

Revisiting Educational Pedagogy in Nepalese Legal Education: Post Pandemic Situation

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Abstract

This paper examines the educational pedagogy of Nepali legal education from its earliest days to the current post-covid context using empirical research at Tribhuvan University, Purbanchal University, and Mid-Western University. In the light of many philosophical foundations, including cognitive, constructivist, social constructivist, behaviorist, and liberalist approach, the author has studied the pedagogies in lieu with the curriculum, syllabus, course coverage, examination modality, lesson Plan, teaching- learning ecosystem, and application of clinical and practical style of teaching in aforementioned universities.

In order to modernize and standardize legal education and develop competent, moral, and accountable legal professionals, Nepal Bar Council has released Legal Education Regulation 2077, which the author has complemented with a critical dissection of its prescriptions on pedagogical aspects. The Covid-19 pandemic-led changes, that floated around the world, have been analyzed in relation to the altered circumstances of contemporary legal education, particularly a paradigm shift that occurred in the law universities by switching its teaching method into online mediums. It is evident that in contrast to Behaviorism, (Social) Constructivism, and Liberalism, which had a trend of imparting legal knowledge practically and clinically, legal education during the Covid era was predominately text-based, carrying the legacy of cognitive approach to teaching. Therefore, it is crucial to make every effort to address the issues that are still present in the post-covid era by carefully revisiting the teaching methodologies of law.

Keywords: Pedagogy, Legal Education, Cognitivism, Constructivism, Behaviorism, Covid-19

I. Introduction

The Constitution of Nepal has stated right to education¹ as a fundamental right. The main aim and objective of education is to ensure easy and equal access and continuity of all to education, and to make education universal, useful for life, competitive and qualitative, while focusing education on the building of nation, being committed to socialism based on democratic values

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¹ *Nepal Ko Sambhidhan* (Constitution of Nepal), art. 31.

and norms, by implementing, on the ground, the basic human rights of every person to acquire education and the fundamental right conferred by the Constitution.²

It is believed that education shapes the future of tomorrow. Therefore, the methods of teaching and objects of teaching become pivotal. In the course of teaching and learning some specific method and tools are used by the teachers. Pedagogy is the methodological implication of imparting knowledge, skills, techniques and conduct in the education sphere. These teaching methodologies differ from discipline to discipline and context to context. Legal education being vocational and professional education, education pedagogy needs to be more specific and prominent.

A Covid-19 [virus]³ has brought about changes on functioning of institutions *per se* in person work, meetings, discussions, teaching and learning to remote and/or online work, meeting, discussions, teaching and learning. The process of teaching and learning in the Universities across the globe has undergone these changes and apparently introduced revised education pedagogy to best address the problems created due to Covid 19.

Introduction of Intermediate of Law (IL) and three years LLB had used the traditional method of pedagogy in legal education (*Hereinafter pedagogy*) which is reformed and revisited with the introduction of five years Bachelors in Law (BALLB, BBMLL, BScLLB). The five-year Bachelors in Law (BALLB, BBMLL, BScLLB) introduced modern methods of pedagogy. After the Covid 19 pandemic situation faculties, students and stakeholders have raised the concerns on need of revisiting existing pedagogy in new normal situation in the aftermath of Covid 19.

Society has adapted the new normal situation post Covid 19 through the introduction of new order, methods, techniques and strategies, by different subjects of society like institution, to better function in new circumstances. Pedagogy in legal education also needs to be revisited and reshaped to cope the new normal situation.

Pedagogy means the method of teaching, mostly an academic subject or theoretical ideas. On that account, pedagogy in education implies to those systems or endeavors which include the methods of teaching (mostly between teachers and students) in a way that is more like an internalization and rationalization of concepts and ideas than merely putting ideas into learners' minds. It presents the strategy which teachers or educators adopt to influence students' thoughts to enable them to successfully develop high-order thinking skills. The pedagogy is often crafted by teachers' beliefs and ideas about delivering contents fruitfully to the students and revolves around the interplay between various techniques of teaching⁴.

Pedagogy in education encompasses a wide range of teaching approaches and skills. This includes describing the text in a comprehensive way, switching between the tone of one's voice to emphasize certain aspects, pausing in between elocution to bring the class into an attentive state, asking questions to students to check if they are following the content, showing pictures, videos and other media to enhance their imagination and thought skills, assigning students some tasks

² The Act Relating to Compulsory and Free Education, 2075 (2018), Preamble

³ A novel corona virus is a new strain that has not been previously identified in humans. The new virus was subsequently named the "COVID-19 virus". On 30 January 2020, Dr Tedros Adhanom Ghebreyesus, WHO declared the novel coronavirus outbreak a public health emergency of international concern. This disease from Epidemic became Pandemic WHO has stated it as "the new normal".

⁴ Pedagogical Skills, Available at <https://helpfulprofessor.com/pedagogical-skills/> Accessed on 1st August 2022

related to what they have recently learned. Moreover, the education is extended to encompass helping to change layout of the classroom so that it brings differentiation in thoughts of students, rewarding good performance so that it boosts confidence and morale of students, avoiding giving too much information at once as it causes 'cognitive overload' amongst students, proving assessments time and again to make sure they organize their study contents well and prepare well for exams and imposing sanctions on students in a way that they realize their mistakes and weaknesses and put efforts into correcting them. Therefore, these are some of the techniques of pedagogies in education that can be used for the maximization of students' potential and minimization of their lethargy.

A. Legal Education Pedagogy

Legal Education has the history in ancient Roman era. The writings of Plato, Aristotle and Cicero suggest that there were professionals who practice law such as *Orators*, *Juris Consult*, *Vorspreacher* and *advocates* who used to represent case of others as friend of assistance⁵. These professionals were trained both in rhetoric's as well as law. Pedagogy (in legal education) can be broadly categorized in terms of the traditional educational pedagogy, modern educational pedagogy and educational pedagogy in new normal situation.

