



UNIT

7

Legal Profession in India

Learning Objectives:

Students will be able to:

- Trace the history of Legal Profession in India.
- Describe the main changes brought about by the Advocates Act, 1961.
- Explain the professional duties of an advocate
- Elucidate on women in the Legal profession
- Understand the legal Profession and legal education in India, USA and UK
- Enumerate the opportunities available to Law graduates

A. Brief history

The modern legal profession has its roots in the colonial period where it emerged with the advent of Mayor's court in Madras and Calcutta in 1726 under the Charter of 1726. However, it was only after the passing of Legal Practitioner's Act in 1846 that the doors of legal profession were thrown open to the duly qualified, certified practitioners bearing good character. The practitioners could now practise irrespective of nationality and religion. Women were still excluded from the legal profession. It was through the Legal Practitioner's (Women) Act, XXIII of 1923 that they were allowed to practise in courts.

The Advocates Act, 1961

With an objective to amend and consolidate the law relating to legal practitioners and to provide for the constitution of the Bar Councils and an All-India Bar, The Advocates Act was passed in 1961. The main provisions of the Act are;

1. One category of practitioners- ADVOCATE

After the enactment of the Advocates Act, 1961, all the old categories of practitioners (vakils, barristers, pleaders of several grades, and mukhtars) were abolished and consolidated into a single category called "advocates" who enjoy the right to practice in courts throughout India. The Act recognizes only one class of practitioners, that is, Advocates. Advocates have been classified as Senior Advocates and other Advocates. An Advocate on the State Rolls is entitled to practice as of right before any tribunal, or authority of India, or any court including the Supreme Court.

Advocates: In order to be eligible for enrolment, an Advocate must be: a citizen of India, atleast 21 years of age and must have an LLB degree from an Indian University. Any advocate enrolled in the State Rolls is entitled to practice in all courts of India including the Supreme Court. There is an additional requirement of an All India Bar Examination since 2010, which Advocates must clear in order to be able to start practice.

A foreign national may be enrolled on a reciprocal basis with the country of his citizenship, and his foreign degree may be recognized by the Council for the purpose. In the absence of such

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reciprocity, foreign nationals cannot practice law in India. The Bar Council has released a list of foreign degrees that it recognizes.

Senior Advocate and Advocate on record: The Advocates Act makes a provision for two kinds of advocates i.e. Senior Advocates and advocates. However, the Supreme Court of India has, in exercise of its rule making power, made a provision for advocate on record. The distinction amongst them is as follows:

- (i) **SENIOR ADVOCATES :** Senior Advocates are designated as such by the Supreme Court of India or by any High Court. The Court can designate any advocate, with his consent, as Senior Advocate if in its opinion by virtue of his ability and standing at the Bar or special knowledge or experience in law, the said advocate is deserving of such distinction (Section 16, Advocates Act, 1961). A Senior Advocate is not entitled to appear without an Advocate-on-record in the Supreme Court or without a junior in any other court or tribunal in India. He is not entitled to file a vakalatnama in any court or tribunal, or accept instructions to draft pleading or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court or Tribunal. A designated senior advocate wears a gown with a “flap” at the back.
- (ii) **ADVOCATES-ON-RECORD :** Only these advocates are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court. No other High Court in India has a similar provision.

If one wants to practice as an Advocate-on-Record (AOR) in the Supreme Court he or she needs to practice for 4 years as an advocate and thereafter must intimate to the Supreme Court that he has started taking training with a Senior Advocate on record because he intends to become an Advocate-on-record. After completion of one year’s training, he has to appear for an examination conducted by the Supreme Court itself. After an advocate passes this examination he must have a registered office within a radius of 10 miles from the Supreme Court building and a registered clerk. Only an AOR can file a vakalatnama in the Supreme Court on behalf of a client. Any correspondence by the Supreme Court is sent to the AOR.

2. State Bar Councils

The Act has created a State Bar Council in each State with the Advocate General of the State as an ex- officio member, and 15-25 members elected for a period of five years. Two members are to be nominated by the Bar Council of India from amongst advocates on the electoral roll of the State Bar Council, to discharge the functions of the State Bar Council.

Application for enrolment is made to the State Bar Council. Every State Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names and addresses of all who are admitted to be advocates on the roll of the State Bar Council under this Act on or after the appointed day.

