

LEGAL EDUCATION AND RESEARCH IN INDIA: AN EVALUATION OF THE POST COVID-19 IMPACT IN THE CONTEXT OF EASTERN JURISPRUDENCE AND ADMINISTRATION OF JUSTICE

*Mr. Arindam Saha1, Dr. Aqueeda Khan2*

1Research Scholar, Ph.D. in Law (full time), Amity Law School Noida, Amity University Uttar Pradesh.

2Research Guide and Associate Professor, Amity Law School Noida, Amity University Uttar Pradesh

Email: 1sahaarindam91@gmail.com, 2akhan1@amity.edu.

**Mr. Arindam Saha, Dr. Aqueeda Khan: Legal Education and Research In India: An Evaluation Of The Post Covid-19 Impact In The Context Of Eastern Jurisprudence And Administration Of Justice -- Palarch’s Journal Of Archaeology Of Egypt/Egyptology 17(9). ISSN 1567-214x**

**Keywords: Post Covid-19 Era, Legal Education and Research, Technology, Curriculum, Eastern Jurisprudence, Administration of Justice.**

**ABSTRACT**

The present topic, “Legal Education and Research in India: An Evaluation of The Post Covid-19 Impact in The Context of Eastern Jurisprudence and Administration of Justice” has relevance with respect to the present scenario and is of essence, keeping in view the global pandemic which in present, has had a huge impact on not only the subject-matter but also the methodology of the conventional teaching-learning curriculum and pedagogy of legal education in India. In the post Covid-19 era, legal education and research in India is going to go through a sea change where not only the students but also the academicians, research scholars and teachers are going to face hardships in adapting to a completely novel process of imparting education. Besides mastering a particular language of communication, the stakeholders presently also need to master the ‘new language of technology’ for which they need to undergo proactive training and practice. Moreover, the contents of the syllabus, needs to be reviewed in such a way, so as to fit the purpose of the changing times. Legal education is to be scrutinised in such a manner, that it focuses more on self-generated employment and entrepreneurships than on mere procurement of an academic degree. The pedagogy is to be synchronised with employment and career. The fundamental aim of the paper is to throw light on the tentative changes that need to be incorporated in the curriculum of Indian legal education in the post Covid-19 era. A parallel effort has also been made to critically analyse the limitations, hardships and inconveniences that the stakeholders might face in this regard. The methodology for the research topic referred, has been doctrinal; whereby one data has been corroborated with the other to arrive at certainty for better analysis of the impact of the present situation as already discussed.

1. **Introduction**

The famous Greek philosopher and poet, ‘Heraclitus’ said, “change is the only constant”. This has always been a universal truth for the academic discourse of Law. As a dynamic discipline, the magnitude of change that the legal studies and research in India faces, is barely found in any of its inter-disciplinary discourses. Be it amendments, judicial pronouncements, governmental policies or Commission/Committee reports; it has always had an effect on the existing Legal system of the country, which indirectly paves way for academic challenges and catalyzes need for a new curriculum in the subject. Thus, adapting to changes, is quite natural in the arena of Law.

But standing in 2020, in this era of the pandemic, legal education and research in India is going through a sea change where not only the students but also the academicians, research scholars and teachers are facing hardships in adapting to a completely novel process of imparting education. The present change is not in the curriculum, though that shall shortly follow; but is presently in the medium and mode of transmission of knowledge from the teachers to the students. The true essence of the problem lies in adjusting with this ‘*New Normal*’ and the immensity of the factors correlated thereto.

Besides the problem of redesigning a new system of teaching-learning pedagogy, a lot of other factors have come into play. Emergence of virtual language as a medium, introduction of new examination and evaluation methodology, enabling stakeholders in the field of internet and technology, habituating with upcoming forms of online-platforms, etc. are all contributing factors that are worth mentioning in this regard. Moreover, as mentioned earlier, a lot of additions and reconsiderations are to be done in the existing academic curriculum of Law as well; in order to make path for a futuristic framework of legal education and research in post Covid-19 India.

