Legal Profession

Lawyers in India have predominated in all walks of public life. The struggle for independence was led mainly by lawyers. As far back as 1916, lawyers comprised about 55% of the elected members of the Indian Legislative Council and about 75% of the elected members of the Provincial Councils. In the post-independence period, the 1967 Lok Sabha had roughly 28% lawyer members (as compared to 20% lawyer members in the House of Commons and 67% in the U.S. Congress in 1950's). Most of the important public offices are being held by lawyers.

In 1958 India had about 75,000 lawyers. This number must have easily swelled to more than a hundred thousand by now. Though the number of lawyers in India per million population is much lower than that in the United States, the United Kingdom and Germany, yet numerically India has the second largest legal profession in the world after the United States.

Lawyers have pivotal role to play in developing society presenting unending challenges of evolutionary and revolutionary changes. This is all the more so in a country like India which is dedicated to the democratic process, the rule of law and the ideal of welfare state. Vital socio economic changes for ushering in that ideal have to be brought about by the process of law. The role of the legal profession and of legal education in this process is thus very vital. The character and caliber of the legal profession is determined by the quality and character of law faculties and of legal education. The quality and character of law faculties and of legal education will not only determine the quality of the judicial process but will also condition, forecast and determine the future of the country.

Legal profession and the King's courts (1726-1862)

Wigmore quotes the opinion of an eminent French missionary of the early

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* Formerly Professor and Head, Department of Laws, Panjab University, Chandigarh.
** Director, Indian Law Institute, New Delhi.
1800’s who after thirty years of intimate observation said that “the Hindus have neither barristers nor solicitors.” Without going into the exact position as it prevailed in the earlier period it may be noted that the Hindu pundits, the Muslim muftis and the Portuguese lawyers who served under earlier regimes prior to the coming of the British did not have any say or any effect on the system of law and legal practice as it developed.

The present legal system prevailing in India owes its origin to the Britishers who came to India as traders but eventually established themselves as sovereign rulers of this vast subcontinent. The organization and growth of a regular hierarchy of courts of justice with the superior courts of record at the apex and inferior petty courts at the base are wrapped up with the history of gradual ascendancy of British power in India. The legal profession as it exists in India today is the natural outcome of this process gradually unfolding itself during the periods of the British East India Company followed by the rise of the British power in India.

In 1669, King Charles II transferred, by a royal charter, the island of Bombay to the East India Company who thereupon became the “absolute lords and proprietors of the ports and island.” The first British court was established in 1672 by Governor Gerald Aungier. George Wilcox was appointed Attorney-General. Wilcox made rules for parties to be represented by attorneys and fixed the councilor’s fee at little more than a rupee. Fawcett tells us that the inauguration of the court there were four attorneys or common pleaders, one of them being Semeo Sarrero who acted as legal adviser to the Company and who was the only one who had legal training and experience. All of them were probably Portuguese or Portuguese-Indians. The admission of attorneys was regulated by the Governor and Council and not by the court.

By a charter granted by George I, in 1726, courts of record called Mayor’s Courts were established in Madras, Bombay and Calcutta. Courts of record in the nature of a court of oyer and terminer and gaol delivery “for the trying and punishing of offenders and offences except high treason” were also established at these places. The Mayor’s Court were authorized to frame such rules of practice, and nominate and appoint such Clerks and Officers, and to do all such other things as shall be found necessary, for the Administration of Justice.

There was no specific provision in this charter laying down any particular qualification to be possessed by persons who would be entitled to act or plead as legal practitioners for suitors in those courts. Presumably it was left to be regulated by the rules of practice which the court was authorized to frame.

Fawcett further tells us that in Madras and Calcutta there were no legal practitioners prior to establishment of the Mayor’s Court in 1726
although two trained lawyers, John Briggs (1687-89) and John Dolben (1692-94) had served as judges. There were four attorneys at the Madras Mayor's Court in 1764 and about the same number in Calcutta in 1769. None of the early lawyers had any legal training. Some of those who practiced law were members of the clerical staff and acted as agents for the parties. The first man with legal training sent to India was Dr. St. John who was appointed by the Company in 1684 to be judge of the Admiralty Court. He also acted for some time as judge advocate. Indian attorneys were conspicuous by their absence. Thus for almost a century the legal profession developed haphazardly without direction, regulation or proper recognition. The court, at its inception, remained a completely exclusive preserve for members of the British legal profession, namely, the British barristers, advocates and attorneys. The indigenous Indian legal practitioners had no entry into this court. The Bar and the Bench of Mayor's Court, Recorder's Court and the Supreme Courts were totally British. Except for four Indian solicitors working in Calcutta, Indians worked only as interpreters. Brahmin pundits and Muslims Kazis did, however, serve as law officer or assessors in matters involving Hindu and Muslim law.

The charter of the court required that the Chief Justice and three puisne judges be English barristers of at least 5 years standing. The court also provided employment, and handsome salaries for three full time lawyers.

The Supreme Court at Madras started functioning in 1801 and at Bombay in 1824. By 1861 there were 13 advocates and 30 solicitors and attorneys on the rolls of the Supreme Court at Bombay.

The Act of Settlement of 1781 did not bring about any change in the organization of the legal profession so far as the Supreme Court was concerned. It did, however, by section 23, empower the Governor General and Council to frame regulations for the provincial courts which could be disallowed or amended by the King-in-Council within two years.

**Position in Company's court**

Prior to the rise of the British power in India administration of justice in northern India was in the hands of the courts established by the Moghul emperors or ruling chieftains owing allegiance to them. Petty chieftains and big zamindars also had courts exercising civil and criminal jurisdiction.

A class of *vakils* existed at that time. These *vakils* appeared before courts but acted more as agents for the principals than as lawyers. No rules or regulations existed prescribing any qualification or training for such lawyers or about the fees that they could charge.

After the battle of Plassey (1757) and Bauxar (1774) Lord Clive acquired from the Moghul emperor the *diwani* of Bengal, Bihar and Orissa. As a result of the grant of *diwani* the British East India Company assumed territorial
responsibilities. Shortly after the arrival of Warren Hastings in 1772 the civil and judicial administration of the mofussil territories outside presidency towns was undertaken by the Company (in Bengal and Bombay in 1827; in Madras in 1802 and in N.W.F.P. in 1831). A dual hierarchy of courts was set up. Provincial civil courts (mofussil diwani adalats) and provincial criminal courts (mofussil foujdari adalats) were established in each collectorate with superior courts of appeal, namely, Sadar Diwani Adalats and Sadar Nizamat Adalats at the apex.