Functions of State Bar Councils —

The functions of a State Bar Council are—

- to admit persons as advocates on its roll;
- to prepare and maintain such roll;
- to entertain and determine cases of misconduct against advocates on its roll;
- to safeguard the rights, privileges and interests of advocates on its roll;
- to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes
- to promote and support law reform;
- to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and paper of legal interest;



- h. to organise legal aid to the poor in the prescribed manner;
- i. to manage and invest the funds of the Bar Council;
- j. to provide for the election of its members;
- k. to visit and inspect Universities
- l. to perform all other functions conferred on it by or under this Act;
- m. to do all other things necessary for discharging the aforesaid functions.

In addition, a State Bar Council may constitute one or more funds in the prescribed manner for the purpose of—

- (a) giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates;
- (b) giving legal aid or advice in accordance with the rules made in this behalf;
- (c) establishing law libraries.

A State Bar Council may receive any grants, donations, gifts or benefactions for all or any of the purposes specified above which shall be credited to the appropriate fund or funds constituted under that sub-section.

3. The Bar Council of India

The Indian legal profession includes both the practice of law and legal education. To regulate both, The Advocates Act established an All India Bar Council, with the Attorney-General and Solicitor General of India as ex-officio members of the Bar Council. The All India Bar Council has one member elected to it by each State Bar Council and it elects its own Chairman and Vice Chairman.

History of Bar Council of India

The Government of India in 1923 appointed the Indian Bar Committee, popularly known as the Chamier Committee to address the existing disparities in the Legal profession. It was chaired by Sir Edward Chamier, a retired Chief Justice of the Patna High Court). The Committee in its report stated that it was not practical at that time to organize the Bar on an all-India basis. However, the Committee suggested the establishment of Bar Council for each of the High Courts. The Committee suggested that a Bar Council should have power to make rules in matters such as qualifications and admission of persons to be Advocates of the concerned High Court, legal education, discipline and professional conduct of Advocates, terms on which Advocates of another High Court could appear occasionally in the concerned High Court or any other matter prescribed by the High Court. Giving effect to the Chamier Committee recommendations, the Central Legislature enacted the Indian Bar Councils Act, 1926. The Act was to provide for the constitution and incorporation of Bar Councils, to confer powers and impose duties on the Bar Councils and to consolidate the regulations pertaining to the legal profession. The Bar Councils could, with the consent of the High Court, make rules for: a) the rights and duties of Advocates of High Court and professional conduct; and b) legal education and examinations. The Bar Council of India was established under the Advocates' Act 1961.

The Bar Council of India performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. It also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate. It regulates the content, syllabus, duration of the law degree, subject to which every University can lay down its own provisions. The Council has a Legal Education Committee for this purpose. State Council rules need to be approved by the Bar Council, however the Central Government has overriding power to make rules.



In addition, it performs certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organise welfare. The regulatory and representative mandate of the Bar Council for the legal profession and legal education in India is reflected by its statutory functions which are as follows -

- To lay down standards of professional conduct and etiquette for advocates.
- To lay down the procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council.

- To safeguard the rights, privileges and interests of advocates.
- To promote and support law reform.
- To deal with and dispose of any matter which may be referred to it by a State Bar Council.
- To promote legal education and to lay down standards of legal education. This is done in consultation with the Universities in India imparting legal education and the State Bar Councils.

- To recognise Universities whose degree in law shall be a qualification for enrolment as an advocate. The Bar Council of India visits and inspects Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose.
- To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest.
- To organise legal aid to the poor.
- To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India.
- To manage and invest the funds of the Bar Council.
- To provide for the election of its members who shall run the Bar Councils.

B. Lawyers and Professional Ethics

The Bar Council of India Rules encompass professional standards for lawyers, as laid down by the Bar Council. The key duties and responsibilities of an Advocate can be summarised as follows:

Professional Duties of an Advocate

An Advocate has a duty to act in a dignified manner, to respect the court, not to communicate with a judge in private and impair impartiality, not to act in an illegal manner towards the opposition, to refuse to represent clients who insist on adopting unfair means. In addition, being an officer of the Court, an Advocate is expected to uphold and maintain the values of the profession.