Thus, in order to encompass a concrete conception of the present topic, we not only need to identify these definite issues as mentioned above, but also critically analyse their respective impacts on the academic discourse as a whole. For this, the methodology opted has been completely doctrinal, whereby one data has been corroborated with the other to arrive at certainty and an exploratory research has been conducted with the aim of achieving proper outcomes.

1. **Law And Language**

In its broadest sense, language can be primarily classified into two types: oral and written. But, in this era of pandemic, the academic fraternity has witnessed the usage of virtual language as a mode of imparting education like never before. Though such techniques were very much prevalent earlier, but the magnitude to which they are being used presently, is something that has never been experienced earlier. In India, since the very initial stage, effective lockdown was implemented in order to prevent community infection. As a result, all academic institutions and educational establishments have been under complete abstinence from any kind of physical attendance of the teachers and students. In order to ensure uninterrupted teaching and learning at all levels, virtual language has come in to serve the purpose of creating online classrooms, E-learning platforms, imparting education over the internet, etc.

This has been a welcome step in the academia, so much so, that it has been termed as “***the new normal***” by many an individual. It has not only served the purpose but has also proved to be advantageous in this adverse situation. Language and education, has always been intertwined with one another as either sides of the same coin. Especially in Legal education and research, where a lot of the curriculum revolves round the understanding, evaluating and analysing of legal principles, legislative provisions and judicial pronouncements; language plays a very important role. The changing nature of language and its application, is not something new. Previously, in the 17th and 18th Century, most texts placed reliance on Elizabethan English, or what we call Shakespearian English. But from the 19th century to present, the English language has paved its own path. Thus, it is quite inevitable that the medium of education, especially in terms of language will certainly change over a period of time. It is only that, this time the application has been premised over a grave crisis and the change has been very uncustomary and rapid to master in such a short amount of time.

Although oral and written language in sense of application and understanding have a limited scope and is restricted to certain limitations like geographical territory, community, nationality, etc. The virtual language as evolved in these present times, are universal in nature without any limitation of territory, race, religion, place of birth whatsoever. Education in the Pre Covid-19 phase was totally related to oral/written language with thin lining of virtual language. But Post Covid-19 is going to be the reversal.

1. **Emergence And Essence Of Virtual Language And Medium**

Any language needs a medium to travel. For oral language, such medium is spoken words and other verbal expressions while for written language it is visual representations, descriptions, etc. In the post Covid-19 situation, we have all noticed the emergence of a third kind of language, that is virtual language. Although, it sounds a little tough, as a phenomenon to understand, but in this situation, it is not too difficult a task to acquire conception of this language. Just like all other types of languages, the virtual language also needs a medium to travel, which primarily is the electronic medium. In a nutshell, ‘virtual language’ or the ‘online platforms’ created thereto is interdependent on all the three types of languages. Primarily, though the online platforms are operated through an electronic medium, but the task of imparting education thereof, is conducted through oral or written language. On one side of these ‘online platforms’ or ‘e-learning platforms’ there is a teacher or instructor, who uses oral or written language to provide information and instructions towards the students at the other end. Covid-19 has not only influenced life and occupation, but has also spread far reaching impacts in the field of modern education and research. Since the very initiation of the present ‘lockdown’ the magnitude of the usage of internet and virtual language in legal education and research is really remarkable. Primarily, teachers and instructors have lent special care towards the procedure and curriculum of imparting education, which will be best suited for the virtual language and the medium of internet. Secondly, most classes have been conducted though ‘power point’ presentations. At the end of each class, explanatory notes and online course materials have been provided to the destined audience. Side by side various experts and professionals of the various fields of Law have been brought in through ‘webinars’ and virtual platforms, so that they can guide the audience suitably in the field of legal professions and practice. Besides, ‘Moot Courts’, ‘Seminars’, ’Paper Presentations’, ‘Law Quiz’, etc. have been regularly organized in both State and National levels through Virtual Platforms and Webinars.

As ‘Clinical Legal Education’ is an inseparable part of Legal education, thus to maintain the continuity of the conception of legal method and practice along with other ‘internship opportunities’’ they all have been brought under the broad ambit virtual language and the electronic medium. But even after all these efforts and modifications, the situation that has proved most difficult in this Covid-19 era, is the examination and evaluation of the students and researchers. As during this pandemic, almost all examinations are conducted in ‘MCQ’, ‘Objective Questionnaire’ or ‘Open Book Format’, thus the proper evaluation of students about their knowledge and skill in the field of law, is not being possible.

