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 (sic) 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 in terms of: the number of full-time and part-time teachers and students; the state of libraries, etc. 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 stock taking and reflection on the state of legal education in each region. One set of evaluative criteria are clearly furnished by the various recommendations made at the University Grants Commission sponsored seminar on Legal Education in India in 1972: it may well 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 precariously 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 fundamental 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 Jaihvala or Usha Saxena 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 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.

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 an 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 An LL.M. 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 remedi- 
ying such basic defects at LL.B. level—we have to do with what we have! Of course, one can plan some general knowledge ad-
mission 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 tenuous grasp of the saddening and demoralising 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-holders 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 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 leeway-ways 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 typical 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 subject 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 curricular 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-ribuc 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 this workshop 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 to 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 Changes". 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 gosp 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 expresson 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 jurimetries.

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 else "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 desparately 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 peoples 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 contest, 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, one sociological grandeur and misery of human rights movements. He would address in this overall 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 comprehensive 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 rules—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. Curiously enough, we seem to continue to think that even from a strictly professional standpoint all that a future legal practitioners 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 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 flogging 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 modernist 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 an insufficiently technocratic legal education. So if a sound, technocratic legal education is 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 depositaries, 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 acutely illustrated than in law classrooms. 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 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 textbooks are littered with statements beginning with the words “The Supreme Court held...”, without whys and wherefores. 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 digests 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 on 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 Acquinas!

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 transfers 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
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 prerequisites for any version of American case-method, which are simply lacking in India. Intellectually, the first prerequisite 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 questioning of his class a problem which has 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 prerequisite 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 future 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 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 underdeveloped. Such in the state of underdevelopment 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 adequate (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 and responsibility.
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 Freire 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 static 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. Hither to 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 a 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 chance, 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 the same leading subjects be organised 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 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, digest kind of textbooks by the operation of Gresham's law substitute them. In any case, it is worth repeating that almost 90% of law text-books 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 textbooks 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 Board of Studies or Committee 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 text-books writer is not always a free scholar or educationist. A text-book, from the publishing point of view, is strictly a commercial commodity whose sale must bring some returns on investment. The consumers of text-books—subjects 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 case books has been painfully slow. To prepare a case-book is a very demanding task; and a good case-book, without being comprehensive, has to be at least substantial (250 pages or thereabouts). A case-book 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-books produced by the Indian law.

4.5 One does not know how well the available case-books 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 text-books 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 case-books 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 casebook. 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, may indeed necessary, for us to provide casebooks 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 do 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 recommended, 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 owing 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-books by setting questions 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, however, 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 the 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% 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 teacher. The Bar Council can even afford to think of issuing complimentary copies of their journal to each law teaching institutions. 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 para 3.27).

V. State of LL.M.: Pedagogy 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.M. level; each university is free to innovate in curriculum and pedagogy. Some have and there are wide variations in LL.M. syllabi in India. In so far as one could generalize there are two broad curricular outlooks on LL.M. The first views in LL.M. 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, of 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 sociological standpoint involving a 'drastic reteaching' 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 supremacy of choice as to take an aspect of the subject (e.g. Marriage and Divorce of 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 illustrative this outlook. Its curriculum offers 26 subjects, out of which are optional.

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 of the LL.M. level. By on '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' (made for the Report on the Status of Women become 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; so may the public sector industries need people with sound grasp of resources 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 if 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 at 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 task of preparing a book of readings (Professors S. K. Agarwala, Upendra Baxi, Mohmed Ghouse, 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 undergraduate 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 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 teacher 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 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.

5.10 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 profess 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 analysing 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 & Canadian & 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 has yet cannot be provided at an earlier stage. Quite a few universities have a requirement of LLM. 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", "Facts Sun Served", "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 LLM class who ought not be have been enrolled in that course 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 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 through 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 (out of 200 marks or 50) must be given for paper writing.

5.14 There must also be provided in the LLM programme some scope for developing teaching potential. Apart from seminars on Legal education (history, philosophy, alternate pedagogies, place of legal education in higher education etc.), LLM 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 LLM, except that self-learning must be encouraged. At least one third of the topics in the synopsis of an LLM course should be left for self-learning; on other topics problem-oriental discussion must replace any other form of teaching (especially the lecture method). These requirements should pose no difficulties if LLM students are full-time students and their number is restricted by a selective, and demanding, admissions policy.

6. Conclusion

6.1 This paper offers only outlines of measure which are needed to revive legal education in India; it does 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".

APPENDIX 'A'

Basic Contents for a Course on Research Method

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 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.
APPENDIX 'B'

Law & Social change problem with special reference to India

I. Theoretical
1.1 Conceptions 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 (westernisation, sanskritisation, Islamisation and development).
1.5 Conceptions of law and legal system (as normative, as cultural and as 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 & Social Change—Comparative Perspectives
2.1 Co-relations between law and social change; introductory perspectives.
2.2 Legal evolution & societal complexity—Maine, Savigny, Durkheim.
2.3 Legalism and capitalism—Karl Marx and Max Weber.
2.4 Relevance of Marxist & 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 Commission, 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 a 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. licencing, price fixing, and monopolies etc.
4.5 Informal dispute settlement and planned social change through the law (e.g. studies of indigenous dispute institutions).