



A Superfine System of Examination and Evaluation – Need of the Hour in Indian Legal Education System

R. Manicka Vinayagam

Guest Faculty, Government Law College, Tiruchirappalli, Tamil Nadu, India.

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Abstract

This Article titled, “A Superfine System of Examination and Evaluation – Need of the Hour in Indian Legal Education System” concentrates on the reforms of the examination and evaluation process followed in the Indian Legal Education System in order to eliminate the causal factors which deteriorating the standard of legal education. Significance of Higher Education and Examination in the Higher Education are being dealt with in this Article to highlight the need of reforms. The pathetic situation of the present examination system is pictured in front of your eyes. The factors, which are responsible for undermining the standard of legal education and how to put an end to these factors, are also discussed as to the need. Further, the necessity of the Article on this section is well established as it highlights how to eliminate the main causal factor of absenteeism, which spoils the standard of legal education in the larger extent. In addition, the Article has suggestions in the style need of reforms in the examination and evaluation system. Moreover, the Article highlights the relevant legal provisions of examination and evaluation system in the legal education wherever finds appropriate to cite.

Keywords: Superfine System, India, Legal Educational System.

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Introduction

The growing concern over the deterioration of standard of higher education in India have been gained any time discussion for the past several years even in present by the educationalists, academicians, the regulating bodies governing higher education including University Grants Commission. Particularly, in the line of higher education, Legal Education is facing adverse comments for several years in its standard. Even though there are umpteen factors responsible for its devastating standard, the main and major factor, which annihilating it, is absenteeism which is mostly uncommon to other courses of higher education. Putting an end to absenteeism is utmost important and necessary to improve the quality of legal education. The present one semester end final system of examination, evaluation and assessment of students is the causal factor of absenteeism in law schools. This Article is going to deal with the importance of examination, evaluation and assessment of students in legal education by throwing light on the infirmities to be pointed out in the existing examination and evaluation system. The National Law Schools and other law colleges and law schools providing quality legal education are being excluded from the purview of this Article, since, they are very few in number, but the law colleges and law schools which are facing various

problems in providing quality legal education are found large in numbers is taken into consideration for this work.

When speaking for the reforms for enhancing the quality level of legal education, 184th Law Commission of India Report on the Legal Education & Professional Training and Proposal for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956 is coming to our sight. This Report has discussed the position of legal education at that time, but it is pathetic to say now also the same condition continues and prevails. The 184th report inter alia provides for the reformation to be made in the examination system. Prior to this, the Ahmadi Report, 1994 has referred to the examination system and considered it as quiet important to improve the quality of the law students.¹ The devastating standard of the legal education has been discussed by the 184th Law Commission report as “There has been a belief for several years in the past that if one takes up the study of law, one need not attend classes regularly and that if one reads some small books published by some publishers who have an eye only on profit making, one can easily pass the law examination. Such easy methods have remained very attractive and continue to stay even today for students who just want a bare pass. There are some students who have never read the text of a bare Act, much less any leading commentary. They only depend on some of these small books containing a few theoretical questions which the students think are sufficient. When they go to the Bar, they for the first time

Correspondence

R. Manicka Vinayagam,
E-mail: manickvin82@gmail.com, Ph: 9865611574

open the books containing the Acts or the commentaries and are unable to cope up with the problem of the litigant and the needs of the profession. Of course, what we have said does not apply to the more serious students who have been regular and who are interested deeply in the subjects and in making a mark in the profession but such students are today a small percentage. Nor are we referring here to the students from the new law Universities or to some colleges which are still rated as the best. Whatever be the percentage of students who adopt short cuts to pass the law examination, there is, in the view of the Commission, great need to revamp the examination system with the dual object of eliminating malpractices like copying (which do take place in some centres) and the perennial problem of absenteeism in law schools. Mere bookish knowledge must give way to practical aspects of law. This has to start in the college itself.”ⁱⁱⁱ