Amidst all these hardships and modifications, the servers that have proved most effective and popular are, ‘Google Meet’, ‘Zoom’, ‘Microsoft Teams’, ‘Webex Meet’ etc. Besides, a handful of educational institutions have created their own servers and are imparting education with enough skill and effectivity in this emergency situation. But, even after all these, there is a fear of a lot of fallacy and error in such platforms, among which; slow internet, technical defects, interrupted power supply, cyber hacking, etc. are worth mentioning. Thus, imparting education in virtual platforms and the electronic medium is remarkably risky and full of technical issues.

Therefore, in the post Covid-19 situation, while formulation new pedagogy and curriculum of legal education and research including certain inter-disciplinary subjects, these issues must be addressed and resolved appropriately. In future, when the Covid-19 situation can be cured and contained, the Educational Institutions must return to normalcy and focus to depend more on the conventional mode of imparting education thereby limiting the usage of virtual platforms and electronic medium. The principal subjects of legal education and research must be brought back to the conventional mode, thereby leaving only the non-core areas and subjects to be outsourced /entrusted to technology and/or dealt with by the aid of technology through ‘E-Learning Platforms’.

We must remember that, in case legal education and research, ‘virtual language’ and ‘electronic medium’ is just a requirement of time and full dependence on such, even in normal times thereby making it a routine affair should never be encouraged. Technology shall not be allowed to rule to become unruly horse, it ought to be sub-dude and tamed to act as servant rather a master.

1. **Advantages And Disadvantages Of Online Legal Education**

Online legal education is subject to its own advantages and disadvantages. In this pandemic situation, on one hand, though the internet and electronic medium has kept the educational institutions running and functional even amidst this lockdown; likewise, on the other hand a remarkable number of students, researchers and teachers have faced its ill-effects. The specific advantages and disadvantages of online legal education have been briefly discussed hereunder.

**Advantages**

* All the stakeholders and students have been accustomed with Virtual Classes & E-Learning, for which it has been possible to proceed the functional continuity of their respective courses.
* The students and researchers have got accustomed to the use of ‘Digital Library’, through which they can access E-Books, Bare Acts, Online Journals etc.
* Updates about Latest Judgments & Decisions of Courts can be accessed more easily than ever before through the electronic medium.
* Online legal education has proved itself to be remarkably time and money saving.
* In this pandemic situation, most educational institutions have introduced Online Seminars or ‘Webinars’. Through these, the students and researchers have been able to exchange their knowledge and ideas worldwide. Besides, various experts and eminent legal professionals from across the globe have been collaborated with, through these webinars; which would have been literally impossible and too inconvenient in conventional seminars and conferences.

**Disadvantages**

* Poor students who cannot afford the means of online education and the lack of proper technology and infrastructure in rural areas of India have been an actual lag in this situation.
* It is unimaginable to have uninterrupted power supply and high-speed internet in various regions of our country. Thus, in such regions, online legal education is next to impossible.
* Online legal education, for its true emergence and initiation required proper training and vocation, which could not be managed in the pandemic situation. This has caused huge inconvenience to a lot of stakeholders.
* Body language of teacher and taught is missing. Hypnosis of teaching methodology and effectivity is lacking because of absence of Eyeball to Eyeball contact.
* It has had huge effects on the physical, mental and psychological health of the students, in the long run.

There have been reported incidents of abusing the teachers in the virtual platforms just because they were not well-trained or accustomed to the modes of online legal education.

Thus, in the post Covid-19 era, it is very important to keep in mind all the above issues and circumstances, thereby properly addressing those; before determining the importance and ambit of online legal education and the mediums thereto. Law shall never be shadowed by Co-lateral Subjects like Technology/Management and Technology should Sub-serve Law but not to Overpower it.

