
**EFFECTIVE TECHNIQUES FOR TEACHING ABOUT
OTHER CULTURES AND LEGAL SYSTEMS**

**BY
PROFESSOR (DR.) GURJEET SINGH
RAJIV GANDHI NATIONAL UNIVERSITY OF LAW
MOHINDRA KOTHI, THE MALL,
PATIALA - 147 001 (PUNJAB) INDIA**

That the Indian Legal System (ILS) is primarily a Common Law based system is perhaps the first lesson that is taught to the students who seek admission to the LL.B. Course in a Law School or in a Law Faculty across the country. Once again, this is perhaps the only lesson that continues to be taught to a law student for three or five years respectively depending upon the stream that he/she has joined.¹ Nothing more, nothing less. At best, while teaching the subjects like Administrative Law and Constitutional Law, the teacher teaching any one of these subjects does give some examples thereby comparing the principles, policies, conventions and institutional arrangements in the United Kingdom and in India. To my mind, quite honestly, a student seldom learns anything worthwhile except learning a few things like the British Constitution is an unwritten constitution and everything is based on conventions or at best the Indian Parliamentary System is based on the British Parliamentary System and further

¹ In India, we have two major streams of professional legal education, that is, the traditional **Three Year LL.B. Degree Course** and the **Five Year B.A., LL.B. (Hons.) Integrated Degree Course**. I may add here that the latter course is being run in twelve National Law Schools as well in some of the law faculties in their separately established law departments.

that the concept of 'Rule of Law' is primarily linked with the name of a British Professor A.V. Dicey. Lastly, that the Common Law System is perhaps the best legal system in the world as most countries follow this particular system in its entirety. While I was a LL.B. student, atleast I did not learn anything more than that in the class room with respect to other cultures legal systems. Most often my queries to my learned teachers invited ridicule or at best some frowns. Quite honestly, the practice continues till date.

However, when I joined as a law teacher, I desired to go little further than the most-often repeated statement that "the Indian Legal System is primarily based on the Common Law System." Though the subjects like Administrative Law and Constitutional Law were not my areas of research, I tried to read and then inform my students about other cultures and legal systems. And quite surprisingly that also evoked sharp interest in the minds of the young learners. To my mind, when a class teacher, while teaching a particular subject or a particular topic, paints a comparative picture, students show lot of interest. Let me go in little more detail in the context of the Indian legal system in particular.

As a matter of fact, Indian civilization and Indian legal system have multi-dimensional facets that have inherited in themselves the glorifying aspects of many civilizations and legal systems. Cultural diversity spreading across the Indian boundaries makes our legal system as one of the most unique systems in the world. As mentioned above, though the Indian legal system is primarily a Common Law based system, however, the system carries within itself some of the distinct features of different religions and cultures existing in our country.

There is no denying the fact that teaching Indian law involves a creative blend of comparative teaching as many Indian laws owe their origin to the laws prevailing in other countries and jurisdictions. And I have no hesitation to say that a teacher who does not teach his/her subject by way of making a comparative analysis of the various provisions of law, then he/she is not doing justice with the subject.

As I recount my personal experiences, the first subject that I was asked to teach, when I joined as a young lecturer way back in the year 1986, was the Law of Contract. As is well known, the *Indian Contract Act, 1872* owes its origin to the principles of the English law of contract. As a student of the law of contract, one thing was amply clear to me that in order to teach law of contract in a classroom, the provisions of the English law of contract had to be referred to quite frequently and that the same were to be followed by discussion of some of the prominent cases decided by the House of Lords in England. Therefore, besides referring to the various decisions of the House of Lords, I always made almost each one of my students know about the significant contribution made individually by the distinguished English judges like Lord Justice Denning, M.R., Lord Justice Bowen, Lord Justice Peacock, Lord Justice Esher, Lord Justice Pollock, and Lord Justice Diplock. I also used to discuss with my students of contract law that how the path-breaking decisions pronounced by these far sighted judges-cum-jurists paved the way for development of the law of contract in England and how those decisions also enabled the courts in India and some of the distinguished judges in India to pronounce identical decisions thereby leading to the development and growth of the law of contract. Thus my first experience taught me the importance of having knowledge of other legal systems as an effective technique beneficial for law teaching in India.