Almost all the lawyers appearing before these provincial courts and sadar courts were Indians. The class of vakils practicing earlier before the Moghul courts appeared before these courts.

In 1793, the Bengal Regulation VII attempted to lay down rules for the profession. The regulation stated that

the pleading of causes should be made a distinct profession; and
that no person shall be admitted to plead in the courts but men of character and education, versed in Mohammedan or Hindoo Law and in the Regulations passed by the British Government, and they should be subjected to rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trusts.

It empowered the sadar Diwani Adalats to enroll as many Hindu or Muslim pleader for all courts of the Company as was deemed necessary and to specify the courts in which they could plead. One notable point is that only Hindus and Muslims, that is, native lawyers could be enrolled for these courts. These pleaders were selected from among the students of the Muhammadan madarsa at Calcutta and the Hindu college at Banaras. Other rules were laid down regarding professional ethics, fees that could be charged from clients, etc. The regulation required the appointment of government pleaders who could even after their appointment as government pleaders take up other cases in which government was not a party. The regulation thus opened up an avenue for lawyers.

The Regulation XXVIII of 1814 extended the provision of the regulation of 1793 to provincial courts with the difference that the rules laid down for provincial courts were much more detailed. Enrolment in the sadar courts was done with care and so the legal knowledge as also the standard of persons working as pleaders in sadar courts was far superior to those of persons enrolled in the provincial courts. Lawyers at this period did not enjoy a good reputation. Macaulay described them as ‘ravenous pettifoggers who fattened on the misery and terror of an immense community”. Besides enrolled pleaders, who alone could plead before civil courts mukbtars also functioned more or less as solicitors for the pleaders. However, the mukbtars were neither recognized nor enrolled by the courts. They practiced before criminal courts.
The Bengal Regulation XII of 1835 permitted persons of whatever nationality (and not Hindus and Muslims only) to be enrolled as pleaders of the Sadar Diwani Adalat.

The legal Practitioners Acts of 1846 and 1853 made the following provisions:

(1) Attorneys and barristers enrolled in any of Her Majesty’s courts in India could plead in the Sadar courts of the Company subject to the rules of these courts as regards language, etc.

(2) Barristers and attorneys of the Supreme Courts could plead in any of the courts of the Company subordinate to the Sadar courts subject to the rules in force in the subordinate courts as regards language, etc.

(3) Pleaders could enter into agreement with their clients for their fees for professional services.

The net result, therefore, was that while barristers and attorneys were permitted to practice in the Company’s courts, the indigenous Indian legal practitioners were rigorously kept out of the three Supreme Courts.

Fawcett observes that as a matter of policy the Company tried to discourage the growth of the legal profession because it wanted to check the number of law suits. It resolved not to send out any attorneys or lawyer clerks. It instructed the Bombay council to encourage litigants to manage their own cases and not to admit solicitors, etc., unless these were men of good and honest reputation. Much later during the British era when lawyers progressively provided leadership in public life, in provincial assemblies and municipalities, the growth of the profession was considered to be a factor which was likely to undermine the prestige of the British rule.

Position after the establishment of High Courts and Chief Courts (1862-1922)

The British government assumed direct control of the territories of the British East India Company in 1858. A unified judicial system was established in the three presidencies and all courts throughout British India were brought under one unified system of control. Chartered High Courts (under the Indian High Courts Act, 1862) were established in Calcutta, Bombay and Madras. The High Courts so established became the successors of the Supreme Courts as also of the Sudder Courts. At least one third of the judges, including the Chief Justice, were to be barristers of the United Kingdom; another one-third were to be recruited from the judicial branch of the Indian Civil Service and the remaining places were made available to the members of the subordinate judiciary and Indian lawyers practicing in the High Courts. This last provision not only provided an opening to lawyers but also enhanced the prestige of the profession.
Additional High Courts were established at Allahabad (1886), Patna (1916) and Lahore (1919).

The High Courts were empowered (under clause 9 of the Letters Patent of 1865 and under section 41 of the Legal Practitioners Act, 1879) to “approve, admit and enroll such and so many Advocates, Vakeels and Attorneys” as they deemed fit and persons so enrolled could plead and/or act for the suitors “according to rules as the High Courts may...by rules and directions determine.” This ended the monopoly enjoyed by barristers, gave to Indian lawyers the same privilege, prestige and opportunities as were hitherto enjoyed by British barristers.


Rules were framed for enrolment of attorneys. Persons who had served as articled clerks for a specified period and passed the specified number of examinations were enrolled as attorneys. Advocates were mainly barristers of England or Ireland or members of the Faculty of Advocates of Scotland. High Courts other than that at Calcutta permitted non-barristers holding degrees in law from Indian universities to be enrolled as advocates.

Persons holding a degree in law and fulfilling certain prescribed requirements regarding apprenticeship, practice for a number of years in the subordinate courts, etc., and certain other categories of persons were enrolled as vakils. A vakil of ten years standing who had attended the appellate side and original side of the High Court for one year could appear for advocates’ examination. Men like Sunderlal, Motilal Nehru etc. were raised to the rank of advocates under this rule. After 1900, vakils could, after fulfilling certain prescribed requirements, be enrolled as advocates and could work on the original side. Men like Setalvad could, by sheer dint of professional competence, establish themselves as well as British barristers.

Initial paucity of law graduates necessitated granting of permission even to non-graduates to practice in inferior courts. Graduates in law who did not possess the additional qualifications for enrolment as vakils and those who passed the prescribed pleadership examination held by the High Courts were given certificates entitling them to act and plead as pleaders in the district courts and other subordinate courts. In some of the provinces there were pleaders of several grades, e.g., pleaders of first, second and third grade.

Mukhtars were persons who after passing the entrance examination (corresponding to the matriculation examination of later times) had passed the mukhtarship examination held by the High Courts. Mukhtars were allowed to act and plead in the criminal courts in the mofussil though their sanads and licenses permitted them to practice in all subordinate courts. Meher Chand
Mahajan started his career as a mukhtar and in due course occupied the highest judicial office in the country.

Revenue agents were certificated and enrolled under rules framed by the Chief Controlling Revenue Authority. They practiced in revenue offices and offices subordinate thereto.

