

# **Towards a Socially Relevant Legal Education**

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**A consolidated report of the University  
Grants Commission's Workshop on  
Modernization of Legal Education**

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# Notes Towards A Socially Relevant Legal Education

## A WORKING PAPER FOR THE UGC REGIONAL WORKSHOPS IN LAW 1975-1977

Upendra Baxi\*

### Introduction : The Tasks

1.1 This workshop on Legal Education is one of the series of workshops on the subject; in turn the workshops on legal education are a part of a chain of workshops in most disciplines in humanities and social sciences under the auspices of the University Grants Commission. The precisely stated objectives of the regional workshops are :

- (a) "to modernize the syllabi in each subject and make it relevant to the needs of the society and students;
- (b) to indicate the ways in which the study of the subject could be related to and enriched by a study of other broad disciplines; and
- (c) to formulate guidelines for preparation of text-books, reading material, and other aids in each subject."

1.2 Alongside these well-stated general objectives, the Law Workshops have also to direct attention to the overall status of legal education in each region. It is important to thus identify the trends of development (and regression) in legal education in each area. We have to identify in each region : the total number of institutions imparting legal education, the number of post-graduate departments, the ratio of full-time and part-time teachers and students in each institution within the region, admission policies and the state of libraries. With this preliminary background information, we have to identify at least the following :

- (a) patterns of curricular innovation (including examination reforms);
- (b) patterns of advanced (LL.M.) legal education ;
- (c) patterns of research specializations within the region ;
- (d) intra-regional variations in the "quality" of legal education ;
- (e) factors impeding desired developments in legal education in the region.

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1.3 These ancillary objectives require adequate factual information and regional introspection at a group level on regional achievements and problems. In the absence of an adequate data base, recommendations towards the fulfillment of the main objectives of the law workshops are not likely of even a modicum of implementation. It is, therefore, to be hoped that at least two sessions of each regional workshop would be devoted to stocktaking and reflection on the state of legal education in each region. One set of evaluative criteria is clearly furnished by the various recommendations made at the University Grants Commission sponsored seminar on Legal Education in India in 1972 ; it may will be asked "How many universities in the region have implemented the recommendations of the seminar as regards curricular, pedagogic, and organizational matters?" (Agarwala ed., 1973 ; 379-421) Factors impeding implementation of these recommendations, as well as those clearly favouring them, have to be identified at each regional workshop.

1.4 The principal objects of the workshops (see para 1.1) are distinct, but closely related. It is simply not possible to think of "modernizing" the syllabi or infusing them with social relevance (and these two are not identical objectives by any means) without an inter-disciplinary or at any rate multi-disciplinary awareness (objective II). In turn, real attainment of these objectives entails the availability of good quality teaching and reading materials.

1.5 In any attempt at moving forward, we must not make the mistake of moving forward from a point *at which we are not at the present moment*. We can move forward only from where we are *now*. This elementary caution becomes necessary, as many a grandiose plan to recast legal education has been based on a precarious grasp of existing realities. Let us recapitulate at the very outset some unpleasant (to the progressive mind) aspects of Indian legal education, after well over a quarter century of independence.

1.6 The well known, but frequently laid aside, facts are these. *First*, there has been a phenomenal quantitative expansion of entrants to legal education. *Second*, the bulk of LL.B. and even LL.M. education is not full-time but part-time. *Third*, the bulk of LL.B. education is imparted by law colleges, not university faculties or departments. *Fourth*, despite the Bar Council's exhortations a large number of law teachers are not full-time but part-time teachers. *Fifth*, there do not exist institutions where the minimum qualification for a law teacher is LL.B. and *not* LL.M. as is evidenced from the fact that very recently the Bar Council issued a circular exhorting that "*ordinarily*" a full-time law teacher must have an LL.M. degree. *Sixth*, most law colleges are under or poorly staffed and have poor library resources. *Seventh*, despite the introduction of a three year course, very few law schools in the country have undertaken a funda-

mental re-organization of the curriculum; indeed, it cannot be said that the addition of a third year has made any significant difference for anyone concerned. *Eighth*, it still remains the case that one can pass LL.B. examination with minimum effort, mostly confined to rote learning of bare essentials through guide-books—whether they be Jabhvala or Usha Sexena series. *Ninth* the expansion of legal education has brought with it the adoption of regional languages as media of instruction and examination at LL.B., and in some cases even at LL.M. level. *Tenth*, mass education in law has meant decline of control of administration, decline in standards of teaching and evaluation and pervasive demoralization of conscientious law teachers and administrators. *Eleventh*, the demoralization of younger and the middle level law teachers is also due substantially to the feudal patterns of administration of law schools, the wrong exemplarship provided by senior law teachers, and the failure to follow strict academic criteria whether in initial recruitment or subsequent promotion.

1.7 As regards LL.M. studies, despite some efforts to the contrary the LL.M. curriculum primarily involves studying at an “advanced” level what was studied at a “preliminary” level in LL.B. This attitude is amply evidenced by students and teachers alike—e.g. when a relatively “tough” or demanding question in a subject appears in an LL.B. paper the usual comment is “This is an LL.M., not a LL.B., level paper”. Instead of an LL.B. degree providing a student with sound grasp of law for further LL.M. studies, it is generally the case that the LL.M. degree “redeems” a poor LL.B. degree. Many have remarked that LL.M. Course has really become an “extended LL.B. Course.” Generally speaking, the state of postgraduate studies in law is truly alarming.

1.8 The Master’s degree is a minimum qualification for law teaching in good universities. This means that at least some LL.M. students of today are likely to be the law teachers of tomorrow and the day after. If the immediate future of legal education is to be somewhat improved, it will only be through whatever we can do *now* to *redeem* LL.M. education—in terms of curricular innovations, pedagogy, duration etc.

1.9 Of course, it is true that one cannot hope to put a postgraduate degree on a sound footing if the preliminary undergraduate course is itself weak. This means that some attempt has to be made to remove some glaring weaknesses of LL.B. courses as well. But, in the existing realities, this sort of argument may not be pushed too hard. Logically, one can also argue that the basic deficiencies of LL.B. are related to the basic deficiencies in other qualifying courses—B.A., B. Com., M.A. etc.—and one may thus have an *infinite regression*. Any teacher of Public International Law in India must have had the traumatic experience of discovering that most students know very little history or geography—in discussing the law of war, one discovers that most students cannot even name the

Allied Powers in the Second World War or do not know where the North Sea is situated ! There is no way of remedying such basic defects at LL.B. level—we have to do with what we have ! Of course, one can plan some general knowledge admission tests supplementing or supplanting the percentage criterion for admission. But with all this, the argument that one cannot much improve the state of LL.M. without at the same time improving very substantially the state of LL.B., while inherently logical, should not be used as a message of despair.

1.10 The law workshops have thus to proceed on a very firm grasp of the saddening and demoralizing realities of legal education. Perhaps, only an inch-by-inch movement away from these is possible; let us endeavour to take the first few steps.

## **II. THE STATE OF LL.B. CURRICULUM : SOME PROPOSALS FOR CHANGE**

2.1 The Bar Council of India has, for all practical purposes, pre-determined the core content of a three year LL.B. Course. In order that the degree-holder may qualify one for practice of law, the Council requires that at least the following ten compulsory subjects be taught in a three year course, in addition to a minimum of six optional subjects. At least 4 of these latter are to be selected from the enumerated list of 18 optional courses; the universities has have an option to pick up two subjects outside that list.

The ten compulsory subjects are :

1. Indian Legal and Constitutional History
2. Contract
3. Tort
4. Family Law
5. Criminal Law and Procedure
6. Constitutional Law of India
7. Property Law
8. Evidence
9. Legal Theory (Jurisprudence and Comparative Law)
10. Civil Procedure (including Limitation and Arbitration)

The list of optional subjects is as follows :

1. Administrative Law
2. Equity
3. Public International Law
4. Company Law
5. Labour Law
6. Taxation
7. International Organization
8. Bankruptcy



9. Law of Cooperation and Public Control of Business
10. Military Law
11. Insurance
12. Trust and other fiduciary obligations
13. Trade Marks and Patents
14. International Economic Law
15. Criminology and Criminal Administration
16. Interpretation of Statutes and Principles of Legislation
17. Legal Remedies
18. Private International Law.

2.2 It must be noted that the Council's curricular prescriptions do not completely pre-determine the LL.B. curriculum. There are leeways of choice among the 18 optional subjects; two subjects can be imported from outside that list. Some law schools, notably Banaras and Delhi have shown how with an imaginatively planned semester system, the curricular content could transfigure the Council's prescriptions. For example, Delhi offers a curriculum of 46 subjects, out of which a student has to offer 30 subjects in six semesters and pass 29. But Banaras and Delhi, and some other law schools, are *atypical* in this regard. For most other law colleges the curriculum of LL.B. is inevitably shaped by the Council's conceptions.

2.3 It is in this context that one may ask certain questions concerning the Council's conception of a law curriculum. The Council had not, as far as I know, circulated any statement of objectives and reasons for its curricular scheme; perhaps, it was assumed that the choice of compulsory subjects had a self-evident rationale, needing no further explanation than a bare statement itself. It is not known, moreover, whether any broad-based consultation with law teaching community preceded the announcement of the curricular scheme. Nor is it a matter of general knowledge whether the law schools responded with any disagreement or difficulties, and if so, how were they considered or resolved by the Council and its legal education committee.

2.4 It is easy to gather from the foregoing list of subjects that the Council was entirely guided by what it thought to be the basic requirements of knowledge and skills that a law graduate must have for the profession of law. One cannot reproach the Council for treating legal education wholly as a professional education; indeed, one should also acknowledge that the Council's list includes a little wider awareness of what the professional legal education should be—witness the inclusion, among the list of optional subjects, of “Criminology and Criminal Administration” “International Economic Law” and “Public Control of Business”.

2.5 The Poona Seminar in 1972 in its principal recommendations on curriculum organisation did not seriously reconsider the Council's curri-

cular format, although papers were presented generally on the objectives of legal education. The only major suggestions which emerged related to the transference of some subjects from the optional to the compulsory list (viz. Administrative Law, Public International Law) and addition of a few more optional courses (e.g. Monopolies and Restrictive Trade Practices, International Trade Law etc.). The Seminar seems to have accepted broadly the framework of the Bar Council, and endeavoured to specify the variety of content under each subject-rubric within that framework. (The Council, and its Legal Education Committee, seem not to have so far responded favourably to such incidental suggestions as were made at the Poona Seminar).

2.6 One of the principal objectives of these workshops is, however, to assess the existing curricular design in the light of the need if any, for “modernizing” it and of imparting to it “social relevance” (See para 1.1). Both these objectives (modernization, social relevance) themselves are not self-evidently clear.

2.7 What can one mean by the demand: “Modernize your curriculum”? In one sense, it may simply mean that the curriculum is *too traditional*, too overlaid with affinities to a past which is neither wholly relevant nor irrelevant so the present and a foreseeable future. Curricular traditionalism may be related to, or arise from, traditional (or customary) approaches to the notion of law and the role of legal process in society or concepts of legal profession or the items in one’s analytical toolkit.

2.8 Thus, the traditional conceptualization of the law, in the common law world, is largely in terms of judicial process. Such conceptualization leads to, though *not* necessarily, to isolation of legal processes from social processes and purposes. Thus, one may on this view mean by legal and a constitutional history primarily the study of evolution of judicature in British India (as is indeed the case) and of legal frameworks of self-government. But legal history is also social history; indeed the former makes sense only in the context to the latter.

A modernistic approach to legal history would impart in the text-books and classrooms lessons about the role of law in social control and development, and examine the processes by which an alien law and its administration could be indigenized. The modernist will label the subject altogether differently as “A Social History of Indian Law” or as “Law, Order and Social Change : The Colonial Experience.”

2.9 Similarly, if we regard as the Council does, legal education as strictly or primarily professional education it matters a great deal as to what we precisely mean by “profession” and what its role in society should be. One traditional way of conceptualizing legal profession is modelled on a primarily court-centric view of lawyer’s role. In this view, a

technocratic grasp of doctrinal and related authoritative materials with a view their manipulation in an adversary setting is the pre-eminent aspect of professionalism. The lawyer's "special functions and skills, these of applying, advising, advocating or adjudicating, within a given pre-existing framework or arrangement are traditional, well-known, and mostly securely held," But the modernist may well see the lawyer "as an 'architect of social structures', a designer of frameworks of collaboration", and a specialist in the high art of speaking to future". So that legal education in this view is to "provide a main channel of expression both on the side of competence and skills and on that of values" (J. Stone).

2.10 The curricular designer may be traditionalist or modernistic also in terms of the items in his analytical toolkit. The traditionalist may shun pursuits of his modernistic brethren. The former, for example, may rely in understanding *ratio* and *obiter* mostly on Wambaugh or Goodhart; the modernist may, however, proceed on a sophisticated awareness of Karl Lewellyn's 68 "Steadying Factors" developed in his *Common Law Tradition* or Julius Stone's analyses of the categories of illusory reference. Similarly the traditionalist may seek to understand the judicial mind wholly by reference to brilliantly intuited accounts of judicial process *a la* Cardozo; the modernist, without denigrating this, would probe into the science of jurimetrics.

2.11 No one can deny that the labels "tradition" and "modernity" are merely ideal-type contrast labels or that there are inescapable value-judgments entailed in calling something "traditional" and something also "modern". But the labels are not therefore altogether useless, as is hopefully demonstrated (briefly and tangentially) in the preceding paragraphs.

2.12 A related, but distinct, manner of comprehending modernity is (dispensing with the contrast with tradition) in terms of approaches to law, and profession, in an overall social context, regional, national and international. The modernistic curricular designer will locate, for example, Indian legal education, profession and law generally in the space-time configuration of ex-colonial, third-world desperately poor societies. He will note, for example, that in this context "the state presents itself as a mobilizing agent for development and as a symbol of all-important collective aspirations", the significant illusion that "power needs no special skills", and the phenomenon where "large numbers of people continue to expect wonders from the state without in the least understanding the mechanisms that would be necessary to bring these wonders about" (Berger *et. al.*; 1974; 115-7).

2.13 Such a modernist will not make any assumptions about law's relation to social control and stability. He would rather understand legal processes in terms of the precariousness of legitimate political authority,

and of law. He would grasp the deep significance of the fact that the more law is pressed to tasks of social change, the greater will be the challenges to the legitimacy of law and lawmakers. He will be anxious in a study of law to stress the primacy of context, of power, of ideologies. He would also be advertent to future patterns of technological and scientific development and the relation of these to the economic growth and problems of distributive justice. He would strive to learn from legal orders of comparable societies in the region. He would also emphasize the international context of resource monopoly and use, multinationals, disarmament, and sociological grandeur and misery of human rights movements. He would address in this over all contest, to the *future* of law and legal profession in a “developing society”,

2.14 This kind of “modernist” will proceed to plan an LL.B. (and LL.M.) curriculum in a distinctively novel manner. While fulfilling the need for professional skills this modernist will attempt to provide an integrated view of legal process as a social process. He would provide compendious subjects rather than fragmented ones *e.g.* he’d provide courses on Law and industrial Development (collapsing company law, licensing, monopolies etc.) or on Law and Agricultural Development (collapsing agrarian reform measures, agricultural taxation and revenue, irrigation and water resources etc). He may contemplate new courses : resource use law, legal profession, comparative law of Asian or African societies, international development law etc.

2.15 Implicit in our discussion of “modernistic” curricular planning is also the clarification of the objective of social relevance. In a sense, *any* curriculum relating to law is socially relevant—since law itself is a social process. But it is not to be expected that the task of imparting professional competence is necessarily the same as the task of imparting a socially aware education—education relevant to the goals of national development and the manifest needs of Indian society. One can thus profitably (from skills point of view) concentrate on the “rule against perpetuities” or the doctrine of constructive *res judicata* or that of consideration or *mens rea*. One may similarly learn the legal lore of transfer of property or succession. *But it is quite a different thing to ask of legal doctrines and rule—structures questions regarding their social utility purpose and impact.* In case the import of this statement is not clear one has only to look at books on legal subjects produced by and for the professionals—whether it is Mulla or any other. *In other words, the goals of the core knowledge of the law and its subtleties and of imparting of manipulative skills can be pursued in relative isolation from goals of socially relevant education in law.*

2.16 Social relevance requires at least that a curriculum cognizes the principal contemporary problems and the corresponding tasks before law

and lawyers. Can a law curriculum be socially relevant and yet ignore the fact that India is an overwhelmingly a rural country? Or that it is a country full of underprivilege, exploitation and destitution? And yet the Bar Council's list of 28 subjects, adopted and operated by almost all the law schools in the country, manages to ignore these very aspects. Cruisiously enough, we seem to continue to think that even from a strictly professional standpoint all that a future legal practitoners should know, say, in the area of property law is the general principles of transfer. The burgeoning law of agrarian reform in property relations and of rural credit, which affects somewhere around 80 per cent of Indian people, and illustrates their major life problems, is severely left alone for a future occasion of self-learning. The special problems in the law and administration of compensatory discrimination for the scheduled castes and tribes are similarly altogether ignored; so are the problems of the unorganized rural and urban labour. Surely, at least these two subject areas must be made compulsory.

2.17 What is needed under the title of social relevance in Indian legal education is more than a sprinkling on legal curricula of the above-mentioned types of subject; though such a sprinkling is all that can be attempted at the present juncture. What is needed in the long run is more imaginative realignment of existing subject areas with a view to orientate them towards the Indian milieu. (See paras 2.8 to 2.14).

2.18 In the meantime, let us not go on feuding about professional v. non-professional aspects of philosophies of legal education. Let us accept the fact that hard or straight law learning is, very important, whether or not our students go to Bar. Let us also accept that the understanding of lawyer's law may provide as good a starting point as any other for a modernistic or socially relevant law curriculum; and let us also accept that the many dimensions of social problems become visible, which were previously not so, only when we apply lawyer's skill to understand and handle these problems. *The trouble, however, is that hard law education does not fully obtain anywhere in India* (to use a masterly understatement). Rudiments of legal knowledge suffice to pass and even excel, in law examinations. Our problem in this respect is vastly different from that of systems of advanced countries. We have no problem of an overly technocratic legal education as they have. Rather, we have and *insufficiently* technocratic legal education. So if a sound technocratic legal education socially relevant, let us first seek to provide it. How shall we begin to do so?

### III. THE STATE OF PEDAGOGY

3.1 Legal education in India suffers from what Paulo Friere calls "narration sickness".

The teacher talks about reality as if it were motionless, static,

compartmentalized and predictable. Or else he expounds on a topic completely alien to the existential experience of the students. His task is to 'fill' the students with the contents of his narration—contents which are detached from reality, disconnected from the totality that engendered them and could give them significance. (Freire, 1972 : 45)

Freire relates this “narration sickness” in education generally to what he calls the “banking concept” of education where

Education...becomes an act of depositing, in which the students are depositories, and the teacher is the depositor. Instead of communicating, the teacher issues communiques and 'makes deposits' which the students patiently receive memorize and repeat. (Freire, 1972 : 45-6)

3.2 The “narration sickness” and the “banking conception” are perhaps nowhere more actually illustrated than in law class-rooms. Our system of law examinations is also, generally speaking, reflective of these paramount pedagogic traits. This type of education is designed to kill creativity in students. Eminent judges and lawyers have asked : when will an Indian scholar produce something like the works of Julius Stone or H.L.A. Hart ? The answer, however distressing it may be, is simply that if we produce the like of this scholar in India it will not be *because*, but rather *inspite* of our legal education. Similarly, Sir Sarvapalli Radhakrishnan, in his education commission report, bemoaned the fact that while India has produced great judges and lawyers it has not produced great jurists. We simply cannot do so without a *fundamental transformation* of teaching in law schools.

3.3 It is equally true that your curriculum is only as good as your teachers who use it. This means, most certainly, that no amount of attempts to transform the curriculum towards modernist or social relevance aims will go too far without concurrent pedagogic transformation. Today, our definition of a *good* law teacher is one who creates interest in the subject in the minds of students. Such a definition itself is a result of a “banking” pedagogy : certainly, on any other view, creation of interest among students for the subject taught is the most *elementary obligation* of a teacher and not a comment on his excellence as a teacher !

