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# ROLE OF CURRICULUM DESIGN IN EFFICACY OF LEGAL EDUCATION

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**“Learning takes place through the active behavior of the student: it is what he does that he learns, not what the teacher does.”**

*Ralph Tyler*

## Introduction

Time is changing very fast with the globalization, privatization and liberalization. This change has added new dimensions in every sphere of life and academic institutions are not exceptions. Education had become a critically important aspect of social and economic development. Neo-liberal economic reforms have seen an expansion in the role of the private sector in education<sup>1</sup>. With this reform, there has been a sudden and significant change in approach to higher education in recent years. It has been realized that if India wants to get benefit from neo-liberal reforms there should be a knowledge society.

In order to build that knowledge society, strengthening of the institution of the higher education is a condition precedent. Therefore, institutionalization of education system underwent a massive change to offer desired socio- economic development by imparting knowledge and skills. What sets of knowledge and skill in higher education is required to be offered has drastically changed with the change in time and this change is still in progress. With the changing demands of the global market, academic institutions offering higher education are focusing on innovative means and methods of teaching. In the process of this innovation, curriculum design and its innovation is in the categories of must to accommodate changing demands and aspirations of higher education.

The purpose of this paper is to understand the curriculum development and delivery of content to achieve learning objective by the cumulative efforts of students and teachers.

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<sup>1</sup> Jandhyala B G Tilak, Higher education Policy in India, Economic and Political Weekly, March 31, 2012. Vol. 47, No. 13, pp. 36-40.

## **Expectations from academic Institutions offering law courses in 21<sup>st</sup> century**

The 21<sup>st</sup> century is the age of digitization, which has resulted into closely inter-connected world. In this changing world, law profession is becoming borderless profession and expectation from the law student is that they should be capable to provide solution to the domestic and global legal problems. In other words, students are supposed to acquire global competency. In order to build this capacity in law students, institutions providing law degrees requires adopting new strategies. For this internalization of some innovative changes in their curriculum of law courses, it is important to train students to excel in the complexity and diversity of borderless legal profession<sup>2</sup>.

Curriculum offering legal education in this century should be based on student centric approach and outcome based teaching and learning (OBTL). OBTL has the capacity to suggest practical ways to maintain standards of education and improve the quality and experience of teaching and learning. To bring desired changes in academic climate, ours curriculum needs to be proactive, forward looking and global<sup>3</sup>.

## **Indian Legal Profession**

The Indian legal profession is one of the largest in the world, with over 1.4 million enrolled advocates nationwide. The estimated total value of the Indian legal market is approximately \$ 1.3 billion. The legal profession in India has gone through transformation since its inception and this process is in continuation.<sup>4</sup> In India parliament has constituted statutory body, Bar Council of India (BCI) under Advocates Act, 1961. Section 7 of the said Act, BCI is endowed with the responsibility to promote legal education and to decide the standard of the legal education. Universities can only offer law courses once they get the recognition from the BCI (Act & Councils, 2008). Since year 2010, even after acquiring law degree from the recognized universities, another exam conducted by BCI, bar council of India exam is necessary to authorize the law graduates to practice law in any court.

BCI laid down the list of core subjects to be offered by the University, no of credits to be

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<sup>2</sup> Kim, R. (2018). Globalizing the law curriculum for twenty-first-century lawyering. *Journal of Legal Education*, 67(4), 905–948.

<sup>3</sup> Kim, R. (2018). Globalizing the law curriculum for twenty-first-century lawyering. *Journal of Legal Education*, 67(4), 905–948.

<sup>4</sup> <https://www.uanet.org/en/actions/overview-legal-profession-india>, (Last visited on 15/6/2021)

offered, subjects that can be offered as elective subjects and so on. Therefore, university offering Law courses are supposed to comply these guidelines while developing curriculum and setting standards to be achieved at institutional level particularly for law programs.

### **Constructive Alignment**

To build desired skills and competencies of the global standard in a law graduate, comprehensive, multidisciplinary and aligned planning of curriculum is desired. Planning to build up a desired graduate profile, it needs to be broken down and spread throughout the program, keeping students' level of learning and overall vision of the institution. This breakdown of the planning is required at three different levels: university level, program level and at the level of module. In addition, another important thing is required to be done, that is alignment of these planned outcomes at different levels. To do this task, understanding of the concept of curriculum, and constructive alignment is necessary for academicians.

