IMPACT OF GLOBALISATION ON LEGAL EDUCATION AND ACCESS TO JUSTICE

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ABSTRACT

Legal education is one of the important fields of education system. By imparting legal education we not only making the law students equipped for practice as an advocate but also making them efficient in various fields of the society according to the norms and rule of the constitution and moulding the not only to settle a problem with the client but also settling a problem in the society. But through this globalisation what happened to our legal education. Is it change our noble objectives of legal education?

KEYWORDS: Legal Education, Globalization, Justice

INTRODUCTION

The objective of law in the past was mainly to maintain peace by punishing the wrong doer and resolving litigation. Legal profession was under the training of an experienced lawyer and the fundamental principles governed was equity. After independence it became the duty of the state to undergo the constitutional obligations to provide economic, social and political justice to the community. Globalization which is a notable event created new challenges for legal profession and which completely changed the noble objectives of legal education. Only law can create ‘rule of law’ and the main characteristics of legal education is Simplicity Symmetry/rule of law/equity Intelligibility

HISTORY OF LEGAL PROFESSION

The development of the legal profession has received a lot of attention from scholars. This can be seen in Paul Brand’s The Origins of the English Legal Profession (1992), and J.H. Baker’s The Legal Profession and The Common Law – Historical Essays (1986). The eminent jurist Roscoe Pound also wrote The Lawyer from Antiquity to Modern Times (1953) Law and its practice is a professional responsibility. The regulation of the legal profession is supported by considerable academic research:
Legal profession during Edward I’s period (1272-1307)

The legal profession first seems to have emerged in the reign of Edward I (1272-1307). At that point of time, it included two types of lawyers – the serjeants and attorneys. Serjeants were pleaders who spoke for the clients while attorneys handled procedural matters. Later, attorneys also appeared on behalf of litigants. Initially, both the pleaders and attorneys assisting the litigants were amateurs. However, over time, these individuals began to appear repeatedly to assist litigants. Thus these individuals developed expertise as a result of their experience and were sought out by litigants and they charged for their services.

Legal profession after Edward I

In the early 17th century, the influence of serjeants as a professional group declined. As a result of this, apprentices became the more important group of pleaders and were the predecessors of today’s barristers. By the middle of the 14th century, they created the Inns of Court. Although an attorney was a lawyer who represented the client in Court on the client’s behalf, he was not allowed to plead. An attorney appeared on behalf of his client. This would be clear from the French verb attorner, which means ‘to assign or depute for a particular purpose’. The attorneys’ primary function was to appear in Court to manage the litigation of the clients.

Professional Conduct and the Law Society

The attorneys were expelled from the principal Inns of Court in the 16th century and in 1739 they formed a professional group called “Society of Gentleman-Practices in the Courts of Law and Equity”. Thus the Law Society was born, though it was not until 1986 that the Law Society formed a committee to collect and draft principles of professional conduct. Now there exists the Guide to Professional Conduct of Solicitors reflecting the ideals of modern solicitors as well. Both branches of the English legal profession had the same core duties over the centuries of litigation: fairness, competence, loyalty, confidentiality, reasonable fees and service to the poor.

Legal profession in America

In the United States as well, a lawyer is regarded as an officer of the Court and is admitted to the Bar only upon taking of an official oath. In America, until 1875, there were
no formal academic requirements to be a lawyer, because there was neither required schooling nor tests.

The first regulatory code was written in 1836 by Judge Hoffman of Baltimore. The Code touches on most of the problem areas confronting even modern lawyers. Hoffman’s resolution suggests that justice should be the only motivation of lawyers, including the resolution that ‘lawyers must have humility regarding their own knowledge of the law’. The Hoffman Code states that lawyers must quote the law objectively with ‘honour’. Their reasoning should be objective and creative. This was followed by Alabama’s Legal Ethics Code of 1887. The Code stated that morality was the only safeguard to having a good professional Bar.

Legal Profession in India

The history of the legal profession in India can be traced back to the establishment of the First British Court in Bombay in 1672 by Governor Aungier. The admission of attorneys was placed in the hands of the Governor-in-Council and not with the Court. Prior to the establishment of the Mayor’s Courts in 1726 in Madras and Calcutta, there were no legal practitioners.

