

## **CONTOURING LEGAL EDUCATION IN INDIA: AN ANALYSIS OF CHALLENGES POSED BY COVID-19**

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### **Abstract**

Law as a social institution are designed to regulate human relations-economic, social, political and cultural. It cannot remain static, when the basic conditions of society are rapidly changing, there is a need for changes to be brought in the legal profession. Nonetheless, despite several changes taken place in society and other professions, the legal profession in India and the legal education dates back to the old pattern. Legal profession in India, hence, faced the technology challenges and realised the need to adapt emerging technology challenges in the COVID times. The present COVID 19 witnessed a pattern where experienced senior lawyers, judges and academia are coming together in the platform of various webinars to share their expertise and knowledge. This paper tries to examine the scope of legal education in the context of COVID-19 scenario, where almost all legal institutions are quickly adapting to technology based online legal education and the challenges posed by it. It will also analyse whether there is a need to switch over to this technological system discarding the traditional methods of teaching law in India.

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### **I. Introduction**

THE RENOWNED jurist V.R. Krishna Iyer remarked, “A study of law becomes an imperative if societies with their members, high and low, are to be civilized, stable and humanist. The profound significance of jurisprudence, which is but the science of law, finds its foundation in the excellence of legal education”.<sup>1</sup> This statement becomes imperative today when we revisit

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<sup>1</sup> G. Mohan Gopal (ed), *Professor N.R. Madhava Menon's Reflections on Legal and Judicial Education* (Universal Law Publishing Co. Pvt. Ltd. 2009).

the contouring of legal education, when the nation unexpectedly is facing the pandemic which brought all the sectors to standstill including the legal education and legal sector. Of course, the privileged class of society and institutions within a few days of national lockdown suddenly responded to the calamity positively by organizing and circulating links to “webinars” being hosted on various legal topics, various workshops on legal education, national and international seminars through webinars what not even the online internship programmes were offered by legal firms. The practicing lawyers, especially in the lower courts started facing problems to deal with the emergent lockdown, this forced the judiciary to introspect its technical infrastructure and recommendation of the scheme of digitalization of courts which largely remained in paper. On the other side, it is also felt that there is a need for law teachers and legal professionals to make an introspection of the existing legal education in our country.

Similarly, in spite of lack of proper infrastructure, many legal educational institutions forced its faculty members to take the online lectures to complete the syllabus. No doubt, the National Law Schools in our country and other private law schools with good infrastructure who already provides laptop and other facilities might not have burdened with this new phase of teaching. However, there are many institutions, though recognized by the Bar Council of India (BCI), where majority of not so privileged students with bright legal acumen are studying and aspiring to be part of bar and bench. They might have faced a huge problem to access the online classes or may be cannot afford the cost of technology. The desideratum is that legal education should be capable of producing law professionals who can comprehend the social expectations and give effect to them through the legal process. The efforts for rejuvenating legal education emphasise more on subject of study than on development of legal skills. Without any emphasis on the development of professional skills more and more papers are included in the syllabus.

### **Revamping legal education**

The process of revamping legal education has to continue by trial and error since any scheme followed cannot last for all times. Hence, there is a need to equip law professionals with skills and competence to meet the challenges posed by contemporary times. It is worth to consider whether these issues are taken care of in India to ensure the quality of legal education which is

intertwined with quality of administration and judicial process.<sup>2</sup> For instance, it seems that some of the subjects in legal education are prescribed without considering its impact and relevance and the outcome of it. There is no major changes in the examination system. Examinations in most of the legal educational institutions barring few premier legal institutions are based on more memory tests which can be managed fairly well with capsules and a variety of copying techniques perfected to with an alarming degree of proficiency and dishonesty. The challenge posed by pandemic is multifarious. It highlights the need to examine whether the existing legal education and training if any provided in India equip the professional group to undertake the social responsibility as well as to acquire the skills and information needed to become responsible leader of society. These questions, in one form or other were probed by several educationists and institutional agencies from a long time.<sup>3</sup> Nonetheless, there is neither consensus on the learning objectives of legal education nor policy oriented approach towards it.<sup>4</sup> Finally, what can be ascertained is the fact that the answer to the above remains only in papers and discussions.