Furthermore, an Advocate's duties towards the client include being bound to accept briefs, not to withdraw from service, not to appear in matters where he/she is a witness, not to suppress material or evidence. An Advocate also has to maintain client confidentiality and not to instigate litigation or charge contingency fee (fee depending on success or favourable result of matters). There is a general duty to ensure that his/her duties do not conflict with the client's interests. An Advocate is also expected not to negotiate directly with the opposing party (only through the opposing advocate) and to carry out legitimate promises made. Breach of these rules and standards of conduct lead to disciplinary action against advocates which may result in suspension or debarment. (Source: Bar Council of India)

Recommended Reading: <http://www.barcouncilofindia.org/about/professional-standards/rules-on-professional-standards/>



C. Advertising by Lawyers

The right of advocates to advertise their services or solicit clients has been a controversial issue in the field of legal ethics and professionalism. In India advertising by lawyers has been strictly restricted by the Bar Council of India. An advocate is prohibited from promoting himself through circulars, advertisements, touts, personal communications, interviews other than through personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned. An amendment to this rule allows advocates to furnish certain information on their websites after intimating and taking approval from the Bar Council of India. However, only 5 pieces of information can be put up on the internet, i.e., (i) the name of the advocate or the firm, (ii) the contact details, (iii) details of enrolment with the Bar, (iv) his professional and academic qualification and (v) the areas of practice.

However, different countries across the world allow advertising by lawyers to varying degrees. The position in the USA is different from that in India, where lawyers have a right to advertise but subject to reasonable restrictions. There are different rules of professional ethics for different states and there is also the Model Rules of Professional Conduct which serves as an indicative reference point. Rule 7.1 of the Model Rules prohibits false and misleading communication about services, rule 7.2 addresses advertising and referrals, rule 7.3 articulates no-solicitation periods (e.g. families and victims of mass disasters are off limits for 30-45 days). Lawyers in the US can provide information about class actions, can approach clients by handing out business cards and can advertise on internet forums. For class actions, solicitation through referrals is permissible, newspaper and magazine ads and even mass emails are permitted as long as they are not misleading, and no financial incentive is promised. Personal injury ads are commonplace in the USA. Often known as ‘ambulance chasers’, these personal injury lawyers are robust in their advertising- on billboards, newspapers, flyers, and even distasteful ads on the television. However, ambulance chasing is not representative of professional practice in India since these class of lawyers are the sort who solicit business by lurking around hospitals or by ads in newspapers and in Yellow Pages with toll free numbers and “free” consultations.

However, it is a matter of debate whether the Victorian tradition (UK has itself done away with the prohibition) should be retained within which law was considered to be a noble profession and hence advertising was prohibited so as to not tarnish the image of lawyers.

The issue of allowing advertising and solicitation by lawyers requires balancing the interest of the public which includes getting information on legal rights and services through advertisements and enhancement of access to justice and the legal profession on one hand and the possible misuse of advertising techniques by lawyers which may lead to a loss of credibility of the profession as a whole. Countries like USA, UK and France are more flexible with granting permission for legal ads whereas Hong Kong, Singapore and Malaysia are moving towards progressive relaxation. In Malaysia, for example, the Legal Profession (Publicity Rules), 2001, is a simple, comprehensive code that regulates ads in legal and non- legal directories, controls publication of journals, magazines, brochures and newsletters and interviews in the media, bars publicity through clients and even regulates greeting cards. In Hong Kong, lawyers are forbidden to advertise on television, radio and in the cinemas but are permitted to advertise in print media.

Recommended Reading: <https://articles.manupatra.com/article-details/Rethinking-the-Prohibition-on-Advertising-for-Advocates>

D. Liberalization and Globalization of legal profession

D.i. Liberalization of Legal profession in India

It is the era of globalisation that called for removal of barriers in trade and services to liberalise economies. It was in 1990’s that for the first time ever, RBI granted permission to three law firms to establish their liaison offices in India. Later, in 1995, the General Agreement on Trade in services (GATS) under World Trade Organisation (WTO) came into force. Under GATS a credible and reliable system for liberalising legal services was created that applies to the liberalising the legal profession and Corporate Legal Services also. It is therefore that the legal advisory, legal documentation services,



legal certification services, legal advisory and information services and other legal services were liberalised. The Bar Council of India has consistently passed several resolutions between 2002 and 2007 opposing the opening up of the Indian legal profession to foreign lawyers or foreign law firms. In 2011, in a judgement delivered by Bombay High Court on a PIL filed by a non-profit organisation, Lawyers Collective, it was held that Foreign Law Firms could not be permitted to set up liaison Offices in India. However, contrary to this position, the Madras High Court, in response to a PIL filed by A.K. Balaji, permitted foreign lawyers give advice to Indian clients in India on a “fly in and fly out” mode.

