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Title: Need to scrap the All India Bar Examination for lawyers passing out from the year 2009-10.

SHRI R. THAMARAISELVAN (DHARMAPURI): Sir, I would like to bring to the kind attention of the Government the plight of law degree holders in the country, those who have been compelled to write the All-India Bar Examination.

It has been the practice until the Bar Council of India had decided to conduct from the year 2010 onwards, a mandatory rule for lawyers passing out from the year 2009-10, to sit for an evaluation test named All India Bar Examination, for one to qualify himself as an advocate and practice in the courts. Earlier, it was sufficient that any law degree holders can practice in any courts of the country if he or she is registered with any Bar Council in any State.

The step taken by the All India Bar Council in conducting such a test is not only questioning the authenticity and validity of the law teaching institutions across the country but also putting those students who wish to jump into practice as soon as they pass out from the law colleges, to share the social obligations of his family into trouble.

Once thing I would like to inform this august House that all the students who are studying law are not necessarily from elite class. There are people from the poor, downtrodden and socially and economically backward families, particularly from rural areas. All their families expect that their son or daughter, after passing the law degree, enter into practice and earn their bread and butter and share the social responsibilities of their families.

I would also like to bring to the notice of the Government that no such test is conducted for doctors to enter into medical practice or for engineers.

So, why this qualifying test for lawyers and for whose benefit?

The Common Entrance Tests are aimed at to select few from a large pool of candidates. Conducting such test would lead to encourage corporatization of legal practice making the access to law and justice much more difficult and prohibitive in terms of cost. There are fears among the Lawyers that the proposed test is aimed at benefitting foreign law firms by restricting the entry of people into legal practice.

As you all aware that the legal profession is a such profession that it is the ability or understanding of a person who studied law, making him or her a better lawyer. A gold medalist in law need not to be turned as an eminent Lawyer, whereas an average law student can become an eminent and perfect Lawyer. It all depends upon their ability and experience in profession. I am mentioning this true fact because I belong to legal fraternity and it is my experience too. Therefore, I urge upon the Govt, to scrap the All India Bar Examination in the interest of legal fraternity and in the interest of poor law students across the country.