

# SYNCHRONOUS LEARNING IN LEGAL EDUCATION: THE WAY FORWARD

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## ABSTRACT

The spread of COVID-19 has forced many countries to impose lockdowns, for all activities, including teaching and learning. Therefore, all educational institutions suffered a massive setback. Regular classes were cancelled due to a threat to the learners' and teachers' lives. One of the most impacts of the pandemic on global education was the abrupt shift from classroom teaching to an online mode of teaching and learning, which affected the teaching and learning process, significantly disrupting the higher education sector. This shift in the mode of teaching has resulted in a significant change in learning, with both positive and negative consequences, and legal education is no exception.

Most of the countries are highly stringent regarding legal education. It discouraged open, distance or online learning in legal education. Online learning is divided into two categories: synchronous and asynchronous.

A research analyses whether synchronous learning can be used post-pandemic in legal education and whether blended learning/hybrid teaching can be continued in legal education. During this phase of time where the world is facing a challenge of pandemic and with the advancement of technology, this research paper contends that blended learning can be used in legal education.

**Keywords:** Legal Education, Synchronous, Asynchronous, Online Learning, Covid 19

## INTRODUCTION

Nelson Mandela once stated, “*Education is the most powerful weapon you can use to change the world*”.<sup>1</sup> Hon'ble Justice 'Krishna Iyer' observes “*The study of the law becomes important when it comes to a society in which its members, high or low, are better off, more stable, and more human. The profound significance of jurisprudence, the only legal science, finds its basis in formal education*”.<sup>2</sup>

The above statements are compelling today to re-examine the delivery of legal education when the country is unexpectedly facing a pandemic that has changed all sectors, including the legal education and legal profession.

Legal education in India has always been a traditional study method, but the pandemic has caused a paradigm change from conventional to virtual mode. Several other countries, including India, have encountered a similar dilemma. Online training has opened up a world of possibilities for people around the globe. It has grown in popularity and accessibility, attracting students with schedule-friendly format options.

There are three modes of online education: asynchronous, synchronous, and hybrid. Asynchronous online learning is an unsynchronized style of instruction, provided that the instructor and learners have separate attendance. The synchronous technique is the inverse; teachers and students should be present simultaneously; they should connect online via whatever platform is chosen and collaborate exactly as they would in a classroom. Rather than that, the hybrid technique combines synchronous and asynchronous modes of online learning.<sup>3</sup>

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<sup>1</sup> Mandela, N. (2014). Education is the most powerful weapon which you can use to change the world. *Computer*, 8, 45.

<sup>2</sup> Mohan Gopal, G. (2009). Prof. NR Madhava Menon's Reflections on Legal and Judicial Education.

<sup>3</sup> Amiti, F. (2020). Synchronous and asynchronous E-learning. *European Journal of Open Education and E-Learning Studies*, 5(2).

The fundamental distinction is that the synchronous model allows you to study live from any location, even if not in the actual classroom. On the other hand, asynchronous learning will allow you to learn from any place and at any time.

Legal Education was turned into an Online mode of learning as time demanded. Hence, this article aims to find which mode of online learning can be best used.

### **SYNCHRONOUS E-LEARNING: PROS AND CONS**

Let us first analyse the pros and cons of synchronous online education.

Synchronous learning occurs when a teacher and students meet online to teach and discuss a subject. Synchronous learning has both benefits and drawbacks, as shown by their teamwork. A synchronous learning environments provide for real-time knowledge exchange and fast access to the teacher. This sort of setting demands a predetermined day and time for the meeting, which goes against the promise of “anytime, anywhere” learning made by online courses.<sup>4</sup>

Synchronous learning brings students together regardless of distance. Some students struggle in the regular classroom because they are introverts by nature, so being at home helps them feel more at ease and less worried. Lessons may be recorded and contributed to an e-library. Students may view and replay instructor lectures as many times as they need to learn the material.<sup>5</sup>