D.ii. Globalisation of legal profession

‘Globalization’ in its literal sense connotes the integration of economy and legal structure of a nation with the world order. The term ‘globalization of law’ refers to a utopian condition in which the whole world lives under a single set of legal rules, such rules might be imposed by an international body, adopted by global consensus, or arrived at by parallel development in all parts of the globe. In today’s world of increasing international trade and inter-dependence the need for transnational law has increased many folds. Since more and more countries open their economy, either partially or completely, there is a growing need to recognize and work towards a uniform system of law.

As globalization increases the flow of people and information across borders, there are increasing opportunities for trained lawyers. Typically, the opportunities are available in Common Law based jurisdictions such as the United States and the United Kingdom and to an extent Australia and Canada. However, unlike many other professions, lawyers trained and licensed in one jurisdiction may not be licensed to practice in other jurisdictions. Lawyers trained in other jurisdictions will have to requalify in order to practice in the foreign jurisdictions. A simple reason for this is that different countries have different legal systems and laws are framed according to the social, political and civil conditions of the country.

E. Women and the legal profession in India

Indian women were granted the right to take up the legal profession and practice as Advocates in the courts of law after the passing of the Legal Practitioners’ (Women) Act, XXIII of 1923 abolishing the bar on women from practising law.

However, this right did not come easily to women in British India. In 1916, the Calcutta High Court, and in 1922, the Patna High Court had held that women otherwise qualified were not entitled to be enrolled as Vakil or Pleader. In the Patna High Court case, Ms. Hazra, the petitioner, secured a B.L. degree from Calcutta University. She was refused enrolment as a Pleader. She challenged this in the High Court of Patna. The Court ruled that the sections of the Legal Practitioner’s Act referred to males and not females. Since 1793, no woman had ever been admitted to the roll of pleaders.

The Allahabad High Court took the lead by enrolling Ms. Cornelia Sorabji as the first Indian lady Vakil of Allahabad High Court on 24 August, 1921 by a decision of the English Committee of the Court (as the Administrative Committee was then called), consisting of Chief Justice Sir Grim Wood Meers.

After the passing of the Legal Practitioners’ (Women) Act, XXIII of 1923, women finally were able to practice as lawyers in India.

Since then, although the number of women entering into the profession has increased, gender bias still pervades the profession. According to data tabled by the Law ministry in Parliament in 2022, only 15.3 percent of lawyers in India are women. However, recent studies have indicated that gender based disadvantages are gradually being eliminated, especially in the corporate law sector.



F. Legal Education

F.1. India

Legal Education in India

Legal education in India is regulated by the Bar Council of India. The Bar Council of India prescribes the minimum standards of imparting legal education in India. Preceding the liberalisation, in 1980, the BCI, University Grants Commission, Law Commission of India and various state governments have led to the establishment of various law schools in India. This revolution in legal education was pioneered by Prof. N.R. Madhava Menon, who was instrumental in setting up the first law school in India, the National Law School Bangalore. At present there are 24 National Law Schools in India.

There are two ways to obtain a degree to practice law and enrol with the Bar Council: (1) a 3-year LL.B. program which requires a prior undergraduate degree and (2) a 5-year integrated B.A., LL.B./BBA.,LL.B./B.Sc., LL.B program which commences immediately after secondary school. Some universities offer both the five-year and the three-year degree programs.

The Bar Council of India recognises Universities whose degree in law shall be a qualification for enrolment as an advocate. It visits and inspects Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose. The Bar Council releases a list of foreign degrees that it recognizes.