1. **Paradoxical Shift In Legal Process And Clinical Legal Education**

Legal education is a professional discipline. Thus, besides theoretical education it also bears huge significance of practical and clinical education. As because most of the students who acquire a Degree in law after completion 0f their legal education in graduation or post-graduation level; opt to join the Courts, as an Advocate or Attorney; it becomes very important for them to be accustomed and learned with the Judicial process and practice. Therefore, a significant part of Legal education focuses on clinical education. Outside India, various nations have termed this as ‘Continuing Legal Education (CLE)’ or ‘Mandatory or Minimum Continuing Legal Education (MCLE)’.

“The concept of continuing legal education (CLE) for the legal profession is not novel. In fact, in countries like the United States of America, the American Bar Association has promulgated model CLE rules for individual jurisdictions to adopt. In the US, attorneys must earn a minimum number of CLE credits (measured in hours) over a set period of years. Earning the credits entails studying or teaching specific topics or courses in important and upcoming legal fields for a certain number of hours throughout the year. Publishing a certain number of legal articles, doing some pro bono work, or even judging moot courts also earn credits.

There are similar requirements in the UK, Canada, Germany, France, Italy and Australia. An aspect worth highlighting is that in all these jurisdictions, credits are to be earned by every advocate/lawyer, irrespective of whether they are a junior or a senior member at the Bar.

Coming to India, the concept of CLE is not new. Several professional bodies like the Institute of Chartered Accountants of India have been enforcing continued education in their disciplines. However, there have not been many concentrated efforts to introduce it in the legal system.”

The Supreme Court in the case of [*State of Maharashtra v. Manubhai Vashi*](https://indiankanoon.org/doc/1307719/) observed the need for continuing and well-organized legal education as absolutely essential in light of ever-growing challenges of the profession.

Thereafter, the BCI, in [*Bar Council of India vv. Bonnie FOI Law College and Ors*](http://www.the-laws.com/Encyclopedia/Browse/Case?CaseId=008002572200)***,*** filed a final report prepared by a 3-member committee on Reform of Legal Education before the Supreme Court. The report recognized the incorporation of a Directorate of Legal Education in terms of Rule 34 of Chapter IV of the Bar Council of India Rules of Legal Education 2008 for “organizing, running, conducting, holding, and administering Continuing Legal Education...”

Owing to these judgements of the apex Court, practical education has formed a very important role in present and CLE was included in the existent curriculum of present Legal education. This is, what is termed as Clinical Legal Education; and includes Internship, Moot Court, Seminar Presentation, Case Diary, Court Visits, Apprenticeship, etc.

In this pandemic situation, the Judicial Process and Practice in India have undergone a sea change, among which; Filing of cases over electronic medium, Summoning before Courts through telephone or internet, E-Challans, Video-Trial etc. are worth mentioning. In order to get used to these modified and updated usage of the internet and electronic medium; effective training and vocation is very essential. Thus, keeping in mind these issues, significant changes should be brought about in Clinical Legal Education, to suit these purposes accordingly.

“Health and safety are everyone's priority today as COVID-19's unprecedented impact continues to grow each day. Needless to say, the outbreak of Covid-19 has left its impact on litigation and arbitration in various ways, ranging from an increased use of remote hearings to general court closures, depending on the countries and institutions concerned. With a view to ensure minimal disruptions, Courts around the world have swiftly embraced technology, including mandatory electronic filing, restricting hearings to only critical cases and conducting them through video conferencing. The proactive steps taken by Courts, both in India and abroad, have made it comparatively easier to effectively strategize and manage Litigation”.

1. **Curriculum For Neo-Legal Education And Research In The Post Covid-19 Era**

Law is a dynamic and ever-changing discipline. It has always catered to the needs of time and has adapted and modified accordingly. In order to formulate a concrete conception about the existing Legal System of any nation, innumerable laws, procedure and policies have to be specified, analysed and explained. As the curriculum and course duration of Legal education in both graduate and post graduate level is subject to a limited span of time; thus, it is not possible to cover all the laws, procedure and policies of a particular legal system within such specified time. Therefore, before formulating a curriculum for any particular course of Law, the subjects to be included thereto are selected with due care.