A synchronous class is recognised as commencing a videoconference between the instructor and students. It should be a learner-centered class where the instructor first instructs and then the students are fully focused. A synchronous class should become a student-centered environment where students respond to activities. Synchronous e-learning has real-time involvement, which is linked to student satisfaction, learning, and decreased attrition rates. It avoids miscommunications and gives learners fast feedback.<sup>6</sup> Also, “discussion forums and online chat rooms have a larger potential to enhance language teaching and learning because they enable synchronous, real-time contact between participants.” Participants must swiftly evaluate screen content and respond instantly.<sup>7</sup>

In spite of this, synchronous media may generate considerable scheduling issues, especially if the instructor wishes to talk to the full class, but even one-on-one.<sup>8</sup> For example, if one student's hearing abilities are not as developed as his/her classmates, the teacher may need to talk more slowly during the video conferencing session. But the more advanced students may not be receptive. If the learners cannot be further stratified, the lower-level learner may need extra help outside the classroom.<sup>9</sup>

Additionally, despite the fact that the instructor has taught throughout the sessions, eye contact is missing.

### **ASYNCHRONOUS E-LEARNINGS: PROS AND CONS**

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<sup>4</sup> Skylar, A. A. (2009). A comparison of asynchronous online text-based lectures and synchronous interactive web conferencing lectures. *Issues in Teacher Education*, 18(2), 69-84.

<sup>5</sup> Perveen, A. (2016). Synchronous and asynchronous e-language learning: A case study of virtual university of Pakistan. *Open Praxis*, 8(1), 21-39.

<sup>6</sup> Mick, C. S., & Middlebrook, G. (2015). Asynchronous and synchronous modalities. *Foundational practices of online writing instruction*, 129-148.

<sup>7</sup> Tabatabaei, O., & Sharifi, R. (2011). Online discussion: self-repair enhancement of EFL learners. *Theory and practice in Language Studies*, 1(7), 837-846.

<sup>8</sup> Mick, C. S., & Middlebrook, G. (2015). Asynchronous and synchronous modalities. *Foundational practices of online writing instruction*, 131.

<sup>9</sup> Chen, Y., Liu, C., & Wong, R. (2007). The adoption of synchronous and asynchronous media in the teaching of a second language. *Issues in Information Systems*, 3(1), 217-223.

The National Education Association (n.d.) indicates that online courses be asynchronous and scheduled for student flexibility. It was mentioned that there should be a time frame for students to complete tasks, and that students should have access to the activities “24/7”.<sup>10</sup>

To use asynchronously requires students to have access to audio/video lectures, handouts, publications and PowerPoint presentations. This content is available anytime and anywhere.”<sup>11</sup> Online teaching tools are described as “The instructor may provide his lecture by videotape, YouTube, DVD, or Podcast, and the students can answer via email.”<sup>12</sup> When the response is delayed, students employ critical thinking more, and instead of offering a spontaneous answer, they craft their response. Instead, distance reduces shyness, which reduces teacher phobia and reduces pressure.<sup>13</sup> “Students like asynchronous settings because they allow them to work at their own pace.”<sup>14</sup>

Teachers, on the other hand, maybe dissatisfied in this situation since they will be uninformed of the student's level of receptivity.

## LEGAL EDUCATION IN INDIA PRE AND DURING-COVID 19

During pandemic, every course has shifted to online mode from conventional mode and legal education was no different. In India, legal education is supervised by a trigonous regulatory structure comprised of the BCI, the UGC, and the appropriate rules of the institution whose school/college of law, or associated schools/colleges, provides degree programmes in direction.

The BCI is the primary body responsible for establishing standards for legal education and recognising law degrees. The Advocates Act, 1961, vests the BCI with the obligation to “*promote legal education and set down criteria for such education in cooperation with universities delivering such education in India and the State Bar Councils*”.<sup>15</sup>

### *Academic Affairs:*

BCI's 2008 rules on legal education prescribe a five-hour continuous course with an extra half-hour respite each day, with a minimum of thirty hours of labour each week.