The need of a new and expanding judicial system called for an increasing number of professional men of law to act as legal practitioners, judges and administrators. As a result we find that between 1900 and 1920 students studying law outnumbered those studying for all other professional courses. The number of practicing lawyers progressively increased. Thus while in 1866 there were 11 practicing lawyers in the Punjab, the number shot up to 1,277 by 1910. The profession soon became overcrowded not only in the Punjab but also elsewhere in the country. There are instances of brilliant persons like C. R. Das who could not earn a living by the profession in the first fifteen years of their career.

All the different grades of legal practitioners of the High Court (except the attorneys) and those of the subordinate courts (except the revenue agents) were under the disciplinary jurisdiction of the High Court. The Pleaders, Mukhtars and Revenue Agents Act, 1865 recognised mukhtars and brought them for the first time under the control of the courts. It also gave revenue agents the status of legal practitioners.

The Legal Practitioners Act of 1879 together with the Letters Patent of the High Courts governed all legal practitioners. Section 4 and 5 of the Legal Practitioners Act enlarged the rights of the advocates, vakils and attorneys of the High Court and enabled them to exercise their profession in all the subordinate courts in India. Leading lawyers from the High Court, therefore, started appearing in the mofussil courts. This indirectly contributed to the improvement of the standard of practice in the subordinate courts. In those High Courts in which there was original side some distinction between advocates who were mainly barristers and vakils remained with regard to their respective rights to appear, act and plead. British barristers and solicitors continued to predominate on the original side till their place was taken by those Indians who went to England and qualified for the Bar.

Because of the prohibitive cost of training as barristers a very few Indians could afford to go to England for this purpose. Rustomji Jamshejadi Jijeebhoy instituted a trust for meeting the cost of training of five Indians as barristers. Those selected under this scheme included W.C. Bonerji and Pherozshsh Mehta who later on became presidents of the Indian National Congress. Between 1861 and 1893 about hundred Indian students went to England for training as barristers. To begin with those Indians who returned as barristers could not get work on the original side of the High Court since such work could come only through solicitors and almost all firms of solicitors were British. These firms did not patronize Indians. Even the
litigants secured the services of British barristers since they were supposed to wield more influence with the English judges on the Bench. Men like Tyabji and Teland could, however, make their mark despite such apathy and prejudice.

In 1921 giving evidence before the Lytton Committee Viscount Haldane advocated (1) the establishment of a Bar in India to which men may be called and (2) the setting up of a council to which all questions of legal education, control, enrolment and disciplinary action should be transferred. The demand for an All India Bar and for removing the distinction between barristers and *vakils* was voiced from many quarters. This demand for a unified Bar was, at its inception, a protest against the invidious distinction between barristers and non-barristers. As a result of the consistent demand for an All India Bar the Government of India set up, in 1923, the Indian Bar committee, popularly known as the Chamier Committee. The committee in its report said that it did not consider it practicable to organize the Bar on an all India basis or to constitute an All-India Bar Council. It expressed the hope that eventually in each province a single grade of practitioners called advocates, entitled to appear in all courts- from the High Court to the lowest revenue courts-would emerge. It suggested steps to remove the distinction between Barristers and others. It suggested that Bar Councils should be instituted for the High Courts of Calcutta, Madras, Bombay, Allahabad, Patna and Rangoon and provision should be made for permitting the constitution of such Bar Councils at Lahore, Nagpur, etc.

**Legal profession after 1922**

To give effect to some of the recommendations of the Chamier Committee, the central legislature enacted the *Indian Bar Councils Act*, 1926. This Act made provision for the constitution of Bar Councils having functions of an advisory character. Under the Act each High Court was to constitute a Bar Council having the Advocate-General, four persons nominated by the High Courts (two of whom should be judges) and ten persons to be elected from among the advocates. The Bar Councils were not to have substantial authority nor were these to be autonomous bodies. The power of enrolment of advocates was vested in the High Court and not in the Bar Council. The Act did not touch the original sides of the Calcutta and Bombay High Courts and hence enrolment of and disciplinary action over the attorneys continued to remain vested in the High Courts. The Act entitled the advocates of one High Court to practice in another High Court subject, however, to rules made by such another High Court or the Bar Council of such another High Court. Such rules were, in actual fact, continued for some time to be restrictive. Subsequently, the Calcutta High Court amended its rule to give effect to the recommendation of the Chamier Committee regarding the admission of non-barrister advocates on the original side.
Along with other changes, it was also provided that any graduate in law of
the universities of Calcutta, Allahabad, Bombay, Dacca, Madras, Patna and
Panjab could be enrolled on the original side on his passing an examination
and on his working in the chambers of an approved advocate of the original
side for twelve months after passing the examination. Similar proves of
liberalization of the original side rules was followed by the Bombay High
Court. The result was that the only restriction that now remains is that on
the original side of Calcutta and Bombay High Courts every advocate,
barrister and non-barrister, can appear and plead on the instruction of an
attorney who alone can act there. The Supreme Court Advocates (Practice
in High Courts) Act, 1951 now entitles the Advocates of the Supreme Court
to appear, plead and act on the original sides of the Bombay and the
Calcutta High Courts.

In 1950 the Inter-University Board at its annual meeting held in Madras
passed a resolution emphasizing the desirability of having uniformly high
standards for the law examinations in different Universities of the country
and stressed the need for an All India Bar for imparting legal education,
holding examinations and training advocates under the direction of All India
Bar Council. The All India Bar Council, the resolution added, would
maintain a common roll, prescribe qualifications for admission of advocates
and the fees to be paid, lay down from time to time standards of legal
education, if necessary in consultation with the universities.

The Government of India appointed the All India Bar Committee in
1951 with wide terms of reference. The committee finalized and submitted
its report in 1953. The following are some of the major recommendations
made by it:
(I) A unified national Bar should be established. The uniform minimum
qualification for admission to the roll of Advocates should be a law degree
obtained after at least a two-year study of law at a university after having
first graduated in arts, science and commerce and further apprentice course
of study for one year in practical subjects (e.g. law of procedure including
rules of the High Court and of the Supreme Court, the Court Fees Act,
Stamp Act, Registration Act, Insolvency Act, Limitation Act and the like)
after attending a certain number of lectures arranged for imparting
instruction during the apprenticeship course. The state Bar Councils should
hold an examination in these subjects. If a state Bar Council is not in a
position immediately to arrange such lectures and examination it may make
the necessary arrangement with the University of the state for the purpose.