Traditional Educational Pedagogy in legal education incorporates the theoretical teaching about the Constitution, Civil Code, Criminal Code and other legal texts in classrooms can only be favorable to a certain extent. The method used in this teaching learning is basically lecture interaction, discussion and assignment. The sole aim of this type of teaching learning is to impart knowledge and ideas in regard to respective subjects. In Nepal, the introduction of 2 years Intermediate in Law (IL), 2 years Bachelors in Law (BL), 3years LLB mostly incorporated the theoretical subjects⁶ and the pedagogy of education of this time could be categorized into traditional pedagogy of education. Pedagogy of traditional legal education believed that the law students are to grab theoretical knowledge in law schools and needs to learn practical skills and techniques after graduation being in the legal regime. So, the fresh law graduates had to assist some senior lawyers for at least three to five years to acquire necessary skills and techniques for practice of law.

Pedagogy of modern education *pers se* in Legal Education began with the introduction of Clinical Legal Education and practical subjects. In Nepal introduction of 5 Years LLB and the introduction of 5 Years BALLB reshaped the pedagogy of legal education. Clinical Legal Education as a credited course started taking students out of classroom to the community, judicial and quasi-judicial bodies for experiential and engaged learning. Modern Educational Pedagogy believed that the law students are to grab theoretical and practical knowledge, skills, techniques and strategies in law schools itself so that they need not to go to seniors for years to learn practical skills.

Modern educational pedagogy needs to enable students understand the political, legal, cultural, social and human rights conditions of the people of the state practically.⁷ Some in-house as well

⁵ Robert Johnson Bonner, *Lawyers and litigants in ancient Athens: The genesis of the Legal Profession*, Barnes & Noble, New York, reprint edition, 1927, p.204

⁶ Bal Bahadur Mukhiya, *Contemporary Legal Education*, *Tribhuvan University Journal*, volume 25:1, 2005, p.13.

⁷ Debra M. Schneider, *Blending doctrine, practice and purpose in legal education*, Master Degree, Virginia Common Wealth University, 2008, available at: <https://scholarscompass.vcu.edu/cgi/viewcontent.cgi?article=2105&context=etd> accessed on 1 April 2024.

as out-house teaching learning such as community service, legal literacy, advocacy, mobile clinic, litigation, moot courts, organize mock-trials assuming a certain legal issue from both plaintiff and respondent sides, visit to courts, visit to detention centers and so on help in overall personality development to become a professional.

Modern Legal Education makes student personally skillful, professionally sound and socially responsive which is regarded as the essence of Justice Education.⁸ This pedagogy insists on powerful pedagogy approach in ensuring the proper value to ethics and professional responsibility in legal education.

II. Approach of Teaching Learning

“आचार्यात् पादमादते पादं शिष्यः स्वमेधया ।
पादं स ब्रह्मचारिभ्यः पादं कालक्रमेण च ॥ “

In Eastern philosophy there is a prominent quote carrying the essence of teaching learning method and reflecting the ways of gaining knowledge. This *sloka* insists that knowledge can be extracted from four sources: One fourth from the teacher, One fourth from own intelligence, One fourth from peer group and one fourth only with time.

Similarly, various approaches of teaching and learning include Cognitive Approach, Constructivist Approach, Social constructivism Approach, Behaviorism Approach and Liberalism Approach. The Cognitive Approach of teaching learning has its core in imparting knowledge and ideas to students. The term cognitive is derived from the Latin word *cognit* which means ‘to get to know or recognize’. Plato and Descartes⁹ are the philosophers who focused on the cognition¹⁰. Methods such as lectures, question answers, interaction, assignments are used to ignite the thinking process of the students. To maximize the thinking process and the level of understanding of the students is the goal of this approach.

The constructivist approach is based on the pedagogical research of Jean Piaget¹¹. The term constructivism is derived from the Latin word *construct* which means to heap up, to pile up or to spread¹². The word *constructive* in Latin means derived by interpretation not directly expressed but inferred¹³. This approach believes that knowledge is constructed by the learners themselves. Teachers may feed some information, ideas, theories and others which is useless unless the receiver/learner constructs with their own experience and preconceived base. This approach

⁸ Dr. Yubaraj Sangroula, Social Justice Jurisprudence of Clinical Education Program: A Paradigm Shift from Legal Education to Justice Education, *Jindal Global Law School Law Review*, Volume 1: 2, 2020.

⁹ *Mahabharata Udyoga Parva 44:16*

¹⁰ Etymological meaning of word Cognitive, Available at <https://www.etymonline.com/word/cognitive> , accessed on 3 August 2022

¹¹ For Plato, the crucial function of human cognition is to grasp truths. Explaining how we are able to do this is fundamental to understanding our cognitive powers. Plato addresses this topic from several different angles.

¹² The cognitive theory of Descartes emphasizes the importance of the mind in understanding human behavior and knowledge acquisition.

¹³ Five Educational Learning Theories, Available at <https://www.wgu.edu/blog/five-educational-learning-theories2005.html#close> ,accessed on August 2022.

infers that the development of learning process accelerates by engagement and action of the learner to progress for changes in mental operations.

Social constructivism approach was developed by cognitive psychologist Lev Vygotsky¹⁴. This approach believes that any sort of education is to prepare an individual to become a social being. In this approach of teaching and learning learner essentially assimilates in the society, with the experiential engagement in the events and activities of the society s/he learns. Education is society /community centric. Learning by self-engagement and with social phenomenon is the core of this approach. The theory states that language and culture are the frameworks through which humans experience, communicate, and understand reality.¹⁵ Social construction, learning not only the formal but also the informal aspect such as culture, values, norms, morality and attitude is thus essential in this approach. Hence society as a laboratory is a place of experiments and experience gaining in teaching learning process.