Additionally, it specifies that the duration of the semester-based course should not be shorter than 15 weeks (6 days a week)/18 weeks (5 days a week). Each week should include a minimum of 30 hours of edifying, moot court, and tutorial. If the course is specialised or honours, there should be a minimum of 36 class hours per week, including seminars, moot court, and tutorial sessions. The Center for Legal Education should guarantee that 90 working days each semester, excluding exams and seminars, are available for instruction.

The academic year should be divided into trimesters with suitable course divisions within each trimester, with each trimester lasting no less than 12 weeks in 72 working days, excluding examinations and seminars.

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<sup>10</sup> National Education Association. (n.d.). *Guide to Teaching Online Courses*. Retrieved March 24, 2022, from <https://www.cstu.org/files/onlineteachguide.pdf>

<sup>11</sup> Perveen, A. (2016). Synchronous and asynchronous e-language learning: A case study of virtual university of Pakistan. *Open Praxis*, 8(1), 21-39.

<sup>12</sup> Raymond, E., Atsumbe, B. N., Okwori, R. O., & Jebba, M. A. (2016). . Comparative effects of the synchronous and the asynchronous instructional approaches concerning the students' achievement and interest in electrical engineering at the Niger state college of Education.

<sup>13</sup> Perveen, A. (2016). Synchronous and asynchronous e-language learning: A case study of virtual university of Pakistan. *Open Praxis*, 8(1), 21-39.

<sup>14</sup> Coogle, C., Floyd, K., Cole, A. W., Timmerman, C. E., Holbeck, R., Greenberger, S., ... & Becker-Lindenthal, H. (2015). Synchronous and asynchronous learning environments of rural graduate early childhood special educators utilizing Wimba© and Ecampus. *MERLOT Journal of Online Learning and Teaching*, 11(2).

<sup>15</sup> Sec 7(h), The Advocates Act, 1961.

Additionally, the Draft Rules of Legal Education 2019 have corresponding rules as the 2008 BCI Rules of Legal Education regarding a conventional course of study and equivalency determination. However, certain incorporations were done.

It states the total number of papers (subjects) in legal education. For regular courses (3/5 years), the regulation requires a minimum of 30 papers (subjects), comprising 20 obligatory papers, 4 clinical papers, and 6 optional papers, and 8 papers for specialized/honours courses in any Group.

#### *Attendance:*

The 2008 BCI Rules, students must have a minimum of 70% attendance for end-of-semester examinations.<sup>16</sup> This is the attendance requirements for students to be eligible to appear for the examination. Dean of the Institute may grant permission in extraordinary circumstances if total attendance is between 65 and 70%. In NLUs, the Vice-Chancellor has the equivalent authority.

On 3 February 2014, the BCI issued a circular to all universities, departments, and colleges imparting legal education, emphasising the Resolutions of the BCI's Legal Education Committee and stating that there shall be no procedural irregularity in enforcing the Rule 12 requirement for minimum attendance.<sup>17</sup> Additionally, the BCI has recommended all institutions, departments, and colleges develop an online student attendance system.<sup>18</sup> Each student enrolled in a legal education institution will be assigned an identification number, which will be placed into a database designated for that purpose.<sup>19</sup>

### **THE SHIFT TO VIRTUAL LEARNING DURING COVID 19**

Throughout Covid-19, the BCI and UGC issued a number of circulars to assist educational institutions in giving instruction and administering examinations. Due to the fact that online courses/programs were not an option for conventional courses/programs under their current standards, these circulars enabled educational institutions to conduct classes without breaching any restrictions. During Covid 19, regulations were established to give alternatives to academic loss. The following are some of the most important circulars:

Regarding the UGC's 27.4.2020 guidelines, all Vice-Chancellors, Registrars, Principals, and Deans of Law Universities and Colleges received a circular dated 27.5.2020. It said final year students should be examined and intermediate semester students should be promoted based on previous and current year grades. A press release dated 9.6.2020 followed a letter on 27.5.2020 explaining online examination instructions. This glanced into the feasibility of an online exam versus a research project/report or a double mark internal assessment for final year students.

