

Endeavoring Through the Emerging Trends In Education: Indian Legal Education

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ABSTRACT

Legal Education has faced a radical change not only in India but throughout the globe. Technological entry in the learning and teaching process has made a tremendous impact on this industry. The impact can be noticed in both ways, positive as well as negative. This research paper is an analytical study of various contributory elements to legal education. It focuses on the impact of these contributory factors such as globalisation, digitalisation, and Covid-19 impact. The first part of paper studies the legal education system in India. Role of University Grant Commission and Bar Council of India in promoting legal education in India is discussed in this part of the paper. Several initiatives considered to transform the basic legal education to advanced education system. It is exploring new initiatives introduced to take the legal education to the next level. This part also exposes various innovative methods of teaching which were introduced in the modern era. Practical training, moot court skills and advocacy skills became an integral part of the legal education. This part also exhibits the introduction of clinical legal education system. Clinical legal education became a stipulation to make good professional. This method helped law students to polish skills required for getting started with their professional careers. The paper put emphasis on the importance of clinical legal education. Second part of the paper is about globalisation and its impact on Indian legal education. The trends that influenced the education system, highlighting legal education is discussed in this part. World became a global village and education had no boundaries. In this scenario how Indian Legal Education found itself in the top gear to keep the pace with emerging trends is elaborated in this part of the paper. Third part of the paper explains and discusses the digital revolution that took Indian Legal education to the next level. Digitalisation had not only physical impact but the mental effect on the teachers as well as the students. India faced no small hurdle to stand in the global scenario with the digital platforms. Government initiatives and open access platforms have played a significant role in the Digital India scenario. The paper highlights major efforts of the government to be on the competitive podium along with other countries. Swayam, NPTEL and many more efforts of Indian government to make technical education accessible on e-platform is discussed in this part of the paper. Paper emphasises on understanding new technologies utilised in teaching in the digitalised India. Utility of new techniques while teaching law has been major informative part in this paper. The researchers strive to make readers understand the impact of these new techniques on the health, physical as well as mental of teachers and law students. Final part of the paper is conclusion. The authors put their opinions on emerging trends in legal education. This part is inclusive of the criticism. Authors have strived to make the readers realise the other side of the use of new technology. This part

elaborates the Indian social-economic condition while coping up with the new technology. Along with the darker side, this part cares for the government efforts for making India the best place for pursuing legal education and be the topmost destination for the legal studies around the world.

INTRODUCTION

2020 had been a year of much learning. The year that taught the world to fight against any obstacle. The year that taught the humankind to survive in whatsoever conditions. However, another side of the coin is that was the year which made many categories to face several complications. The list would be unending to quote here. Few of them was professionals who had no option of work from home found themselves lost in the pandemic, senior citizens were under fearful mindset, students of all ages faced toughest circumstances. Especially students in remote areas confronted with the most difficult learning process. With lesser facilities of technological access students from rural faced the worst part of their routine. The never taught and thought process of learning was just not an issue with the students but moreover fit was for the teachers. Most of the teachers found themselves in the role of students due to completely new method of teaching. It was not the only task to teach the students but challenging was to self-learn the method of teaching which they never had come across in their whole career. Challenging was the task to make themselves get acquainted with the teaching method not even present in the market to get few reviews and tutorials for the same. This was the year full of complications to the teachers to evolve themselves with a naïve and unexplored method of teaching. The year which burdened the teachers to fit themselves into the unexperienced role which had no earlier reviews. They were teachers for their pupils however, students of the new technology. Burdensome conditions made battle more complicated as many struggled with the basic amenities and tools to be used in this newly found methodology. Devices to be used for the newly invented technology was one of the significant shortfalls of this new teaching methodology. India being a developing country, met with some major gaps. Not only teachers were untrained to face this new method of teaching but altogether scenario of Indian education was conventional. This brought teachers from all faculties under same room and category while challenging the task of teaching. The black and white boards were replaced by digital white boards. Notice boards got replaced with school app digital notice boards. Physical Classrooms got replaced with digital classrooms. Physical assembly got swapped with Zoom/Google Meetings. Conventional teaching methods never explored this platform in the whole career of a teacher. Internet being one of the other elements contributing to the struggle of teachers.