The Mayor’s Courts, established in the three presidency towns, were Crown Courts with right of appeal first to the Governor-in-Council and a right of second appeal to the Privy Council. In 1791, Judges felt the need of experience, and thus the role of an attorney to protect the rights of his client was upheld in each of the Mayor’s Courts. This was done in spite of opposition from Council members or the Governor. A second principle was also established during the period of the Mayor’s Courts. This was the right to dismiss an attorney guilty of misconduct. The first example of dismissal was recorded by the Mayor’s Court at Madras which dismissed attorney Jones.

ROLE OF LEGAL EDUCATION

L.E. has a very crucial role to play in development of the law as a hermeneutical profession, since it is an educational process which equips the future lawyer, judge, administrator, counselor and legal scientist to fashion and refashion ways to peaceful and ordered attainment of ideals of human governance on the one hand and democratic might on the other2.
L.E. plays a vital role in the rule of law. L.E. mould both Human resources and Legal infrastructure for administration of justice in a society3. L.E. should conceive and develop law as a sophisticated discipline with strong links to others and a vehicle for examining many problems of social change as well as new ideals of justice4. L.E. has an important role to play in the establishment of law-abiding society. Excellence in legal education and research is extremely important, because it will help to shape the quality of the rule of law. In this connection, some issues deserve serious attention.5

**An academic culture that promotes research:** - Law schools in India ought to create greater opportunities for faculty and students to undertake original and serious research on issues relating to law and justice that affect Indian society. They should create a proper research environment that enables scholars to identify issues that serve as an impediment to the efficient and effective administration of justice.

**Law schools as institutions that promote social engineering:** - This is inextricably linked to their role in ensuring a rule of law society. This ought to be done not only by imparting high quality legal education, through cutting edge research on numerous issues that affect law and society, but also by devoting time and attention to the question of what kind of society India ought to develop and what ought to be the role of lawyers and law academics in that society.

**Legal education as a tool to provide access to justice:** - In order to have direct impact on the Indian citizenry, the promotion of increased societal knowledge of law and administration of justice should be the main focus of law school activities. It is true that the Indian judiciary has been playing this role for a long time, but the role of academic institutions such as law schools is unique and distinctive.

**HERITAGE OF LEGAL EDUCATION IN INDIA**

**Phases of the Evolution of Legal Education in India**

- **L.E. IN ANCIENT INDIA**

  For almost a century from 1857 to 1957 a stereotyped system of teaching compulsory subjects under a straight lecture method and the two year course continued. The need for upgrading legal education has been felt for long. Numerous committees were set up periodically to consider and propose reforms in legal education such as

    1. Calcutta University Commission [1917-1919],
    2. University Education Commission, was set up in 1948-49,
3 In the year 1949 the Bombay Legal Education Committee was set up to promote legal education. The All India Bar Committee made certain recommendations.

In 1954, XIVth [14th] Report the Law Commission (Setalvad Commission) of India discussed the status of legal education and recognized the need for reform in the system of legal education and made certain recommendations.

1. Only graduates should be eligible for legal studies.
2. The theory and principles of law should be taught in the law schools and the procedural law and the law of practical character should be taught by the Bar Council.
3. The university course should be for two years and the Bar Council training should be for one year.
4. The principal method of teaching being lecture to be supplemented by tutorials, seminars, moot courts, and case methods.
5. Admission to law schools should be restricted on merit and seriousness.
6. All India Bar Council should be empowered to ascertain whether law colleges maintain the requisite minimum standards and should be empowered to refuse recognition for law colleges.

The recommendations accepted by All India Law Conference [1959] and also the All India Law Teachers Association. After the year 1961 the Bar Council of India was empowered to lay down standards of Indian Legal education. In 1967 this body established a uniform three years LL.B Course with annual examinations and prescribed compulsory and optional subjects to be taught at LL.B level. Most of these subjects were traditional topics and there is no guidance relating to curriculum planning.

It depicted a very gloomy picture of legal education. It was only from 1958 that many universities switched over to three year law degree courses. It was only by 1967, that it became onerous task for the three year law colleges to include procedural subjects into the curriculum of their law school.
L.E. IN MUGHAL/MUSLIM ERA

L.E. UNDER COLONIAL RULE

In colonial times legal education confined with analytical exposition of existing legal system like law and order, punishment of crimes and adjudication of civil disputes. In 1774 King George promulgated a charter to establish Supreme Court and entrust the Supreme Court to prescribe conditions and standards for enrolment of ‘Vakils’ Bengal Regulation 1793 found regulations and standards for legal profession in India.