The 2008 BCI Rules apply to all legal education institutions. To begin with, all legal education institutions, including universities and colleges, were considering implementing the 2019 draft guidelines. The BCI issued various circulars from 5.2.2020 to 16.06.2021 during the pandemic, stating how BCI must shift from strict adherence to the examination to a more liberal approach, i.e., online examination, or the option of only submitting a research project/report, or double marks in the internal examination for final year students seeking promotion. This is the time when legal education shifted radically.

### **SUPREME COURT & HIGH COURTS OBSERVATIONS: ONLINE LEGAL EDUCATION**

During the pre-covid scenario, various High Courts dealt with various issues concerning legal education, such as attendance. They stated in their judgments, taking into account the BCI rules, that the LLB course is a professional course in which candidates must ensure regular attendance of lectures, and those who do not attend the stipulated

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<sup>16</sup> Rule 12, BCI Rules 2008.

<sup>17</sup> Bar Council of India. (2014). *BCI:D:97:2014 (LE: Circular No. 2/2014) Implementation of Rules of Legal Education-2008*. Retrieved from: <http://www.barcouncilofindia.org/wp-content/uploads/2010/05/Circular-2.pdf>.

<sup>18</sup> Bar Council of India. (2014). *BCI:D:24 (LE: Circular No. 1/2014)* Retrieved from: [http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCI-24-2018-LE.Cir\\_.No\\_.-1-of-2018-Regarding-Online-attendance-system.pdf](http://www.barcouncilofindia.org/wp-content/uploads/2010/05/BCI-24-2018-LE.Cir_.No_.-1-of-2018-Regarding-Online-attendance-system.pdf).

<sup>19</sup> Rule 41, BCI Rules, 2008.

percentage of lectures will be ineligible for enrolment as members of the Bar.<sup>20</sup> Given the importance placed on lecture attendance, there is no doubt that the Rule's requirement is irrational, unconstitutional, or illegal in any way. The amount of training received by a candidate during the course is directly proportional to the number of lectures attended.<sup>21</sup> Failure to attend the required number of lectures specified by the relevant rules may legitimately disqualify a candidate from claiming eligibility to appear in the examination.<sup>22</sup> Some medical exemptions may be granted;<sup>23</sup> otherwise, all candidates must adhere to the attendance criteria established by the BCI or their respective universities.

Other issues decided by the High Courts include no examination and declaration of results;<sup>24</sup> denial of promotion by the university into the next semester;<sup>25</sup> qualifications for a law course in India;<sup>26</sup> requirements as per Legal Education Rules, 2008 for a law course in India;<sup>27</sup> and a minimum number of teaching hours.<sup>28</sup>

During the pandemic, the BCI regulations were amended, and the courts adopted the theory of necessity to compel internship and moot court exercises, which were required for attaining a legal degree.<sup>29</sup> While the standards have always been stringent, the BCI issued notifications in response to the situation, which the courts commended. The High Courts have also emphasised the BCI instructions on physical examinations that were issued during the pandemic crisis.<sup>30</sup>

The Bar Council of India issued guidelines to all law universities and legal education centres in the country allowing final year students of three- and five-year courses to appear in online examinations. The university was also directed to adopt an alternative strategy for conducting examinations for students who are unable to take the online examinations for any reason. Additionally, intermediate semester students were required to be promoted based on their prior year's performance and performance on the current year's internal assessment.

Additionally, institutions were ordered to conduct end-of-semester examinations within one month of college reopening. As a consequence, the Court also favoured online examinations, noting the necessity to preserve social distance in order to prevent the transmission of sickness.

Previously, the BCI's regulations on legal education were sparse, but in light of the pandemic, the rules were updated to preserve the quality of legal education while also taking the circumstances into consideration.

## ONLINE LEARNING AND LEGAL EDUCATION: A CRITICAL ANALYSIS

Prior to the pandemic, Indian Legal Education was usually delivered in a conventional manner. However, during the pandemic, a transition to an online format occurred, although the regulations and courts did not specify whether

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<sup>20</sup> *Salil Srivastava and others vs. Vice Chancellor Aligarh Muslim University, Aligarh, and others*, (2005) 61 ALR 44 (All)

<sup>21</sup> *Shekhar Kumar Singh and Others vs. Union of India and Others*, 2019 SCC OnLine All 4887; *Asmi Choudhary vs Punjabi University, Patiala*, 2015 SCC OnLine P&H 11205.

