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Role of Regulatory Bodies in Legal Education in India: A Critical Analysis of the UGC and BCI Interface

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Role of Regulatory Bodies in Legal Education in India: A Critical Analysis of the UGC and BCI Interface

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Abstract

The system of legal education in India is in a distinctive position since it is subject to higher education and a profession giving entry into the legal profession at the same time. In comparison to most other fields, legal education is not only controlled by a significant body itself, “the University Grants Commission (UGC)”, but also by “the Bar Council of India (BCI)”. UGC is interested in the academic standards of the higher education and BCI regulates the education on law as an enrolment test to the legal profession. The two systems have led to the evolution of legal education in India yet some issues revolve around overlapping control, doubt of uniformity of standards and uncertainty. The paper will dwell upon the legal and institutional aspect of the UGC and the BCI in controlling legal education in India. It examines the statutory provisions of University Grants Commission Act, 1956 and “the Advocates Act, 1961”, and of “Rules of Legal Education, 2008”. It is argued that the BCI and the UGC serve the required purposes, however, the lack of coordinated mechanism through which both can be operated makes everything quite confusing and inefficient. It is concluded in the paper that there is need to enhance harmonisation of legal education in India, between academic regulation and professional regulation in a way that can make it remain sound academically, relevant towards the profession and able to address the current legal and societal demands.

Keywords:

Legal Education, University Grants Commission, Bar council of India, Advocates Act, 1961, Higher Education Regulation.

1. Introduction

India Legal education takes a special place in a higher education system given that it performs two purposes. It is not only an academic field taught in universities, but also a professional certification which makes entry into the legal field available. This is unlike most other university programmes and the matters of legal education is not only interested in the issuance of a degree but is also directly related to the matters of eligibility to the enrolment as an

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advocate and to the administration of justice.⁴ Legal education is not just important in preparing practising lawyers. It helps to create judges, legal scientists, government officials and policy-makers who determine the legal and constitutional order. Legal education has an impact on the proficiency of the bar, the growth of legal science and scholarship and how legal institutions are capable of responding to modern social, economic, and constitutional demands in an effective way. Legal education regulation is a public concern, but not an academic one only in India where law can be seen to have a central role in the conduct of governance and upholding of rights.⁵

The legal education system in India has a unique jurisdiction mode since it is under the control of two statutory bodies, the “University Grants Commission (UGC)” and “Bar Council of India (BCI)”. Being constituted by the Act of the “University Grants Commission, 1956”, the UGC has a very important role of coordination and maintenance of higher education standards which makes it a matter of academic concern of the UGC.⁶ The BCI, in its turn, is the institution that gets its power by “the Advocates Act, 1961”, and is authorized to foster legal education as well as establish the standards of such education in cooperation with universities and State Bar Councils. The BCI, in turn, is the institution that represents the professional and vocational side of legal education.⁷

This two-tier regulation in principle seems to have its right since legal education should be not only academically sound but professionally pertinent. These two regulators have however co-existed which has in many instances caused confusion over the scope of their respective authority. The issues around curriculum design, qualification of faculty personnel, institutional accreditation, facility standards, and the acknowledgment of the law degrees have raised the issue between academic liberty and professional control time and again. As a result, legal education in India has often been characterised by duplication of compliance, overlapping jurisdiction as well as inconsistency in standards and regulatory uncertainty.⁸

This essay shows a critical analysis of the legal education governance in India in terms of the interface of UGC-BCI regulation. It examines the legal role of the UGC and the BCI, the importance of “the Bar Council of India Rules of Legal Education, 2008”, the sphere of the overlap of the two the organisation, the judicial aspect of the regulation of legal education, and the modern problem of influencing the current order. The paper follows a doctrinal and analytical approach using the basis of statutory provisions, subordinate legislation and the appropriate judicial decisions of law. It contends that although the UGC and the BCI are carrying out important and legitimate duties, the lack of a well-coordinated regulatory framework has undermined institutional regularity and brought unnecessary ineffectiveness to the role of governance of legal education in India.⁹

⁴ The Advocates Act, 1961 (Act 25 of 1961), s. 24 and s. 49.

