સંદર્ભ :- ડી.સી.એડ. નો તા.01-04-'15 નો પત્ર ક્રમક :
બીલીનાચ / ડી / ૨૨ / 2015 (અબ.ડી / સરકારના ન. 4)

પરિપત્ર :-

આખી યુનિભરી સંદર્ભ તમામ કાધકાચાર્યના કોલેજોના આવાસ્થીમાંથી જાણાવાનું કે,
સંદર્ભ પરના પત્રની વિગતે ડીપાર્ટમ૆ંટ ઓફ લાયર અને પ્રયોગક વિભાગનો પત્ર, ડાયનો ઓફ સામાજિક
વિદ્યાલય વિભાગ વિશે લોકલ અને પ્રયોગક વિભાગ સમાચાર ૨૦૦૮ ના તા. ન. ૪ માં સૌરભ સી.મીલીટી કોર અને શિક્ષણ નાણા કોલેજોને (અંગે તે શી પર દો ડીજી ઔષ્ધ અને (બી) થાંટટે ડીજી પ્રોગ્રામમાં સુધારો કરેલ કે અને શિક્ષણ
સમયે કોલેજો ધ્તાર ધ્વાન પર લેવાની રહેશે.

વધુમાં સંદર્ભ પત્ર આ સાથે સમેવ રામણી કે અંગે કોલેજો ની કાર્યવાહી કરવાની રહેશે.

નિદાન :- સંદર્ભ પત્ર

ન. શેરક / ૨ / શુભ / '૧૫
સૌરભ યુનિભરી કાર્યાલય,
યુનિભરી દેશમ,
યુનિભરી રોડ,
રાજકોટ - ૩૫૦ ૦૦૬
ત. ૨૦/૦૪/૧૫

પ્રત્યે,
- યુનિભરી સંદર્ભ તમામ સરકારી/અંદા એકેડી/સહકરના લો કોલેજ તરે... ...

રાજકોઠા :-
1) મા૦. કુલપટની/કુલવિશાલી અંગત સમિતિ તરે...
2) કોલેજ સેટર - વેબસાઇટ પર પ્રથમક કરવા આધ્ય

Paripatra (jiv) 16
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.

Contd.../-
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