

Degradation in Standard of Legal Education

480. SHRI R. MARGABANDU: Will the PRIME MINISTER be pleased to state:

(a) whether there is general degradation in the standard of legal education;

(b) whether Government have any proposal to rectify the situation;

(c) whether Government have any proposal to pay stipend to new entrants into the legal profession upto a period of five year; and

(d) whether Government have any proposal to reintroduce Advocate Apprenticeship Act?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) The Law Ministers, in their meeting held in Hyderabad on 25.11.1995, adopted a resolution which contained several recommendations regarding legal education. The relevant extract from the said resolution is given in the statement (See below)

(c) No, Sir.

(d) The Law Ministers have recommended that a scheme of one year's apprenticeship under a Senior Advocate or an advocate with at least 15 years of practice followed by an examination on procedural subjects organised on a six-monthly basis by State Bar Councils must be introduced with immediate effect.

Statement

Extract from the resolution adopted by the Law Ministers' at the meeting held in Hyderabad on 25.11.1995:

"21. The Law Ministers considered the recommendations made by the Law Commission of India in its 14th Report, the committee of Judges, consisting of Hon'ble Shri Justice A.M. Ahmadi (as he then was), Hon'ble Shri Justice M. Jagannatha Rao, the Chief Justice of

Delhi High Court and Hon'ble Shri Justice B.N. Kirpal, the Chief Justice of Gujarat High Court (as he then was), in its report of 17 October 1994, the committee on Subordinate Legislation (Tenth Lok Sabha) in its 15th Report presented on 16 December 1994 and the University Grants Commission's Reconstituted Panel on Law in its report submitted on 27 December 1994. The Law Ministers took note of the Working Paper on the agenda item presented by the conference secretariat of the Ministry of Law, Justice and Company Affairs [No. LMM/(LE)/1/95] and the Bhubaneswar Statement of Law Ministers' Working Group on Legal Education [No. LMM/(LE)/2/95].

22. The Law Ministers expressed their concern at the deteriorating standards in legal education. They observed that the Supreme Court of India had also recently drawn attention to the fall in the standard of legal education. They were of the opinion that there was an urgent need for reforms in legal education. The Law Ministers also noted that the quality of the legal services and administration of justice depended largely on the standard of legal education.

23. The Law Ministers generally welcomed the recommendations made by the bodies referred to above. They considered that the fall in the standard of legal education was not on account of any deficiencies in the legal framework, but primarily on account of weak enforcement of the legal provisions by the competent bodies. They were of the opinion that a successful strategy for improving legal education ought to take into account the following elements, among others:

- (i) The Bar Council of India, the body entrusted with the task of maintaining the standard of legal education, should play a more effective role in discharging its

functions under the provisions of the Advocates Act.

- (ii) There should be an adequate number of law colleges with proper infrastructure including experienced law teachers and staff so that sufficient number of well trained and properly equipped law graduates in all branches of law would be available to meet the growing demands of the society.
- (iii) Professional legal education should be a five-year system of law course after 10-plus-2 level. However, students who were undergoing three year law course should be eligible to enrol as advocates till an appropriate amendment was made to the Advocates Act, 1961 prescribing a five-year system of law course.
- (iv) Legal education, which prepares students for the practice of law, should be allowed only through whole-time law colleges or University Departments.
- (v) In addition to a 5-year system of law course after 10-plus-2 level, it should be open to a university to offer a 3-year law course after 10-plus-2 level for the benefit of people who wanted to gain knowledge of law and advance their careers in areas other than legal profession.
- (vi) It should be strictly ensured that only such law colleges were allowed to come into existence, whose infrastructure facilities were in conformity with the standards prescribed by or under the Advocates Act, 1961 and the rules made thereunder. The practice of granting temporary approval to law colleges should be discontinued forthwith. Existing law colleges offering 3-year law course should not be allowed to switch over to 5-year law course, unless they satisfied the

prescribed standards for offering such course and also obtained prior approval of the Bar Council of India. Greater vigilance was called for in the matter of extending approval to law colleges or continuing such approval to colleges which did not maintain prescribed standards.

- (vii) It would be appropriate if the Bar Council of India obtained the comments of the concerned State Government also in the matter of affiliation/disaffiliation of law colleges, especially having regard to the fact that State Governments maintained several law colleges.
- (viii) A law college which failed to satisfy at any time the prescribed standards should be given a specific time-limit within which it could take remedial measures and, if it failed to take such measures within such time-limit, action should be taken to withdraw the approval extended to such college. The Bar Council of India should consider using the services of the National Assessment and Accreditation Council (NAAC), set up by the University Grants Commission, to evaluate law colleges at prescribed intervals in terms of the norms laid down by the Bar Council of India. Such an independent, scientific assessment would help the Bar Council of India to proceed against the erring institutions according to law.
- (ix) There should also be a National Law School type of college in each State so that it could serve as a model institution for other law colleges in that State.
- (x) The Legal Education Committee of the Bar Council of India should establish criteria for determining as to how many colleges could be

allowed to operate in a given area, having regard to such factors as the size of the area, size of the population in the area, need for lawyers in that area, the number of law colleges and courts in the neighbouring areas, etc., so as to avoid undue concentration of law colleges in a given area.