⁵ N.R. Madhava Menon, *Clinical Legal Education* 3–5 (Eastern Book Company, Lucknow, 1998).

⁶ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12.

⁷ The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

⁸ Bar Council of India, Rules of Legal Education, 2008, r. 1–34.

⁹ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 572–76 (1967).

2. Historical Development of Legal Education in India

The history of legal education in India is mirrored in the history of the overall development of the law of the town, the judiciary, and the regulatory system of this country. Legal education began during the colonial period and it was mainly brought to meet the needs of British judicial administration. The initial legal education was quite functional and focused on the creation of pleaders and legal professionals who could submit in the colonial court system. Progressively it also became part of the curriculum of the Presidency universities at Calcutta, Bombay, and Madras, though until long in the past it always remained a relatively weak academic discipline, commonly regarded as an appendix to professional training other than professional higher training.¹⁰

The importance of legal education became more constitutional and institutional after independence. The introduction of the Constitution of India changed law to become a central tool of governance, safeguard of rights and social change. Legal training was, therefore, no longer able to be restricted to professional training. It was forced to act under the pressure of constitutionalism, administrative rule, social justice and democratic responsibility. However, in the last few decades, the conventional model was the old three-year LL.B. program, most of which were hosted by affiliate colleges, which were often plagued with underdeveloped infrastructure, insufficient staff and insufficient exposure to real-world experiences.¹¹

Another significant change in institutions was the passing of “the University Grants Commission Act, 1956”, which placed legal education in the broader context of higher education law.¹² This was followed by the passing of “the Advocates Act, 1961” which made the Bar Council of India and bestowed the power over legal education on it in consultation with the universities and State Bar Councils.¹³

Another major change in the direction of reform was the five-year integrated law programme, developed in high part with the active influence of “Professor N.R. Madhava Menon, institutionalised by opening the National Law School of India University, Bengaluru, in 1987”.¹⁴ The next wave of development of the system of legal education was the emergence of National Law Universities and the growth of private legal institutions which changed the composition of the system of legal education as older, fragmentary, and professionally focused. Nevertheless, this expansion also heightened fears about quality, uniformity and regulatory coordination and thus resulted in making law education governance an issue of sustained institutional significance.¹⁵

3. Role of the University Grants Commission in Legal Education

The University Grants Commission (UGC) takes a right-of-place in the governance of higher education in India as well as the regulation of legal education as a consequence. The UGC was set up under the “University Grants Commission Act of 1956” and, as legal education is taught in universities and colleges as an institution in the formal higher education system, it must fall within the larger academic and institutional mandate of the UGC.¹⁶ Its part in the law-teaching

¹⁰ S.P. Sathe, *Legal Education in India: Problems and Prospects* 1–6 (Indian Law Institute, New Delhi, 1987).

¹¹ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571–74 (1967).

¹² The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12.

¹³ The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

¹⁴ N.R. Madhava Menon, *Transforming Legal Education* 15–21 (Eastern Book Company, Lucknow, 2018).

¹⁵ Bar Council of India, Rules of Legal Education, 2008, r. 2, r. 17 and sch. III.

¹⁶ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12 and s. 26.

is thus justified not in the professional nature of the law, but rather in the fact that law is an academic subject taught in recognised institutions of higher learning. “Section 12 of the University Grants Commission Act, 1956”, which grants powers to the Commission to do whatever is necessary to encourage and harmonize university education and to establish and preserve quality of teaching, examination and research in universities, is the statutory basis of the power of the UGC, which cuts across all fields, including law.¹⁷ The UGC, as a result, impacts on legal education by exercising its more extensive influence on the university recognition and academic governance, standards of faculty, standards of institutional quality and educational policy. It maintains that universities providing law degrees operate in a recognised structure of higher education and also comply with minimum guidelines of academic administration and assurance of quality.¹⁸