The theory of Behaviorism in a classroom derived from pedagogical research by *Edward Lee Thorndike*¹⁶. Behaviorist pedagogy believes the teacher should be the sole authority figure and leads the lesson. Learning is change of behavior that can be easily felt and understood by others. According to Thorndike there are major three laws of learning i.e. a) Law of Readiness, b) Law of Exercise, c) Law of Effect.¹⁷ Some additional factors that influence teaching and learning are: multiple responses, attitude, prepotency of element, analogy and associative shifting¹⁸.

Liberation approach is an important pedagogy approach developed by Brazilian educator, Paulo Freire¹⁹. In this approach of teaching learning students are regarded as the center of the teaching learning process, teachers are regarded as the liberator to provide excessive free environment for students and the choice and best interest of the students are applied. Role-play, simulation, problem solving, participating competitions are the methods of the study in this approach where students are centered. In this approach teachers as well as students need active participation in the teaching learning process. Unlike the traditional approach teacher is not the controller of the education rather teacher is the light guider to assist and direct students.

Thus, different education pedagogy approaches are a pool of crucial techniques that a teacher needs to adopt to enhance students' comprehensive skills and allow them to have a grip on practical affairs of the lessons. It is also exceptionally essential for teachers as well as it strengthens their teaching skills allowing them to be more than teachers: a leader.

¹⁴ Saul McLeod, Piaget's Theory and Stages of Cognitive Development, Simply Psychology, available at <https://www.simplypsychology.org/piaget.html>, accessed on 3 August 2022.

¹⁵ Etymological meaning of word Constructivism, available at [https://www.etymonline.com/word/constructivism#:~:text=constructivism%20\(n\),%3B%20see%20constructive%20%2B%20%2Dism](https://www.etymonline.com/word/constructivism#:~:text=constructivism%20(n),%3B%20see%20constructive%20%2B%20%2Dism) accessed on 3 August 2022.

¹⁶ *ibid*

¹⁷ Vera Idaresit Akpan et.al, Social Constructivism: Implications on Teaching and Learning, *British Journal of Education*, Volume 8:8, 2020, p.50.

¹⁸ *ibid*

¹⁹ Edward Lee Thorndike was an educator and Psychologist expert from America. He published some books such as: Educational Psychology (1903), Mental and social Measurements (1904), Animal Intelligence (1911), A teacher's Word Book (1921), Your City (1939), dan Human Nature and The Social Order (1940)

III. History of Nepalese Legal Education

The advent of formal legal education in Nepal dates back to 1905 AD (1962 BS)²⁰ with the establishment of Shrestha Pathashala which was an elementary school established with an aim to bring out experienced and trained lawyers and legal scholars in the country for the administration of justice in the country. Since it was an elementary school, it could not yield higher and proper level of legal knowledge. In 1954 AD (2011 BS), Nepal Law Campus (then Nepal Law College) was established to produce competent and educated human resource to meet the country's dire need of legal professionals. A two-year Certificate Level (*hereinafter* CL) program along with three-year Diploma in Law (*hereinafter* DL) was introduced in 1972 AD. These two programs were later renamed as Proficiency Certificate in Law (*hereinafter* PCL) and Bachelor's Degree in Law (*hereinafter* BL) respectively²¹.

From then, the route to modern legal education degree started to pave its way. Tribhuvan University's Faculty of Law introduced a three-year Bachelor of Laws (LL.B.) in 1996 AD. PCL was revoked in 1995 AD. BL was replaced by LL.B. In 1996 AD, Tribhuvan University introduced a two-year Master of Laws (LL.M.) program and the same program of three years in 2013 AD²².

Likewise, other universities started launching legal studies programs in colleges under their affiliation. Such as, Kathmandu School of Law (KSL), Chakrabarti HaBi Educational Academy (College of Law) and Bright Vision Law College were established under the affiliation of Purbanchal University. KSL offers a five-year B.A.LL.B. course and a two-year LL.M. course. So does Bright Vision Law College. Lastly, Chakrabarti HaBi offers a five-year B.A.LL.B. program along with an LL.M. course.

Altogether, till December 2023 AD there are 18 law colleges providing bachelor level legal education²³. It has just been a few years that the need of a legal education has been recognized in +2 (high school) level as well.

IV. Education Pedagogy in Nepalese Legal Education

Legal practice in any country in the world is vital as well as a sensitive occupation. To ensure and implement strong legal practice is a pathway to a powerful judicial administration in a country. Competent lawyers are only assembled if there is a well-built legal education pedagogy.

The report based on the national seminar on Legal Education organized by ICJ, Nepal in support of ICJ Geneva in Kathmandu²⁴ portrays that Nepal has adopted lecture-based system of education and continued same though new educational plan. It has insisted concerned stakeholders for discussion based and participation based educational system.

Nepali legal education system has been changed multiple times throughout these years and so has

²⁰ Available at [https://www.nlc.edu.np/#:~:text=Faculty%20of%20Law-,A%20two%20year%20Certificate%20Level%20\(CL\)%20programme%20and%20a%20three,year%20Bachelor%20of%20Laws%20\(LL](https://www.nlc.edu.np/#:~:text=Faculty%20of%20Law-,A%20two%20year%20Certificate%20Level%20(CL)%20programme%20and%20a%20three,year%20Bachelor%20of%20Laws%20(LL), accessed on 20 July 2022.

²¹ Ibid

²² Ibid

²³ Ibid (n.5).

²⁴ Ibid

the pedagogy. The practice of lawyers becoming teachers has existed for a long time, with that, the need of allowing students to practice law in mock-courts, role-plays, debates and discourse has also been recognized and such system in education has been implemented by numerous, if not all, law schools and colleges in Nepal.