3.4 Every word of Freire concerning “narration sickness” in education is illustrated by legal education in India today. By and large, the law teacher *does* talk about legal reality “as if it were motionless, static, compartmentalized, and predictable”. If you have any doubt concerning this proposition, look at most textbooks prescribed for students in Indian law schools. All along there is emphasis on what the principal ‘elements’ of a statute or a judicial decision are. The text-books are littered with statements beginning with the words “The Supreme Court held...”,

without whys and wherefors. Dissenting or concurring opinions are jettisoned. No fundamental questions are raised regarding judicial or legislative decisions. The books, which teachers and students alike use, are expository and digesty by and large.

3.5 Similarly, the reality is compartmentalized; civil and criminal law, procedural and substantive law, public and private law. The family lawyers usually do not know why maintenance proceedings are made summary criminal proceedings under Cr. P.C. The constitutional lawyer who teaches rights to equality has not much idea of the Untouchability Offences Act, 1955; nor for that matter has the criminal lawyer. A teacher of contract is often unable to tell what legal remedies are available for breach or rescission and how they may be pursued. Not many labour law teachers bothered to ask the question whether in industrial disputes, workmen can seek injunctions under Specific Relief Act. It is pointless to multiply instances. *The unpalatable fact of life is that a large number of law teachers in India themselves do not possess a rounded view of the legal system.* By accident or design, most of them have become “specialists” before they have acquired a perception of complex inter-relations between the normative bits of legal system. *The alarming situation is brought home through an analogy of a heart specialist who is rather vague about the location of the patients’ kidney or liver, or their functions in the human body.* If anyone in this workshop feels that the foregoing overstates the actual position, he is requested to try out a little questionnaire on himself, his colleagues and at the interviews for promotion to a higher grade.

3.6 It is also true that, by and large, the Indian law teacher “expounds on a topic completely alien to the existential experience of the student.” Classic cases in the point are provided, for example, by teachers of private international law, jurisprudence, and comparative law. Have we ever paused to wonder, when teaching private international law, how a student in Gorakhpur, Indore or Rajkot can take serious interest in the mysteries of *Indyka v. Indyka*: involving Czech nationals, Polish divorces, English remarriages and divorce petitions and decisions of English Courts in such and related situations? Or take the attempts to teach comparative law in terms of contrast between the common law, the civil law, and Soviet systems to students lacking elementary information about European history, geography and culture. Or take the teaching of jurisprudence—just one segment of it, the natural law ideology. Instead of Gandhi, Tilak and Ranade or Vinoba Bhave, we generally talk *only* Locke, Rosseau and Aquinas!

3.7 The “alienness” is not confined to the foregoing examples—it is writ large in law teaching generally. It manifests itself whenever a law teacher refers to the House of Lords or Court of Appeals or American, Australian or Canadian decision, without *careful contextualization*. This

applies also to the teaching of Indian law as well: the contents of “narration” are almost always “detached from reality, disconnected from totality that engendered them and could give them significance.” This is bound to happen as long as, for example, one is so content with a Supreme Court judgment as not to feel even inclined to look at High Court judgment which is the subject of review. Even at the Supreme Court judgment level, many are content only and look at headnotes!

3.8 The opposite of the “banking conceptions” is “problem posing” method, one which involves dialogue between the teacher and the taught. This type of “truly liberating education” consists in “acts of cognition, *not* transferrals of information.” The “problem-posing” method does not

dichotomize the activity of the teacher-student, he is not ‘cognitive’ at one point and ‘narrative’ at another. He is always ‘cognitive’, whether preparing a project or engaging in a dialogue with the students. He does not regard cognizable objects as his private property but as an object of reflection by himself and the students. In this way, the problem posing constantly *re-forms his reflection in the reflections of the students.* (Freire, 1972 : 54 emphasis added)

The problem-posing method is the most naturally suited to legal education for *every law is an answer to a problem or a problem by itself—in search of its answer!* And yet, barring a few experiments, neither in the classroom nor in the examination halls nor in text-books do we find the use of problem-posing method. And all this happens in a context of a so called professional technocratic legal education.

3.9 Superficially, the closest analogue to problem-solving method is provided for the law by the so-called “case-method”. The essence of “case-method”, in its principal version, is to involve a class of students who have read their assigned cases and materials in a discussion on finer points of law and policy. Both the teacher and the student, in this method are to recognize that the socio-legal reality is complex, spread through space and time, and that all solutions to hard problems are tentative. Under this method you do not study the authoritative legal materials merely to know what existed in the past and what now exists but you study them with a view to transcend them. Indeed, an ideal case-method teaching is problem-posing education *par excellence*—it is, in Freire’s eloquent words “revolutionary futurity”.

3.10 At least two major Indian law schools, Delhi and Banaras, have endeavoured to provide one or the other variant of “case-method” instruction. Whether this has genuinely led to a problem-posing education is an open question, inviting empirical research. But it is rather important



to note how the system functions. I will here briefly refer to the Delhi experiment which I knew first hand for last three years.

3.11 Certain special features of the Delhi-Banaras context at the time of pedagogic innovations have to be borne in mind. *First* both have university law departments directly responsible for law teaching. There are no law colleges, as elsewhere. *Second*, Delhi and Banaras are both central universities, with fairly strong academic traditions. *Third* Banaras had the exceptional good fortune of having an outstanding educational planner in Professor Anandjee, who made the modernization of law studies as almost the sole preoccupation of his life for more than a decade. *Fourth* the Ford Foundation in India took very considerable interest in the promotion of legal education by providing assistance for teacher-fellowships in U.S. law schools, by generous library grants by providing visits of American legal educationists and in many other ways. *Fifth*, the U.G.C. proved amenable in terms of recognising the need for senior positions in each faculty.

3.12 These are broad contextual features which miss out on the dynamism of change-processes in the mid-sixties in Delhi and Banaras. It is not suggested by any means that the processes of initiation and execution of change were unproblematic, but in retrospect it does appear that both these law schools were, in a sense, so endowed as to be embark meaningfully on basic pedagogic and curricular reform.

3.13 At Delhi, whatever may have been intended at the time of initiating the reforms, the system at present operates generally as follows. Cases are selected in each subject by a group of teachers teaching the subject—the average number is somewhere around 13. Cases so selected for circulation are not edited at all or they are edited only cursorily. Proofs of stencils are not scanned by teachers, the result being several mistakes of omission and commission. Generally speaking, it is becoming difficult to supply the cases in due time to the class (let alone their being supplied well in time). The cases in a subject are not usually varied very substantially from year to year. Most examiners (the assessment being internal) do set problem-type questions but even these, by and large, are set on assigned materials and do not demand critical and imaginative effort on the part of students. Students pay Rs. 60/- per annum for case-materials. The term “case-materials” is indeed euphemistic; by and large only cases are distributed. Some case-books have emerged from Delhi Law School—some of these are of a very high quality—but these are produced singly or jointly by teachers in the subject and are not *prescribed* for student use.

3.14 Apparently, the initial enthusiasm for the new pedagogy has waned. The Faculty has expanded from about 500 students in 1965 to

well over 3500 students in 1975. Two evening Centres have been established, which function only from 6-15 p.m. to 9-15 p.m. They are, no doubt, comparatively speaking, well-staffed but have basic problems such as proper accommodation, library development etc. Professor Tripathi who piloted the reforms had to leave the Faculty on an assignment in the Law Commission at a rather crucial juncture in the development of the pedagogic reforms. With the disappearance of Ford Foundation bilateral exchange programmes, a large number of new teachers have no substantial idea of the "case-method" models prevalent in U.S. law schools.

3.15 Overall, it cannot be gainsaid that despite all difficulties and limitations, the quality of legal education in Delhi has substantially improved over the years. There is, by and large, considerable involvement of students in class-room discussions. Whatever else they may or may not read, they do read the assigned cases—it is still the case that a large number of Indian law students graduate without ever having read a full text of a judgment. The interested student and teacher has unlimited potentialities for collaboration in exploring an aspect of a subject. They often do. "Narration sickness", *does* prevail, but its scope is substantially reduced. The results at Banaras must be equally encouraging perhaps more since the number of students is much smaller than Delhi. On the other hand, the problem of medium of instruction has been more pronounced there than in Delhi; and the campus turbulence and strife has very often substantially affected the schedule of examinations and teaching necessarily affecting, in turn, the pace of innovations.

3.16 Having said this, one must also say that a peculiarly American pedagogy cannot simply be successfully transplanted in India. There are several intellectual and material pre-requisites for any version of American case-method, which are simply lacking in India. Intellectually, the first pre-requisite is the willingness of the teacher to face situations of radical intellectual insecurity and to grapple with it visibly, in the classrooms. Uncertainty and insecurity are inherent in a case-method education. The student may be enabled to ask question which the teacher may not have even thought of or the teacher may see in the raw questionings of his class a problem which had altogether escaped his notice but which he must now deal with. Very few law teachers can bring themselves to say in a classroom that they do not know the answer to a problem which has suddenly emerged or to say that they were mistaken in dealing with a topic this way rather than that. The insecurity can be minimized by very intense and time-consuming preparation before the class, by wideranging and deep awareness of the subject, *but it cannot be eliminated altogether*. Given the status consciousness, teachers are not willing, by and large, to undergo any crisis of confidence.

3.17 Another pre-requisite of "case-method" teaching is that both the

teacher and student alike have some quotient of critical imagination which has to be brought to bear upon the materials under study. The refusal to accept anything that exists because it exists or is supported by a precedent or a statute is the essential feature of case-method teaching. In the *best* sense of that word legal education of this type is “subversive” of tame certainties, of attachments to past, and of pet dogmas.

3.18 Furthermore, dialogue in the classroom demands skills in communication at a certain level of sophistication. Here, natural endowments of the students and teachers vary. But in the absence of a good communication technology, the dialogue of the few may well remain for many merely the dialogue of the deaf. It is a very essential that the teacher receive some exposure in the skills of communication. Too often, without meaning to do so, he may stifle an eager question or respond in a manner far beyond the comprehension of the average student in the classroom. Sometime even the bearing and demeanour of a teacher may obstruct a communication situation.

3.19 Library resources play an important role in the sustenance of any version of “case-method”, in most law libraries however there are problems of access : access to books and access to seating space in the library. At some places libraries are under-developed. Such in the state of under-development that the Poona Seminar was able to prescribe the minimum collection of books for law colleges to be only 5,000 volumes (inclusive of books, reference books, law reports and journals) with an annual acquisition rate of 200 books per annum. The corresponding minimum holding for a university department is 15,000 volumes with an acquisition rate of 750 books per annum. In such modest circumstances, the version of American case-method has not much prospect of success.

3.20 In addition, no such innovations could really succeed with an (and generally acceptable) series of case-books or reading materials in each subject—a question to which we turn later in this paper. We may also mention, for the sake of completeness, that the state of student motivation plays a very important role in the success of any pedagogic innovation. In a sense, we have a “chicken-and-egg” sort of dilemma here because it is equally true that one of the prime jobs of any education is to motivate people to learn as much as they can. Still it remains a fact that a lot of students *drift* to law without any conscious purpose or objective. It makes good sense to assert in this situation that there is need to restrict enrolment in law schools—something that should obviously be possible in the present political ethos of national “discipline”.

3.21 How then do we move from the “banking” to the “problem-posing” legal education? We do so at least by understanding the

significance of the homely maxim. "What is sauce for the goose is not the sauce for the gander"! American or any other transplants simply will not do. We have to find some homespun ways of pedagogic change. What could these be?

3.22 Given the overall system of higher education, it is wishful thinking to assume that one can altogether switch over from the "banking" concept of education to a "problem-posing" one, at least in the fullness in which Paulo Friere understands the latter. The problem is the problem of *consciousness* of the teacher and taught, not just of their *conscientiousness*. But some practical and modest steps are suggested below for the consideration of the law workshops.

3.23 Let us at the outset recapitulate the main characteristics of a "problem-posing" method. If one may venture to "systematize" Paulo Freire, the "problem-posing" method is marked by the following features.

- (a) it does not dichotomize the activity of teacher-student (see para 3.8);
- (b) whereas the banking concept "attempts to maintain the *submersion* of consciousness" the problem-posing method "strives for the *emergence* of consciousness and critical *intervention* in reality";
- (c) therefore, the "deeper implications" of a situation under study "stand out, assuming the character of a problem and therefore of a challenge";
- (d) in this type of education "men develop their power to perceive critically *the way they exist* in the world with *which* and *in which* they find themselves; they come to see the world not as a reality, but a reality in process, in transformation".

The law teacher is uniquely poised to grasp these elements in designing his classroom studies with his students. The question is how quickly and how best can we awaken him to his true vocation.

3.24 My *first* suggestion is that the regional workshops devise some ways by which articulation of goals of legal education, and its methods by regional law teachers becomes possible. *Hitherto such articulation has been overly confined to the elite of law teachers but their dialogues are often an exercise in preaching to the converted. Time has come to hold dialogues across the board with a middle and junior (and younger) level law teachers.* It is important for the elders to listen and learn in an exchange with younger and junior colleagues. It is important too to ascertain their difficulties and problems and to place before them some main currents in pedagogical thought. Many among this group are going to be custodians of standards of the future of legal education. It is proposed that in each

region at least two workshops per year for a period of three years be held in which conceptions, problems and techniques of "problem-posing" education can be discussed.

3.25 *Second*, the Law Workshops may themselves commission through the U.G.C. panel on law and document on socially relevant and 'problem-posing' legal education in India which should be freely circulated among law teachers in India. In this document, each veteran law teacher may, in his or her field of specialization, provide some ideas and techniques as to how he or she would teach or teaches the subject in a "problem-posing" way. The contribution of each teacher may frankly point out the course of his own evolution as a teacher; his classroom experiences, his own experience of his teachers, and such overseas learning experiences as he may have had. This suggestion is not in the direction of providing a handbook on how to teach X or Y subject. That would be rather absurd.

3.26 This particular suggestion may itself, however, appear absurd. One might even say that such a thing is nowhere attempted in legal education anywhere else. But is it not equally absurd that a generation of able teachers may consign the evolution of their teaching methods to oblivion or at best to the chancy, wayward memories of their own students? In a developing country, where certain kinds of skills are scarce their generational transmission becomes a sort of a duty.

3.27 A *third* suggestion in this regard is that some kind of orientation courses in some leading subjects be organized for law teachers in every region. In a four to five week workshop, different ways of orientating law teaching to "problem-posing" education can be demonstrated and discussed. The emphasis here would be not how to teach law in this manner in an *ideal* setting—with good faculties, libraries, students and other facilities—but *rather on how one can transform one's teaching techniques even in the most under-developed contexts. These workshops may also focus on diverse ways of creative paper-setting, within the existing curricular and assessment frameworks.*

3.28 The fourth and really a basic suggestion, would be that workshops propose to the U.G.C., the Bar Council, the ICSSR and the universities a plan for a special Legal Pedagogy Institute. The Institute's main objectives would be to provide teacher-training and faculty improvement programmes. Fresh law teachers, soon upon joining, will be enrolled where education concerning methods of teaching law and practical skills for teaching, assessment, communication and research will be imparted. In-service teachers will be attracted to it from time to time for refresher courses. The Institute will also act as a data bank and evaluation agency for legal pedagogy in the country. It can also be the agency for devising and preparing teaching materials and for handling publications in the field of

curricular planning and examination techniques, law school admission tests and related matters. A core faculty and a visiting faculty will also be responsible for innovations in post-graduate legal education and in bringing out a journal of higher legal education and advanced socio-legal research (see also para 4.10). The idea of a full-time Institute devoted to ongoing re-examination and renovation of legal education is certainly an idea whose time has come. Neither the Bar Council's legal education committee nor the U.G.C. Panel in Law are bodies which can perform the jobs which now need to be performed if legal education is to be redeemed.

3.29 Such a proposal may well evoke healthy cynicism—a characteristic response. It is true that well-conceived institutions may miscarry. It is also true that the investment required may be somewhat heavy. There may be doubts and reservations as to the role and impact of such an institute. But can its need be so easily denied. The “trend setting” law schools have, it must be said with regret, failed so far to set any new trends, so utopian were their goals. The proposed National Law School of the Bar Council of India has been for long in gestation. One cannot hope to convert the Indian Law Institute in the directions outlined above. No advanced centres in law exist, as compared with other disciplines, and none may come into being. Indeed, even if one or two come into being in the next decade, these will in no way substantially perform the type of tasks outlined in the preceding paragraph. In this context, the proposal for an Institute deserves very serious consideration. The gains for the nation are inestimable for the law will continue to provide an inescapable technique for planned social change in India for the future.

#### **IV. GUIDELINES FOR TEXTBOOKS, READING MATERIALS AND OTHER AIDS IN LEGAL EDUCATION**

4.1 No changes in curriculum or pedagogy will be really fruitful unless good quality text-books and other reading materials are made available both to the teacher and the taught. Almost all the available text-books in law are oriented to the “banking concept” of legal education. They are by and large repositories of information and exegesis; they do not stimulate any critical thinking on the subject. In most, there is such a comprehensive attempt at delineating the subject, that the other shallow, digesty kind of textbooks by the operation of Gresham's law substitute them. In any case, it is worth repeating that almost 90 per cent of law textbooks in circulation today endeavour to “submerge” the critical consciousness rather than to help it emerge.

4.2 It is not possible to attain any quality control over law textbooks. Most of them contain plain errors and misstatements of the existing law. The statements about comparative law are usually cryptic and misleading.

Most of the time, textbook writing has amounted to a “scissor and paste” job. The only way in which some consumer (or academic) control could be brought in is through rather tough criteria adopted by Boards of Studies or Committees of Courses in each Faculty in prescribing or recommending books. This sort of control has not worked well at all for many obvious reasons.

4.3 Moreover, the textbook writer is not always a free scholar or educationist. A textbook, from the publishing point of view, is strictly a commercial commodity whose sale must bring some returns on investment. The consumers of textbooks—students and teachers—dictate the author through the publisher. And the consumer preferences are maintained more or less through classroom encounters. This then is a vicious circle.

4.4 The progress of casebooks has been painfully slow. To prepare a casebook is a very demanding task; and a good casebook, without being comprehensive, has to be at least substantial (250 pages or thereabouts). A casebook should not just be a topicwise collection of cases edited only because of limitations on the number of pages. Rather a case-book should explicitly state its criteria for selection of cases, and for their editing. A substantial portion of the case-books ought to relate to readings *other than* court decisions and statutory provisions. Of the 28 subjects prescribed by the Bar Council, good case-books are available only in two or three subjects, excluding the rather ambitious and wholly American-type case-book produced by the Indian Law Institute.

4.5 One does not know how well the available casebooks have been utilized by students or teachers. They are not generally to be found in the list of prescribed or recommended readings. It may safely be assumed that their sales rank below guidebooks and textbooks and that if no organized attempts are made now, the breed of the enterprising editor and publisher of casebooks will simply disappear in course of time. It is heartening that the Bar Council has at this juncture proposed a scheme of collaboration between the universities and itself under which universities would pay Rs. 10,000/- to 20,000/- p.a. for a period of three years in response to a contribution of Rs. 50,000/- p.a. by the Council for each of the three years. Thereafter, the Council will run the scheme without any further assistance from the universities. The scheme, nearly a year old, is still in the process of finance-gathering. The academic details of planning casebooks are still to be finalized, towards which the workshops could make fairly useful suggestions.

4.6. The question, however, is whether we should start off in the direction of good textbooks or that of casebooks. Both will require considerable time, dedication of talent and money. Casebooks are intellectually more worthwhile in my opinion provided considerable quality

control obtains and provided also that they are available at a highly subsidized price for the teacher and students alike. Casebooks provide a very important aspect of the "problem-posing" education which is clearly needed.

4.7 Several programmatic points need to be made here. *First*, the Bar Council may be persuaded to act in collaboration with the UGC Panel in Law, and through it with the UGC. Both bodies are concerned with legal education; they must pool their resources together, both juristic and financial. *Second*, priorities for casebooks ought to be now fixed. To be sure, the availability of juristic talent will influence the ordering of subjects. But it is desirable, nay indeed necessary, for us to provide case books for the ten compulsory subjects as soon as possible, and for subjects like administrative law, public international law, company law, labour law, taxation, and statutory interpretation. *Thirdly*, the workshops may formulate conceptions of casebooks bearing in mind the present Indian conditions. Any wholehearted emulation of overseas models will be altogether counter-productive. We need casebooks which will be *used* and not just consulted; we need the daily diet, not a reference collection. Indeed, the projection of conceptions of casebooks by the regional workshops would be a major task on its agenda. *Fourth*, the workshops may endeavour to identify available regional talent in each subject area in a strictly *professional* manner for the entire scheme depends on finding able men who would be willing to give high priority to the preparation of casebooks—men who will find the concepts of collaboration and deadline fairly intelligible. *Fifth*, we will then need to identify the logistics for this kind of work—the resources and limitations.

