

National Seminar on “e-Revolution: Challenges and Opportunities”

Sub- theme: e-learning: Challenges and Opportunities

Electronic Revolution: Opportunities and Challenges in Legal Education

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Computer has captured, nay, conquered every aspect of life and is thus continuously revolutionizing the whole human civilization. In this development, educational institutions have embraced electronic technology by way of swipe cards for entry, attendance, bio metric attendance, maintenance of records and data of students and staff, hall tickets, mark statements etc. There is a shift from black boards to smart boards and LCD screens. Libraries are not considered adequate without electronic resources and data bases. ‘Computerization’ ‘digitalization’ and ‘networking’ are the buzz words everywhere. Clearly and painfully there is a wide gap between the so called well equipped institutions and those which lag behind in equipping themselves.

In the back drop of electronic revolution, this paper seeks to review legal education under the University of Mumbai in order to find the opportunities presented by e- revolution and the challenges faced in accessing and benefitting by such opportunities. By Legal education is meant the Bar Council of India(BCI) regulated formal legal education through law schools endeavoring to produce professional lawyers¹. This review will be fruitful in assessing the current state of affairs and in suggesting the reforms required to tap the opportunities presented by the electronic revolution. Legal education should be custom -made with a view that the imparters, recipients and the society at large reap the profits of the computer generated revolution.

¹ BCI is established under Advocates Act, 1961 and has regulatory powers under S.7

“... The need for continuing and well organized legal education is absolutely essential reckoning the new trends in the world order, to meet every growing challenge. The legal education should be able to meet ever growing demands of the society and should be thoroughly equipped to cater to the complexities of the different solutions.”² Legal education provides the law professionals for the bar, bench, government and private authorities and bodies, law schools, activists, NGOs, private individuals, etc. The character and caliber of legal professionals will directly depend on the quality of legal education. The performance and efficiency of the legal system will be dependent on the character and caliber of the legal professionals. Legal education is fundamental to the very foundation of the judicial system.³ Therefore casting the legal education according to modern computer world is undoubtedly vital.

Electronic Revolution has led to new laws and amendments viz., Information Technology Act, 2000, changes in law regarding documentary evidence, e-commerce, intellectual property rights, etc. Today the Supreme Court & High Courts are having their websites. All reportable judgments are available in their websites. UNO and other UN bodies have their respective websites. International Court of Justice has also its own website. All treaties and resolutions are available. NHRC and other commissions have their websites. Parliament houses have their websites and information about pending bills is also available therein. Courts, tribunals and other government bodies use new technology. In addition to law reports electronic reports of judgments and e data bases are available. Drafting of pleadings and conveyances have become very simple with the computer ready formats. Voice recording, you tell I type computers, internet on the move, video conferencing, tablets, I phones, smart phones etc are revolutionizing legal profession and justice administration. Keeping this in mind an attempt is made to

² Supreme Court of India in State of Maharashtra v M P Vashi, (1995) 5 SCC 730

³ Law Commission of India, 184th Report, 2002

focus light on the curriculum, teaching-learning and evaluation of legal education under the University of Mumbai.

Law colleges under the University of Mumbai

University of Mumbai is recognized by the BCI for the following professional law degree courses

- 1) Three years LL. B course after graduation
- 2) Five years B. S. L. LL. B course after higher secondary course
- 3) Five years B. B. A. LL. B after higher secondary course (since 2014-15)

As of today, Government Law College, Mumbai (under the Government of Maharashtra), seven private law colleges aided by the Government of Maharashtra (since 1995 because of the Supreme Court's verdict⁴) and 28 private unaided law colleges are affiliated to the University of Mumbai for imparting three year LL B and five year LL B⁵. The BBA LL B introduced in 2014-15 is run by the university Thane sub centre.