The contribution of the UGC to the maintenance of the academic nature of the law as a university discipline is one of the most significant aspects of the role of UGC in legal education. Legal education cannot be narrowed down to a vocational drill aimed at only one thing which is enrolment in the bar. It also entails jurisprudential inquiry, constitutional reasoning, socio-legal studying and also interdisciplinary interaction with political science, economics, sociology, and public policy.¹⁹ In this regard, the UGC protects the intellectual and academic aspect of legal education since it places it within the broader context of higher-learned objectives and which are vital in the long-term growth of legal scholarship and legal pedagogy. Simultaneously, the UGC is not the only participant in the field of legal education. Since a route to the legal profession may also pass through legal education, the jurisdiction of the UGC means overlap with the jurisdiction of the Bar Council of India. This causes a unique regulatory circumstance where it is academic governance and professional regulation that run concurrently. However, the UGC is still essential in this respect, since it is the only way to make sure legal training is still regarded as a constituent of the larger enterprise of university training and not as a professional licensing mechanism. Without this kind of academic supervision, legal education will tend to grow too technical, legal compliance and fail to pursue its broad constitutional and social mission.²⁰

4. Role of the Bar Council of India in Legal Education

The Bar council of India (BCI) plays a strategically and uniquely significant role in regulating legal studies in India since its power is directly associated with the regulation of the legal profession. The BCI regulates legal education as such, unlike the University Grants Commission, which also regulates higher education, but in the broad academic sense. An Indian law degree is not simply a degree in law, but also the most important path by which a student enters into a qualified enrolment as an advocate. This is why the role of BCI in legal education is strictly related to the professional standards, ethics development and competence preservation in the legal system.²¹

The legal basis of the BCI authority lies on the Advocates Act of 1961. “Section 7(1)(h) of the Act permits the Bar Council of India to work towards the promotion of legal education and section 9 is key in that the relationship between legal education and professional regulation is clearly observed whereas at the same time the role of universities in the same is also

¹⁷ Id., s. 12.

¹⁸ M.P. Jain, *Indian Constitutional Law* 1600–02 (LexisNexis, Gurgaon, 8th edn., 2018).

¹⁹ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 574–78 (1967).

²⁰ N.R. Madhava Menon, *Clinical Legal Education* 7–10 (Eastern Book Company, Lucknow, 1998).

²¹ The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

mentioned.”²² The BCI possesses no incidental or peripheral power and thus this is a legislatively recognised part of the institutional structure of legal education in India. Practically BCI has 2 key roles in the field of legal education. Firstly, it is a standard-setting body, a prescribing element that law institutions must meet in case their degrees can be recognised towards the end-use of enrolment. Secondly, it is a regulatory gatekeeper in that only institutions meeting the recommended standards are considered professionally valid in order to be enrolled in the bar.²³

The aspects that the BCI is especially involved in so far as regulation is concerned are institutional approval, curriculum orientation, on-the-job training, and professional preparedness. This traditional insistence on core subjects of law, procedural law, drafting and pleading, moot court advocacy, internships, legal aid practice, and clinical elements have been aimed at making sure that legal education is not highly abstracted in relation to the realities of legal practice.²⁴ The BCI aims to ensure that the legal profession does not lose its credibility by ensuring that poor law colleges are not allowed to multiply.