## **II. An overview of legal education in India**

In India, legal education began as an ancillary to English legal system introduced by British government.<sup>5</sup> Formal legal education was introduced through universities in the year 1857. There were lack of standards and qualifications to get admission to law courses run by universities, generally those with command in English language got admission and studied law. Thus, the object of legal education at that time was to produce lower cadres of professional lawyers acquainted with the English laws in the English language. The minimum qualification required was anyone who knew English well could study law and be qualified to study law.<sup>6</sup> After independence, several colleges have mushroomed throughout the country without any quality legal education.<sup>7</sup> The Radhakrishnan Commission on University Education in its report lamented that "...our colleges of law do not hold a place of high esteem either at home or abroad, nor has

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<sup>2</sup> *Id.* at 15.

<sup>3</sup> A.M. Varkey, "Learning Objectives of Legal Education in India: A Critique" 28 *Cochin University Law Review* 444 (1991).

<sup>4</sup> *Ibid.*

<sup>5</sup> J.K. Bhavnani, "Legal Education in India" *Journal of Indian Law Institute* 167 (1962).

<sup>6</sup> *Id.* at 168.

<sup>7</sup> Speech by N.N. Ghatate, "Seminar on Legal Education at Crossroads: Problems & Perspectives", *Indian Bar Review* 14 (1998).

law become an area of profound scholarship and enlightened research”.<sup>8</sup> The Law Commission of India stated that “the main purpose of university legal education seems hitherto to have been not the teaching of law as a science or as a branch of learning, but merely imparting to students a knowledge of certain principles and provisions of law to enable them to enter the legal profession...”.<sup>9</sup> Similarly, as pointed out by A.S. Anand J. “With the changing complex of law and social needs, there was felt a greater need for change and reform in the structure and pattern of legal education. The ethos of legal education was required to undergo a change to fit in with the constitutional philosophy of ushering in the socio-economic transformation of the society.”<sup>10</sup>

### **Reforms of committees**

Thereafter, committees were constituted to assess the standards of legal education. Based on the recommendations, reforms in legal education were initiated. Apart from this, the Advocates Act, 1961 was enacted and BCI was constituted as a regulatory body to maintain the standards of legal education as well as to regulate the bar. In order to have good lawyers and to reform the legal education which is professional oriented, Professor Madhava Menon, suggested to inculcate the right values and professionalism in the student of law.<sup>11</sup> He also advocated promotion of clinical legal education as well as continuing legal education.<sup>12</sup> He recommended through the National Knowledge Commission that “the vision of legal education is to transform it towards maximizing justice in society and promote the Constitutional goals of a just social order. A spirit of public service must inform and motivate the profession for which legal education should be broad based in scope, multi-disciplinary in approaches and rigorous in analysis and application”.<sup>13</sup>

However, irrespective of various committee reports and efforts made by the Bar Council of India to improve the legal education, professional legal education continued to suffer from a variety of drawbacks. As pointed out “Law is not purely a professional skill confined to courts and litigants

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<sup>8</sup> *Supra* note 1 at 73.

<sup>9</sup> Law Commission of India, “14th Report on Reform of Judicial Administration”, (Sept., 1958).

<sup>10</sup> Anand A.S., “H.L. Sarin Memorial Lecture-Legal Education in India-Past, Present and Future” 3 *Supreme Court Cases* (J) 2(1998).

<sup>11</sup> Madhava Menon, “Training in Legal Education: Some Comparative insights from Indian and American Experience” *Journal of the Indian Law Institute* 399 (2007).

<sup>12</sup> Susmitha P. Mallaya, “Clinical Legal Education in India: Some Reflections” *Indian Bar Review* 427 (2019).

