

CHAPTER - IV

THE NEW SCHEME OF PROFESSIONAL
LEGAL EDUCATION.

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IV.1 INTRODUCTION :

The main purpose of this chapter, as is clear from its title, is to get a complete and clear picture of the new scheme of professional legal education. The researcher has firstly outlined, in very brief, the steps taken by the Bar Council of India in introducing this new scheme. The present study being a critical study of the new scheme of professional legal education, the researcher also desires to discuss various aspects of the new scheme. The researcher feels it necessary to discuss the salient features of the scheme as exhibited in rules framed by the Bar Council of India in the year 1982 and which have been circulated to all the law colleges and Universities in India. These rules have been framed under Sections 7(h) and (i), 24 (1)(c)(iii), and (iii a), and 49(1) (af), (ag) and (d) of the Advocates Act, 1961. (Hereinafter referred to as the new Rules, vide Appendix-D).

After discussing the salient features of this new scheme of professional legal education, the researcher has also pointed out how the scheme may be administered by the law colleges and he has expressed his own perceptions and ideas as regard putting the scheme into effect in the present chapter.

IV.2 STEPS TOWARDS THE NEW SCHEME :

It was in the year 1978 that the Bar Council of India started thinking over a new scheme of professional legal education. On 12th June, 1978, the Bar Council of India adopted Resolution No. 84/1978. This resolution reads as follows :

"The Bar Council of India having considered the possibility of a change over to 10+2 before graduation makes the following recommendations relating to a course of study in law for professional purposes :

- 1) Where 10+2 exists or comes into existence, then the law course shall be of the duration of four years.
- 2) If a student wishes to take-up study of law for professional purposes after graduation, then the law degree course for professional purposes shall be of a minimum duration of three years."

The Council has also decided that before finalising this scheme, the recommendations of this Council be sent to the State Bar Councils, the Universities and the University Grants Commission for their views and comments.

The next step that was undertaken by the Bar Council of India towards a new scheme was another

Resolution on 31st March, 1979 and 1st April, 1979
(No. 49/1979) which was communicated to the Universities
and Law Colleges in India. The resolution states -

"Resolved that the Universities
do convert the existing morning
and evening law colleges and
departments into whole-time day
colleges and departments latest
by June, 1982....."

Nothing more was resolved during that meeting of
the Bar Council of India. No reference was made to the
duration of the law course, the admission requirements
etc.

However, on 1st April, 1979 a joint meeting of
the Bar Council of India and Legal Education Committee
was held. In that meeting a resolution was passed giving
the proposal a final shape. The relevant portion of the
resolution (No. 45/1979) reads as follows :

"1. The system of legal education
should be 10+2+4 generally, but
after graduation a student may
be enrolled into the law class
to undergo the course of study
a period of three years only."

During the meeting a sub-committee¹ was constituted
to consider the matter and submit a report. On the basis

1. The Sub-Committee consisted of Mr. Justice M.Hidayatullah,
Dr. S.K. Agrawala, Dr. Upendra Baxi and Dr.(Mrs.) Lotika
Sarkar

of the report of the sub-committee, the Bar Council of India framed draft rules towards the introduction of a new scheme. These draft rules were communicated to the Universities and law colleges and their opinion and comments were called for. These draft rules contemplated for two types of professional law courses as follows :

- a) A course of three years' study which can be pursued after graduation; and
- b) A course of four years' study which can be pursued after 10+2 years of schooling.

Thereafter, on 6th March, 1981, the Bar Council of India issued a Circular (No. 1/1981) to the Universities and the law colleges reminding them that the Bar Council was contemplating introduction of four year law course after 10+2 stage. The circular also required of the law colleges to fill in a questionnaire to obtain their views regarding the new scheme.

