

## **BAR COUNCIL OF INDIA RULES**

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#### **SCHEDULE 1 :- SCHEDULE**

## **BAR COUNCIL OF INDIA RULES**

Hereunder is given the revised Rules in Part IV of the Rules of the Bar Council of India relating to Legal Education approved at meeting of the Bar Council of India dated 15th and 16th February, 1986.

### PART 4

Standards of Legal Education and Recognition of Degrees in Law for Admission as

Advocate

**1. 1 :-**

There shall be a five years course of law after 10+2 or 11+1 comprising of two Parts viz. Part I which will be a two-year core programme of pre-law study and Part II which will be a three-year programme for professional training in law.

**2. 2 :-**

(1) Save as provided in Rule 7, Rule 23, Rule 24 and Rule 25 of the rules here- under, a degree in law obtained from any university in the territory of India shall not be recognised for purposes for enrolment as advocate under the Advocates Act, 1961 from June 1, 1982 unless the following conditions are fulfilled:

(a) That at the time of joining the course of instruction in law for a degree in law, the person concerned has passed an examination in 10+2 course of schooling recognised by the educational authority of the Central or the State Governments or possesses such academic qualifications which are considered equivalent to 10+2 courses by the Bar Council of India ;

(b) The law degree has been obtained after undergoing a regular course of study in a duly recognised law college under these rules for a minimum period of five years, out of which the first two years shall be devoted to study of pre-law courses as necessary qualification for admission to three-year course of study in law to be commenced thereafter. The last six months of the three years of the law course shall include a regular course of practical training;

(c) That the course of study in law has been by regular attendance for the requisite number of lectures, tutorials, moot courts and practical training given by a college affiliated to a University recognised by the Bar Council of India;

{d) That the law degree has been obtained without undergoing any other course of instruction simultaneously during the period of five years of study in law.

**3. 3 :-**

(1) That the law education shall only be through wholetime Law Colleges or University Departments. Provided such of the Universities which cannot implement the new rules from June 1, 1982 may continue the old system under intimation to the Bar

Council of India for a term not exceeding two years from 1982-83. After such intimation the said Universities shall comply with requirement of Rule 23: Provided further that the students who have been admitted to the 1st year LL.B. before 1st June, 1982 can continue to receive their education through part-time morning/evening colleges as the case may be.

(2) A college will be deemed to be whole-time college for the purpose of sub-rule 3(1) if the working time of the college or University department extends to at least thirty hours per week including contact and correspondence programme, tutorials, home assignments, library, clinical work, etc. with the further provision that the actual time for classroom lectures is not less than 20 hours per week.

#### **4. 4 :-**

The present three-year law course after graduation may continue up to 1986-87 but from the session 1987-88, all universities will be required to offer the five-year law course. Students admitted to the three-year course during 1986-87 would be eligible to be enrolled as Advocates.

#### **5. 5 :-**

Admission of students to the course of instruction in law shall ordinarily be on the basis of merit. No student shall be admitted to the course of instruction in law unless he has inter alia, obtained 45 per cent marks in the aggregate in the qualifying examination for admission: Provided that in the case of students of Scheduled Castes and Scheduled Tribes a relaxation of marks up to 5 per cent in the qualifying examination may be given: Provided further that in case of physically/orthopaedically handicapped relaxation of marks up to 5 per cent in the qualifying examination may be given on production of a certificate of disability from the Medical Officer, to the satisfaction of the authority concerned.

Explanation.-Physically handicapped means and includes the following categories of physically handicapped persons-

(A) Blind-Blind is that who is suffering from either of the following conditions- (i) total absence of sight ; and (ii) visual acuity in existing 6/16 or 20/200 (snellam) in better eye with correcting lenses.

(B) DeafjMute- (i) deaf are those in whom the sense of hearing is non-functional for ordinary purpose of life; (ii) mute are those who

cannot speak.

