

Prospects of Legal education & Role of Bar Council

Dr. Parmila

Ph.D, Dept. of Law, BPSMV, Khanpur Kalan, Haryana (India)

ABSTRACT

Legal Profession is one of the oldest profession and was practiced form or the other in the hoary past. After the advent of Britishers in India certain rules in regard to practice law were formed. Mukhtars & wagtails were allowed to practice in Muffsil- The concept of legal education is extremely difficult to defined. Since the aims of legal education are varied different time and places, its meaning may be aimed to broadly at understanding the functions of law in society as a training for legal practitioners. The main goal of legal profession plays and vital role as practicing lawyers, legal bureaucrats academic lawyers helps in development of country. There is much open field in legal education starting from the legal profession to shaping up the outlook and involvement of the employees under state government, central government and statutory corporation.

INTRODUCTION

In a country like India which is dedicated to the democratic process, the rule of law and the idea of welfare state the role of legal profession and legal education is very vital.

Legal profession is one of the oldest profession and was practiced in one form of the other in the hoary past. After the advent of Britishers in India certain rules in regard to practice law mukhtars and wakis who were permitted to practice law in muffsil, even though not all of them were law graduates, however, steadily and gradually. They were allowed to wither away and their place was taken up by pleaders who were after securing degree in law, permitted to practice at district level.

In this age of ours, when science and technology have made great advances, complicated social and economic issues are crying for the solution the lawyer will have to adapt themselves to new situations so as to ensure the greatest good of largest number. The concept of legal education is extremely difficult to be defined. It does not have settled or unchangeable meaning. Since the aims of legal education are varied and different at various times and places, its meaning may be aimed at broadly at understanding the functioning of law in society, as a training for legal practitioners.

In common parlances, it may be termed as a science which deals with the practical aspect of law of the land and consists of reading on statues, moots or arguments on points of law and putting of cases.

PROSPECTUS OF LEGAL EDUCATION

The law commission has made attempt to define legal education as a science which imparts to students knowledge of certain principles and provision of law to enable them to enter the legal profession.

Former assistant attorney general Roger Crampton, former dean of the Cornell law school defines legal education “as a blend of legal positivism, sociological jurisprudence, legal realism and the functional approach.” The encyclopedia defines legal education as a skill for human knowledge which is universally relevant to the lawyer’s art and which deserve special attention in education institution.

The truth is that legal education is a lifelong process that requires a joint effort by the law colleges 7 universities the bar and individual hard work of the law student with each having primary responsibility for different aspect of the education process. The main goal of legal education is training for the profession. It includes the communities objectives. It provides the framework of intellectual inquiry into contemporary problems. Law library becomes for law students what the laboratory is to the chemist, the museum of natural history is to the zoologist, the botanical garden is to the botanist. It means that the legal education is an instilling technique for scientific probing. In it broader sense legal education aims to social change with the zeal to promote social justice and see the justice is not denied to any citizen by reason of economics or any other disabilities.

SCOPE OF LEGAL EDUCATION

It is right that there cannot be a water tight compartment in the study of legal education between it's the theoretical and practical aspects. It cannot be scientifically completely diversified from the profession and the social as well as administrative work which the two bodies will be doing more or less complementary. The legal profession which consists of practicing lawyer , legal bureaucrats, academic lawyers, doubtlessly has to play a vital role in development efforts of our country. Legal profession is a profession where much turns on the arguments are essential parts of any trial brief or opinion. It follows that only good thinkers can be good legal thinkers and since philosophy and logic are where on turns to build logical muscle tone the good legal thinkers should have some philosophy under his belts.

The real scope of legal education lies in:-

1. Dissemination of the knowledge of knowledge of the laws.
2. Training and equipment of the future fruits.
3. Serving the nations in its legislative activity.
4. Adequately equipping our lawyers not merely for practice on the courts but for the work in diverse specialized spheres of law. There is no doubt that legal education is necessary in respect of variety of activities in all the progressing country like India, the activities may broadly be categorized as –

There are different fields which law provides. These are

- The legal profession
- The Judiciary
- Making of law
- Implementation of laws
- Profession law teaching
- Advance study including research
- Administrative activity including execution of policies framed from time to time
- Social welfare activities aids clinics or legal aid programmes
- Organising lokadalat
- Social service organization to create awareness among the rural population their legal rights and the relief seeking methods.
- Proper implementation of legislation beneficial to the labour and to maintain decent industrial relation between the management and the labor.
- Shaping up the outlook and involvement of the employees under the state govt, central govt and statutory corporation.

