

Role Of Bar Council Of India (Bci) And The University Grants Commission (Ugc)As Regulatory Body Regarding Legal Education.

Smt. Puja Thakur^{1*}

^{1*} Assistant professor D.P. Vipra Law College, (C.G.)

*Corresponding author: Smt. Puja Thakur

*Assistant professor D.P. Vipra Law College, (C.G.)

ABSTRACT

Law is the most powerful and effective tool to maintain peace in society and bring about revolution in society through peaceful means. Therefore, legal education has a great responsibility in providing students with the necessary professional knowledge to equip them with the necessary skills so that they can better fulfil their roles. Currently, legal education is regulated by two national bodies: Bar Council of India (**BCI**) and University Grants Commission (**UGC**). The subject of legal education falls under the purview of two bodies, the UGC and the Bar Council of India. Precisely to ensure harmonisation, the **Solicitors Act, in Sec. 7(1)(h)** requires the Bar Council of India to consult with the universities. The two are partners with common goals.

KEYWORD: Legal Education, Bar Council of India, The Advocates Act, 1961,

INTRODUCTION

Law plays a vital part in keeping up societal peace and cultivating tranquil transformations. As such, legitimate instruction bears a critical obligation to prepare understudies with the mastery and aptitudes vital to viably satisfy this part. As of now, legitimate instruction in India falls beneath the domain of two national bodies: The **Bar Chamber of India (BCI)** and the **University Grants Commission (UGC)**. Whereas the subject itself falls under both jurisdiction, **the Advocates Act, Segment 7(1)(h)**, mandates consultation between the Bar Committee and universities. This emphasises their parts as accomplices in accomplishing a common objective: cultivating a vigorous and successful lawful instruction framework.

“Hon’ble Supreme Court of India in **State of Maharashtra v. Manubhai Pragaji Vashi** has observed that “The legal Education should be able to meet the ever-growing demands of the society and should be thoroughly equipped to cater to the complexities of different situation”

LEGAL EDUCATION IN INDIA: AN OVERVIEW

Law is the most powerful and effective tool to maintain peace in society and bring about revolution in society through peaceful means. Besides resolving disputes, the law also ensures a safe environment for citizens from all walks of life so they can fully enjoy their basic rights. Legal education prepares students to become **“ambassadors of social change.”** Legal education occupies an important place in a country like India where the rule of law reigns. It equips students with the skills and ability to understand the complex process of enactment, application and interpretation of laws to ensure justice for all citizens, regardless of caste, creed, religion or gender. Therefore, legal education has a great responsibility in providing students with the necessary professional knowledge to equip them with the necessary skills so that they can better fulfil their roles. Legal education in India has its roots in British history. Before India's independence in 1947, there were only a few law schools in the country. With the country's independence, legal training became important,

and the rule of law became a fundamental doctrine for the governance of the country. Since we have adopted democratic form of government, it is necessary to strengthen the judiciary and for this purpose, providing quality legal education is essential. Currently, legal education is regulated by two national bodies: **Bar Council of India (BCI)** and **University Grants Commission (UGC)**.

THE BAR COUNCIL OF INDIA (BCI)