Education techniques involve classroom lectures, presentations, research projects, term papers, mock practice in moot courts, visit to detention centers, visit to courts, lecture from experts and many more. Since classroom lectures are most prioritized, other activities are included as 'extra-curricular activities.'

V. Assessing and comparing the Legal Education Pedagogy in Tribhuvan University, Purbanchal University and Mid- Western University

The researcher conducted research of three universities: Tribhuvan University, Purbanchal University and Mid-Western University with regard to Pedagogy of legal education. The researcher reviewed the syllabus and course of study of the three universities. Three sets of questionnaires were designed for law school authority, law faculties and law students. One representative of administration, three faculties and five students from each university responded.

The indicators used while conducting the research are course coverage, curriculum, syllabus and lesson plan, pedagogy of education in theoretical subjects, pedagogy of education designed for practical subjects, pedagogy of clinical subjects, examination modality in theoretical subjects, examination modality in practical subjects, examination modality in clinical subjects and teaching learning environment. The findings of the research are presented below.

1. Course Coverage

The compulsory requirement of course coverage in legal education required for obtaining marks in given number of subjects is listed in the table below. The researcher categorized the subjects into three broad headings namely theoretical subjects, practical subjects and clinical subjects.

Clinical Subjects tend to incorporate field activity, field works, community service, legal literacy, observation visits and so on. Clinical subjects generally focus on experiential learning for students to develop certain legal culture, acquire soft skills as well as hard skills and test their achievement in real field.

Practical subjects include subjects with student's engagement and active participation such as drafting, moot court, trial advocacy, seminar preparation and presentation and so on. Practical subjects generally engage students for skill development and techniques formation.

Theoretical subjects are those subjects other than clinical and practical subjects where the engagement of teacher requires much. The theoretical subject needs focus on knowledge and idea formation among students. History, philosophy, doctrines, principles, provisions, perspectives, context, comparison and content are focused and the inquiry, analysis and discussion on the same is emphasized in theoretical subjects.

University	Total Credited Course Coverage	Credited Theoretical Course	Credited Practical Course	Credited Clinical Course	Non-Credited Course
Tribhuvan	3100 Marks (47 Subjects)	2500 Marks (37 Subjects)	450 Marks (7 Subjects)	150 Marks (3 Subjects)	1 Subject
Purbanchal	3700 Marks (45 Subjects)	3200 Marks (36 Subjects)	250 Marks (4 Subjects)	250 Marks (5 Subjects)	*
Mid-Western	5300 Marks (59 Subjects)	4150 Marks (45 Subjects)	700 Marks (7 Subjects)	450 Marks (7 Subjects)	*

2. Curriculum, Syllabus and Lesson Plan

Curriculum, syllabus and lesson plan are the initial indicators and precursor of the pedagogy to be applied in the respective subject. A subject teacher plans the overall delivery in his/her subject through the basis of syllabus prescribed and the lesson plan designed by him/her. In the research of three universities, it is found that lesson plan was not the compulsory and mandatory rather the comprehensive syllabus was enough for teaching and learning. In Kathmandu School of Law, affiliated to Purbanchal University, it had made the provision of lesson plan mandatory for respective teachers to produce before starting of the session.

Colleges affiliated to Tribhuvan University such as Nepal Law Campus, National Law College, Prithvi Narayan Campus have subscribed their teaching and learning to the clinical approach of learning. The five-year B.A.LL.B. course consists of diverse subjects along with subject options from 2nd Year onwards among which the students can choose the subjects they want to advance at. Optional subjects from 2nd Year to 5th Year include media law, international trade law, refugee law, gender and inclusive justice, socio-economic crime, forensic science, private international law, cyber law, population law and many more²⁵.

The three-year LL.B. program in Nepal Law Campus consists of compulsory subjects in its entire year of learning like jurisprudence, constitutional law, procedural law, law of contract, criminal law, public international law, evidence law, professional ethics and lawyering skills, interpretation of statutes. Besides this, the syllabus consists of optional subjects such as family law, media law, fiscal law, equity and torts, labor law, criminology, law of insurance, law of the sea and international rivers, victimology, clinical law and many more.

Purbanchal University also does have a meticulous legal education system and beneficial pedagogy. Colleges affiliated to Purbanchal University such as Kathmandu School of Law, Chakrabarti HaBi Educational Academy (College of Law), Bright Vision Law College provide five-year B.A.LL.B. program and two-year LL.M. program²⁶.

The five-year B.A.LL.B. program consists of heterogeneity of subjects from Arts and Law subjects like sociology, political science, general principles of law, general concepts of law, criminal law,

²⁵ Curriculum of BALLB Nepal Law Campus can be retrieved from <https://www.nlc.edu.np/> accessed on 20 July 2022.

²⁶ Revised Syllabus of BALLB Kathmandu School of Law can be retrieved from <https://ksl.edu.np/#> accessed on 25 July 2022.

constitutional law, public international law, professional ethics, advanced jurisprudence and others along with options between subjects like criminal law, international trade law, environmental and development law, water and river law and many more. Like other universities, Purbanchal University also enables students to explore the sects of legal domain of their preference.

Correspondingly, Kathmandu School of Law provides two-year LL.M. programs in four different courses like in Human Rights and Gender Justice, in Criminal Law and Justice, in Business and International Trade Laws and in International Law²⁷.

3. Education Pedagogy of Theoretical Subjects ²⁸

University	Lecture	Assignments/ Workshop	Seminar/ Presentation	Field Works/ Engagement Activity
Tribhuvan	75%-80%	20%-25%	-	-
Purbanchal	75%-80%	20%-25%	-	-
Mid-Western	70%- 75%	25% -30%	-	-

Traditional methods such as lectures, interactions and discussions along with assignments prevails on more focused cognitive approach of teaching and learning in most of the universities. Imparting knowledge and ideas to students is seen as primary concern with regard to theoretical subjects.