(C) Orthopaedically handicapped- "Orthopaedically handicapped are those who have a major physical defect or deformity which causes an interference with normal functioning of bones, muscles and joints."

**6. 6 :-**

The students shall be required to put in a minimum attendance of 66 per cent of the lectures on each of the subject as also at tutorials, moot courts and practical training course : Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of India, the Dean of the Faculty of Law and the Principals of the Law Colleges may condone attendance short of those required by the Rule, if the student had attended 66 per cent of the lectures in the aggregate for the semester or examination as the case may be.

**7. 7 :-**

Lateral entry will be permitted to Part II of the five-year law course at the discretion of the concerned university in respect of the following-

(i) Candidates who have a post-graduate degree in Arts, Science or Commerce;

(ii) Candidates who have done a three-year degree course (pass or honours) in arts, science or commerce with at least 50 per cent marks in the Bachelors' Degree examination or B grade in the 7 point scale;

(iii) Candidates who have done a three-year degree course in any faculty other than those in 7(12) above or those who have done a bridge course of one year after a degree course in any faculty, provided they qualify in a test to be conducted by the Law Department of the university concerned. Such candidates must have obtained at least 50 per cent marks in the qualifying examination before they are allowed to participate in the test: Provided that the relaxation of marks provided under Rule 5 shall also apply to the candidates seeking admission under Rule 7 : Provided that the introduction of the five-year law course is a condition precedent for such lateral entry.

**8. 8 :-**

(1) The Part I examination should be so conducted as to be called a university examination. A student who has passed Part I of the law course shall be eligible for enrolment in the final year of the three-year degree course in arts, social science, etc., to supplicate for the B.A. degree.

(2) Papers listed in Rule 12(1) of the Bar Council of India Rules (Part IV) for the two-year pre-law study under the scheme of five-year law course may be adopted by the universities with such modifications to make it possible for students to enter the B.A. programme after passing Part I with a view to supplicating for B.A. degree in one year. Modification of the listed papers must also keep in view the requirements of legal education for those who enter Part II of the course from other faculties. (The subject relating to legal language including legal writing may have to be shifted to Part II of the course).

**9. 9 :-**

The medium of instruction shall ordinarily be English. Where the medium of instruction is not English, or where pupil has in fact answered the papers for the law examination in a language other than English) he shall as a condition of his enrolment be required to pass a written test on 'Proficiency in English' to be conducted by a State Bar Council except when he has passed such a test as a part of his course of instruction in law.

Explanation.-The test above mentioned shall require the standards of a holder of Bachelor's degree of a recognised university.

**10. 10 :-**

Individual universities may frame either own rules of admission to Part II in such a manner that post-graduates as well as graduates may be able to get admission.

**11. 11 :-**

(1) A law college shall be located at a place where there is a District Court or a Circuit District Court or within such distance thereof as the Bar Council of India permits.

(2) The Principal of the College shall ordinarily be full-time teacher in the College.

(3) The strength of part-time teachers shall not be more than 50 per cent of the total strength of the teachers.

(4) The library of the college or University Department shall remain open for at least 8 hours on every working day.

**12. 12 :-**

(1) The courses of instruction for the preparatory for law degree course shall include the following 7 compulsory subjects:

(2) The Courses of instruction for three years of the study in law shall include the following 12 compulsory subjects : 1. (a) General Principles of Contract 1 Paper (b) Special Contract 1 Paper 2. Torts 1 Paper 3. Family Law (a) Hindu Law 1 Paper {b) Mohammeden Law, Indian Succession Act and Indian Divorce Act 1 Paper 4. Law of Crime and Procedure 2 Papers 5. Constitutional Law of India 1 Paper 6. Property Law and Easements 1 Paper 7. Evidence 1 Paper 8. Legal Theory (Jurisprudence) 1 Paper 9. Civil Procedure, Limitation and Arbitration 1 Paper 10. Administrative Law 1 Paper 11. Public International Law 1 Paper 12. Practical Training-Six months instruction which shall include court visits, documents, rules of courts, exercise in drafting, pleadings, work at Lawyer's Chamber and attendance at Professional Ethic lectures. The student shall be required to pass an examination in this course to be conducted by the University concerned.