- (xi) With a view to secure strict enforcement of the relevant provisions of the Advocates Act and the rules made thereunder, the Legal Education Committee of the Bar Council of India should consist of, among others, representatives of the judiciary, Union Ministry of Law, Justice and Company Affairs, University Grants Commission, established law colleges/law faculties and institutions specialising in legal research. The recommendation of such a body should, as a general rule, be accepted by the Bar Council of India. The recommendations of the Legal Education Committee should in no event be rejected unless such rejection was supported by a majority of the total membership of the Council and by a majority of two-thirds of the members of the Council present and voting.
- (xii) Admission into law colleges should be through a common entrance examination, held either at the national level or at the State level, and entry into the colleges should be made conditional upon a candidate securing a minimum of 50% marks in such examination. Eligibility for appearing in the entrance examination should also be made conditional upon a candidate securing a minimum of 50% marks in the qualifying examination.
- (xiii) It should be made mandatory that, in addition to the lecture

method, the law colleges would invariably provide for the case method, tutorials, problem method, moot courts, mock trials, etc., in imparting legal education and that marks were awarded on the basis of participation of students in these activities. A minimum of 75% attendance should be insisted upon in such activities.

- (xiv) Law examinations should increasingly be problem-based to enable students to develop skills of analysis of facts and reasoning essential for the profession.
- (xv) Post-graduate courses in law should not be allowed to be taught either in morning/evening colleges or through correspondence courses. Such courses should not be allowed in an Institution which did not have libraries that possessed latest books and periodicals in law and competent teachers and staff.
- (xvi) Management of every law college should include judges, experienced legal practitioners, law teachers and academics.
- (xvii) Practical training should be given its due place in professional legal education. The present scheme as prescribed by the Bar Council of India Rules should be continued by colleges teaching law. However, this alone would not be adequate to give the new entrant to the Bar the necessary professional skills and standard of ethics. For this, a scheme of one year's apprenticeship under a Senior Advocate or an advocate with at least 15 years of practice followed by an examination on procedural subjects organised on a six-monthly basis by State Bar Councils must be introduced with immediate effect.
- (xviii) The Bar Council of India,

research institutions in the field of law and other bodies dealing with areas of interest to lawyers should be invited to organise refresher courses for practising lawyers which benefited them in the pursuit of their legal profession.

- (xix) Law colleges imparting legal education for admission to practice should be encouraged to extend supportive services to the legal aid apparatus. This would enable the students not only to extend technical services to the community they live in, but also to learn a variety of professional skills related to court procedures and alternative dispute resolution systems. Legal Aid Committees should also be encouraged to develop linkages with professional law colleges in respect of matters falling within their jurisdiction.

- (xx) In view of the increased responsibilities of the Bar Councils for maintaining standards in the profession, and having regard to the inadequate income of the Bar Councils, a higher enrolment fee not exceeding Rs. 2000 should be prescribed, leaving it to the Bar Council of India and the State Bar Councils to prescribe from time to time a reasonable fee within that limit.

There should also be a periodical renewal of certificate of enrolment atleast every five years. The Bar Council of India should also fix a reasonable amount not exceeding Rs. 500/- towards renewal of certificate of enrolment.

24. The Law Ministers noted with satisfaction that the Bar Council of India and the University Grants Commission were in general agreement with the aforesaid recommendations in the matter of reforms in legal education and entry

into legal profession. The Law Ministers further noted with appreciation that the Bar Council of India had resolved to introduce one year pre-enrolment training for law graduates seeking to enter the legal profession.

25. The Law Ministers were of the opinion that the Advocates Act, 1961, and the rules made thereunder be amended immediately for giving effect to the above recommendations."

लघु उद्योगों हेतु आरक्षित वस्तुओं में परिवर्तन

481. श्री सोमपाल: क्या उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) सरकार ने लघु उद्योग क्षेत्र हेतु कौन-कौन सी वस्तुएं आरक्षित की हैं;

(ख) क्या सरकार हाल ही में इस सूची की पुनरीक्षा कर रही है और इसमें परिवर्तन करने पर विचार कर रही है;

(ग) यदि हां, तो इसके क्या कारण हैं और अब तक इस संबंध में लिये गये निर्णयों का ब्यौरा क्या है; और

(घ) इसका लघु उद्योग क्षेत्र पर क्या प्रभाव पड़ने की संभावना है?

उद्योग मंत्रालय में राज्य मंत्री (श्री एम्. अरुणाचलम): (क) केवल लघु क्षेत्र में ही विनिर्माण के लिए फिलहाल 836 वस्तुएं आरक्षित हैं। इन वस्तुओं के नाम गजट अधिसूचना सं० एस० ओ० 477 (ई), दिनांक 25.7.1991 की अनुसूची-3 में दिये गये हैं।

(ख) से (घ) वस्तुओं को आरक्षित/अनारक्षित करना एक निरंतर चलने वाली प्रक्रिया है और सरकार द्वारा उद्योग (विकास एवं विनियमन) अधिनियम, 1951 के अधीन गठित आरक्षण संबंधी परामर्शदायी समिति द्वारा इनकी समय-समय पर समीक्षा की जाती है। इस समिति की नियमित अंतरालों पर बैठकें होती हैं और इन बैठकों में सरकार को आरक्षित सूची में मर्दों को जोड़ने तथा हटाने का सुझाव दिया जाता है। जब भी आरक्षित सूची में कोई परिवर्तन करने का सुझाव दिया जाता है, लघु क्षेत्र के हितों का ध्यान हमेशा रखा जाता है।