4. Education Pedagogy of Practical Subjects ²⁹

University	Lecture	Assignments/ Workshop	Seminar/ Presentation	Field Works/ Engagement Activity
Tribhuvan	40%-50%	40%-50%	10%-20%	
Purbanchal	50%	50%	-	
Mid-Western	40%-50%	30%-40%	10%-20%	

The core of practical subjects is to impart skills, techniques and strategies to students. In all universities practical subjects teaching learning again partially focus on lectures and then the assignments and workshops. Problem solving methods used as assignments help in utilizing constructivist approach of teaching and learning.

²⁷ Syllabus of LL.M offered at Kathmandu School of Law can be retrieved from <https://ksl.edu.np/assets/uploads/0edfb-ll.m-syllabusnew.pdf> accessed on 25 July 2022.

²⁸ Based on the responses received from the questionnaires, the data is presented in the table.

²⁹ Based on the responses received from the questionnaires, the data has been presented in the table.

5. Education Pedagogy of Clinical Subjects³⁰

University	Lecture	Assignments/ Workshop	Seminar/ Presentation	Field Works/ Engagement Activity
Tribhuvan		30%-40%	30%-40%	30%-40%
Purbanchal	10%	20%	20%	50%
Mid-Western	10%-20%	20%-30%	20%-30%	30%-40%

Clinical subjects' core is to impart knowledge, skills, arts along with professional conduct, social behavior and responsible individuals. These subjects strive to apply the approach of Behaviorism, Social Constructivism and Liberalism by having more focus on the practical application and learning by doing approach. The clinical approach provides a multitude of opportunities to the students to internalize the social, behavioral and liberal aftershocks of the knowledge rather than being confined with the letters and texts of the law in order to acquire right conduct, professional etiquette, social behavior. In all the universities there are some aspects of field works and engagement which helps to supplement the essence of education pedagogy in clinical subjects.

6. Subject-wise Education Pedagogy in the Universities During the Pandemic

University	Online Lecture	Online Assignments/ Workshop	Seminar/ Presentation	Field Works/ Engagement Activity
Tribhuvan	70%-80%	10%-20%	5%-10%	-
Purbanchal	70%-80%	10%-20%	5%-10%	-
Mid-Western	70%-80%	10%-20%	5%-10%	-

During pandemic situation all the universities' primary focus was on online method of teaching learning. Seminars, workshops, assignments and lectures all were performed in online mode. During the pandemic, the field works and engaged activity were failed to be delivered. Theoretical subjects were easily completed through online teaching and learning however practical subjects and clinical subjects were severely impacted and were nominally completed.

³⁰ Based on the responses received from the questionnaires, the data has been presented in the table.

7. Examination and Evaluation of Theoretical Subjects³¹

University	Internal Marks/ External Marks	Evaluation through Paper Submission/ Presentation	Evaluation through Activity/ Field work Examination	Evaluation through Other mode of Examination	Evaluation through Written Examination
Tribhuvan	60% External 40% Internal	30% Internal	-	10% Internal	60 % External
Purbanchal	80% External 20% Internal	20% Internal	-	-	80% External
Mid-Western	60% External 40% Internal	30% Internal	-	10% Internal	60 % External

Examination also indicates to some extent the nature of teaching learning an institution adopts and implements. Time bound written examination indicates education pedagogy to be with the approach of cognitivism thus, mostly focuses on the lecture interaction and discussion method.

Other modes of examination than time bound written examination focuses on pedagogy in lieu of approach of constructivism, social constructivism, behaviorism and liberalism as the students are evaluated with the knowledge and belief society, their understanding towards the practical application of law and other realistic premises.

Tribhuvan University and Mid-Western University offers only 60% external examination through time bound written exam and such exams focuses on the cognitivism approach whereas other 40% examination through other modes indicate application of pedagogy based on constructivism, social constructivism, behaviorism and liberalism approach. Purbanchal University offers 80% external examination through time bound written exam and focuses on the cognitivism approach. Only 40% examination through other mode indicates to apply pedagogy that reflects constructivism, social constructivism, behaviorism and liberalism approach.

8. Examination and Evaluation of Practical Subjects³²

University	Internal Marks/ External Marks	Evaluation through Paper Submission/ Presentation	Evaluation through Activity/ Field work Examination	Evaluation through Other mode of Examination	Evaluation through Written Examination
Tribhuvan	60% External 40% Internal	60% External		40% Internal	
Purbanchal	50% Internal 50% External	50% Internal		50% External	

³¹ Based on the responses received from the questionnaires, the data has been presented in the table.

³² The data has been presented based on the review of syllabus of the universities.

Mid-Western	50% Internal 50% External	50% Internal		50% External	
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The practical subjects of all universities are evaluated through submission of dissertation, term paper, presentation, project work, report, social work or other mode of examination. Examination through other modes indicates the application of pedagogy based on constructivism, social constructivism, behaviorism and liberalism approaches because this has the potential to adjust the values of the clinical legal education in their education.

9. Examination and Evaluation of Clinical Subjects

University	Internal Marks/ External Marks	Evaluation through Paper Submission/ Presentation	Evaluation through Activity/ Field work Examination	Evaluation through Other mode of Examination	Evaluation through Written Examination
Tribhuvan	60% External 40% Internal	60% External		40% Internal	
Purbanchal	50% Internal 50% External	50% Internal		50% External	
Mid- Western	50% Internal 50% External	50% Internal		50% External	

10. Supportive Resources/Programs and Environment for Pedagogy

University	Number of Teachers	Infrastructure (Classroom, board, seminar halls, playgrounds, Library, IT)	Co- Curricular Programs	Use of Technology and modern resources
Tribhuvan	Sufficient Faculties	Sufficient	Some	Sufficient
Purbanchal	Sufficient Faculties	Sufficient	Sufficient	Sufficient
Mid-Western	Less Full time Faculties	Not Sufficient	Very Few	Very Few

The pedagogy of legal education cannot be well enough in absence of the sufficient resources, infrastructure and equipment's. In Mid-western University there are only three full time faculties and eight part time faculties for the 53 Subjects to be taught which is not sufficient. Resources and infrastructure of Tribhuvan University and Purbanchal University are sufficient.

