

સોરાષ્ટ્ર યુનિવર્સિટી



Accredited Grade A by NAAC
(CGPA 3.05)

સંદર્ભ :- બી.સી.આઈ. નો તા.૦૧-૦૫-'૧૬ નો પત્ર ક્રમાંક :
બીસીઆઈ/ડી/૪૨૪/૨૦૧૬ (એલ.ઈ/સરકયુલર નં. ૪)

પરિપત્ર :-

આથી યુનિવર્સિટી સંલગ્ન તમામ કાયદા વિદ્યાશાખાની કોલેજોના આચાર્યશ્રીઓને જણાવવાનું કે, સંદર્ભ પરનાં પત્રની વિગતે ડીપાર્ટમેન્ટ ઓફ હાયર એજ્યુકેશનનો પત્ર, હાઈકોર્ટ ઓફ કર્નાટકાના ઓર્ડરની વિગતે લીગલ એજ્યુકેશન રૂલ્સ-૨૦૦૮ ના રૂલ નં. ૫ માં એલીજબીલીટી ફોર એડમિશનના કોલમમાં (એ) શ્રી યર લો ડીગ્રી કોર્સ અને (બી) ઈન્ટીગ્રેટેડ ડીગ્રી પ્રોગ્રામમાં સુધારો કરેલ જે એડમિશન સમયે કોલેજો ધ્વારા ધ્યાન પર લેવાની રહેશે.

વધુમાં સંદર્ભ પત્ર આ સાથે સામેલ રાખેલ છે જે અંગે કોલેજોએ કાર્યવાહી કરવાની રહેશે.

બિડાણ :- સંદર્ભ પત્ર

નં. જોડાણ / ૨ / ૨૧૧ / '૧૬
સોરાષ્ટ્ર યુનિવર્સિટી કાર્યાલય,
યુનિવર્સિટી કેમ્પસ,
યુનિવર્સિટી રોડ,
રાજકોટ - ૩૬૦ ૦૦૫
તા. ૧૩/૦૫/'૧૬

કુલસચિવ

પ્રતિ,

- યુનિવર્સિટી સંલગ્ન તમામ સરકારી / ગ્રાન્ટ ઈન એઈડ / સેલ્ફ ફાઈનાન્સ લો કોલેજ તરફ.....

નકલ રવાના :-

- ૧) માન. કુલપતિશ્રી / કુલસચિવશ્રીના અંગત સચિવશ્રી તરફ...
- ૨) કોમ્પ્યુટર સેન્ટર - વેબસાઈટ પર પ્રસિધ્ધ કરવા અર્થે



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D:424:2016(LE/Circular No. 4)

1st May, 2016
New Delhi

TO

1. The Secretaries of all the State Bar Councils
2. All the Vice Chancellors and All the Registrars of the Universities Imparting legal education

The Bar Council of India considered the letter received from Department of Higher Education, Ministry of HRD, Order of the Hon'ble High Court of Karnataka in WP No. 33037/2015, letter received from Joint Secretary, University Grants Commission and number of representations received from students in regard to eligibility of students who obtained 10+2 and graduation through open University system. A very long and interesting discussions were made for consideration of Rule-5 of the Legal Education Rules 2008. It is relevant to quote hereunder :-

5. Eligibility for admission:

(a) **Three Year Law Degree Course:** An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State legislature or an equivalent national institution recognized as a Deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Contd.../-

(b) **Integrated Degree Program:** An applicant who has successfully completed Senior Secondary School course ('+2') or equivalent (such as 11+1, 'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course, as the case may be.

Explanation: The applicants who have obtained 10 + 2 or graduation / post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses.


One of the questions which arose of the discussion in respect of proviso and the explanation. Proviso is specifically lays down that who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years LL.B course, as the case may be. This merely reassert what is integrated in the main Rule 5(a) and 5(b) both. So far, explanation is concerned, it lays down who has obtained 10+2 or graduation/post graduation through open university system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses.

In fact in this explanation relevant portion for consideration is **“without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses.”**

In other words, if this was not there 10+2 through open university would be eligible for admission. Finally, the discussion was what can be the basic qualification, which is not defined. Various thoughts and arguments were made. Some said, the basic qualification should be defined, others said we should not accept persons applying for admission for law courses even those who obtained degree even with basic qualification of 10+2 through open universities.

However, the Govt. stand and UGC stand has clarified the position as per their stand which is quoted hereunder :-

“May, I therefore request you to treat the Degrees/Diploma/Certificates awarding by the Open Universities in conformity with the UGC notification on Specification of Degrees as equivalent to the corresponding awards of the traditional Universities in the country.”


 According to which the recognition and treating their degree/diplomas/certificates through distance mode at par with degrees obtained through the formal system of education. Open and distance education system in the country contributing a lot in the expansion of higher education.

Contd.../-

However, finally consensus was that all the confusion is created by the proviso and explanation. The Committee has come to the conclusion, both sub clause (a) and (b) of Rule-5 has laid down very clearly that an applicant who has successfully completed Senior Secondary School course ('+2) or equivalent (such as 11+1, 'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment.

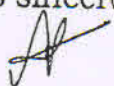
These two sub-clauses make it absolutely clear that once high school, 10+2 is recognized by the Govt. of India or authority properly recognizing 10+2 through open university or distance mode/correspondence mode would be covered by these two clauses. So, even the proviso and explanation is deleted or not would make no difference.

Hence, it was resolved that after following the procedure of amending rule under Legal Education Rules 2008, let proviso and explanation be deleted from Rule-5.

 The office of the Bar Council of India is directed to send the above recommendations for amendment to the stakeholders for their views and comments. After receiving the views and comments, the matter may be placed for consideration of deleting the aforesaid provision.

Therefore you are requested to send your comments and views to the Bar Council of India in this regard to take a final decision in this matter.

Yours sincerely


(ASHOK KUMAR PANDEY)
JOINT SECRETARY