

CHAPTER - VI.

RECOMMENDATIONS

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SOME PROBLEMS FOR FURTHER RESEARCH

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VI.1 INTRODUCTION :

The various aspects and issues pertaining to the new professional legal scheme had been discussed in the earlier Chapters of this dissertation. On the background of these Chapters the views expressed by the expert in the legal field were analysed and interpreted, and some conclusions were drawn. In the following paragraphs, therefore, are put forwards some proposals and recommendation for the successful implementation of the new professional legal education scheme, so as to achieve the objectives of legal education.

VI.2 IMPLEMENTATION OF THE NEW SCHEME :

It is clear from the Chapter on analysis and interpretation of the data that majority of the experts are in favour of introducing the new scheme for the various reasons mentioned therein. This is very much encouraging. It is because there is sound ground for introducing the new scheme. It is now high time to switch over from the age old scheme to the one fulfilling the aspirations of socialistic pattern of society, bringing political, social and economic justice to its citizen. It is, therefore, earnestly recommended that the new scheme of professional legal education prescribed

by the Bar Council of India with a view to upgrading the standard of legal education in India be faithfully and earnestly implemented.

VI.3 GRADUATES AND THE NEW LAW COURSE :

The researcher recommends that the Bar Council of India should amend the new rules so as to enable graduates of University in any discipline to join a law course by allowing them to join the five year law course at the third year stage. This, in other words, means granting an exemption to the graduates from the Pre-law course consisting of two years. The graduates may be required to pass a qualifying examination before they are allowed to join the final three year course. This qualifying examination should be framed in such a way as to test the knowledge of the students of English language, basic principles of Economics, Political Science and Sociology.

VI.4 FINANCIAL AID :

As was already pointed out in the previous Chapter (Vide pp.139) in absence of financial assistance it would be very difficult for the law colleges to implement the new course with vigour and spirit.

It is, therefore, recommended that the Government State or Central should frame a scheme of financial assistance to all the law colleges in India as per their

needs and requirements. It is further recommended that this scheme may be prepared in cooperation with U.G.C. and the Bar Council of India.

VI.5 METHODOLOGY OF TEACHING LAW :

It is recommended that in teaching law, the Colleges should supplement the lecture method by other methods such as Group discussions, seminars, tutorials, case method etc. For the performance of students in these activities, marks should be allotted which will be added to the marks scored by them in written papers. Thus, there should be an internal assessment of at least 20% of total marks.

VI.6 MEDIUM OF INSTRUCTION :

It is recommended that the medium of instruction for teaching law should be English compulsorily. Because most of the legal material is published in English. The language of higher judiciary is English and since there is no other common language throughout the nation to consider as medium of instruction for legal education.

VI.7 TIMINGS OF LECTURES FOR THE FINAL THREE YEARS :

It is recommended that the Bar Council of India should not raise any objection to law colleges for

conducting lectures of the final three years of the five year course either in the morning or evening. This will enable the eminent members of the Bar to work as Honorary or Visiting Professors of law. It is essential because of the fact that for teaching certain procedural laws non-practising lecturers are unfit since they are not well versed with the court procedure and practice. The procedural laws can be taught very effectively by practising lawyers alone.

This will be also useful in reducing financial burden likely to fall on law colleges by way of implementing the new scheme of professional legal education.

VI.8 SERVICE CONDITIONS FOR LAW TEACHERS :

The researcher recommends the University Grants Commission that in order to attract young intelligent and efficient law graduates and post-graduates to the profession of teaching law, the service conditions of full-time lecturers in law should be revised. Their salaries, emoluments should be increased and they be paid non-practising allowance. It is suggested that their salaries, emoluments and other benefits should be on par with the teachers working in other professional colleges such as medical, engineering etc.

The University Grants Commission in cooperation with Indian Law Institute should undertake research activities in the field of law in order to infuse spirit of research among the lecturers in law colleges. Sufficient finances must be made available for such research activities by Universities, Government and University Grants Commission.

VI.9 FINANCIAL ASSISTANCE TO LAW STUDENTS :

In order to enable and encourage promising students from backward (both economically and socially) classes amongst the society, it is recommended that the State and Central Governments should frame separate schemes of financial assistance either in the form of scholarships or otherwise for the benefit of students joining law colleges. The criteria for such assistance should be the past academic record of the student and the financial ability of their parents.

VI.10 PRACTICAL TRAINING :

It is already noted in Chapter IV and V (pp. 76 and 145) that one of the salient features of the new professional legal scheme is the practical training incorporated in it. Now, for the effective implementation

of the practical aspect of the new professional legal scheme, it is, therefore, recommended that to every law college a certain number of practising lawyers should be attached. Their function shall be to impart practical training to prospective lawyers in their chambers and in the courts. These lawyers should train the students in court-craft and other procedural aspects of legal practice and they be paid certain honorarium for guiding the students. Every law college should establish a free legal aid clinic wherein final year law students should help the lecturers in giving free legal aid to weaker sections of the society.