Simultaneously, the topic of the role of the BCI within the legal education has long been a subject of debate. Critics have also criticized the fact that professional regulatory body is not always institutionally prepared in the regulation of legal education as a contemporary academic field comprising of research, interdisciplinary education, and pedagogical creativity. Too great a concern with compliance and professional homogeneity can adversely affect academic autonomy and restrict the ability of institutions to adapt to produce new legal studies.²⁵ But the relevance of the BCI cannot be ignored. It is impossible to completely de-couple legal training in India with the requirements of the legal profession, and the BCI is the main institution which ensures the legally school-to-bar transition is not unregulated. Its role is hence required and secondary, but it should act in such a way that is balanced, consultative and compatible with academic governance of the universities.²⁶

5. BCI Rules of Legal Education, 2008

The principal statutory axis of legal education in India is the “Bar Council of India Rules of Legal Education, 2008” as a medium through which the Bar Council of India uses its statutory powers on legal education issues in India. Aimed at providing minimum standards of legal education within the framework of disciplining the reality of the legal education process, the Rules are rather put into effect as a consequence of the broad statutory mandate in the wording of “Section 7(1)(h) of the Advocates Act, 1961”. They therefore stand in a central position in the bandwidth of governance of legal education especially at the junction of where academic teaching and professional qualification are rallied.²⁷

The most notable aspect of the Rules is that the classic three-year long LL.B. course has been acknowledged and governed together with the five-year course of an integrated law degree course. Through this, they attempt to introduce some kind of standardization with regards to admission eligibility, the term of the course, subjects that must be mandatory, and the general

²² Id., s. 9 and s. 7(1)(h).

²³ Bar Council of India, Rules of Legal Education, 2008, r. 2 and r. 17.

²⁴ N.R. Madhava Menon, *Clinical Legal Education* 11–16 (Eastern Book Company, Lucknow, 1998).

²⁵ S.P. Sathe, *Legal Education in India: Problems and Prospects* 22–27 (Indian Law Institute, New Delhi, 1987).

²⁶ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 578–81 (1967).

²⁷ The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

structure of the course as by which recognised law programmes are structured.²⁸ They, however, pay a lot of attention to practical and clinical aspects including moot court exercises, drafting and pleading, professional ethics, legal aid and internship-based exposure, thus demonstrating the concern of the Bar Council regarding legal training should not be reduced to a mere abstracted practice of studying only.²⁹

The Rules also matter as far as the institutional standards are concerned. They conceive minimum standards with regard to infrastructure, library, classroom set up, faculty capacity plus other academic facilities required to conduct legal education in the most desirable way.³⁰ The regulation rationale behind such clauses is obvious: unless the degree in law is to be turned into a form of professional enrolment, the institution providing the degree must render to meet standards that are in line with the worth and quality of the law profession.

Simultaneously the “Rules of Legal Education, 2008” have been criticised. Although it is a fact that they have helped in the standardisation and professional orientation, it is an observed fact that they have been considered as being rigid and compliance minded in their execution. Critics say that a too prescriptive approach can decrease the available space to curricular innovativeness, to interdisciplinary flexibility, and to institutional discretion especially in a dynamic legal environment where new areas of study and alternative career paths have become increasingly central.³¹ Therefore, even though the Rules continue to be an important tool in ensuring minimum professional standards, they also serve as an example on how the issue of professional oversight and academic freedom intersects in the regulation of legal education.³²

6. Overlapping Jurisdiction Between UGC and BCI

The biggest issue with the structure of the governance of legal education in India is the matter of overlapping the jurisdiction between the “University Grants Commission (UGC) and the Bar Council of India (BCI)”. A dual regulation, as such, is not objectionable. Since legal instruction is a hybrid, there is a reasonable, indeed a necessity of some minimal regulatory responsibility. The legal education needs to meet the demands of the higher academic standards pertaining to the same as well as impart professional capability to enter into the legal profession. The challenge, though, lies in the fact that there is no defined and unified structure tallying out the definite boundaries of authority of each of the bodies. Subsequently, the regulation of legal education has been typical by institutional ambiguity, duplication of regulatory roles and uncertainty to universities, law colleges, and even students.³³

The overlap has been most evident in the issues of curriculum and course structure. UGC being the key authority in the regulation of the higher education, it is legitimately interested in the academic standards, teaching quality, learning across disciplines and freedom of the university. Meanwhile, the BCI has mandatory core courses, practice papers and structure as mandated by its Rules of Legal Education, which puts universities in the quandary of meeting general academic standards required by the UGC and at the same time, meeting profession specific

²⁸ Bar Council of India, Rules of Legal Education, 2008, r. 5–10.