L.E. IN POSTCONSTITUTIONAL ERA

L.E. IN GLOBALIZED CONTEXT

OBJECTIVES OF LEGAL EDUCATION

That it is the primary function of the law schools to teach men to practice law and to practice it as it is and not as it ought to be or might be is admitted.

LIBERAL LEGAL EDUCATION

SOCIAL AWARENESS-social awareness is one of the main objectives of legal education. by imparting legal education social awareness increases

- SOCIAL CONSCIOUSNESS- people will be more conscious of his social rights and liabilities by the legal education
- MOULD LAW ABIDING CITIZENS-only through the law that we can build up a law abiding citizen and thereby for the development of the nation
- COMPRISES SOCIO-CULTURAL ELEMENTS-we can develop the socio cultural element through the legal education

PROFESSIONAL LEGAL EDUCATION

- EQUIPS THE PROFESSIONAL TO SERVE THE NEEDS OF THE SOCIETY
  The needs of the society changes according to the change in the society. it is important that by the legal profession the professional should be equipped to serve the changing needs of the society. Because only through this profession that the society can be molded into a better society
- EQUIP STUDENT FOR LEGAL EMPLOYABILITY- is one of the objectives of the legal profession to equip the students for legal employability it means to educate them to be legal professionals and not to be cloned clerk of a legal corporate

PROF.A.T.MARKOSE ON OBJECTIVE OF LEGAL EDUCATION
Prof. A.T. Markose, the eminent teacher of the law, was of the opinion that the main purpose of legal education is:

- **TO EQUIP THE LAW GRADUATES FOR CONDUCTING CASES EFFICIENTLY**
  - It is to be noted that as a teacher and as a scholar of law, he stated that the objective of legal education is to equip the law graduate for conducting cases efficiently. Only well-equipped law graduates can conduct cases very efficiently and win the case.

- **TO ENABLE BUSINESSMAN TO CONDUCT BUSINESS EFFICIENTLY**
  - Only law-abiding and persons with legal knowledge can conduct business very efficiently. So it is important to be legally equipped to be a good businessman.

- **TO FURNISH LEGAL BACKGROUND TO PERSONS OF EDUCATION**
  - Yet another important objective of legal education is to give legal background to persons of education. Those who want to get education in legal profession can be equipped by these eminent scholars.

**LORD DENNING ON OBJECTIVES OF LEGAL EDUCATION**

The reason underlying for the development of legal rules, the nexus between legal and social history, extracting principles underlying the existing legal rules, and pointing the right road to future development.

**PROF. N.R. MADHAVA MENON ON OBJECTIVES OF LEGAL EDUCATION**

The very fundamental objective of legal education in a developing country, where the Indian Constitution enjoins the legal system to facilitate eradication of poverty, inequalities in status and opportunities and ensure justice to all in social, economic, and political spheres.

Supply well-trained lawyers to the trial and appellate bar as well as for judicial service so that access to justice is enlarged and the quality of justice for the common man is improved and strengthened.

We are now on the threshold of an epoch of profound legal transformation. Our educational methods have to breed a race of lawyers able to utilise the spirit of law reform for the highest uses. They have to teach the importance of stability and change. To do so, they must know not only how to grasp the philosophic foundations of those decisions. We must also turn out lawyers with a courage to criticize what is accepted, to construct what is necessary for new situations, new developments, and new duties both at home and abroad.
SIGNIFICANCE OF LEGAL EDUCATION

'Law is the cement of society and an essential medium of change'. The significance of legal education in a democratic society cannot be over-emphasized. Knowledge of law increases one understands of public affairs. Its study promotes accuracy of the expression, facility in arguments and skill in interpreting the written words, as well as some understanding of social values. It is pivotal duty of everyone to know the law. *Ignorance of law is not innocence but a sin which cannot be excused.* Thus, legal education is imperative not only to produce good lawyers but also to create cultured law abiding citizens, who are inculcated with concepts of human values and human rights. We must have a legal education which can fulfill the need of the society and country as well. We are no longer laissez-faire but a welfare State and in welfare society law plays a very important role in every affair of human being. Law serves as an important instrument to achieve socio-economic development. Law is an amalgamation contains cultural political and economical aspects. The I.E. shall be blend of customized fields of law encompassed with problem and activities of social significance"13

"the legal education is intended to be given to students who expect to follow one or another branch of legal profession and its aim would be to make the students of law good lawyers who have absorbed and mastered the theory of law, its philosophy, its function and its role in a democratic society.”14