The committee recommended that there should be no further
recruitment of non-graduate pleaders, or mukhtars or revenue agents.
Different classes of legal practitioners should be replaced by one class,
namely, of advocates. An advocate on the common roll, to be maintained by
the All India Bar Council, should be entitled to practice in all courts right
from the Supreme Court to the subordinate courts subject, however, to the rules made by the respective High Courts. No rule so framed should prevent any advocate ordinarily practicing in another High Court from exercising his profession in such court. The Law Commission of India in its 14th Report subsequently endorsed this recommendation. It may be noted in passing that in Australia, Canada and U.K. and the U.S.A. there is no integrated or unified Bar.

Under the Advocates Act, 1961 enacted as a sequel to the recommendations of the Law Commission and the All India Bar Committee, there is now only one category of legal practitioners namely, advocates who have been classified into senior advocated and advocates. An advocate may, with his consent, be designated senior advocate if the Supreme Court or the High Court, as the case may be, is of the opinion that by virtue of his ability, experience and standing at the Bar he is deserving of such distinction. A senior advocate is prohibited from accepting certain kinds of minor legal work like drafting of pleading, notices, affidavits, etc. A senior advocate of the Supreme Court is prohibited from appearing without an advocate on record or without a junior in any other court or tribunal in India. The All India Bar Committee had recommended that the distinction between senior advocates and advocates as also between agents and advocates obtaining in the Supreme Court be abolished. It had instead recommended that a system of acting advocates on record and pleading advocates be introduced in the Supreme Court. In every case, the committee added, except the one in which the party appeared in person, an acting advocate who can act as well as plead must be engaged. However, a party would engage, in addition to the acting advocate, an advocate entitled only to plead who could appear only when instructed by an acting advocate. Though the recommendation of the committee regarding abolition of the distinction between senior advocates and advocates has not been accepted its later recommendation has since been incorporated, with certain modification, in the rules of the Supreme Court.

(II) The second term of reference of the committee related to the question of continuance or abolition of the dual system of counsel and solicitor (or agent) obtaining in the Supreme Court and in the High Courts at Bombay and Calcutta. The solicitor or attorney undertakes the preliminary preparation of the case and the advocate the presentation to the court. The attorney thus acts while the advocate pleads. The dual system has been in force for almost two centuries in Calcutta and for a century in Bombay and involves a division of labour. Such a system prevails in England, France (there being two categories, viz., ‘avocat’ and ‘avoué’). Italy (“avvocato” and “procuratori”), and in New South Wales and Queensland in Australia.

The committee, by a majority view, recommended, and the Law Commission in its 14th Report endorsed, the retention of the dual system in
Calcutta and Bombay. This distribution has been retained by the Advocates Act as well. The committee observed that the continuance of the dual system would not in any way militate against the ideal of an all India Bar.

(III) A statutory body, namely, the All India Bar Council not subservient to any external authority should be established. Side by side there should be statutory state Bar Councils. The power of enrolment, suspension and removal of the advocates should be vested in the Bar Councils.

(IV) In order that a national language may, in course of time, be introduced in all the courts, preparation and translation of existing statues and textbooks should be taken in hand and in future statutes should also be passed in the national language.

As mentioned earlier the Advocates Act, 1961 was enacted to implement the recommendations of the All India Bar Committee made in 1953. The Act also takes into account the recommendations made by Law Commission in its 14th Report in so far as these recommendations pertain to legal profession and legal education. The Act repeals the Indian Bar Council's Act, 1926, the Legal Practitioners Act, 1879 and other laws on the subject. It provides for the establishment of the state Bar Councils and the All India Bar Council which have since been established. The state Bar Councils are, among other things, empowered to admit persons as advocates on their rolls, to prepare and maintain such rolls, to determine cases of misconduct against advocates on their roll, to make rules regarding a course of practical training in law and the examinations to be passed for admission as an advocate on their rolls.

The All-India Bar Council's functions include the preparation and maintenance of a common roll of advocates, to lay down standards for professional conduct and etiquette, to promote legal education and to lay down standards of such education in consultation with the Universities imparting legal education and the state Bar Councils, to recognize Universities whose degree in law shall qualify for enrolment as an advocate and for that purpose to visit and inspect the universities. The Law Commission had, in its 14th Report, deplored the deterioration of standards of legal education and had suggested that the All India Bar Council should be given the responsibility of improving the standard of legal education. The Act also provides for a Legal Education Committee of the Bar Council of India comprising ten members of whom five shall be internal, i.e., elected by the council from among its members and the rest are external, i.e., non-members co-opted by the council. Such external members who have served on the Legal Education Committee have included an ex-Chief Justice, an ex-Attorney-General, an ex-Advocate-General, etc. If a meaningful liaison has to be struck between the profession and the academics the constitution of the Legal Education Commission of the Bar Council warrants a reconsideration so as to statutorily provide that the five external members
should be active teachers from the university law faculties. Thus the ideal of establishing an All India Bar has been realized. Much, however, still remains to be done.

Legal profession in India is today far too crowded; there is hardly any division of labour or specialization. All lawyers handle cases belonging to diverse fields. Partnerships and firms are few and far between. This overcrowding in the profession has, on the one hand, led to certain evils like touting which is fairly rampant and which adversely affects the due administration of justice. On the other hand, this overcrowding, absence of partnerships and firms, lack of specialization, and an almost cut-throat competition scare the new entrants who must be prepared to face an initial starvation period for a number of years with an uncertain hope of eventually establishing themselves in the profession. This represents a painful contrast to the position in a country like the United States where young and bright law graduates can be absorbed by the law firms. Lawyers as a class by and large remain almost unconcerned with development problems of society. The image of the lawyers and the profession in the popular mind is not far removed from what Shakespeare depicted in *King Henry VI* wherein Dick, the butcher, says “The first thing we do, let’s kill all the lawyers.” Very often lawyers remain associated in the popular mind with personal ambition and self-interest. In the words of von Mehren, “India to-day presents the paradox...of a society that makes extensive use of laws but lacks a legal profession that understands law as instrument of economic and social architecture.”

**Legal Education**

Early legal education in India was dictated and conditioned by the need of preparing a class of persons knowing the English language and acquainted with English common law as also the rules and regulations patterned on the statutes then in force in England which were progressively introduced in the presidency towns, to begin with. This being the sole and limited objective the first essential prerequisite was knowledge and acquaintance of the English language. Consequently even non-matriculates were considered qualified to undertake the study of law.