During the span of twenty years as a law teacher, I also got the opportunity to teach the subjects like Administrative Law, Company Law, Consumer Protection Law, Human Rights Law, Information Technology Law, Law Relating to International Organisations, Partnership Law, Public International Law etc. etc. And every time I went to the class, there was one thing or another in my armory to make a comparative study of the provisions with the ones available in the statutes of the other jurisdictions and I must say that the same evoked a deep interest in the minds of my students who in turn used to cite many more examples that they had read themselves or even had heard from their seniors or

from some of the other teachers. That not only made the environment in the class more interesting, interactive and lively, it also propelled both me as well as some of my bright and inquisitive students to read and learn more about other cultures and legal systems.

One of the most important areas of study that involves teaching of law by focusing on the study of other cultures and legal systems is the study of religious and customary law of India. India being a secular country where all the religious communities are governed by their respective personal laws, the task of teaching becomes all the more onerous. This is more particularly true in case of the Muslim community as the Muslim religion did not originate in India. The teaching technique involves the complete study of the culture and its effect in shaping the customs and laws regulating the religious laws. In the post-modern and post-globalised world when India has emerged as one of the major players in the world affairs, the importance of study of various other legal systems becomes all the more important as we plan to produce lawyers who are conversant with the principles of law, practice and policy prevalent in other parts of the world.

Though in India the teaching curriculum in law does not include the studying of cultures and legal systems on individual basis, however, the law teaching primarily blends teaching of the Indian laws with a comparison with other cultures and systems. That sometimes proves to be of enormous benefit to the students.

On joining as the founder Vice-Chancellor of a newly established Law University, one of my top priorities was to introduce the study of comparative legal systems at the under-graduate level. My main objective of introducing comparative studies as compulsory course was to make the students aware of the various cultures and legal system. Though the task was onerous owing to lack of literature and trained faculty, however, considering Indian's role as major global player, the teaching of it becomes very essential. Even the National Knowledge Commission

of India also has emphasized the importance of Comparative Law as a compulsory course.

In addition to the course of comparative law as a study of Legal system, the study of public and private international law also becomes more significant. Realising this, I have made an additional effort in imparting blended teaching of International law along with the study of legal system. Apart from purely academic pursuits, the important tool of effective techniques teaching other cultures and legal system is through the mode of projects and seminars.

Comparative Law as discipline provides various tool to the students to carry out comparative law research. The study of comparative Law has assumed importance due to globalization and especially the role of India as important market player. As regards instructions of Comparative Law, though the methodology can vary but my technique is primarily based on power point presentations and extensive research as the topic is in its initial stages as the compulsory course. The most effective way of studying other cultures and legal system is by undertaking research study to enhance the knowledge base on various cultures and legal systems.

Coming to effective techniques for teaching about other cultures and legal systems, I have no hesitation to say that a teacher who does not teach his/her subject by way of making a comparative analysis of the provisions of the law being taught by him/her with the provisions of the laws available at least in some of the known jurisdictions is not justifying himself/herself. The same logic and substance is applicable, more particularly, to the student community also for the simple reason that in the modern era of globalisation and liberalization, a student of law, be he/she is in the field of litigation or consultancy or corporate law practice has to think and many a times act beyond the national boundaries. Cross boarder issues and disputes certainly require an advocate or a legal professional not only to know but also to demonstrate his knowledge, expertise,

experience and skills regarding his acquaintance with the provisions of the laws in the neighbouring jurisdictions.

While I am writing about the significance of teaching about the other legal systems and cultures, I must reiterate that one of the prominent techniques for teaching about other cultures and legal systems is to give the foreign exposure to the students. Although in the case of developing countries like India, Pakistan, Bangladesh, Nepal, Bhutan etc. etc., it may not be possible to send all students abroad, it is nevertheless, possible to arrange for the lectures and seminars by distinguished internationally known experts in the respective fields when they visit the developing countries. However, that could be possible on a very limited scale and that too in the limited law schools and that too on the basis of the personal rapport between the chief executive officers and the teachers in developing countries. The second way is to enable the teachers in a law school or a law faculty to go abroad for a limited period to get acquainted with the foreign legal systems and cultures. By way of this, the teachers concerned shall be able to impart instructions to the students about what they learnt and what their students ought to learn by way of studying about their own legal system and then probing as to how their legal system could learn some lessons from the neighbouring or even from the advanced legal systems from across the world.

Thus above mentioned are some of the ways we can impart knowledge about various other cultures and legal systems in the world that is the need of the hour.