Curriculum

The syllabi of the Universities for the professional law degrees have to be in accordance with the BCI stipulations.⁶ The syllabi of the University of Mumbai for courses 1) and 2) have remained unrevised for nearly 15 years. This is despite the fact that the BCI has reframed the rules on standards of legal education in 2008. The syllabi for the LL B and B S L LL B are even today as per the old rules of the BCI. The view that any new paper/ subject added to the syllabus will increase the workload of the colleges and thereby will entail the risk of the course becoming unaided as per Government of Maharashtra circulars has affected the syllabus revision initiatives.

⁴ Supra note 2

⁵ www.mu.ac.in/colleges/Law

⁶ Part IV Rules under S. 7, 24 and 49 of the Advocates Act, 1961

Rapid use of computer technology in all walks of life generates the need for more legal professionals who can handle a variety of legal matters related to information technology. It is important to consider the curriculum fitness for the new need.

The 2008 BCI rules prescribe 20 compulsory subjects, 4 compulsory clinical subjects (practicals) and 6 optional papers from listed papers in seven different groups viz Constitutional Law Group, Business Law Group, International Trade Law, Crime and Criminology, International Law, Law and Agriculture and Intellectual Property Law. The five year LL B courses will have additional subjects based on whether they are BA LL B, BCom LL B, BBA LL B, B Sc LLB etc.⁷ BCI has prescribed one paper each on information technology law under Business law group, crime and criminology and intellectual property. But these papers are among optional papers. There is no compulsory paper on cyber law.

BBA LL B introduced by the University of Mumbai in the Thane sub-centre precincts has special subjects including cyber law. Similarly the LL B Honours programmes offered by national law universities or private universities like SVKM, Amity or Sastra have included cyber law. But these all courses come with heavy fees⁸ and are not found in all localities. In the absence of cyber law subject the students are left to fend for themselves by doing an additional course offered by certain institutions or do without it. Therefore Information Technology Act, 2000 should be made a compulsory subject for all LL B courses. This will make tomorrow's lawyers more competent to deal with the litigations having a cyber connect. It is these lawyers from ordinary law colleges who are going to serve the common people in affordable fees. It is pertinent to note that the BCI has laid down only the minimum standards and does not prevent the universities to add anything more to the curriculum.

There is a dearth of qualified teachers to teach cyber law.

⁷ Part II of Schedule II of the 2008 BCI Rules : academic standards and courses to be studied

⁸ The fees ranges from Rs 50,000/ to Rs 1, 50,000/ per year whereas the fees of aided is Rs 7,000 and unaided is about Rs 14, 000/

In Schedule III of the Part IV Rules, BCI details the prescriptions of infrastructural requirements. In integrated courses like BSc LL B, BCI calls for adequate laboratory facilities.⁹ Herein BCI stipulates: Computer Education to be made compulsory for all the students.¹⁰ It is not clear whether computer education is prescribed only for integrated law courses with science, engineering and technology or for all three year and five year courses because-

- 1) the stipulation is made in the context of five year integrated course with science etc
- 2) the stipulation is not made in Schedule II which deals with academic standards and courses to be studied but in Schedule III which deals with infrastructure
- 3) keeping with the same approach as in case of all other courses/subjects to be studied, no syllabus has been prescribed for Computer Education.

Infrastructure

No one can think of colleges today without computers. In academics, administration and accounts computers have come to stay. However Bar Council of India has prescribed computers specifically for only the library in the following words-“**6. Library Building:** There shall be adequate space in the library for computer facility with access to internet and national and international library access and data bases.”¹¹ In 2013-14 BCI by circular¹² had made it compulsory for all law colleges to purchase a package of law reports and e data from All India Reporter Pvt Ltd only to withdraw¹³ the circular after many of the law colleges had purchased with huge financial difficulties.

BCI has its own website¹⁴ which helps in many ways especially in providing information about the universities and colleges recognized. The circulars are uploaded and electronic mail communication is also in use. BCI decided to have a

⁹ Rule 9(a)

¹⁰ Rule 9(b)

¹¹ 2008 Rules , Schedule III, under physical infrastructure.