Discussing about the present scenario, it can be undoubtedly stated that epidemics or pandemics are not a novel concept for India, that is Bharat. Considering Indian mythology, repeated mention of a 12 years long famine has been found in our Puranic History; whose tentative timeline is 2183 BC to 2171 BC. It was after this situation, that the famous Saint ‘Rishi Vishwamitra’ formulated a number of societal and religious reforms, in order to rescue mankind from this pandemic. Thus, it can be stated that, after any pandemic or epidemic, the emergence of a societal change and reform is inevitable.

Even in the Mughal era, India has faced the frequent outbreaks of cholera in the 19th and 20th Century. Even then, apt societal reforms and legal actions were formulated by both the Mughal and British Administration. In case of any epidemic and pandemic, the legal phenomenon that takes place is that; the Legal Rights and Immunities of the general public, gets eclipsed by the legal reforms brought about for the epidemic and can be restored back only after the situation normalizes. For example, if we consider the present law relating to epidemics in India, i.e., Epidemic Diseases Act, 1897 we can notice that, it was originally a legal reform that was brought about to prevent ‘Bubonic Plague’ in Bombay in 1897. Even afterwards, this Act has been invoked in a lot of states of our country in order to control various epidemics. Example- ‘Swine Flu’ in Pune in 2009, ‘Dengue and Malaria’ in Chandigarh in 2015, ‘Cholera’ in Gujrat in 2018, etc. In present India, the Nationwide Lockdown that was imposed in March 2020, in order to prevent the Covid-19 outbreak; was implemented and executed under Epidemic Diseases Act,1897 and Disaster Management Act, 2005.

Besides all these, different Legal concepts and subjects, gain utmost importance with changing times and situation. These Laws and subjects become significant enough to be included in the contemporary curriculum of Legal education and research. For example, Land Laws and Laws relating to Land Reforms were most important in 18th century; but after the French Industrial Revolution in 19th century, Labour and Industrial Laws became significant; again in 20th century, the emergence and rise in usage of computers, paved way for Laws relating to Information and Technology; and finally, in the 21st century for the massive growth in technological advancements, the legislature is thinking about formulation of laws relating to Artificial Intelligence. Amidst all these, the sudden outbreak of Covid-19 in 2020, has made the laws relating to Prevention of Epidemic, Pandemic and Infection, health and safety, etc. as most significant areas of Jurisprudence.

Moreover, the Bar Council of India vide its Notification in The Extraordinary Gazette of India on the 2nd of January, 2021 has notified **The Bar Council of India Legal Education (Post-Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education), Rules, 2020**. Therein, special emphasis has been laid on building a curriculum on ‘The oriental legal system’ which shall mean and include Eastern Jurisprudence, (i.e., legal system of the East including indigenous legal order).

Thus, in the Post Covid-19 situation, while formulating the Curriculum for Neo-Legal Education and Research; some of the subjects & topics that will receive utmost priority are: -

* Laws relating to Obligations towards the Community and the Environment.
* Ancient Indian Legal system and the system of ‘*Dharma*’.
* Eastern Jurisprudence: its Origin, Nature and Scope.
* Performance of Duties and Governmental Obligations in National Crisis.
* Human Actions and its Effects on the Environment.
* Laws relating to Nature, Spread and Prevention of Epidemics.
* Law Enforcement, Executive Power & Enforcement of directions during Epidemics and Pandemics.
* Indemnity to Authorities and Obligation on affected person to disclose.
* Regulations relating to Conduct in Medical Profession.
* Epidemic Diseases Act 1897.
* Notifiable Infectious Diseases.
* Role of Society & Government in Prevention of Epidemics.
* Disaster Management Act, 2005.
* Powers, Functions and Responsibilities of Disaster Management Authorities.
* Nature of Contracts and Impact of Impossibility in Execution of Contractual Obligation.
* Performance in Presence of Force Majeure, Vis-Major and Natural Disasters.
* Laws regarding Disclosure and Public Awareness.
* State Responsibility Under Directive Principles and Fundamental Duties.
* Human Rights: Laws concerned towards Humans and Animals.
* Cruelty to Animals and Legal protection thereof.