The Bar Council of India is the Regulatory Body of the Country's Legal Education which is coming up with various reforms in the Legal Education System to ensure its quality. Rules on standards of legal education and recognition of degrees in law for the purpose of enrolment as advocate and inspection of Universities for recognizing its degree in law under Sections 7(1)(h) and (i)ⁱⁱⁱ, 24(1)(c)(iii), and (iiia)^{iv}, 49(1)(af),(ag),and (d)^v of the Advocates Act, 1961 has been made by the Bar Council of India in consultation with Universities and State Bar Councils, which is titled as Rules of Legal Education, 2008. These rules have no provisions for the examination system and its pattern, question paper pattern and evaluation system. But, however, the Clause (c) of Rule 8 says that there is a regular and proper evaluation system for the certification of the students and the proviso to this Rule also requires the educational institutions and Universities to submit their adopted system of evaluation and other related things with the Bar Council of India^{vi}. A University which is seeking recognition for law course to submit to the Inspection Committee of the Bar Council of India, inter alia, evaluation system, the Rule 18 reads.^{vii} The Rule 31 provides as the Legal Education Committee may determine the norms of accreditation, so in that respect inter alia included the evaluation system and record keeping forms the basis of study in the academic part.^{viii} The Central Government of India also reserves its power to make rules for carrying out the purposes of this Act.^{ix}

University Grants Commission Act, 1956 also have the provisions for examination and evaluation for the formal education. The University Grants Commission has the function of regulating the system of examination and evaluation in regnant method. The rules and regulations regarding the conduct of examination found in the University Grants Commission Act are gained quoting necessary here. Under the provisions relating to the functions of the Commission, it has been provided that the Commission has a duty to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of university education and

for the determination and maintenance of standards of teaching, examination and research in Universities.^x In addition to the above, it has been provided for the purpose of ascertaining the financial needs of a university or its standards of teaching, examination and research, the Commission may, consultation with the University, cause an inspection of any department or department thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.^{xi} UGC Regulations, 1985 Minimum Standards of Instruction for the Grant of the First Degree through Formal Education provides that the University shall adopt the guidelines issued by the University Grants Commission from time to time in regard to the Conduct of examination.^{xii} The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.^{xiii} The Act further provides that, for in particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely inter alia, the return and information which are to be furnished by Universities in respect of their financial position or standards of teaching and examination maintained therein.^{xiv}

Legal Education and its Features

On the line of higher education, legal education is aspiring at, imparting legal knowledge and its basic concepts, imparting skills in analyzing law and its fundamental principles, creating skill in the application of law, building skills for practicing law, creating skill in making, drafting laws, etc. There are many challenges to legal education to have an excellent academic curriculum and environment, among them crucial are absenteeism, study based on examination point of view, study of law notes instead of law text books and bare acts, education pattern having non-law disciplines without having harmonization study between such disciplines and legal research education especially in the Five Year Law Course, lack of regnant examination and evaluation system, etc and these altogether result in lack of research oriented legal education in the Country.

Importance of Examination and Evaluation of Students

Achievement and success of higher educational end is, undeniably, lying in realizing the system of learning to learn. Education is the main goal and its tangible spirit is achieved verily through the mode of learning well. It needs the process of studying, thinking, listening and watching information. Information imbibed into one's brain must be correct and perfect. It is the examination which tests the materialization of information imparted into the learners' mind. The output of the learners is the answer paper written by them in the examination. Now the evaluation comes to play a role. Significance of its role gains highness here. If it signs right to a wrong answer, ultimate result is the failure of the education and the main goal of it is now getting defeated. To achieve education, the evaluation should

have to take a right path. If it is right, education will shine. Therefore, it is better to say here that, 'examination and evaluation are the touchstones of education'. The present system of examination, evaluation and assessment of law students result in want of research in legal education. Any higher education lacks research is no more a higher education. Absenteeism, one semester end final examination system without continuous evaluation clearly shows the legal education's want of research study.

Academic records in higher education is fundamentally depends upon the research oriented studies but not on scoring high marks in examination. The higher educational researcher (student) not always scores high marks, the same can be well established by the proof that rote learners can only score high marks in the existing pattern of examination and assessment system. It needs a special mention here that the marks play no role in imparted knowledge level. For this, the same theory applies to science oriented technical education applies for the legal education also. It is pertinent to note that those who are all scoring high marks are all not always good researchers. The education should be one of developing research thought. The evaluation and assessment should also be a one which tests the research skill of the student. The research skill of the student is to be tested in the manner that the answers for the questions should be one of examining the concept with the concluding remarks. So, here, it is right to observe that the adoption of problem solving questions in the legal education will fill this gap, undoubtedly.