More was the battle harder for teachers teaching professional courses. Courses and degrees expecting clinical education and practical sessions were entirely at stake. Legal education being one of those professional courses, teachers faced a lot of paucities while imparting knowledge. Certain subjects and courses would become absurd due to non-physical teaching methods. Clinical approach for imparting legal education seemed to be just on thought due to the pandemic situation. Several questions as to modes, tools, methods, and techniques to be used to impart clinical legal education were faced by maximum legal institutes around the world. In-house clinics, out-house clinics, stimulation clinics etc would work nothing resulting in failure of the very objective of providing legal education. Developing countries like India have met with lot of challenges in this period of pandemic while providing virtual platform to law students.

LEGAL EDUCATION IN INDIA

UGC and Bar Council of India being two apex authorities to govern and regulate all the norms of legal education in India, there are two thought schools on the progress of legal education. One school assures progress due to two governing bodies while another school proclaims confusion regarding norms to be followed by the institutes thereby, hampering progress of legal education in India. This certainly is not the emphasis of the paper; however, it can be considered as one of the contributing factors in discussing progress of legal education in India. Legal education in India is older than its independence. In pre-independence era, legal education was categorised into two, barristers and attorneys. Barristers were those who pursued legal education from England and in fact, attorneys were those who were the clerical staff of the courts in India.¹ Another contributing component to the pre-independence era was part-time course. Not only was the course part-time but the teachers too were part time which reflected less significance towards legal education. These and many such reasons contributed to miserable condition of legal system in India. This triggered an immediate action to elevate the state of legal education. The first University Education Commission of India² headed by our second President Prof. Dr. S. Radhakrishnan, recommended some significant changes in the then existing legal education. (Dasgupta, L. 2010). Since then, there were numerous efforts to uplift the state of legal education in India. This

¹ Dasgupta, L. (2010). Reforming Indian Legal Education: Linking Research and Teaching. *Journal of Legal Education*, 59(3), 432-449. Retrieved March 14, 2021, from <http://www.jstor.org/stable/42894129>.

² University Education Committee 1948-49

process involved introduction of five-year law course and various clinical subjects and courses in the existing curriculum.

LEGAL EDUCATION AND NEW INITIATIVES

Legal education met with several changes with passage of time. Clinical approach was introduced to the formal legal education by 14th Law commission report headed by Shri M. C Setalvad. Advocates Act, 1961 was enacted, Bar Council of India was established through promotion of legal education was mandated to be promoted.³ Standards of legal education were raised by introducing practical subjects to the legal course curriculum. Subjects like Moot Court Training, Practical Training, Legal Aid Camps etc proved to enhance the skills of the students. Along with this, new methodologies were expected to be undertaken for teaching law. Mere informative method was outdated, and discussion methods were most widely used by law professors. Interactive sessions and involvement of students is now a technique used to polish students' personality. Presentation skills and communication skills were an integral part of the legal education. Indeed, this was the impact of globalisation that brought several excellent modes in teaching process. Spoken ability, interviewing skills were introduced because of corporate sector openings. Focus is on all round development of a law student and techniques such as personal grooming, court visits, communication ability, mootting ability, advocacy skills are now considered to be inseparable part of law courses. These once upon a time, innovative methodologies are routine in teaching and learning process of legal education. Several methods have been utilised for imparting legal education such as Lecture method, Seminar method, interactive method, collaborative method, problem method and case study method etc. Lecture method is one of the oldest methods of teaching while collaborative is most appropriate method to inculcate the practical knowledge in students pursuing law. Seminar method is to build the public speaking ability amongst the students. However, Case study method is the accurate method to imbibe the clinical experience among the law students.

INNOVATIVE TEACHING METHODS AND LEGAL EDUCATION

Globalisation introduced lot of competition on not just domestic platform but on international level too. The world came closer by opening new avenues to the law aspirants. Clinical education was required for overall development and readiness of a law student to enter the professional platform. Practice-oriented teaching as well as practice-oriented courses were additional elements added to the regular curriculum.⁴ Especially modes of teaching were required to be updated. Hence, as stated above collaborative, problem and case study method were introduced as a part of teaching plans of professors. Moot court training is now an integral part of the curriculum of almost all the universities and law schools in India. In a moot court training, students are to undertake the given case and study it for producing arguments on behalf of any one side amongst parties. Similarly, client counselling is a method where, students act as an advocate and clients. In this kind of clinical trials, students are adjudged on their ability to understand the facts told to them by their clients, ability to ask for more relevant instructions, ability to advice the clients on respective laws etc. In moot court as well as client counselling collaborative method is expected to be involved to make students understand the practical aspects of their profession.