<sup>22</sup> *B. Murugan, V. Karthikeyan, M. Radhika vs. The Secretary, The Bar Council of India*, (2014) 4 Mad LJ 55; *Anukampa and Others vs. University Institute of Legal Studies and Others*, 2016 SCC OnLine P&H 3037; *Gursimrat Singh Randhawa vs. Guru Nanak Dev University*, 2016 SCC OnLine P&H 11542; *Apporv Yadav vs. University of Delhi*, 2014 SCC OnLine Del 3909.

<sup>23</sup> *Salil Trikha vs. Guru Nanak Dev University*, 2010 SCC OnLine P&H 2045; *Vandana Kandari vs. University of Delhi*, 2010 SCC OnLine Del 2341

<sup>24</sup> *Jayesh Hemchandra Belsare vs. Registrar, Bhavnagar University and Others*, 1985 SCC OnLine Guj 155

<sup>25</sup> *Naincy Sagar vs. VIPS*, 2019 SCC OnLine Del 10813; *Gurkirat Singh and others vs UT, Chandigarh, and other*, 2013 SCC OnLine P&H 23261; *GGSIPIU vs. Naincy Sagar*, (2019) 178 DRJ 372

<sup>26</sup> *S.M. Anantha Murugan vs. The Chairman, Bar Council of India*, (2015) 6 CTC 22; *Gadha C.M. vs. Bar Council of India*, 2020 SCC OnLine Ker 4251; *Ishika Patnaik vs. National Law University of Odisha and Others*, 2020 SCC OnLine Ori 762

<sup>27</sup> *Chanderprabhu Jain College of Higher Education & School of Law and Another vs. Directorate of Higher Education and Others*, 2019 SCC OnLine Del 9642; *Kmct Law College, represented by the Trustee, Dr. K.M. Navas vs. University of Calicut, represented by Its Registrar*, 2020 SCC OnLine Ker 9550.

<sup>28</sup> *Rajesh Kumar Rai & Ors vs. UOI*, 2017 SCC OnLine Del 8707

<sup>29</sup> *Gautham R. and Another vs. BAR Council of India*, 2020 SCC OnLine Kar 2928; *Jomol John and Others vs. Bar Council of India*, 2021 SCC OnLine Ker 2634

<sup>30</sup> *Ritvik Balanagraj B & others vs Bar Council of India*, (2021) 2 AIR Kant R 593; *P. Sebastian Abraham and Another vs. Mahatma Gandhi*, 2020 SCC OnLine Ker 21915; *Sudhanshu Kathuria vs. UOI*, 2020 SCC OnLine Del 1438.

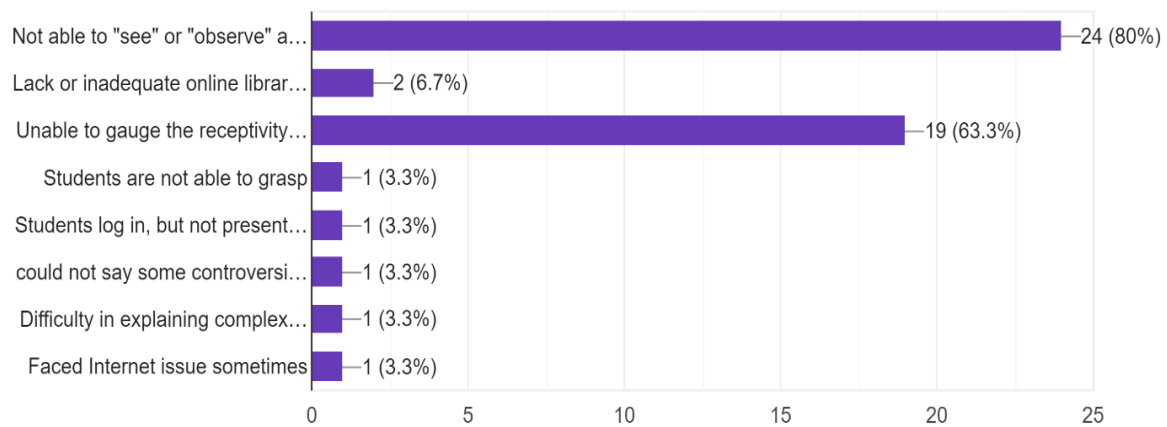
the online format would be synchronous or asynchronous. Thus, each legal educational institute conducted classes online in accordance with its infrastructure.