4.8 The workshops will also have to decide in the meantime on a slow but steady change-over from the "banking concept" of education. The very task of being engaged in compilation of casebooks will assist us in that objective. But some ancillary measures are also needed still to reverse the Gresham's law in the area of available reading materials. In areas where *good* textbooks are available, the workshops must *proceed to identify them* and recommend, at a regional or even national level, that they be prescribed. No doubt, this is a delicate job. Many law teachers have written textbooks and every author thinks that his textbook is worthy of being prescribed reading. Many participants at the workshop may feel reticent at passing a judgment over a colleague's book, which may have by the operation of market laws run into several editions. But leadership demands hard decisions. If we are to move away from the paleolithic era of legal education we must *act* now. For far too long, we have allowed ourselves the luxury of talking rather than *doing* something about legal education.

4.9 Another determined effort needs to be made. This is in the



direction of preventing reliance on cheap guide-books. The pattern of paper-setting in Indian law schools encourages successful reliance on guide-books. This reliance can be made somewhat less successful in the first instance. A question can be set in more than a dozen ways; why then do we set it in the simplest possible manner? Almost all of us in the workshops are paper-setters for LL.B. and LL.M. examinations. Even within the present framework of collegial solicitude (solicitude for the plight of Heads and Deans for whose universities we act as examiners), much improvements in setting questions is *easily* possible. Why do we shun this improvement? It is a comparatively easy task to foil low-level guide-book by setting question somewhat imaginatively. If as a result the guide-book writers improve the quality of their efforts a desirable result may ensue. This is not a matter for formal recommendation but one which can be handled, in the interests of legal education, by each one of us in our assignments.

4.10 Casebooks and textbooks, howsoever good, are not in themselves adequate for legal education of tomorrow. What we also need is good quality reading materials for the law teachers. In thinking about such reading materials we must think of catering to the needs of college teachers in law and of university departments where library resources are meagre. Some attempts must be made to secure that every law teacher in India gets a copy of the *Journal of Indian Law Institute*, *Annual Survey of Indian Law*, the *Journal of the Bar Council of India*, the *Index to Indian Legal Periodicals*, and the *Annual Yearbook of International Affairs*. Teachers teaching international law should also have the *Indian Journal of International Law*. The annual cost per teacher for these journals would not exceed Rs. 100/-. These are working tools for every law teacher; how do we ensure that he has them? Every college or department might have schemes whereby if a teacher subscribes to half the journals himself, the institution will subscribe remainder for the teachers. Assuming that the average size of Faculty in any institution is 25, cost of 50 per cent subscription of these journals for each individual teacher would be around Rs. 1250/- p.a. Under this arrangement even special subscription rates can be arranged for institutions when they subscribe for their teachers. The Bar Council can even afford to think of issuing complimentary copies of their *journal* to each law teaching institution. In any case, the net cost involved to the institution under this arrangement is truly marginal.

4.11 In addition, the workshops could also consider proposals for a periodic journal of Recent Development in Law, which can for some years be sent on a complimentary or minimum subscription basis to all law teachers. This Journal may only bring to light case law or statutory developments and recent publications with brief comments, to assist law teachers to keep abreast with developments not just in their own fields but in law as a whole. The glaring gaps in the information of law teachers could thus be

reduced, if not eliminated altogether. A reference service of this nature will go a long way than any other measure, in supporting any plans for changes in legal education. The Journal need not be scholastically ambitious. Its format, however, must be such as to excite interest and inquiry. Once again the venture may require finances, and may have teething troubles. Once again the idea may run into cynical moods. But still it is worthy of the closest examination by the workshops. The UGC and the Bar Council can be, in addition to some Universities, be partners in a joint venture of this kind, until such time as proposed institute comes into being. (See page 3.27).

## V. State of LL.M. : Pedagogic and Curricular

5.1 There is not as much agonizing and public articulation of views as regards the *objectives* of post-graduate legal education as compared with LL.B. The Bar Council's domain ends at LL.B. level; each university is free to innovate in curriculum and pedagogy. Some have and there are wide variations in LL.M. syllabi in India. Insofar as one could generalize, there are two broad curricular outlooks on LL.M. The first views LL.M. in terms of extension—a richer and truly worthwhile extension—of LL.B. studies, the other views LL.M. as a highly advanced course, as kind of pre-Ph.D. course.

5.2 One example of the first kind of outlook is found in the following statement of the objective of LL.M. education by Professor Markose.

“But again, the introduction of the policy element at the LL.B. level is risky. It gives the law students at that stage an excuse to evade the strictly and rigidly dogmatic process of the study of what the law is...at the LL.B. level only the strongest teeth of the intellect can cling on to the strict logical, legal path...at the LL.B. level the mastering of the rules shall be done and the specific burden of post-graduate stage shall be the policy considerations in the best sense of that word.” (Markose, 1973 : 241)

According to this conception, the LL.M. curriculum for two years has necessarily to be divided into a compulsory and an optional segment, since the foundation for policy analysis of law will be laid in the first year. The optional segment will offer opportunities for specialized studies.

5.3 The requirement that at LL.B. level the student must learn rules is a wise one, if only it was not accompanied by a clean separation between ‘rules’ and ‘policy’. No one can deny that legal education must equip one with information and skills on authoritative legal materials; that those should not be avoided or evaded by soft-headed talk of policies ungrounded in, or tenuously related to, the authoritative legal materials. But too sharp a distinction between “law as it is” and “policy”, in the best or worst sense of that form, at the LL.B. level would prove fatal

even to the objective of technocratic legal education in LL.B. and “specialist” education in LL.M.

5.4 On the other hand, the other outlook on LL.M. emphasizes, by and large, intense specialization in a subject area from a distinctively socio-logical standpoint involving a ‘drastic retooling’ of facilities of legal education (Agarwala, 1973, 248). Curricula structured on this approach require no compulsory offerings by students; a wide variety of specialized courses are offered, students are allowed such supermacy of choice as to take an aspect of the subject (e.g., Marriage and Divorce in Conflict of Laws) without even having been grounded in elementary principles in that subject at the LL.B. level. Delhi is a case in point illustrating this outlook. Its curriculum offers 26 subjects, all of which are optionals.

5.5 Some feel that even this sort of curriculum is not enough. There is a suggestion now that “we must introduce research-oriented ‘undeveloped’ courses at the LL.M. level. By an ‘undeveloped’ or a raw ‘course’ is meant “a subject which has never been litigated or a subject nobody has ever written about or even heard of” (Veena Bakshi, 1975 : 104). An example of such an ‘undeveloped course’ (given before the Report on the Status of Women became available) is “Discrimination Against Women”. There may also be courses such as “Law and Population,” “Law and Society”, “Water Resources and the Law”, “Legal problems of Scheduled Tribes” etc. The philosophy underlying such a curricular outlook is that LL.M. must not offer specialization building over some aspects of LL.B. but it may, in several respects, offer specialization altogether transcending the range of LL.B. education. To the argument that we are not ready as yet to offer such ‘unstructured courses, the correct answer is that we will never be ready until and unless we *try*. The very idea of unstructured courses is that they constitute an act of faith.

5.6 The starting point for a debate on post-graduate legal education *must* lie in the fact that LL.M. is the basic qualification for Indian Law teachers. Accordingly, if we are to find in future teachers who will continue to modernize and make legal education increasingly socially relevant, the LL.M. training must give basic equipment—in terms of knowledge, specialization, research and *also* outlooks on legal education. A logical consequence of this view is that all other *uses* of LL.M. that a degree-holder may put to are to be pursued only *within*, and at no cost outside, the framework of this objective. The Indian Airlines and Air India may rightly need aviation law specialists; Indian corporations may rightly need people with specialized knowledge of trade and transport, tax company and labour laws; so may the public sector industries need

people with sound grasp of resource use law, and so on. The needs of the community cannot be ignored by the academic but high quality law teachers are also demanded by the community. There is pressing need for *both academic and technocratic* post-graduate education (the dichotomy must not be pressed too hard; when it is it obviously becomes meaningless). The workshops may accordingly consider two separate sorts of post-graduate legal education patterns. But the most immediate need is of recasting LL.M. curricula and pedagogy in terms of *teaching the future law teachers*.

5.7 From this it follows, as the UGC has rightly recommended that the LL.M. course must be offered to only whole-time students, with able students supported by stipends from the UGC. Post-graduate education in specialized fields, according to national and regional needs, may (in the present opinion) be catered to by specialized string of diploma courses for which communities which need such skills must invest at least a part of the resources. Advanced specializations at a high academic level cannot, *individual exceptions apart*, simply be pursued by “night school” type education.

5.8 What then should be the curricular content of LL.M. on this objective? This is a principal question for the law workshops, and this question is to be answered of two levels; the ideal or the long-term level and the pragmatic or the short-term level. At the latter level, it is essential as recommended by UGC Panel in Law, that two compulsory courses be recommended for inclusion in all LL.M. curricula; one, a course on research methods, second, a course on “law and problems of social change in India”. For this latter, a course outline is prepared and approved (See Appendix A) and a group of scholars is entrusted with the task of preparing a book of readings (Professors S. K. Agarwala, Upendra Baxi, Mohammad Ghose, G. S. Sharma). In regard to the first course, a syllabus has been drawn up and approved by the UGC (See Appendix B).

5.9 Questions may rightly be raised as to whether a course of this kind can at all be offered by law teachers without their having had a benefit of any previous exposure. The only basic answer to this question is that law teachers, like other teachers, should learn the subject by actually teaching it. As a matter of fact, many social science graduates in India in 50s and 60s were not trained in research methods either at under-graduate or post-graduate levels of their studies. For them, when some of them became teachers, comprehension of this universe of study was a matter of self-learning. Is there any reason why the same should not be the case with the community of law teachers? The law-teachers’ self-training in the 70s and 80s must indeed be a comparatively easier process than that of their social science colleagues in the preceding decades, primarily in view of the fact that there now exists considerable literature and also some empirical

research work in Indian law. Cooperation from social science faculties should also be available. The ICSSR contemplates string of methodological workshops for law teachers ; law teachers may also avail the foundation courses in method offered by the ICSSR. The UGC and the ICSSR could also, collaboratively, launch sustained programme for faculty improvement programmes directed to this end. In other words, the recommendation for introduction of a research method course—indispensable to socially relevant and modernistic education—is entirely feasible, as it is desirable. If we reject it, this would only make legal education in India even more irredeemable (if such a thing is possible !) than it is now.

5.9 Any suggestions as to long-term or ideal LL.M. curriculum are bound to remain controversial, even if there is agreement on the principal objective. Indeed, the adoption of the two courses recommended above will create a much more receptive climate in later years for a fundamental restructuring of LL.M. curriculum. For the time-being, the following suggestions are made for the consideration of the workshops.

5.10 If by specialization one means intense critical comprehension of a subject-area, then the LL.M. curriculum context must be realistic. For example, many universities offer courses on constitutional law comprising Australian, American and Canadian constitutions in LL.M. To teach and learn this subject in a specialist way one needs minimum library materials (reports, journals, books *in that order*). These are usually unavailable. The course will also require a specialist teacher who is abreast in the subject. One has to assume *perforce* that there are very few such teachers. For, in the *Dhillon Case* the Supreme Court's majority and minority both relied on Canadian precedents, interpreting them differently. No Indian specialist has yet written a paper analyzing the Canadian materials. What can then be taught in a course like this ? Is it true that comparative constitutional law courses are necessary ? There are no courses in American or Canadian or Australian law schools dealing with Indian constitution. One reason is that the expertise and materials are simply unavailable, despite the clear affinities among these constitutional structures. I am not saying that we should not offer these subjects but only that offering it merely at the level of information and that too outdated, is *not*, "specialization" in any sense of that term. Such courses abound in LL.M. curricula; time has come to take a determined second look at them.

5.11 It is necessary then to critically review the LL.M. curricula. There is no reason why they should not be adjusted to available resources. Indeed if it is felt that certain highly specialized courses of a comparative nature need to be organized, a number of infrastructure arrangements *within the region*, should be contemplated. Since not every department in the region can acquire reports, journals and books (in that order) in all

subjects, some sort of systematic allocation of financial resources becomes essential. Otherwise, it may happen that four or five departments in a region may develop their library resources in the, more or less, *same subject areas* (e.g. constitutional, international law). The result would be neglect of resources in *other* important areas (e.g. criminology, administration law and process). Instead, it should be possible to arrive at some sort of specialist library collections in certain subject-areas within the region. Planned growth of library resources in a region is indeed an imperative for advanced teaching and research in law.

5.12 The LL.M. curriculum must also provide for skills of legal writing and research, which as yet cannot be provided at an earlier stage. Quite a few universities have a requirement of LL.M. dissertations; some devote an entire semester to this job. But the system of dissertations does not really fulfil any of its objectives. A very large number of dissertations are full of elementary mistakes of style, organization and even citations. Most of them are verbose and highly derivative. The topics are almost recklessly chosen (“The Law of the Sea”, “*Pacta Sunt Servanda*”, “Minority Rights”, “Due Process of Law” etc. etc.). As a result of these, and related factors, the student really does not improve his competence in legal writing and research despite doing lengthy dissertations. This result reflects indifference of teacher-guides as also impoverished library resources and perhaps to some extent presence of students in LL.M. class who ought not to have been enrolled in that courses at all.

5.13 The requirement of legal writing is important but obviously the dissertation “system” is not working well at all. Must we in the circumstances insist on dissertations? Perhaps we may say “Legal Writing: Yes; Dissertations. No.” Legal writing can take forms other than dissertations. In a two-year course, the student may be required to write four short papers, which may go into many drafts. He may even write case-comments or comments on statutory developments not exceeding 25 typed pages. Surely, his teachers must find time, patience and interest to examine carefully these papers and to communicate research, organisation and writing skills; in the process the teacher himself stands to learn quite a good deal, unless of course he is a thorough going votary of the banking conception of education. The essays must be evaluated both by the internal teacher and an external examiner. Of course, academic credit must be given for paper writing.

5.14 There must also be provided in the LL.M. programme some scope for developing teaching potential. Apart from some seminars on legal education (history, philosophy, alternate pedagogies, place of legal education in higher education etc.), LL.M. students should be encouraged to take seminars, initiate faculty discussion groups, and even take a few

LL.B. classes under close supervision of teachers. This will enable student to understand academic communication process through personal experience and equip him with some degree of competence.

5.15 In the light of what has been said so far, nothing more needs to be said about teaching methods in LL.M., except that self-learning must be encouraged. Atleast one third of the topics in the synopsis of an LL.M. course should be left for self-learning; on other topics problem-oriented discussion must replace any other form of teaching (especially the lecture method). These requirements should pose no difficulties if LL.M. students are full-time students and their number is restricted by a selective, and demanding, admissions policy.

## VI. NATIONAL SERVICE SCHEME AND LAW STUDIES : SOME RANDOM THOUGHTS

6.1 The philosophy of the National Service Scheme (NSS) is still in the making just as its overall organizational shape is on the anvil. But it is clear that principal thrust of the NSS is in the direction of instilling concern for the community and care for the under-privileged, among college and university students, and indirectly even among their teachers.

6.2 This manifestation of care and concern is indeed welcome. But even as we welcome it, we must acknowledge the crude fact that the NSS is, in a sense, pedagogic innovation made necessary because our curricula, pedagogies and reforms in higher education have still not brought a vast majority of our students and teachers to the agonizing reality of Indian social context—the reality of destitution, deprivation, poverty, exploitation and harrowing levels of sub-human existence. Even the fact of misery escapes us or becomes an abstraction as the lamented Jyoti Swarup Saxena (1974 : 1) reminded us by asking:

“How many of us (administrators, teachers, students) in the campus community have enough moral imagination to be tortured and frightened by the permeating and victimising fact of misery and exploitation, disease and malnutrition, poverty, illiteracy, unemployment and squalor in the midst of plenty, of graft and corruption right under their own eyes on the campus itself ?”

6.3 The NSS, in the present conception, has a great Trojan-horselike potential for bringing about a renaissance in higher education. If a large number of students and teachers are brought into frequent organized confrontations with “misery and exploitation, disease and malnutrition, poverty, illiteracy, unemployment and squalor in the midst of plenty”, disquiet, discomfort and doubt will assail minds in classrooms libraries and laboratories. The result may well be a more socially relevant higher education.

6.4 On the other hand, there is every possibility that the NSS may

degenerate into a ritual extravaganza—a yet another bout into public relation ecstasy about social service, with photographs, platitudes and piety for display in benign television discussions. Once in six months, students will go to nearby villages to clean streets and public functions will be held to distribute prizes and certificates for social service, with prominent speakers and by-lines in local dailies.

6.5 It is essential that the momentum, and money, generated for NSS do not slip into yet another exercise on thriving on the poor. To achieve this, the NSS, like charity, must begin at home. Every college, university, institution of higher learning has its numerous enclaves of need and deprivation. To those the NSS should turn first. Where do the children of the peons study, if at all, and what are their problems? Who are the sweepers in a college, where and how do they live, what are their problems? How many reserved seats for scheduled castes and tribes in a college or a Department are actually filled? How do these students fare? How can their disadvantages, disabilities be removed by concerted effort within the institutions? How, if at all, the transport problems of students residing in outlying areas are met or handled? What are the problems of class IV staff in a college hostel?

6.6 This list of questions can grow further. The point is that aptitude for social service is best cultivated first within one's own daily universe and indeed this universe is often a microcosm of the society around us. The NSS activities must start within the immediate world of experience if they are to successfully flow over to the vast world of problems beyond.

6.7 The question of "integrating" NSS with university education is a fairly perplexing and persistent one. It will elude satisfactory answer until there is greater clarity on the philosophy, objectives and organisation of the NSS.

6.8 There is thus the question whether NSS work should be a compulsory portion of a curriculum for a degree course. Problems of student and faculty motivation for NSS work will arise, though in different ways, whether the NSS work is compulsory or optional. However, if the goal of NSS work is to create a new social consciousness and to rededicate student energies and talents to problems in national development (diverting them away either from traditional inertia or from systematized pursuit of political power in campus aided by various political parties), then an optional NSS work programme is by itself not an answer.

6.9 To be sure, the NSS work programmes must be designed with some reference to the level of specialization in a discipline especially at the post-graduate stage or in a professional course. What we suggest below in regard to law students' role in NSS is thus discipline-specific. This, by



itself, does not provide any comprehensive plan of action but merely suggests some preliminary steps.

6.10 It would be sad if law students were, for one reason or another, altogether excluded from the main objectives and operations under the National Service Scheme. It is true that the law students are, in a loose sense, post-graduate students. It is also true that they are mainly part-time students, who are mostly employed throughout the day. But it is also true that legal education, with all its limitations is basically related to contemporary social problems; and some experience of social realities, outside the classrooms, libraries and courts will enrich students' awareness of the role and limits of law as an instrument of planned social change.

6.11 The question of relating the National Service Scheme (NSS) with legal education obviously suggests clinical legal aid programme in the law schools and very little beyond that. We, however, feel that while legal aid work is important in the context, as indeed in its own right, exclusive emphasis on it in the context of integrating NSS with law education could not be fully justified. A more general and feasible approach has to be adopted in this matter.

6.12 Law students, must contribute to community service in the context of their legal learning and of such skills, competence, and insight into the law's operations they may be acquiring in a law school. Accordingly, the objectives of the NSS in relation to legal education be formulated in the following distinctive manner.

6.13 The first objective of such an endeavour should be to understand the types of legal problems of the community. Not all of these problems come to the notice of the lawmen; indeed only a few get to the courtrooms and eventually to the law reports. Law students should, therefore, be encouraged through NSS programmes to ascertain the diversity of legal problems faced by a local community and of the responses of the community to such problems. Such an effort would have immensely worthwhile pedagogic value as well. Thus, groups of law students could be assigned under faculty supervision to cover specific subcommunities, e.g., construction workers, retailers, consumers of specific goods and services, commuters, hawkers, beggars, women, children, mentally and physically ill etc. Since the knowledge of law in the local communities under study may vary immensely, it will be for the students to highlight what they think could be the potential legal problems of the community and suggest possible solutions.