In Europe and America L.E. has long occupied a high niche among the learned curricula. Products of the study of law have frequently risen to positions of distinction in public service or have amassed fortunes in the private practice of law or have acquired wide reputation as scholars even without entering practice. Legal education is on an elevated plain and teachers of law enjoy a high respect. On other hand in India condition of law colleges were generally at ‘low ebb’. The law colleges did not hold a place of high esteem nor had law become an area of profound scholarship and enlightened research”15

LEGAL EDUCATION UNDER CONSTITUTION OF INDIA

- Seventh schedule of Art.246
- List I Union list
- Entry 65 Union agencies and institutions for (a) professional, vocational or technical training
- Entry 66 coordination and determination of standards in institutions for higher education
List iii-Concurrent list
- Entry25 Education including technical education, medical education and universities
- Entry 26 legal profession

THE FUNDAMENTAL DUTY UNDER CONSTITUTION OF INDIA
Art 51 a. it shall be the duty of every citizen of India- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement

THE GLOBAL TENDENCY
The American Model: Purposeful, Practice-oriented L.E.
German Model: Built-in Practical L.E.
Japanese Model: From Doctrinal Approach to Absorbing Approach
Chinese Model: Integrated practical L.E.

PROBLEMS OF LEGAL EDUCATION
With regard to the problem faced by the legal education First is that our law schools, especially those connected with state universities, do not pay sufficient attention to the law of the jurisdiction where they are located; second point is that they do not give due consideration to the statutory law; third one is that they do not devote sufficient time to teaching practice. The moot court, the practice court, the legal clinic, the office apprenticeship, courses in office practice and in conveyance and in the drafting of papers, the case book dealing primarily with local law, a course in statutes, have all received consideration by those interested in legal education and much is being done in these matters. That the practical side of our legal education can be much improved by the further utilization of some or all of the above methods is clear. It is also clear that no law school can, without an undue sacrifice of time better devoted to other things; turn out graduates thoroughly versed and entirely at ease in all the details of practice. A certain amount of adaptation must be done by the student in his first months at the bar.

Too often the organization of new courses and the rearrangement of old ones engage the attention rather than the mastery of the old and recognized fields of intellectual experience, for there is always a presumption in certain minds that the new and untried is an improvement upon the old and established mode of procedure. Recently we have been told authoritatively that the true solution of the problem of legal education in America is to be
found, not in a more thorough and exacting study of legal science or in better standards of education and bar admission, but in so organizing our system of legal training as to bring the bar within the reach of the great and increasing number of applicants whose training, both liberal and professional, is of the most superficial character. These new educational "discoveries" are not wanting in novel and dramatic qualities which are lacking to the ancient educational procedure of hard work inspired and guided by competent teaching. Nor are they so difficult of application. They are often the more attractive to students, especially to that growing class of students in America who are seeking painless and effortless route to professional efficiency.

- Imperialism and political subjugation distorting legal education in Asian continent
- Market tuned legal education... producing cloned corporate legal clerks impact of globalization on legal education is that now the institutions are trying to make cloned corporate clerk rather than making good lawyers

Social oriented legal education has been distorted and academic mafia privatizing manipulating the graduate level legal education. But higher order legal education like post graduate, and legal research is in a deserted condition also the state is withdrawing from legal education and it will curtail the growth and development of legal academia. Distortion of public sector legal education is detrimental to administration of justice and rule of law in the country and Impacts of bologna (reduction of course duration) process over Legal education. Anti intellectualism or reductionist approach in syllabus cause scholastic mutation from Legal education Undesirable vocationalismacademic inadvertence to theory, philosophy and science of legal process .Marginalizing social objectives of Legal education.

IMPACT OF GLOBALIZATION

The term ‘globalization’ in the context of legal service refers to start legal market in a country to foreign nationals for setting up law firms and consultancy services and to practise in the court of law. Legal practitioners in India are governed by the Advocate Act, 1961. Under the present regime, a foreigner can be enrolled as an advocate after obtaining degree from a university recognized by the Bar Council of India and must belong to a country where Indian citizens have a reciprocal right to practise.20 The term “Practice” is not defined in the Act. However, the combined reading of Sections 2921, 30,22 and 33,23 of the Act restricts the term practice to appearance before any court, tribunal or authority, but law permits legal
advisory, documentation and Alternative Dispute Resolution (ADR) mechanism. As Foreign Direct Investment (FDI) is not permitted in legal sector international law firms are not authorized to open their offices in India. But they can engage as many employees or consultants in local law firms, but they cannot sign legal documents, represent clients, or be appointed as partners. The Bombay High Court has held in the case of *Lawyers Collective vs. Chadbourne and Park and Others* that practices engaged by foreign firms in non-litigious matter amounted to “practising the profession of law” and hence were not to be permitted because they are not enrolled as advocates under the Act. Due to its unemployment and poverty India become a leading provider of LPO