Until 1826 every *vakil* was required to have knowledge of Persian language which had been and continued to be the language of courts till English gradually replaced Persian. He was further required to have studied either at the Calcutta *madarsa* (established in 1781) or at the Hindu College, Banaras (established in 1792). Gradually other institutions came up. Fort William College was established in 1800 to train civil servants. The Hindu College at Calcutta was started in 1817 by one Hare. Men like Prasanna Kumar Tagore, Romesh Chander Mitter (who later on became a judge) and many others who later on became famous lawyers had their early legal
education in this college. One of the principal objects of the establishment of
this college was "to prepare Vakeels or native pleaders" having knowledge
of native law and sufficient acquaintance with the regulations passed by the
government. The emphasis, therefore, was not on teaching the theory or
principles of law or jurisprudence but of acquainting the lawyers-to-be with
rules and regulations. The regulations contained in Marshman's Guides
constituted almost the entire field of study of law.

Law courses and classes were started in Hindu College, Calcutta,
Elphistone College, Bombay, and at Madras in 1855. The University Act,
1857 recognized and established the teaching of law as a necessary functions
of universities. The government established colleges of law at Bombay and
Madras. A few years thereafter law classes were started at Allahabad. The
University College of Law established at Calcutta later on attempted to
introduce changes both as regards the courses of study and methods of
teaching following, to a certain extent, the lines adopted by the great
American Universities of Yale and Harvard.

High school education, i.e., matriculation was the entrance requirement
for admission to the law course. Men like Sardar Vallabh Bhai Vithal Bhai
Patel, Mehr Chand Mahajan studied law after completing their high school
education and established themselves as leading lawyers.

The standard of legal education in these institutions was deplorably
poor. The teachers were not very qualified not were they well paid. The
classes were overcrowded, and were normally held in the evenings. There
were no law libraries worth the name. The law sections in the university
libraries were poorly equipped and rarely frequented by law students.
Students were not very particular about attending classes if attendance
requirements could be met by 'proxy'. They depended on cheap notes, aids
or guides rather than on original books. It was this sad state of affairs that
prompted leading lawyers like N.V. Gokhale, Badruddin Tyabji, Rustom
K.R. Cama and some other to form a committee for establishing a really
good law college in Bombay. Permission for opening this institution was,
however, refused by the University of Bombay because of governmental
opposition based on political factors.

The first professorship of law was established in Bombay at
Elphainstone College in 1855. This law school was subsequently affiliated
to Bombay University in 1860. Despite the establishment of all these
institutions imparting legal education the fact remained that those who
wished to achieve a higher position as well as prestige in the profession and
could afford, went to England and qualify as barristers. Unlike the position
in other faculties, organization and methods of legal education did not
engage the serious attention either of the teacher or of jurists or
educationalists or the government. This neglect was very much in tune with
the attitude in England towards university legal education where law degrees
awarded by the universities did not entitle a person to enter the profession. The Law Society and the Council of Legal Education both bodies manned by men in the profession-dominated and controlled entry into the profession in England. It was in 1908 that Calcutta University appointed a commission presided over by Micheal Sadler. This commission made definite recommendations for the reform and reorganization of legal studies. The commission was appointed at the suggestion and initiative of Asutosh Mookerjee, the then Vice Chancellor of Calcutta University. Gradually the number of law departments in the universities as also the number of law graduates began to swell. By 1910 about 3,000-3,500 graduates in law were passing out annually from these institutions.

Gradually law departments started operating in affiliated mixed colleges in the mofussil and their number started swelling almost in geometric progression. By 1968-69 we find that instruction in various courses relating to law was being imparted in 120 affiliated colleges (68 purely law colleges and 52 multi-faculty colleges having a law department) and 34 universities (25 university law departments and 9 university law colleges). Most of the affiliated colleges offered and few still offer their courses in the evenings. The universities offer their law courses in the morning or in the day. A few universities have both morning an evening classes-in the morning for non-employee students and in the evening for employee students.

It was during the thirties of this century that reform in legal education started getting more and more attention particularly in U.P., Bombay and Andhra. The Uttar Pradesh Committee on Unemployment (1935) presided over by Tej Bahadur Sapru made certain vital observations. The U.P. Government appointed a Committee on Legal Education whose report was published in 1939. In 1935 the Bombay government appointed a Committee on Improvement of Legal Education. In 1936 the Andhra Government appointed a similar committee. Apart from these a plethora of commissions, committees, seminars, conferences and study groups have endlessly discussed the matter and have made repetitious recommendations and there

1. The Bombay Legal Education Committee Report, 1949; Report of the University Education Commission, Vol I 1948-49; the All India Bar Committee Report 1953; the Rajasthan Legal Education Committee, 1935; The Law Commission of India, 14th Report, 1955-58; The Committee on the Reorganization of Legal Education in the University of Delhi, 1964; All India Law Conference convened by the Indian Law Institute; the Abu Seminar convened by Dr. G. S. Sharma; the 1969 All India Legal Education Seminar held at Kasauli organized by Dr. G. S. Sharma; the Gajendragadkar Commission Report on Legal Education; The All India Legal Education Conference, Poona, convened by the U.G.C. in 1972; The experiments for improvement of legal education initiated by Dean Anandji at Benaras, Dean Tripathi at Delhi and by Professor S. Dayal at Chandigarh; Draft Memorandum on Indian Legal Education by Dean Spaeth; Report by Professor von Mehren on "Indian Legal Education-A Possible Program for its Improvement," etc. etc.
the matter has rested. What has been lacking is neither information nor ideas but action. The realization is still lacking that educational planning is the most vital ingredient of the national plan and that a sound legal education is all the more vital for effective operation and in fact the survival of the democratic experiment, the rule of law and the judicial process.

Objectives

A foreign observer has very pertinently remarked that most of the difficult questions concerning Indian legal education have their origin in the lack of clearly defined and generally accepted objectives. There has been an endless debate as to whether it is the function of a law school to impart liberal education or to equip the student with the academic side of law or to train him for the profession. Conferences, reports and committees have, however, expressed a consensus that legal education must be profession-oriented with a built in liberal emphasis and bias.

Though it is, generally speaking, felt that law schools are not equipped for providing professional training and that the training for the profession infact commences when the law graduate joins the profession it is now held that professional skills could also be imparted by the law schools if the curriculum is appropriately structured. Accordingly the Bar Council of India has restructured the LL.B. syllabii incorporating some courses having practical contents. The Bar Council seems to think that the persons passing out of the law school having undergone courses prescribed by them and additionally included by the respective schools will be capable of functioning as lawyers inasmuch as it permits them to enroll as advocates.