6.14 The second objective of the integration of NSS with legal studies could be that of the promotion of legal literacy and through that the promotion of the right-duty consciousness in the members of the concerned communities. These objectives require activities such as holding legal literacy drives within the local communities, if necessary, with the collabo-

ration of state agencies and the voluntary social welfare organizations. Thus, for example, attempts could be made to impart information on the rights of a citizen upon arrest, the rights and duties involved in the relationship between the public functionary and citizen, the rights of a consumer against the retailer, wholesaler and the manufacturer etc. Information and knowledge concerning social welfare and legal aid activities could also be disseminated through such an effort. Law students, under suitable guidance and supervision, can perform very useful social function in bringing 'Law to the People'.

6.15 The third objective of the proposed integration of the NSS with legal education could, of course, be to provide legal aid and services to those in need of them in the local communities. Initially, efforts in the direction may even remain at the level of legal referral services. They may then mature into legal counselling and legal aid programmes. Since professional lawyers continue to be involved in law teaching to some extent under the norms of the Bar Council of India and the UGC (and to a substantial extent despite these norms) organization of this kind of action should be further facilitated.

6.16 All the three objectives specified in the preceding paragraphs should be simultaneously implemented in any programme of the NSS for the law students.

6.17 At this stage, one need not propose a fairly detailed operational design for the NSS programmes in the law schools. However, we believe that all the above mentioned three objectives could be pursued realistically and therefore modestly, under the existing system of college and University law education. Some of the following measures can be contemplated :

- (a) Every law student, in order to get his LL.B. Degree, must have a record of required association with the NSS work;
- (b) the programmes of the NSS work should be designed by the law teachers in consultation, as far as possible, with senior law students;
- (c) the programmes should be implemented under the supervision and guidance of the law teachers;
- (d) insofar as the implementation of the first two objectives is concerned, the students must be required to write a brief memorandum or essay which will be evaluated (though not necessarily by way of any examination credit) ;
- (e) the programmes, as far as possible, should be designed in such a way as to involve the student concerned in the area of his social base (e.g. students coming from outside the city, and particularly

from villages, may be assigned to utilize their vacation time in identifying legal problems of some part of their local community or students living in a particular suburb may be asked to do some NSS work in that suburb);

- (f) some special programmes should be organized from time to time for the law students to visit nearby villages and to study the relevant community's needs and problems.

## VII. 10+2+3 and Legal Education

7.1 Considerable thought has been given to the curriculum for the 10 year school, in 10+2+3 system whose introduction is imminent. The first 10 years are to be the basic schooling years, the next two years are meant for vocational education, followed by (if necessary) a three year college study for first degree. The projected reforms should give us a worthwhile opportunity to reconsider the present eligibility requirements for law students.

7.2 One suggestion that might be made is that the law school studies be reorganized into a five year study after school. The curriculum would provide basic introduction to social science disciplines relevant, and indispensable, to legal studies as History, Political Science, Economics, International Relations, Sociology etc., The five year LL.B. Degree Course may provide in effect an integrated professional, liberal arts style training.

7.3 This proposal deserves very earnest examination. Its advantages are manifold. *First*, the students will get LL.B. Degree within 17 years, as against a time period of 18 years involved if 10+2+3 becomes fully operational. *Second*, the endeavour to run an integrated LL.B. Course for 5 years will hopefully take care of the glaring deficiencies in information and general knowledge which are frequently encountered in law teaching (see paragraph 1.9 of the main paper). At the present moment, a law teacher is usually unable to do justice to his subject, which presupposes certain amount of adequate infrastructure information on the part of the students. As indicated earlier, it is virtually impossible for a teacher of international law to teach both international law and history of international relations at the same time; or to take another example, for a teacher of constitutional law to combine giving detailed information on constitutional and political history of India. The most important advantage, *third*, is however to be derived by the community of law teachers themselves. An endeavour to impart instruction in social science subjects within the framework of a law curriculum would enable the law teacher to meaningfully grasp the relevance of social sciences to law teaching. The law teacher will then be in a position to more adequately explore the social reality of the law and its processes. He will also be more upto date in terms of his own general knowledge; in these

days of overspecialization the very best of teachers do not become vocationally illiterate in a very large number of fields of information, knowledge and enquiry which fall outside their narrow specialization. An attempt to provide an integrated law course of this type would thus be most beneficial for Indian legal education in the long run.

7.4 It is obvious that the integrated course will make very heavy demands on law schools, not just merely in terms of teaching but also those of library and allied resources. It is also true that such innovation could only be planned as a pilot project in one or two law schools; and the spread of the innovation must be preceded by a very careful study of these experiments.

7.5 Another variant of the foregoing suggestion is that such an integrated course may lead to B.A. LL.B. Degree. This would mean that a student will get within five years time these two degrees as against six years time period currently involved. Under this variant, there would be a close collaboration between the Faculties of Arts and Law; the Law Faculties will have to lay down the essential which must be pursued simultaneously with law courses. It may even be that a student may be required to spread at least two or three semesters or one or two years in a Arts College doing the necessary subjects before he is eligible to join the law course. The idea would be to make sure that the student has adequate base of general knowledge and social sciences relevant to professional legal studies. Alternatively, the law student may in the initial years of training do some subjects in law as well as in arts, as is the case in some universities in Australia, where indeed the system is working fairly well.

7.5 Of course, a lot of operational details will have to be worked out if the suggestions of this kind are to be implemented. For the purposes of the present paper all that can be raised is the question of new choices available to us and the academic soundness in principle of some of these choices. The argument will inevitably come up that, despite all the deficiencies of undergraduate education, the students coming fresh from schools may not be "mature" enough to pursue law studies. The best answer to such an argument, of course, is that maturity is a developmental process and that the control over the conditions for development is by itself an essential part of the educational process. The task of shaping the aptitude and potential for law studies should rationally speaking be easier if we have students for a longer time in the law schools. Moreover, if the question of "maturity" relates to the student, a student's ability to make choices concerning his future career, the present 10+2 scheme will more definitely impart such maturity than the schooling system currently in existence. One may even speculate that it is the present system of deferred choice-making by "mature" students to join law which is really responsible for a large number of entrants to law schools. Perhaps, the decision taken after 12 years of schooling to join law may bring to the

law schools comparatively fewer and well motivated students than is the case now.

### VIII. Conclusion

8.1 This paper offers only outlines of measures which are needed to revive legal education in India; it does not offer a fully-fledged programme. Nothing less than a renaissance of juristic learning is required. A quarter century has been surrendered with only marginal reorientation of the bulk of legal education. What is needed now indeed is "less talk, and more work".

### REFERENCES

- Agrawala, S.K. (ed.) *Legal Education in India* (1973).  
Bakshi, Veena "LL.M. Teaching : On How to Produce a Community of Scholars" 17 *Journal of Indian Law Institute* (1975)  
Berger, P. *et. al.* *The Homeless Mind* (1974, Pelican)  
Freire Paulo *Pedagogy of the Oppressed* (1972, Pelican)  
Markose, A.T. "The Function of Post-Graduate Education in Law" in *Agrawala* (1973) *op. cit.*  
Saxena, J.B. *The Toad's Question-Marks*, Allahabad University Magazine (1974).

**Basic Contents for a Course on Research Method (See para 5.8)**

The nature of scientific method. Applicability of scientific method to the study of social phenomena.

Historical, comparative, social survey and case study approaches.

Facts and values, Concepts.

Formulation of a research problem, Selection of universe and sample.

Hypotheses.

Research designs: Types and Construction.

Tools of data collection:—

observation; participant and non-participant analysis of documents; content analysis. Questionnaires, interview schedule, interview guide.

Nature and types of research interview.

Processing of data: tabulation and statistical inference.

Presentation of findings.

Scaling, projective techniques and major psychological tests.

Elements of statistics : averages, correlation, tests of significance.

## **Law and Social change problem with special reference to India**

### **I. Theoretical**

- 1.1 Conception of Society.
- 1.2 Social integration, processes of social control, compliance and deviance.
- 1.3 Social change: theories (sources, types).
- 1.4 'Theories' of social change in India (westernization, sanskritization, Islamisation and development).
- 1.5 Conceptions of law and legal system (as normative, cultural and social system).
- 1.6 Plurality and multiplicity of social control systems.
- 1.7 Social Functions of law relative to social integration and change.
- 1.8 Notion of legal impact or effectiveness.
- 1.9 'Symbolic' and 'Instrumental' uses of law.
- 1.10 Problems in the study of impact or effectiveness.

### **II. Legal Systems and Social Change—Comparative Perspectives**

- 2.1 Co-relations between law and social change; introductory perspectives.
- 2.3 Legal evolution and societal complexity—Maine, Savigny, Durkheim.
- 2.3 Legalism and capitalism—Karl Marx and Max Weber.
- 2.4 Relevance of Marxist and Weberian analysis to problems of planned economic development in developing societies.

### **III. Indian Legal System and Social Change—Colonial Experience**

- 3.1 Utilitarianism, liberalism and law reforms. Select aspects (e.g. the work of Law Commissions, permanent settlement and agrarian relations).
- 3.2 From Indian status to British contract: Social mobility and legal (system contract law, agrarian, property and disability laws).

### **IV. Indian Legal System and Social Change—Contemporary Experience**

- 4.1 Identification of the goals of planned social change through the law (basic values of the constitution).
- 4.2 Agrarian reform legislation with special reference to the law relating to land ceilings and tenancy reforms.
- 4.3 Law and administration of compensatory or preferential discrimination in relation to the scheduled castes and scheduled tribes.
- 4.4 Public control of economic enterprise, select aspects, e.g. licensing, price fixing, and monopolies etc.
- 4.5 Informal dispute settlement and planned social change through the law (e.g. studies of indigenous dispute institutions).

## REPORT OF THE U.G.C. WORKSHOPS ON SOCIALLY RELEVANT LEGAL EDUCATION

### I. INTRODUCTION

1.1. The U.G.C. Panel in Law decided that, as in other fields of social sciences and humanities, regional workshops in legal education should be held to examine the state of legal education in India and to consider, in the overall context, the following objectives of :—

- (i) imparting “modernity” and “social relevance” to legal education ;
- (ii) devising ways in which the study of law could be related to, and enriched by a study of other allied disciplines; and
- (iii) formulating guidelines for preparation of text-books, reading materials, and other aids for legal education.

1.2 Four regional workshops were held at : Madras (Southern region); Chandigarh (Northern region); Poona (Central, Western region) and Patna (Eastern region), during the period December 1975 to December 1976. A residuary workshop was held on 4-5 January, 1977, in the U.G.C. office. Appendix ‘B’ states the names of invitees, participants, and Directors of each workshop. Participation in these workshops was confined mainly to policy-makers : heads, deans, principals, members of board of studies, local bar councillors and senior law teachers in each region. UGC Panelists in law were invited to the workshops.

1.3 The working paper entitled “Towards a Socially Relevant Legal Education” was prepared, at the request of the Panel, by Professor Upendra Baxi, a member of the Law Panel. The paper addressed itself to :—

- (a) the state of the Indian Legal education in general ;
- (b) the state of the LL.B. curriculum ; proposals for imparting “social relevance” and “modernistic” outlook ;
- (c) the state of pedagogy ;
- (d) guidelines for preparation of the text-books, reading materials and other aids in legal education ;
- (e) state of the LL.M. education : pedagogic and curricular ;
- (f) national service scheme and law studies ;
- (g) “10+2+3” and proposals for change in legal education.

1.4 After an exhaustive consideration of the issues involved, consensus



statements were formulated by the director of each Workshop (Appendix 'A').

1.5. This Report highlights some aspects of the state of legal education in the country and the major agreements (and disagreements) in perspectives on the issues (b) to (g) above. The statement on perspectives is followed by the formulation of an Action Programme for the U.G.C., the Bar Council of India (BCI), the Universities, and the law schools.

## II. THE STATE OF LEGAL EDUCATION

2.1 Overall, the assessment contained in the Working Paper para 1.6. has been confirmed by the regional profiles of the structure of the law schools. We here provide a brief *resume*, necessarily general, of : (i) Structure of the Law schools; (ii) Enrolment patterns; (iii) Personnel; (iv) Teaching workload; (v) Curricular profiles; (vi) Library resources.

### (i) *Structure of the Law Schools*

2.2 (a) Very few University Departments and Faculties directly engage in imparting LL.B. instruction; the slowly expanding number of University Law Departments/Faculties caters exclusively to LL.M. education.

(b) Law teaching is usually done by law colleges. The colleges are run by the Government, private foundations, or the University. University colleges of law are exceptional : the Governments, in some States, have taken over the management of all law Colleges. In most states, private law colleges abound. In a few states, institutions known as "Government Law College" have been established long ago and have acquired a degree of reputation for academic standards.

(c) It has also been found that in many regions legal education is not imparted by independent law colleges; but rather by Law Departments in Arts, Science and Commere Colleges.

(d) Most law colleges, indeed an overwhelming number of them, offer part-time teaching. Indeed, it may be safely estimated that only about 15 to 20% of law students in the country are full-time students. The span of instruction, in the part-time set-up, rarely exceeds three hours per day. Attendance rules, by and large, are more honoured in breach than in observance.

### (ii) *Enrolment Patterns*

2.3 Although there is a general impression that all law schools are overcrowded, the workshop discussions revealed that the size of enrolment

varies sharply within and between regions, and over time. Thus, it is quite common to find very high enrolments in urban rather than mofussil or remote areas; a substantial number of colleges in these latter areas have enrolment to the first year as low as 150-200, as against enrolments amounting to an aggregate of 2000-3000 in the first year in city colleges.

2.4 The size of the enrolment does not seem to be affected by the fact that the teaching institution is a Faculty or a University Department of Law or that it is one of the many other law teaching institutions in that city. A Faculty in a leading State had about 8,000 students on its rolls for the LL.B. course despite the fact that other law colleges existed in the city, which also attracted a large enrolment.

2.5 Diverse patterns for eligibility for admission to law course exist. In general, however, it must be said that the number of institutions which require high threshold for LL.B. admission (say 50 per cent) is not very large. Such strict eligibility criterion is confined to a few leading Universities. The general pattern seems to be of low eligibility criterion, ranging between 36 per cent to 40 per cent on graduation. There seems to be lack of adequate controls even in this regard in some regions, since enrolment is done at local levels by colleges. There seems to be a nominal acceptance of the Bar Council of India's (hereafter referred to as BCI) directive that full-time students in law may only be admitted if they have 50 per cent marks on graduation. There has been no effort at centralized admissions under University auspices, where law colleges abound.

2.6 There was a genuine desire expressed at all the workshops that some steps must be taken to tackle huge enrolments. Paradoxically, however, institutions with smaller enrolments (barring a few) in all regions were not innovative or aware of their blessings. Their problems turned out to be of resource starvation. On the other hand, it emerged conclusively that private colleges (whether separate law colleges or departments of law in general colleges) while maximizing income by a large intake of students, were not really responsive to the resource needs for legal education.

(iii) *Personnel* :

2.7 Since about a decade, the minimum qualification for a law teacher has been that he should have a Master's Degree in Law. It has also been generally agreed that teaching of law by part-time teachers should be gradually phased out: the BCI had already laid down, to this end, the ratio of 75 per cent full-time teachers to 25 per cent part-time teachers. The position on both counts is alarming.

2.8 In most cases where LL.B. teaching is imparted by University Departments/Faculties, these norms have been fully met. Indeed, in most such cases, the number of full-time teachers is as high as 95 per cent:

part-time teachers are engaged only for training in procedural and professional subjects, where standing at the bar is a pedagogic asset.

2.9 But it must be pointed out that this is not true of all University Departments, or University maintained law colleges. The University of Calcutta law college furnishes a paradigm case. In a faculty of 83, only three are full-time law teachers.

2.10 The general pattern for LL.B. teaching in all regions is that only the principal is the full-time law teacher; indeed in some centres in all the regions even this is not the case.

2.11 Part-time teachers thus predominate and it is exceptional for these to hold LL.M. degree. Therefore, not merely is the student-community a part-time community but also a substantial segment of the community of law teachers is also part-time.

2.12 Some University law departments imparting postgraduate education have themselves a very limited full-time Faculty. LL.M. teaching is done through co-operative arrangements with local college teachers, not all of whom may be full time. In some cases, non-teacher "specialists" (officers in public corporations, and leading business organizations) are co-opted for teaching LL.M. subjects which functionally relate to their day-to-day work.

2.13 There are of course, variations. On the whole, it may be fairly said, that the number of full-time teachers in law is higher in the north than south; this is positively correlated to the fact that there are more University departments teaching LL.B. in North than South. Also, Madhya Pradesh, Orissa, Bihar, Assam, Meghalaya, West Bengal, Maharashtra, Gujarat, have an infinitesimally smaller number of full-time law teachers compared with the rest of the country.

2.14 There are variations in pay-scales of law teachers. The University law teachers in Faculties/Departments receive U.G.C. grades, though in some regions the new grades have yet to be implemented. However, the bulk of law teachers in law colleges are paid much less than University law teachers. Even in some premier Government Law Colleges, full-time "Professors" get salaries much lower than what a University lecturer would get in the new grade. The pattern in private colleges is also varied in this regard; apart from the principals, however, full-time law teachers (few in number though they generally are) are paid much lower than a lecturer in the new U.G.C. grade.

2.15 The situation is even more alarming with regard to part-time teachers. In most regions, their salary ranges between Rs. 200/- to Rs. 300/- p.m. Notable exception to this pattern is perhaps provided by

Central Universities. At Delhi University, for example, part-time law teachers are paid Rs. 700-800/- p.m.

(iv) *Teaching Workload*

2.16 Wide variations prevail in relation to teaching workload. While University Departments/Faculties at the Central Universities have a maximum norm of 12 classes per week for lecturers; 9 for readers, and 6 for professors, full-time law teachers in colleges (whether government or private) have a workload of anything from 18 to 22 classes per week. The same situation exists in relation to part-time teachers excepting at some Central Universities where they have (e.g. Delhi) on average 9 classes per week.

2.17 Not merely is the workload for law teachers very heavy but also in most cases they are required to teach, in each year, more than two subjects. It was reiterated at every workshop that heavy teaching workload, the need to teach more than two subjects, and frequency of change (in some instances) in teaching allocations, affected adversely the quality of teaching. These factors also affected adversely the aptitude and opportunity for specialisation and research. Not merely there was not much time available for pursuing advanced research, but even the time required for keeping up-to-date in terms of reading law reports and other periodic literature was not available. In other words, law teachers are neither active *producers* of legal research nor, by and large, active *consumers* of available research output.

(v) *Curricular Profiles*

2.18 In accordance with the BCI requirements, the law course is of three years' duration throughout the country, with graduation as a basic eligibility requirement. However, a few Universities provide a two-year course in law, in addition to a three-year course; the former is designed to provide general, rather than professional, legal education. In this pattern, it seems possible for an entrant in two-year course to add the third year, should he desire to qualify as a practitioner upon getting his LL.B. degree. A couple of Universities provide correspondence courses in law, though these are not recognized by the BCI as providing any qualification for the purpose of legal practice.

2.19 Almost all law schools follow the curriculum prescribed by the Bar Council, which stipulates ten compulsory courses, and six optional subjects. Of the latter six, at least four have to be selected from an enumerated list of eighteen optional courses.

2.20 Curricular innovation is thus limited, although the BCI prescriptions do not altogether pre-determine the curriculum. A few Universities like Banaras and Delhi have proceeded farthest in terms of curricular

innovation. A large number of electives are offered (Delhi, for example, offers as many as 36 elective courses) and opportunities for specialization are provided (e.g. at Banaras where the third year curriculum offers a string of related subjects : corporation, labour, tax, laws etc.)

2.21 There is a marked tendency towards switchover to the semester system. But the overall pattern of annual examinations is still resilient. Given the state of personnel, most law schools are unlikely to feel able to adopt an internal assessment system. On the other hand, concern was voiced at each workshop about the need to make law examinations more demanding than is the case now. Certainly, the minimum objective of displacing reliance on cheap guide-books has to be attained by improving the quality of question-papers.