On 24th December, 1981, the Chairman of the Bar Council of India wrote to the law colleges informing them that the Bar Council of India was considering a new scheme of professional legal education. The Chairman also requested the Principals of law colleges to submit more details regarding the factual information on legal education. The relevant portion of his letter reads as follows :

".....The Council is presently engaged in a thorough assessment of the existing programme of legal education in the country with a view to restructure professional education in law on proper lines. I am sure you will appreciate this effort and give a helping hand in building up better legal education for our lawyers as well as other interested in learning law."

One more questionnaire to survey legal education was sent to the law colleges along with above referred letter.

After this, the Bar Council of India took the final decision of implementing a new scheme of professional legal education in India. Accordingly, on 12th May, 1982 the new rules framed by the Bar Council were communicated to law colleges and Universities in India.

Apart from the deliberations going on in the Bar Council of India and its committees, even among the legal experts there was a feeling that the existing scheme of legal education is inappropriate. This is reflected in the Report submitted by Prof. Upendra Baxi to the Indian Council of Social Science Research which has been published in the year 1975. In this report, Prof. Baxi states -

"The generally known though not articulated facts concerning legal education are these. First, there has been a phenomenal quantitative expansion of entrants to legal education. Second, bulk of LL.B. and LL.M. education is not

whole time but part-time. Third, the bulk of LL.B. education is imparted by law colleges, with poor teaching and library resources. Fourth, the number of University departments in law, although on the increase, is comparatively smaller than in other social science fields, and the law departments are generally low priority items for funding. Fifth, mass education in law has meant decline over control of admissions, decline in standards of teaching and evaluation, and a pervasive demoralisation of full-time law teachers, whose number is still smaller than that of part-time law teachers. Sixth, the expansion of legal education has brought with it the adoption of regional languages as media of instruction and examination in the LL.B. and even LL.M. level."²

IV.3 SALIENT FEATURES OF THE NEW SCHEME OF PROFESSIONAL LEGAL EDUCATION :

1) Types of law courses :

The new Rules recognise only one type of law degree under the new scheme. The Rules are so worded that, basically, only one type of law degree is clearly contemplated by the scheme, duration of which shall be five years. While laying down the foundations of this five year degree course, the Bar Council also considered the need of liberal legal education in contradistinction with professional

2. Upendra Baxi, Socio-Legal Research in India :
A Programschrift, p. 1.

legal education. The five year degree course is intended for prospective lawyers, i.e. those who desire to join legal professional. Whereas, the phrase 'Liberal legal Education' referred to in the Rules is intended to mean legal education other than that leading to a professional qualification. As discussed in Chapter-II viz. 'The Bar Council of India and Professional Legal Education', the Bar Council of India is concerned with its statutory responsibility to govern the professional legal education. The Bar Council of India cannot prohibit the Universities in India to conduct law courses leading to degrees or diplomas for the benefit of those who do not desire to acquire professional qualification. Such courses of legal education need not be in accordance with the specifications laid down by the Bar Council of India. The Rules thus use the phrase 'Liberal Education in law' to mean such courses which may be framed by the Universities. As regards the liberal education in law, the note at the end of the Rules says -

"The Rules above referred to professional legal education only for which the Bar Council of India has statutory responsibility under the Advocate Act. It is the expectation of the Council that Universities and colleges in the country will continue to impart liberal education in law and expand it to larger sections of people by developing correspondence

programmes if necessary for the benefit of persons in different occupations and in public life so as to advance their occupational goals on the one hand and assist the rule of law and constitutional Government on the other. This would mean that the country may require not only the existing centres of liberal education in law working at convenient hours in the morning or in the evening but also several more such institutions in the remote corners of our vast country. The rules now formulated are directed towards professional legal education and not towards other colleges which may continue within the frame work of the University system in the country."

This clarification given by the Bar Council of India enables our Universities to formulate courses in law for non professionals. Under the old scheme, the Universities have already formulated a two year degree course in general laws. Those who desired to enter the legal profession, had to continue their studies for one more additional year and they obtained a LL.B. (Special) degree as per the specifications of the Bar Council of India.

