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## ROLE OF STATE BAR COUNCIL IN SHAPING THE FUTURE LEGAL EDUCATION

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### **ABSTRACT**

Legal education is the preparation for the practice of law. It basically refers to the academic and professional training provided to the person who is pursuing legal education. The state bar council's role in legal education by regulate and oversee the standard of legal education within the specific jurisdiction. This paper's challenge is to improve the quality of legal education in an extensive majority of law schools within the jurisdiction of the state. This paper also examines the functions of the state bar council towards the quality of legal education. This paper shall focus on the role allocated to the State Bar Council on the Advocates Act 1961. This article examines issues like ethical standards, research and innovation, technology integration, and professional development, legal clinics. This paper aims to Analyze the role of legal education and to improve the quality of legal education within the specific jurisdiction.

**KEYWORDS:** legal education, state bar council, jurisdiction, quality, professional training.

### **INTRODUCTION**

The state bar council played the smallest role in legal education. The state Bar Council is an official organization formed under the Advocates Act, of 1961. The act also mentions the powers and functions of the state Bar Council. Its primary function is to regulate legal practice and legal education within the jurisdiction. The state bar council approves law courses and to contribute the growth of legal education. The state bar council has taken steps to maintain and improve the standards of legal education<sup>1</sup>. The impact of the State Bar Council on shaping the future generation in legal education. The state bar council also forms a committee on legal education. The state bar council is mentioned under section 3(1) of the Advocates Act 1961. The legal education is one of the wide concepts. It carries the profession

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<sup>1</sup>P.pavithra&dr.shreelatha, *A conceptual framework of role of bar council India burgeons of legal education*, 120, IJPAAM, 1391, 1392, (2018).

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that is practiced in courts, teaching law, research in law, administration in different branches where law plays a role, and all other activities that require the use of improved skill and knowledge<sup>2</sup>. The state bar council to improve the quality of legal education in law school institutions within our boundaries of the state. Law school's students can easily get their degree from liberal institutions. In Most of the States and some of the Union Territories have the state bar council, which play a role in defining and structuring the legal education in their jurisdiction of the respective state. The state bar council is a regulatory body for the specific state. The state bar council is under the guidance of the Bar Council of India. But the state bar council could have the power to make rules of legal education. The student's purpose is only for enrolment as an advocate and just practice just status for the society which unfortunately describe the status of legal education in India<sup>3</sup>. The advocates act 1961 was the result of parliament which consolidated and amalgamate various classes of legal practitioners into one know as an advocate<sup>4</sup>.

### **RESEARCH PROBLEM**

The state bar council rules in legal education are followed by the law institutions. The one of the main problems is the state bar council is does not properly inspect the law institutions.

### **REVIEW OF LITERATURE**

#### ***BOOKS:***

- By G. Manohar Rao &k. Srinivasa Rao "legal education in India- challenges and Perspectives published by Asia Law House, Hyderabad,2007

This book is related to several articles related to legal education. the author talks about the reforms in legal education how the institutions of law came in India and how it has been changed.

#### ***ARTICLE:***

- By Saloni Bahl "Paradigm Shift in the Legal Education,2019

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<sup>2</sup>Dr.sudhansu Ranjan mohaoatra, *legal education in india*,8,IJRAR, 924, 930, (2021).

<sup>3</sup>Saloni Bahl, *paradigm shift in legal education*, 6, JETIR, 281, 289, (2019).

<sup>4</sup>G. MANOHAR RAO & SRINIVASA RAO, LEGAL EDUCATION IN INDIA CHALLENGES AND PERSPECTIVES, Asian law book house, 2007.

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This author explains the upliftment of the standard of legal education and the legal profession. This article does not mention or define the State Bar Council's role so the researcher wants to study the role State Bar Council in legal education

- By p.pavithra & dr. shreelatha "A conceptual framework of the role of bar council India in burgeons of legal education in India, 2018

This article is related to the framework of legal education and explains the role of the Bar Council of India in legal education.