²⁹ N.R. Madhava Menon, *Clinical Legal Education* 17–24 (Eastern Book Company, Lucknow, 1998).

³⁰ Bar Council of India, Rules of Legal Education, 2008, sch. III.

³¹ S.P. Sathe, *Legal Education in India: Problems and Prospects* 28–34 (Indian Law Institute, New Delhi, 1987).

³² Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 582–85 (1967).

³³ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12; The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

curricular standards imposed by the BCI.³⁴ Hypothetically these goals do not need to be in conflict; in reality, on the other hand, they tend to be. A university that wants to be innovative by means of an interdisciplinary or flexible curriculum model might feel bound by the strict professional prescriptions whereas a professionally focused model can serve to subvert the larger academic missions of legal education.

There is also an overlap as far as faculty standards and institutional requirements are concerned. UGC controls the universities based on the norms concerning appointments, qualifications, academic governance as well as quality of the institution. Instead, the BCI gives itself its demands to faculty strength, infrastructure, library facilities, classroom facilities, and practical training plans as an entitlement to recognition of a law programme in order of enrolment purposes.³⁵ A university or a UGC meet may be able to meet university or other UGC standards and yet struggle to acquire or maintain BCI accreditation potentially seeking confusion on the professional adequacy of the degree granted. This puts institutions and student in their vulnerable position especially when there are delays or inconsistencies in inspection and approval of a given programme that interferes with the legal position of a programme.

The overlap also creates an additional constitutional and institutional conflict between academic autonomy and professional regulation. Universities as higher learning institutions are supposed to have a substantive degree of freedom in crafting courses, creation of pedagogy, promotion of research and adaptive responsiveness to evolving intellectual and social demands. He or she may now believe that legal education today is not always the generation of courtroom advocates only; today, legal education is also being produced that is diverse and comprehensive, covering constitutional scholarship, corporate advisory practice, public policy, international law, arbitration, human rights, as well as technology-related legal practice.³⁶ However, the regulatory model of the BCI has always been predetermined by the demands of enrolment and professional practice. Although such a very valid concern, a hyperbole-professional model can reduce the flexibility of legal education to the realities. So, the issue here is not so much duplication in administration but rather some sort of difference in the very nature and purpose of legal training.

The work-around effect of this conflicting jurisdiction is the fact law training in India has frequently performed under an ad-hoc form of governance. Rather than an integrated regulatory framework, where academic and professional tasks are held together to a definite extent, institutions often find themselves before many layers of approvals, checks and balances, without a single system of resolution. This is undermining institutional coherence and can lead to the focus on substantive quality instead of formal compliance. The current co-existence of the UGC and the BCI can and needs be better explained not as a defect of principle, but as a framework to which better and clearer coordination, mutual respect over institutional competence and more finely balanced sharing of responsibility is required, otherwise it is most likely that the dual regulation of legal education will continue to harbour unnecessarily generated uncertainty, and the greater goal of developing an academically and professionally plausible system.³⁷

³⁴ Bar Council of India, Rules of Legal Education, 2008, sch. II.

³⁵ Id., sch. III.

³⁶ N.R. Madhava Menon, *Transforming Legal Education* 62–71 (Eastern Book Company, Lucknow, 2018).

³⁷ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 585–89 (1967).

