

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1705
TO BE ANSWERED ON 05.03.2020**

LEGAL EDUCATION THROUGH DISTANCE EDUCATION MODE

1705. SHRI A. VIJAYAKUMAR:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether there is any mode of Distance Education Programme for under graduate and post graduate courses in legal education in the country;
- (b) if so, the details thereof;
- (c) the number of initiatives taken to improve legal education in the country;
- (d) whether a number of advocates have still not cleared All India Bar Examination and continuing their practice in the courts; and
- (e) if so, the action taken against them?

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY**
(SHRI RAVI SHANKAR PRASAD)

(a) & (b) The Bar Council of India (BCI) is regulating LL.B (graduate) course and is not regulating any under graduate courses related to law at the moment. However certain diploma courses like Cyber Diploma, IPR Diploma etc. are being offered by certain Universities/ institutions. LL.B course is only recognized through regular mode and not through any other open or distance learning mode. The BCI is presently in the process of finalizing rules, regulations and guidelines for LL.M regular course and the draft rules are at discussion and deliberation stage. The BCI is considering the issue whether LL.M can be properly pursued through Open and Distance Learning or not.

(c) The following initiatives are taken by the BCI to improve the Standard of Legal Education in the Country:-

- (i) The Syllabus and other norms are laid down by the Bar Council only in consultations with the Universities of the country.
- (ii) Bar Council of India lays down norms; decides syllabus; has provided at least 70% attendance in class-room teachings mandatory, but the immediate responsibility to implement them lies with the Universities.
- (iii) The Bar Council of India has decided to close down all such colleges next year and the Institutions, if they do not fill up the vacancies of teaching staff, they will not be allowed to admit students from next academic session.
- (iv) If in course of surprise visit, any Institution is found to be lacking proper infrastructure, faculty, no regular class of students, then approval of affiliation of such Institutions would be withdrawn with effect from next academic sessions. The Chancellors, Vice-Chancellors and Deans have been requested to look into these serious matters and take appropriate steps to cancel their affiliations.
- (v) The BCI has issued a circular asking all Centers of Legal Education to ensure that biometric attendance of students should be ensured.
- (vi) The Legal Education Rules of Bar Council of India, are in the process of being amended with aid and advise of Hon'ble sitting judges of various High Court, Law Professors, inclusive of Vice Chancellors of reputed Universities, and various legal luminaries and it has been sent for circulation among all the Universities and State Bar Councils for their opinion and further suggestions.
- (vii) The BCI is also issuing circulars from time to time to the Universities, State Government's Higher Education Departments/ Institutions for improving the standards of Legal Education.

(d) & (e) A person/candidate can practice in India after enrolment in any of the State Bar Council. All India Bar Examination (AIBE) is mandatory for all Advocates those who have passed LL.B (graduated) from the academic session 2009-2010. It is not applicable for those advocates who have graduated in Law before the academic year 2009-2010. The Bar Council of India has already passed a resolution dated 12th January, 2019 and resolved that those who have not passed the All India

Bar Examination within a period of two years after their enrolment, are not entitled to practice in any Court of Law including High Court, Supreme Court of India, in Tribunals and even in the Consumer Forums. From AIBE-I to AIBE-XIV the total number of advocates appeared in the All India Bar Examination is 4,72,944 and out of which 3,70,685 have cleared the said All India Bar Examination.