(vi) *Library Resources :*

2.22 The state of library resources (in terms of requisite books, journals, law reports, library personnel, reading space, funding) varies. While the University departments/faculties or leading law colleges (such as Govt. law colleges) are comparatively better off (though not always: to give a leading illustration, a *Delhi* University law centre library has been housed since last five years in a toilet converted into verandah !) than most other colleges. Post-graduate departments in the state universities have, compared with the central universities, even greater problems of sustained, as against *ad hoc*, library funding.

2.23 Mofussil colleges fail even to satisfy the minimum holding and acquisition rates specified by the U.G.C. Seminar on legal education in 1972; at some places, even the All India Reports are not available. In some cases, the annual library budget for law does not exceed a few hundred rupees; even the more well-established law libraries receive grants of about a few thousand rupees (the *Delhi* University, for example, receives about Rs. 3,500/- p.a. for the upkeep of its three law libraries!). It was noted that from time to time *ad hoc* grants were received from the U.G.C. by post-graduate departments in law, but even this did not meet the overall problems of maintaining a respectable rate of acquisition.

### III. PERSPECTIVES : MODERNIZATION AND SOCIAL RELEVANCE

3.1 The working paper reiterated the need for fundamental re-thinking on the basic principles of curricular planning and pedagogy. While in a basic sense all legal curricula would be "socially relevant" and "contemporaneous", since the law is a social process, it was necessary to think of "social relevance" and "modernization" as a set of specific and discrete goals, and to devise short and long term strategies for their attainment.

3.2 The working paper emphasized that curricular traditionalism may be related to, or arise from, traditional or customary approaches to the notion of law, the role of law and legal profession in society or items in one's analytical toolkit.

3.3 Thus, the traditional conceptualization of the law, in the common law world, is largely in terms of judicial process. Such conceptualization leads, though *not* necessarily, to isolation of legal processes from social processes and purposes. Thus, one may on this view mean by legal and constitutional history primarily the study of evolution of judicature in British India (as is indeed the case) and of legal frameworks of self-government. But legal history is also social history; indeed the former makes sense only in the context of the latter. A modernistic approach to legal history would impart in the text-books and classrooms lessons about the role of law in social control and development, and examine the processes by which an alien law and its administration could be indigenized. The modernist will label the subject altogether differently as "A Social History of Indian Law" or as "Law, Order and Social Change: The Colonial Experience."

3.4. Similarly, if we regard legal education as strictly or primarily professional education it matters a great deal as to what we precisely mean by "profession" and what its role in society should be. One traditional way of conceptualizing legal profession is modelled on a primarily court centric view of lawyer's role. In this view, a technocratic grasp of doctrinal and related authoritative materials with a view to their manipulation in an adversary setting is the preeminent aspect of professionalism. The lawyer's "special functions and skills, these of advising, advocating or adjudicating, within a given pre-existing framework or arrangement are traditional, wellknown, and mostly securely held." But the modernist may well see the lawyer "as an 'architect of social structures', a 'designer of frameworks of collaboration', and a 'specialist in the high art of speaking to the future' ". So that legal education in this view is to "provide a main channel of expression both on the side of competence and skills and on that of values".

3.5 The curricular designer may be traditionalist or modernistic also in terms of the items in his analytical toolkit. The traditionalist may shun pursuits of his modernistic brethren. The former, for example, may rely in understanding *ratio* and *obiter* mostly on Wambaugh or Goodhart; but modernist may, however, proceed on a sophisticated awareness of Karl Lewellyn's 68 "Steadying Factors" developed in his *Common Law Tradition*, or Julius Stone's analyses of the categories of illusory reference. Similarly, the traditionalist may seek to understand the judicial mind wholly by reference to brilliantly intuited accounts of judicial process *a la*

Cardoze; the modernist, without denigrating this, would probe into the science of jurimetrics.

3.6 The modernist will locate Indian law, legal profession and education in the space time configuration of the ex-colonial, Third world, desperately poor societies. He will not make any sanguine assumptions about the law's relation to social stability and control. Rather, he would grasp the deep significance of the fact that the more the law is pressed to the tasks of social change, the greater would be the challenges to the legitimacy of the law and its makers. He would be anxious in a study of the law to stress the primacy of context, power, and ideologies.

3.7 Social relevance, on any definitional approach, requires at least that a curriculum cognizes the principal contemporary problems of the Indian society and the corresponding tasks before the law and the lawyers. Can the law curriculum (and pedagogy) be socially relevant and yet ignore the fact that India is an overwhelmingly rural society? Or that it is a country full of underprivilege, exploitation and destitution? And yet this is precisely what existing law curricula (and pedagogy) ignore.

3.8 Curiously enough, we seem to continue to think that even from a strictly professional standpoint all that a future legal practitioner should know, say, in the area of property law, is the general principles of transfer. The burgeoning law of agrarian reform in property relations and of rural credit, which affects somewhere around 80% of the Indian people and illustrates their major life problem, is severely left alone for a future occasion of self-learning. The special problems in the law and administration of compensatory discrimination for the scheduled castes and tribes are similarly altogether ignored; so are the problems of the unorganized rural and urban labour.

3.9 There was general agreement on social relevance perspectives. It was appreciated that assessments of curricular designs are likely to be more fruitful from the twin perspectives of "modernization" and "social relevance" than in the hitherto followed dichotomy of educational objectives (professional vs. liberal arts type objectives). It was felt, however, that the wider conception of lawyer's role (stressed in the modernistic notion of profession) needed to be handled with caution, lest it altogether overshadow the relatively traditional but nevertheless fundamentally important court-centred conception of the legal profession.

3.10 There was also a general consensus that the perspective of social relevance must inform not just curricular planning, important though that was. It was equally necessary, as suggested in the working paper, to transform both the legal pedagogy and legal literature used by students (see the working paper Sections III to V). Simultaneously, it was essential to give student some exposure to the real life socio-legal problems

of the poor and depressed classes through active national social service and legal aid work as outlined in the working paper (paras 7.1. to 7.17).

3.11 It was appreciated at all the workshops that (as stated in the working paper) while change in legal education was imperative, it would have to be gradualistic and piecemeal, given the present realities. Accordingly, as far as the implementation of the social relevance/modernization curricular perspectives was concerned, it was agreed at all the workshops that the LL.B. curricula must include courses dealing with problems of the poor and underprivileged groups in their relations with the legal system. In particular, the course(s) may focus on the :

- (a) **problems** and policies affecting the scheduled castes and tribes;
- (b) law **and** agricultural development with special reference to agrarian reform laws ;
- (c) problems of rural labour and rural credit ;
- (d) problems of unorganized labour and contract labour ;
- (e) problems of other underprivileged and vulnerable groups in society.

The course(s) may be called "Law and Poverty" Law and Social Justice", "Law and Agricultural Development" or "Law and Compensatory Discrimination".

3.12 It was generally agreed that these range of problems required at least two separate courses and that as far as possible all law students be exposed to them, initially through elective (and later through compulsory) course offerings.

#### IV. THE STATE OF PEDAGOGY

4.1 The working paper (Section III) posed the problem of law teaching in India as illustrating what Paulo Friere aptly called the pedagogy of the oppressed. In this kind of pedagogy, the underlying conception of education is the banking conception "where education becomes an act of depositing, in which the students are depositaries and the teacher is the depositor". Typically, the pedagogy here is characterized by "narration sickness". The reality is rigidly compartmentalized and treated, more or less, as unchanging. Moreover, themes handled in the classroom, are usually "alien to the existential experience of the students."

4.2 There was complete agreement at the workshops that the description of the law teaching process offered in the working paper was, generally speaking, accurate. The dominant method of law teaching was lecture method, requiring little or no intellectual participation by the students. This left, virtually, no scope for the development of skills of



communication, intellectual dialogue or quick thinking—skills admittedly indispensable for legal profession.

4.3 It was appreciated that the adoption of new methods of teaching in Delhi and Banaras law schools, represented indeed a very basic change in law teaching although even these experiments did not go far enough. It was noted, however, that the propitious conditions—a full-time faculty, leadership, library and other resources and the assistance by the Ford Foundation especially for teacher-exchange programmes—which existed in these law schools for such innovation were simply not present in most of the law schools in India.

4.4 All the same, it was generally agreed that law teaching must move away from the mechanical lecture method to what might be described as the problem-posing method as elucidated in the working paper. Various gradual steps to achieve this end were suggested at the workshops such as advance distribution of a few questions or problems, or of synopses; tutorial systems; combined use of text-books with case-books wherever available; and even teaching by reference to some of the social problems highlighted in daily newspapers. All these techniques have to be imaginatively used with a view to foster dialogue and discussion in the classroom, despite the existing problems of the large size of the classrooms in most law schools. A hope was expressed that it is through these innocuous-looking beginnings that the ultimate objective of sustained problem-posing pedagogy could be attained.

4.5 It was also universally agreed that transformation of pedagogy also entailed in parallel transformation in examination systems as well. Expository questions needed to be avoided. The examination papers should gradually pose problem questions. Since discussion method will impinge on the coverage of a course, it was also necessary that two or three topics in each course be left for self-learning by students, with a possibility of some questions being set in the examinations on these areas also. It was appreciated by all concerned that some amount of self-learning exercise was also an essential aspect of the problem-posing pedagogy.

4.6 It was noted at each workshop that it still remains possible for students to pass law examinations by relying on cheap guide-books which had a thriving market. This was felt to be an inevitable consequence of the existing pedagogy. Although, there was no consensus on this point, a large number of delegates at the workshops felt that the technique of question-banks might help to solve the problem of students' reliance on cheap cram-books. Even if such books were relied upon, the quality of questions in the question-bank may (it was felt) help substantially transform the nature and content of the guide-books.

4.7 There was unanimous agreement at all the workshops that the

transformation in pedagogy, so imperative, could only come about through sustained efforts over a period of time. It was, therefore, essential to have a continuous dialogue throughout the country among the law teachers at all levels on the objectives and styles of legal education. It was necessary, towards this end, to hold seminars and workshops in each region involving the rank and file of law teachers in this sort of communication and dialogue. It was also unanimously agreed that subject-wise regional workshops in a few select areas should be held, where new methods of teaching the basic subjects could be demonstrated and discussed. There was general agreement at some workshops that a beginning in this regard could be made by workshops in the fundamental subject-area of legal theory or jurisprudence.

## V. PREPARATION OF TEXT-BOOKS, READING MATERIALS AND OTHER AIDS IN LEGAL EDUCATION

5.1 There was complete agreement at all workshops that no changes in curriculum or pedagogy will be really fruitful unless good textbooks and other reading materials are made available both to the teacher and the taught. It was recognised that there are very few good textbooks in law. A good text-book in law ought not merely stated what the law is, but should also explain how the law came to be what it is and further offer critical evaluation of the law as it is. It was also argued that in addition to good text-books, it was necessary to make available good case-material books, which would provide selective excerpts from decisional materials, with brief comments and questions and some kind of inter-disciplinary linkages. A judicious use of text-books will greatly assist the transition from the lecture-method to problem-posing method.

5.2 It was thought necessary to generate both the orientation and expertise for this kind of writing through subject-wise workshops in a few select areas.

## VI. 10+2+3 AND LEGAL EDUCATION

6.1 This matter was discussed at all the workshops (save the first at Madras). The working paper focussed on the following alternatives :

- (i) admit students after 10 to a five-six years integrated Arts-Law course;
- (ii) admit students after 10+2 for a five year LL.B. course;
- (iii) admit students after 10+2 for a five years (or six years) Arts-Law integrated course;
- (iv) continue the *status quo* i.e. admit students only after graduation.

6.2. Alternatives (i) and (iii) were not favoured at the workshops. It

was felt at plus ten stage, it may not be fair to require students to make a choice for a professional career; nor would they be mature enough. Alternative (iii) was not deemed feasible as collaboration with concerned faculties may not be possible.

6.3 Some participants felt that alternative (iv) (the *status quo*) was the best, as it was after considerable experimentation that the Indian Universities decided on graduation as a minimum entrance requirement to law; the BCI had also followed this requirement. The Advocates Act now explicitly incorporates this requirement. The experiments of some Universities in allowing students after intermediate to join law was discontinued also on the ground, partly at any rate, that graduation enabled one better to study law.

6.4 A substantial number of participants, on the other hand, favoured alternative (iii)—that is, 10+2+5 (for law). It was felt that it was high time that law be recognised as a professional course, with engineering and medicine. Commitment to law as a career at 10+2 stage will assure the flow of well motivated students. Indeed, a historic opportunity to reorganize legal education on proper lines was made available with this alternative; as its adoption would help solve the problem of large enrolments, inadequate staffing patterns, poor libraries etc. It was pointed out that the present proposal did not amount to a reversion to taking students in law after intermediate degree. This was so because the curriculum of 10+2 was quite different. As regards graduation, it was felt that it was much better to have relevant art/social science subjects integrated with the law curriculum and taught by law teachers, as this would truly lead to a multi and inter-disciplinary law teaching and research over time. The law faculties would also then be able to help students relate law to other social sciences in a more integrated and worthwhile fashion. These, and allied benefits, suggested in the working paper, were appreciated.

6.5 Some participants favoured a law course straight after 10+2 for a duration of five years, but also favoured a multi-entry system to law—i.e. students can join law courses, in addition, after 10+2+3, i.e. after graduation. In such cases, the length of the law course would be three years as now. It was conceded by these participants that a multi-entry system will leave the problem of legal education, more or less, unsolved, since in all likelihood a large number of students may continue to prefer having two degrees instead of one in five years' time.

6.6 The suggestion for multi-entry system was made partly out of the recognition that a number of people after graduation, and even in later life, may wish to acquire some training in law, which should not be summarily denied to them. This point was conceded but quite a few participants felt that the best way to meet this kind of need is to offer diploma and other functionally related courses.

6.7 At the Patna and Delhi workshops, it was unanimously agreed that the best alternative is the one which requires students to enrol for the law after 10+2. While, during the period of transition, this may seem to create difficulties and anxieties, this pattern alone held out the hope for the redemption of LL.B. education from its present stage.

## VII. LL.M. EDUCATION

7.1 LL.M. degree is now the basic qualification for law teaching. Accordingly, the working paper emphasized that LL.M. courses and pedagogy should be so organized as to primarily serve the objective of "producing" law teachers of the future, who will be more responsive to the needs of a modernistic, socially relevant education. Other objectives, if any, for the LL.M. students must be pursued, if at all, within (at no cost outside) this main objective. There was a general agreement with this conception of LL.M. education.

7.2 From this it followed that LL.M. must be a fulltime course, offering substantial opportunities for specialization (defined as deep and intensive critical exploration of some subjects), and also offering scope for acquisition of skills for research, writing, and oral presentation. LL.M. curricula needed thorough-going revision from this standpoint as also from the standpoints of social relevance/modernization. LL.M. studies must offer some inter-disciplinary outlook; in the long run, LL.M. research ought to be empirically-oriented, though in the short-term LL.M. students should at least be able to understand the results and findings of available law-related social science research.

7.3 In order to attain the short-run objectives, it was generally agreed that attempts be made to introduce a compulsory exposure to all LL.M. students in social science research methods. The workshops also accepted, in principle, that a beginning towards meeting the social relevance objectives should be made by the introduction of a paper on the problems of law and social change in India. It was appreciated that the U.G.C Law Panel had already commissioned a book of readings in the area.

7.4 There was some difference of opinion, however, on the guiding principles for curricular organization. On the one hand, a lot of participants agreed that LL.M. curricula should not just become extended LL.B. curricula. In other words, LL.M. curricula should not attempt to remove the deficiencies of LL.B. education. As suggested in the working paper, it was thought by many that this objective would in any event be difficult to achieve; and in any case, the emphasis in LL.M. should not be towards the acquisition of more information and knowledge but development of *critical* awareness and potential for perception of socio-legal problems in inter-disciplinary terms. On the other hand, there were a few participants who felt that (despite the problem of infinite regress

involved) one cannot aspire to a good LL.M. degree if LL.B. degree was deficient in major respects of acquisition of legal knowledge. On this view, it was necessary to continue basically the existing patterns of "specialization", with a sprinkling only of social problems and social methods courses. Even so, these participants also agreed that a fresh look at LL.M. curricula *within* their stated perspectives, may generate over time some worthwhile changes.

7.5 There was a similar disagreement on the requirement for LL.M. dissertation. It was agreed on all sides that some insistence on research and writing was essential and that the adoption of a dissertation system was a very good step in this regard. While it was acknowledged by all that the faculty supervision, and stricter examination control, were needed in this regard, not all agreed with the working paper that these objectives can only be attained through small-scale writing (brief essays, case-comments, and in some cases even extended book-reviews).

7.6 It was generally agreed that needs of local communities in terms of legally trained personnel at a specialized level had also to be met but this should be met, preferably and as far as possible, through specialized diplomas rather than through LL.M. courses.

7.7 The working paper emphasized that "specialization" at Master's level involves both a specialist faculty and specialist library. The former would require that full time, and not part-time, teachers be available for law-teaching. Specialist library collection presented formidable problems generally, and especially for comparative law oriented courses. The working paper suggested that sustained thought needed to be given in each region on the issue of establishing specialist library collections at different centres in the regions since not every University department can build up specialist libraries in all LL.M. subjects. The existing pattern of acquisitions for specialist courses avoided much duplication and multiplication. There was general agreement at all workshops that this proposal needed close examination by the Universities in each region.

## VIII. ACTION PROGRAMME

8.1 The foregoing was a general statement on the state of Indian legal education and the perspectives for change. Despite occasional disagreements of emphasis (rather than objectives) there was complete unanimity that the time for sustained action by law teachers and the Universities, U.G.C and B.C.I, was at hand. Whatever may have been the range of factors inhibiting progress in transformation of the patterns of legal education thus far, there is need now of concerted and sustained action to restore legal education to its rightful status in the University and the society. In the following paragraphs, the agenda of an action-programme for the Universities, BCI and the UGC is suggested for an early imple-

mentation. All items in the action programme had the complete consensus of all the workshops.

### 8.2 *Establishment of a National Institute of Legal Education (NILE)*

Perhaps, in no other sphere of higher education is the need more insistent for sustained national institutional auspices and support than law. The working paper proposed to this end the creation of the National Institute of Legal Pedagogy (NILP)—a better name “National Institute of Legal Education” (NILE) was proposed at the Poona Workshop.

8.3 The NILE’s main objectives would be to provide teacher-training and faculty improvement programmes. Fresh law teachers, soon upon joining, will be enrolled there where education concerning methods of teaching law and practical skills for teaching, assessment, communication and research will be imparted. In-service teachers will be attracted to it from time to time for refresher courses. The Institute will also act as a data bank, and evaluation agency from legal pedagogy in the country. It can also be the central agency for devising and preparing teaching materials and for handling publications in the field of curricular planning and examinations techniques, law school admission tests and related matters. A core faculty and a visiting faculty will also be responsible for innovations in post-graduate legal education and in bringing out a journal of higher legal education and advanced socio-legal research.

8.4 There is at present no such agency. There are two standard-setting panels: (i) the Legal Education Committee of the Bar Council of India and (ii) the U.G.C. law panel. While these provide general oversight and guidance, they do not wholly cater to the needs for support and planned assistance of the type (outlined above) which is desperately required.

8.5 Nor are there in existence any other institutions which can perform their role envisaged for the NILE. One cannot realistically hope to convert the Indian Law Institute in this direction. The “trends setting” law schools have failed to set any “trends”; nor have they taken any significant leadership role. The National Law School of the BCI, which aspires to perform some of these tasks has now been long in gestation.

8.6 The U.G.C. has so far, endowed no advanced centres in law, as compared with other social science disciplines. Had some advanced centres been established in law, perhaps some of the functions now envisaged for the NILE may have been fulfilled.

8.7 Be that as it may, it was unanimously resolved at every workshop that the U.G.C. (if necessary, in collaboration with the BCI) give the highest priority to the establishment of the NILE. The idea of a full-time institute devoted wholly to ongoing re-examination and renovation of legal education is certainly (it was felt) an idea whose time had come. It was also felt that the necessary investment will, over time, yield inestimable

gains to the nation as the law will continue to provide the ineluctable technique for planned social change in India of the future.

8.8 On a consideration of this specific proposal, it was pointed out in the Panel discussions that the objectives outlined in para 8.3 can be served through the UGC's "University Leadership Programme." Such programmes can be instituted in each region and perform the very tasks the NILE was intended to perform. It was decided, accordingly, to identify centres in regions which can be recognized for assistance under the ULP programme.