VI.11 VOCATIONAL GUIDANCE :

It is already noted that there is a misconception among the students joining a law college that the only avenue open before them after graduation in law is legal practice. It is also noted that today in various walks of life law graduates are required and are in great demand. In order to remove the above misconception and in order to get them acquainted with the various fields in which law graduates have openings, it is recommended that every law college should be equipped with vocational information and guidance cell. The Principal function of this cell is to inform law students

regarding openings in various fields available for law graduates. The colleges should encourage the law graduates to choose careers other than legal practice. Thus, the students should be made aware of openings in public and private sector, administrative service, foreign service, international civil service, armed forces, service opportunities in Governmental departments and Ministries and so forth. At present very few law graduates are aware of these opportunities which leads all of them to legal practice.

1) INTRODUCTION :

While conducting the present research work, the researcher came across some areas in the field of professional legal education which according to the research worker have not yet been explored by conducting a through investigation. A detail study of these areas is essential to enrich our knowledge of the field of professional legal education. Moreover, an investigation into these areas is likely to serve as a guideline for better planning of our legal education and it may also lead us to a broader perspective of the field. Since these areas are not directly related to the problem under investigation, the researcher himself did not explore these areas. However, for the benefit of other research students who are interested in the field of legal education, the researcher has outlined below the possible areas in which they can conduct research.

1i) METHODS OF IMPARTING
LEGAL EDUCATION :

So far, no significant study has been conducted in the field of methodology of teaching law. Methodology of teaching is regarded by our educationists as a very important factor in educational planning. Extensive studies have been conducted by researchers as regards

methodology of teaching with reference to various disciplines such as natural science, languages, social sciences and so forth. However, so far no one has focused his attention towards methodology of teaching law. For years together we have adopted the lecture method, which was supplemented by case method and sometimes by seminars, simulations and practical training like court attendance, work in lawyers chambers etc. However, it must be admitted that teaching law is highly dominated by the lecture method, which is regarded as undemocratic, authoritative and not giving any scope for student participation or involvement. The researcher feels it necessary that a study to discover what methods should we apply in teaching law must be conducted so that we may change the pattern of imparting legal education. It is also necessary to conduct experiments by employing various methods of teaching law on control groups and comparing their outcomes. This may enable us to judge the effectiveness of any particular method or methods.

iii) PROBLEM OF GETTING FULL-TIME LAW TEACHERS :

As mentioned by the researcher in Chapter-IV there is always a scarcity of full-time law teachers. It is not exactly clear why very few people are willing to work

as full-time law teachers. It is, therefore, necessary to find out what changes must be effected in order to attract more and more law graduates and post-graduates to the profession of teaching law. Besides, it is also necessary to find out whether any problems are faced by law teachers in India which may make them to leave the profession of teaching law and join any other occupation. A survey to this effect may be conducted by a researcher which may enable us to revise the service conditions of law teachers in India.

iv) INVESTIGATION INTO PUBLIC ATTITUDE TOWARDS THE NEW SCHEME OF PROFESSIONAL LEGAL EDUCATION :

While conducting the present study which mainly revolves around the new scheme of professional legal education, the researcher felt that we must know how this scheme of professional legal education is looked upon by people other than law teachers or lawyers. Because if the new scheme is regarded as lucrative by the general public, our law colleges will get more and more students. Thus, how the parents of prospective students to this new law course view the new scheme is one of the important factors that may determine the future and success of the new scheme. If such parents

consider the new scheme as un-economical and as having less professional openings, they will hesitate to send their wards to undertake the new law course. Therefore, it is necessary to find out how this new scheme is looked upon by our general public. A research study to that effect may be conducted.

v) COMPARATIVE STUDY OF PROFESSIONAL LEGAL EDUCATION :

The researcher also feels that a comparative study of the scheme of professional legal education in India and those of major advanced nations may be conducted. This type of comparative study will enable us to observe how professional legal education is imparted in advanced countries so that we may adopt the new trends and good qualities of the scheme adopted by them to improve our scheme.

vi) EVALUATION OF THE NEW SCHEME OF PROFESSIONAL LEGAL EDUCATION :

One most important subject for future research the researcher desires to point out regarding the new scheme of professional legal education is the assessment of the working of the new scheme. The new scheme will be given full implementation by the academic year 1984-85 by all law colleges in India. It is well



recognised that modern evaluation is an in-built process of effective teaching. Thus a study to evaluate how the new scheme works, whether it improves the standards of legal education, whether objectives of legal education in India are fulfilled by it may be conducted after about five or ten years after its full implementation. With the practical experience of the new scheme over a period of couple of years, such a study will enable us to evaluate it as well as to recommend changes, if any, towards its improvement. Obviously at this stage when the scheme is not fully implemented a researcher may at the most point out possible effects of the new scheme. When we do not have practical experience at our disposal, it is premature to pass any decisive judgement regarding the effectiveness of the new scheme. The researcher, therefore, feels it very necessary to conduct such a study by a competent researcher.