(3) Not less than 6 more subjects which may be chosen from the list hereunder and from amongst such other law subjects locally relevant as may be prescribed by the Universities at their option :

1. Equity
2. Company Law
3. Labour Law
4. Taxation
5. International Organisation
6. Bankruptcy
7. Law of Co-operation and Public Control of Business
8. Legislative Drafting
9. Military Law
10. Insurance
11. Trusts and other Fiduciary Obligation
12. Trade Marks, Copy Rights and Patents
13. International Economic Law
14. Criminology and Criminal Administration
15. Interpretation of Statutes and Principles of Legislation
16. Legal Remedies
17. Private International Law
18. Comparative Law
19. Law and Social Change
20. Law and Poverty
21. Law relating to Land Revenue, Land Reform and Rural Development
22. Law and Planning
23. Law relating to Local Self Government.

**13. 13 :-**

For each paper there shall be lecture classes for at least 3 hours and one hour of tutorial work per week.

**14. 14 :-**

The examination shall ordinarily be held at the end of every year.

The University shall, however, be at liberty to hold examinations at the end of every 6 months. Suitable allocation of Subjects for the period of one year or six months as the case may be shall be made by the University and the same be intimated to the Bar Council of India.

**15. 15 :-**

Full-time teachers of law including the Principal of the college shall be holders of a Master's degree in law and where the holders of Master's degree in law are not available, persons with teaching experience for a minimum period of 5 years in law may be considered. Part-time teachers other than one with LL.M. Degree shall have a minimum practice of 5 years at the Bar.

**16. 16 :-**

University shall establish or recognise only those colleges which have whole time classes in law and have the requisite facilities and library as required by these rules.

**17. 17 :-**

The teaching load of full-time and part-time teachers shall be according to the norms prescribed by the U.G.C. from time to time.

**18. 18 :-**

The salaries aid to the Principal, full-time and part-time teachers shall be according to the scales recommended by the U.G.G. from time to time. Other benefits like D.A., C.L.A. (Compensatory local allowance) House Rent Allowance, Provident Fund, etc. shall be according to the norms prescribed by the University concerned from time to time.

**19. 19 :-**

A law college affiliated to a University shall by June 1, 1987 be an Independent Law College and shall cease to be a department attached to a College.

Explanation.-Independent law college means a full-time college with a regular qualified full-time Principal and requisite staff and facilities as provided by these rules.

**20. 20 :-**

(1) No college started after the coming into force of these rules shall impart instruction in a course of study in law for enrolment as an advocate unless its affiliation has been approved by the Bar

Council of India.

(2) An existing law college shall not be competent to impart instruction in a course of study in law for enrolment as an advocate if the continuance of its affiliation is disapproved by the Bar Council of India.

**21. 21 :-**

The Bar Council of India shall cause a law college affiliated or sought to be affiliated to a University to be inspected by a Committee to be appointed by it for the purpose, when-

(a) An application for approval of affiliation of a new college is received by it; or It suo moto decides in order to ensure that the standards of legal education laid down by it are being complied with;

(b) The application for approval of affiliation of new College shall be addressed to the Secretary, Bar Council of India, and shall be sent only through the Registrar of the University concerned with his recommendation;

(c) The College and/or the University concerned shall furnish all the information to the committee of inspection and the Bar Council of India as and when required, and shall co-operate with them in every possible manner in the conduct of inspection;

(d) The committee of inspection shall submit a detailed report to the Bar Council with a clear recommendation as to whether the affiliation of new college be approved/disapproved or that of an existing college be withdrawn/continued or that certain directions be given for improvements to be carried out within the period to be specified. The report shall incorporate the reasons for the recommendations;

