

23. Whenever approval of affiliation is granted to the law college, it shall be necessary for the college to deposit in cash Rs. 1,00,000 (one lakh) in the shape of guarantee to fulfil all the norms of the Bar Council of India. The same shall be liable to be forfeited if the norms are not complied with and the same shall carry no interest.

## **SECTION -B**

### **Three-year Law Course After Graduation**

1.(1) Save as provided in Section 24(1) (c) (iia) of the Act, degree in law obtained from any university in the territory of India after the 12th day of March 1967 shall not be recognised for purpose of Section 24(1) (c) (iii) of the act unless the following conditions are fulfilled:

- (a) That at the time of joining the course of instruction in law for a degree in law, he is a graduate of a university or possesses such academic qualifications which are considered equivalent to a graduate's degree of a university by the Bar Council of India.
  - (b) That the law degree has been obtained after undergoing course of study in law for a minimum period of three years as provided for in these rules;
  - (c) That the course of study in law has been by regular attendance at the requisite number of lectures, tutorials or moot courts in a college recognised by a university.
- (2) (a) 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) (c) 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.

- (b) Information about the non-recognition or derecognition of the degree in law of a university shall also be sent to all universities in India imparting legal education and to all State Bar Councils.

2(1) That the law education under Section — B may be through whole-time colleges or through part-time morning/evening colleges as the case may be.

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

3. The students shall be required to put in a minimum attendance of 66% of the lectures on each of the subjects 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 Principal of law colleges may condone attendance short of those required by the Rule, if the student has attended 66% of the lectures in the aggregate for the semester or examination as the case may be.

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

(2) Every law college to obtain approval/affiliation must have in its teaching staff in its first year a whole-time Principal and at least two other whole-time teachers and by the time it opens its third year, it must have two more whole-time teachers. This rule will come into force immediately for new colleges while in case of existing law colleges, it will be effective from 1st July 1996.

(3) The library of the college or university department shall remain open for at least 8 hours on every working day.

5.(1) The course of instruction for the study in law shall include the following compulsory subjects:-

1. Jurisprudence.
2. Contract - I (General principles of Contract - Sections 1-75 and Specific Relief)
3. Contract - II (Indian Contract Act, Indian Partnership Act, Sale of Goods Act and other Specific Contracts).
4. Tort and Consumer Protection Laws.

5. Family Law-I
  6. Family Law-II
  7. Law of Crimes
  8. Criminal Procedure Code, Juvenile Justice Act and Probation of Offenders Act
  9. Constitutional Law
  10. Property Law including Transfer of Property Act and Easement Act.
  11. Law of Evidence
  12. Civil Procedure Code and Limitation Act
  13. Legal Language/Legal Writing including General English
  14. Administrative Law
  15. Company Law
  16. Human Rights and International Law
  17. Arbitration, Conciliation and Alternate Dispute Resolution Systems
  18. Environmental Law including laws for the protection of the wild life and other living creatures including animal welfare.
  19. Labour Law
  20. Interpretation of Statutes
  21. Land Laws including ceiling and any other local laws
- (2) Not less than three more subjects which may be chosen, from the list hereunder:-
1. International Economic Law.
  2. Bankruptcy Laws
  3. Taxation Laws
  4. Comparative Law/Legal History
  5. Insurance Law
  6. Conflict of Laws
  7. Banking Law including Negotiable Instruments Act
  8. Investment and Security Law
  9. Trusts, Equity and Fiduciary Relationships

10. Criminology and Penology
11. Air and Space Law
12. Law and Medicine
13. Women and Law and Law Relating to Child/Law, Poverty and Development
14. Intellectual Property Law
15. Maritime Law.

(3) Six Months of Practical Training be imparted and Practical Training will include the following Compulsory papers:

1. Moot Court, Pre-Trial Preparations and Participation in Trial proceedings:
2. Drafting, Pleading and Conveyancing,
3. Professional Ethics, Accountancy for Lawyers and Bar, Bench Relations.
4. Public Interest Lawyering, Legal Aid and Para Legal Services.

The following Practical Training Scheme shall be adopted by the Universities.

**PART 1: MOOT COURT, RE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS**

This paper will have three components of 30 marks each and a *viva* or 10 marks.

- (a) Moot Court (30 Marks). Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submission and 5 marks for oral advocacy.
- (b) Observance of Trial in two cases, one Civil and One Criminal (30 marks):

Students will attend two trials in the course of the last two or three years of LL.B. Studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment, This scheme will carry 30 marks.

- (c) Interviewing techniques and Pre-trial preparations (30 marks):

Each student will observe two interviewing sessions of clients at the Lawyers Office/Legal Aid Office and record the proceedings in a

diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

- (d) The fourth component of his paper will be *Viva Voce* examination on all the above three aspects. This will carry 10 marks.