In view of the above 'Note' of the Bar Council the Universities may continue their old two year general law degree course and treat it as liberal education in law. They need not frame a course of liberal legal education afresh. The law colleges may also continue to conduct this two year general Laws Course with the help of well established frame work of the syllabus, admission requirements, examinations, teaching and so forth.

Therefore, we may expect that hereafter too, there will be two types of law courses viz. professional and liberal. The Bar Council of India has nothing to do with the duration, subjects, standards, scheme of examination etc. of the liberal education in law. However, as stated earlier, the Universities are most likely to continue their two year LL.B. General Course as it stands today.

ii) Admission Requirements :

The new Rules provided that a person who has passed an examination in 10+2 course of schooling can be admitted to the new course. Further, Rule No. 5 States that admission to the course should be purely on the basis of merit. The minimum percentage of marks required is 45% in the aggregate in the qualifying examination for admission. In case of students of scheduled castes and scheduled tribes a relaxation of marks upto 5% in the qualifying examination is allowed by the same rule. The Rules do not provide for any minimum age limit for admission.

iii) The Pre-Law Course :

The Rules have divided the five year course into two components, a pre-law course consisting of two years and a three year course of study to be commenced, thereafter. This splitting of the five year course into two

components is one of the most significant features of the new scheme and deserves special attention. The main object of creating a pre-law course is to prepare the students in a general way in disciplines related to law during the first two years and then allow them to undergo an intensive three year course specifically in legal subjects. During the first two years of the pre-law course, the students are required to study the following subjects compulsorily.

1. General English (Graduate Standard)	...	2 Papers
2. Political Science	...	1 Paper
3. Economics	...	1 Paper
4. History	...	1 Paper
5. Sociology	...	1 Paper
6. Legal Language including Legal Writing	...	1 Paper
7. History of Courts Legislatures and Legal Profession in India.	...	1 Paper

For this pre-law course, the Bar Council of India has formulated tentative outlines of the courses in the preparatory stage and these have been recommended to the Universities.

iv) Final Three Years :

The Bar Council of India has further outlined the structure of the final three years of the study in law. For this course of three years (hereinafter referred to as the Final Course) the Bar Council of India has recommended a number of subjects (Rule 11 (2) and (3) vide Appendix-D). The first set of subjects specified in Rule 11(2) contains 11 papers and a scheme of practical training for a period of six months after which there will be an examination conducted by the University. Further Rule 11(3) specifies that six more subjects must be chosen from a list of 23 subjects - which may be called as the optional subjects.

The Rules have introduced a new scheme of practical training. Thus Rule 11(2) which has given a list of compulsory subjects contains item No. 12 as follows :

"12. Practical Training - six months instruction which shall include court visits, documents, rules of courts, exercise in drafting, pleading, work at Lawyer's chamber and attendance at Professional Ethics lectures. The student shall be required to pass an examination in this course to be conducted by the University concerned."

Thus, in all a Final Course student has to appear for 18 papers, which will be divided into three years by the Universities in consultation with the law colleges after considering the availability of teaching facilities

for the subjects and conveniences. Some colleges may not be able to offer instruction in all the twenty three optional subjects. In that case they will select a couple of subjects from the list of 23 subjects and may offer instruction for those subjects.

It may be noted here that the Universities are given freedom to organise the final course in a suitable manner over a period of three years.

v) Scheme of Examination :

The new Rules do not specify any scheme of examination except that "the examination shall ordinarily be held at the end of every year. The University shall, however, be at liberty to hold examinations at the end of every 6 months. Suitable allocation of subjects for the period of one year or six months, as the case may be shall be made by the University and the same be intimated to the Bar Council of India" (Rule 13). Thus, it is for the Universities to decide the scheme of examination, especially, the number of marks to be allotted to each paper, the duration of the examination the minimum marks required for passing, graduation or class and so forth.

vi) Qualifications of Law Teachers :

As such there is no change in the qualifications required of a law teacher under the Rules except that a

person may be appointed as full time law teacher even though he does not hold a post-graduate degree in law, but possesses a teaching experience for a minimum period of five years in law. Part-time teachers in law may also be appointed even if they hold a Bachelor's degree in law with experience of legal practice for more than the 5 years' at Bar.