(e) If an unfavourable report is received, the Secretary of the Bar Council of India shall cause a copy of the same to be sent to the Registrar of the University concerned for his comments and explanations, if any. Such comments and explanations on the Report shall be sent by the Registrar of the University within a period of six weeks from the date of the receipt of the communication ;

(f) The Secretary of the Bar Council of India shall cause the Report and the comments/explanation of Registrar of the University

concerned to be placed before the next meeting of the Legal Education Committee of the Bar Council of India;

(g) If the Legal Education Committee is satisfied that the standards of legal education and/or the rules for affiliation or continuance of affiliation provided for in these rules by the Bar Council of India are not complied with and/or that the courses of study, teaching and/or examination are not such as to secure to persons undergoing legal education, the knowledge and training requisite for the competent practice of law, the legal education committee shall recommend to the Bar Council of India the approval/disapproval of affiliation or continuance of affiliation as the case may be. The Legal Education Committee may also recommend that certain directions be given for improvements to be carried out within the period to be specified;

(h) This recommendation of the Legal Education Committee along with the accompanying papers shall be placed before the Bar Council of India for its decision. In case the Bar Council of India disagreed with or modifies the recommendation of the Legal Education Committee for its consideration before arriving at a final decision in the matter;

(i) If the Council is of the opinion that affiliation of a college be disapproved it shall give notice of the proposed action to the Principal of the College and Registrar of the University to show cause within 30 days of the receipt of the notice and the Council shall take into consideration the reply received before making final orders;

(j) The decision of the Bar Council of India shall be communicated to the Registrar of the University. It shall be effective from the commencement of the next academic year following the date on which it is received by the Registrar of the University.

**22. 22 :-**

(1) The Council shall publish by notification in the Gazette of India and in prominent newspapers in India, the names of Universities whose degrees in Law are recognised under these rules with a list of Law Colleges under the Universities which are eligible to impart professional Legal Education as provided for under these rules and send a copy of the notification above referred to, to all the Universities imparting Legal Education and State Bar Councils: Provided that for the purpose of sub-rule ( 1 ) above the existing University Law Departments and Law Colleges affiliated to

universities shall be deemed to be professional law colleges under these rules unless otherwise decided by the Council.

(2) Information about the non-recognition or de-recognition of the degree in law of an University shall also be sent to all Universities in India imparting Legal Education and to all State Bar Councils.

**23. 23 :-**

(1) Those Universities and Colleges which are approved by the Bar Council of India as professional institutions under the new rules will commence professional legal education according to these rules from the academic year 1982-83. However, Universities wanting more time for changing over to the new Scheme may be allowed permission by the Council to run the existing three-year LL.B. Course for a period not more than four academic years. If such permission is granted they may continue to admit graduates for the existing LL.B. Course till and inclusive of the academic year 1986-87.

(2) Such Universities seeking time for the change-over must declare their intention to switch'over to new Five Years Law Course under these rules latest by the academic year 1986-87 and send a report within a year from June 1, 1985 to the Bar Council of India on the steps adopted for the purpose.

**24. 24 :-**

(1) Students who have joined the first year of the graduate course (B.A., B.Sc., B.Corn., etc.) in 1983-84 or earlier will be eligible to pursue legal education under the old rules. The LL.B. course under the old rules may admit such students till the beginning of the academic year 1986-87.

(2) Admission to the LL.B. Course under the old rules will, however, be totally discontinued in such institutions imparting professional legal education after the academic year 1987-88 : Provided that such Universities may conduct examinations in 1st, 2nd or 3rd year LL.B. Courses to clear off the incumbents admitted to the old course before 1987-88 till such time the Universities may deem fit.

**25. 25 :-**

(1) If Universities located in States where the 10+2 school system is not yet in vogue propose to start the LL.B. Course under the new rules they will be free to do so.

(2) Universities in such States will also be allowed to continue with the existing LL.B. Course under the old rules until and inclusive of the academic year 1986-87.

