



Standing Committee Calls for Legal Education Reforms

For Prelims: [Parliamentary Standing Committee](#), [Bar Council of India](#), National Council for Legal Education and Research (proposed), [Advocates \(Amendment\) Act, 2023](#)

For Mains: Major Recommendations of the Committee, Legal Education Landscape in India.

[Source: TH](#)

Why in News?

The [Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice](#) recently submitted a report on **legal education in India**, proposing significant recommendations.

What are the Major Recommendations of the Committee?

- **Restructuring Legal Education Regulation:** Proposed the creation of the **National Council for Legal Education and Research (NCLER)** to oversee non-litigation aspects of legal education, limiting the [Bar Council of India's](#) regulatory powers.
- **Enhancing Academic Resources:** Recruiting top researchers as faculty to bolster research capabilities within law schools.
 - Acknowledging the necessity for increased state funding to support law schools.
- **Integration of Global Curriculum:** Incorporating global curriculum into Indian law schools to foster international exchange programs for both students and faculty.
 - Exposing students to **diverse legal systems for a comprehensive legal education.**
- **Mandatory Inclusion of Interdisciplinary Subjects:** It suggests mandatory inclusion of subjects like **Law and Medicine, Sports Law, Energy Law, Tech Law/Cyber Law, Commercial & Investment arbitration**, Securities Law, Telecom laws, and banking laws in undergraduate courses.
 - Collaboration between governments, universities, and BCI is essential for comprehensive curriculum development.
- **Emphasising Practical Training Programs:** Universities should collaborate with BCI to integrate practical training programs like **moot court competitions** into the curriculum.
 - These programs offer students opportunities to apply legal theory in simulated courtroom settings, **enhancing oral advocacy and critical thinking skills.**
- **Quality Assurance in Legal Education:** The Committee stresses the importance of **prioritising quality over quantity** in the recognition of new law colleges.
 - Urgent measures are needed to curb the proliferation of substandard law colleges in India.

Note

The origin of Legal education in India revolves around the **Vedic era** whereby the concept of **Dharma** was the source of legal structure. The **Chola judicial system** was the forerunner of the present Indian judicial system. The principle of **“All are equal before law”** or the present **‘Rule of law’** was pursued in the Chola kingdom.

What is the Bar Council of India?

- **About:** The Bar Council of India is a **statutory body** created by Parliament under the **Advocates Act, 1961** to regulate and represent the Indian bar.
- **Regulatory Functions:**
 - Prescribing **standards of professional conduct** and etiquette for advocates.
 - Establishing procedures for disciplinary actions.
 - Setting standards for legal education in India and recognizing qualifying law degrees.
- **Other Responsibilities:**
 - Protecting the **rights, privileges, and interests of advocates**.
 - Organising **legal aid** for the underprivileged.
 - Conducting elections for Bar Council members.
 - To deal with and dispose of any matter which may be referred to it by a State Bar Council.
- **Recent Developments:**
 - In 2023, **BCI allowed foreign lawyers** and law firms to practice in India but limited them to non-litigious activities like **corporate law and intellectual property matters**.
 - They cannot handle property conveyancing or title investigations.
 - Indian lawyers in foreign firms face the same restrictions.

What is the Advocates Act, 1961?

- **About:** The **Advocates Act of 1961** was enacted to revise and unify laws concerning legal practitioners and to establish the **Bar Council and an All-India Bar**.
 - This legislation replaced most of the provisions of the Legal Practitioners Act of 1879.
- **Recent Amendment:** The **Advocates (Amendment) Act, 2023**, modifies the Advocates Act, 1961, by addressing the issue of touting.
 - Touts are individuals who seek payment in exchange for securing legal business for lawyers.
 - According to the amended provisions, High Courts, district judges, session judges, district magistrates, and certain revenue officers are now **empowered to compile and publish lists of touts**.
 - The Court or judge may exclude from the premises of the Court any person whose name is included in the list of touts.

What is the difference between a Lawyer and an Advocate?

- **Lawyer:** The lawyer is the person who is professionally qualified and holder of a degree in law from a reputed institution/college in India
 - Can include legal researchers, law firm associates, legal advisors, etc.
 - Does **not necessarily** have the **right to represent clients in court**.
- **Advocate:** Advocates are qualified legal professionals who have enrolled with a **State Bar Council** and passed the **All India Bar Examination (AIBE)**.
 - Holds the **right to represent clients in court**, plead their case, and argue on their behalf.
 - Equivalent to "**barrister**" in some other legal systems.
- Every advocate is a lawyer, but not every lawyer is an advocate.

UPSC Civil Services Examination, Previous Year Question

Prelims:

Q. With reference to India, consider the following statements:

1. Government law officers and legal firms are recognised as advocates, but corporate lawyers and patent attorneys are excluded from recognition as advocates.
2. Bar Councils have the power to lay down the rules relating to legal education and recognition of law colleges.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

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