Therefore, it is of no doubt, quality of higher education lies not in scoring of high marks, grade, etc. The factors which take responsibility to maintain the quality of higher education are students' interest in education, adoption of teaching methodology for learning to learn which will pave the way to research oriented study and a best system of examination and evaluation, utmost required infrastructure and its related facilities, etc. University Grants Commission is also taking enormous steps to bring a well examination and evaluation system by way of conducting seminars and workshops.^{xv} University Grants Commission in Higher Education in India Issues, Concerns and New Directions Recommendations of UGC Golden Jubilee Seminars-2003 held at Eleven Universities in India pointed out the importance of examination and evaluation of students of higher education in improving its quality.^{xvi} Some of the remarkable recommendations regarding the superfine system of examination and evaluation which find place in the UGC Golden Jubilee Seminars are (i) A proper structure for Examination Reforms Units for the Universities should be evolved, supported by UGC to keep the nationwide evaluation processes at Universities under continuous scrutiny and (ii) The UGC may encourage Universities to organize Regional Level Experts' Workshops to look into various qualitative aspects of Examination Reforms, such as Testing Creativity, Testing Application Aspects, Testing both

Fundamental and In-depth knowledge and Continuous Evaluation Strategies.^{xvii}

Existing Evaluation system and its frailties– a brief note:

Evaluation system adopted by number of Legal Institutions in India is of testing the scholars with whit of knowledge compared to what they had learned through their entire course. The present pattern adopted for the education system is semester which comprises the testing mechanism of semester end examination, lasting for six months duration (applicable to the Universities/institutions adopting semester pattern). A subject has been taught for more than 70 hours per semester. A student has to appear and write an examination scheduled for three hours for a subject, which had been taught for more than 70 hours. 70 hours teaching of a subject is tested for three hours and it is noteworthy to mention here that the examination paper is evaluated in a very few minutes. A subject of Legal studies is consisting of this feature as 70 hour coaching, three hour examination and a very few minute evaluation without any other evaluation during the entire course. It may be of relevance here to mention that the three hour examination reflects 'Cock & Bull story' (not opt for sincere and intellectual students) and it is for the evaluation for the Evaluators.

For an instance, to a question from Labour Law which is of 'Examine the provisions for the prohibition of strikes under the Industrial Disputes Act, 1947.', one student writes the definition of strike and its kinds, without mentioning the legal provisions, in general descriptive method like general essays in fields other than law. For an another instance, to a question from Jurisprudence, 'Write short notes on Henry Maine', one student writes a cock & bull Story without understanding that the question is a jurist's name and the answer is of his biography and contribution to jurisprudence. I constrained myself in highlighting the instances only with the above, because it would be a never ending one.

The present evaluation system in legal education lacks the method of using key answers (applicable to universities not having key answers pattern for the description method of answers) and evaluation process is also of short time one. This present styled evaluation system leaves robust criticism. One final test without adopting continuous evaluation, essay type questions testing the breadth of knowledge instead of depth of knowledge, small number of essay questions where there are large number of questions in the subject, cock & bull story writing, reading of small books, studying without understanding the basic concepts because of not-regular to classes, etc. are the defects in the present examination and assessment system. The defects of the existing examination system were pointed out in Reforming Higher Education written by Dr. Jaya Prakash Narayanan, as "The current examination system leaves little for imagination. The standard pattern is to test the student's breadth of knowledge and the emphasis is on one final all encompassing examination. In due

course, the student community has mastered this consistent and predictable pattern of examinations through cramming, rote learning and selective elimination. This approach has guaranteed the student body high grades, but not a solid education.^{xxviii}

It is praiseworthy to mention here that the Government is undertaking measures for improving the quality standard of legal education; however, in addition to that it is significant for the Government to consider commensurate measures to cure the infirmities found in the existing examination system in the law colleges in India^{xix}, excluding few law schools and National Law Schools which are ranking top in the Country Level. Examination System and its evaluation method for assessing law students are to be concentrated for enhancing the quality of legal education. For scoring high marks and even for minimum pass marks students are adopting ruse repartee in the examination. In order to get pass in the collegiate examination which is being conducted as semester end one final test, students are forced to adopt rote learning of legal rules particularly for the purpose of examination. This frothy system of examination will in no way improve creativity talent, thinking and problem solving capacity among the students. It should be given utmost importance now to introduce suitable changes in the Law School Student evaluation and assessment system.