Duration of course

With regard to the duration of studies for the first law degree there was, before 1961, considerable difference in the pattern and practice of different universities. Most of the universities followed a two-year law degree course, some followed a three-year course. As a result of the Advocates Act, a uniform pattern of three-year law degree course has been adopted. The Advocates Act originally provided for a two-year law course conducted by the university with the third year being the responsibility of the Bar Councils which were to arrange for lectures and practical training. This position about the third year was given up because of student agitation, political considerations, etc.

As a result of this all the universities introduced a three year LL.B. degree programme. Some universities adopted a two year programme (academic or non-professional) for those who wish eventually to join the profession.
The Bar Council of India, of late, introduced B.A.LL.B. five year programme to replace the LL.B. three year programme. However, despite the declaration of its desire to abolish the three year programme, still the three year programme is being administered in several colleges, in some cases simultaneously with the five year programme.

The eligibility for admission to the three year Degree Course in Law is graduation in any subject with 40% marks. Eligibility for admission to the Five Year Programme is a pass in the 12th Class. Candidates' for admissions are selected in some cases by way of an entrance examination and interview. In certain colleges admission is given on the basis of marks obtained in the qualifying examination.

The National Law Schools which have been established as independent universities at several places like Bangalore, Calcutta, Bhopal, Jodhpur, Gandhi Nagar (Gujarat), Hyderabad, etc., have five year programme whereas several colleges have both the streams.

LL.B. evening courses have been officially abolished by the Bar Council of India (BCI).

Enrolment and admission

The number of students joining the law course has increased year after year. While in 1906-07, 2,898 students (forming 11.5% of the total number of university students) joined the law course, in 1920-21 this number went up to 5,232 (8.5% of the total number of university students), in 1940-41 the number became 6,362 (4.1%) of the total number of university students and in 1968-69 the total number of students joining the law course swelled to 49,511 (18,969 in university law departments and 30,542 in affiliated colleges forming about 2% of the total student enrolment in higher education). The law faculties have the lowest percentage-far below that in other faculties-of post-graduate (LL.M) to graduate enrolment. Unfortunately, there is no study which may reveal how those who have taken a law degree utilize their legal training but one thing is fairly certain, namely, that 80 to 90% of the students taking a law degree do not join the profession. During 1952-1957 a total of 34,668 law degrees were conferred while the increase in the number of persons practicing law was only from 72,425 to 75,309, i.e., 2,884 graduates out of 34,668 joined the profession. The three year period of study of law provides a temporary shed to unemployed graduates who fail to get admission to other courses particularly in sciences, engineering, medicine and the like,. Students of required quality and really brilliant students, therefore, do not join the law course. The need for restricting admissions to the law course has constantly been felt and yet there has been a disinclination to do so. This disinclination has been the result of numerous factors, viz., fear of student protest and strikes, political pressure, possible
loss of revenue to the university or a college resulting from such restriction, etc. The Law Commission in its 14th Report observed:

owing to the growth of employment in the educated youth of the country, some of these institutions (imparting legal education) are so overcrowded that classes are held in shifts and there are on the rolls of each class a large number of pupils sometimes exceeding hundred. It is in these crowded classes that the part-time lecturer imparts his instructions and the attendance he commands is only due to the anxiety of the pupils to have his attendance marked when the lecturer calls the roll. It is not surprising that in this chaotic state of affairs in a number of these institutions, there is hardly any pretence at teaching and the holding of tutorials and seminars would be unthinkable.

In 1968-69 the staff-student ratio in the field of higher education was 1:19.3. In law this ratio varied from 1:43 to 1:200 or more. This is in contrast to the position in England. The staff-student ratio at the Oxford was 1:14.5, Cambridge 1:16.0, London School of Economics 1:12.8, University College of London 1:18.1.

As mentioned earlier, during the early period of the British rule non-matriculates and later only matriculates could appear for pleader’s examinations. The time span for pleaders examination was not fixed. It was much later that graduate degree was made the minimum qualification for the pleader’s course. Various reports, conferences of teachers, seminars, etc., have recommended that for admission to a university law degree course some sort of aptitude test or admission test should be devised and applied. As it is, these recommendations, like many others, have remained on paper and various factors have inhibited the universities and law departments from implementing them. Before the Advocates Act, in all universities, barring a few, the eligibility requirement for admission to the law course was a first degree.

In Bombay, after 1938, law course was thrown open to students who had passed the intermediate examination. The Bombay Legal Education Committee, 1949, favored the retention of this rule. Intermediate students so admitted had to pursue a three-year study of law-for two years at a university followed by a third year spent in the study of vocational subjects ending with a professional examination conducted by the Bar Council. Again barring a few exceptions like Punjab and Andhra Universities most universities prescribed a two-year study after graduation for the law course. There is no uniformity with regard to minimum percentage of marks obtained at a graduate level for eligibility to apply for admission to the law course. Some universities like Delhi, Punjab and a few others do lay down minimum eligibility requirement while most of the universities and colleges follow almost an open door policy. After the Advocates Act a uniform
pattern has been introduced, *viz.*, a university degree is necessary for admission and the law course is to be of three-year duration.

**Teachers**

In affiliated colleges teaching work is carried on almost exclusively by part-time teachers, *i.e.*, by persons who are in the profession and who give lectures before or after court hours. Most of these part-time teachers leave the teaching assignment in law colleges as soon as they are reasonably well established in practice. In the Universities the teaching of law is being done mostly by whole-time teachers with some part-time teachers who take up procedural subjects. For appointment of whole-time teachers-professors, readers and lecturers-post graduate degree and research qualifications are insisted upon and experience in the profession or practice of law is not generally required or insisted upon with the result that most of the whole-time teachers are not very much acquainted, if at all, with the practical side of law. Rules prohibit them from taking up private practice of law. This stands in contrast to the position in England and the United States. In England about 78% of the law teachers have professional qualification along with academic qualification, 45% have experience in practice. In London and in almost all other universities a number of members of the staff are allowed to combine a limited amount of private practice with their teaching commitment. The Ormond Committee on Legal Education has recommended that law teachers in England should be given increased opportunities to gain practical experience while continuing to hold their university appointment. The quality of University legal education, the committee has rightly observed, is as much dependent on the variety of experience, both academic and practical, to which law teachers have been subjected, as on their paper qualifications.

