

Hon'ble Members of BCI & Members of Expert Committee on LL.B. Evaluations,

We, the undersigned, are final year LL.B. students at the Faculty of Law, University of Delhi.

In pursuance with the press release dated 2.6.2021 by the Bar Council of India, here is the official representation from more 300 final year students of Faculty of Law who are yet to be evaluated for their intermediate (4th) semester. Please note, this is different from the representation sent earlier by 273 students. Please consider this as our cry for help as well as a constructive suggestion.

At the outset, we thank the Bar Council of India (BCI) for lending a sensitive ear to our plight and constituting the High-Powered Expert Committee on LL.B. Evaluations (Committee), as announced via BCI Press Release dated 02.6.2021.

*We are now writing to you and through you also to Hon'ble Members of the said Committee with the request to please consider cancelling our previously pending intermediate exams and direct the University to adopt **Assignment Based Evaluation (ABE)** instead, which has been done by multiple prominent law universities in India such as NLU Delhi, Jindal Global Law School, NMIMS and others.*

The second wave of the Covid-19 pandemic has had a devastating impact on people of all age groups, across income classes and regions. Needless to say, there is hardly any person who has not been drained of physical, mental, emotional and financial resources. The plight of those who have lost their loved ones is altogether unimaginable. There are several people of our age group who are doing their best to take care of ailing relatives, parents, friends and/or are giving their best to assist in Covid relief work.

At a time like this, we invite you to consider the following situation that the Faculty of Law has currently put final semester students in, by virtue of their Notification dated 31.5.21 which announced exams in (at least) 10 and up to 15 papers for final semester students to be held within a period of 1.5 months.

Background to our current plight:-

The background to our current plight is traceable to the first wave of the pandemic last year. The 4th semester exams which were to be conducted in May 2020 for the current final year students, who were then in the second year, could not be conducted due to the spread of Covid-19 and the subsequent nation-wide lockdowns. Intermediate semester examinations for several colleges including professional/technical courses were cancelled across the country as well as for all courses in the University of Delhi, in compliance with the UGC Guidelines dated 29.4.2020 which directed Universities to evaluate and promote intermediate semester students on the basis of internal assessments and previous performances.

However, following the Bar Council of India's Press Release dated 9.6.2020 and the clarification letter to the Faculty of Law dated 24.8.2020 stating that the intermediate students be

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promoted to the next year and that the students take the exams for the said semester for which they have been so promoted when college reopens, the Faculty of Law took a decision to conduct this leftover 4th semester examination for the current final year students as and when college reopens.

Thereafter the Bar Council of India vide Press Release dated 1.11.2020 modified its earlier Press Release dated 9.6.2020, allowing universities to conduct exams for intermediate semester students either by offline or online mode. The said decision of the BCI was quashed by the Hon'ble High Court of Karnataka vide its order dated 8.2.2021 in W.P. No. 14389/2020 titled *Ritvik Balanagraj v. BCI & Ors*, for being in violation of the UGC Guidelines. The Hon'ble High Court of Karnataka further directed the Karnataka State Law University to assess the even-numbered semesters on the basis of the UGC guidelines for intermediate students.

Meanwhile, our Faculty of Law took no decision regarding the intermediate semester exams for us and kept the students guessing about which semester exams would be held when. Despite the aforesaid Nov 2020 Notification by BCI, there was no clarity given by our Faculty about when we would be evaluated for intermediate semesters and also upcoming semesters. Thereafter, in February of 2021, when the Hon'ble Karnataka High Court quashed the Nov 2020 Notification of BCI, there was still no effort made by the Faculty to analyse the said judgement and its impact on our pending intermediate semester exams. Surprisingly, until 02.06.2021 our Faculty kept asserting that the BCI notification dated 1.11.2020 was quashed only for the state of Karnataka and not for the whole country.

Finally, after a year-long procrastination, towards the end of March 2021, the Faculty issued a Notice saying that our final semester exams would be conducted first and thereafter the pending intermediate 4th semester exams, all within a period of 1.5 months, knowing very well that this would amount to some students having to give up to 15 examinations within a short duration (sixth semester, fourth semester and second semester repeats/improvements). The Faculty chose to do nothing for the last one year regarding the pending exams and kept delaying them until they could delay it no further. Though they were able to conduct fifth semester exams online in Dec 2020, they did not even consider taking any steps for conducting the fourth semester pending exams.

On 18.4.2021, owing to the devastating rise in Covid cases throughout the country, all exam date sheets were suspended by the Faculty till further notice. Now, a new Notice has been issued on 31.5.2021, following the same pattern of exams as was stated in the March 2021 Notice.