### *CASE LAW:*

- V.Sudeer vs Bar Council of India, AIR 1999 SC 116

In this case, the Supreme Court of India held that the Bar Council of India has the power to make rules to promote legal education and also that practical training should be mandatory.

### *STATUTE:*

- The Advocates Act, 1961 published by professional book publishers, Delhi

This act describes about the advocate's rights and duties. And also, it defines the bar council and state bar council and their function.

### **AIM AND OBJECTIVE**

- To understand the role State Bar Council in legal education
- To promote the quality of legal education
- To produce the law student with legal skills and professional knowledge in the way of legal education
- To solve the legal education issues in legal institutions in the way of the state bar council.
- To lay down the standards of legal education

### **SCOPE AND LIMITATIONS**

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The researcher wants to study the role of the State Bar Council in legal education and to find out the issues and their implementation of state Bar Council rules. It's related to the state bar council policies the researcher may encounter limitations in assessing the actual implementations and not rigid law is needed to regulate the measures this study focuses only on legal education reformation of the state bar council.

### **HYPOTHESIS**

The state bar council measures will lead to improving the quality of future legal education.

### **RESEARCH METHODOLOGY**

This study is only on doctrinal research that is secondary sources and its non-empirical method. This study is based on analytical research. This doctrinal research includes the book and article. Various other online database materials are also being used for this study.

### **STATE BAR COUNCIL**

The state Bar Council is defined under section 3(1) of the Advocates Act of 1961. The state bar council is the statutory organization to establish legal education in their respective state. Each state has a one bar council, which must be known as the bar council of the state<sup>5</sup>.

### **ROLE OF STATE BAR COUNCIL IN LEGAL EDUCATION**

The state bar council's role in legal education is the smaller role in legal education. but the state bar council has taken the bigger steps of to improve legal education in their specific jurisdiction. The state bar council conducts seminars and legal talks by some eminent jurists and publishes journals<sup>6</sup>. The functions of state bar council defined under section 6 of the advocates act of 1961. The state bar council are also regulating the legal education imparted in the respective or specific state law universities. The state bar council must to visit and

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<sup>5</sup>Ambika Rathore, *State Bar Council structure and function*, Legal Services India, e-journal, dec30, <https://www.legal services India.com>.

<sup>6</sup>The Advocates Act, 1961, § 6(1) No.25, Act of Parliament 1961, (India).

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superstition the universities and check whether they are functioning under the directions of given by section 7(1) i<sup>7</sup>. The state bar council has the power to make rules in the legal education in their respective jurisdiction. The legal education in various law school institutions the state bar council should be allocated in such a way the students can improve their skills in legal professions<sup>8</sup>. The state bar council is responsible for recognizing law institutions within their jurisdiction. they play a pivotal role in approving law courses in law institutions. The state bar council sets the standards for legal education to maintain the qualities. the state bar council can create a set of guidelines for legal education. The Bar Council of India regulates the rules for legal education to be followed by law institutions. the legal education is to develop the profession of law<sup>9</sup>.The role of the state bar council for regulate and promote the continuing legal education program for the future legal profession.

### **ISSUES IN LEGAL EDUCATION**

1. Ethical standards
2. Research and publication
3. Professional development
4. Technology integration
5. Clinical legal development
6. Set curriculum guidelines
7. Lack of practical training



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### **ETHICAL STANDARDS**

Here the ethical standards are promoting legal education. ensuring the fairness and quality of legal education is directly proportional to ethical legal education. But most of the institutions should not follow the rules.

### **RESEARCH AND PUBLICATION**

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<sup>7</sup>Ib. § 7(1) (I).

<sup>8</sup>Ambika Rathore, *State Bar Council Structure, and function*, legal services, e-journal, dec30, <https://www.legal-services-india.com>.

<sup>9</sup>Social science research network, [https://papers.ssrn.com\(dec30,2023\)](https://papers.ssrn.com(dec30,2023)).