Law faculties are generally single department faculties. The staff pattern takes a pyramidal form with a professor or two forming the apex, a few readers and a large number of lectures, a good number of them being temporary. In some universities like Andhra or Karnataka Universities the Law Faculty has Law College of its own. Again the staff-student ratio is anything but satisfactory or desirable. This position again is in contrast to the corresponding position in England and the United States. At Oxford there are 13 professors of law, 8 readers and 61 lectures, 6 assistant lecturers and 41 part-timers for about 300 undergraduate students and 185 postgraduate students. At London there are 21 professors, 18 readers, 5 senior lecturers, 42 lecturers, 12 assistant lecturers, 12 part-time lecturers for about 250 graduate students and 400 postgraduate students in law. In India teachers have a very heavy load-ranging between 15-18 teaching hours per week covering a number of subjects and are underpaid. This discourages any research out-put as also scientific preparation of their lectures and devising
of newer methods for making teaching effective. Further, it discourages really brilliant and qualified persons from choosing academic career. The possible answer to such a situation is a reasonable workload and grant of non-practicing allowance on the same basis as it is granted to the clinical staff of medical colleges, there being obvious similarities between the two professions.

**Teaching methods**

Following the pattern prevalent in England the lecture-method of teaching is in vogue here. By and large lectures are delivered by teachers on an *ad hoc*, unplanned and unpremeditated basis. Lectures tend to become informative with an over-emphasis on rules and regulations and with hardly any attempt to expound the policies that underlie the rules or the process of growth and development through which rules evolve and adapt to the new situations and challenges. Lectures are largely dominated by examination in the sense that emphasis is given to questions which are likely to be asked at the examination. Teaching is thus subordinated to examination and not examination to teaching. The system of advance distribution of the synopsis of lectures is conspicuous by its absence. There is hardly any dialogue between the teacher and the students. It is purely a monologue—the students being passive recipients in the process. Those who are conscientious and serious take down notes. There is almost a complete reliance on memory with hardly any attempt to develop the power of reasoning or analysis or the faculty to think like a lawyer. Resolutions and recommendations are on record urging an increasing and active participation of students in the learning process and in cultivating role skills. Even as early as 1902, the University Commission recommended the American case-method and the English tutorials.

There had been a very serious attempt to adopt the American case method of teaching in Delhi, Banaras and Aligarh Universities with the help of American law professors. Cyclostyled case materials used to be distributed among the students and the teachers used to discuss the relevant issues in the class. In fact, it was not the Langdellian case method which was followed in the Delhi Law School. It was really a combination of the case method and Socratic Method. The teacher or the students used to raise issues in the class room that consisted of students who must have fully prepared the assigned cases. The interest the method created, the enthusiasm it generated among the students *etc.*, could be gleaned from the experiences related by Prof. P.K. Tripathi. The practical works, moots, visits of courts, *etc.*, prescribed by the BCI, in fact, make the students to acquire some skills required for lawyering and the discussion method based on decided cases make the law student equipped for wearing the mantle of lawyer.
If legal aid work could be integrated with the practical work it may go a long way in helping the teachers to acquire some court skills and it would be mutually beneficial for the teachers and the institution. Due to the initiative taken by the judiciary — the Supreme Court in particular — a new movement was generated for improving legal education.

The Bar Council of India took initiatives to establish a National Law School at Bangalore. Later, states like Andhra Pradesh, West Bengal, Gujarat, Jharkhand, and Rajasthan got their National Law Schools established as independent universities. They admit students through Common Admission Tests and innovative measures have been adopted in designing and teaching the courses. They teach the Bar Council’s core courses and new courses designed by them. The Chief Justice of India is the visitor of these Law Schools. Generally speaking, it is really the judiciary which takes active interest in keeping the standards of these Schools intact. Some students passing out of these institutions are now employed for a short term in the Supreme Court as judicial clerks. Some students get into the corporate sector also. In sum, it has to be said to the credit of the Law Schools that with the advent of national law schools there is added enthusiasm for legal education in India. Generally the National law Schools follow Discussion Method of teaching with tutorials, case laws, seminars, etc., with special emphasis on preparation of research papers.

Teachers are recruited through open advertisement/interview. Candidates having doctorate or LL.M. in different branches of law with a pass in National Eligibility Test (NET) conducted by the University Grants Commission (UGC) are eligible to be appointed as teachers in Law Schools. Since non-legal subject like Sociology, History, Political Science, etc., are to be taught as part of the five year programme teachers having post graduate degrees in these disciplines are also recruited.

Syllabii

The syllabus of the course of study for the LL.B degree during the British period was so designed as to primarily acquaint the students with rules of law rather than train the mind, to provide him with the equipment to ascertain and find the law as and when he wants rather than develop the intellectual processes which are usually referred to as “thinking like a lawyer.” The curriculum and courses have had the “law and order” slant and had little or no relation either to urgent social needs or to the relationship of law to the social and economic environment in which it operates. That pattern has almost become fossilized and continued to operate unchanged in Indian universities for more than a century.

The Bar Council of India has a Legal Education Committee consisting of its representative, a retired Supreme Court judge and law teachers which help the Council to draw up syllabii for LL.B. Course. The Council has
come up with a syllabus incorporating practical subjects etc. The subjects now presented by the Bar Council consisting of compulsory core subjects are supplemented by the respective colleges. There is at least uniformity in respect of core areas of law for teaching at the LL.B. level.

There has been an attempt on the part of the UGC to frame a LL.B. curriculum. This is also now considered by the Bar Council in framing its syllabus for the five year and three year LL.B. courses. There is still scope for the law schools to add on to this syllabus by way of framing new courses to suit the needs of the students.

**Language**

The University Education Commission expressed the opinion that both from the point of view of education and of general welfare of a democratic community it is essential that their (students') study should be through the instrumentality of regional language...English cannot continue to occupy the place of the state language as in the past....

A debate in the country has been going on about the place of English language in higher education. Meanwhile in a number of states, particularly the Hindi-speaking states, the medium of teaching and examination has become Hindi. Standard textbooks, reports and statutes in the regional language or in Hindi are yet to be published so as to be within the reach or within the means of students. Higher education, legal or other, perhaps should be in the national and not the regional language eventually. Steps have been taken by state and Union governments to get books, statutes, etc, prepared in Hindi. Without adequate teaching material, the Delhi Committee on Legal Education rightly observed:

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\text{It would be disastrous to switch over to Hindi in the matter of teaching law to the students in the Universities....no precipitate or hasty action should be taken in changing the present recognized medium of instruction which is English. Grave errors committed in the formulation or implementation of educational policies would lead to incalculable harm.}
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The committee's observations were prophetic. Introduction of regional languages as medium of instruction and examination has actually adversely affected the students. Today we have Law Schools where medium of instruction and examination is English. In some schools regional languages take the position of English. In yet another set of colleges, medium of instruction is English and the students are given the option of writing the examination either in English or in regional languages.