Reforms need to be made:

(i) Essay type answers to be reconsidered:

In the examination system of essay type questions students are studying the subjects superficially. In order to overcome this perfunctory practice of the students, this trashy examination system should be abolished. In this respect sighting this is gained importance here, that the essay questions will be less in number where there are more number of essay questions in a subject. Students are placed in a position to write answers for less number of essay questions even though the subject is a big one comprising many essay questions. The result is that there will be a possibility of writing cock & bull story for the questions. Evaluating the essays type answers is also having a difficult task in giving marks. University Grants Commission provides that the examination question papers shall be framed so as to ensure that no part of the syllabus is left out of study by a student.^{xx}

(ii) Paragraph answer questions (Short Notes) to be adopted:

Paragraph answers probably will have the maximum of few lines while with the minimum of single line. The students would have to write correct answers and one more advantage is that it will be easy for the evaluators to evaluate. Testing the students in all the important areas is also possible in this pattern.

(iii) Problem Solving questions to be more in number than the present:

The examination system should be of one to

make students high intelligence and shrewdness. The sagacity professional flair will shine only when the students were placed in a position of thinking and reasoning. This would be possible in increasing the number of problem solving questions. The research skill of the student is to be tested in the manner that the answers for the questions should be one of examining the concept with the concluding remarks. So, it is right to observe, here, that the adopting of problem solving questions in the legal education will fill this gap.

(iv) Continuous Evaluation

Continuous evaluation means evaluation which is going through the entire semester days and internal assessment is carried on. Students are being given assignment, model seminars, mid-semester examination and the marks of which should be used in internal assessment, giving marks for the attendance, etc. Even though the above mentioned continuous evaluation found in few number of law schools, large number of law schools are not adopted this system. Some law schools are having this system in their own rules of education still it remained paper mark. The continuous evaluation system will be dominate in abolish the major causal factor in deteriorating the standard of legal education, absenteeism. 'Absenteeism' means the absence of the students to the classes, it may be said in this way that this absence makes everything absence. It is indispensable to quote here that the absence of even one student indicates there is absence and it amounts to a gross absence which is simply everything (education) is absent. Without taking steps to prevent absenteeism continuing the legal education is vain. For to curb this absenteeism, continuous evaluation system may be adopted which makes the students to present in the class and then only the education will fruitful. It should be kept in mind that the method of continuous evaluation to be open and systematic in the way that the students to realize their assessment. UGC Regulations, 1985 for the Minimum Standards of Instruction for the Grant of the First Degree through Formal Education provides that the minimum number of lectures, tutorials, seminars, practicals, etc. Which a student shall be required to attend before eligible for appearing at the examinations, shall be as prescribed by the University which on an average shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals, etc, and it has been provided that there shall be both continuous sessional evaluation in addition to semester/year end examinations.^{xxi}

(v) A copy of the Evaluated answer scripts may be issued to the students on required payment

Testing the academic excellence of the law students is aiming at the acquisition of legal skills. There shall not be any negligence on the part of the evaluators in evaluating the answer papers. The returning of answer scripts to the students for their feedback makes the evaluators to have a concentration on the evaluation. In the same time it is necessary to note that three hours

written answer papers needs a sufficient time for evaluation than in the present. When students are not getting proper result on their examination or losing reliability in the evaluation because of having doubtfulness in the evaluation, forced to lose their sincerity over the examination. This will result in showing less sincerity and recklessness over the examination. To overcome this, students to be given a chance to see their presentation on the answer paper by giving them the evaluated papers. By this, they will have an opportunity to know how the evaluation had been done and also can able to know the right answers, incorrect answers, etc. This will enable the students to know the method of study, learning and gaining knowledge. Encouraging the studies among students is achievable through the system of self-appraisal. Throwing – light on the fairness in evaluation and assessment is possible through this system as it will encourage and equip students to study well for the examination. This system helps in producing adroit and efficient scholars than any other system of merely publishing result 'Pass' or 'Fail' and marks obtained by the students.