<sup>13</sup> *Supra* note 1 at 85.

but it is a social science. Laws reflect social ethos. There has never been a dearth of ideas about the objectives of legal education not the scheme for redeeming it so as to make it more meaningful and socially relevant”.<sup>14</sup> These words became a reality when many lawyers faced difficulty to contribute their services through virtual courts. Hence, it is worth to note that in India, the legal profession demands for policy oriented legal education. “What is demanded is not the skill of a technician trained in the craft of court room adjudication. Nor we need only a legal scientist trained in the science of law. Compartmentalisation of legal education into professional, academic, practical and theoretical would not help in producing a legal professional competent to respond to community demands”.<sup>15</sup>

As part of the reforms in legal education, later five year LL.B. course was introduced. National Law Schools were introduced at state levels. There were arguments against the introduction of year LL.B. course stating that it is loaded against the poorer people. While the attempts to maintain quality institutions like National Law Universities (NLU) were seen as praiseworthy, the tendency to restrict the less affluent from entering the profession by various lopsided measures were objected by critics.<sup>16</sup> Those who seek admission to these institutions have to pay very heavy fees and majority of the applicants were from very affluent group, children of judges, lawyers, high officials and the like. Even if a token reservation is given and few poor students gain admission, the institutions do not shed their elitist character.

In the legal education, at present we have National Law Schools<sup>17</sup> and private law schools offering five year LL.B. Programmes as well as one year LL.M. Programme though pedagogy of teaching was not changed drastically from traditional methods of teaching. Apart from this, the earlier three year degree course is also continued to be offered by few universities. The degrees provided by these institutions needs recognition by BCI in order to enroll as an advocate. They exercise the power to visit and inspect universities, to prescribe the courses to be taught in the law degree, to grant “affiliation” to university department and law colleges under them after

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<sup>14</sup> *Supra* note 10.

<sup>15</sup> *Supra* note 3.

<sup>16</sup> V.D. Sebastian, “Legal Education: Friend or Foe of Human Rights in India” *The Bangalore Law Journal* 241(2008).

<sup>17</sup> Menon Madhava, “Few Thoughts on Reforming Legal Education” 22(4) *Indian Bar Review* 67 (1995).

inspection. The approval from BCI is essential for the colleges to impart legal education.<sup>18</sup> BCI is also required to maintain the discipline and control over the members of profession.<sup>19</sup>

There are many institutions imparting legal education where majority are private colleges affiliated to some state universities, there are deemed universities, public universities, premier law schools (NLU's) and autonomous colleges. Therefore, depending upon the structure and capacity of each institution, teaching methods are chosen. Finally, from all levels, students enter the legal profession. Because of the poor infrastructure, ineffective methods of instruction and defective examination system, a large number of law graduates without professional standards enter the bar and "assist" the judiciary in the dispute resolution. Though, there are well equipped and prestigious institutions like National Law Schools in many states, most of the bright students are taken away by foreign multinational corporations and are not available for service to the Indian judicial process. So long as the Bar Council is satisfied with the power to prescribe the syllabus and to conduct inspections, and has no means of ensuring the quality of the students, the situation is not going to improve. BCI should concentrate its energies on the maintenance of professional standards and ethics too.

In this context, if we analyse the policies adopted in the legal academia, it may be seen that introduction of five year LL.B. course aiming to create competent lawyers for bar with good professional skills, are best suitable to NLUs and other premier law institutions. Does it mean that the very five year degree course is loaded against the poorer people? Only very few young people after the plus two stage can opt for specialization in law and join the five year course unless they can afford to or a tradition of law runs in the family. It is unfortunate to note that public institutions where majority of the students belonging to low economic strata remain neglected since the state also fails to implement any measures to raise the standards of these institutions. Many a times, teaching method adopted in premier law schools cannot be applied to and suitable for the other legal institutions. For instance, generally, National Law Schools follow pedagogy which tries to bridge the gap between the theory and practice of law by involving

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<sup>18</sup> The Bar Council of India, Part IV, Rules of Legal Education, 2008, r. 14.

<sup>19</sup> Avasti A.K, "Powerless of the BCI to Improve standards of Legal Education" 46 *Journal of Indian Law Institute* 55 (2004).

senior advocates for guiding the students through interactive platform, arranging internship programmes regularly, preparing for national and international moot courts, workshops and seminars, interaction with international faculties of the subject concerned etc.