### **What is curriculum?**

The origin of the word curriculum was from the Latin word, '*currus*' which means to run a race. In the process of running race, a learner encounters many experiences. These experiences may be formal, informal, planned or unplanned but contributes in producing specific traits in human beings. In the course of race, students may face obstacles, difficulty, and they are in want of assistance of experienced person. This narration gives a clear picture that students should be at the center, while framing curriculum.

Curriculum as per the dictionary meaning, all the courses given in a college or a particular course of study of one subject.<sup>5</sup> According to David Prideaux, the curriculum represents the expression of educational ideas in practice<sup>6</sup>. Today the definition is much wider and includes all the planned learning experiences of a school or educational institution. Curriculum may be defined as a planning, blue print, through which an instructor makes advance planning about the module: what to teach; how to teach; what objective will be achieved; how to ensure that achievement and so on. Curriculum designing always depends on the understanding and belief

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<sup>5</sup> Cambridge Dictionary available at <https://dictionary.cambridge.org/dictionary/english/curriculum>

<sup>6</sup> ABC of learning and teaching in medicine, Curriculum Design by David Prideaux, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1125124/> (last visited on 17/6/2021)

of the instructor about teaching learning theories<sup>7</sup>.

Curriculum design is inter linked with education in formal set up. Curriculum is a mirror, through which one can know the vision of any academic institution offering higher education. In a detailed understanding, curriculum is an academic map, which contains three component, knowledge and skills students are expected to learn, teaching and learning methods to introduce the learners with expected knowledge and skills and details about assessment and evaluation<sup>8</sup>.

Curriculum is a planned and structured document contains details in a systematic manner all three components as stated above and alignment of the various component. Curriculum helps both the instructor and learners. It helps the instructor to be on track and certain about the possibility to achieve the learning objectives by implementing the planned curriculum. And for learners as they turns to be an informed learners, where they have the details of the unit wise contents; assignments, projects and other assessment tools along with compulsory reading and detailed reference material and the objectives to achieved at the end of the semester. However, all stakeholders should consider this fact that curriculum in order to be relevant and useful must be responsive, progressive and dynamic in nature<sup>9</sup>. For me Curriculum is meant to determine about some fundamental questions. These are what is intended to be achieved by learners, what means and the instructor to engage learners in intended learning and how the instructor assesses the learners understanding and learning will use methods.

While designing a curriculum, concept of student friendly learning environment, student centric approach, avoidance of blaming approach and outcome based learning model are relevant. In this 21<sup>st</sup> century the traditional model of teaching, in which teachers are supposed to transmit the information to the students and students are supposed to receive and retain that information to reproduce the same in written examination is no more relevant. Because, information is already available to the learners in this digital age. However, in this changing scenario teachers' role are becoming more vibrant and dynamic.

In order to motivate the students for learning they are supposed to convince the students what benefit they will get in terms of employability. In other words, teaching and skills what an instructor is planning to offer to the students should be beneficial to him and it should be

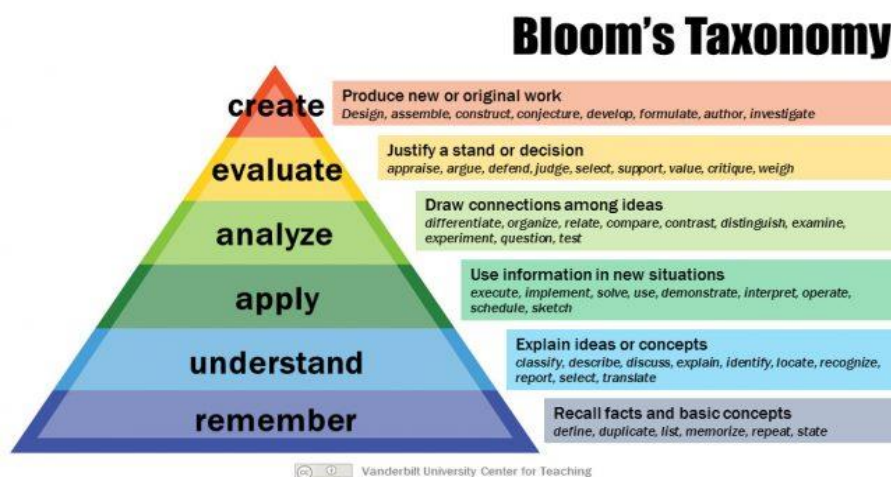
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<sup>7</sup> Professor Grace Chibiko Offorma, Approaches to curriculum development, Chapter- 6 , University of Nigeria P. 77

