legal education as legal education is evolving so a lot of innovative pedagogy is found in law.

E-Learning:

There was a lot of demand since independence to incorporate legal education in a systematic way. Information Communication Technology (ICT) have developed the capacity for almost all the spheres to avoid the series of steps which are needed for the development of the same. The communication technology like other fields have contributed a lot. The use of internet was getting a sudden rise in all the main streams, legal education was no exception to it. For a very long-time teaching law in India was mainly entrusted to the lawyers, no formal training was imparted to the lawyers to teach. Teaching was mainly based on the court room experiences, the three years LL.B. degree being a pre-requisite for practicing law, lacked clinical part, that is the minimum skill for drafting and practicing law in court. The birth of 5 years integrated Law degree was a revolution for legal education. Masters of Laws became a must for teaching LL.B., but a

lot of research activities including Ph.D., and Post. Doctorate also became an integral part of legal education. But, unfortunately many 3 years not very effective institutions are still providing law degrees in India, which lacks professional teaching element. Some of the commonly used websites used in legal education includes, www.allindiareporter.com, www.supremecourtcases.com, www.ebc-india.com, www.manupatra.com, etc. Along with these website a teacher may also include a lot of documentaries and e- content which helps a lot in the dissemination of legal knowledge in the classroom.

Teaching in contemporary times in Law not only needs some theoretical knowledge or some systematic methods, but a lot of psychological maturity to deal with students. Students not only needs a teacher but a mentor and a facilitator. A student in these days have different issues to deal with, the constant use of internet, lack of healthy lifestyle, poor diet is some of the prominent reasons that why a student is not able to concentrate in the class. A teacher by using different innovative and engaging methods can benefit the students for the overall development of the personality.

In the pandemic situation caused by the widespread of Covid-19, entire globe is going through a crisis situation. The education system these days are managed with ICT, but in the last few months not only all the University and Colleges but also Schools across the world have been able to manage to deliver education through different online medium. A lot of initiative has been taken by teachers to facilitate students through different means such as Emails, WhatsApp, Google Classroom, Google Duo, Skype, Cisco, Lark, Hangout, Zoom, etc. Through these medium teachers have been trying to facilitate students by expediting the knowledge and disseminating it in Screen casting presentation, Power Point Presentations (PPT). However, of all these there have been total support from Government to support both the students and teachers, platforms such as (Study Webs of Active Learning for Young Aspiring Minds) SWAYAM, INFLIBNET Centre (Information and Libraray Network Centre), E-PG Pathshala, National Repository of Open Educational Sources (NROER). For law students apart from all the above all resources, the colleges and universities most of the e-resources like www.allindiareporter.com, www.supremecourtcases.com, www.ebc-india.com, www.manupatra.com, etc., and its subscription has been extended. There are lot of publishers who have made access to thousands of e- books free of cost. These efforts in software's and initiative from the teachers has made in creating different platforms like zoom, cisco, larn, skype, hangout it is possible to have conference with the students. But this fact cannot be ignored that India is not a 5G country internet connectivity is still not very effective in remote areas. In this havoc situation it is very difficult to take a class

when few students just because of geographical backwardness cannot participate in the discussions. It adds to not being able to make best use of all the excellent online materials that can actually facilitate the students. So, it is not enough to have ICT unless it can be a real medium to help to manage both the parents and teachers.

Conclusion

Drastic progress has been made and the role of teacher has also undergone change from deliberation till becoming a facilitator. A teacher has always been a strong influencer in every one's life. Even for the law teachers, things have not been different but the uniqueness of law subject and the importance of law teacher in nutshell can be understood by the Government mandate that there cannot be learning of law (to obtain law degree) through distance education mode making the role of law teachers to be really significant. Especially in offering LL.B. degree it has been a mandate of the Government through Bar Council of India that no degree of LL.B. can be obtained through distance mode. Thus, the relevance of a teacher is clearer as for inculcating professional skills in the LL.B. level sometimes a lawyer is more relied on as it needs experts to train the future advocates. Teaching any things needs special attention and care. No method of teaching could be said ever as the best method. Especially in teaching law teachers are found sometimes using two, three methods of teaching together in the same class. However, the charisma of teaching- learning process will continue in the same way and even be better as new methods of teaching are continuously evolving and being practices by the legal fraternity.

References

1. Howard E. Katz and Kevin Francis O' Neill, *Strategies and Techniques of Law School Teaching, A Primer for New (and Not So New) Professors*, (Aspen Publishers, New York, 2009).
2. N.R.Madhav Menon, *A Handbook on Clinical Legal Education*, (Eastern Book Co., New Delhi, 1998)
3. <https://nios.ac.in/media/documents/SecSocSciCour/English/Lesson-00.pdf>
4. <http://legalisplatform.blogspot.com/2014/02/legal-methods.html>
5. <https://www.princetonreview.com/law-school-advice/socratic-method>
6. <http://onlinelaw.wustl.edu/blog/the-socratic-method-why-its-important-to-the-study-of-law/>
7. <https://www.ccsuniversityllb.in/2018/09/03/drafting-pleading-and-conveyancing>
8. <https://www.jagranjosh.com/articles/list-of-digital-learning-platforms-for-the-students-by-mhrd-and-government-of-india-1584947155-1>
<https://casestudies.law.harvard.edu/the-case-study-teaching-method/>
9. <https://www.bedguide.in/2019/07/24-types-of-teaching-methods.html>
10. https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=4930&context=fss_papers
11. <https://cap-press.com/pdf/2240.pdf>