The primary aim of a legal education is to prepare its student for the practice of law so law degree offers a hope for self employment and an honorable place in the society for them . Legal profession is a very mobile profession and many law graduates become judges, business activities joint commercial and govt dept. The entire subject of legal education is to be viewed from larger perspective of demand of modern welfare state. A welfare state best functions with inform citizenry conscious of its rights and objectives, and with the competent lawyers as defenders of human dignity and freedom, else it degenerate into a coercive state in the very name of welfare of the people as set alvad has very aptly put it: if Indian democracy has to live under the rule of law, as is the basic idea of constitution you must have a body of lawyers who are well trained from the first day of their law study.

The institution legal education are seminal social performing important integration function for society, especially those relating to conflict and orderly social change.

A person with legal education can act as an agent of social control who can mediate between the norms of society and the behavior of their clients not only institution where norms are transgressed, but also where they have been called in question.

A man with sound background in legal education can play the role of legislator with a view to restructuring societies and endeavor to reshape the society so as to ensure legal transformation through welfare legislation. He can act as economist, journalist, trade unionist, businessman, medical man and social engineers.

Perspective of legal education is very high. There was one law college name Elphinston college of law established in 1855. Today there are thousands of law colleges touching every region of country imparting legal education to student generating employment.

There is no looking behind in field of legal education. The no. of legal profession either as lawyers or law teacher or as researcher is increasing every year.

There are 24 high courts below them thousands of courts are working in which lakhs of advocates are practicing.

With the arrival of globalization era arrival of multinational companies has boosted the legal profession they take placement of student during their giving them high pay package, today students of legal education think much forward of practice either they choose study ahead and do research work or to help in establishing new principles of law or either choose to prepare their selves for judiciary and use their good conscious and skill in imparting justice.

In Indian society women have been putted in a different footing. She has been kept always within the boundary of home but as women education has at act the women. No of women have increase readily. Today there are 3 out of 10 are woman it is in advocacy or in teaching law. They are making themselves through legal education. They are seeking legal education not only for the carrier option but also for the protection of their own rights.

ROLE OF BAR COUNCIL

1. It lay down standards of professional conduct and etiquette for advocates.
2. It lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each state bar council.
3. To safeguard the rights, privilege and interest of advocates.
4. To promote and support law reform
5. To deal with and dispose of any matter arising under this act, which may be referred to it by a state bar council.
6. To exercise general supervision and control over state bar council.
7. To promote legal education and lay down standards of such education in consultation with the universities in Indian imparting such education and the state bar council.
8. To recognize universities whose degree in law shall be qualification for enrolment as an advocate and for that purpose to visit and inspect universities.
9. To conduct seminars organize takes on legal topics by eminent jurists and publish journals and paper of legal interests.
10. To organize legal aid to the poor in the prescribed manner.
11. To recognize on a reciprocal basis foreign qualification in law obtained outside India for the purpose of admission as an advocate under this act.
12. To manage and invest the funds of the bar council
13. To perform all other function conferred on it by or under this act.
14. To provide for election to its member.
15. To do all other things necessary for discharge the aforesaid functions.

The bar council of India may constitute one or more funds in the prescribed manner for the purpose of:-

- Giving financial assistances to organize welfare scheme for indigent disabled or other advocates.
- Giving legal aid or advice in accordance with the rules made in this behalf.

CONCLUSION AND SUGGESTIONS

1. There is no doubt that several efforts have been made to improve the standards of legal education in India and all the commissions, committee seminars have from time to time suggested several steps to increase standard, yet it is

unfortunate to point out here that despite on every of earnest efforts in this direction there appears no sound improvement in the functional aspects of legal education in India.