**26. 26 :-**

The Bar Council of India may issue directives from time to time, for maintenance of the standard of Legal Education. The College/University is expected to follow them as compulsory. Note.-The Rules above refer to professional legal education only for which Bar Council of India has statutory responsibility under the Advocates Act. It is the expectation of the Council that Universities and Colleges in the country will continue to impart liberal education in law and expand it to larger sections of people by developing correspondence programmes if necessary for the benefit of persons in different occupations and in public life so as to advance their occupational goals on the one hand and assist the rule of law and Constitutional Government on the other. This would mean that the country may require not only the existing centres of liberal education in law working at convenient hours in the morning or in the evening, but also several more such institutions in the remote corners of our vast country. The rules now formulated are directed towards professional legal education and not towards other colleges which may continue within the framework of the University system in the country.

SCHEDULE 1

SCHEDULE

(Directives issued under Rule 26) 1. The teaching of the core programme in Part I of the law course may be done with the help of teachers in the disciplines concerned from the respective University/College departments. 2. The maximum strength of students in any class (LL.B.I,11,111, IV or V) shall not exceed 320 in any given College or University Department of Law and the number of students in any section of each of such class shall not exceed 80. In other words no College or University Department of Law shall have on its rolls a total student strength of over 1600 students in all its 1st, 2nd, 3rd, 4th and 5th years put together. 3. Law College and University Law Departments shall ensure that- (a) multiple copies of prescribed and recommended readings are available in the library; (b) seating arrangements is provided for at least 15 per cent of the students at a time in the reading hall; (c) the teacher student ratio is at least I : 40. 4. BUILDING (1) (a) The building of a college shall be available for its exclusive use, during the working hours of the college; (b) The accommodation provided for classes, hostel, if any, and the residential quarters for the Principal and the teacher to be in-charge of the hostel, if any, will be separate; (2) The college buildings shall consist of the following- (a) Class rooms; (b) A common room for men students; (c) A common room for women students; (d) A library hall with book shelves and reading tables; (e) Office rooms for the Principal and his office staff; (f) A teachers

common room. (3) (a) All buildings shall be well lighted and ventilated and shall have adequate sanitary arrangements and water supply; (b) All buildings shall be duly furnished. (4) (a) If the college has no building of its own and it is proposed to be housed temporarily in a hired building, the college authorities shall create the building fund which shall be set apart and deposited in a Scheduled Bank or a District Central Co-operative Bank; . (A) Deposits so made in the name of the college shall not be withdrawn except when required for meeting the cost of the portion of the building already constructed ; (c) The building shall be completed within a period of 5 years from the date of the approval of affiliation is communicated to the Registrar of the University concerned. 5. LIBRARY (a) The Library shall be adequately equipped with law reports, books, periodicals and reference books to meet the requirements of the courses of instruction taught in the College. (b) The library shall be in the charge of a qualified and trained librarian; (c) The minimum initial and recurring annual expenditure on the library shall be as below: Initial Rs. 50,000.00 First Year Rs. 15,000.00 Second Year Rs. 15,000.00 Third Year Rs. 15,000.00 Subsequent Years Rs. 10,000.00 per year. 6. The building fund, as provided in Directive 4(4) shall be created at least for Rs. 5 lakhs through instalments as under: Initial Rs. 1,00,000/- FirstYear Rs.1,00,000/- SecondYear Rs.1,00,000/- ThirdYear Rs.1,00,000/- FourthYear Rs.1,00,000/- 7. The accommodation provided for classes, hostel, if any, and the residential quarters for the Principal and the teacher to be in-charge of the hostel, if any, will be separate. 8. Quarters for the Principals : Quarters for the teacher-in-charge of the hostel, if any, located near the hostel; Quarters for other permanent teachers as and if required by the University. 9. Provision shall also be made for a play-ground and adequate facilities for games and sports shall be made available in the vicinity of the college buildings. 10. Every University shall endeavour to supplement the lecture method with the case method, tutorials and other modern techniques of imparting legal education.