Legal aid camps are significant part of clinical legal education. This is the method where a camp is organised mostly in the rural areas to spread a legal awareness amongst the illiterate or people in grave need of legal advises. Legal aid cell is expected to be established as a complementary activity in the college premise. This is the ell where involvement of students along with the teachers happens and through collaborative and interactive methods, pupils get confidence to give advice on relevant laws. It also helps students to understand the corroboration of the facts and applicability of law. Hence, this method and clinical approach assist students to build their analytical capabilities. One of the most recent and latest activity that involves the clinical approach is the role plays and street plays. This mode or method of teaching or involving students in such activities provide an accurate public platform for the students to enrich themselves with confidence.

However, the most interesting method utilised to boost the confidence in the student is Socratic method.⁵ Socratic method is the one which involves a method of debate. Students are given a topic and they, as a team, argue for and against the topic. This helps them understand various perspectives of the same topic. It is like a brain storming session or method. This is the method widely used in various institutions in India. Another most

³ Malik Fahdul Haq, Legal Dimensions of Legal Education system and it's challenged in India, *Journal of Constitutional Law and Jurisprudence*, Volume I, Issue 2, 6-7

⁴ Bar Council of India Report on NLSI, 1996

⁵ Bajpai, G. S. and Kapoor, Neha, (March 31, 2018). Innovative Teaching Pedagogies in Law: A Critical Analysis of Methods and Tools *Contemporary Law Review*, Vol. 2, 2018, Available at SSRN: <https://ssrn.com/abstract=3172741>

common method in Indian legal education is Case study method. It resembles with the moot court training. The only difference between two is one has the set-up of the court and the students are supposed to argue orally as well as submit their written memorandum. However, in case study its mere study of the given case where the student builds his own argument in a written form. The advantage of this method is that it makes students well versed with the concepts of how to read the case laws, how to identify the relevant part of each case, what is ratio decidendi and obiter dicta etc.

CLINICAL LEGAL EDUCATION

Nevertheless, clinical legal education was yet not complete in India scenario till 1999. It was in this year actual model of clinical legal education was introduced to Indian legal system by Prof. Madhav Menon.⁶ Clinical programmes were focused to inbuilt the practical knowledge in the law students. As Indian legal education had faced a lot of gap between theory and practice this was an effort to launch and introduce programmes that might reduce or vanish this gap. The best example to quote here is India's V M Salgaoncar College of Law in Goa. This College runs 25 legal aid cells as a part of clinical legal activity in various places in Goa.⁷ This is the actual impact of clinical approach of the colleges. Clinical education is a rigorous legal training program which develops students analytical as well as critical skills. Earlier, this program was introduced in the Law schools by Prof Menon but today, it is an integral part of every university as well as institution imparting legal education. Clinical education in legal studies encompasses the practical as well as theoretical studies. In this approach students are trained not only in legal subjects but also in Arts, Literature, Sociology, Economics etc. Through these subjects' students get an opportunity for overall development and they get polished for their entry on professional platform. Stimulation Clinics, In-House Clinics and out-House Clinics also help students grow with their practical understanding.⁸ Therefore, clinical teaching method can distinctively contribute to the student productivity.

GLOBALISATION AND LEGAL EDUCATION

Globalisation is a routine these days. It's not new to the world at all. Globalisation is the idea that existed since Globalisation is a process of expansion of the economy, technology or knowledge from local area to global dimensions.⁹ Globalisation, therefore, increase opportunities in context to education as well as profession. It helps economies grow because of this reason. Globalisation has influenced educational culture with western universities opening their campuses in Asian Countries.¹⁰ Not only higher education got influenced by globalisation but also professional education including legal education.