vii) Keeping the terms and Standard of Passing :

The Rules have not specified any directions as regards keeping terms in a law college by the students and what shall be the standard of passing. This is because these things are to be determined by the Universities while framing the course outlines and the syllabus for the course. Although Shivaji University, Kolhapur has allowed the law colleges affiliated to the University to commence imparting legal education according to the new scheme, till the date of writing this thesis, no syllabus and other rules have been framed by University authorities. Although Rule No. 23 (Vide Appendix-D) of the new scheme has clearly specified that the Universities and Colleges will commence professional legal education according to the new scheme from the academic year 1982-83 yet, the Bar Council of India has given permission to continue the old scheme of professional legal education

till and inclusive of the academic year 1984-85 instead of the new course. This provision is made in the rules because it has been rightly apprehended by the Bar Council of India that the Universities and colleges will need some time to prepare and equip for introducing the new scheme. Until they are prepared for the shift over, they have been allowed to continue the old scheme. However, it must be noted that at any rate, the Universities and colleges must prepare and equip themselves by the end of the academic year 1983-84, and they should at any rate, introduce the new scheme from the academic year 1984-85. No time period for getting prepared will be allowed by the Bar Council of India in this respect.³

IV.4 ADMINISTRATION OF THE NEW SCHEME :

1) Working hours and Availability of Teachers :

Rule No. 3 of the new scheme (Vide Appendix-D) clearly states that professional legal education shall be imparted through whole time day colleges or University Departments. The same rule further states that the working time of the College/Department should extend to at least 5½ hours continuously on every working day. This provision

3. Rule 23(1) and (2) Vide Appendix-D.

implies that the colleges/departments will have to work during the normal working hours of a day, that is, approximately during 11-00 A.M. until 4-30 P.M. Further, the library of the college/department is required under the Rules to remain accessible to students for atleast 8 hours on every working day.

This new probable timing of law colleges is likely to entail one most significant difficulty, that is, the availability of law teachers. As it has been mentioned in Chapter-III 5(ii), that under the old scheme, most of the law colleges function in the morning or evening batches. This functioning of law colleges in the morning or in the evening enables the practising advocates to deliver lectures without disturbing their professional responsibilities. These practising lawyers usually share a major portion of teaching responsibility in law colleges. When, under the new scheme, the law colleges will start functioning during the normal working hours of the day, practising lawyers will be prevented from delivering lectures in such day-time law colleges. A practising lawyer is ordinarily expected to remain present in law courts between 11-00 A.M. to 5-30 P.M. Thus, the professional responsibilities of practising lawyers will prevent them from working as Honorary Professors/Visiting Professors in law Colleges.

Because of this, the colleges will have to recruit additional full time law teachers to shoulder the responsibility of that part of teaching which was heretofore shouldered by practising lawyers. Moreover, under the new scheme there shall be atleast four periods of one hour duration. This will increase the total teaching load of the colleges. To meet with this additional teaching load, additional teaching staff will have to be recruited. Although the new scheme has no objection for appointing part-time law teachers upto 50% of the total strength (Vide Rule No. 3(4); Appendix-D) yet the practical difficulty of getting part time law teachers will have to be faced by the colleges. In addition to this, the Rules require that the teacher-student ratio should be at least 1:40 (Vide Rule No. 7(c); Appendix-D).