### **III. Bar Council of India and University Grants Commission: Multiple regulators’ dichotomy**

BCI and UGC are the regulatory agencies in legal education in India. The UGC,<sup>20</sup> determines the standards of legal education and it has set a panel on legal education, BCI is empowered to prescribe standards of professional legal education.<sup>21</sup> Thus, on the one side, the BCI Trust specifically monitors the legal education and the entry of lawyers in the profession and the other side is the UGC, which also recognizes the degree awarded by the legal institutions especially relating to higher studies in law. However, there is lack of uniformity in the aims and objectives of legal education projected by these regulators. While educational institutions and universities emphasized the science of law and social purpose of law, stress for development of professional skill and art of advocacy lies with the BCI. But at the higher level of education sector the legal education has been totally neglected.

Thus it can be observed that the gap created by multiple legal education regulators is sometimes misused. To take advantage of the gap created and to abide by the norms and suggestions provided by the UGC to encourage online teaching, it is interesting to note that a global law school launched online LL.M degree in one of the disciplines of law.<sup>22</sup> Though at present, BCI regulations do not recognize these degrees of LL.B or LL.M through online mode, but a relaxation to conduct online classes was given by BCI recently only due to COVID 19 situation. If the LL.M. online programme adopted by Global schools becomes successful, it may eventually encourage other institutions with high market power to offer the online degrees similar to the present one year LL.M. degree recognized by regulators. Can we then offer online LL.B degrees as well? What will be its impact on standard of legal education? Of course, we need to examine its implications in due course. Nonetheless, it will be beneficial if the dual

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<sup>20</sup> The University Grants Commission Act, 1992, s.12.

<sup>21</sup> The Advocates Act, 1961, s.7 (h) and (i).

<sup>22</sup> For instance, “Jindal Global Law School launches online LL.M course in collaboration with upGrad”, *available at*: <https://www.edexlive.com/news/2020/jun/01/jindal--global-law-school-launches-online-llm-course-in-collaboration-with-upgrad-12360.html> (last visited on Aug. 1, 2020).

control is done away with. The universities may conduct the law exams according to its academic pursuits based on UGC standards and BCI may introduce its own compulsory effective training programme to raise the standard of the aspirant lawyers and conduct its own examinations before enrolment as a lawyer in the legal profession.

Apart from this, there is a strong movement to digitalise education sector as well with the objective of promoting digital India movement. This will promote online mode of education along with the traditional mode of teaching. UGC framed and notified the regulations in this regard to recognise and streamline the granting of online degrees at the undergraduate and post graduate levels. It lays down the minimum standards of instruction for the grant of degrees of post graduate diploma, through open and distance learning mode and online mode.<sup>23</sup> It encourages self-learning mode through online platform like MOOCS, SWAYAM which will enable the learner to learn through e-module which is *inter alia* self-explanatory, self-contained, self-directed at the learner, and amenable to self-evaluation, and enables the learner to acquire the prescribed level of learning in a course of study and includes contents in the form of a combination of the following e-learning content like e-text materials, video lectures, audio-visual interactive material, virtual classroom sessions, audio pod casts, virtual simulation and self-assessment quizzes or tests. This approach from the part of UGC shows the need to implement certain measures in tune with the same in the field of legal education as well and there is a need for BCI to prepare a roadmap and discuss the same with all stakeholders of legal sector.

#### **IV. Standards of legal education: A step towards revamping bar and bench**

There is a need to revamp the present legal education to meet the challenges posed by contemporary world. In this regard, there is a need to reframe the role of the bar and the bench. The gap that has been created between legal education and practical training need to be reduced. E-learning platform can be introduced by legal institutions to bridge existing gap of theory and practice. However, more preference needs to be given to the students of non-premier legal institutions. The future of legal institutions depends on the present lawyers and legal institutions imparting legal knowledge. It is pertinent to note that, without socially relevant, poverty-

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<sup>23</sup> University Grants Commission (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020, Sept. 04, 2020, *available at*: <https://www.ugc.ac.in/pdfnews/221580.pdf> (last visited on Sept. 09, 2020).