Law is dynamic and has played a significant role in maintain rule of law in society. Due to this dynamism, it is obvious to attract many issues. Therefore, it is essential and inevitable to maintain the standard of law society in India. Legal education being the foremost instrument of this, it needs to survive from all the odds. Indian Legal Education has proved its strength since pre-independence. However, globalisation had a major impact on education system and legal education is no exception for that. Impact of globalisation is radical on the legal profession worldwide. Law profession transformed due to globalisation and was exposed to several international avenues. This imposed severe pressure on the curriculum as well on the legal educators. International relations were restructured due to globalised market and hence, legal profession was under a make over entirely. This incurred a heap of responsibilities on legal educators. Transformed legal system and widening of its scope made legal education reformed completely. Availability of diversified avenues would lead legal profession lost in this term of globalisation and hence, the legal educators were in a role to hold the baton sturdy in their hands to enlighten the dark paths leading towards legal profession. Globalisation demanded not only refined structure of legal education but multi-disciplinary education too. On this occasion, it won't be wrong to state that Prof. Menon was visionary to understand the clinical need in the legal education before this impact of globalisation on it.

⁶ Bloch, F.S. (2021) NR Madhava Menon: The guiding light for global clinical legal education. *Jindal Global Law Review*. Retrieved from <https://doi.org/10.1007/s41020-020-00123-4>.

⁷ (<http://vm scllegalaidsociety.blogspot.com/2015/12/legal-aid-at-vm scl-go-a-hyphen-that.html>)

⁸ Importance of clinical legal education. (2012, May 23). *The Assam Tribune*. Retrieved from <https://searchproquest-com.library.britishcouncil.org.in:4443/newspapers/importance-clinical-legal-education/docview/1015340841/se-2?accountid=145163>.

⁹ SZTUMSKI, W. (2014). Globalisation: ITS HOPES AND RISKS. *World Affairs: The Journal of International Issues*, 18(1), 10-23. Retrieved March 18, 2021, from <https://www.jstor.org/stable/48504949>.

¹⁰ Mohd Abbas Abdul Razak (2011), Globalisation and its impact on Education and Culture, *World Journal of Islamic History and Civilisation*, 1(1), pp 59-69

Globalisation demanded a global curriculum which in turn required a research. There was a need to structure courses of international perspective, thus demanding more competent academicians. It was entirely a give and take situation of legal education in globalised scenario. This led to research based and international levelled standard courses in the legal education. The appetite of the students towards these courses are increasing day by day.¹¹ Courses such as IP laws, Cyber Laws, IT law etc were introduced by impact of globalisation. International Business Law, International Economic Law, International Human Rights, International Legal System etc were advanced courses introduced by many universities around the globe. These courses made students avail with the knowledge required to explore themselves on the global platform.

DIGITALIZATION AND LEGAL EDUCATION

Today is a digitalised world. Education is digitised education. Institutions are set up to provide e-learning facility to the pupils. Courses are available online or in a virtual form. Sessions or lectures are in live form as well as in recorded forms. Platforms like e-gyankosh, Swayam, GIAN etc by Government of India are best suited examples to understand digitalised educational system in India. These are just exemplary mentions while there are several portals launched by government to provide free as well as affordable education. Digitalisation has been a result of internet advancements and technological development. Today, open education platforms are new trend. The initiative by private and public educational institution is vast in this digitalised era. Digitalisation has made education easier and more flexible. Gadgets and devices such as computers, laptops, mobile phones etc have made digital platforms easily accessible. Online coaching academies like Khan academy, Byjus academy etc have marked themselves in the market with online coaching. Earlier version of digital education was CDs, Pen drives, hard disks etc which are still not outdated. However, their use is confined compared to the past. Now cloud learning is the latest in market which enable the educational institute come over many issues such as assignment circulation and submissions, online examination and assessments, automation of institutional management, attendance regulation etc.

Education at university level is also transforming radically. IITs are coming up with various projects to bring the 3-tier institute at par with the 1-tier institutions.¹² Digital platforms apart from above-mentioned such as NPTEL is launched to serve the higher-level education system through Digital India. Digital Training is made available to teachers to update with the current changes and updates. Digitalisation has major implication on legal education. Tools used in the legal education have drastically progressed. Conventional teaching is more the scenario in legal institutions. Following are various teaching as well as evaluating tools used in legal education amidst of digital education.

LED/LCD Screens

It is quite common in this era of digitisation to make use of LED/LCD Screens while teaching law students. Use of huge screen have proved to be one of the most appropriate device for legal.