**Present Status of Legal Education in India**

The curriculum of legal education is re-designed with the advent of globalization. The existing sphere has been broadened and some new subjects have made their way. Moreover, integrated and comparative approaches have paved a new dimension in the study of law. Competing law schools are diluting the law subjects mixing up it with many other subjects and deteriorating the value of law and teach too many subjects to relatively immature mind coming fresh from high school without even knowing the basics of law. For example, subjects such as jurisprudence is taught along with four other subjects in a short span of four-five months semester. It is beyond the reach of students to grab the understanding of complicated theories of law in such a short duration or to analyse the judgements of the apex court in the first week of his study in law school, without even understanding the meaning of *ratio decidendi*. If thing goes on like this, it is feared that the noble relationship of student and teacher may get converted into one of customer and service-provider, respectively. The scope for self satisfaction is very high. The tag of national law school has become a brand name in the legal field because of the campus recruitment processes which assures placement of almost all the students under this banner in private companies without considering the merit of the students. Generally, students are not opting for higher studies and research. Therefore, when it comes to serving the masses by giving legal advice, making appearance in court for solving litigations, policy making and legislative drafting, expectation is not much from the students.
SUGGESTIONS

The major areas in which some of the changes that we can make is that with regard to the courses, pedagogy, evaluation, coordination etc.

Courses

At present, courses on law are interlinked mainly with arts or commerce. It is high time to introduce comparative law and international along with these law subjects rather than interlinking it with arts and commerce. In the arena of international law, sovereignty of the nation State was the established principle but the execution of international treaties put limitation on the sovereignty of the law-making body. The relevancy and importance of international law was recognized in India before globalization. In the globalize era, it become prominent that the execution of international agreements for resolving international issues as a common features. Comparative study paves way to make one’s own legal system better by critically comparing with the system of the other nations. Comparative study also helps to understand the execution process of international dispute. Consider the case of dispute settlement by arbitration. Suppose, a particular dispute is successfully settled by an arbitrator in India by granting an award which includes payment of costs with interest and the successful litigant wants to enforce it in Saudi Arabia, which is practically possible in case of international commercial arbitration. This award may not be enforce in Saudi Arabia as Saudi’s court may say that dealing in interest is forbidden in their law and hence it is against public policy. It is suggested that students should be given the option after the second or third year of the five year course to choose his/her area of specialisation after having studied the basic subjects such as contract and constitution. In the specialised phase, the number of subjects should be minimal, but must be dealt in detail touching the international and comparative perspectives which is not possible in the present over loaded subjects in the curriculum. Curriculum must include training for professional skills and values which would assist students in diagnosing a problem, generating alternative solutions and strategies, formulating legal issues, evaluating legal theory, preparing for negotiation etc.

Pedagogy

There are a number of methods of imparting knowledge to law students such as Socratic, lecture based, case study, research based, group discussion and clinical education. All these methods have its own merit as well as demerits and none of them alone is sufficient for overall nurturing of law students. These skills are not contradictory rather complement
each other. Therefore, all these possible options should be used in combination as per the requirement. In this regard, clinical legal education deserves special attention. Clinical study is interchangeably used with the practical training and often characterised by “the process of learning through doing.” Clinical programmes engage the student to think and act like a lawyer, particularly when the student deals with real life situations in a legal aid clinic. There is a famous saying “I hear, and I forget; I see, and I remember; I do, and understand”.

**Evaluation**

The reports on legal educations have highlighted the drawbacks of the present system of evaluating students. Examination at the end of year or semester is not conducive for developing analytical, writing and communication skills. Some marks should be allotted for presentation and project submission and end-semester test should be problem-based and not a mere mechanism to judgement.

**Coordination among BCI, UGC and Universities**

It is highly necessary that for the promotion of legal education, sound coordination is required among administrative bodies. Both the 184th Law Commission and the National Knowledge Commission (NKC) proposed for a closer interaction between the Bar Council of India (BCI) and the University Grant Commission (UGC) because the present consultation is not effective. The Law Commission has proposed that the UGC should constitute its “Legal Education Committee” and also recommended that in the event of difference in the inspection of the Bar Council and other bodies, a further inspection has to be done by a “Task Force”. The report of NKC stated that there should be a “Standing Committee” for legal education vested with all aspects of legal education whose decisions would be binding on the institutions teaching law and on the Union and State Governments because the BCI has neither the power nor the expertise to meet the new challenges both domestically and internationally.