All these provisions of the new scheme lead to only one conclusion that the law colleges will require additional full-time teaching staff, which is very difficult to get. Moreover, employing full time staff is also likely to entail financial burden. (The financial implications are further discussed in this Chapter under the heading 'Finance').

ii) Students :

It is not yet clear whether the law colleges when, they introduce the new scheme, are likely to get a

considerable number of students. This can be best observed only when they introduce the scheme and open admission to students who have completed 10+2 stage. However, it may be mentioned here that legal profession is not looked upon as a lucrative profession by most of the people. It is a well accepted fact that a fresh advocate has to carry on his legal practice with patience and without any expectation of sumptuous income for about atleast first three to four years or even five years from the date of his entry into the profession of law. As regards employment in governmental offices, public or private sector as law officers or legal advisors, a candidate is expected to have practised law at least for a period of three years. Therefore, the parents of students who have completed 10+2 stage, are not likely to give priority to professional course in law. Again, law degree is looked upon as additional qualification and not the essential one in getting jobs in private sector. It is, therefore, likely that the parents and prospective students may think more of acquiring essential qualification than the additional one i.e. the degree in law. Argument that the new scheme will be given a good response by students because the law colleges run according to the old scheme were flooded with students is not tenable in view of certain following facts :

a) Firstly, about 21% of the students following old course were employed. Hereafter the avenues of professional law courses will be closed to them.

b) Secondly, in most of the cases the students themselves and not their parents decided whether they should join law courses or not. Because all of them were graduates and mature enough to take their own decision. Those young persons who complete 10+2 stage are most unlikely to decide their own career. It is their parents who will decide whether their wards should join professional law courses. Since legal profession is not looked upon as highly lucrative, it is unlikely that most of the parents will want their wards to pursue a full time course in law extending to over five years.

c) Thirdly, most of the unemployed law students under the old course keep trying to get a suitable employment while they are pursuing their legal education. They also appear for various competitive examinations conducted by the U.P.S.C., State Public Service Commission, Banking Services Examinations and other similar examinations. They are enabled to do so because all of them are graduates, and a number of them are post-graduates, too. A full-time law student pursuing the new course will be prevented from undertaking any sort of employment, he will be prevented

from appearing for competitive examinations until he completes the five year law course because he will not be eligible to do so unless he has a bachelor's degree in any faculty. Moreover, a student who has completed 10+2 stage and who joins any other degree course such as B.A., or B.Com. or B.Sc. is eligible to appear for competitive examinations conducted by Public Service Commissions, immediately after he is graduate, which ordinarily takes three years after 10+2 stage. In this connection a law student will be handicapped because he cannot appear for any competitive examination for the first five years after 10+2 stage. Therefore, law graduates under new scheme will have less opportunity of being selected in competitive examinations because they will have less attempts at their disposal for competitive examinations in comparison with students graduating in other faculties. Parents, especially of brilliant children with bright scholastic career will definitely consider this aspect of the new scheme and may become reluctant to send their wards to professional law courses.

iii) Practical Training :

The Rules contemplate a new scheme of practical training which includes court visits, documents, rules of courts, exercise in drafting, pleading, work at lawyers' chambers and attendance at professional ethics

lectures. In implementing this scheme as regards professional ethics, drafting of pleadings and other documents, a regular paper may be framed by the Universities and students can be conveniently examined. But as regards visits to courts and attendance, work in lawyers chambers, it is very difficult to assess the performance of student and how far they have mastered lawyering skills. To put this part in practice may involve some difficulties. We may require the students to obtain lawyer's certificates to the effect that the student placed under his guidance has satisfactorily worked and that of officers' of the court to the effect that the student has attended a specific number of court proceedings. However, the credibility of such certificates can be doubtful. A question arises, whether we are going to rely on such certificates entirely? Therefore, this part of the Rules is difficult to implement in practice. Moreover, this also presupposes active cooperation on the part of practising lawyers and the courts.

iv) Finance :

When the present morning/evening law colleges will be converted into full time day colleges, as pointed out earlier, additional teaching staff will be required. Employment of this additional staff will positively increase the financial burden on law colleges. It has

also been pointed out that law colleges introducing new scheme are not likely to get a vast number of students so as to enable the law colleges to meet additional expenses out of the increased income from fees payable by the students. At present the colleges conducting old course could meet the expenses of running a college mostly on the basis of income from fees. Now to implement new scheme with less number of students is going to be a tough affair for law colleges. The only way out is to provide financial aid to law colleges by the Government or authorities such as the U.G.C. Besides, in order to equip to introduce the new scheme, law colleges will have to spend a considerable amount such as providing for new books as per new syllabus, constructing, renovating the college building as per the specifications laid down in Rule No. 9 (Vide Appendix-D) etc.