The Bar Board of India draws its administrative powers from the **Advocates Act, 1961**. This Act draws sacred authenticity from **sections 77 and 78 of List 1** of the Seventh Plan of the constitution of India. The Bar council of India is a statutory body set up under the **section 4 of Advocates Act 1961** that controls the legal practice and legal education in India. Among the different statutory functions assigned to the BCI under **Sec. 7 of the Act, Sec. 7(h) and 7(i)** deal with legal education. **Sec 7(h)** authorises it 'to promote lawful education and to lay down benchmarks of legitimate instruction in interview with the Colleges in India conferring legitimate instruction and the **State Bar Committees. Sec. 7(i)** empowers it 'to recognize Colleges whose degree in law might be a qualification for enrollment as an advocate conjointly to visit and assess such Colleges for this reason. Assist, **Sec. 49** endorses common rules for the working of BCI, thus giving it the administrative powers. **Sec. 49 (d)** of the Act enables it to release its capacities in regard to the – 'the benchmarks of legitimate education to be watched by colleges in India and the review of colleges for that purpose'. **Sec. 24 (1)** notices capabilities and conditions for people to be conceded as an advocate on a State roll. The position of the **BCI vis-a-vis** legal education is of incredible significance. In this regard, the **BCI** is required to advance legitimate instruction and to lay down guidelines of such education and to recognize colleges whose degree in law should be a capability for enrollment as an advocate and for that purpose visit and review colleges. The BCI defines rules as to allowable understudy admissions, educator understudy proportion, number of portion time instructors and full time teachers, educational programs of the law course, etc. Those who don't comply with the rules of the BCI stand at hazard of objection of affiliation. The mandates issued from the BCI from time to time need to be essentially taken after by the law colleges. At whatever point endorsement of alliance is allowed to a law college, the college is required to store the endorsed charge within the shape of ensure to fulfil all the standards of the **BCI**. The Board can relinquish the same if its standards are not complied with. The Bar Committee of India since its foundation has been working towards improvement of standard of legal education in India and has a devoted committee for this reason known as the **legal education committee**. This committee makes suggestions to the **BCI** on things related to lawful instruction and sets benchmarks of legal education, visits and assesses colleges, suggest the prerequisites for remote advocates practising law in India, suggest acknowledgment or discontinuance of a Law College from a college. The Bar Committee of India has established a dedicated wing for legitimate instruction known as **Directorate of legal education** for the reason of organising, running, conducting, holding, and regulating the following:

1. Continuing Legal Education
2. Teachers training
3. Advanced specialised professional courses
4. Education program for Indian students seeking registration after obtaining Law Degree from a Foreign University
5. Research on professional Legal Education and Standardisation
6. Seminar and workshop
7. Legal Research
8. Any other assignment that may be assigned to it by the Legal Education committee and the Bar Council of India.

The Bar Council of India has been conducting the All India Bar Examination since 2010. On 10 April 2010, the Bar Council of India decided to conduct the All India Bar Examination to test the A lawyer's ability to practise law. Lawyers need to pass this exam to practise law. As of 2020, the All India Bar Exam is conducted only once a year. Legal education was governed by the Legal Education Rules 2008, but with the changing needs of society, the need to adopt new regulations arose and finally, BCI created the draft Rules Legal Education 2019 aims to replace the previous Rules of 2008 and raise the standards of academic excellence in the field of legal education. These rules are designed to enhance rapid global integration into the global economy, make municipal laws meet international principles, and encourage professional legal education to achieve justice. Fast and focused on high expertise in different branches of law.

THE UNIVERSITY GRANTS COMMISSION

The University Grants Commission (UGC) was established on **28 December 1953** and became a statutory organization of the Government of India under an Act of Parliament, 1956, to coordinate, determine and maintain educational, testing and research standards at the university. Since legal education is imparted by colleges and law schools affiliated to a university conducting courses strictly in accordance with UGC guidelines, the commission plays a pivotal role in the field of legal education. The preamble to the UGC Act states that the Act aims to “make provision for coordination and determination of **“standards in universities”**”. Furthermore, **Article 12**, relating to the functions of the Commission, states that “the general task of the Commission is to carry out, in consultation with the universities or any other relevant authority, the measures which the Commission considers appropriate for promotion and advancement and coordinate higher education and determine and maintain standards of teaching, examination and research in universities.” The Supreme Court also emphasized the role of the UGC in **“shaping the academic life of the country”** and its **“obligation to maintain high standards in universities”**. From the above, it is clear that UGC is the apex body responsible for determining and maintaining educational standards in universities. To maintain and enhance the standard of legal education, the UGC, in consultation with the universities or other relevant agencies, take all measures it considers appropriate to promote and coordinate higher education as well as to determine and maintain educational standards, examinations and research at universities.