This shows the wide variety of subjects that students can freely opt to choose to excel. The options to pick a subject or few allow students to explore a multitude of facets in the legal

domain. Along with this, there are activities publications of research journal, availability of library, computer lab, medical facility, moot courts and so on. All Universities have resource of legal education and the education pedagogy is indubitably fine. The lessons are given via lectures, presentations, case law analysis, hypotheses, theories along with Socratic method of teaching (dialogues between teachers and students). The language used by teachers is both English and Nepali as it is essential to comprehend and express one's ideas in both languages to improve their thought process.

Regardless of the type of graduate program i.e. undergraduate or postgraduate, practical knowledge is encouraging for the improvement of students' potential. The Clinical Legal Education faculty organizes various practical programs like court visit, moot court, field visits to detention centers, report preparation on various social and legal issues, rural advocacy programs and so on. Furthermore, the Kathmandu School of Law also has a residential class facility where students stay for about 1-2 weeks each year and conduct community research works so as to make them cognitive about the society, we are living in. There is also the availability of an e-library which contains millions of textual resources.

11. Evaluating the Pedagogy Enshrined in Nepal Bar Council's Regulation Relating to Legal Education

The pedagogy enshrined by Nepal Bar Council is sanctioned through Education Regulation 2077³³. The Regulation aims to motivate the legal education structure and modality throughout the country in such ways that it produces able, moral and responsible legal professional. It requires the law schools to arrange and mobilize their pedagogy which yields lawyers who have the following qualities³⁴:

- Good knowledge of substantive as well as procedural law.
- Sound analysis of law, ability to argue logically and be able to research on various legal issues along with the promptness to present solutions.
- Have uncompromising morality towards society, country and profession.
- Possess quality practical skills to mediate, arbitrate, provide counselling; collect, analyze and present data, behavioral knowledge; must be able to write legal documents with accuracy and precision, management of conflict, understand the essence of teamwork.

The pedagogy laid down by the Council shall act as the bare minimum for the law schools to follow. It is the Council that decided a three-year LL.B. course any individual can peruse after completing undergraduate degree on any subjects other than law and a five-year B.A.LL.B. course after the completion of +2 level education.

The Rules have provided discretionary powers to the law schools to integrate and execute pedagogy of legal education of their suitability but they must incorporate the following contents in their bachelor law program³⁵:

³³ *Nepal Kanun Byabasaayi Parisad (Kaanuni Sikshya) Niyamaanoli, 2077* (Nepal Bar Council (Legal Education) Regulation, 2021), available at <https://nepalbarcouncil.org.np/en/downloads/> accessed on 1 August 2022.

³⁴ *ibid*

³⁵ *ibid*

- Professional accountability and professional ethics, values and responsibility.
- Legal research and analysis.
- Moot court, behavioral ethics and internship in a law organization.

There is also a provision mentioning certain criteria that law schools must possess, given that they do not have their own Acts and/or Rules. The criteria are³⁶:

- Establishment of a Faculty Board containing qualified individuals.
- A non-biased, strict, discrete and limited Examination Control Board.
- Permanent and part-time teachers in the ratio of 1:5.
- A skilled teacher of Clinical Legal Education.
- A library that consists of relevant books, journal articles, journals and other textual resources.
- A well-organized e-Library.

The curriculum of legal disciplines shall be arranged in either year system or semester system. Languages used to teach shall be English and Nepali. The educational institutions shall use the latest technology to dispense knowledge. The attendance of students must be at least seventy-five percent out of total working days. All the existing law schools and those which will be established in the future are and will conform to the Rules sanctioned by Nepal Bar Council. Moreover, there is also a Legal Education Committee³⁷ which supervises and penalizes law schools, should they deviate or violate these established standards.

12. Effect on Pedagogy of Legal Education during COVID-19 pandemic

The worldwide pandemic caused by COVID-19 in early 2019 and early 2020 hammered a rigorous crisis in the education sector throughout the world. Countries around the world had to enforce a mandatory lockdown to contain the spread of Covid-19. Due to this reason, the education modality in our country and even around the world was switched to online medium, i.e. via conference calls. In Nepal, the educational institutions were compelled to adopt online medium, web applications and conference call software to regulate and for better functioning of teaching and learning. Law schools of Nepal too had to switch to online applications such as Zoom, Microsoft Teams and Google Meet to continue education. University Grant Commission of Nepal issued guidelines for the regulation³⁸ of the online classes for higher education.

The form of educational pedagogy was limited to verbal communication between teachers and students; online presentations and interactions, online research and data collection and such. Basically, all activities were to be done via computer and electronic gadgets with the help of internet. Students were evaluated by their attendance in online conference; their participation in class discussion and submission of their assignments online. To understand simply, only textual curriculum was feasible to teach and learn during this time.

³⁶ ibid

³⁷ Available at <https://nepalbarcouncil.org.np/en/legal-education-committee/> accessed on 1 August 2022

³⁸ उच्च शिक्षामा वैकल्पिक प्रणालीबाट शिकाइ हिजीकरण निर्देशिका, २०७७, विश्वविद्यालय अनुदान आयोगबाट स्वीकृत मितत २०७७।०३।१९

This modality made it a lot easier for students who could afford sophisticated gadgets and a stable internet connection but it was no less than a nightmare and injustice to those who could not. It was an ironic chapter in every person's life who were associated with law and legal realm as we immensely failed to include students of every economic background due to immobility and unavailability of resources. The students faced series of problems in managing and acquiring resources required to attend teaching and learning activities conducted through online and/or virtual mediums. These problems include availability of internet services, gadgets that run internet and required apps, etc. The libraries were closed thus prohibiting in-person visit to the library at colleges and students were redirected to using the e-library portals.

