A STUDY ON BAR COUNCIL INITIATIVES ON LEGAL REFORMATION IN INDIA WITH SPECIAL REFERENCE TO ITS SUPERVISION POWER

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ABSTRACT :

Legal education occupies a key place in India where there is rule of law. It basically equips the students with necessary skills and capabilities to understand the process of law enactment, enforcement and interpretation of law with a view to secure understanding to retain the justice to all citizens irrespective of their caste, creed, religion or gender. In this context, we will talk about the role of Bar council in promoting the legal education and their challenging areas questioning the Impact of Legal Education committee's role and Evolution of legal system. Basically this research examines the current state of legal education, highlighting its issues and this paper aims to explain about the growth and initiatives taken by the Bar Council of India. It shall also demonstrate the functions and the powers of the BCI along with the drawback in its function towards the legal education in the current scenario.

KEYWORDS: Legal education, BCI (Bar Council of India), Justice, Committee, Initiatives.

I.INTRODUCTION:

Legal education occupies a key place in India where there is rule of law. It basically equips the students with necessary skills and capabilities to understand the process of law enactment, enforcement and interpretation of law with a view to secure understanding to retain the justice to all citizens irrespective of their caste, creed, religion or gender. The Bar Council of India as well as the university have basic rules to lay down and improve the level of legal education. In relation to Colleges UGC is the main in regulation but for the law college. Both the bodies have different powers to play in respect of inspection, affiliation, teaching and evaluation process. Important works have been entrusted to the university by the BCI and its legal Education committee as to impart education according to syllabus, to conduct examinations and to publish results timely. The main example is in Bihar, examinations are backlogged for two-three sessions. This paper aims to explain about the growth and initiatives taken by the Bar Council of India. It shall also demonstrate the functions and the powers of the BCI along with the drawback in its function towards legal education in the current scenario.

II.RESEARCH PROBLEM:

The research aims to investigate and assess the adequacy of the supervisory power of the Bar Council of India in overseeing legal education institutions. Specifically, it addresses **whether the current regulatory framework is effective in ensuring quality education and ethical standards.** The study will explore the need for and potential benefits of establishing a monitoring committee to enhance oversight and address any shortcomings in the existing system.

III.REVIEW OF LITERATURE:

(Sampford and Breakey, 2016)In this paper,researcher emphasis the critical , ethical and theoretical approach on legal education and several dimensions were dealt in related to interest to those with interest in theory of education and professional ethics and governance studies.(Ferris, 2014)This paper analyses the regulation of the legal profession and its global trends it delves into global legal profession regulation, navigating the complexities of diverse regulators, methods, and sources. It underscores the challenge of establishing unified regulatory goals and discusses the interplay between self-regulation and the theory of legal profession management(Boon, 2017)In this paper ,Author examines the dilemma of legal education with its history and how far it came from and legal reformation overviewed by author in various way, Chakraborty, (S. K., & Krishna, T. 2022) This paper stipulates the challenges in indian legal education and reformatory procedures for the welfare of the people.(Harno, 2004) This paper examines legal education in united states based on report prepared for the survey ,the author explains legal education growth and their evolutionary perspectives and criticise the changes and present scenario of legal education (Pavithra2018) In this research paper, Author examines the burgeons of legal education and its frameworks to understand importance of legal education, especially the role of bar council of India in legal education and The Bar Council of India has reduced its powers to issue acknowledgement to the universities for the purpose of enrolment of law graduates has been dealing with inspections, affiliation or disaffiliation of various law colleges, granting annual affiliation or permanent affiliation etc. The establishment of Law Schools, buildings, recruitment of faculties and other players has not been allowed to have any effective role. The above stated powers were extended by the Bar Council of India under Resolutions, Rules and Regulations, even though such powers were confined and were not permitted by Advocates Act, 1961.

IV.OBJECTIVE OF STUDY:

- To understand measures taken by the Bar Council of India for Legal Education.
- To evaluate the regulatory measures of the Bar Council of India.
- To examine the existing rules policies for Inspection further improvements and developments in Legal Education.
- To know about Inspection power of Bar Council of India

V.HYPOTHESIS:

Null Hypothesis: The supervisory power of the Bar Council of India is adequate, and there is no need for the establishment of a monitoring committee to improve oversight in legal education institutions.

Alternative Hypothesis: The supervisory power of the Bar Council of India is insufficient, and the establishment of a monitoring committee is necessary to enhance effective oversight in legal education institutions.

VI.ROLE OF BAR COUNCIL OF INDIA IN LEGAL EDUCATION :

The Bar Council of India (BCI) plays a pivotal role in shaping and overseeing legal education within the country.The Bar Council of India, as the apex body under the Advocates Act, 1961, plays a crucial role in promoting legal education and establishing standards for it in collaboration with universities. In accordance with Section 49 of the Advocates Act, 1961, the BCI formulated the " Bar Council of India rules", 1965, in which Chapter 4 focusing on minimum standards of legal education. Additionally, the BCI has the authority, under the Advocates Act, to set the minimum qualifications for admission to law courses.