oriented, multi-disciplinary<sup>24</sup> and technological oriented, legal education cannot play a meaningful role in making a lawyer professionally competent. In order to reform the judiciary there is a need to reform legal profession.<sup>25</sup> This becomes inevitable due to the technology induced changes in the society as well as because of the impact of globalisation. In the period of globalisation, law cannot be seen in isolation.<sup>26</sup> In this context mutual co-operation between bar councils and universities are quite essential. It is true from the contemporary scenario that law teaching is not merely a methodology but technology. Law schools and Universities in future will be constrained to offer e-courses in law. “The task of reform should therefore, encompass changes not only of curricular and pedagogic arrangements but also the regulatory structure, pattern of recruitment, funding and management of law teaching institutions.”<sup>27</sup> Therefore, the regulatory authorities and stakeholders concerned have to move forward for the integration of technology and restructure legal education with phenomenal change. The law graduates should develop competency to meet the new challenges in the emerging global market and train themselves to provide transnational legal service.<sup>28</sup> The future of the judiciary needs to be viewed as a hybrid model of virtual courts, online dispute resolution mechanism and a step towards the same has been already initiated due to the challenges posed by the pandemic. In turn, now it is right time to raise the standard of legal education as well.

### V. Reforms in legal education: Far from reality

Everyone is aware of change of time, a change from the technological age to the information age. There is a paradigm shift from industrial capitalism to information capitalism. As a result, market economy has paved way to knowledge based economy. The changing paradigm ushered in by the information revolution is bound to place a greater responsibility and pose new challenges on the teacher and the student. Accordingly, the quality and methodology of education of law must also change as observed by Supreme Court “...the need for a continuing and well organised legal education, is absolutely essential reckoning the new trends in the world order to meet every

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<sup>24</sup> Rahunandha Reddy, “Law Teaching Methods and Techniques: A Critique with Special Reference to India”, AIR (J) 73 (2001).

<sup>25</sup> Menon Madhava, “Reforming the Legal Profession: Some Ideas”, *The Hindu*, 2008 at 12.

<sup>26</sup> Jeena Chandra Krushna, “Role of Bar Councils and Universities for Promoting Legal Education in India” 44 *Journal of Indian Law Institute* 555 (2002).

<sup>27</sup> *Supra* note 1 at 86.

<sup>28</sup> Bikram Ku.Das, “Disruptive Technology and Legal Education in India” *Indian Bar Review* 149 (2019).

growing challenge. The legal education should be able to meet the ever growing demands of the society and should be thoroughly equipped to cater to the complexities of the different situations”.<sup>29</sup> This shows that at the present scenario a law teacher is expected to be an innovator.

The proliferation of new and changed courses led to the introduction of varied teaching methods and devices in the field of legal education in India. “Teaching as an art portrays the imaginative and artistic abilities of the teacher in creating a worthwhile situation in the classroom in which the learners learn and achieve the immediate and ultimate goal of education”.<sup>30</sup> The objective of legal education is little different from other disciplines. The beneficiaries *i.e.*, would be lawyers go to the Bar for legal practice and therefore, they must be equipped with offensive and defensive skills. A problem posing method along with other methods of teaching like role play can be best suited to legal education. The need for technology induced revolutionary changes as well as innovative teaching techniques to cover a wide range of topics was posed by pandemic. Barring few, it may not be possible for a lawyer or a law student to get acquainted with the major strides in science and technology and their direct interaction with law unless they are taught. The question is whether all the law teachers are capable of imparting required legal knowledge and skills to the student so as to make the latter competent enough to respond to the challenges in the new millennium. The present pandemic situation has posed the urgent need to ponder over this question. It is the time to apply technology effectively in the study of law and justice delivery system and apply scientific investigations of legal problems. Therefore, legal studies which are being carried on now must be integrated with science and technology. It is submitted that teaching by audio-visual method is best suited to explain these subjects.

Another problem is whether law schools are getting ready to meet these challenges. For, the law schools are going to become high tech centres in the near future. This development is inescapable, inevitable and non-stoppable. Whether the use of digital technology will supplement class room learning? Can this technology be deployed cost effectively to loosen the grip of “classroom”? Is on-line learning a substitute for traditional lecture method which gives a sense of live and feeling in a classroom situation? A law teacher in the new millennium would need to travel into new areas on the wings of changes in law and must be prepared to cope with this

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<sup>29</sup> *Maharashtra v. Manubhai Pragjivashi*, AIR 1996 SC 1 at 10.