**Examination**

The general pattern of examination is a formal written examination.
Examination papers take the form of essays type questions rarely sprinkled with a few problems. When problems are asked, very often they form part of one question—the first part of which is a question on theory, for example, definition of theft, robbery, etc., and the second part a problem of a few lines connected with the theory question set in the first part. Statutes are not supplied in the examination hall. Some universities reserve a few marks (5 or 10 marks for each paper of 100 marks) for internal assessment or sessional work which is not much different in pattern. There are some exceptions like Delhi and Banaras Universities where problems form a major part of the examination paper but as in the case of teaching methods introduced in these universities it is perhaps too early to draw any firm conclusion from their experience.

Examinations are conducted on stereotyped lines so as to be tests of memory- and poor ones at that—rather then of the power of reasoning or analysis of the examinees. Students can by looking at question papers of three or four years guess the questions that are most likely to be asked in a particular examination. Generally, convention (and in many universities express rules) requires that a teacher who teaches a particular subject cannot be appointed examiner for that subject. Consequently the teacher loses to a considerable degree control of the intellectual contact of his course, and the teaching is completely undermined. The teacher in this situation has to subordinate teaching to the examination and has to keep in view the questions that have been asked in earlier years. There is another convention and in some universities there are express rules that a certain percentage (usually 50%) of external examiners should be appointed. Many universities have a further rule that if a person is an author of a book on a particular subject, he cannot be appointed an examiner in that subject. All this is based on the distrust of the teacher and results in ensuring that one who is teaching a subject or one who knows the subject does not become examiner in that subject. This also results in the evil of cramming by students, resort of ‘made-easy’ series or cheap ‘question-answer’ pamphlets. Very few students read prescribed textbooks and very few study for more than 6 to 8 weeks before the examination. Various commissions, committees, Seminars, workshops and conferences have recommended an urgent and thorough change of the entire pattern of examinations but nothing has so far been done except in some universities like Delhi, Banaras and very recently the Punjab University, Chandigarh.

Things have not improved much though attempts to innovate the examination system have been made in several law schools. The National Law Schools and other new law schools follow the discussion method of teaching and problem type examinations. Still the open book examination system has not been tried.
In some law schools particularly in National Law Schools question papers are prepared and answer books are evaluated by the teachers who teach the subject. In some other schools while question papers are got set by external experts while evaluation is got done by the internal teachers. In yet another set of law schools especially in those offering post graduate course the question papers are set by external experts. Valuation of scripts are got done both by the external and internal experts. In sum, there is at present no uniform pattern of examination. The practice of National Law Schools seems to be preferable to the other forms of examination system.

The practical work, court room records etc. are evaluated by internal teachers with the help of some examiners drawn from the Bar. Students are also subjected to viva-voce examination.

Generally speaking the postgraduate students in Indian Universities are required to prepare a Dissertation on a topic selected by the candidate and approved by the teachers. These are also evaluated by both internal and external examiners.

The result of all these factors has been “a plethora of half-baked” law graduates “who don’t know even the elements of law” and who are absolutely unacquainted with the practical side of the profession. Heavy teaching load and a wider coverage of subjects affected adversely the quality and quantum of research work by law teachers. Law has, therefore, “not become an area of profound scholarship and enlightened research.”

Postgraduate course

Many universities have a two-year LL.M. course after graduation in law. Because of the fact that the number of institutions conducting LL.B. teaching has been progressively going up and the fact that LL.M. degree is now the accepted qualifications for appointment as whole-time teachers in law, more and more students have started taking the LL.M. course. In 1968-69, 1,076 students were studying for the LL.M. degree in the university law departments and affiliated colleges. In some of the universities LL.M. is a part-time course. By and large, the scheme of LL.M. course requires in the first year a number of compulsory papers, usually four papers like jurisprudence, constitutional law, administration process, judicial process, etc., all of which are subjects which find a place in LL.B. curricula as well. The justification that is given for repeating the same papers in the first year of the LL.M. course is that teaching and study at the LL.M. level is more intensive both in depth and in breadth. In the second year usually a student is to select a group out of the many for which provision is made (e.g., constitutional law group; international law group; commercial law group; taxation law group, etc.). There are four papers each group. Some universities permit an examination in these four papers, some provide an option to the
student to write two or three examination papers and to write a dissertation in lieu of the remaining two or one paper, as the case may be. In many cases the post-graduate students are not required either to take up tutorial work or demonstration teaching assignment nor are they usually associated with any law journal editing work. These exercises are being got done by the School of Legal Studies, CUSAT, Cochin. This pattern is being followed by the Universities in Kerala. LL.M. is now the basic qualification for teaching appointment.

The UGC curriculum centre undertook a serious study of the curriculum of LL.M. and handed down a model curriculum for LL.M. to be adopted by the universities. Most of the universities now follow this revised curriculum. However, it is high time that the present curriculum also undergo a revision. The UGC has also got another committee appointed under the Chairmanship of Justice Malimath which also submitted curriculum for teaching Human Rights. This is being circulated to the universities for adoption.

There is no denying the fact that law came to be looked upon as a serious academic discipline only because of the advent of American legal education that came on the anvil of Indo-American friendship of the 1960's. A band of dynamic young Indian teachers who have had the rare opportunity of receiving legal education at the prominent law schools in America like Harvard, Yale, Columbia, Michigan had added momentum to the overhauling of the Indian Legal Education System. The frequent writings on the objectives of legal education, teaching methods and the conduct of several All India Seminars by the all India Law Teachers' Association and UGC created an atmosphere of academic rejuvenation.

The Indian Advocates Act, 1961 conferred on the Bar Council of India the responsibility of maintaining standards in legal education. The Bar Council was also given the power to lay standards for the recognition of degrees in law for admission as advocates.\(^2\) From a reading of the Indian Advocate’s Act it is clear that the Government of India alone has the power to make the rules in supersession of the Bar Council Rules. It is in this statutory framework that the Universities are permitted to run the law courses. The Universities create the infrastructure for running the courses and it is for the Bar Council to lay down the minimum general standards. Minimum course content is also prescribed by them. Universities have the freedom to add on and not to delete from this minimum requirement. This dual control of legal education in India really plays havoc. Standards are prescribed only in paper; they are never achieved.

\(^2\) Rules under sections 7(h)(i), 24(1)(c) (iii) and (iii a), 49(1)(af), (ag) and (d).
Suggested Readings


12. Sir Charles Fawcett, *The First Century of British Justice in India*.