(vi) Key answers and Scanned copy of the good written answer papers may be uploaded in the website for the candidates and other educationalists

Educational Institutions are showing keen in opening and maintaining an official website for them. In general, as we know, they are using information technology for introducing their campus facilities, course curriculum and also an advertisement for increasing their admission. Now it is pertinent to note that no University or other Educational Institutions is using this information technology for teaching-learning purpose and imparting education. It may be considered by the higher educational institutions that to ensure proper and correct evaluation they can utilize the web-technology for publishing key-answers for the question papers and scanned copy of the best mark scored answer sheets.

Key Answers Pattern for the Description Type Answers

Key answers are must in assessment and evaluation. It will give proper and correct marks since the student's marks and percentage are taking an advantage during their admission to the post graduate education and for getting job and all. Therefore, marks giving system should be a proper one and a methodology to be adopted for this in such a manner that the well performers not to lose their marks and those who are writing irrelevant answers should not be given more marks. In the essay type question pattern which is mostly adopted by the numerous legal institutions in the country, it is difficult to assess and evaluate the answer books. Sometimes it may be felt that the setting of key answers for the Essay and Short-Note type Questions of descriptive nature. Key answers may be given in the following way for the existing question pattern adopted by the Universities particularly in the legal education, for

instance, 'Write Short Notes on Henry Maine', the Key answer be in the following way, His life span, about his birth and education, contribution to jurisprudence, the School of Jurisprudence he supported, his visit to India, etc. Similarly, for the essay question, 'Examine the provisions for the prohibition of strikes given under the Industrial Disputes Act, 1947', the key answer would be the circumstances under which the strike is prohibited given under the Sub-section (1) of Section 22 of the Industrial Disputes Act, 1947.

Concluding Remarks:

Absenteeism in law schools makes everything absence i.e. absence of research education, absence of functioning of law schools since they are for the students. At least for now, the Bar Council of India and the Government should have to consider the materialization of removing the infirmities being pointed out and should take step to have a benign examination system for the envisioning of legal education in quality and standard. The regulating bodies, at least here after, without adopting insipid measures in reforming legal education perpend to take superfine and salubrious measure to improve the quality of legal education by reforming the system of examination, evaluation and assessment of students in order to completely root out the major factor which is causal behind the devastation of legal education 'absenteeism' by adopting the continuous evaluation and assessment system for law students.

References

ⁱ184th Report of Law Commission of India on The Legal Education and Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956 – December 2002 (Page No. 91)

ⁱⁱ Ibid at page 91 & 92

ⁱⁱⁱ**7. Functions of Bar Council of India.**—(1) The functions of the Bar Council of India shall be— (h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils; (i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities 3[or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf;

^{iv}**24. Persons who may be admitted as advocates on a State roll.**—(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely: (c) he has obtained a degree in law – (iii) after the 12th day of March, 1967, save as provided in sub-clause (iii-a), after undergoing a three years course of study in law from any University in India which is recognized for the purposes of this Act by the Bar Council of India; or (iii-a) after undergoing a course of study in law, the duration of which is not less

than two years commencing from the academic year 1967-68 or any earlier academic year from any University in India which is recognized for the purposes of this Act by the Bar Council of India;

^v49. General power of the Bar Council of India to make rules. — (1) The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe — (af) the minimum qualifications required for admission to a course of degree in law in any recognised University; (ag) the class or category of persons entitled to be enrolled as advocates; (d) the standards of legal education to be observed by universities in India and the inspection of universities for that purpose;