Presently, there are around 1,721 law schools in India. The reformation of legal education in India undertaken since the late 1980s at the initiative of the BCI, the University Grants Commission (UGC), the Law Commission of India and various state governments has led to the establishment of various national law schools in India in the last two decades. This movement was pioneered by Professor N. R. Madhava Menon, who was instrumental in the setting up of the first National Law School- National Law School of India University (NLSIU) was set up in Bangalore in 1987. Its establishment marked the beginning of the reform of legal education in India. There are now 24 National Law Schools in India, with more being planned. 22 of these now have a common entrance test- CLAT (Common Law Admission Test). National Law School University, Delhi conducts a separate entrance test called the AILET- All India Law Entrance Test, while a number of others law schools in India have adopted the Law School Admission Test (LSAT) . Some other institutions conduct their own separate entrance tests.

F.2. United States of America (U.S.A)

In the United States, students after completing a four- year undergraduate degree in any discipline, write the Law School Admission Test (LSAT) exam. Thereafter, they can apply to a law school and enrol in a three- year J.D. (Juris Doctor) programme. The pedagogical method adopted in law schools involves the case study method as well as the Socratic Method.

Licensing Requirements

Each state in the United States separately administers a mandatory Bar Exam. Typical first- time passage rates are: 72% (New York, 2009), 50% (CA, 2010), and 88% (MA 2008). Bar applicants must also satisfy the character and fitness requirements of the state. Most states also have mandatory or minimum continuing legal education (CLE) requirements. CLE is professional education of lawyers that takes places after they are admitted to the Bar and entails minimum hourly commitments which lawyers must undertake in order to maintain their license.

Nearly all states require candidates to pass the Multistate Bar Examination (MBE) and the Multistate Professional Responsibility Examination (MPRE). Some states also require the passing of the Multistate Essay Examination (MEE) and/or the Multistate Performance Test (MPT).

Foreign Lawyers and Practicing in the US

As mentioned before, law graduates need to meet all requirements, including writing the Bar



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Examination of a particular State to be eligible to practice in that State. Foreign lawyers may appear for Bar Examinations in the US; however, laws from state- to state vary in this matter. Students who have completed an LLM may qualify to sit the bar exam in California, New Hampshire, New York, Virginia, North Carolina. The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission are set by each state's bar association. Interestingly, some states may allow some foreign-educated lawyers to take the bar examination without earning their degree locally. In such a case, however, foreign-educated lawyers must begin the process by getting their law degree reviewed and analysed by the American Bar Association (ABA). Once reviewed, the application is either accepted or deferred. If accepted, foreign lawyers are allowed to sit for that state's bar exam in much the same way a domestic applicant would. In New York, one of the jurisdictions most open to foreign lawyers, this would allow foreign lawyers to sit for the bar without being required to complete any further law school study in the US. Even if deferred, applicants may be asked to complete course work at an ABA-approved college before sitting for the bar exam. This course work usually takes the form of a one-year LL.M program at an ABA accredited school. New York and California are the most popular states for foreign lawyers to give the Bar Examination owing to the presence of a large number of international law firms involving transnational work, for which an international lawyer's expertise is useful. These are also two of the most difficult bar Examinations to clear. Foreign Lawyers may also take up work as a Foreign Legal Consultant (FLC). As an FLC, it is possible to advise on home country law and international law but not to appear in court. FLCs are recognised in Alabama, Arizona, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oregon, Texas and Washington. California does not allow FLCs.

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The American Bar Association (ABA)

At a federal level, the American Bar Association acts as a voluntary professional body for US lawyers. With over 400,000 members it is the largest voluntary professional body in the world and has a significant international profile. Members of the legal profession in other countries can become international associates of the ABA. Founded in 1878, the ABA supports the legal profession with practical resources for legal professionals while improving the administration of justice, accrediting law schools, establishing model ethical codes, and more. Membership is open to lawyers, law students, and others interested in the law and the legal profession. Its goals include, serving the members, improving the profession, eliminating bias and enhancing diversity and advancing the rule of law. One of its most important responsibilities is the creation and maintenance of a code of ethical standards for lawyers. The Model Code of Professional Responsibility, 1969 and the newer Model Rules of Professional Conduct, 1983 have been adopted in 49 states, D.C. and in the Virgin Islands. The only exception is state of California. The ABA has been accrediting schools since 1923 and even publishes the internationally reputed ABA Journal.

UNIT V

UNIT VI

Regulation of Legal Profession by State Bar Associations

Lawyers are regulated at state, not federal, level by the state bar or the highest court. Bar associations in the US are divided into two categories: unified and nonunified.