HARMONISATION BETWEEN POWERS OF BCI AND UGC

It is important to note that the Bar Council of India depends on universities to provide the legal education necessary for the profession. Universities prepare students for professional practice, unless law courses are for those who cannot practice. This raises the question of applying the principle of harmonious construction. **Section 7(1)(h)** of the **Advocates Act, 1961** authorises the Bar Council of India to establish **“standards of legal education”**. Section 7(1)(h) cannot be said to be in conflict with the UGC Act, 1956. This is because under section 7(1)(h), BCI must consult with universities. The UGC can set **“training standards”** and the Bar Council of India can lay down the conditions for a law graduate to be eligible to enter the legal profession. If a student studying in a law college aspires to study law but studies law in a manner not approved by the Bar Council of India then the law schools will not serve the professional class of students and in fact There will be very few students. So, in effect, law schools will have to comply with the conditions laid down by the Bar Council of India if they want to supply future lawyers to the Bar. At the same time, universities and UGC are also concerned about the standards of legal education, whether for practitioners or not. Universities are accountable to the UGC for legal education standards, as are their affiliated colleges. In other words, the subject of legal education falls under the purview of two bodies, the UGC and the Bar Council of India. Precisely to ensure harmonisation, the Solicitors Act, in Sec. 7(1)(h) requires the Bar Council of India to consult with the universities. The two are partners with common goals. The obligation to consult is mutual and not one-way. There is a strong need for the universities to consult the Bar Council of India and the Bar Council of India also needs to consult the universities. A delicate balance must be established with the second mechanism. 7(1)(h) of the Act supports the requirement for consultation with universities. Consultation means “effective” advice. **The UGC CDC Report of 2001** in fact acknowledges considerable harmonisation in the consultation process between the Bar Council of India and the Faculty, but in our view this needs to be enhanced. After referencing sec. **7(1)(h)** of the **Advocates Act 1961** and **Sec. 12 of the UGC Act, 1956**, **2001 report states:**

In the field of legal education, there was, thus, a dilemma of dual responsibility of the BCI and UGC. The CDC in the eighties were aware of this difficulty and suggested certain ways and means to solve the problems arising from the dual responsibility and called for more interaction, in the form of information sharing and consultation, between UGC and BCI. It is significant that BCI had an open mind when they set out in 1995 for a reform. They consulted the universities and the UGC law panel while formulating the reforms for LL.B. courses."

Thus, the **UGC's 2001 CDC report** acknowledged that there had been some consultation, but it said that there was a need for **"closer interaction"** between the **BCI** and the **UGC**. The provisions of the UGC Act under Entry 66 of List I relating to educational standards and the provisions of the Advocates Act shall be as wide as possible. The UGC Act was passed under Entry 66, List I and deals with educational standards while the

Advocates Act comes into existence by virtue of Entries **77, 78** of List I. This entry certainly does not deal with “legal training standards” which refers to the next stage, “right to practice”.

THE ROLE OF JUDICIARY IN SETTINGS STANDARDS IN LEGAL EDUCATION

Supreme Court on Bar Council’s Control on Law Colleges:

In the case of **Bar Council of India v. Aparna Basu Mallick**, the apex court said that if obtaining a law degree is essential to qualify for admission to the state rolls, then it is clear that the Bar Council of India must have the power to prescribe educational standards. The standard requirements laid down by the Bar Council of India with regard to participation in law courses, lectures, tutorials, mock trials, etc., must be fulfilled before registering as a lawyer.

Supreme Court on Equality of Treatment in Admissions:

In the case of **Deepak Sibal v. In Punjab College**, the Court struck down the rules framed by the college restricting confirmation of evening classes to representatives of government/semi-government organisation/affiliated colleges, statutory bodies and government organisations. The court held that the purpose of opening evening classes was to accommodate in the evening classes those general representatives who could not attend the morning classes due to their business.

Supreme Court on Grant-in-Aid by State to Law Colleges:

In the case of State of **Maharashtra v. Manubhai Pragaji Vashi**, Supreme Court of India has held that the State of Maharashtra's refusal to provide aid to recognized private law colleges is unconstitutional and violative of **Articles 21 and 39-A** of the Constitution. He contended that **Article 21**, along with **Article 39-A** of the Constitution, imposes or imposes an obligation on the State to grant subsidies to recognized private law colleges, similar to other faculties, meet the necessary conditions to receive benefits.

CONCLUSION:

Therefore, it is important that the Bar Council of India and the UGC work closely and coordinate closely. By leveraging their unique strengths and sharing their expertise, they can ensure that legal education in India equips future legal professionals with the knowledge, skills and ethics Virtue is necessary not only to uphold the rule of law but also to contribute significantly to a just and peaceful society.

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