^{viii}8. Standard of courses - Whereas all Universities and its constituent and affiliated Centres of Legal Education conducting either the three year law degree program or the integrated double degree program for not less than five years of study or both would follow the outline of the minimum number of law courses both theoretical and practical, compulsory and optional, as the case may be, prescribed by the Bar Council of India and specified in the Schedule II and ensuring that:- (a) the minimum number of law courses are effectively conducted in the Centres of Legal Education with adequate infrastructural facilities as may be prescribed and in the manner stipulated by the University Regulations and Rules and that of the Bar Council of India Rules, (b) the minimum standard of first degree course as designed and run by the University for the purpose of running integrated course in accordance with the standard prescribed by the University in view of the academic and other standards laid down, if any, taking into consideration by the standard-setting institutions like University Grants Commission or All India Council for Technical Education or any such body, as the case may be, and the program is effectively run with adequate number of faculty in respective subjects, with infrastructural facilities as may be prescribed by the University as well as the Bar Council of India, and (c) there is a regular and proper evaluation system for the purpose of certification of the students graduating in law after completing the course as a regular student. Provided that the University for the said purpose shall submit to the Bar Council of India, copies of the curriculum designed and developed in each course of study, rules of academic discipline and of examination and evaluation and also the amendments to those as and when so amended.

^{vii}18. Inspection of a University- (1) A University seeking recognition of its degree in law for the purpose of enrolment in the Bar, shall provide the inspecting committee of the Bar Council of India all necessary facilities to examine the syllabus of the course designed, teaching and learning process, evaluation system, infrastructure layout and other necessary conditions in general and shall ensure in particular that all University Departmental Centres, Faculty, Constituent and affiliated Centres of Legal Education proposing to offer law courses under either or both the streams, possess:

(i) Required infrastructural facilities outlined under the

Bar Council of India Rules;

(ii) Required number of teaching faculties as prescribed by the Bar Council of India and the University Grants Commission;

(iii) Facilities for imparting practical legal education specified in the curriculum under the Rules and Legal Aid Clinic, Court Training and Moot Court exercises;

(iv) Adequate library, computer and technical facilities including on-line library facility and

(v) In case of a Centre of Legal Education sponsored by private initiative of a person there is a Capital Fund as required in the Schedule III by the Bar Council of India from time to time, deposited in the Bank Account in the name of the Centre of Legal Education concerned.

(2) For the above purpose the Inspection Committee of the Bar Council of India shall have power to call for and examine all relevant documents, enquire into all necessary information and physically visit and enquire at the location of the Department, Faculty, Constituent and affiliated Centres of Legal Education as the case may be.

Provided that an application for a new proposal for affiliation and the related University inspection therefore by the Inspection Committee of the Bar Council of India, including the local enquiry at the site of the proposed College may be formally made directly by the authority of the proposed College (Faculty, University Department, Constituent or Centres of Legal Education as the case may be) in proper Form with required information and requisite fees provided that an advance copy of the application must be submitted to the University concerned, within the stipulated date as notified by the Bar Council of India.

^{viii}31. Rules for accreditation - The Legal Education Committee may determine the norms of accreditation from time to time in addition to or in supplementation of the following:

(i) The accreditation and certification shall be made either directly by the Accreditation Committee of the Bar Council of India based on the analytical tools of credit rating system as far as adaptable or the Bar Council of India may cause it done through National Assessment and Accreditation Council based on the analysis made by NAAC.

(ii) Once the accreditation is done it shall remain valid for a period of five years from the date the certification is communicated to the institution concerned.

(iii) The performance analysis shall have three components, academic, administration and financial.

(iv) The study for determining performance rate shall be based on previous five years' data, current contents of the program and the future projection made on the basis of data analysis.

(v) The Accreditation Committee shall require complete disclosure of performance records, accounting and financial records and procedures of human and other asset management of the institution.