<sup>30</sup> *Supra* note 23.

challenge. The impact of the challenge is so much that the traditional role of a law teacher is fast reaching extinction.

In order to overcome the challenges posed by pandemic in the legal sector, the BCI in consultation with its legal education committee resolved that keeping in view the overall interests of legal education, students of all centres of legal education shall hold online classes.<sup>31</sup> According the BCI rules on legal education, computer education is compulsory.<sup>32</sup> Every student is supposed to be computer savvy and capable to understand and follow the regime of online classes. However, there is a need to do an empirical survey to find out barring few law schools, how many law schools are imparting the computer based skills to students. Now it is high time to see that this rule is implemented in all law schools.

There is a need to develop art and science of teaching skills to the adults in legal education. There is a need to teach not only the domain knowledge but also the skills associated with the profession and most importantly the attitude required to succeed in the profession. Generally, teaching skills in law are very theoretical and does not really prepare them in terms of the skills required in the court.

## **VI. Challenges posed by pandemic: Some reflections**

The pandemic situation highlights some of the unfortunate reality of legal education. Many law schools have switched to online platform of teaching. The platform used for online teaching posed challenges because of lack of institutionalized platform to impart the lectures. Those who were technically savvy used this opportunity and became the masters of online teaching without analyzing the impact of the same. Soon we witnessed webinars mushrooming as well as faculty development programmes for faculties without making any efforts to analyse how the technology can be used to develop technical skills for students. The situation in the Bar was also not encouraging. The letter written by BCI Chairman to the Chief of Justice of India highlighted the harsh reality of lawyers in the bar who are the offshoot of legal education.<sup>33</sup> He pointed out that

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<sup>31</sup> Refer BCI letter dated April 23, 2020, *available at*: [https://theleaflet.in/wp-content/uploads/2020/04/BCI\\_s\\_Letter\\_to\\_VC\\_Principal\\_and\\_Dean\\_of\\_Legal\\_Institutions\\_in\\_India.pdf](https://theleaflet.in/wp-content/uploads/2020/04/BCI_s_Letter_to_VC_Principal_and_Dean_of_Legal_Institutions_in_India.pdf)(last visited on Aug. 12, 2020).

<sup>32</sup> See, Rules of Legal Education, 2008, Protocol as per Rule 9 (a) (b) of Sch. III.

<sup>33</sup> News “Continuing Virtual Hearings after lockdown “impractical”, 90% lawyers, judges unaware of technology: BCI Chairman writes to the CJI”, *Bar and Bench*, dated April 28, 2020, *available at*:

all the members of the legal fraternity do not have access to the requisite technological resources and there is significant economic disparity in the country.<sup>34</sup> This was reflected in the present mode of legal education for existence of the gap between theory and practice. The students from premier law schools prefer to become corporate legal professionals and their training by the institutes motivate to choose such profession, whereas for other legal institutions, the theoretical studies without development of any lawyering skills make them difficult to sustain in the practice. However, to resolve the issue of disparity, he was silent. It is true and a hard reality as well that in this profession it is always best for those who have a strong legal background. Though, he supported the online teaching in legal education at present he stated that without classroom teaching accompanied with other activities, legal education cannot be completed without clinical trials especially for the final year students. Thus, the other activities infact can be presumed to clinical legal education which is the backbone of effective legal education where students are trained through experiment based programmes like legal aid clinics, lok adalats *etc.* Hence, this sudden shift towards online classes, webinars, online internship programmes cannot be viewed as future platform of legal education in India and can be expected to integrate in the legal education reforms.