2. It is highly unfortunate that the legal education system has gone far away from encouraging the law students to come closer to the practice of law. The law schools never endeavor to allow legal education to review its attention to professionalism with a view to inspire the young law graduates to join practice independently in the law courts,
3. The legal education system has been stated to be looked with grave suspicion by the judges, the advocates, the law teacher and the law students for the reason that it has badly failed to carryout its objectives in right perspective.
4. The present style of imparting legal education is highly irrelevant and ineffective to prepare the law students to be proficient lawyers,
5. The existing system of imparting legal education has totally proved itself unsuccessful in providing sufficient knowledge to the law student about the functioning of the law courts and the skill which is needed to resolve the technicalities of law which generally arise during the course of their practice the law courts 82% of students have frankly admitted that they do not know even how to draft a sale deed a gift deed or draft a bail application moreover the truth is well established by the responses of 78% student respondents who have admitted that they did not draft even a single document of this type in entire course of their LLB study similarly 68% of student have stated that they have no skill and confidence to find answer to the technical problem if they come in course of their profession 89% of student have admitted that present legal education system is heavily there appears hardly any hope to attain success in their legal profession.

There are different scope of legal education but lack of right approach makes it suspicious to get settle in legal profession.

SUGGESTIONS

In view of making the legal education a grand success the following suggestions deserve immediate consideration:

1. The base, both practical and theoretical, must be established in the law schools.
The profession must be built on the base by providing educational programmers designed to help lawyers. Their skills both in reviewing and expanding the “how to” skills developed in law schools and in practical by helping members of the profession understanding the theory underlying the great varieties of lawyering skills necessary for the proficient lawyer. A practical education in lawyering skills requires combining the “ how to” and the “why to”. Anything less will leave the profession with a continuing proficiency problem. The law schools are banned to accept the harsh reality that the skills of the law students can be improved by a combination of practice, experience and educational programme.
2. The practical training to the law student should start from at least the 3rd sem. He should be provided sufficient opportunities to conduct moot court cases before the mini courts comprising of senior retired judges, advocates and the senior teacher of the law faculty. The program of the study should be so designed as to utilize the whole time of the students for preparing them to the practice at law courts.
3. Exposure practical training in the chambers of the senior lawyers and the law courts for a period of at least six month to one year before his enrolment to the bar is badly required. It will certainly enable him to acquainted with the day to day working of law.
4. There is need to devote more and more time for the learning of drafting skill. It is a sad state of affairs that law students don't know how to draft a sale deed and gift deed or an affidavit They have no acquaintance with policy under lying the law, the function of law, the need of the nation and expectations of the people. They never study law in the social context. They are not alive to the dynamic role of law in the development of the country. So, it is deep felt need that attention should be paid to the functional aspect of law. It will certainly help the law graduates to enter legal profession confidently.
5. Law is a profession of word so the researcher is of the view that law students should have the habit of precision, fluency and economy in writing and speaking. There is a need to improve and make addition in their vocabulary so as to develop both writing as well as the oral skill in law. It will ultimately prove quite fruitful for them to join as legal professional with full confidence.
6. The more number of subject should be offered, so that some choice suited to particular students may be made certain subjects like consumer protection laws, commodity laws, insurance laws, environmental laws, corporate property laws, law relating to international and business, service laws, terrorist activities and destruction laws, foreign exchange regulation law should form the part of the LLB/LLM syllabi so as to help the fresh law graduates to opt for practice according to their own choice. It will definitely increase their chances of practice and assist them to establish themselves as early as possible in their legal profession.



7. Junior at the bar council should have got to be provided with ample opportunities by way of continuing legal education availability of chambers and a fair and reasonable opportunity and encouragement by all concerned in order to enable them to develop their personality and make headway in the profession. A junior of today is a senior advocates as well as judges to encourage the new affection. This is what we owe to the new generation to the minimum.
8. The scope of the function of the Indian law institute be enlarged to cover selected areas of legal education. It should be made to function as nucleus of law schools.
9. Legal education provides many opportunity of career, there is not only one profession to choose practice but by further study one can go to teaching or can join judicial service or can serve in multinational companies, can serve in banking sector or can join NGO to serve for social cause the only need in this field is need of patience.
10. Bar council should make some more standard for practice so that legal aid among poor people can be given.
Bar council should organize more and more seminars on legal education so that new principles can originate.

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