<sup>8</sup> Glossary of education reform, available at <https://www.edglossary.org/curriculum/> (Last visited on 17/6/2021)

<sup>9</sup> Pillai, S. S. (2005). Curriculum Design and Management. *Journal of Workplace Learning*.p. 3

reflected in a clear manner through the curriculum. To make this reflection possible, learning outcomes are required to be determined in the curriculum. In addition, teaching and learning methods adopted by the instructor should be in such a way those students are going to be engaged in intellectual activity where sometimes by individual efforts or sometimes with joint exercise, they are going to earn that knowledge and skills. In new model of learning students should be given the stake to contribute in acquiring new knowledge. Here the Bloom's taxonomy is relevant to be mentioned, where an instructor is needed to be specific about the verbs what they are choosing while formulating learning outcome<sup>10</sup>. An instructor needs to be clear about that curriculum that what should be offered for deep learning instead of surface learning to the students. A learning where students can be aware about the existing knowledge and able to apply that knowledge in the given facts and situation and even construct new knowledge based on their understanding and logics<sup>11</sup>.



Blooms taxonomy contains verbs, which is relevant and must have their mention in all modules irrespective of the level to which the module belonged to. However, in early level of the programme the verbs used in the lower level may be in larger proportion and vice versa in case of advance level.

New Education Policy 2020, emphasized on the multidisciplinary approaches, and integration

<sup>10</sup> Mary Forehand, Blooms' Taxonomy- Emerging Perspectives on Learning, Teaching and Technology, available on <https://www.d41.org/cms/lib/IL01904672/Centricity/Domain/422/BloomsTaxonomy.pdf> (Last visited on 16/6/2021)

<sup>11</sup> Moon, J. A. (2007). Review of Learning journals: A handbook for reflective practice and professional development. *Review of Learning Journals: A Handbook for Reflective Practice and Professional Development*, 37(2), 114–116.

of innovative methods while assessing the performance of the students. Curriculum designing is expected to offer innovation and life long experience instead of heavy content driven<sup>12</sup>. The logic of this change in approach is to prepare the students to be professionally fit and personally strong to face the challenges and crisis in a strong and undefeated manner<sup>13</sup>.

An instructor while framing a curriculum have to take into account multiple factors: all stakeholders, Universities' vision and policy, cultural background of the learners, learners' level of learning and so on. In order to do this job effectively, lots of understanding about the subject and pedagogy is required. This comes with experience and with the commitment and dedication on the part of the learners. In modern age of education, various component of the curriculum is required to be aligned in a constructive manner.

### **Constructive alignment**

Constructive alignment is a design for instructor, which contains what intended students should learn and how the learners express their learning. All these details stated take place before teaching. If we trace the history of this concept, sixty years ago Ralph Tyler proposed the essential ideas of constructive alignment<sup>14</sup>. Constructive alignment is based on the concept of theory of constructivism. As per this theory, learners are encouraged to construct their knowledge. It is 'constructive' because it encourage learners to construct knowledge by their own activity. Focus of constructivist theory is that it is more important what the student does instead of what the teachers does.

The 'alignment' in constructive alignment is meant to reflect the learning activity with the use of verbs in the intended outcome, which is required to be activated in the teaching learning process in order to achieve the outcome. Apart from that in constructive alignment assessment task is used to verify the fact that outcome in fact has been achieved or not.

As per Tyler, most useful way to formulate curriculum objectives is to express them in such a way that identifies both the kind of behavior to be developed in a learner and the context in which this behavior is to operate<sup>15</sup>. This way of formulation based on the idea that what

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<sup>12</sup> [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf) (Last visited on 17/6/2021).

<sup>13</sup> *National Education Policy 2020 Government of India.*

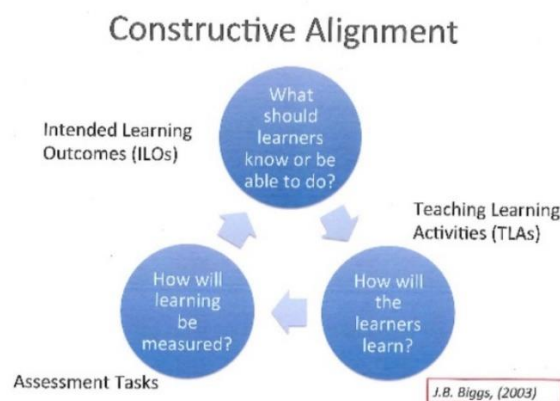
<sup>14</sup> Biggs, J. (2014). Constructive alignment in university teaching. *HERDSA Review of Higher Education*, 1, 5–22. <http://www.herdsa.org.au/wp-content/uploads/HERDSARHE2014v01p05.pdf>

