

(b) whether there is any proposal to bring in a Constitutional Amendment to set aside the judgement of the Supreme Court, if so, the details thereof, if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):
(a) and (b) The Constitution Bench of the Supreme Court *vide* its order dated 16.10.2015 in Writ petition (Civil) No. 13 of 2015 filed by the Supreme Court Advocate-on-Record Association and another *Vs.* Union of India, had, *inter alia*, declared the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 as unconstitutional and void. Simultaneously, the Supreme Court sought suggestions for improvement in the "Collegium System". The Government while submitting its suggestions in the matter placed on record its reservations about correctness of the judgement and reserved its liberty to take further action as it may deem fit. The Government also reiterated its stand that the Parliament has the power within the parameters of the Constitution to govern the criteria and process for appointment of judges to the Supreme Court and the High Courts. At present, there is no proposal to bring any Constitutional amendment in this regard.

Admission of degree holders from Open Universities in Law Courses

1543. SHRI N. GOKULAKRISHNAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the reasons behind Bar Council refusing to accept candidates to take admission in law courses who pursued graduation or PG through Open University recognized by UGC;

(b) how the Ministry looks at the justification of Bar Council that 15 years of regular education (10+2+3) cannot be equated with degree from Open University and such candidate cannot be expected to have a mature understanding when compared to 15 years of learner;

(c) whether it is not a violation of equality to education and earn livelihood; and

(d) the efforts Ministry will make to ensure that all graduates are entitled to study law?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):
(a) Sir, the Bar Council of India have informed that it never refused the qualification of 10+2 and under graduate degree obtained through open school/university for the

admission in law courses. The relevant Rule amended for the year 2009-10 by the Bar Council of India in Legal Education Rules, 2008 is given below for ready reference:

"Eligibility for admission

- (i) **Three Year Law Degree Course:** An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed-to-be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for three years degree program in law leading to conferment of LL.B degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.
- (ii) **Integrated Degree Program:** An applicant who has successfully completed Senior Secondary School course (+2) or equivalent (such as 11+1,'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the Government of that country for purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centers of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years Course or three years' LL.B course, as the case may be.

Explanation: The applicants who have obtained 10+2 or graduation/post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses."

(b) to (d) The issue to allow all the students who have pursued 10+2 and graduation through open University system to take admission in Law Courses irrespective of the fact whether he/she has basic qualification or not, by appropriate amendment in relevant rules, shall be finalized after consulting the stakeholders (State Bar Councils and Universities in India imparting Legal Education) as per Section 7(1) (h) of the Advocates Act, 1961.

Vetting of Rules/Regulations of Central PSUs/Autonomous Bodies

1544. DR. KANWAR DEEP SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether all the Central PSUs, Autonomous Bodies, etc. are required to get their Regulations vetted by the Ministry;
- (b) if so, whether all of them are following this procedure; and
- (c) whether the Regulations should come through the respective Ministry?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):
(a) No Sir. As per Allocation of Business Rules, 1961 Legislative Department is only concerned with the drafting and vetting of the Bills, Ordinance, statutory rules and regulations, etc., as per the policy decision of the concerned administrative Ministries/Departments of the Government of India.

(b) and (c) The proposals relating to the all subordinate legislations are received in the Legislative Department through the concerned administrative Ministries/Departments. Chapter XI of the Manual of Parliamentary Procedures in the Government of India prescribes the detailed procedure to be followed by the Ministries/Departments relating to the Subordinate Legislations.

Disposal of vetting work of Rules/Regulations of Ministries/Departments

1545. DR. KANWAR DEEP SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether there is enormous pressure of vetting of Rules/Regulations of various Ministries/Departments and other Bodies on the Ministry;
- (b) if so, how is this work prioritized and disposed of;
- (c) the current pendency at vetting work; and
- (d) the steps being taken to increase the manpower for doing this work effectively?