At present the building of law colleges who hold their classes in the morning and/or evening is utilised for some other courses during the day time. Thus it becomes the source of income or at least law colleges are not required to pay any big amount by way of building rent or maintenance. The new scheme of legal professional education entails law colleges to have their own buildings etc. which will be then additional item of expenditure.

Thus, the financial implications of the new scheme are more drastic than any other implication.

IV.5 REACTIONS REGARDING THE NEW SCHEME BEFORE ITS INTRODUCTION :

Now the researcher desires to elucidate the reactions especially of various law teachers which were expressed immediately after the Bar Council of India started taking steps towards the introduction of new scheme. These reactions were expressed by them in their correspondence with the State Bar Councils as well as Bar Council of India, between themselves, during meetings of law faculties, seminars and in questionnaires required to be filled in by the Bar Council of India by law colleges -

(1) When in August 1979 the Bar Council of India's resolution (No. 49/1979) requiring the Universities to convert the morning and evening law colleges into whole time day colleges by June, 1982, was received by the Shahaji Law College, Kolhapur, immediately on 20th August, 1979 the Principal, Shahaji Law College wrote to the Dean, Faculty of Law, Shivaji University and expressed his immediate reaction in following words :

"The changes suggested in the said circular are so drastic, that the very existence of the Law Colleges will be in danger. The matter will have to be

considered seriously. You are, therefore, requested to call a meeting of the Law Faculty and place the matter before the meeting."⁴

In a letter addressed to the Principals of other Law Colleges, the Secretary, Council of Education, Kolhapur says -

".....Apart from the fact that it will take away the opportunity of young employed persons who pursue their education with zeal and interest, it is opposed to the idea of earn and learn.

Again the expenditure involved in implementing the scheme will be beyond the means of College. The fees collected will probably bear 40% of expenditure and there will be a deficit of nearly 60% in only recurring expenditure and no funds will be available for building and other development schemes. And you may be aware that Government of Maharashtra is not extending any financial assistance to Law Colleges.

You are, therefore, requested to consider the matter seriously and communicate your views in this respect."⁵

At the same time the Principal, Shahaji Law College wrote in details a letter to the Dean, Faculty of Law, Shivaji University bringing to the letter's

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4. Excerpts from the letter bearing reference number SLC/279 dated 20-8-1979.
 5. Excerpts from the letter bearing reference number SLC/C/404 dated 20-9-1979.

notice the financial implications and such other difficulties as non-availability of teaching staff, denial of opportunity to learn law to employed persons etc. and how it is very difficult to implement the Bar Council of India's scheme.⁶

In response to the letter written by the Secretary, Council of Education dated 28-9-1979 (referred to above),⁶ Dr. P.W. Rege, M.A., LL.M., Ph.D. (London), the Principal of New Law College, Bombay replied on 6-10-1979 and expressed his views as under :

".....I certainly share your alarm and apprehension about the consternation that would be created in the field of legal education if the Bar Council of India thinks of seriously implementing its circular referred to in your letter under reply. I certainly appreciate your fear that the enforcement of the proposed suggestions of the Bar Council will have damaging, nay disastrous effects on the existing law colleges both from an academic and financial angles as stated by you. I shall certainly, on my part, put this matter before the appropriate authorities of my University, and shall endeavour to send proper representation to the Bar Council in this respect through the aegis of the University....."⁷

6. The letter bearing reference number SLC/292 dated 25-9-1979.

7. Excerpts from the letter bearing reference number 195 dated 6-10-1979.

Mr. P.S. Deshmukh, the Principal, Mahadevrao Salgaonkar College of Law, Panjim considered the financial implications of the new scheme in great details and came to certain conclusions. He brought all these details to the notice of the Principals of other law colleges. In his note dated 29-9-1980 he mentions -