Smart Boards

Very similar to the LED Screens are the smart boards. This are the boards different from the conventional black, green and white boards. This boards have a soft screen which is compatible to writing technology, sharing images and documents through it.

Emails

This is the most convenient process of communicating with the masses. Legal institutes along with almost every institute utilises this platform to share various documents, notices, projects, videos, notes etc. This helps the teacher to reach maximum students in one go.

Institute management software

Using notice boards in the premise of the campus is now a history. Now notice boards at tip of the fingers of law students. Thanks to the software developers, for their efforts to develop software assisting institutions to adopt and adapt with institutional management software. These software make it possible to send messages on the application at once to all students. Drafting mails is a tedious job while sending messages is more convenient.

¹¹ Dr. Digvijay Singh, (December 2017), Ethical Implications of Globalisation of Legal Education and Profession: Indian Perspective, *Pragyaan Journal of Law*, Volume 7, Issue 2, 35-41.

¹² R.K.Mahalakshmi, Dr. J. Kamatchi Eswaran, (March 2019), Digital India Implications in Education Sector, *Research Explorer*, Vol. VII, Issue 22

Projectors and Screens

This also is a method used by many institutions to impart legal education. One of the best methods of teaching law is through videos and images. Showing videos and sharing images are easier with projectors and screens. Also, power point presentations created by teachers is trouble-free to share via projectors.

Online Forms/Quizzes

This is one of the most recent and widely used mode of sending and receiving assignments. Many software applications have served to create easy questionnaires, quizzes, tests etc used for evaluation process of students. One of the most common is Google Form.

Video-conferencing applications

In this pandemic, legal education has got acquainted with many video conferencing applications. Microsoft Teams, Cisco Webex, Google Meet, Zoom etc are few of them. As physical attendance wasn't possible in this panic, Legal institutes started using platforms for online teaching with the help of abovementioned application. Teaching, sending assignments, receiving assignments, recording sessions, roll calls etc are made convenient by such software.

Digital libraries

Conventional students sit in the library with physical books in his hand, turning pages of the book, while modern student has the book on his fingertip. Books are available in hard copy as well as e-copy formats. Kindle is one of the new ways of reading books. Libraries such as British Council have brought digital platform for readers in this pandemic. Digital libraries are accessible through institutional login.

Open access research platforms

These are also publication platform who provide affordable or open and free access to their publications. This is one of the tools used in legal education.

Apart from these there are many other modes and tools too to teach and conduct lectures online in live or recorded version. YouTube is one of the most used platforms for recorded as well live streaming sessions.

Covid-19 pandemic has its own disadvantages; however, it has been entirely new learning for teachers as well as students, especially law students and teachers. Legal Institutions strived to develop the skills of their staff members including teaching and administrative to cope up with new learning process following online lectures considering social distancing mandates. Many National Law Schools organised the faculty development programs in emerging trends in teaching.¹³ Government also took initiatives with webinars and virtual conferences on teaching trends. To state one of the attempts by government initiating these programmes is SWAYAM¹⁴ platform run by NPTEL¹⁵.

EMERGING TRENDS OF SHORT-TERM COURSES

Covid-19 is not the only reason for distance learning and online learning but the historical track of online learning is can be traced since Industrial Revolution. However, Industrial Revolution met with the requirement of professional skill training through this mode.¹⁶The actual trend of online education started in the year 1990, with University of Illinois launching its first ever internet web browser and rest is the history.¹⁷ Covid-19 pandemic was a launch pad for short and rapid courses on the contrary. This would be entirely innovative phase of education. With intervention of Artificial intelligence not as an innovation but in fact as a necessity helped

¹³ One of the National Law Universities to organise FDP was Maharashtra National Law University, Mumbai in October 2019.

¹⁴ SWAYAM is platform which seeks to bridge the digital gap created by digital revolution by providing courses to students to make them able to join mainstream of knowledge economy.

¹⁵ NPTEL is a government initiative for National Programme on Technology Enhanced Learning providing Mass Open Online Courses to students and teachers.

¹⁶ Miller, G. E., Benke, M., Chaloux, B., Schroeder, R., Smutz, W., Swan, K., Ragan, L. C., & Ragan, L. C. (2014). Leading the e-learning transformation of higher education: Meeting the challenges of technology and distance education.

¹⁷ *Ibid*

education to sustain on global platform.¹⁸ Therefore, global education in a short duration with a major impact on skill development is no more a dream.