Therefore, in order to ascertain whether legal education will partially transition to an online mode in the future, the researchers gathered and analysed responses from respondents with experience in both offline and online learning with special emphasis on synchronous and asynchronous mode, as well as offline and online teaching of legal education.

Type of Sample	Size
Those who have experience of learning and teaching both in online and offline mode	30
<b>Total</b>	<b>30</b>

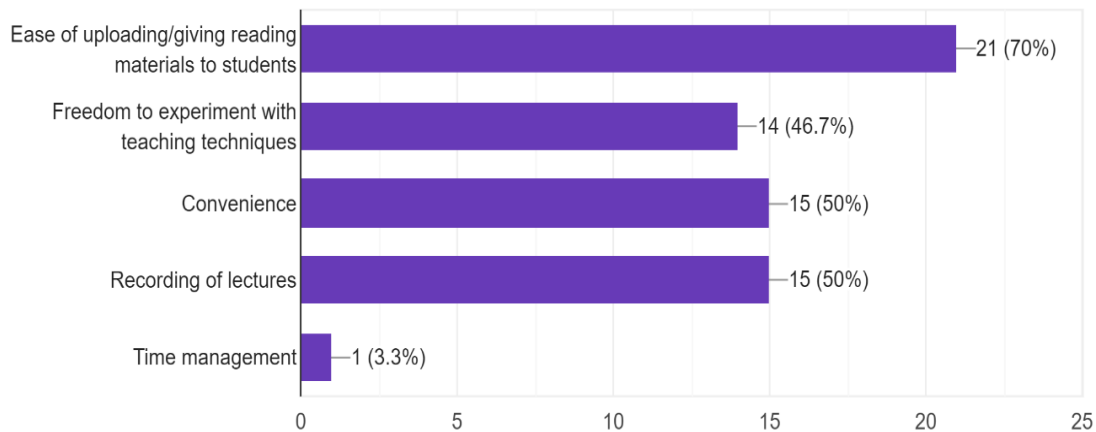
Primary data were gathered via the use of a questionnaire. It was distributed by email, fliers, QR codes, social media, and a Google form, among other methods. A total of 30 responses were analysed. These responses are from respondents who have both offline and online experience in studying and teaching. The responses and comments gathered from all respondents in the field of legal education are important to make recommendations about the future of synchronous learning. A detailed analysis of each question is provided below:

**Difficulty faced by Respondents in understanding/delivering content online:**



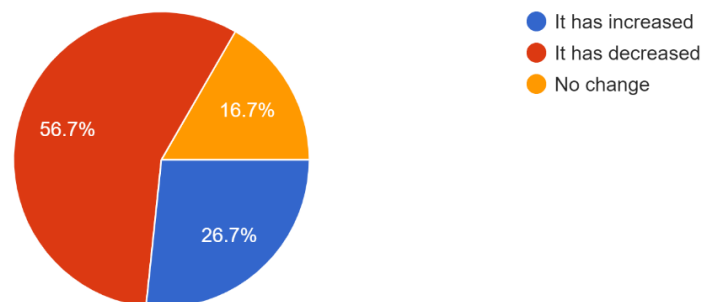
80% of responses responded that they had difficulties seeing and monitoring students, while 63.3% indicated that they had problems detecting receptivity. Other concerns expressed by respondents were the absence or insufficiency of an online library (6.7%), students who were unable to comprehend (3.3%), students who logged in but were not present (3.3%), trouble explaining complicated concepts (3.3%), and internet problems (3.3%). Additionally, they experienced challenges gaining the students' confidence (3.3%).