7. Judicial Approach to Regulation of Legal Education

The court process towards the regulation of legal education in India has been usually influenced by the attempt to keep a balance between professional governance and academic governance. The Supreme Court has acknowledged that the legal study is in a special place as it is at the border between university and profession. Therefore, the “Bar Council of India (BCI)” cannot be considered as a free-roaming regulator as well as an advisory institution. Cases have shown that even though the BCI has a valid statutory function in preserving legal studies standards, it must do so within the provisions of “the Advocates Act, 1961” and in a way that is in line with the institutional purpose of the universities as well as the higher education system generally.³⁸ One of the major rulings here is the *V. Sudeer v. Bar Council of India*, in which the Supreme Court questioned the validity of the “Bar Council of India training rules, 1995” which required compulsory pre-enrolment training and examination as a pre-condition of being accepted into the profession. The Court decided that the BCI had usurped the powers of its statutory powers in the Advocates Act, 1961.³⁹ The case is significant as it provided the establishment of the extra pre-enrolment qualifications which are not envisaged by the parent act the Advocates Act, 1961. The case stands as an important authority on the argument that the powers of the BCI substantial as they are not boundless.

In “*Bar Council of India v. Board of Management, Dayanand College of Law*”, the Supreme Court took a more liberal approach to the role of BCI. In that case, the Court has highlighted the key role of the BCI in ensuring standards of legal education and acknowledged that the statutory requirement under Section 7(1)(h) of the Advocates Act should be given a fair hearing. The decision confirmed the stance that the BCI did not merely have the role of controlling advocates after enrolment, but also has a substantive role to play in the professional credibility of legal education.⁴⁰ In “*Bar Council of India v. Bonnie FOI Law College*”, the Supreme Court acknowledged the significance of the power of the BCI to conduct inspections of institutions and to see that the law colleges met minimum standards in line with professional competence.⁴¹

Judicial rulings beyond the legal education profession are also helpful in deciding on the problem of overlapping regulation. In “*Prof. Yashpal v. state of Chhattisgarh*” The Supreme Court emphasized that unchecked growth of higher education and that institutions imparting degrees that lack democratic values in statutory provisions need to comply with the provisions of the law. In “*Bharathidasan University v. All India Council for Technical Education*”, the court thought that just a mere statutory regulator cannot take over the universities as far as it is not allowed under the governing legislation.⁴² Even though that case was related to technical education, its argument is very applicable to legal education and especially where there are two regulators and the scope of authority should be keenly understood. This is because such rulings emphasize the aspect that statutory bodies are supposed to operate within their designated legislative field and that overlaps between regulations do not provide justification on institutional overreach.

³⁸ The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

³⁹ *V. Sudeer v. Bar Council of India*, AIR 1999 SC 1167.

⁴⁰ *Bar Council of India v. Board of Management, Dayanand College of Law*, AIR 2007 SC 1342.

⁴¹ *Bar Council of India v. Bonnie Foy Law College*, AIR 2023 SC 2615.

⁴² *Prof. Yashpal v. State of Chhattisgarh*, (2005) 5 SCC 420; *Bharathidasan University v. All India Council for Technical Education*, AIR 2001 SC 2861.

All these decisions give a picture of a divided stand of the judiciary. The courts have persistently recognised the validity regarding the role that the BCI has over the scope of prescribing and ensuring that standards of legal education are facilitated to the end of professional competence but at the same time emphasize that such powers cannot overturn the wider system of law by which universities and higher education are governed. The judicial inclination thus leaves no room to either professional autonomy or academic freedom. Instead, it is a pointer to a harmonised paradigm where academic governance and professional regulation are seen as complementary and thus support the need to have a much clearer and more coordinated framework of governing legal education in India.⁴³

8. Contemporary Challenges in the Regulatory Framework

The modern regulatory system of legal education in India is still struggling with the severe structural and institutional issues even though there are several regulatory bodies and formal standards. The most intractable challenge is the divided nature of the governance over the two-fold role of the “University Grants Commission (UGC) and the Bar Council of India (BCI)”. Although both institutions serve an essential role, the lack of a clearly harmonised mechanism regularly creates the risk of duplication of compliance, delays in approvals, and no clarity regarding the relative priority of the academic and professional standards.⁴⁴ As opposed to delivering a coherent model of regulation, the current system tends to place universities and law colleges in such a place that they may find themselves having to deal with overlapping expectations without a single system of accountability.