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The lack of knowledge in research writing. The state bar council has taken steps to compulsory research publications every year for at least one student. If the publication is compulsory for undergraduates in law courses the students can easily understand and prepare their postgraduate law courses. Why because most law college student do not know how to write articles at their postgraduate level. Because the students gain the knowledge of searching and they develop their skills.

### **PROFESSIONAL DEVELOPMENT**

The state bar council facilitates the legal programs in their college for learning the legal professions. Organizing professional development for legal education like seminars, workshops, and conferences.

### **TECHNOLOGY INTEGRATION**

State universities must have online resources in their library sources. Nowadays court proceedings are also in the digital platform like e-filing. Some of the private law colleges have their online resources and students can easily access them. However, most of the government law colleges do not have online resources for their study purpose. So, with this type of law college students suffer.

### **CLINICAL LEGAL DEVELOPMENT**

In some of the South Indian law colleges do not have a socio-legal clinic. If the clinic it's there on the college's campus the students can solve their college student's problems and, in that way, they students get their practical knowledge from their undergraduates.

### **SET THE CURRICULUM GUIDELINES**

The state bar council must set the guidelines for legal education. the curriculum rules are not followed by the law institutions. For example, attendance issues. If one of them studied in one institution the person is detained from the same institution for the reason of attendance.

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That same person joined other institutions directly when the person was detained the year. If the state bar councils strictly put the guidelines of the legal aid camp in rural areas etc.

### **LACK OF PRACTICAL TRAINING**

In most of the law institutions do not follow the rules of compulsory internship programs. Some of the law colleges don't know about the compulsory internship program.

### **CASE LAW**

*Sudheer vs Bar Council of India, AIR 1999, SC1167<sup>10</sup>*

The writ petitioners had completed their legal education and had obtained law degrees from their universities. They contended that their right to practice law is being arbitrarily denied by the impugned rules framed by the Bar Council of India and their fundamental right under Article 19(1) (g) of the Constitution of India is being violated.

The Bar Council of India Training Rules of 1995 provided, inter alia, that no person shall be entitled to be enrolled as an advocate unless he is eligible to be enrolled as such under section 24 of the Advocates Act, 1961<sup>11</sup>. and it has undergone training as prescribed under these rules. The successful completion of the training period required the candidate to regularly attend the chamber or office of the guide, study case papers, correspondence, draft pleadings, attend courts, and particularly study cases to get acquainted with the practice in courts and minimum attendance for 225 days in all in courts and chambers in a year. The civil appearing arises in Goa, Bombay, and Maharashtra in three courts. This case was an attempt made by the apex court to address the contentious issues of the All-India Bar Examinations for the enrollment of the advocates. It is concluded that the Bar Council of India has the power to regulate the rules related to the enrollment of advocates since it is the apex body of lawyers in India. In addition, it is concluded that the training rules of 1995 weren't violating articles 14 and 19(1) (g) of the Indian Constitution. A right to practice law isn't an absolute and unconditional right. It provides the right to carry out a profession of one's choice since a proper training period enhances the quality of the work.

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<sup>10</sup>Sudheer v. Bar council of India, AIR 1999 SC 1167.

<sup>11</sup>The Advocates Act 1961, § 24, No.25, Act of Parliament 1961, (India).

### **SUGGESTION**

1. The state bar council forms one committee to monitor whether the law institutions follow the rules.
2. The state bar council must inspect the law institutions every year.
3. Legal education must be promoting granting aid to law colleges to promote legal aid programs in rural areas.
4. The state bar council must be taken steps to improve the future legal education for the welfare of the students.

### **CONCLUSION**

The State Bar Council of India has to perform more in the field of legal education in the state. The state bar council has to create rules for legal education. The state bar council will improve the quality and standards of legal education needed to be in law institutions. The state bar council is one of the tools for maintaining the quality of legal education and promoting legal education within their jurisdiction.

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