**Advantages of the Online/ Blended learning process:**



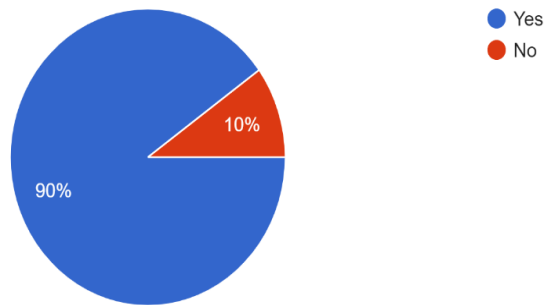
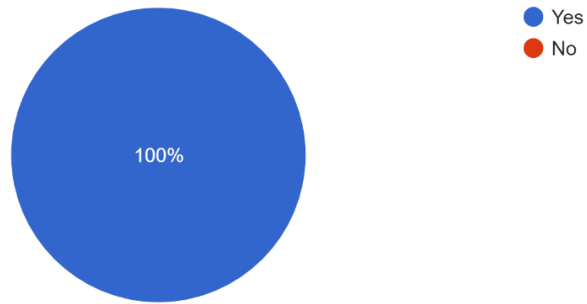
The ease with which respondents may submit or receive reading materials astounded most respondents (70%). Few respondents (46.7%) chose Freedom to experiment with educational methodologies, but roughly the same amount (50%) chose Convenience. Other choices that surprised them were offering recorded lectures (Asynchronous) (50%) and time management is easier in the online form (3.3%).

**Participation of Respondents in the online classroom during the COVID 19 Pandemic:**



The majority of respondents reported that the involvement of the participants in online classrooms has declined (56.7%), improved (26.7%), or remained the same (16.7%).

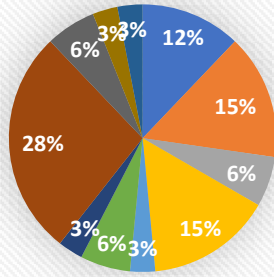
**Participation and Learning outcome in Online Learning Sessions during Covid 19:**



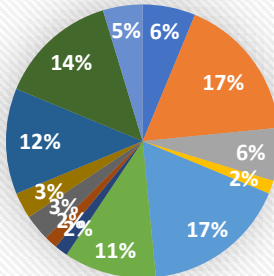
Participation in online learning sessions increased during Covid 19. Also, respondents indicated they benefited from the knowledge offered during online sessions. This suggests that most participants experienced no substantial online impediments.