**Continuing Legal Education**

Legal education is called “continuing legal education” in the sense that it is imperative for the professionals to remain updated with the latest development. The universities should take initiatives of their own by introducing compulsory refresher programmes for the faculty members. With regard to this matter involvement of senior judges...
and lawyers are required for felicitating interaction between academicians and members of the Bar and the Bench. It is important to note that the Legal professionals must not only remain aware of the laws and regulations but also the social, economic, political and moral conditions of the society for performing their duties in an effective manner.

**Higher Studies and Research**

As far as legal education is concerned higher studies in legal education is very important due to the reasons that those who pursue higher education will generally opt for career in academic field and would train the students and they are more likely to develop the habit of research but at present focus is given to graduate courses and higher education starting from masters level is generally neglected. Training for teaching should be taken seriously. In order to enhance the teaching skill of the student it is better to ask those to take around 25 classes as part of their LLM course and marks may be awarded for each class this will be useful for those who aims at teaching.

We consider legal profession as the dispute settlement mechanism and prepare law students accordingly, so that they may plead for individual, companies or for State. However, we must also realise the other aspect of pursuing legal studies the basic aim should be to train law students, lawyers and law makers in such a manner so that they assist in framing rules which would be certain and would try to balance the conflicting interests for minimising litigations. Our vision to study the new law subjects should be for filling up grey areas where disputes may arise or frequently arises. For this purpose, role played by researcher is very vital. Empirical research is the need of the day as the society is changing very fast. This is important not only from the perspective of studying human behaviour but also for collecting raw data from common man which may be applied for making policy.

**Infrastructural Development**

Finally there is hardly any proper library or properly furnished class rooms in the law colleges. Good faculties are also not accessible due to lack of funds. These apart, funds should be mobilized through proper channel for the execution of the above mentioned plans.
Conclusion

Legal profession was considered to be one of the noblest profession in the Ancient times and we used it for the maintenance of law and order and peace with independence the state was under obligation to provide social, economic and political services to the society. With the arrival of globalisation we forget actually the noble objectives of legal education and the law schools are trying to make cloned corporate clerks and LPOs which automatically leads to the deterioration of the law profession and low standard of lawyers and they are not capable of being handling the litigations and even facing the social challenges of the society. So it is high time to think of the noble objectives of legal education and give more important to research work and higher studies and give proper training to the law teachers to equip the law students to be a good lawyer useful for the society rather than a cloned corporate clerk.

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15. University Education Commission 1948 Report 1
20. Section 24 & 47 of the Advocates Act
21 “Subject to the provisions of this Act and any rules made there under, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates”.

22 “Subject to the provisions of this Act, every advocate whose name is entered in the State roll shall be entitled as of right to practise throughout the territories to which this Act extends,—(i) in all courts including the Supreme Court; (ii) before any tribunal or person legally authorised to take evidence; and (iii) before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practise”.

23 “Except as otherwise provided in this Act or in any other law for the time being in force, no person shall, on or after the appointed day, be entitled to practise in any court or before any authority or person unless he is enrolled as an advocate under this Act”.

242010 (112) Bom L R 32 (Three Law firms namely; White & Case (New York), Chadbourne & Parke (New York) and Ashurst Morris Crisp (United Kingdom) were granted permission under the Foreign Exchange Regulation Act, 1947 by the RBI in 1994 for establishing liaison activities in India to advise and assist non-Indian clients in connection with their activities in India and outside India. However, after a year a public interest trust (Lawyers Collective) approached Bombay High Court challenging the rights of foreign law firms to practice in India.)


26 See Keshavananda Bharati vs. State of Kerala, AIR 1973 SC 1461; Union of India v Sukumar Sengupta, AIR 1990 SC 1692; Gramophone Co. of India Ltd vs. Birendra Bahadur Pandey, AIR 1984 SC 667


29 Ahmadi Committee Report, 184th Report & NKC Report

30 See generally Madhava Menon, Clinical Legal Education: Concepts And Concerns

31 See generally Upendra Baxi, “Notes Towards a Socially Relevant Legal Education

32 NKC Report


35 NKC Report