"If the existing law colleges are to survive :

- 1) The State Government must include law colleges in their grant in code scheme and bear the deficit which the law colleges will have to incur.
- 2) If the Government is not prepared to include law colleges in their scheme of grant in code the fees are to be raised and to meet the deficit of such a college the fees of the students per year requiring to be raised comes to round about Rs. 430/- per year, more than the existing fee of Rs. 350/- a total of which comes to Rs. 780/- per year.
- 3) The Bar Council should consider revising its earlier decision in the light of the reality of the situation in the context of the financial implications involved to run a law college.
- 4) Otherwise the only alternative would be for non-government

Law Colleges to wind them up as financially impracticable proposition...."8

Not only the law teachers and heads of law colleges were concerned regarding the new scheme, but the Bar Council of Maharashtra, too gave a serious thought to the new proposal. This is elucidated in the resolutions passed by the Bar Council of Maharashtra in its meeting held on 13th October, 1979. These resolutions were brought to the notice of the Bar Council of India by the Bar Council of Maharashtra by a letter dated 17th December, 1979. The relevant portion of Resolution No. 377/1979 reads as follows :

B.C. Resolution No. 377/1979

RESOLVED that this Bar Council is of the opinion that the existing morning and evening law colleges and Departments should not be abolished. It is also further of the opinion that it would not be practicable to convert the present morning and evening law colleges and departments into full time law colleges and departments as it is likely to deprive many middle class, employed class and lower class students to take legal education.

RESOLVED FURTHER that the Bar Council of India may be requested to reconsider the resolution about the said conversion.

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8. Circular headed 'Financial Implications of Implementing Bar Council Resolution No. 49/1979 in case of Mahadevrao Salgaonkar College of Law, Panjim, Goa dated 29-9-1980.

RESOLVED FURTHER that all the State Bar Councils be informed of the opinion of this Council with a request to make appropriate approach to the Bar Council of India for reconsideration of converting the present morning and evening law colleges and departments into whole time day colleges.

In July 1981, the Bar Council of India required the Principals of Law Colleges to complete a questionnaire to obtain their opinions regarding the introduction of the new scheme. Some relevant questions and answers given by Mr. S.R. Kodlikar, the then Principal of Shahaji Law College are quoted below :

Question 3 : Do you agree that the degree course in law should be 4 years after the introduction of the course of 10+2 ?

Answer : I do not feel that a student of 10+2 level will be physically and mentally mature to undergo efficiently the law course.

Question 5 : Do you agree that all law colleges should be full time i.e. to say should have daily lectures of 6½ hours ?

Answer : Not at all necessary.

Question 6 : Do you agree whether the part time law colleges can convert themselves into full time colleges ? If your answer is in the negative, please state the reasons, including the availability of proper and adequate library, staff and finances and the interest of law students etc.

Answer : To consider the present morning law colleges as part-time colleges is a misstatement. If the colleges are to work for 6½ hours daily, they will find it difficult to get sufficient qualified staff and finance.

Question 17 : Any other suggestion ?

Answer : The present 3 years course should be continued. The law colleges should so work as to enable the employed students to pursue their education. In a poor country like India to shut the doors for the employed would mean creating a monopoly of the well off higher classes. Further, our experience is that employed students generally work very sincerely and show keen desire and they want to get higher benefit and to deny them this opportunity would be injustice.

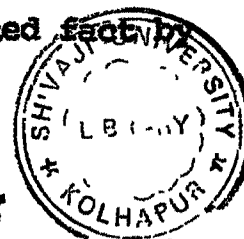
During 29th, 30th and 31st March, 1980 a conference of Maharashtra Law Teachers was organised by the New Law College, Ahmednagar. Most of the law teachers in Maharashtra (around 100) attended the said conference. The conference discussed the proposed new scheme and observed that implementation of the new scheme would have disastrous effect. Its implementation will deny a fair opportunity to employed students and it would be unjustifiable to refuse them an opportunity to study law. Only rich people will

afford legal education and in course of time the legal profession will be dominated by a handful of affluents. The number of students joining law colleges may reduce by 60 to 70%. As a result, the law colleges will have to face acute financial difficulties and in course of time most of the law colleges will have to be closed down. Otherwise the Government should start providing financial aid to the law colleges to meet the deficit.