No doubt, to meet the immediate challenge, the present mode adopted by educational Institutions imparting legal education through online mode was backed by the BCI circular, is the rider and the same cannot be considered as a rule. Legal education reforms remain in papers, hence, this is time to ponder the ways to implement the same at least with the need for all the legal students to equip with the computer lab activities as well, so that there will not be a situation to say our lawyers are not equipped with the technology. There is a need for regulatory authorities and concerned stakeholders to move forward for the integration of technology and restructure legal education with phenomenal change. The law graduates should develop competency to meet the new challenges in the emerging global market and train themselves to provide transnational legal

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<https://www.barandbench.com/news/continuing-virtual-hearings-after-lockdown-impractical-90-lawyers-judges-unaware-of-technology-bci-chairman-writes-to-the-cji#:~:text=Shruti%20Mahajan&text=The%20Chairman> (last visited on Aug. 13, 2020).

<sup>34</sup> News “BCI Chairman to CJI Bobde: If virtual hearings continue even after Lockdown, 95% of lawyers will be left brief less and work less”, *available at*: <https://www.latestlaws.com/latest-news/bci-chairman-to-cji-bobde-if-virtual-hearings-continue-even-after-lockdown-95-of-lawyers-will-be-left-brief-less-and-work-less-read-letter/> (last visited on Aug. 13, 2020).

service.<sup>35</sup> As a result of online learning, there is a shift of emphasis from teacher to learner with the latter as customer is catching on in this digital age. The method of delivery should be collaborative, co-operative/team work type than competitive, passive and individualistic. Websites can lead learners to sources of information and virtual classrooms.<sup>36</sup> Though, the Web as an information provider, provides lot of materials, a student as well as a teacher should be able to process the source of information and classify its relevancy which calls for the expertise in the area of research undertaken. However, it is quite evident that e-learning cannot replace the traditional methods of teaching in true sense.

The Common Law Admission Test conducted by National Law Universities in the year 2020 is also facing difficulties. The decision to conduct CLAT 2020 by National Law Schools conducted by the consortium was challenged before the High Court of Delhi with a plea from the petitioner student to allow to undertake the entrance from home, notices were issued to Central Government and the Consortium of NLU, seeking their stand as well feasibility of conducting such exam at physical centres in view of prevailing pandemic. As per the CLAT 2020 notification, online entrance examination will be conducted online at notified centres where computers would be set up for the candidates to access the test. However, before any decision from the court, the CLAT 2020 rescheduled by consortium.<sup>37</sup> Later, it is unfortunate to witness the sudden decision taken recently by National Law School of India University (NLSIU) to disassociate itself from the CLAT 2020 as they felt repeated postponement of CLAT had resulted in uncertainty for students and parents. It had pointed out that “NLSIU is uniquely disadvantaged as it follows a trimester system, in which every academic year is made up of three terms of 90 days duration”.<sup>38</sup> However, the other National Law Universities as part of NLU consortium resolved to conduct their CLAT 2020 in September 28 by excluding NLSIU.<sup>39</sup> The conduct of NLSIU is challenged in the apex court by the former Vice-Chancellor of NLSIU along with the

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<sup>35</sup> *Supra* note 16.

<sup>36</sup> *Ibid.*

<sup>37</sup> See, Notification of Consortium of National Law Universities, Aug 28, 2020, *available at*: [https://consortiumofnlus.ac.in/documents/Notification\\_August\\_28\\_2020.pdf](https://consortiumofnlus.ac.in/documents/Notification_August_28_2020.pdf) (last visited on Sept. 9, 2020).

<sup>38</sup> Tanu Kulkarni, “National Law School of India University to disassociate from CLAT 2020”, *The Hindu*, Sept. 07, 2020, *available at*: <https://www.thehindu.com/news/cities/bangalore/national-law-school-of-india-university-to-disassociate-from-clat-2020/article32539811.ece> (last visited on Sep. 7, 2020).

<sup>39</sup> ‘Decisions To Postpone CLAT By NLU Consortium Not Taken Unanimously, Committed To Deliver NLAT 2020 On Time & In Student Friendly Manner’: NLSUI”, *available at*: <https://www.livelaw.in/top-stories/decisions-to-postpone-clat-by-nlu-consortium-not-taken-unanimously-committed-to-deliver-nlat-2020-on-time-in-student-friendly-manner-nlsui-162497> (last visited on Sep. 7, 2020).

student petitioner.<sup>40</sup> This difference among the NLUS poses a question towards functioning of these premier law schools which are standing as an ivory tower among legal education institutions. In other private, deemed to be universities, central and state universities, they are adopting the online mode of admission in a slow phase during this academic year.