The other significant problem is the lack of equal quality of legal training in institutions. Even though National Law Universities and few of the top rank institutions have greatly enhanced the teaching and research standards, as well as the professional training of their alumni, a sizeable set of related law colleges still meet low infrastructure, less faculty density, lack of research culture, and a lack of practical exposure. 2 A significant addition to this issue has been the quality offered by the growing number of private law schools.⁴⁵ Not all regulations of the minimum requirements do, in reality, signify any substantive academic merit. This means that regulatory oversight is seen as a more efficient way to keep an eye on paperwork and structural situation than to get a purposeful pedagogical result.

One more critical issue is the expanding divide between the conventional regulatory paradigm and the transformation of legal education. The modern legal practice is not any longer limited to the conventional litigation or courtroom representation. It is encompassing more and more corporate advisory, arbitration, technology law, international law, public policy, compliance, and interdisciplinary research. The regulatory framework, however, is strongly skewed towards a dominant and comparatively standardised form of legal education, which could limit the flexibility of the curricula, legal innovation, and innovation by institutions in those fields where law intersects with the emergent fields and against non-traditional career progression.⁴⁶ In turn, the system is occasionally poorly adapted to meet the changing requirements of the profession and the legal market in general.

⁴³ *V. Sudeer v. Bar Council of India*, AIR 1999 SC 1167; *Bar Council of India v. Bonnie Foi Law College*, AIR 2023 SC 2615.

⁴⁴ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12; The Advocates Act, 1961 (Act 25 of 1961), s. 7 and s. 49.

⁴⁵ S.P. Sathe, *Legal Education in India: Problems and Prospects* 43–50 (Indian Law Institute, New Delhi, 1987).

⁴⁶ N.R. Madhava Menon, *Transforming Legal Education* 88–96 (Eastern Book Company, Lucknow, 2018).

Lastly, the framework currently in place has a greater issue of excessive focus on formal regulation with an associated lack of focus on long-term academic growth. Areas like faculty development, research funding, academic autonomy, clinical pedagogy, and technology adaptation do need a long-term policy support and not just through inspection-based supervision. It is entirely plausible that the current problems will not decrease unless the governing of legal education shifts its current disordered control and compliance-oriented regulation to a more coordinated, quality-oriented, and responsive to the future model.⁴⁷

9. Reform Suggestions

The ongoing challenges in the regulation of legal training in India suggest the necessity to have a more consistent and synchronized system of regulation. The initial and the key reform is to establish a better institutional marking between the role specifications of the “University Grants Commission (UGC)” and the role of “the Bar Council of India (BCI)”. Professional competence, minimum standards of admission and practice-based legal trainings should be left to the BCI but academic matters like standards of research, faculty development, institutional autonomy and greater flexibility in the curriculum should be left to the UGC and the universities in general.⁴⁸

The second reform that is required is the development of formal consultative or coordination mechanism between the UGC and the BCI. Currently, there is a tendency to have two regulators which, in most cases, leads to overlapping standards with no effective harmonisation mechanism. An organized joint system of curriculum analysis, institutional guidelines and regulatory advice would better streamline the system, and ease the load of the hit and miss compliance needs.⁴⁹

Another reform would be to change the direction of regulation towards substantive quality other than formal compliance. Entertainment, inspection and infrastructural standards will still continue to play a significant role but not to the extent that they should bully the necessity of more robust faculty training, research culture, clinical legal education, and adjustment to newer sections of the legal practice. Legal education should be receptive to courtroom advocacy as well as to the advances in corporate practice, technology, international law, the public policy, and alternative dispute resolution, therefore, the “Bar Council of India Rules of Legal Education, 2008” must be contrived after some intervals so that they can involve into the contemporary academic and professional realities.⁵⁰ A harmonised and a quality-centred model of governance is necessary in the long-term in case legal training in India is to have any academic, professional, and institutional sense.⁵¹