We also would like to bring to your kind attention the fact that owing to the lockdown last year, online classes for the intermediate semesters weren't held as regularly and as substantially as a semester having crucial subjects like Constitutional Law, Administrative Law, Labour Law, Competition Law and IPR, would require. Online teaching was a new concept for everyone so many teachers who did not know how to take a class on Zoom or Google Meet could not take proper classes and in many cases, there was no completion of the syllabus. No subsequent remedial or revision classes were held for students who couldn't manage immediate access to online classes or resources during the lockdown.

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Also, the University took nearly 4 months to declare results of our 5th semester examinations which were held in December 2020, with results being declared in late April 2021. This despite the fact that pandemic-induced restrictions were at their weakest from January 2021 to April 2021. On this basis, even if we are compelled to give up to 15 exams in June-July, it is unlikely that the University would be able to declare results for all these exams even by the end of 2021, given the fact that it took 4 months to evaluate 5 papers (one of which was entirely based on internal evaluation and wasn't time-consuming to evaluate), as stated above. This would have a terrible impact on those students who either have to go abroad for further studies or need their final result for accepting job offers which they have received after sincere hard work amidst a pandemic and a lockdown. **Assignment Based Evaluation (ABE)** is thus better as not only does it ensure that results are declared quicker, but it is also feasible for those who are recovering from Covid and can't sit at a stretch for 3-4 hours to appear in an examination.

In fact, the University had itself contended in *Sahib Kocchar v. Faculty of Law (WP C 6195/2020, Del HC)* that conducting OBE exams in lockdown is difficult and a lengthy and time-consuming process.

Therefore, we request that if instead, ABE is adopted, the process will be smoother and quicker and will also give sufficient time to students who are recovering from illnesses or tending to their loved ones, to submit the assignment on time. The assertion of the Faculty that they have never done ABE before is a weak one because as final semester students, we have already submitted 2 assignments online this semester (of 70 marks in total) as internal components of final semester papers and the process was a smooth one despite it being during the worst phase of the 2nd wave of Covid-19. Also, in the previous semester, we appeared for an entire subject of 100 marks internal evaluation (LB-501: Moot Court) through online mode with assignments being submitted through Google Classroom and live video evaluations done through Google Meet. Teachers were comfortable in evaluating online assignments and the entire process was smooth both for the Faculty and the students.

Why ABE over OBE?

- We are not asking the authorities to change anything; we are just asking for an alternate mode of evaluation like a 'take home exam' where students are provided with similar kind of question papers as in an OBE exam and we have *at least* three days to submit the answer sheets. This will allow the students to take care of themselves and their loved ones who have been suffering and there would be no pressure on the students to write their exam within 3 hours which is a physically draining and exhaustive process (especially given the fact that a person recovering from Covid suffers from chronic weakness for several weeks even after testing negative)
- We have had online assessments and assignments which were submitted by us and they were done in a very efficacious manner through the Google Classroom application and our institutional email ids provided by the University. Teachers have been

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brilliant when it comes to giving assignments and correcting them.

- This assignment-based evaluation (ABE) will also expedite the process as they would not have to give us long breaks to prepare for the exams and it will also help in getting results as early as possible which will help the students in getting admission for higher studies and accepting job offers.
- This practice will not violate any of our standards of law teaching as several top NLUs have opted for this method including the most recent notification by NLU Delhi which says that they are adopting a total assignment-based evaluation for all their students. (Notification of NLU Delhi attached herewith)
- A survey was conducted by a student of the Faculty of Law regarding the mode of examination they want to opt for and 80% of the students opted either for promotion without examination or assignment-based examination and around 46% students said they are not physically/ mentally prepared for the examination. (Results and feedback of the survey attached hereunder)

The said online survey gathered more than 200 responses and revealed the heart-breaking conditions that students are in and their pleadings to the university to show some compassion, sensitivity and empathy in these difficult times.

Almost all National Law Universities and other premier institutions have adopted various alternative policies and measures for assessments which have been sensitive to the situation and have taken into consideration the interests of the students but the current model adopted by the Law Faculty of is grossly insensitive and cruel towards the students and is adding more pressure on the students. What is more shocking is that though BCI clearly states in its 2.6.21 Press Release that it has not issued any guidelines for final year students this time, our Faculty has been insisting all this while that they have to conduct exams in OBE mode due to BCI mandate!

The Hon'ble PM, while announcing the cancellation of CBSE Class 12 exams said that all stakeholders need to show sensitivity to the students and students should not be forced to appear for exams in such as stressful situation.

We request you, Hon'ble Members, to come to our aid and direct our University to conclude all our evaluations in time via Assignment/Research Project mode and help us move ahead with our legal careers.

We hope our endeavours to demand a more sensitive approach will not prejudice our rights and interests as students of Faculty of Law, University of Delhi

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With Sincere Regards & In Anticipation,

LL.B. Students of Faculty of Law, University of Delhi

(Enclosed/Attached)

- Signatures of 300+ students of the Faculty of Law supporting this representation
- A copy of the NLU Delhi Notification announcing ABE for all its students
- Screenshots from the online survey conducted by a Faculty of Law student