In states with a unified bar, the responsibilities of regulating lawyers (admission, discipline and so on) with activities to support their members as a professional body lies with the State Bar Association. Membership is mandatory in order to practice in such states. There are 32 states with unified bars, including California, Texas and Florida.

In states with a non-unified bar, responsibility for admitting and regulating lawyers lies with the state Supreme Court or board of bar examiners. In such states, the state bar is a voluntary professional body with activities that can include professional development, lobbying, networking and charitable programmes. States with non-unified bars include New York, Washington D.C. and Illinois.

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F.3. United Kingdom (U.K)

Legal Education

Legal education in the UK consists of a three-year LL.B., directly after secondary school. Graduates from fields other than law and non-graduates can become solicitors, but LL.B. is the most straightforward



path. Clinical education continues after the LL.B., through the Legal Practice Course (LPC) and training contracts.

To become a Barrister, graduates are required to complete the Bar Vocational Course (BVC) instead of the LPC and then seek a “pupillage” instead of a training contract. Though there are a number of differences between barristers and solicitors, the most significant one is that barristers can appear in all courts while solicitors can only appear in higher courts if they qualify to become solicitor advocates.

Legal education in Scotland is slightly different than the rest of the UK, and LL.B. degrees awarded in other parts of the UK are not recognized as part of the qualification process in Scotland (and vice versa).

As stated, the most conventional route to becoming a lawyer is by reading law as an undergraduate. To qualify as a barrister or solicitor students are required to obtain a ‘qualifying law degree’. For an LLB to meet the requirements of a ‘qualifying law degree’ the course must cover legal research skills and the seven foundation subjects:

- Obligations I (Contract Law)
- Obligations II (Tort Law)
- Foundations of Criminal Law
- Foundations of Equity & the Law of Trusts
- Foundations of the Law of the European Union
- Foundations of Property Law
- Foundations of Public Law

The requirement for completion of the academic stage is a lower second class UK Honours degree. Students who have not taken an undergraduate degree in law can still become lawyers. For students with undergraduate degrees in subjects besides law, it is possible to enrol in the Graduate Diploma in Law course (GDL), which is commonly known as Common Professional Examination (CPE) or a conversion course. This is a one year full-time or two years part-time course, which covers the seven foundation subjects, and results in an LLB on passing. Law firms do not look unfavourably on students with non-Law undergraduate degrees when recruiting trainees.

Foreign Lawyers and Practicing in the U.K

For qualified lawyers coming from outside England and Wales, it is still possible to practice. The Solicitors Regulation Authority (SRA) does not impose any formal experience requirements in order to re-qualify as solicitors in England and Wales. Some law firms may express their own requirements which can differ from the SRA guidelines. Candidates can take the qualified Lawyers Transfer Scheme in order to qualify under this jurisdiction. Lawyers coming from EU Member States can rely on EU Directive 77/249 in this area. European lawyers can practice to the same level as they could in their own country. However, it is not possible to be a barrister and solicitor simultaneously.

G. Opportunities for Law graduates

Law is an exciting and challenging profession. Law graduates in India have various options and opportunities open to them after their graduation. A law degree, in addition to being a professional degree, is now considered to be training in a discipline which trains the mind to think analytically and communicate systematically. Following are some of the opportunities available (and opted for by law graduates) to graduates after they obtain their degrees in law:

- i. **Litigation:** Graduates may practice as an advocate in a court of law. This can be achieved by working under experienced advocates or being attached to litigation departments of law firms or companies in order to practice in the Courts of India.
- ii. **Law Firm Practice:** Law firms vary in size and practice areas. Law firms may range from boutique law firms specializing in specific areas of law (such as Intellectual Property Rights



and Tax law), to mid- sized law firms as well as large law firms which are full service law firms with different practice groups such as general corporate, mergers and acquisitions, employment law, taxation, international trade, insurance, intellectual property, and project finance and infrastructure. Transactional law at law firms typically involves practicing in commercial and economic laws and advising on issues pertaining to a commercial transaction between two or more parties. This would usually include advising on the laws applicable to the transaction, drafting contracts and other documents and helping clients with the commercial negotiations and the management and execution (i.e. successful completion) of the transaction. Corporate lawyers would also advise on regulatory issues and legal compliance. Centres for Legal Process Outsourcing (LPOs) also have a lot of transnational transactional work.