¹² BCI:D:211:2013(LE:circular no.3)

¹³ BCI:D:204(LE/circular dated 16January 2014)

¹⁴ www.barcouncilofindia.org

web portal of centres of legal education¹⁵, heads, teachers and students and issued a circular¹⁶; it has charged fees from centres, heads, teachers and students for this purpose.

University of Mumbai has largely computerized itself. In the website of the university¹⁷ are posted all circulars. The website gives details of the faculties, affiliated colleges, facilities etc. The university website list of law colleges, strangely has no list of the old and aided law colleges although the names and addresses of all unaided colleges are shown. The correction is already requested.¹⁸ 2014-15 enrolment and eligibility procedures were made online.

Computerization will result in more effective benefits if the compiled data is analyzed and necessary steps are taken up. To illustrate, there is data available on the total number of colleges and on the number of them that are UGC NAAC accredited and reaccredited. A cursory study of the data will show that law colleges under the university have not gone for accreditation except VPM's TMC Law College, Thane¹⁹. Similarly, in all these years, not once the university best college award has been received by any law college. The distinction between law colleges and other colleges and their special difficulties have not been considered seriously.

Colleges have their own websites. The CCTV cameras are compulsory for exam control rooms and also for the college premises. This helps in security.

Online Admissions

Online admission is a misnomer in many law colleges; forms and prospectus have to be collected or downloaded and physically submitted. Only the merit lists are displayed online. Nevertheless these facilities have eased rush and reduced travel. A few colleges guide the applicants by answering their queries in respect of admissions via electronic mails.

¹⁵ Defined in R2(iv), Chapter I of 2008 BCI Rules

¹⁶ BCI: cir no 4/2012) (university/CLE)

¹⁷ www.mu.ac.in

¹⁸ VPM's TMC Law College vide letter affil 21/362/2014 dated 6/9/2014

¹⁹ Accredited in 2004 (C+)

Mumbai University does not regulate the admission process of law colleges by laying down uniform dates for merit lists. But in the interest of the applicants, the aided law colleges and the government law college meet and decide a uniform schedule for admissions in the nature of self regulation. A few unaided colleges also fall in line.

Teaching – Learning and Research

Electronic revolution is a great equalizer when it comes to access to information, it is said. Yet, the rich have laptops, iphones, tablets smart phones etc and the poor go to cyber cafes. Hence the library should be well equipped and also work for extended hours to cater to the poor students. Before 2008 rules, BCI required the library to be open for minimum 8 hours. Under the new rules while BCI lays down that the library may remain open till 10pm.²⁰ There seems to be no reason why libraries should not be open 24 hours on all 365 days if the colleges can bear the responsibility.

Colleges have LCDs and some teachers use them and make the classes more interesting and more informative. Videos can be shown; charts, maps, tables and graphs can be conveniently shown. Since internet is generous with excellent and enormous resources for everyone, teaching has become more challenging. An ill prepared teacher is quickly exposed.

Students should be taught how to use electronic data bases for research. Whereas in other faculties research may seem to progress after post graduation, law being a professional course, the future lawyers ought to know how to research for their briefs. Research is not just academic but a day to day need in legal profession.

Not many colleges have LCDs in all class rooms and here is the first challenge. There are lecturers who do not use the black/green board; one may not expect much from them. There are teachers who misuse the facility by simply reading out their so called 'power points' powerlessly and pointlessly. Here is another challenge. The first challenge can be overcome with financial support from

²⁰ 2008 BCI rules- Schedule III, 5

generous souls, government or through effective utilization of funds, and special fees. The other challenge can be overcome by training teachers and monitoring. Mumbai University's UGC Academic Staff College has no refresher courses for law and orientation courses are common for all faculties. Many law teachers are on a visiting basis and the colleges should take some initiatives in training them.

