

## The Impact of COVID-19 on Legal Education: A Self- perspective<sup>1</sup>

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### Abstract:

*“The measure of intelligence is the ability to change.”*

- Albert Einstein

According to United Nations policy report, “*the COVID-19 pandemic has created the largest disruption of education systems in history, affecting nearly 1.6 billion learners in more than 190 countries and all continents.*” Legal education which is considered as one of the most diversified and differentiated fields of education in the Indian scenario saw drastic changes over the last few years. Without any plan to structured steps that we took during the pandemic will have potential to see the transformational effect in future or that is already started to be noticed in some center of excellence today as well. Online education or content could not replace the traditional Socratic mode of teaching pedagogy, however it has provided a framework for blended learning which is more cost-effective and accessible in some ways. In this background, the present paper is an attempt to analyze the impact of COVID-19 on Legal Education from a pragmatic and analytical point of view.

**Keywords:** Covid-19, education, legal education, online education, blended learning, technology.

### Objectives:

The major objectives of the present paper are as follows:

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- To understand the impact of COVID-19 on the education sector.
- To analyze the impact of COVID-19 on legal education.
- To analyze the response from governments, administration, faculty, and students during the pandemic.
- To find out the role of technology, especially online mode of learning during the pandemic on all the stakeholders in legal education.
- To suggest measures for preparedness and effective learning in the legal education sector.

### **Research Methodology:**

The research methodology applied in the present paper is doctrinal and the nature of the research is descriptive, analytical, and critical. Secondary sources mainly relied on the completion of the paper and online materials also taken into consideration as required.

### **Introduction:**

Legal education in the Indian scenario has gone through several changes with the change in time. Even we can say that in an independent nation with the inception of a Bar Council of India (BCI) as a regulator, legal education took the shape of uniformed and professional education in comparison to its earlier forms. Though it would be a matter of completely separate discussion and deliberation whether BCI alone regulates legal education or it along with University Grants Commission regulates this field of professional education. However, during the Coiv-19 both have put efforts to regulate it in the interest of students at large. Nevertheless, qualitative outcomes are subject to research.

### **About Legal Education:**

According to Justice Krishna Iyer “*Profession of law is a noble calling and the members of the legal profession occupy a very high status*”. Legal education plays a significant role in society in creating and maintaining the right and just order in the society. It is a legal instrument for social design and changes as necessary from time to time. Legal education promotes justice rather than resolve disputes and improve the relationship.



Legal education is a broad concept, it includes various dimensions about the profession which includes the study of law, practice in courts, teaching, research, administration, and all other activities which advance the use of legal knowledge and skill.<sup>2</sup> In the Indian scenario, legal education deals with the development of the legal profession, admission, enrolment, and rights of advocates, the role of the Bar Council of India, ethics of the legal profession, punishment for professional or other misconduct, Bench-Bar relation and contempt of court. The Bar Council of India (BCI) lays down the standards in the system of legal education such as Classroom teaching, practical training and skill, moot courts, court visits, legal aid, paralegal services, and other practical training programs for law students. The Bar Council of India acquired enormous powers and functions through Advocates Act, 1961 concerning the legal education ecosystem in an effective manner. The functions of BCI have been enumerated under section 7 of the Advocates Act, 1961 such as:

- To lay down the standards and procedure
- To safeguard the rights of advocates
- To promote and support law reform
- To promote legal education
- To regulate the enrolment of Advocates
- To recognize Universities and Law Colleges
- To conduct seminars
- To organize legal aid
- To manage the funds of the Bar Council
- To perform all other functions
- To do all things necessary.

Section-7A empowers the BCI to become the members of the International Bar Association or the International Legal Aid Association, contribute such funds needed, and participates in such activities with a view to bring Global relations pertaining to legal education.

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<sup>2</sup> Primarily the function of BCI is to regulate legal profession however due to provisions of the Advocates Act 1961 and Rules made thereunder BCI is empowered to relate legal education along with universities. Sometime it overlaps with the functions of University Grants Commission as well.



The BCI has the power to hear appeals against the order of the State Bar Council in respect of the punishment given to the advocate for their professional misconduct under section 37 of the Act.