UGC in its recent guidelines on “Examination and Academic Calendar in view of COVID-19 pandemic and subsequent lockdown” has emphasised the need for promoting online learning and suggests provisioning of virtual classroom and video-conferencing facilities, training of faculty on these platforms, preparation of e-content, and practice by the faculty to complete their 25% teaching through online mode in post-COVID situation as well.<sup>41</sup>

It is going to be more challenging in the years to come for legal profession. The way the clients obtain access to lawyers may get changed with the new information technologies. The representation of lawyers on behalf of the clients before courts, the way of research done etc may get changed. Many of these changes are witnessed during the virtual hearing taking place. There is a need to change the pedagogy of teaching law with the information technologies, professional training programmes needs to be conducted to make the students of law competent to face the e-courts and to acquaint with the process of e-filing.

## **VII. Legal education in India: A way forward**

The purpose and function of law have assumed considerable significance in contemporary world and with the changing complexion of law, the quality and the methodology of education of law must correspondingly change and improve. Thus, what is expected from legal education is not only to create philosophers and jurists but also to mould a smart technical craftsman who is able to take a broad view of the functions of law and realise their duty to society as lawyers. Hence, it is suggested to incorporate a course on use of computers, internet and any other devices in relation to the profession and education of law. The present pandemic can be treated as a positive

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<sup>40</sup> “Attempt To Make NLSIU From Island Of Excellence To Island of Exclusion”: Former NLSIU VC Venkata Rao Moves SC Challenging NLAT 2020”, *available at*: <https://www.livelaw.in/top-stories/former-nlsiu-vc-venkata-rao-moves-sc-challenging-nlat-2020-162567>(last visited on Sep. 7, 2020).

<sup>41</sup> See, UGC Guidelines on Examinations and Academic Calendar for the Universities in View of COVID-19 Pandemic and Subsequent Lockdown, *available at*: [https://www.ugc.ac.in/pdfnews/4276446\\_UGC-Guidelines-on-Examinations-and-Academic-Calendar.pdf](https://www.ugc.ac.in/pdfnews/4276446_UGC-Guidelines-on-Examinations-and-Academic-Calendar.pdf) (last visited on Aug.19, 2020).

time to think, re-think and change the curriculum of legal education at all levels of legal institutions so that the future lawyers won't stand as a sorry figure before the society and the courts and judiciary also may achieve the objective of becoming "Smart/E-Court and digitization".

Apart from this, it is also suggested to initiate the process of adopting the flipped learning pedagogy in teaching law subjects along with classroom teaching. This can be created using Information and Communication Technology (ICT) Tools as well as developing Massive Open Online Courses (MOOCS) in the legal subjects which will benefit the students as well as enhance the professional competencies of a law teacher as well. The virtual mode will generate the interest in students to understand the legal concept with the help of some movie clips relating to the same, images and visual art form *etc.* With regard to clinical legal education subjects, experienced lawyers' services can be hired by organizing interactive webinars in small group of students and the teacher can assess them through practical sessions on the same. The services of the alumni can be utilized for the same. The teaching method adopted by way of using google classroom, Microsoft Teams needs to be continued since it provides a platform to utilize fully the ICT tools while delivering lectures. Premier law schools can take a lead to disseminate the legal education to underprivileged section of bright students who are aspiring to learn law by way of MOOC and other online means with minimum fee. In this way, the standards of legal education can be raised since the practice of not attending college and acquiring degrees by the candidates can be curtailed. The recent UGC regulation gives a positive node to start the full-fledged online programme for those higher educational institutions having highest NAAC score as well as top 100 in university category of National Institutional Ranking Framework to without prior approval of the UGC if they satisfy the conditions mentioned in the regulations. Therefore, in line with legal education sector as well in tune with the LL.M. Online Programme initiated by Jindal Law Schools, other top law schools can plan to conduct online LL.B degree programmes with strict standards based on this notification and the BCI can examine the knowledge by conducting a separate test both practical and theoretical before allowing to practice before the court of law.