8.9 *Some priority tasks for the U.G.C. pending the establishment of the NILE (or its functional equivalents).*

*(a) Continuing Workshops on Legal Education*

- (i) The workshops reiterated that time has come to involve middle-level and junior teachers in an ongoing discussion of the objectives of legal education and style of pedagogy. Hitherto, such dialogues have been confined primarily to the elite, although it is from the ranks of the "junior" and "middle" level law teachers that custodians of the future legal education would arise.
- (ii) Accordingly, it was unanimously recommended at all workshops that at least two workshops per year in each region be held for a period of three years in which conceptions, problems and techniques for socially relevant, inter-disciplinary legal education, with a "problem-posing" pedagogy, may be discussed with groups of younger and middle-level law teachers.

*(b) Subject-wise orientation courses*

- (i) In order to generate change of outlooks, and innovative teaching, as well as to provide more adequate grounding in the subject, as well as to promote the preparation of text books and other reading materials, it was necessary to hold in each region orientation courses or subject-workshops in at least 10-12 major subject areas. It was necessary that the specialist faculty for these courses/workshops be carefully chosen; and that these courses be at least of a minimum duration of two-three weeks. It was strongly suggested at most workshops that a beginning could be made in this area through courses on the teaching of jurisprudence or legal theory, which was a vital area having widespread cognitive and pedagogic "fallouts".
- (ii) It was agreed, as suggested in the working paper, that the emphasis in these courses would not be on how to teach the subject in an *ideal* setting (with good libraries, faculties, students and other facilities) but rather on how one can transform one's teaching

technique even in the most *under-developed contexts*. These courses would also focus on diverse ways of creative paper-setting *within* the existing curricular and assessment frameworks.

(c) *Collaborative Effort with the ICSSR*

- (i) Simultaneously with these programmes, the U.G.C. may seek the collaboration of ICSSR in promoting inter-disciplinary understandings between law and social science teachers. The workshops noted with appreciation that the ICSSR had already formulated a Sponsored Research Programme in law; and that it had commissioned, and made available to the participants, Upendra Baxi's *Programmschrift for Socio-Legal Research*. The workshops also welcomed the programme of socio-legal workshops already initiated by the ICSSR.
- (ii) It was felt necessary that further steps be taken to expand this programme, especially as the workshops had in principle, accepted the introduction of research methods course for LL.M. There was need for the training of law teachers in each University in the basics of social science research methods, through shorter courses. The U.G.C. Panel may be requested to work out the necessary frameworks in collaboration with the ICSSR.

(d) *Facilities for faculty-improvement pending NILE*

There was need to allow maximum scope for faculty improvement in a decentralized manner, pending the establishment of the NILE. No faculty-improvement programme has been provided for law, the reason being that LL.M., not Ph.D., is the minimum qualification for law teaching. While this decision may have its own rationality, its effect is to deprive law teachers the facility of studying for Ph.D. outside their own Universities, which they need to do in view of problems of qualified faculty supervision and/or adequacy of library facilities. In view of minimum residency requirements at most Universities, law teachers desirous of doing Ph.D. have to obtain leave without pay and are offered no financial assistance to pursue advanced studies in contrast to the current faculty improvement programmes in other disciplines. The benefits of these programmes, it is recommended, should immediately be made available to law teachers as well.

(e) *Joint action by UGC, BCI and Universities in regard to Law Departments in Colleges*

- (i) It was noted, especially at the Poona workshop, that there was a multiplication of law departments in Arts, Science and Commerce Colleges. This question was also discussed at the other workshops.



It was unanimously resolved that this undesirable proliferation be arrested in two ways:

- (a) the Universities should be asked not to grant fresh affiliation to law teaching institutions which were not separate and independent;
  - (b) the existing law departments in arts, commerce and science colleges should become independent law colleges as early as possible within a time span of 5 to 10 years.
- (f) *Joint action by the UGC, BCI and Universities in regard to part-time Teachers*
- (i) The workshops recommended that legal education should be *primarily* in the hands of duly qualified full-time law teachers and the present trend, in most part of India, where part-time teachers predominate, must be speedily reversed by joint, time-bound action-programme of the UGC, BCI and Universities.
  - (ii) In the interim, in Universities where a large number of law teachers are part-time, they may be required to complete their LL.M. degree within 3-4 years period, since this work would at least enable them to acquire a wider view of legal educational process and endow them with a minimal degree of research-orientation (This recommendation primarily arose at the Patna Workshop in view of conditions prevalent in Eastern region).
  - (iii) Given the fact that even a phasing out of part-timers will involve substantial time, the Universities concerned ought to attend to the question of the very low honoraria (averaging Rs. 200 to Rs. 250/- p.m.) given to part-timers. With high teaching load, and low salaries, it was unrealistic to expect high motivation. To ameliorate the present situation, it was recommended (mainly at the Patna workshop) that enhanced remuneration/honorarium be offered at least to these part-time teachers who hold an LL.M. degree or are actively enrolled for it.
- (g) *Preparation of Text-books, Case-books and other Reading Materials*
- (i) Pending the establishment of NILE, the UGC, BCI and ICSSR, in collaboration with the Universities, should undertake a sponsored programme of preparation of good text-books and case-books. The workshops noted with appreciation the initiative in regard to casebooks taken by the BCI but expressed anxiety at the slow rate of progress.
  - (ii) The main objectives of casebooks and textbooks were to impart knowledge of, and foster critical thinking on law in its social

context. The case-book should not be just a collection of excerpts from the law reports. It should contain legislative materials (e.g. excerpts from select-committee reports, debates, statements of objects and reasons) as well as other social-science related material (i.e. the socio-economic context of law). Excerpted materials should be annotated with questions inviting critical thinking by the class and further research by teachers and advanced students. The criteria of selection of materials must be made explicit. All this has to be done bearing in mind the Indian conditions. The size of the text-books or case-books should preferably not exceed 250 pages.

- (iii) The Directors of each workshop shall separately submit to the UGC Panel the description of talent available in each region for various subjects.
- (iv) A programme of subsidized editions for students, preferably in collaboration with the National Book Trust, should also be evolved.
- (v) The workshops further resolved that it was equally important that all law teachers should have access to some periodic literature in law. The Universities, in collaboration with the UGC and BCI, should evolve a scheme of subsidizing for every law teacher the four law journals available in India, viz, (a) *The Journal of the Indian Law Institute* ; (b) *The Annual Survey of Indian Law* ; (c) *The Indian Yearbook of International Affairs* ; and (d) *The Indian Journal of International Law*. Annual subscriptions to this periodic literature works out to be more than Rs. 125/- or so. To ensure that every law teacher has access to these materials, each University may arrange *partial* subsidy for individual law teachers (25% to 50%). The workshops realized that this is a somewhat unusual suggestion but agreed with the working paper that unusual-looking steps are necessary if there has to be any renaissance of legal education. Wider circulation of such literature will assist the movement towards fostering modernity and social relevance in legal education.
- (vi) It was also resolved, as suggested in the working paper, that the U.G.C. Panel in law commission a document socially relevant and “problem posing” legal education in India which may be freely available to all law teachers. This document may include some retrospect by senior law teachers on the evolution of their own conceptions and methods of teaching law, including his classroom experience, experience of his colleagues, overseas learning experience etc. Such a document will certainly not be almost providing a “handbook” of how to teach but rather a projection

of life-experiences in law teaching—a kind of generational transmission of ideas and experiences.

- (vii) In addition, the workshops endorsed the suggestion of the working paper for establishing a periodic journal of Recent Developments in Law, which can for some years be sent on a complimentary or minimum subscription basis to all law teachers. This Journal may only bring to light case law or statutory developments and recent publications with brief comments, to assist law teachers to keep abreast with developments not just in their own fields but in law as a whole. The glaring gaps in the information of law teachers (often arising out of the woeful library deficiencies) could thus be reduced, if not eliminated altogether; a reference service of this nature will go a long way, more than any other measure, in supporting any plans for changes in legal education. The Journal need not be scholastically ambitious: its format, however, must be such as to excite interest and inquiry. Still it is worthy of the closest examination by all concerned. The UGC and the Bar Council can be, in addition to some Universities, be partners in a joint venture of this kind, until such time as proposed institute (NILE) comes into being.

(h) *Curricular Revision : LL. B.*

- (i) Each University is urged to consider carefully the LL.B. and LL.M. curricular patterns in the light of the consensus obtaining at all workshops on the need for modernization and social relevance of legal education.
- (ii) Pending such examination the workshops unanimously recommended addition of course(s) dealing with law and social justice or law and agricultural development (see para 3.11 of this report for contents) in the LL.B. curriculum. Every law student should be exposed to these materials; but, as initial strategy, the choice of making these optional or compulsory should be open to each University.

(i) *Curricular Revision : LL.M.*

- (i) The workshops agreed that LL.M. must be offered to full-time students only, as no kind of "specialization" was possible otherwise.
- (ii) It was also generally agreed that community needs for specialized functional training should be met, wherever necessary, through a string of diploma courses.

- (iii) There was unanimous agreement at all workshops that objectives of LL.M. education in particular, and of legal education in general, as outlined in the working paper must be borne in view in a re-examination of patterns of LL.M. curriculum.
- (iv) It was generally agreed (save in some respects at the Madras workshop) that two compulsory, "foundation" courses (as suggested in the working paper) should be introduced in LL.M. throughout the country. These are :
  - (i) Law and problems of Social change in India ;
  - (ii) Social Science Research Methods.
- (v) It was also recommended that LL.M. must be treated as equivalent to M. Phil. upon the incorporation of the foregoing courses.
- (vi) The workshops agreed that the requirement of research-oriented writing should be a minimum necessary condition for the LL.M. degree. Such writing must be closely supervised by the concerned teachers. Modalities of implementation of this objective may vary among the Universities; but it was felt that continuing attempts must be made with a view to promote the skills of research and good quality working among LL.M. students.
- (vii) The suggestion of the working paper that certain portions in each course be left for self-learning by LL.M. students was unanimously endorsed.

(j) *Pedagogical Reforms*

There was consensus that the present lecture method was inadequate as it demanded very little intellectual involvement on the part of the teacher as well as taught. While a total abandonment of this method was not possible, even if desirable, many suggestions emerged which attracted considerable support at the workshops. The Universities may be requested to consider these in depth with a view to their adoption :

- a synopsis of each lecture, focusing on main problem and questions, be distributed well in advance to the class;
- in each course, a set of problems should be worked out for discussion in class;
- students should be required to read at least a few cases in each subject, as this would deemphasize their reliance on cheap books;
- some ways should be found to encourage "self-learning" i.e. two or three topics may not be actually taught in class but be assigned with the possibility that questions may be set on these at the examinations. If, after reading the "self-learning" portions students have some

questions, they may be discussed in special classes. This is another useful device to involve students in an intellectual dialogue;

- if possible, tutorials may be held; moot courts should be maximized;
- examination questions should be problem-oriented;
- ways and means, additional to the foregoing, may be devised to make reliance on “cram books” counter-productive for students.

(k) *Examination Reforms*

- (i) It was generally agreed that despite initial problems faced, in the period of transition, the system of internal assessment should be introduced for law examinations.
- (ii) It was also agreed that the desired modifications of lecture method, envisaging intellectual involvement on the part of the teacher as well as taught, could only be attained if the existing format of question papers could be transformed. At some workshops (e.g. Poona) delegates were requested to formulate ‘model’ question papers and circulate the same in the region; at others, the technique of “question-banks” was discussed inconclusively in the context of displacing the high incidence of successful reliance on cheap “cram” books.

(l) *NSS Work and Legal Education*

- (i) There was agreement at all workshops that the NSS work may itself be a useful pedagogic device. As suggested in the working paper, if a “large number of teacher and students are brought into frequent, organized confrontations with ‘misery and exploitation, disease and malnutrition, poverty, illiteracy, unemployment and squalor in the midst of plenty, discomfort and doubt will assail minds in class-rooms, libraries and laboratories. The result may be a more socially relevant higher education.’” (Para 7 : 2).
- (ii) The workshops recommended that the suggestions in the working paper (7.17) be brought to the attention through the Universities to all law colleges/departments.
- (iii) While the workshops favoured a “loose” integration of NSS with legal education, they recommended that each institution imparting legal education should undertake some variety of NSS work on the lines of the working paper.

**APPENDIX A**  
**CONSENSUS AND RECOMMENDATIONS**  
**ARRIVED AT**  
**THE UGC REGIONAL WORKSHOPS**

**CONSENSUS AT THE WORKSHOP ON LEGAL EDUCATION  
HELD AT MADRAS UNIVERSITY  
FROM DECEMBER 20-23, 1975**

After a discussion of the working paper and the points that were raised in the workshop the following general consensus emerged.

**A. State of Legal Education in Region :**

1. There were certain centres attempting successfully to control admissions. The proportion of full-time teachers in these faculties was higher than part-time lecturers. These were Andhra Pradesh, Pondicherry, Kerala, Osmania and Venkateswara University departments. This practice may be encouraged.
2. Law teaching at Taluka places where there were no District Courts is discouraged.
3. Practice of condoning shortage of attendance in violation of the Bar Council Rules was considered a very unhealthy practice.
4. It was noted that the University of Mysore started correspondence course in B.G.L. last year and Andhra Pradesh University proposes to start such a course in 1976-77.
5. Madras has a system of 4 years extended course for part-time LL.B. evening students at B.L. with two hours instruction per day.
6. A viva-voce test for 3rd year students was introduced in Andhra Pradesh and Venkateswara & Kerala Universities as part of the assessment of practical training programme.
7. Practice prevalent in most regional Universities of carry-over or automatic promotion from 1st year to 2nd year and 2nd year to 3rd year without passing in all papers, in any of its variants, was felt to be not conducive to sound legal education.

**B. Modernization and Social Relevance Objectives :**

Concepts of modernization and social relevance as outlined in the working paper were exhaustively discussed and present inadequacies of legal education in these respects were recognised. It was felt that courses like law and Agricultural Development and Law and Protective Discrimination should form part of the syllabus of the law degree courses. The pursuit of broadly professional goals of legal education was not inconsistent or opposed to goals of modernization and social relevance.

### **C. Teaching Methods :**

1. It was unanimously agreed that pure lecture method is inadequate.
2. There was a consensus that teaching ought to be problem-oriented. It should be socio-politico-economic and problem-resolution oriented. The following steps to implement it were considered necessary:
  - (a) Subject-wise regional workshops involving the participation of junior teachers and part-time teachers in different regions be organized.
  - (b) For part-time teachers attendance at these workshops be made a condition of employment.
  - (c) The practice of assigning certain subjects to a teacher permanently ought to be discouraged. Some views were expressed that a teacher may have one subject of his specialization for teaching continuously over a long period of time, but the other subject he is assigned may be changed after every 3 years. Another opinion was that a teacher should be prepared to teach all the core subjects.
  - (d) Methods of collaborative teaching through teachers from other disciplines in the university be devised.
  - (e) Visits of specialists in specific subjects from other Universities and regions to specific institutions to demonstrate the teaching of a course for a specified period of at least a term ought to be made possible.
3. Utilising the clinical method of law teaching.

#### *Examinations :*

1. It was felt that if the objectives of legal education adopted by the Workshop are to be achieved, some form of internal assessment has to be adopted.
2. In the interim period it should be ensured that the question papers ought to be problem-oriented.

### **D. Guidelines for text-books, teaching and reading materials :**

1. It was accepted that presently available teaching materials were of variable quality and are not in keeping with the objectives adopted by the Workshop.
2. Case books as well as text-books in core subjects should be prepared.



3. Subject-Workshops of teaching substantive law subjects should outline framework for preparing case-books.
4. The format of the case-books and teaching materials was discussed.
5. It was decided that from this region Prof. T. S. Rama Rao and Prof. V. Balasubramanyam be requested to prepare a list of experts in each subject who would prepare the teaching materials and pass it on to the convenor of the panel.
6. The Bar Council's Scheme of preparation of case-books was discussed. The Universities in the region are to be requested to support it.
7. The recommendations of all the regional workshops, as formulated by the panel, be forwarded to the Bar Council.
8. Reading materials for the teacher, as mentioned in the working paper were considered indispensable and it was felt that a scheme of special assistance for the personal use and collection by the teacher be formulated and financed by the U.G.C. and the Universities.

To achieve all these objectives in a sustained manner it was strongly felt that an Institute for Legal Pedagogy or studies, on the lines suggested in para 3.28 of the working paper, be expeditiously established.

#### **E. LL.M. Education :**

1. The U.G.C. should not permit starting of any new part-time LL.M. Courses, but the existing part-time LL.M. courses may continue.
2. Introduction of unconventional subjects in the LL.M. Course should not be made compulsory.
3. The dissertation for LL.M. Course must relate to one topic. It need not necessarily cover all the aspects of it, provided the guide is satisfied that full examination of some aspects of the topic alone is sufficient and gives reasons for his conclusion.
4. The objective of the LL.M. Course is not confined to the purpose of producing law teachers alone.
5. A course in Research Methodology should be compulsorily introduced in the LL.M. curriculum in all Universities.
6. A paper on Law and Social Change may be made an optional subject for the LL.M. Course. Each law faculty may introduce this subject depending on the availability of resources.
7. A suggestion to drop comparative constitutional Law for LL.M. curriculum was opposed and consequently a compromise was

struck to the effect that the subject may be retained or introduced only in faculty which has sufficient library resources.

8. Instead of the requirement of a full thesis, the system of requiring four short papers on case-comments, etc. from the LL.M. students may be adopted.

**Resolution :**

The Workshop on Legal Education held at Madras between 20-23rd December 1975 notes with serious concern the tendency on the part of some Universities either in not observing the norms laid down by the Bar Council concerning Legal Education or in not translating them into binding ordinances or regulations. The consensus of the Workshop was that the Bar Council should devise methods of effective implementation of the norms and draw the attention of the Universities specifically to the need for full implementation of Bar Council requirements. The Director of the Workshop is requested to inform the Southern Universities about this consensus of the Workshop.

Professor T.S. Rama Rao

*Director, Workshop*

**U.G.C. REGIONAL WORKSHOP ON LEGAL EDUCATION**  
**UNIVERSITY OF PUNJAB**  
(MARCH 12-14, 1976)

**CONSENSUS**

(i) *Regarding 10+2 system*

1. The Workshop recommended that status quo be retained for the present till 10+2+3 system is given a trial, becomes stable and results of its operation are available.
2. However, a number of participants supported the third alternative that a 5-year integrated course after 10+2 leading to B.A. LL.B. degree be given a trial in one or two universities. This can serve as a pilot project.

(ii) *National Service Scheme*

3. The consensus was that National Service Scheme as related to law studies was a pedagogic problem and it can be tackled through legal-aid clinics which should be an integral part of LL.B. curricula, studies and examination. Such clinics should involve students under active faculty supervision, not only in rendering legal advice but also in visiting nearby areas and specific sub-communities (scheduled castes, manual workers, industrial labourers, beggars, etc.) to understand their specific social and legal problems and to spread legal literacy, among such needy people so as to make them conscious about their rights, duties and remedies. The operational details and implications of this have to be worked out by committees to be appointed at regional level or by a Standing Regional Committee with a time bound mandate for submitting their recommendations. Such recommendations may then be pooled at national level so as to arrive at an operationally workable scheme which may be recommended to various law schools for implementation.

(iii) *Modernization of Syllabus, Making it Socially Relevant*

4. The Bar Council's prescription about the compulsory subjects for LL.B. course be retained.
5. Two compulsory subjects, namely (i) Law and Agricultural Development, and (ii) Law and Protective Discrimination, be introduced.

6. The Bar Council should relax the condition that four out of eighteen optional subjects prescribed by it to be selected.
7. Law schools should be left free to add to the list of optionals.
8. Legal process is a part of social process and hence structuring and tailoring of course-content of compulsory and optional papers be done by each law school. This function should effectively be discharged so as to inject the element of social relevance in the course-content.
9. The task of restructuring courses and making them socially relevant depends on (a) teachers teaching a particular subject and this imposes an onerous responsibility on them, and (b) the type of "Text-books, Case-books, Reading Materials and other Aids" that are prescribed. It is through these means that the element of social relevance can be given effect to.
10. Work experience should be an integral part of LL.B. studies and this be done by an effective moot-programme, exposure to court experience for a specified period and effectively operating legal-aid clinics with active involvement of students. These should be made an integral part of curricula and examination.