Study abroad does not need actual landing up on a foreign territory and pursuing education there but it is more of sitting back at your own home and getting a degree, diploma certificate right there. Legal education is no exception for this. Majority Law schools offer both online and offline courses as per the requirement. MOOCs¹⁹ are trending today. They are the structured and built on the concept of pre-recorded videos by the experts of respective areas.²⁰ These courses are developed with the idea of micro lectures, with reading, assignment and assessment programs. In India many National Law Universities have initiated such programs which also include live and interactive sessions with the experts. Legal education today have no territorial barriers.

The change in the insight of the legal education has taken it to another level. In a survey²¹ conducted for comparison of online education prior to the pandemic and post pandemic at Sun Yat-Sen University, it was observed that online courses developed teaching organization skills in teachers. These included teaching methods, online teaching management, online live sessions management etc. The statistics displayed were constructive as it was observed that teacher's adaptability, students' satisfaction, lecture performance, interaction levels, during-class and after-class evaluation etc had been productive in nature. Though covid-19 pandemic is a curse but these online short-term courses have definitely worked constructively for teachers and productively for students.

CONCLUSIONS

Indian Legal education is a significant platform for not only India students but is one of the most demanded education systems around the world. Our legal education system is a blend of conventional as well modern educational values. Legal education in India has evolved from the very conventional methodology however has grown up to the most recent trends. This evolution is best suited for the new avenues opened by educational and professional transformation due to digitalisation and globalisation. These changes have brought up with new tools and techniques of teaching changing the very methodology of teaching pedagogy. Clinical education being one of the most highlighted change in the methodology of legal education. Nevertheless, no education system is without a flaw and Indian Legal education is not an exception to this. Many teachers are comfortable with conventional modes of teaching and are hesitant to transform themselves by adapting new technology. This certainly advances lack of interest of students in learning and thereby, lessening interests of teachers to teach. Another major defect of new trend is lack of sufficient infrastructure. India was not ready for this tremendous and radical change in teaching methodology. Hence, there is a gap between actual infrastructure and required infrastructure. Lack of internet stability, lack of connectivity, lack of device compatibility etc. India being still a developing country, students and teachers from remote areas hurdled to strive in this new era of teaching. This had not only an impact on the learning process but also psychological impact on the students as well as teacher's mental health. Optimization of use of information and communication technologies contributed to ill mental health of teachers, students and unfortunately parents too.²² Another failure was availability of devices in proportion to the number of students. One device per student is the requisite for online learning while poor and middle-class category faced issues with the number of children and number of compatible devices at home. The fees prescribed for the course did not waive the internet charges which burdened the parents and students for extra economic issue. Similarly, the salary of the teachers faced a reduction and hence, teachers were burdened with extra expenses over internet charges. However, coping and adapting with this new trend of teaching Indian Legal Education is stabilising itself. It is constantly evolving and reaching new heights every single day. Government of India with support of State governments and authorities such as UGC and BCI, is putting all the efforts to uplift the standards of legal education. Government is under constant attempts to make India as one of the most demanded destinations for the legal system. Digital India has been successful in grabbing maximum

¹⁸ Tilak, G. (2020). Artificial intelligence: A Better and innovative technology for enhancement and sustainable evolution in education system.

¹⁹ MOOCs are Massive Open Online Courses

²⁰ Yvonne M. Dutton, Margaret Ryznar & Kayleigh Long, Assessing Online Learning In Law Schools: Students Say Online Classes Deliver., Denver Law Review Vol. 96:3

²¹ Yun Hong, Xiaolan Li, Yingwen Lin et al. 2020., A Comparative Study of Online Education and Traditional Offline Education During COVID-19

²² Luis Espino-Díaz, Gemma Fernandez-Caminero, Carmen-Maria Hernandez-Lloret, Hugo Gonzalez-Gonzalez and Jose-Luis Alvarez-Castillo (2020), Analysing an impact of Covid-19 on Education Professionals. Toward a paradigm shift: ICT and Neuroeducation as a binomial of action, *Sustainability*, 12, 5646 Tilak, G., & Jadhav, B. (2019). A Study of advantages of playing video games for people.

international students due to its digital platform. Legal education has accomplished itself as one of the best education systems around the world.

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