IV.6 CONCLUDING REMARKS :

After discussing the various pros and cons of administration of the new scheme, the researcher has observed some material facts. These observations are stated below by way of concluding remarks.

1) The Bar Council of India has been all the while justifying the new scheme on the ground that it is introduced with a view to improve and upgrade the standards of legal education in India. To fulfil the object a significant change that has been introduced in the new scheme is the pre-law course, consisting of two years. This pre-law course is intended to bring a harmonious nexus between the technical knowledge of law and that of other disciplines and fields of knowledge, especially the social sciences. This new attitude adopted by the Bar Council of India is admirable. It is well accepted fact.



educationists that too much concentration on one particular discipline may lead to compartmentalisation of knowledge which may in turn result into a detached or distorted vision. To remedy this, interdisciplinary aspect must be introduced and this exactly what has been adopted by the Bar Council of India in professional legal education, which was lacking hereto before. Legal studies form an integral part of the broader studies in social sciences and law is invariably connected with other disciplines in social sciences such as Political Science, Sociology, Economics, History etc. By introducing paper on Political Science, Sociology, Economics and History, the Bar Council has rightly taken steps towards achieving the objectives of adopting an interdisciplinary approach.

Besides the interdisciplinary subject, the Bar Council has also introduced two papers on English in the pre-law course. This was quite necessary in view of poor ability in English language of new entrants to the legal profession. As yet, the legal profession and literature on law is highly dominated by English language. It is, therefore, necessary that prospective advocates should possess a good command over English language. This will also enable the prospective lawyers to appreciate in a better way literature on law in the course of their legal studies as well as after they take up legal profession.

However, as regards the subsequent three years of the new scheme, there are no significant changes and the new course is drawn on the lines of the old scheme of professional legal education which also consisted of three years. The only modification is introduction of a scheme of practical training. But this practical training involves court visits and work in lawyers chambers. Implementation of this provision in practice is, however, doubtful. The researcher has already passed his remarks on this point while discussing the administration of this scheme earlier in this chapter.

1) As regards duration of the new course and eligibility for admission it may be noted that a person may become a fullfledged advocate 5 years after he completes 10+2 stage. Under the old course, a person required six years after 10+2 stage, the first three in the minimum for obtaining first degree and the subsequent three years for graduation in law. Thus there will be saving of one calendar year if a person follows the new scheme. This aspect of the new scheme is also admirable.

2) There is a great hue and cry over the financial implications of the new scheme. This aspect is the main focus of criticism of new scheme. This is reflected in the views expressed by a number of law college administrators, principals, and law teachers mentioned in this chapter under

the heading "Reactions regarding the new scheme before its introduction." In this connection, the researcher submits that the administrators of law colleges are seriously worried regarding the financial difficulties likely to be faced by them and at any rate the colleges will not function properly and in some cases even they will have to be closed down unless the Government extends financial support to the law colleges.

3) Some law teachers have vehemently opposed the new scheme for adoption of it would amount to denial of opportunity to the working class to study law.

4) Some have opposed the new scheme on the ground that students joining law colleges after 10+2 stage may not be mentally and physically mature enough to pursue a 5 year law course. But this argument is not tenable, if one considers admission requirements of other professional courses such as medicine and engineering. To the courses in medicine and engineering candidates are admitted after the 10+2 stage only. Years of experience shows that students after 10+2 stage successfully dispense themselves in medical and engineering courses. Therefore, we can extend the same analogy to our professional legal education and can conclude that we need not consider students completing 10+2 stage are physically and mentally immature to undergo a professional course in law.