Practical activities like court visits, in-person moot court practice, visit to detention centers were restricted temporarily to control overcrowding. These activities had to be shifted a few months further which also caused irregularities in the regular flow of teaching schedule. The arrangement of the missed tasks was difficult while also incorporating the regular work.

Thus, pandemic had an immense impact on the regulation of legal education. This also sparked a new idea called 'pandemic jurisprudence' as a new philosophy to deal with legal problems that arise due to pandemic in different facets of society.

13. Post Pandemic Situation and Legal Education

In late 2021, the world began to function 'normal' after the pandemic. Schools started to reopen with imposition of mandatory regulations of using masks and sanitizers and ensuring social distancing between individuals. Law schools strictly maintained these rules when they decided to reopen.

Students started attending schools and the regulation of newly introduced curriculum commenced as per planned. This crisis made everyone, especially people associated with law, realized that the necessary laws were lacking for this kind of situation as we had never faced such crisis before. Legal scholars started deliberating the solutions, plans and policies to tackle such issue should they ever occur again. Immense arbitration was seen in TVs and heard on radios where a multitude of opinions poured down. The legislators were pressurized upon the creation of laws for such episodes.

People also learned about various crimes and injustice during the crisis regarding economy, good governance, revenue and so on. This begged the need to strengthen the laws along with their implementation. The entire technical sector in the country required a contingency strategy to run their business should the crisis hit us again. The aim is to not get disturbed at doing one's work even if things are going bad outside.

The 'pandemic jurisprudence' emerged as a noble philosophical conception, primarily developed by the court, to address problems and situations during the pandemic which the law fails to address them. Talking about the regular pedagogical curriculum, visits to different administrative, judicial and corrective sectors such as ministries, courts and detention centers have been continued.

A good thing that may have happened in these years is that alternative solutions to regular problems have been identified. Now people have resources to conduct their livelihood from their homes using gadgets and internet. The jobs which required physical presence of people got adjusted to remote presence of people to their homes. Similar is the scenario with educational

institutions. Law schools have started organizing e-programs regarding various legal matters and issues such as online seminars on recognition of rights and duties; online deliberation on contemporary legal and sociological matters; lectures or speeches from experts of legal domain and so on. These extra-academic opportunities have broadened the horizon of usage of present technology to disseminate knowledge regarding law of the nation.

VI. Necessity felt for revisiting Legal Education Pedagogy

The Supreme Court of Nepal has established guidelines about pedagogy of legal education in the historic case of *Yagyamani Neupane v. Tribhuvan University et. al.*, which is about the dispute regarding the quota of LLB Students in the Nepal Campus. Though the writ was dismissed, the Supreme Court made a marvelous observation on different facets of legal education³⁹. Justice Dipak Kumar Karki and Justice Hari Phuyal have penned this case that emphasized the importance of standardizing the academic calendar in legal education. The University Grants Commission, Nepal Bar Council, law schools, and other concerned state authorities have been suggested to conduct the necessary research and study to ensure the best teaching methodology, including doing research on whether semester system or annual system should be opted, giving professors autonomy to design the courses, adopting the Socratic method of learning, enhancing communication, reasoning, and encouraging group activities, critical thinking skills, and motivating social interaction among law students. In this way, the liberalist approach to education can offer the best means for law students to perform their best without the need for traditional teacher lectures. The social constructivist approach will assist the students too in the highs and lows of the current social atmosphere. The court has tried to establish that law is a specialized and technical subject and need as much focus as other fields of study. The case law also largely delves into the economic factors of legal education. The cost of legal education determines legal profession and its quality.

Nepal lacks the number of qualified legal personnel as reflected in the *Report on Reform and Review in Legal Education, 2077*⁴⁰, which was produced by Tribhuvan University under the headship of Senior Advocate Purna Man Shakya. Skilled legal manpower cannot be produced without making the legal education more realistic, practical, modern, and time-tested. This justifies the essence of constructive approach of educational methodology in legal education.

*The 15th National Five-Year planning*⁴¹ (2076/77-2080/81) has aimed to revamp legal education to make it community-responsive. This also guides the authorities to bring legal education beyond the four walls of theoretical and doctrinal information. In order to achieve the goal of national planning, social constructivism should be strongly emphasized in law schools. This will help inject legal knowledge to provide insights into the process of society-building.

*A Report on Legal Education in the Developing Countries, 1975*⁴² published by International Legal Center, has urged that law school can provide critical intellectual guidance and assessment to cultivate

³⁹ *Yagyamani Neupane et. al. v Tribhuvan University and others*, NKP 2078 (2021), Volume 8, Decision no. 10715.

⁴⁰ Purna Man Shakya, *Report on Reform and Review in Legal Education, 2077*

⁴¹ *The 15th National Five-Year plan of Nepal (2076/77-2080/81)*

⁴² *A Report on Legal Education in the Developing Countries, 1975* published by International Legal Center

legal culture in the society. *The Report of the Working Group on Legal Education, 2007*⁴³ published by National Knowledge Commission of the India has also confirmed that legal education must be socially engaged. The legal education programs must expose the law students to the problems of society that will sensitize the law students to issues of social justice. This means that the teaching pedagogy should consider the broader picture of the society in its orientation rather sinking to the dead letters of the text.

VII. Analysis and Conclusion

The legal educational pedagogy in Nepal is robust, having a distinct aim to produce skilled and able lawyers to tackle the ever-rising legal challenges of the country. The curriculum laid down by various universities requiring the usage of numerous kinds of technology to boost up student-teacher teamwork is fixated to promote rapid and quality progress of law students whose legal skills are recognized as paramount to solve diverse sociological and legal issues in the country.