## **PAPER II: DRAFTING, PLEADING AND CONVEYANCING**

This course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercises in drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise).

NOTE:

- (a) Drafting:-

General principles of drafting and relevant substantive rules shall be taught.

- (b) Pleadings:

- (1) Civil; (i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution Petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.
- (2) Criminal: (i) Complaints (ii) Criminal Miscellaneous Petition, (iii) Bail Application and (iv) Memorandum of Appeal and Revision.

- (c) Conveyancing:

- (i) Sale Deed (ii) Mortgage Deed (iii) Lease Deed, (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will.

The remaining 10 marks will be given in a *viva voce* examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

## **PAPER III: PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR-BENCH RELATIONS**

This course will be taught in association with practising lawyers on the basis of the following materials:

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy".
- (ii) The Contempt Law and Practice.
- (iii) The Bar Council Code of Ethics.
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject.

The written examination on this paper will have 80 marks and the *viva voce* will carry 20 marks.

In lieu of the written examination, colleges may be encouraged wherever appropriate to give the students, seminars and projects where they are expected to research and write persuasive memoranda on topics identified in the above subjects.

#### **PAPER IV: PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA-LEGAL SERVICES**

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the colleges in consultation with the Universities and State Bar Councils. It can be taught partly through classroom instructions including simulation exercises and partly through extension programmes like *Lok Adalat*, Legal Aid Camp, Legal Literacy and Para Legal Training. The course should also contain lessons on negotiations and counselling, use of computer in legal work, legal research in support of Public Interest Litigation, writing of case comment, editing of law journals and law office management. The marks may be appropriately divided to the different programmes that each university might evolve for introduction in the colleges under its control.

6. For each paper there shall be lecture classes for at least three hours per week.

7. The examination shall ordinarily be held at the end of every six months. The university shall, however, be at liberty to hold examinations at the end of every year. Suitable allocations subjects for six months or one year, as the case may be, shall be made by the university and the same shall be intimated to the Bar Council of India.

8. Full-time teachers of law including the Principal of the college shall ordinarily 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 five years in law may be considered Part-time teaching others then one with LL.M Degree shall have a minimum practice

of 10 years at the Bar. Principal of every law teaching institution should be a person qualified in the discipline of law.

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

10. The salaries paid to the Principal full-time and part-time teaches shall be according to the scales recommended by the U.G.C. from time to time.

11. 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.

12. (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.

13. The Bar Council of India shall cause a law college affiliated to a University to be inspected by the 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 motu* 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 a 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 recommendations and the application be accompanied by an inspection fee of Rs. 50,000.
- (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) (1) The Inspection team before recommending approval of affiliation to a new law college should, *inter alia*, make a specific recommendation as to why such a law college is required at the same place/area where the law college is proposed to be started keeping in view the total number of existing law colleges in the place/area in particular and the State in general.

(2) The inspection team will also keep in view the approximate population of the area where the college is proposed to be started, number of law colleges alongwith the total number of students therein, number of degree colleges as well as junior colleges in the area in particular and the State in general.

- (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 alongwith the accompanying papers shall be placed before the Bar Council of India for its decision. In case the Bar Council of India disagrees with or modifies the recommendation of the Legal Education Committee, it shall communicate its views to 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 whose affiliation has already been approved, be disapproved, the Council shall give notice of the proposed action to the Principal of the college and the 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.

- (k) University law department/constituent and affiliated law colleges to which the Bar Council of India has already accorded approval of affiliation shall submit to the Bar Council of India an annual return (as per Schedule IV) in the form prescribed by the Bar Council of India at the end of its annual academic session failing which the approval of affiliation accorded shall be liable to be withdrawn/cancelled.

(1) After refusal to grant permission to start a law college or to extend approval of affiliation to any existing law college, no fresh application for the same purpose shall be entertained until the expiry of the next academic session or one calendar year whichever is later from the date of such refusal by the Bar Council of India.

(2) Every law college, university, deemed university and department of the law of any university and applying for approval of affiliation shall obtain permission/ no objection for establishment of law college from Government of Higher Education Department of the State. If the same is a requirement under the prevailing law or any order in the State.

14. The Bar Council of India may issue directives from time to time for maintenance of the standards of Legal Education. The college/university is expected to follow them as compulsory.

15. The questionnaire framed as per Schedule II by the Bar Council of India as amended from time to time, to be answered by the applicant for affiliation shall be deemed to be directives issued under this Rule and shall be added as Schedule II to Rules in Section B.

16. Whenever approval of affiliation is granted to the law college it shall be necessary for the college to deposit in cash Rs. 1,00,000 (one lakh) in the shape of guarantee to fulfil all the norms of the Bar Council of India. The same shall be liable to be forfeited if the norms are not complied with and the same shall carry no interest.