(iv) *Reforms of pedagogy*

11. Lecture-method by itself is inadequate and unsatisfactory and has to be supplemented by a problem-oriented approach in order to provoke students and make them participate effectively in class-discussion. Ways and means should be devised to implement the problem-oriented teaching, such as (a) distribution of synopses containing references of cases and other reading materials which students may study before class-discussion; (b) distribution of cyclostyled leading cases; (c) problem-oriented "Text-books, Case-books, Reading Materials and other Aids." So long as such teaching materials on all subjects are not available, each law school may determine particular methods it should adopt keeping in view its resources and limitations.
12. Subject-wise regional workshops and orientation courses be organized in which teachers from every cadre—senior and junior—be involved. In such workshops and orientation courses, the teachers may discuss and demonstrate means of introducing problem-oriented approach within the available facilities in respective law schools.
13. A document on socially-relevant and problem-posing legal education in India may be commissioned by such workshops through the UGC Panel of Law. Such documents, incorporating suggestions

and experiences of veteran law teachers, should be supplied to all law teachers free of cost.

14. The UGC, Bar Council of India, State Bar Councils, ICSSR and Universities may pool their resources in order to establish a special Legal Pedagogy Institute which should provide teacher-training and faculty-improvement programme, conduct refresher courses, act as a data-bank and evaluation agency for legal pedagogy in the country and devise means and prepare teaching materials for handling publications in the field of curricular planning, examination-techniques, admission tests and related matters. It should also undertake the task of publishing a Journal on higher legal education and advanced socio-legal research. This should be given top priority.
15. Law teachers should be exposed to court-room experiences periodically. The faculty-programme be so devised as to send teachers by rotation to have such experience for specified periods from time to time. It is necessary because teachers teaching highly professional course like law should be equipped not only with academic qualifications (LL.M., Ph.D., LL.D.) but also with the practical experience gained by observing and learning various aspects of the functioning of law in courts. Ways and means may be devised to enable the teachers to have such fruitful experiences.

(v) *Guidelines of Text-books, Reading Materials and other Aids*

16. Most of the available reading materials are highly inadequate and deficient and do not serve the objectives of legal education. Therefore, expeditious steps be taken so that "Text-books, Case-books, Reading-Materials and other Aids" on all subjects are made available as soon as possible. This is an essential pre-requisite for any reform in legal education. To begin with, priority be given for preparing these materials on compulsory subjects.
17. This work may be followed by preparation of "Text-books, Case-books, Reading Materials and other Aids" on optional subjects like Administrative Law, Public International Law, Company Law, Labour Law, Taxation and Statutory Interpretation, etc.
18. These "Text-books, Case-books, Reading Materials and other Aids" should cover (a) statutory provisions, (b) selected cases, their context, sociological content, comments and problems on these cases, (c) extracts from articles and other authentic writings, (d) extracts from Law Commission Report and other relevant basic materials, (e) extracts from writings on related social sciences having direct relevance to law.

19. These "Text-books, Case-books, Reading Materials and other Aids" should be so compiled as to serve the need of students and teachers.
20. These "Text-books, Case-books, Reading Materials and other Aids" be translated in regional languages because in the region the medium of teaching and examination in some universities is the regional language. It was noted that in some of the universities represented in the workshop, the medium of instruction and examination is English. However, in other universities, the medium of instruction and examination is mainly Hindi.
21. The Director of the Workshop should get in touch with the Deans and Heads of other universities in the region for identifying available regional talent in each subject for preparing such text-books, reading materials etc.
22. For implementing this project, the Bar Council of India, State Bar Councils, UGC, ICSSR and universities should collaborate and pool their resources so as to meet the cost involved. The universities in the region be urged to provide financial support for the scheme of the Bar Council of India in this respect.
23. In areas where good "Text-books, Case-books, Reading Materials and other Aids" are available, the boards of studies/committees of courses be requested to identify and prescribe them.
24. After identification of talent in the region, subject-wise regional workshops be held so that the work of preparation of text-books, case-books, etc. may be started with a time-bound programme.
25. Reading materials in the form of standard journals, surveys, indices to periodicals, etc. be provided to every teacher either free of cost or at subsidized rates. For this, special financial assistance be provided by the UGC and the University concerned.
26. To achieve these objectives, a close collaboration between the Bar Council of India and the proposed Institute of Pedagogy is indispensable.
27. A periodic journal on recent developments in law must be published and this task be undertaken by the Pedagogy Institute in collaboration with the Bar Council of India.

(vi) *Evaluation and Examination at the LL.B. Level*

28. Question papers should be problem-oriented. At the same time, they should be so devised that knowledge of basic principles and rules involved is also elicited from students.

29. There should be a uniform standard regarding pass-percentage as also for awarding divisions or a uniform grading system in all law schools.
30. There should be continuous assessment of law students with in-built safeguards for objectivity.
31. These reforms would become feasible once the "Text-books, Case-books, Reading Materials, and other Aids" are available. However, in the interim period, concrete steps be taken to make the question papers more and more problem-oriented.

(vii) *LL.M. Studies*

32. LL.M. should be a whole-time two-year course with restricted admissions.
33. LL.M. studies should be confined to universities. Regional centres affiliated colleges/post-graduate centres should not be allowed to run LL.M. courses.
34. Two compulsory courses be prescribed in LL.M. Part-I, namely (i) Law and social Change in India, and (ii) Legal Education and Research Methodology.
35. The workshop welcomed the UGC Panel's initiative for preparing "Text-books, Case-books, Reading Materials and other Aids" on 'Law and Problems of Social Change' and recommended that the task for preparing similar material for the paper on 'Legal Education and Research Methodology' be also initiated expeditiously.
36. LL.M. students be required to participate in seminars and to take LL.B. classes under close supervision of faculty members. This be made an integral part of LL.M. curricula examination.
37. Legal writing must be made an integral part of LL.M. curricula and examination. Such writing should be on topics of social relevance and with a bias for empirical approach and fieldwork. The topics assigned to LL.M. students should be such which encourage creativity in them and involve them in collection of empirical data and fieldwork in such areas in which it is feasible. The workshop was of the view that such approach is feasible in almost all areas of LL.M. studies.
38. A string of methodological workshops for law teachers as also for LL.M. students be arranged by the UGC in collaboration with the ICSSR.
39. LL.M. studies be oriented primarily though not exclusively for adequately equipping LL.M. students for teaching and research.

40. The objective of technological post-graduate education as spelt out in Professor Baxi's paper may be realized more effectively and fruitfully through diploma courses after LL.B. in specialized fields of social relevance and social need.
41. Adequate stipends should be instituted by the Bar Council of India and U.G.C. to attract talented students to LL.M. course.
42. Facilities and financial support be provided for inter-faculty teacher-exchange programmes on regional/national level so as to have the benefit of specialized knowledge of experts in their respective areas.
43. LL.M. should be given the status of M. Phil. course particularly in the context of 10+2+3 system.
44. In every region, there should be pooling of library resources so as to arrive at some sort of specialized library collection in specific subject-areas within the region. Effective steps be taken to make it an operational reality by soliciting close collaboration among the law schools in the region.

Professor Shiv Dayal  
*Director, Workshop*



**THIRD U.G.C. REGIONAL WORKSHOP ON LEGAL EDUCATION  
UNIVERSITY OF POONA  
(28th May to 30th May, 1976)**

The Third U.G.C. Regional Workshop on Legal Education met under the auspices of the University of Poona from May 28 to May 30, 1976.

It was inaugurated by the vice-Chancellor, Poona University, Sri. D.A. Dabholkar. Dr. G.S. Sharma, Convener, U.G.C. Panel on Law, introduced the purposes of the Workshop to the audience and underlined the tasks before the Workshop.

27 participants in all attended. Amongst these were 4 panel members (Agrawala, Sharma, Ghouse and Anandji), 12 participants from Maharashtra, 6 from Gujarat, 4 from Rajasthan and Mr. K.C. Medhi from Assam (Gauhati). These included Vice-Chancellors Sri T.K. Tope (Bombay) and Sri H.S. Sanghvi (Saurashtra) and the Chairman and the Vice-Chairman of the Maharashtra Bar Council.

Since Professor Baxi was abroad and did not attend the Workshop, his paper was presented by Dr. Mohammed Ghouse.

**CONSENSUS**

The work of the Workshop was divided into 6 sessions. The consensus that emerged at these sessions is summarized below:

**I SESSION : STATUS OF LEGAL EDUCATION IN  
WESTERN INDIA**

1. The Department of law, Poona University, had prepared a status report with the help of a questionnaire addressed to all the law teaching institutions in the states of Maharashtra, Gujarat and Rajasthan.

The Report was noted by the Workshop.

2. The Workshop debated the trend of multiplying law classes in Arts, Science and Commerce colleges. It unanimously recommended the need of establishing independent law colleges. The law colleges should be independent of and separate from other faculties :

- (a) That existing law departments in Arts, Commerce and Science colleges should be separated in a phased manner within 5 to 10 years, and should become independent law colleges.
- (b) That the universities should be asked not to grant fresh

affiliation to law teaching institutions which are not separate and independent.

3. Part-time and full-time patterns of instruction :

- (a) The Workshop discussed the Bar Council's minimum requirement of 18 hours of teaching per week with a majority of full-time teachers. It noted that law-teaching in the region in all institutions runs for not more than three hours a day.
- (b) It was felt that the additional demand put on institutions teaching law for providing instruction in English language has to be met in this region, which would necessarily require more teaching hours per day.

The Workshop further felt that any worthwhile reform in the direction of the stated objectives would require further extension of teaching hours per day and thus point to the necessity of whole-time teaching law schools.

- (c) As regards full-time law students the consensus was that they should get a minimum teaching of five hours a day.
  - (d) The Workshop also felt that part-time law students should be allowed to study LL.B. course (under the existing regional context)), and in their case the Bar Council requirement of 3 clock hours of teaching per day must be rigorously enforced.
4. The Workshop debated at length the suggestion of recourse to correspondence courses for LL.B. to balance the need for excellence and mass pressures for legal education. No consensus could be arrived at. The following three sets of views were expressed :
- (a) Complete opposition to correspondence courses as this would further dilute the standards;
  - (b) Correspondence courses approved only if a different kind of degree be given to those completing them;
  - (c) Correspondence courses to be acceptable only if practical training is integrated with them through court and chamber work with senior lawyers.

5. Practical Training

- (a) This region, like other regions disclosed a poor response to the Bar Council's requirement of practical training built-in in the three year course.
- (b) The Workshop noted the provisions of the new circular of the Bar Council allowing option to law schools regarding attendance in courts.

Participants, however, felt that some form of practical training under the guidance of senior practitioners was essential for a meaningful professional competence. Such a training cannot, however, be implemented without the cooperation of the Bar and the courts.

It was felt by a few that post-law-graduation practical training programme be revived in some form.

- (c) The Workshop also decided to recommend that steps be taken to secure the necessary permission for specialists in government employment or the judiciary for enabling them to deliver supplementary lectures around the area of their specialization.
- (d) It was pointed out during the discussions that some institutions in the region are not following the requirements of the Bar Council fully as regards the coverage of the number of optional subjects.

The Workshop felt that a minimum requirement of optional subjects should necessarily form part of the actual teaching programme of the institutions.

## **II SESSION : LL.B. CURRICULA, MODERNIZATION AND SOCIAL RELEVANCE**

- 6. The Workshop discussed at length the suggestions incorporated in the working paper of Dr. Baxi on the question of modernization and social relevance. The basic idea that law curricula should be responsive to the needs of society and should conform to the goals of modernization and social relevance was unanimously approved.
- 7. The Bar Council list of compulsory and optional subjects was examined in this context.
  - (a) It was generally agreed that, by and large, it is possible to emphasize social relevance through diversification of the Bar Council subjects into 'specific approach titles' on the Banaras model which itself needs contemporary adjustments.

It may be necessary to add some additional subjects to that list, however, like law and Agricultural Development, and Law and Administration of Compensatory Discrimination.

- (b) The view was also expressed that the present curricula is outdated. What is needed is to provide an integrated view of legal process as a social process. Imaginative compendious courses, therefore, rather than fragmented ones, ought to be provided (e.g. Law and Industrial Development, collapsing

company law, licensing, monopolies, etc.) (See para 2.1 of the working paper)

However, suggestion for such a radical departure was not generally supported in the context of the present state of legal education in the region and the country generally.

- (c) The main thrust of the discussion, however, was on the method and manner in which teaching programme in each course is actually organized bringing in policy values and extra-legal data and other material in the course of actual instruction.
8. The Workshop unanimously decided to recommend that as a first step, to drive home the social relevance consciousness, regionwise workshops be organised in legal theory as early as possible so that the teaching of this subject is de-linked from Salmond and analytical tradition.
  9. The Workshop also agreed to recommend to the U.G.C for the holding of a multi-disciplinary, multi-professional and multi-skill seminar in order to obtain from non-legal experts their expectations from legal education.

### III SESSION : TEACHING METHODS

10. The Workshop generally endorsed Professor Baxi's comments on the present teaching methods as permanently narrative, non-dialogic, lacking in critical approach and alien in context.

There was a consensus that the present method needed a drastic reform to overcome complacency on the part of the teacher and ignorance on the part of the student.

11. The technique, merits and de-merits of case-method and problem-oriented method of teaching vis-a-vis the lecture method were discussed at length.
12. The suggestion for combining the lecture method and case method of teaching was not approved as it was thought that the two being contradictory cannot be complementary.
13. In mentioning the Banaras experience it was pointed out that the case-method pattern suffered from certain drawbacks in that,
  - (a) it relegates reading of statutory material to the background;
  - (b) an over-all and integrated picture of the law is not presented because of the avowed pre-occupation with individual cases;
  - (c) It pre-supposes timely supply of reading material by the teacher, which does not always become possible;

- (d) All the course cannot be covered in the class (since the discussion takes up a lot of time);
- (e) In the hands of a teacher who is not articulate and is not trained to handle it effectively, it can prove more injurious than the lecture method.

It was mentioned that the method in operation at Banaras is not actually the case-method, but the problem-oriented method. The problem-posing method does not mean only posing isolated legal problems or questions that arise on a reading of the case. The problems are really socio-politico-economic (sometimes of a futuristic nature too) and the attempt is to make the students think as to how the law and the legal system have succeeded/failed to solve those problems, in terms of preferred societal goals and values.

It was mentioned during the discussion that problem-oriented or case method will necessarily require internal assessment by the teacher concerned.

- 14. Some doubts were also expressed against the superiority of case method over the lecture-method and its efficacy in presenting a composite picture of our legal system.
- 15. It was felt, however, that in the present state of legal education in the region when all the pre-requisites are wanting, any radical departure from the lecture method cannot be contemplated. With suitable improvements and a good teacher, the lecture method can also be made very enriching.

The prevailing lecture method adequately supplemented by the problem-posing approach and the preparation and use of 'case-books' could meet the drawbacks of the present system to a large extent.

- 16. The consensus over this long debated issue, as formally recorded was in favour of the retention of the lecture method as supplemented by omni-embracing case-books, with a view to serve the following objectives:
  - the imparting of the knowledge of the principles of law, development of the law and legal concepts,
  - critical awareness of the socio-economic and political problems which the relevant law attempts to solve,
  - consciousness of the impediments in the implementation of the law, and at the same time enabling the students to indulge in constructive self-thinking within a viable framework of classroom discussion.

17. There was a consensus in favour of the holding of regional or university-level workshops, particularly for the benefit of younger law teachers, within the next three years, on conceptions and techniques of problem-posing education in law, keeping in view the spirit of the consensus arrived at the workshop (as stated in the preceding paragraph).

At such workshops demonstration lectures should be delivered by senior teachers.

18. The suggestion for the preparation of a document on socially relevant and problem-oriented legal education in India, which would give an insight into the teaching skills and techniques evolved and perfected by veteran law teachers in areas of their speciality, in the context of the demands for improvement of teaching methodology, was approved.
19. The suggestion that subject-wise orientation/refresher courses for law teachers on regional/university level ought to be organized, got an enthusiastic support.
20. The necessity for a Legal Pedagogy Institute was endorsed. It was, however, felt that a more acceptable nomenclature for the institute would be: National Institute for Legal Education.

#### **IV SESSION : PREPARATION OF READING MATERIALS**

21. The workshop unanimously supported the pressing need for the preparation of good quality case-books as a pre-condition for any improvement in class teaching.
22. The suggestion that such a case-book should run into about 250 printed pages (to be effectively used by an average student) was generally supported.

To the query that in certain subjects like Indian Constitutional Law, the case-book may exceed 250 pages, it was explained that it was not necessary to cover all the topics under the subject. Each faculty has the freedom to so structure the course(s) as to enable the coverage of the important topics within the stipulated length of the case-book.

23. It was agreed that the case-books should contain the text of the relevant statutes in the appendix. The 250 pages of the main body of the book shall not, however, include the appendix.
24. (a) Various formats of the case-book were discussed at length. The merits and demerits of certain existing case-books were also considered.
  - (b) (i) The consensus was that in order to bring home the socio-economic context of the law (and the cases), it was necessary that summary of cases incorporated in the book

be preceded by a short introduction, relevant dissenting opinions be also incorporated, followed by the editor's note on the case at the end.

- (ii) Besides the case summaries, parliamentary debates, committee reports, related studies from other social sciences, articles and other materials be also excerpted.
  - (iii) The criteria for the selection of cases and other materials be clearly stated by the editors.
  - (iv) Searching questions on the case and other materials can also be incorporated at the end of the chapter as a guide to study.
- (c) For the benefits of the teachers, further readings be mentioned after each chapter.
25. (a) The Workshop endorsed the appeal of the Bar Council of India to the universities for contribution towards its Fund for the preparation of case-books.
- (b) The Workshop suggested to the Bar Council of India that its appeal for contribution be addressed to affiliated law colleges also who might consider contributing from their own funds.
- (c) The Workshop suggested to the Bar Council of India that it may finalise its scheme for the preparation of case-books after the recommendations of the U.G.C. regional workshops are considered and finalised by the U.G.C. Panel on Law.
26. There was a consensus that priority for the preparation of case-books be given to compulsory subjects in the Bar Council list.
27. The Workshop appointed a committee consisting of Vice-Chancellors T.K. Tope and Sri H.S. Sanghvi, and S.K. Agrawala to identify the talent available in the western region for the preparation of case-books, and to report it to the UGC Panel on Law.
28. This Committee was also requested to identify the existing textbooks and leading materials which could be prescribed by the universities till such time as fresh case-books are prepared.
29. Nature of the question paper—
- (a) Workshop agreed to request the delegates to frame model question papers in their areas of speciality, to be presented at the next Workshop for its deliberation.
  - (b) It was agreed to recommend to the U.G.C. that question paper be internally set and examined by the teacher teaching the subject.

30. The workshop recommended to the U.G.C. that ways and means be found for enabling the law teachers to subscribe to leading Indian Law Journals and other periodic literature on subsidized rates.
31. The workshop also recommended to the UGC to support the publication of a journal containing recent development in law.

#### V SESSION : LL.M. CURRICULUM

32. (a) Though different views were expressed on the question as to whether LL.M. is merely an extended version of LL.B. course, the view that found almost general support was that LL.M. is not just an extension of LL.B., but that it is an advanced study of the law in areas of specialization involving greater depth analysis in terms of policy issues, relating those issues to the theoretical framework of law.

It was agreed that LL.M. studies aim at fostering the imaginative capacity and the faculty for critical appreciation of legal problems against the background of wider sociological and institutional perspectives.

- (b) The workshop agreed that there is no rigid dichotomy between the LL.M. course content for academic and vocational needs (industry and commerce).

Though the chief aim of LL.M. studies would be to produce competent law teachers, the demands of commerce, industry and the profession for specialization have also to be accommodated; the two are not contradictory. It is possible to achieve the diversity of vocational objectives within a single comprehensive course structure. Policy-orientation and specialization can very well go together.