### **Aim and Objectives of Legal Education**

- It furnishes skills and competence and trains the students of law to create and maintain a just society.
- It inculcates the students to solve the individual as well as problems in society.
- It educates the students to observe and operate legal rules to make the right path for future development in society.
- It develops perceptions and understands the problems in society and influences values and attitudes.
- It provides research of value to legal education and society with the use of educational facilities.

### **Importance of Legal Education:**

Since the law is made by human beings, therefore it is very significant in one own life as well as the society because the law is meant for society, as long as the changes in society take place, the law also keeps on changing. The knowledge of law helps to promote consciousness of legal culture, creation in form of law as well as rule of law. Ignorance of the law is no excuse hence every individual is required to know the law of the land. The individuals cannot escape from liability for violating the provisions of law merely by being unaware of its content. It is a broad concept and includes, admission as an advocate to practice in courts, teaching in law institutions, research in law, and administration in different branches where law plays an essential role.

### **Impact of COVID-19 on Legal Education:**

The Central Government of India announced the lockdown with effect from the evening of 24<sup>th</sup> March 2020 as a preventive measure against the Covid-19 pandemic in India. Since then almost all the law institutions have closed till today subject to some exceptions. The UGC and BCI



notified guidelines on the conduct of classes and examinations as well. As a result of the shutdown of institutions, the examinations got postponed and the students are unable to continue regular studies in offline mode. The legal profession, as far as Bachelor of Laws is concerned it is on regular basis and classes would be based on classroom teaching, there is no distance mode of LL. B. either three years or five years course. This pandemic forced the students to leave the traditional way of learning and compelled them to adopt the online mode of teaching as an alternative. As we all are aware that “*the necessity is the mother of invention*”, when the need for something becomes essential, we are forced to find ways of achieving it. Certain institutions do not have adequate infrastructure; hence it is practically not possible for them to replace traditional learning with online learning. As an outcome of Lockdown, the students are unable to go for internships to get more practical exposure (though the online mode of internships is being utilized to improve the skills), in the present times almost all the courts in India working virtually. Covid-19 has stimulated reflective thinking in the institutions to cope up with the changing situation and apart from traditional mode of teaching it encouraged to adopt modern aids and techniques.

### **University Grants Commission Guidelines:**

In the backdrop of Covid-19 on 5<sup>th</sup> March 2020 first time, UGC issued Advisory<sup>3</sup> for Universities and Colleges however considering the spread of coronavirus Universities and other educational institutions have been closed across the nation by the end of the march when the Government of India announced a countrywide lockdown to prevent the spreading of Covid-19. UGC also vide letter 21<sup>st</sup> March 2020 advised for work from home.<sup>4</sup> The Universities and Colleges put their best efforts to continue their academic activities and complete the syllabus using various ICT tools of teaching and learning since their closure. National digital library and

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<sup>3</sup> Advisory for Universities and Colleges – Novel Coronavirus (COVID-19) available at [https://www.ugc.ac.in/pdfnews/4200962\\_Advisory-for-Universities-Corona-Letter.pdf](https://www.ugc.ac.in/pdfnews/4200962_Advisory-for-Universities-Corona-Letter.pdf)

<sup>4</sup> Permission to teaching and non-teaching staff to work from home. Available at [https://www.ugc.ac.in/pdfnews/7248697\\_UGC-Advisory---Permission-to-work-from-home-in-view-of-COVID-19.pdf](https://www.ugc.ac.in/pdfnews/7248697_UGC-Advisory---Permission-to-work-from-home-in-view-of-COVID-19.pdf)



research repositories also facilitated.<sup>5</sup> During the pandemic, online education, online platforms, MOOCs, and recorded sessions have been used to cope up with the changed situation.

The UGC issued the Covid-19 guidelines on 5<sup>th</sup> November 2020 about reopening the Universities and Colleges post-lock-down due to COVID-19 Pandemic as follows: -<sup>6</sup>

Generic Preventive Measures/COVID-19 Appropriate Behaviour includes the following public health measures that are to be followed to reduce the risk of COVID-19 by all (faculty members, employees, students, and visitors) in these places at all times:

- 1) *“The physical distancing of at least 6 feet to be followed as far as feasible.*
- 2) *Use of face covers/masks to be made mandatory.*
- 3) *Frequent handwashing with soap (for at least 40-60 seconds) even when hands are not visibly dirty. Use of alcohol-based hand sanitizers (for at least 20 seconds) can be done wherever feasible.*
- 4) *Respiratory etiquettes to be strictly followed. This involves the strict practice of covering one’s mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing of used tissues properly.*
- 5) *Self-monitoring of health by all and reporting any illness at the earliest.*
- 6) *Spitting shall be strictly prohibited.*
- 7) *Installation & use of the AarogyaSetu App shall be advised wherever feasible.”*

In our opinion the UGC guidelines are good but they are far away from reality, because the observance and monitoring of the guidelines are very difficult. Hence Universities or Colleges with some exceptions could not implement these guidelines in totality and they remained closed till today.

### **Bar Council of India Initiative:**

<sup>5</sup> National Digital Library (NDLI) COVID-19 Academic and Research Repository. Available at [https://www.ugc.ac.in/pdfnews/6342175\\_Letter-NDLI-COVID-19-Academic--Research-Repository.pdf](https://www.ugc.ac.in/pdfnews/6342175_Letter-NDLI-COVID-19-Academic--Research-Repository.pdf)

<sup>6</sup> UGC guidelines for reopening the universities and colleges post lockdown due to COVID-19 Pandemic. Available at [https://www.ugc.ac.in/pdfnews/4613471\\_Guidelines.pdf](https://www.ugc.ac.in/pdfnews/4613471_Guidelines.pdf)

UGC Guidelines for reopening. Available at [https://www.ugc.ac.in/pdfnews/7358647\\_UGC-GUIDELINES-FOR-RE-OPENING.pdf](https://www.ugc.ac.in/pdfnews/7358647_UGC-GUIDELINES-FOR-RE-OPENING.pdf)



The Legal Education is governed by the Bar Council of India which was established under the Advocates Act, 1961, the rules of BCI uniformly followed throughout the entire nation. The BCI sets up guidelines when the law institutions which are imparting legal education were forced to close due to the Covid-19 pandemic and asked to start taking online classes for both clinical activities as well as normal classes, so that the students may not lose the academic activities as well as the academic year. The BCI in its General Council meeting held on 24th May 2020 has resolved to pass a resolution and guidelines, in the light of detailed guidelines issued by the University Grants Commission (UGC) on 27<sup>th</sup> April 2020. Because of the ongoing pandemic, the BCI has stated that the examinations of students have been a concern to colleges and universities all over the country. Following the UGC Guidelines, the BCI has concluded that for Final year students of Three Year and Five-Year Courses online examinations have been allowed with permission to Universities to adopt an alternative strategy for students unable to avail of the same. The Intermediate semester's students will be promoted based on the performance of previous years and marks obtained in internal examinations of the current year. End semester examination will be conducted within a month of reopening of the colleges. There is no doubt that the BCI is empowered to prescribe standards of professional legal education but during the pandemic, it left to the universities to conduct the classes and examinations for the best interests of the students of the law. During the Pandemic the Legal profession in India faced technological challenges and realized the need to adopt emerging technology tools to face the challenges imposed by the COVID-19. To overcome the challenges posed by the pandemic in legal education, the BCI in consultation with its legal education committee resolved that keeping in view the overall interests of legal education, students of all centers of legal education shall hold online classes. Thus, we may expect from legal education is not only to create philosophers and jurists but also to mold a smart technical craftsman who can take a broad view of the functions of law and realize their duty to society as lawyers.

**Findings/ Conclusions:** BCI is a statutory body that is authorized to regulate legal education in India, it has a lot of responsibilities to take care of the legal education during the pandemic, no doubt it has taken steps to save the academic year but how far the quality of legal education has been maintained during the pandemic would be a question of discussion and deliberation. In our



opinion, the BCI should have taken more precautionary measures to keep up standards in legal education. It is the need of the hour to handle the situation by BCI by framing viable guidelines during the second wave of Covid-19/Covid-21 to maintain standards in legal education and keep up the dignity of Legal education in the true sense. Apart from this, it is also suggested to initiate the process of adopting the flipped/blended learning pedagogy in teaching law subjects along with classroom teaching. This can be created using Information and Communication Technology (ICT) Tools and developing Massive Open Online Courses (MOOCs) in legal education which will benefit the students as well as enhance the professional skill and competencies of a law teacher.

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