

AS INTRODUCED IN LOK SABHA

Bill No. 178 of 2019

**THE COMPULSORY TEACHING OF LEGAL EDUCATION IN
EDUCATIONAL INSTITUTIONS BILL, 2019**

By

SHRI SUDHEER GUPTA, M.P.

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BILL

*to provide for compulsory teaching of legal education in educational institutions and
for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Legal Education in Educational Institutions Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Advisory Council for Law Education constituted under section 6;

(b) "Appropriate Government" means in the case of a State, the Government of State and in all other cases, the Central Government; 5

(c) "educational Institutions" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) "legal education" means teaching of law; and

(e) "prescribed" means prescribed by rules made under this act. 10

Compulsory
teaching of
legal education
in Educational
Institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the legal education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of Advisory Council constituted under section 6.

Appropriate
Government to
issue directions
for compulsory
teaching of
legal education
in educational
institutions.

4. The appropriate Government shall immediately after issuance of the notification under section 3, issue directions for compulsory teaching of legal education in all educational institutions within its jurisdiction. 15

Appointment
of Law
Teachers.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching legal education in educational institutions. 20

Constitution
of Advisory
Council.

6. (I) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Legal Education in Educational Institutions Act, 2019, by notification in the Official Gazette, constitute an Advisory Council for law education.

Functions of
Advisory
Council for
Law
Education.

(2) The Advisory council shall consist of such numbers of persons, having special knowledge or practical experience in the field of law, as the Central Government may deem fit. 25

7. The Advisory Council shall perform the following functions, namely:—

(a) recommend to the Central Government the syllabus of legal education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the legal education is to be taught in educational institutions; 30

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching legal education;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in legal education for the purpose of their appointment in educational institutions; and 35

(e) co-ordinate with the appropriate Government and the school authorities with a view to ensuring effective implementation of the provisions of this Act.

8. The appropriate Government shall derecognize such schools, which do not comply with the provisions of section 4, after giving such institutions a reasonable opportunity of being heard.

Derecognition of schools for non-compliance of the provisions of the Act.

9. The Central Government shall, after due appropriation made by law by Parliament 5 in this behalf, provide adequate funds to the States for carrying out the purpose of this act.

Central Government to provide funds.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effects of the Act.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

10 (2) Every rule made under this act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

It has been generally believed among different sections and groups of the society that legal education is only for the law students, lawyers etc. But no one ever thought that how important role can basic legal education play in our daily life. It is very necessary for every person to have certain basic knowledge of law, otherwise it would become very difficult for him to tackle several problems, from consumer protection to fundamental rights. There are certain laws and regulations, basic knowledge of which is very necessary for a person, even if he doesn't belong to a group which is related to legal field. Lack of knowledge is the main reason that certain rights of a person get violated so easily.

The main reason why a normal person does not take the violation of his rights seriously, is that he lives under a belief that he would have to pay certain amount to the concerned lawyer. Moreover, he is scared of the legal process and the judicial system of the country. And, indeed he is not wrong. But there is another way which can be used to know how your rights can be protected from getting violated.

It has been said that "Knowledge is the Power", and indeed it is not wrong. It is the responsibility of the education system to make a common man aware of his legal rights and how these legal rights can be saved. Current education system in schools lays emphasis on imparting quality education. However, it is missing out on legal education and is, therefore, incomplete without it.

The Bill, therefore, seeks to provide for making legal education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence, this Bill.

NEW DELHI;
June 20, 2019.

SUDHEER GUPTA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of law education teachers in all schools. Clause 6 provides for constitution of advisory Council for Legal Education by the Central Government. Clause 9 provides for payment of adequate funds to the State for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees one hundred crores will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(*Shri Sudheer Gupta, M.P.*)

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