- (c) The Workshop felt that specialized post-graduate diploma courses in distinct areas can be a viable supplement. Part-time students from commerce and industry can take advantage of them.
33. The Workshop strongly recommended that the LL.M. degree should be on par with the M. Phil. degree in other disciplines.
  34. The Workshop agreed that an opportunity should be provided at the LL.M. stage for a scientific exposure of the student to social science research techniques and elements of modern research methodology.  
It recommended that a compulsory paper be, therefore, introduced in the LL.M. syllabus.
  35. The Workshop, also recommended the introduction of a compulsory course on Law and Social change. However, it was



felt that this course ought to have, contentwise as well as methodologically, an Indian orientation.

The introduction of these two papers will enable the recognition of LL.M degree as equivalent to the M. Phil. degree, as well as initiate the process of a close relationship between law-teaching and social relevance.

36. The Workshop unanimously recommended that LL.M. course be given only after the completion of the 3 year LL.B. course.
37. The practice followed by some universities of giving admission after the two year B.G.L. or equivalent degree was deprecated.
38. (a) The Workshop was of the view that a requirement of research-oriented writing should be a necessary condition for the LL.M. degree.  
(b) Such writings or dissertations must be properly supervised by the concerned teachers.  
(c) Though a view was expressed that 'dissertation' should be a compulsory requirement instead, the general feeling was that research-oriented legal writing of good quality ought to be the objective. The modalities could differ from university to university.

The Poona pattern of a compulsory long term-paper for each semester course, and optional dissertation in lieu of a paper, was noted in this connection.

39. The Workshop recommended that it would be conducive to a better husbanding of limited resources if Heads of post-graduate departments/centres in the region could meet and discuss the modalities of regional co-operation for locating teaching, research and library facilities in agreed areas of specialization at particular centres so that duplication is avoided.
40. The Workshop endorsed the suggestions incorporated in paragraphs 5.14 and 5.15 of the working paper that scope for developing teaching potential and for self-learning on the part of LL.M. students, ought to be provided in the LL.M. teaching programme.

#### **VI SESSION : N.S.S. AND 10+2+3 PATTERN OF EDUCATION VIS-A-VIS LAW COURSES**

*N.S.S.*

41. The Workshop commended the N.S.S. and considered the scheme most desirable.

42. The Workshop also noted the experiences of several institutions which are already operating the scheme in one form or the other.
43. The Workshop recommended that the N.S.S. programme may include Legal Services Clinics, legal literacy drive programmes, promotion of awareness of contemporary social problems amongst law students by enabling them to have a first hand study of problems in the community around them, and such other activities.

The Workshop further recommended that the modalities and actual implementation of N.S.S. may be left to individual institutions.

44. The Workshop did not favour the introduction of the scheme as a compulsory feature at the present stage.

However, it recommended that credit be given to students for participation in N.S.S. (as in case of participation in other extra-curricular activities).

#### *10+2+3 pattern and structuring of law courses*

45. The Workshop explored in considerable depth the implications of the new pattern in relation to legal education.

Three distinct views emerged out of the discussions:

- (a) Admissions may be given only after the completion of 10+2+3 or any other graduation as at present.
- (b) A four year integrated course after 10+2 may be instituted. This course may also include a study of social sciences so as to meet the requirements of legal studies.
- (c) A five-year integrated course after 10+2 may be instituted.

The workshop considered in detail the implications of these three approaches specially in relation to numbers, intellectual equipment of the students at the admission stage, standards of education, opening of new law colleges, and other allied matters. It also anticipated quality of students willing to join legal studies after 10+2. Whereas some participants expressed the hope that an integrated course would automatically result in the curtailment of numbers and the non-proliferation of law colleges, others expressed just the contrary apprehensions.

46. The multi-point entry suggestion was unanimously rejected by the Workshop.

#### *Some other matters*

47. As desired by the U.G.C., the Workshop also considered the consensus of the two earlier workshops held at Madras and Chandigarh on the various issues.

The consensus of those two workshops was generally approved, subject to differences on certain specific points (as summarized above).

48. As desired by the ICSSR, the Director requested the participants to send to him their considered views on the monograph prepared by Dr. Upendra Baxi: "Socio-legal Research in India: A programschrift", (a copy of which was circulated to each participant), for being passed on to the ICSSR.

(Because of lack of time, it could not be possible to include it as an item on the agenda of the Workshop).

The Workshop concluded after a vote of thanks.

Professor S.K. Agrawala  
*Director, Workshop*

**U.G.C. REGIONAL WORKSHOP ON LEGAL EDUCATION**  
**UNIVERSITY OF PATNA**  
(11-14 December, 1976)

**CONSENSUS**

1. Law teaching should be imparted as far as possible by the University Law Departments or Law Colleges and not by the affiliated Colleges and multi-disciplinary Colleges.
2. The number of students admitted to a class should not exceed 80.
3. It was noted with concern that minimum percentage for enrolment as required by Bar Council is not observed in the region, particularly in Calcutta.
4. There should be more and more tutorial classes.
5. Questions in the examinations should be problem oriented.
6. The ratio between the students and the teachers should be rationalized.
7. The minimum qualification for a Law teacher, full-time as well as part-time, should be LL.M. Part-time teachers obtaining LL.M. should be given a higher pay like 700 p.m. The U.G.C. should grant necessary finance to the Universities to meet the extra financial burden.
8. Law teachers who are not LL.M. be encouraged to do LL.M. in five years to improve their knowledge and teaching.
9. The U.G.C. should give a directive to the Universities to attain the target of at least 50 per cent ratio of Full-time and Part-time teachers within coming 5 years with an ultimate goal of 75 and 25 ratio in near future, as directed by Bar Council of India and U.G.C. Poona Conference on Legal Education.
10. Workload of teachers should not be excessive. Workload should be such as to facilitate the teacher to improve his academic qualifications and do legal research. Ideal load teacher-wise should be Professor—6, Reader—10-12, and Lecturer—12-15,
11. Creation of superior posts like Reader and Professors should be calculated on the basis of the total strength of the staff, including part-time teachers, 3 posts of part timers being equal to 2 full timers.
12. There should be periodic seminars, summer schools and Refresher Courses to promote research and training to teachers in the methodology of teaching and research.

13. No teacher should be given more than 2 subjects to teach and the subjects should not be frequently changed.
14. There should be adequate library facilities. Libraries should remain open throughout the day, including sundays and holidays.
15. There should be internal assessment of students, as far as possible.
16. Legal education should be socially relevant.
17. Subjects like Law and Poverty, Law and Social change etc. should be included, alongwith some other socially relevant courses.
18. Law course should begin after 10+2 and should comprise of 4 or 5 years but the teaching of law subjects should spread to only 2½ or 3 years. In the first two years. subjects like Sociology, Economics, Political Science, History, Psychology etc. should be taught.
19. There should be rethinking about three years law course.
20. Some select Colleges be made model Law Colleges in different regions.
21. There should not be any mushroom opening of Post-graduate Departments in Law. There should be some minimum requirements for opening post-graduate departments in Law.
22. LL.M. should be full time course, *i.e.*, it should be open only to those who are not employed or otherwise engaged and as an incentive they should be given scholarships of at least Rs. 200/- per month.
23. There is need for relook at the curriculum of LL.M. in the light of its main object to produce good law teachers and jurists.
24. Law and Social change and Legal Research Methodology should be included in the curriculum of LL.M. as compulsory subjects.
25. Adequate library facilities should be provided for LL.M. students and since it might not be possible in all Universities, full-fledged development of Post-graduate Department of Law may be considered on regional level.
26. There should be well-development of law libraries on regional basis and each Post-Graduate Department should specialize according to facilities available at the place without duplicating in the region.

Professor R.C. Hingarani  
*Director, Workshop*

**APPENDIX B**  
**PARTICIPANTS AT**  
**THE U.G.C. WORKSHOPS**  
**ON LEGAL EDUCATION**

## MADRAS WORKSHOP

1. Prof. C. Rajaram, Director of Legal Studies, Principal, Law College, Madras.
2. Prof. T.S. Rama Rao, Department of Legal Studies, University of Madras (Director).
3. Dr. K.P. Krishna Shetty, Reader, Department of Legal Studies, University of Madras.
4. Prof. Master Sankaran, Principal, Government Law College, Madurai.
5. Mr. V. Rajayyah, Advocate, Madurai, Tamil Nadu Bar Council.
6. Dr. N.R. Madhava Menon, Principal, Government Law College, Pondicherry.
7. Dr. A.T. Markose, Professor of Law, Cochin University.
8. Prof. Sankaradasan Thampi, Principal, Government Law College, Trivandrum.
9. Prof. K. Srikantan, Principal, Law College, Calcutta-1.
10. Prof. B.S. Murthy, Head of the Department of Law, Andhra University.
11. Prof. V. Balasubramanian, Principal, Law College, Nellore.
12. Mr. M.K. Nawaz, Honorary, Professor, Law College, Nellore and Director, Indian Society of International Law, New Delhi.
13. Professor Mohammed Ghouse, Head of the Department, S.V. University, Tirupathi.
14. Prof. Sri K. Natesan, Principal, Evening College of Law, Tilak Road, Hyderabad.
15. Shri T.S. Ananthanarayan, Principal, University College of Law, Osmania University, Hyderabad.
16. Sri Narasimha Reddy, Head of the Department of Law, Osmania University, Hyderabad.
17. Prof. M. Basheer Hussain, Principal, Government Law College, Bangalore and Chairman, Board of Studies in Law, Bangalore University.
18. Prof. G.V. Ajjappa, Head of the Department of Law, Karnataka University and Principal, Law College, Dharwar.

19. Prof. C.K.N. Raja, Head of the Department of Law, University of Mysore.
20. Prof. B. Venkatakrishnappa, Principal, B.M.S. College of Law, Bangalore.
21. Prof. S.K. Agrawala, Professor of Law, University of Poona, Poona-7.
22. Prof. Upendra Baxi, Delhi University, Delhi.
23. Prof. G.S. Sharma, Professor of Law, Rajasthan University, Jaipur.
24. Prof. Anandjee, Professor of Law, Banaras Hindu University, Varanasi-5.



## CHANDIGARH WORKSHOP

<i>Sr. No.</i>	<i>University</i>	<i>Name</i>
<b>Panelists</b>		
1.	Poona University	Prof. S.K. Agrawala
2.	Delhi University	Prof. Upendra Baxi
3.	Sri Venkateswara University, Tirupati	Prof. Mohammed Ghouse
4.	Chairman, Bar Council of India	Sri R. Jethmalani
<b>Participants</b>		
1.	Aligarh Muslim University	Dr. V.S. Rekhi
2.	Bundelkhand University	Sri M.P. Gupta
3.	Delhi University	Dr. K.B. Rohtagi Dr. (Mrs.) Lotika Sarkar Dr. D.K. Singh Sri K.K. Nigam Sri R.P. Dhobal
4.	Garhwal University, Srinagar	
5.	Guru Nanak Dev University Amritsar	Dr. K.S. Chhabra
6.	Himachal Pradesh University, Simla	Dr. B.R. Chauhan
7.	Jammu University, Jammu	Dr. Saran Gurdev Singh Dr. D.N. Saraf
8.	Kanpur University, Kanpur	Sri A.C. Sinha
9.	Kashmir University, Srinagar	Prof. Rahman Ali Khan
10.	Meerut University	Prof. S.D. Sharma Dr. D.D. Kaushik
11.	Punjab University, Chandigarh.	Dr. S. Dayal, (Director) Dr. P. Diwan Sh. S.P. Tewari Sh. J.K. Mittal Sh. Sukhdev Singh Sh. V.K. Bensal Sh. D.N. Jauhar Sh. Bal Krishna Sh. Gurpal Singh Miss K.K. Gill

## POONA WORKSHOP

28-30 May 1976

### *List of Delegates*

#### **Panel Members**

1. Professor S.K. Agrawala, Professor and Head, Department of Law, University of Poona, Poona - 7.
2. Professor Mohammad Ghouse, Department of Law, S.V. University, Post-graduate Centre, Anantpur.
3. Dr. Anandjee B.H.U.
4. Professor G.S. Sharma, University Studies in Law, University of Rajasthan, Jaipur - 4.

#### **Participants**

5. Shri M.M. Shah, Dean. Faculty of Law, Saurashtra University, Rajkot.
6. Shri H.S. Sanghvi, Vice-Chancellor, Saurashtra University, Rajkot.
7. Prof. Yogesh Mehta, Head, Department of Law, A.M.P. Law College, Jagnath Plots, Rajkot.
8. Prof. H.C. Dholakia, Professor and Head, Department of Law, M.S. University of Baroda, Baroda - 2. (Gujarat)
9. Shri B.M. Shukla, Shah K.M. Law College, Tithal Road, Valsad - 396 001. (Gujarat State)
10. Principal A.A. Manji, V.I. Choksi Sarvajanic Law College, Athwa Lines, Surat.
11. Shri N.S. Pandya, Principal, Motilal Nehru Law College, Relief Road, Ahmedabad - 1.
12. Dr. D.C. Jain, Dean, Faculty of Law, Head, Department of Law, University of Jodhpur, Jodhpur (Rajasthan).
13. Shri D.D. Sharma, Dean, College of Law, University of Udaipur, Udaipur (Rajasthan).
14. Dr. S.N. Dhyani, Dean, Faculty of Law, L-4D, University Campus, University Studies in Law, Jaipur - 4. (Rajasthan)
15. Dr. I.C. Sexena, University Studies in Law, University Campus, Jaipur - 4. (Rajasthan)
16. Shri D.R. Meghe, Principal, University College of Law Nagpur.
17. Shri C.G. Raghavan, Reader and Head of the Department of Law, Law College Building, Nagpur - 1.
18. Principal D.N. Sandanshiv, Dr. Ambedkar Law College, Aurangabad.

19. Principal I.V.K. Sastry, Principal, M.P. Law College Aurangabad.
20. Prof. K.B. Kelkar, Shahaji Law College, Kolhapur.
21. Shri T.K. Tope, Vice-Chancellor. University of Bombay, FORT, Bombay - 400 032.
22. Dr. S.P. Sathe, Reader, University, of Bombay, Bombay-400 032.
23. Dr. (Mrs.) R.K. Agrawala, Reader, Department of Law, University of Poona, Poona - 7.
24. Shri H.M. Patil, Principal, New Law College, Ahmednagar.
25. Shri R.S. Turumella, Principal, Law College, Malegaon Camp. Dist : Nasik.
26. Shri Vijayrao A. Mohite, Vice-Chairman, Bar Council of Maharashtra, 1222, Shukrawar Peth Road No. 4, Subhashnagar, Poona - 2.
27. Dr. S. Dayal, Head, Law Department, Punjab University, Chandigarh.
28. Shri K.C. Medhi, Principal, University Law College, Gauhati University, Gauhati - 14. (Assam)
29. Shri D.D. Chandhari, Chairman, Bar Council of Maharashtra, Jalgaon.
30. Dr. P.W. Rege, Principal, New Law College, Senapati Bapat Marg, Bombay - 400 016.

#### LIST OF OBSERVERS

- |                           |  |
|---------------------------|--|
| 1. Smt. Sathya K. Narayan | Department of Law,<br>Poona University |
| 2. Shri G.S. Sable        | New Law College, Ahmednagar            |
| 3. Smt. C.R. Deshpande    | -do-                                   |
| 4. Shri S.M. Chitable     | -do-                                   |
| 5. Shri N.N. Sole         | -do-                                   |
| 6. Shri P.P. Joshi        | -do-                                   |
| 7. Shri V.S. Khedkar      | -do-                                   |
| 8. Shri S.B. Mhase        | -do-                                   |
| 9. Shri V.S. Ranade       | Law College, Poona                     |
| 10. Shri S.V. Kulkarni    | -do-                                   |
| 11. Shri P.P. Salvi       | -do-                                   |
| 12. Shri G.S. Joshi       | -do-                                   |

## PATNA WORKSHOP

December 1976

### U.G.C. Law Panel

1. Prof. G.S. Sharma,  
Rajasthan University—Convenor
2. Prof. Upendra Baxi
3. Prof. T.S. Rama Rao,  
Madras University

### Out-Station Participants from the Region

4. Dr. M.L. Upadhyaya—Calcutta University
5. Dr. K.D. Gaur—Utkal University
6. Principal Supkar—Sambalpur University
7. Prof. M.C. Chanda—Burdwan University
8. Shri Bannerjee—North Bengal University
9. Shri T.P. Mandal—Ranchi University
10. Shri B.N. Jha—Ranchi University
11. Shri Nageshwar Ojha—Bihar University
12. Shri M.N. Misra—Bhagalpur University
13. Shri N.C. Misra—Mithilia University

### Local Participants

14. Dr. R.C. Hingorani—Convenor (Director of the Workshop)
15. Shri S.C. Singh
16. K.N. Singh
17. Shri Ali Ahmed
18. Shri L.L.B. Saran
19. Shri A.D. Roy Chowdhury

**APPENDIX C**

**LIST OF MEMBERS OF THE U.G.C. PANEL  
IN LAW : 1947-1977**

## **DELHI WORKSHOP**

3-4 January, 1977

### **U.P. Universities**

1. Professor Dharam Pratap, Dean, Faculty of Law, Banaras Hindu University, Banaras
2. Professor R.B. Dhokalia, Faculty of Law, Banaras Hindu University, Banaras
3. Professor Udai Raj Rai, Department of Law, Gorakhpur University Gorakhpur
4. Dr. N.P. Tandon, Head of the Law Department, Lucknow University, Lucknow
5. Dr. R.C. Vyas, Dean, Constitutional Law, Lucknow University, Lucknow
6. Dr. (Mrs.) Shardha Kumari, Department of Jurisprudence, Lucknow University, Lucknow

### **M.P. Universities**

7. Professor P. Srivastava, Department of Law, Bhopal University, Bhopal
8. Mr. Sharda, Head of the Department, Indore Law College, Indore

### **UGC Law Panel Members :**

9. Professor G.S. Sharma, Rajasthan University, Rajasthan
10. Professor Upendra Baxi, Delhi University, Delhi
11. Professor T.S. Rama Rao, Head of the Deptt. of International Law, Madras University, Madras
12. Professor Anandjee, Law Faculty, Banaras Hindu University, Banaras

### **Indian Law Institute :**

13. Professor S.N. Jain

### **Members of the Law Panel (March, 1974 to July, 1975)**

1. Dr. G.S. Sharma, Professor and Head of the Department of Law, Rajasthan University, Jaipur.
2. Dr. R.C. Hingorani, Professor & Head of the Department of Law, Patna University, Patna.
3. Dr. Upendra Baxi, Professor of Law, Delhi University, Delhi.
4. Professor, B.S. Murty, Professor and Head of the Department of Law, Andhra University, Waltair.

5. Dr. P.K. Tripathi, Member, Law Commission of India, New Delhi.
6. Dr. A.T. Markose, Professor of Law, Cochin University, Cochin.
7. Dr. Indra Deva, Professor of Sociology, Ravi Shanker University, Raipur.
8. Dr. S.K. Agarwal, Professor of Law, Poona University, Poona.
9. Justice Prakash Narain, Judge, Delhi High Court, New Delhi.
10. Dr. J.N. Kaul, Joint Secretary, University Grants Commission, New Delhi.

*Members of the Law Panel (26.8.1975 to December, 1977)*

1. Professor S.K. Agarwala, Department of Law, Poona University, Ganeshkhind, Poona-7.
2. Professor Anandjee, Department of Law, Banaras Hindu University Law School, Varanasi-5.
3. Professor Upendra Baxi, Department of Law, University of Delhi.
4. Professor Mohammad Ghouse, Department of Law, Sir Venkatewara University, Tirupati (A.P.)
5. Professor P.K. Irani, Department of Law, University of Bombay, Bombay-400032.
6. Mr. R. Jethamalani Chairmas, Bar Council of Delhi, 41, Advent, 12-A, General Bhonsale Marg, Bombay-400001.
7. Professor A.T. Markose, Department of Law, University of Cochin Cochin-22 (Kerala).
8. Mr. Justice Parkash Narain, Judge, High Court of Delhi, Patiala House, New Delhi.
9. Professor T.S. Rama Rao, Department of Law, Madras University, Chepauk, Triplicane (P.O.) Madras-600005.
10. Professor G.S. Sharma, Department of Law, Rajasthan University, C-6A, University Campus, Jaipur-4.
11. Dr. P.K. Tripathi, Member, Law Commission, of India Shastri Bhavan, New Delhi.
12. Dr. J.N. Kaul, Joint Secretary, University Grants Commission, New Delhi.