- ***FUNCTIONS OF BAR COUNCIL OF INDIA***

The 14 th report of Law Commission headed by Sh. M.C Setalvad [1]Anticipated the All India Bar Council, which resulted into Bar Council of India. The said Law Commission observed and One of the main subject to which the All India Bar Committee of 1953 gave its attention was the formation of the unified Indian Bar .Regulation of Legal Education of BCI is covered under section 7 of Advocates Act, 1961,which are as follows:

1. The functions of Bar Council of India Shall be:[2]

To promote legal education and to lay down standards of such education in consultation with the universities in India imparting such education and State Bar Councils;

2. To recognize Universities whose degree in law shall be a qualification for enrolments as an advocate and for that purpose to visit and inspect universities or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf.

- ***LEGAL EDUCATION COMMITTEE AND THEIR ROLE***

LEGAL EDUCATION COMMITTEE

The Legal Education Committee consists of five members of the Bar Council of India and five co-opted members to represent the judiciary, the Law Ministry, the University Grants Commission, and academia.

[1]https://lawcommissionofindia.nic.in/report_first/

[2]https://www.barcouncilofindia.org/info/about-bci#:~:text=The%20Bar%20Council%20of%20India,disciplinary%20jurisdiction%20over%20the%20Bar.

This committee makes recommendations to the Bar Council of India on all matters pertaining to legal education in the country. The committee elects its own Chairman.The Legal Education Committee has the power:To make recommendations to the Council for laying down the standards of legal education for Universities. ***To visit and inspect Universities and report the results to the Council*** and To recommend to the Council the conditions subject to which foreign qualification in law obtained by persons other than citizens of India may be recognised.

The Supreme Court ordered the formation of a threeMember Committee on Reform of Legal Education in response to the *Bar Council of India vs. Bonnie FOI Law College & Ors case.* [3]The committee highlighted issues such as the need for BCI to adapt to changing legal education demands, insufficient funding, loopholes in college inspection, and proposed reforms like a separate accreditation system and innovative teaching methodologies to enhance practical aspects of legal education.

INSTITUTIONAL REFORMS

- **Uniform Admission Procedures:**Standardizing admission processes across law schools to ensure a consistent quality of students.
- **Establishment of the National Academy for Law Teaching and Continuing Legal Education**:Creating a national institute to advance faculty training, upgrade skills, and improve teaching quality.
- **Revised List of Requirements for Accreditation:**Publishing updated accreditation criteria, emphasizing infrastructure, faculty, and facilities.
- **Benchmarking and Quality Evaluation of Law Schools:**Introducing a system to evaluate law schools based on factors like candidate preferences, exam success rates, infrastructure quality, and faculty publications.
- **Standardisation of the Academic Calendar:**Implementing measures to standardise academic calendars across law schools for greater consistency.

REFORMS IN CONTENT AND STRUCTURE:

Implementing reforms in content and structure, there is a proposal to standardize five-year dual-degree LL.B. programs as the norm, transitioning away from three-year programs. This shift aims to enhance legal

[3] Bar Council of India vs. Bonnie FOI Law College & Ors case 2023 SCC OnLine SC 130

education by providing a more comprehensive and immersive learning experience, aligning with contemporary legal requirements and industry demands.

MEASURES TO IMPROVE PEDAGOGY AND METHODS OF TEACHING

Introducing measures to enhance pedagogy and teaching methods involves incorporating innovative instructional approaches, fostering interactive learning environments, and promoting practical applications of legal concepts. This could include integrating technology, encouraging case-based discussions, and facilitating practical exercises to ensure a more dynamic ,Faculty evaluation and effective learning experience for law students.

VII.INSPECTIONS OF BAR COUNCIL OF INDIA:

Rule 2(xii), of the Rules of Legal Education, 2008, defines[4]

'Inspection of a University by the Bar Council for recognizing its degree in law', in an inclusive manner stating that inspection includes "(A) calling for all relevant records, documents and correspondences to evaluate the competence of the University to run professional courses, (B) visiting places of the Centres of Legal Education including buildings housing classes, library of the Institution, halls of residence and all other places as may be required by the inspection team inspecting the University and its affiliated Centres of Legal Education where the courses of degree in Law are conducted or proposed to be conducted."

Inspection by the Bar Council plays a crucial role in ensuring the quality and adherence to standards in legal education institutions. This scrutiny serves dual purposes: first, **evaluating an institution's capacity before its establishment under a University,** and second, **assessing the ongoing capacity of institutions.** Inspection involves both **document evaluation** and **on-site visits,** ensuring compliance with prescribed standards. The University collaborates by facilitating inspections as directed by the BCI .Through inspections, the Bar Council evaluates factors such as faculty qualifications, infrastructure, curriculum, and overall compliance with the regulations set forth in the Advocates Act and associated rules.This oversight helps maintain the integrity of legal education and guarantees that institutions meet the prescribed standards, contributing to the competence of future legal professionals.