(vi) In so far as the academic part is concerned the following data would form basis of study:

(a) faculty student ratio (b) system of detail curriculum development and teaching practice sessions (c) number

of working days annually (*d*) number of working days lost with reasons (*e*) qualification of the faculty (*f*) class performances of the students and class records (*g*) system of clinical program and internship (*h*) evaluation system and record keeping (*ix*) student-computer ratio (*i*) on line library facility (*j*) capital investment of the institution per student (*k*) library investment per student (*l*) residential facility (*m*) outside the class hour of the faculty advice and interaction per student (*n*) career counseling opportunities (*o*) quality of the body of alumni (*p*) publication by faculty and students in journals (*q*) laboratory and moot court room exercise facilities (*r*) per student procurement of books and journals (*s*) class room environment (*t*) status of Free Legal Aid centre and legal literacy program run by the Centre of Legal Education and (*u*) any other information needed by the committee.

(vii) The financial performance data shall depend upon the previous five years annual accounts, annual reports, annual budget, fund raised, financial asset management and deployment, future plan, asset structure and any other financial information as may be required.

(viii) The administrative performance would be assessed on the basis on composition of the management body, observance of regulatory rules, administrative staff ratio, working days loss and any other information that may be required for ascertain the management QC.

(ix) The study shall be based on (a) records, (b) visit, inspection and dialogue of the committee with the management, staff, students and the faculty.

(x) The committee may visit the institution after providing notice or without and can visit if required, more than once.

(xi) Data based analysis shall be communicated to the institution before rating begins for further observation and supplementary information, if required.

^{ix} **49A. Power of Central Government to make rules.—**

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act including rules with respect to any matter for which the Bar Council of India or a State Bar Council has power to make rules.

^x Section 12 of the University Grants Commission Act, 1956 12. It shall be the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in Universities,...

^{xi} Section 13 of the University Grants Commission Act, 1956 13. (1) For the purpose of ascertaining the financial needs of a University or its standards of teaching, examination and research, the Commission may, after consultation with the University, cause an inspection of any department or departments thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.

^{xii} Regulation 4(1) UGC Regulations, 1985 Minimum Standards of Instruction for the Grant of the First Degree through Formal Education.

^{xiii} Section 25(1) of the University Grants Commission Act, 1956 25. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

^{xiv} Section 25(1) of the University Grants Commission Act, 1956 25. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, matters, namely:— . (f) the return and information which are to be furnished by Universities in respect of their financial position or standards of teaching and examination maintained therein;

^{xv} See also, Higher Education in India – Issues, Concerns and New Directions published by The University Grants Commission, December 2003 – Recommendations of UGC Golden Jubilee Seminars – 2003 held at Eleven Universities in India. Ref. www.ugc.ac.in

^{xvi} Higher Education in India – Issues, Concerns and New Directions published by The University Grants Commission, December 2003 – Recommendations of UGC Golden Jubilee Seminars – 2003 held at Eleven Universities in India. Ref. www.ugc.ac.in

^{xvii} Ibid

^{xviii} Reforming Higher Education in India written by Dr. Jayaprakash Narayan, December 2005 Page No.25 Also, Ref. www.loksatta.org

^{xix} The University Grants Commission Act, 1956, 20. (1) In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government. (2) If any dispute arises between the Central Government and the Commission as to whether a question is or is not a question of policy relating to national purposes, the decision of the Central Government shall be final.

25. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, matters, namely:— (f) the return and information which are to be furnished by Universities in respect of their financial position or standards of teaching and examination maintained therein;

26. (2) No regulation shall be made under clause (a) or clause (b) or clause (c) or clause (d) 2[or clause (h) or clause (j) or clause (j)] of sub-section (1) except with the previous approval of the Central Government.

27. (2) No regulation shall be made under this section except with -the previous approval of the Central Government.

^{xx} 4. Examination: (3) The examination question papers shall be framed so as to ensure that no part of the syllabus is left out of study by a student.

^{xxi} UGC Regulations, 1985 for the Minimum Standards of Instruction for the Grant of the First Degree through

Formal Education 3. Working days (3) The University shall not only lay down the syllabus for each course but also the manner of its implementation, namely, through number of lectures, tutorials, laboratory sessions, seminars, field work, projects etc. Students shall be encouraged to study some part of the syllabus themselves and shall be given assignment. So as to make them use

the library or laboratory etc. (5) Minimum number of lectures, tutorials, seminars, practicals etc. which a student shall be required to attend before eligible for appearing at the examinations shall be as prescribed by the University which on an average shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals etc.