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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D: 270/ /2020(541/2020 dt.5.10.2020)

8.10.2020

1. The Registrar,
Goa University,
Taleigao Plateau,
Goa - 403206
e-mail : registrar@unigoa.ac.in
2. The Principal,
V.M. Salgaocar College of Law,
Miramar, Panjim,
Goa - 403 001
e-mail : vmscl@rediffmail.com

Sir,

I am sending herewith a certified copy of order dated 5.10.2020 passed vide under item No. 541/2020 in the General Council Meeting of the Bar Council of India, of the said date held by way of video conferencing.

This is for your kind information and necessary action.

Yours sincerely,


(Nalin Raj Chaturvedi)
Assistant Secretary



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Extracts of the Minutes of the General Council Meeting held on 5th October, 2020 through Video-Conferencing under Item No. 541/2020

The office has placed the Order dated 29.09.2020 passed by the Hon'ble High Court of Bombay at Goa in LD-VC-CW-222/2020 titled as Siddhant Ramakant Shetye Vs. State of Goa and others. Perusal of the order reveals that the BCI has been directed to clarify whether in terms of the rules and regulations it is mandatory to hold this type of examination in the physical format i.e. offline or whether the rules permit such examinations to be held online. The clarification is required to be sent to the Goa University as well as to the college namely V.M. Salgaocar College of Law, Goa.

The Bar Council of India had issued a Circular/Press release dated 27.5.2020 and 9.6.2020 which was addressed to all the Centres of Legal Education in the country including Universities and law colleges. By virtue of circular dated 27.5.2020, it had been stated in para 2 that **intermediate students will be promoted on the basis of performance of previous years and marks obtained in the examination of the current year. Universities are directed to conduct the end semester examination within a month of reopening of the colleges.**

This position was further elaborated and clarified by virtue of the press release dated 9.6.2020 whereby in para 4 of the said circular it was stated as follows :-

All Students, except Final year students, will be promoted on the basis of performance of previous year's marks and marks obtained in the internal examination of the current year. However, it is clarified that after reopening of the colleges/Universities, the Universities shall conduct the end semester examination with respect to the year from which they have been promoted, within a reasonable period of time, though, such promoted students shall continue to study in the year to which they have been promoted, and in case, they are unable to pass/clear any such paper of such end semester exam of the year from which they have been promoted, they shall have to clear the same, before they are granted the degree. In the case of students who have been promoted to the final year as LL.B students, they shall have to pass all papers in order to obtain their degree/s



Thus, it is evident and crystal clear from the BCI Circular/Press release that examination for all students except final year students only is to be conducted

within one month of physical reopening of colleges when normalcy resumes and when the pandemic situation no longer exists.

Furthermore, the rules of Legal Education 2008 do not permit any examination to be held by online mode and the exception for conducting by either online mode is only for Final year LL.B students. In the said resolution/circulars, the Universities have been given an alternative option to adopt any other appropriate method which they feel is adequate to satisfy the requirements of regular examination including allowing Final Year LL.B students to write a project report/research paper for each paper of final year or by resorting to adopt a full proof method to double the internal marks of the semester exams already held for such year, which was a recourse to be adopted only under the extraordinary unprecedented emergent situation which has arisen due to the pandemic of covid 19 which necessitates social and physical distancing and resorting to various other precautions to keep the Corona virus at bay.

Thus this step was only taken only in order to prevent loss of an academic session and year for Final Year LL.B due to which their future in obtaining the degrees and thereafter starting their careers by entering the profession of advocacy or otherwise would have been grossly and indefinitely delayed putting further burden on the already over burdened and stressed students due to Covid-19.

On the other hand, issuing directions for promoting all students except final year students to the next year/semester ensured saving of their academic session and it was ensured that the classes for the next academic session would begin. However, for them a Clause was added that exams should be held within one month of re-opening of Colleges, which refers to physical re-opening of Colleges, and thus it refers to exams to be held only after normalcy resumes and after the pandemic is averted. The Circular/Press release refers to adherence of norms of social distancing and sanitization of examination halls too. A further clause was added for all such similarly placed students, that in case, they were unable to clear any of the papers of the previous years, their promotion would not be affected but that they would have to clear all such papers which they have been unable to give before getting their degree. This decision was taken based on the circumstances and ground realities.

Furthermore the Hon'ble Supreme Court of India, vide it's judgment dated 28th August, 2020, has clearly given power to respective State National Disaster Authorities in view of the pandemic to make requests for postponing of physical exams if they deem fit, which will have to be heard by the authority concerned. The BCI's Circular and Press Release clearly spelled out that no physical exams were to be held till physical reopening of colleges, which should only re-open after the crisis of pandemic is averted.



Certified to be a True Copy

Srimanto Sen
(Srimanto Sen)
Secretary