The fact in most of the schools and colleges is that practicing and experienced lawyers teach various legal subjects proves quite advantageous for students as their legal knowledge and legal practice can be juxtaposed, allowing students to look into legal realism of the country and of the world. The knowledge regarding the real environment of the legal domain is necessary for students to learn. This enables them to contrapose the doctrinal knowledge with legal reality.

It was recognized that the traditional practice of classroom lectures hardly contributed to all-round development of law students. Therefore, it was crucial to diversify the teaching-learning modality in educational institutions. The endeavor to adopt latest and modern equipment to polish students' comprehension and rationale is being well taken under control. Universities in Nepal like the Tribhuvan University, Purbanchal University and Mid-Western University have, to some extent, superscripted this trend and the results are less satisfactory.

The trend that is yet to be promoted is the culture of introducing law students to legal realism through experienced lawyers, judges, legal scholars and experts in the relevant fields. If this is regularized instead of operated on some particular days, students would catch the grip of legal issues from a personal and professional bases which would enable them to deliberate the facts, decision, environment and other aesthetics of the case with their own philosophies and rationale.

The inevitable occurrence of public crisis has also been a matter of concern. It is decisive to have a contingency plan to regulate and execute the established curriculum even in those times should such crisis ever strikes the world. This has also taught people the new ways that life and education can be carried on and most importantly, it appears to have set a burden on legal scholars, legislators and experts to come up with viable laws, plans and policies to assure smooth functioning of sectors.

Curriculum, Syllabus and Lesson Plan are the initial indicators and precursors of the pedagogy to be applied in the respective subject. A subject teacher plans the overall delivery in his/her subject on the basis of syllabus prescribed and the lesson plan designed by him/her.

⁴³ National Knowledge Commission, *The Report of the Working Group on Legal Education, 2007*

Traditional Method such as lecture, interaction and discussion along with assignments prevail which are more focused on cognitive approach of teaching and learning. Modern method of education pedagogy incorporates practical subjects as well as clinical subjects. The cores of practical subjects are to impart skills, techniques and strategies to students. Problem solving method used as assignments helps in utilizing constructivism approach of teaching learning. Clinical Subjects core is to impart knowledge, skill, art along with professional conduct, social behavior and responsible individual. These subjects strive to apply the approach of Behaviorism, Social Constructivism and Liberalism in order to acquire right conduct, professional etiquette, and social behavior.

Examination also indicates to some extent the nature of teaching learning an institution adopts and implements. Time bound written examination indicates education pedagogy to be with the approach of cognitivism thus mostly focuses on the lectures, interactions and discussion-method. Other modes of examination than time bound written examination focuses on education pedagogy to be with the approach of constructivism, social constructivism, behaviorism and liberalism.

There has been the implication of the traditional educational pedagogy and also the modern educational pedagogy. Educational institutions are striving to shape the educational pedagogy that suits the new normal situation in the present context. Pandemic has taught all humankind a lesson; to always have alternative to the regular ways of life. Online mode has limited teacher and student to closed room with modern device and technology to roam around the globe at the notch of fingertip. Both challenges and prospects are begotten by the pandemic. Access to the whole world being in a close room is beneficial on one hand but it is also undeniable that minus experiential learning and engaged learning in the legal regime one cannot be a professional lawyer. It is now time to revisit and reshape the pedagogy of legal education in new circumstance and changing context.

Nepal Bar Council a regulating body for law professionals has initiated to ensure quality and professional legal education through the Education Regulation, 2077 which has provided the basis of the standards to be followed by the law colleges. This regulation is directed for standardized curriculum, examination, academic environment, theoretical as well as practical subjects and clinical subjects.

During the pandemic education pedagogy was limited to traditional method of online lecture, interaction and discussion. The students were deprived of field works, social works, and experienced and engaged learning. In this post-pandemic situation, there has been a significant series of efforts to regulate the things the way they used to be but in a much better and efficient way. In the upcoming days, the development in legal educational field is clearly ancillary.

As the governing body, the Nepal Bar Council should take the initiative to rigorously investigate whether or not the law schools are adhering to the *Legal Education Regulations, 2077*, as the indications are not satisfactory. It is a sad fact that, in contrast to its neighboring counterparts, the Nepal Bar Council solely cares about distributing advocate's certificates, with little regard for legal education. The Nepal Bar Council must thus grasp the fact that it is the parent organization of both today's legal professionals and tomorrow's potential lawyers. The Nepal Bar Council must thus grasp the fact that it is the parent organization of both today's legal professionals and tomorrow's potential attorneys. If the council, working with other members of the legal community, organizes special programs like internships, discussion series, interactions, moot

courts, and clinical activities aimed at improving professionalism and lawyering in law students, the practical approaches under the constructive, social constructive, and liberation approaches can flourish institutionally well.

Aftermath the Covid pandemic, the use and application of the online media has unexpectedly heightened that was never imagined before. This shift has brought the different facets of legal education under the online media but with many potential challenges. Though the lecture-based classes seem satisfactory, the practical and clinical learning is abruptly missing. In this veracity, special kind of software application and technological advancements can be preferred for which the legal-cum-technological minds have the big responsibility to come with novel innovations. For an instance, there has been a mobile application developed to assist students in preparing their university entrance examinations.

As a result, the transition in legal education from clinical to textual instruction as a result of the COVID pandemic offers a serious threat to the possibility that elements of justice, ethics, and social responsiveness will be lost. The aforementioned issues have had a severe impact on at least three batches of law students. This calls for the responsible authorities to take a proactive approach to revisit the educational pedagogy in the light of the current expectations placed on the subjects of legal professionals.