

REPORT OF THE COMMITTEE FOR THE FORMATION OF DIRECTORATE OF LEGAL EDUCATION FOR GOVERNMENT LAW COLLEGES IN THE STATE OF KERALA

Prof. (Dr.) Vikraman Nair – Chairman

Dr. Vani Kesari. A – Member

Dr. A. Suhruth Kumar - Member



The Kerala State Higher Education Council

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THE COMMITTEE CHAIRMAN'S NOTE

Legal education, as a professional education, is gaining critical importance all over India. Kerala is not an exception. In the recent past there has been a sudden growth in the number of Law Colleges, though in the private sector, in the State. At present there are four Government Law colleges, nineteen private Law colleges, eight University Law departments and one National Law University. All the Law colleges are affiliated to the different Universities in the State with different curriculum and course content and different academic schedules. There are undue delays at multiple points such as admissions, conduct of examinations, and declaration of results. Consequently, a student who pursues legal education in Kerala is deprived of at least one academic year in his life and career for no fault on his part. Besides, periodic and systematic revisions and reforms of curriculum seem almost impossible in the present system. Thus quality of legal education in the State still remains as a distant dream. The only remedy for saving legal education from the drawbacks and ills lies in establishing a Law University to which all its existing Law colleges can be affiliated, as it has been done in other states such as Tamilnadu, Karnataka and Andhra Pradesh.

However, the mandate of this Committee is confined to only one issue, i.e. the feasibility of forming a separate Directorate of Legal Education for dealing with the administrative and other service matters of the four Government Law Colleges in the State.

The Committee, while preparing this report, gathered the relevant inputs from the stakeholders and considered all aspects of the issues relating to the teachers of the Government Law Colleges.

The Committee acknowledges with gratitude the guidance and support received from Prof. (Dr.) Rajan Gurukkal, the Vice-Chairman of KSHEC; Dr. Rajan Varghese, the Member Secretary of KSHEC; and Mr. Shefeeque, the Co-Ordinator. I also acknowledge the co-operation and contributions made by my colleagues in the Committee, Dr. Vani Kesari. A and Dr. A. Suhruth Kumar.

TERMS OF REFERENCE

To submit a comprehensive report on the formation of a Directorate of Legal Education for the Government Law Colleges in the State.

THE CONTEXT / BACKGROUND

The administrative matters and other service conditions of the teachers in the four Government Law Colleges in the State are dealt with, at present, by one section in the Government Secretariat. In view of the representations made by the Government Law Colleges in this regard, the Government convened a meeting with the representations of the teachers in the four Government Law Colleges and discussed about the grievances of the teachers and their demand for an alternative system to address those grievances. The demand for a Law University was rejected by the Government. But the Government suggested that the four Government Law Colleges can be brought under the Directorate of Collegiate Education. This suggestion was not accepted by the representatives of the teachers, and instead they demanded that a separate

Directorate of Legal Education must be established in order to satisfactorily deal with the affairs of the four Government Law Colleges in the State. Consequently, the Government has requested KSHEC to study and submit a comprehensive report regarding the feasibility of forming a separate Directorate of Legal Education without additional financial burden for the State. These developments led the KSHEC to appoint a Committee, consisting of Prof. (Dr.) Vikraman Nair as Chairman and Dr. Vani Kesari. A and Dr. Suhurth Kumar. A as Members with a mandate to submit a comprehensive report on the formation of Directorate of Legal Education for the Government Law Colleges in the State.

THE PROCEEDINGS OF THE COMMITTEE

The Committee, in the first meeting dated 12-12-2018 considered in detail the note sent by the Government to the KSHEC wherein the background for the proposal to appoint the present Committee was narrated. Both the statements of grievances and the demands of Government Law Colleges as well as the response of the Government to those demands are found in that Note.

In view of the points raised in the Note from the Government and the direction from the KSHEC the Committee has undertaken a comprehensive study about the grievances raised by the Government Law Colleges; the adequacy of the existing system to address those grievances; the feasibility of putting in place an alternative mechanism such as a separate Directorate of Legal Education, as demanded by the Government Law Colleges; and the ways in which such a demand can be accepted without leading to any undue financial burden for the State. Based on the study the conclusions are drawn and recommendations are made.

THE GRIEVANCES

Some of the major grievances the teachers in the Government Law Colleges facing are:

- i. Inordinate delay in sanctioning the posts of teachers.
- ii. Delay in the process of recruitment of teachers.
- iii. Delay in the declaration of probations.
- iv. Delay in regularisation.
- v. No time-based promotion to teachers.
- vi. Department promotion committee don't meet timely.
- vii. Delay in determining increments and other service benefits;
- viii. Failure in keeping even the basic service details and particulars of the teachers of the Government Law Colleges.
- ix. Due to the non-availability of properly maintained data and service particulars all the transfers and promotions of the teachers are perceived to be arbitrary and consequently are challenged in the Courts and tribunals, much to the inconvenience to the proper running of these law colleges.

All these grievances as raised by the teachers, seems to reflect the indifference and inefficiency of administrative system which is supposed to deal with the above mentioned matters.