Besides these, the areas that will receive utmost significance in Legal Research in the Post Covid-19 situation, are: -

* Law and its Development: A study in the context of Social Change.
* Law Making and Challenge to its Validity.
* Law and Justice in Contemporary Society.
* Conquest / Colonization: A Study of its Impact on Law in Indian Context.
* Law as an Agent for Social Change.
* Understanding of Law with emphasis on Impact of Technology.
* Distant Legal Research and Monitoring Mechanism: A Study.
* Impact of Pandemic on socio-Legal Relations.
* Disaster Management and Executive Obligations: A Study to Suggest Futuristic Approach.
* Deficient Legislations to Cover Unforeseen Events: A Critical Analysis.
* State Obligations: A Study of Unnatural Use of Land & Escape Thereto.
* In-vitro Research: Study of Obligations & Consequences with emphasis on Covid-19.

1. **Conclusion**

The Covid-19 situation has indeed shown us, the real position of Higher Education in our country thereby pointing out the areas that are not friendly with adaptations to changing situations and modifications. On one hand, a huge number of students have been deprived of their conventional education due to lack of proper training and infrastructure; while on the other hand, the inability of a lot of teachers, stakeholders and researchers to properly use the electronic medium and/or virtual language have proved to be a hindrance. Online classes have just been a temporary remedy in this regard, but the actual magnitude of change, that the legal education and research is going through, has proved adverse for a lot of students, teachers and researchers. Besides the indefinite closure of different Educational Institutions, the ununiformed changes, that have been introduced in the teaching, pedagogy, curriculum and evaluation process; which is uneven and distinguished from one institute to the other, have hugely affected all the participants.

Most governments around the world have temporarily closed educational institutions in an attempt to contain the spread of the [COVID-19](https://brandequity.economictimes.indiatimes.com/tag/covid-19) pandemic. Some 1.3-1.5 billion students and youth across the planet are affected by school and university closures. These nationwide closures are impacting over 72% of the world’s student population. Several other countries have implemented localized closures impacting millions of additional learners. Governments around the world are making efforts to mitigate the immediate impact of school closures, particularly for more vulnerable and disadvantaged communities, and to facilitate the continuity of education for all through remote learning.

But amidst all these, the issue that has been most neglected; is the mental and psychological health of the students and researchers. Due to the pandemic lockdown and closure, almost all participants are practically isolated at their respective residences. Almost all the students are deprived from their friends, classmates and conventional educational environment which has had devastating effects on their mental health. For this, special and apt psychological care and counselling is required. The Educational Institutions must come forward to address this issue, and arrange for the necessary remedies. Besides, the participants must be brought under various Webinars and online platforms, where they will be motivated, encouraged and discuss various aspects of their mental and psychological health.

Keeping in mind, the present global situation, the most significant issue is international cooperation. Various jurists, legal experts and professionals must join hands in advising a constructive remedy, leading to the foundation and implementation of a Pandemic Prevention Law and Procedure, at both National and International level. All these can be cited and suggested as the best possible remedies in this Covid-19 situation.

**References**

https://www.sciencedirect.com/science/article/abs/ pii/S0165178120305400

https://www.theweek.in/news/india/2020/05/23/online-classes-turning-out-to-be-nightmare-for-teachers-amid-covid-19-lockdown.html

MacCrate, Robert, ed. 1992. Legal Education and Professional Development: An Educational Continuum, St. Paul, Minn. West.

https://www.barandbench.com/columns/the-need-for-continued-legal-education-in-india

1996 AIR, 1 1995 SCC (5) 730.

(2017) 11 SCC 188 (1).

https://www.mondaq.com/india/litigation-contracts-and-force-majeure/918068/functioning-of-courts-in-india-and-abroad-during-covid-19-pandemic

http://ShimlaSuresh.blogspot.com/2012/09/12-years-famine-in-puranic-literature-html?m=1

https://www.livelaw.in/pdf\_upload/pdf\_upload-386894.pdf (see Chapter-I; clause- 2, sub-clause- (ni))

https://brandequity.economictimes.indiatimes.com/news/business-of-brands/future-shock-25-education-trends-post-covid-19/75729537