[4] https://klc.ac.in/wp-content/uploads/2020/07/IBR-Rules.pdf

VIII.COMPARATIVE ANALYSIS OF BAR COUNCIL WITH OTHER COUNTRIES:

THE AMERICAN BAR ASSOCIATION

The American Bar Association (ABA) has an Accreditation Committee, specifically the Council of the Section of Legal Education and Admissions to the Bar, which plays a crucial role in the supervision and oversight of law schools seeking and maintaining ABA accreditation. This Committee plays a central role in evaluating law schools for accreditation. This involves comprehensive reviews and on-site inspections, assessing facilities, faculty, and adherence to ABA Standards. The committee contributes to policy development, communicates with schools throughout the process, and holds decision-making authority, granting, reaffirming, withdrawing accreditation, or imposing sanctions. Post-accreditation, the committee monitors ongoing compliance, requiring periodic reports. Committed to continuous improvement, it encourages law schools to enhance programs, fostering excellence in legal education.

The American Bar Association's accreditation process is well-established, with explicit standards and a comprehensive inspection process. In contrast, there have been discussions in India about the need for more specific rules, leading to the proposed monitoring committee.It has a well-defined decision-making structure, while the BCI has been exploring ways to strengthen its supervisory powers through the suggested establishment of a monitoring committee.

UNITED NATIONS BAR ASSOCIATION

Here in the United kingdom,legal education for solicitors and barristers is regulated separately by the Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB)respectively. Both bodies conduct inspections, set educational standards, and have decision-making authority. Additionally, the Quality Assurance Agency for Higher Education (QAA)is an independent body that provides external oversight for broader quality assurance and it conducts reviews of higher education institutions in the UK, including those offering law degrees. While not a legal-specific regulator, its assessments contribute to overall quality assurance.

AUSTRALIA

In Australia, legal education and law schools are regulated by state or territory legal bodies, such as the Legal Profession Admission Board (LPAB)[5] in New South Wales, the Victorian Legal Admissions Board (VLAB) in Victoria, The Legal Practitioners Admissions Board (LPAB) in Queensland may be involved in accrediting law schools and legal education programs, For the Western Australia we have the Legal Practice Board of Western Australia may have a role in accrediting legal education programs in the stateand similar entities in

[5] https://www.lpab.justice.nsw.gov.au/

other regions. These bodies have the authority to accredit law schools, ensuring they meet specified standards outlined in legislation. The regulatory framework varies between states and territories but generally includes criteria for admission, accreditation, and quality assurance, emphasising the maintenance of high standards in legal education.

IX.RESEARCH METHODOLOGY:

In the present study the author have used Doctrinal Research Methodology. It is a methodology is a structured approach employed in legal and theoretical studies. Focused on analysing existing laws, precedents, and doctrines, this method seeks to synthesise and interpret legal principles with comparative analysis.Researchers delve into statutes, case law, and scholarly writings, systematically organising information to draw conclusions. The process involves a meticulous examination of legal norms, aiding in the comprehension and refinement of legal concepts.

X.SCOPE AND LIMITATION OF THE STUDY:

This research will scrutinise the Bar Council of India's supervisory powers and initiatives for legal reformation. It will conduct a comparative analysis with the UK, USA, and Australia 's regulatory bodies, focusing on legal education institutions. The study will explore the need for a monitoring committee in India to enhance oversight and propose its potential structure and functions. The absence of rigid rules and reliance on inspection manual guidelines in India's legal education institutions necessitate the proposal for a monitoring committee to establish clearer regulatory frameworks. The present statutory framework under the Advocates Act has a very limited scope and object laid down by the Act. The dynamic legal landscape and the geographical focus on specific jurisdictions may affect the generalizability of findings.

XI.SUGGESTION AND CONCLUSION:

The Advocates Act grants limited regulatory power to the council within the current diarchy system. The UGC oversees financial grants, while the BCI approves degrees for enrollment in the legal profession. Neither body is designed to regulate universities and colleges offering legal education. Regarding inspections, the Bar Council of India introduced an Inspection Manual in 2010, serving as guidelines for the inspection process. This manual covers aspects such as the composition of inspection teams, the application process for initial approval, and periodic inspections, including the review of audited accounts, faculty lists, infrastructure investment over the past three years, and submission of yearly inspection reports. The files and documents required for inspections are submitted to the office of the Secretary of the Bar Council of India to facilitate the inspection process. The main suggestion of the research is to establish monitoring committees

as an alternative to inspection manuals. Inspection manuals serve as guidelines, but they have their limitations in effectively regulating inspections. In contrast, other countries, like the USA, have accreditation committees responsible for accrediting college inspections. They operate with a dual approval system comprising provisional approval and full approval. Therefore, there is a need for a separate regulatory and monitoring committee to enhance the effectiveness of the inspection teams.

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