The students should be encouraged to use the cell phone applications available now. The bare texts of statutes can be kept handily in the cell phones. Calendar, calculator, reminder, alarms etc can be of great use to plan and systematize curricular, co-curricular and extra-curricular activities thus ensuring maximum participation and maximum benefits for students.

We hear an oxymoron "off lecture". When a teacher is on leave the lectures assigned to that teacher are not in many cases in many colleges engaged. The students are asked to sit in another class or to go to the library. If the electronic facility can be used to show a pre-recorded lecture or by Skype a live lecture, the loss of teaching-learning hours can be minimized.

There are colleges which use the notice boards in their website and students can connect any time. Also a facility of the following information can be useful to the students- Previous question sets, model answers, self test questions, assignments, notes on topics, list of must read cases, notes on important cases, current topics etc. internet facility and intranet facility can be used. There are different platforms which are free and open for e learning projects. Also the electronic mails can be used to raise and clear doubts of students.

Examination and Evaluation

Today University exams cannot be conducted without facilities to download the question papers and to print and to copy. This e delivery of question papers presents so many advantages if the college is properly equipped and the university makes the papers available in time. The problems of carrying in person the papers to distant colleges, risks of leak in transit, the risks of late delivery, the arrangements of vehicles, the expenses of fuel, contribution to traffic congestion at peak hours have all been eliminated in one smart electronic step.

The university has introduced computer friendly bar coded answer sheets and OMR mark sheets to minimize delay in declaration of results. There is also a recent attempt by the university to make each page of the answer book scan friendly. May be in near future assessment of papers will be done by reading the scanned pages; there is a possibility of double or multiple evaluation of each answer book and the marks may be an average of the marks obtained in each of the evaluation. The discrepancies, callousness and indifference in assessing the answer papers can be detected and the concerned persons can be made to account for their faults.

E revolution can contribute to a green environment. The projects, assignments, etc can be submitted electronically and paper use can be hugely cut. But there is a challenge of cheating. The students may forward electronically, the submissions for their friends also or of their friends. There are online services to not just assist in doing projects but also to do it for students. BCI requires, as part of practical training, that projects be assigned. Especially the final year students have to report on their court visits and advocates office visits. Also they are required to draft 15 conveyances and pleadings for submissions. If electronic submissions can be made fool proof, the paper use all over India by law students for this purpose can be eliminated.

Open book exams for drafting of conveyances and pleadings can be made open and free access to internet exams. All India Bar Exam is also an open book exam.

Co-curricular and extra -curricular activities

Soft skills training, moot court training etc can be made interesting and easy. Videos or voice records of technical oral submissions as required to be made in courts can be passed on to students via electronic communication. Blue tooth technology also helps in passing the files and images wireless. The various invitations for seminars, workshops, competitions, etc are facilitated immensely by electronic communication. Some seminars are webinars and anyone from any corner of the world can be part of the same. Online submissions of moot court memorials, essays, poems, short films, etc are possible and therefore on line competitions can also be conducted.

Internships and value added courses

Internships are very crucial to learn the skills of the legal profession. The class timings of law colleges being for 5 ½ hours, the students take up internships. A recent circular stipulates that internships shall be done only during vacations and that the colleges should not send up the students during academic sessions²¹. There are online internships available today which can be conveniently pursued.

There are certain websites²² which give information about various competitions, seminars, add on courses, etc which aid the law students to broaden their vistas. Several reputed institutions²³ offer online courses on laws not in the syllabus. Thus electronic revolution fills many gaps in the curriculum. These can be simultaneously pursued along with the LL B courses. These are indeed great opportunities for the law students of today.

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²¹ BCI:D:1478/204(LE) circular no.5/2014

²² www.lawoctopus.com, www.barbench.com, www.legallyindia.com, www.deadlylaw.com, www.studentatlaw.in

²³ NALSAR, ASCL etc