**Comparison of Offline and Online Modes of Learning of Courses:**

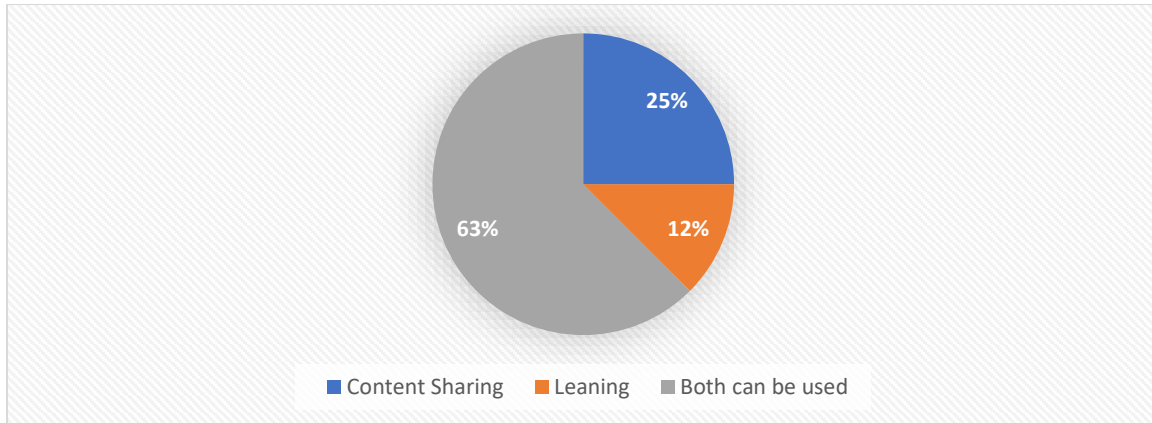




- Easily Accessible and Understandable
- Time saving
- Greater Exposure
- Cost Effective
- Safe
- Simultaneous Multiple Courses
- Can Repeat Same Lectures
- More Convenient
- Increased interaction (esp. for doubts) and greater global connect
- Reading Material availability
- Flexibility



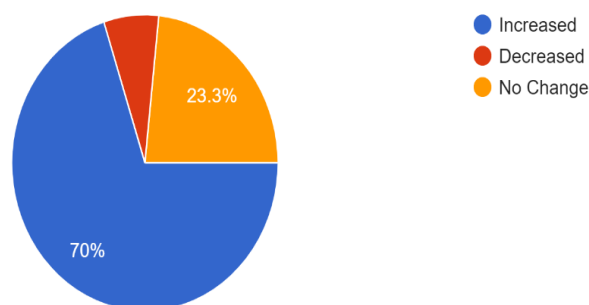
- Better Discussion Opportunity
- Brings Conceptual Clarity and learning
- More Effective
- Source of building contacts
- More Interactive
- Less Distraction and More Attentive
- Less Tiring
- High Motivation
- No Technical restraints
- Technological Knowledge is not required
- Face to face Interaction
- Does not cause health issues
- Class ambience present



Participants were asked to compare their online learning experience to their offline knowledge. Across all replies, the majority of respondents felt online sessions are necessary. However, they cannot replace offline sessions, which are an intrinsically superior and better way of learning. The following are the reasons given for this:

- Offline is better from a learning point of view.
- Offline, we can interact with the students, but online, some restraint is there, such as technical issues etc.
- As a learner, there is less discussion in an online class
- People do not engage effectively in online sessions
- Offline sessions can hold the concentration better. They were more formal, and participants used to take them more seriously. Online learning sessions result in a more casual approach.

Offline learning encourages more participation from attendees and provides a more conducive environment for discussion. Also, offline learning has been a great source of building contacts. Online learning has faced participation-based activities or games etc., which are an integral part of any workshop. As a result, we can conclude that online learning has advantages and disadvantages. It cannot be said that online learning is the preferred mode of instruction for legal education.



Though the engagement was increased during the online session (70 per cent), this suggests that a more significant proportion of individuals are comfortable attending online sessions. Still, offline is the better mode from the learning point of view.

### Conclusion

Everything altered overnight due to the Pandemic, and legal education institutes were not exempt from this transformation. To combat the spread of COVID-19, campuses were closed because of a Movement Control Order (MCO). As a result, legal education institutions were obliged to embrace new forms of online learning without any instructions if it must be synchronous or asynchronous.

For years, law schools had opposed using online learning tools until Covid-19 made it a requirement. The transition from classroom to online learning, facilitated by technology and prompted by the financial crisis, happened with astounding speed, pervasiveness, and seamlessness. It became apparent throughout the transition that technology had the potential to enable new models for the delivery and consumption of legal education and training.

The study's finding suggests that respondents prefer the synchronous mode of online learning over the asynchronous online learning style when comparing the two methods. Furthermore, compared to conventional learning, the synchronous mode can opt for some specialised courses as it is more feasible.

Even though teaching and learning may be sustained via the synchronous online learning mode, it was unclear if students' interests and involvement would be maintained over time.

This study suggests that, although online learning, synchronous learning, may be accepted since it has its own set of benefits in both teaching and learning, it also has certain drawbacks. For this reason, the curriculum must be revised to overcome the loopholes. Additionally, to mitigate these disadvantages, the regulatory body must clarify some features of online learning, such as whether an institution may use synchronous or asynchronous learning methods.