10. Analytical Observations

A close analysis of the current framework can lead to the understanding that the issue with the Indian legal education is not that there are two types of regulation, it is just that there is no well-harmonised relationship between academic and professional regulation. “The University Grants Commission (UGC) and the Bar Council of India (BCI)” both have a legitimate and a

⁴⁷ Upendra Baxi, “Towards a Socially Relevant Legal Education,” 9 *Journal of the Indian Law Institute* 571, 589–93 (1967).

⁴⁸ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12; The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

⁴⁹ *Id.*

⁵⁰ N.R. Madhava Menon, *Transforming Legal Education* 97–105 (Eastern Book Company, Lucknow, 2018).

⁵¹ S.P. Sathe, *Legal Education in India: Problems and Prospects* 51–57 (Indian Law Institute, New Delhi, 1987).

necessary role to play in their respective field. The unity of academic integrity of the legal education with the overall organization of the higher learning and the necessity of legal education to be in contact with professional competence and demand of legal system are in principle the two guardian characters of legal education and need not be considered as defective per se.⁵²

This is challenging as the current model tends to overlap complementary roles with power. Rather than resulting in a defensible regulatory structure, the system more often than not leads to duplication of standards, confusion of institutional adherence, and conflicts between academic independence and professional jurisdiction. This undermines administrative efficiency, as well as the substantive quality of legal education, since institutions can become more focused on formal regulatory satisfaction rather than actual pedagogical development.⁵³ The analysis conducted in this paper thus implies that the future of legal education in India would be less about enhancing regulation and more about bringing a greater degree of coordination, clarity and institutional balance between the UGC and the BCI.⁵⁴

11. Conclusion

The legal education in India takes up a unique institutional position, in that it is both a subset of the higher education and the main entree to the legal profession. This two-sidedness is the reason why both “University Grants Commission (UGC) and Bar Council of India (BCI)” is involved in its regulation. The UGC protects the intellectual and institutional aspect of legal training, whereas the BCI sustains its professionalism and ties with the requirements of advocacy. Ideally, thus, dual regulation does not in its nature or philosophy suggest an accidental or necessarily problematic presence.⁵⁵

The challenge is that no one has clearly and harmonised regulatory framework. The convergence of the UGC and the BCI has created confusion, duplication of compliance as well as confusion in issues concerning the curriculum, institutional standards as well as the awarding of law degrees as demonstrated in this paper. The legitimacy of the role of the BCI in ensuring standards of legal education has been accepted in judicial decisions, yet the reality has been that what the bureau needs to achieve their goal is less regulation, rather than more, with a clearer sense of boundaries and the ability to coordinate better.⁵⁶

The future of legal education in India is, however, in the establishment of a model of governance balancing academic freedom and professionalism. A harmonised structure that acknowledges the appropriate roles of the UGC and the BCI would help in minimising institutional confusion in addition to enhancing the quality, credibility, and social relevance of legal education. Such reform is very necessary, in a constitutional democracy devoted to the rule of law, in which the quality of legal education can never be neutralized against the quality of the legal profession and, more generally, the administration of justice as a whole.

⁵² The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12; The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

⁵³ S.P. Sathe, *Legal Education in India: Problems and Prospects* 58–62 (Indian Law Institute, New Delhi, 1987).

⁵⁴ N.R. Madhava Menon, *Transforming Legal Education* 106–10 (Eastern Book Company, Lucknow, 2018).

⁵⁵ The University Grants Commission Act, 1956 (Act 3 of 1956), s. 12; The Advocates Act, 1961 (Act 25 of 1961), s. 7(1)(h).

⁵⁶ *V. Sudeer v. Bar Council of India*, AIR 1999 SC 1167; *Bar Council of India v. Bonnie Foi Law College*, AIR 2023 SC 2615.

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