- iii. **Corporate Sector:** Large corporations often have an in-house legal practice. An inhouse counsel will give legal advice to the company, have expertise in the business of the company and be responsible for ensuring that the business of the company is being run in compliance with applicable laws and when required will bring in external lawyers. Several organisations such as commercial banks, multinational companies, investment firms, insurance companies, e-commerce ventures, media houses are hiring law graduates for managing their legal departments.
- iv. **Public Policy:** Lawyers have an important role in formulating and advising on public policy. Several organizations employ law graduates for policy making and have institutionalized fellowships where law graduates can be Research Assistants. For example, a law graduate interested in public policy can apply to serve as a Legislative Assistant under the Legislative Assistants to Members of Parliament (LAMP) Fellowship programme run by PRS Legislative Research. Institutions such as Competition Commission of India and Securities and Exchange Board of India also employ law graduates for policy making in the respective fields. Law firms have established Government Policy Departments where they employ law graduates for policy research.
- v. **Legal Research and Academia:** Graduates may attach themselves with Research Centres and think tanks. Law graduates may take up teaching and research as a profession. At least a post graduate degree in Law or related disciplines is expected to build a career in academics. Universities employ postgraduates in law as lecturers/Assistant Professors at the beginning of their careers. Short term positions and opportunities as Visiting Professors/Adjunct professors are also available in academia.
- vi. **Non-Governmental Organizations:** Not-for-profit organizations, especially organizations with a social justice orientation have positions for law graduates. These range from small grass-root level organizations to large well-funded organizations. They may be general in nature providing free legal aid, legal education and legal awareness to more specialist organizations involved in areas such as women and child rights, environmental law, employment laws, consumer rights and public health. Government Institutions:, Government departments, statutory authorities, public sector undertaking and regulatory bodies also provide interesting opportunities to lawyers. Graduates may opt for jobs in the government sector in institutions such as National Human Rights Commission, Law Commission of India, and National Commission for Women etc.
- vii. **Further study:** Law is an interdisciplinary subject and graduates may opt for further studies in related disciplines such as Business, Economics, Anthropology and Sociology. Traditionally, law graduates pursue Master of Laws (LL.M) degree followed by research degrees such as M.Phil or Ph.D. A variety of opportunities are available in India and abroad for advanced studies in law.
- viii. **Judicial Services/ clerkships:** The court system provides several avenues to law graduates. The higher judiciary, that is judges of the High Courts and Supreme Courts have law clerks cum research assistants who assists a judge in researching for cases, maintaining paperwork etc. Judicial clerks often sit in court hearings with the judges. Graduates may write the All India Judicial Services Examination to avail of positions in the Indian Judiciary. Qualifying candidates start in subordinate courts and may then progress to hold offices in the High Courts and even the Supreme Court of India.



- ix. Judge Advocate General (JAG) Officer:** The Judge Advocate General's (JAG) Department is the legal branch of the Indian Army. It deals with military related disciplinary cases and litigation and assists in providing legal assistance to the army in human rights matters and the rule of law among other things. The department consists of legally qualified Army officers who are educated in military law and provide legal help to the military in all aspects. The department supports the Judge Advocate General who is the legal and judicial chief of the army and advises the Chief of the Army Staff of legal matters. The JAG's Department is also responsible for emerging fields of military law such as those related to cyber laws, space laws, terrorism and human rights violations. The service rendered in the JAG's Department are considered to be Judicial service as per the regulations for the Indian Army.

Exercises:

Based on your understanding, answer the following questions:

1. Write short notes on the following:
 - a. Women and the Legal Profession
 - b. Professional Ethics for lawyers
 - c. Eligibility and qualification to practice as an Advocate in India
 - d. Legal Education in India
2. What changes did the Advocates' Act bring about in India?
3. Discuss the main points of difference between Senior Advocate and Advocate on record.
4. Compare the rules regarding advertising by legal professionals in India and other countries.
5. How is the Bar Council of India organized? What are its roles and functions? Trace the history of the Bar Council.
6. Compare the rules regarding entry of foreign lawyers in the United States and the UK.

UNIT I

UNIT II

UNIT III

UNIT IV

UNIT V

UNIT VI

UNIT VII

UNIT VIII