<sup>15</sup> Biggs, J. (2014). Constructive alignment in university teaching. *HERDSA Review of Higher Education*, 1, 5–

students are able to do with the concept they have learned, to put that content to work in some way: to solve problems, to construct hypotheses, to apply to particular situation. So here, some verbs have been used: problem solving, hypothesize, apply, and explain and so on. Here teaching task is to encourage students to engage in learning activities to activate these verbs. In addition, throughout this learning process teachers are supposed to alert learners to weak points in a constructive way and to give them fair chance for improvement. However, at the end teacher's job is to judge learners that how well they carried out the performance. For this teaching design, an operational framework is required:

- 1) Intended learning outcomes (ILOs) for the module/course, using one or two verb to denote each outcome.
- 2) Creation of student centric learning environment by using teaching learning activities to activate the stated ILOs.
- 3) Use of assessment tasks, both formative and summative to judge to what extent intended outcomes have been achieved.

Therefore, in the student centric teaching design, the verb used in the ILO works as a common link to establish alignment between the ILO, teaching learning activities and the assessment task. Here we may refer the diagram of constructive alignment given by J.B. Biggs.



### National Education Policy 2020:

The national education policy (NEP), 2020 is a momentous improvement over the 1986 edition, as it takes into account the changes that have happened in the country since the 1991 economic reforms, as well as the competitive global background that requires the country to align its

22. <http://www.herdsa.org.au/wp-content/uploads/HERDSARHE2014v01p05.pdf>

educational policies to meet the needs of the global scenario. However, there is concern regarding the implementation of the objectives of NEP and its adequacy to carry the desired reforms in legal education.

According to the NEP, no professional education institutions can be unconnected and must be turned to multidisciplinary institutions. This policy document highlighted the requirement of multiple support to the universities from the government. However, in present scenario, Universities are facing the problem of lack of supports and resources to adopt to the global standards. This step will require state governments to provide financial support and assist these institutions in acquiring the required infrastructure to become multidisciplinary universities. A multi-disciplinary institute should allow law students to connect with students and academics from other discipline fields, allowing them to build a more varied understanding of the law.

It also mandates that technology be utilized to ensure that justice is delivered on time. The policy also advocates multilingual law instruction in state universities, based on local language usage and experience in local courts. While it may be favorable to a student who is studying at an NLU in her area, it does not account for students who may be taking admission in different states. Moreover, another important step to accomplish this reform stated in NEP is to make legal education more accessible and facilitate students to study law in their own cities instead of compel them to rush in larger cities therefore law books and study material needs to be translated in local languages.

NEP emphasizes the need for the establishment of National Research Fund to support research in higher education institutions. This may be the good initiative to begin with particularly by private universities running law courses. Privatization of education brings opportunities but there is need for regulation of private institution to ensure to quality. Therefore, private institutions are required to keep in mind the credibility, certainty and accountability in administration and courses they offered. Furthermore, Paragraph 10.3 of the NEP provides for the establishment of an autonomous degree-granting college (AC), which concentrates on undergraduate teaching and degree but is not restricted to that. While this appears to be a positive step, it may result in the increase in the number of colleges and the arbitrary use and exploitation of institutions in the absence of regulations. However, if implemented properly then turns to be a good means to ensure inclusive education.

These suggestions for the improvement of quality education can be begin with advance



curriculum. Therefore, the understanding about the importance of curriculum and its component is the need of the hour. Since this initiative can be started with the existing infrastructure and set up with little training and awareness.

## **Conclusion**

Requirement and emphasis of the institutions on graduate attributes and learning outcomes to enhance the employability of the learners as per the global standards. Enhancement of the teaching qualities is a major concern. For enhancing the quality of teaching, major teaching reform at all level is required. However, advancement of curriculum and teaching and learning practices could be a most feasible way to begin. As stated by Biggs Teaching is a multi-layered ecosystem. To make this ecosystem healthy and progressive support of all the stakeholders are required. In this context, internalization of innovative teaching methods aligned with intended learning outcomes are a good start to replace the traditional model of teaching into advanced learning model based on student centric and deep learning approaches.