THE PRESENT SYSTEM

At present the administrative and other service matters of the teachers of the four Government Law Colleges are dealt with one section in the Department of Higher Education in the Secretariat. Those teachers are not even brought under the Directorate of Collegiate Education.

In view of the above mentioned facts and circumstances the committee feels that it is desirable to put in place an alternative system which will be able to address the grievances satisfactorily so as to facilitate the smooth functioning of the Government Law Colleges.

DIRECTORATE OF LEGAL EDUCATION: NEED AND JUSTIFICATION

In this connection the demand of the four Government Law Colleges to have a separate Directorate of Legal Education appears to be reasonable as well as feasible. The fact that there are only four Government Law Colleges is not a reason why it should not be considered positively. Law is a professional course like medicine and engineering. But the policy makers seem to give only a step-motherly treatment to law. While the other professional courses have both separate Universities and Directorate, Law does have none, but left to be dealt with a section in the Government Department in the Secretariat. This disparity and differential treatment to the disadvantage of legal education is unfair and unacceptable. For instance, the sector of Indian System of Medical Science, having only three Government institutions and two aided colleges has a separate Directorate and is under a specialised University. Similarly, the Homeo Medical education having only two Government colleges and three aided colleges, is also under a state level Administrative Officer and is under separate Health University. Similar are the cases of other Medical and Engineering colleges in the State.

In this context the example available in the neighbouring State of Tamilnadu is very instructive. In Tamilnadu there exists a separate Directorate of Legal Education for all the Government Law

Colleges in the State, dealing with all administrative and service matters such as recruitment, appointments, promotions, transfers, granting of leaves, periodic revision of salaries and other service benefits etc. in all the Government Law Colleges in the State. The functioning of the Directorate has proved to be very successful and satisfactory in dealing with the affairs of the Government Law Colleges in that State, without giving any room for allegations of arbitrariness and absence of objective norms, avoiding the chance of unnecessary consequential disputes and litigations.

Hence the Committee is of the view that a separate Directorate of Legal Education must be formed instead of the existing system of a Section in the Secretariat for dealing with the administrative and other service matters of the teachers in the four Government Law Colleges in the State. Such a Directorate will be able to redress the grievances as noted earlier in this report effectively and satisfactorily. It will also ensure the smooth functioning of the Law colleges and will avoid unnecessary disputes and court litigations on the ground of arbitrariness and absence of objective norms in dealing with the affairs of these Law colleges.

THE STRUCTURE OF THE DIRECTORATE AND FINANCIAL IMPLICATIONS

In this connection the Committee has also taken note of the concern of the Government as regards the possibility of undue financial burden to the State in the event of forming a separate Directorate of Legal Education. The Directorate of Legal Education, as proposed in this report, need not be one with elaborate administrative paraphernalia. The Directorate may consist only of a Director of Legal Education and small unit of two to three administrative staff.

DIRECTOR OF LEGAL EDUCATION

Regarding the office of the Director of Legal Education, it is suggested that the qualification, the method of appointment and the other details may be according to the special rules that may be formulated by the government. Further, it is suggested that the appointment may be tenure appointment as suggested by the KSHEC as in the case of statutory officers in the Universities. It is further suggested that a special officer may be appointed to the post of Director to establish the directorate and formulate the special rules in this regard. The Director will be responsible for regulation and control of all the administrative and other service matters in the Government Law Colleges, besides the co-ordination of other academic and financial affairs of these colleges. The major functions of the Director may inter alia include the periodical review of the vacancies in teaching positions; taking initiative for recruitment and appointment of teachers; matters related to declaration of probation; taking steps to effect promotions and career advancements including various service benefits without delay; granting of various special leaves of teachers; proper maintenance of seniority list of teachers; making recommendations for transfer of Principals and teachers on basis of objective norms; proper maintenance of service records of teachers and other related data; making available the facilities of research and other trainings and faculty development opportunities for the teachers objectively and fairly; and coordinating joint academic programs and projects and other co-curricular and extra-curricular activities in the Government Law Colleges in the State or any other matter entrusted to the Director by the Government from time to time.

ADMINISTRATIVE STAFF

Regarding the administrative staff in the Directorate of Legal Education, it is suggested that staff already working under the Directorate of Collegiate Education, dealing the affairs of the

Government Law Colleges, may be appointed to the proposed Directorate of Legal Education on their option/deputation/work arrangement so that they can deal with the affairs of the colleges more efficiently under the immediate supervision, guidance and control of the Director of Legal Education, who will be in the know of things of all the Government Law Colleges in the State. Further this arrangement will avoid any further additional financial burden for the State.

THE INFRASTRUCTURE

Now, as regards the infrastructure needed to accommodate the proposed Directorate of Legal Education, it is understood that there exists an independent vacant building within the campus of the Government Law College, Thiruvananthapuram, that has sufficient space for the office. Only a minimum expenditure would be required to furnish the building to make it functional as an office. Since the office is within the campus of the Law college, the Directorate will get better access to the relevant records, papers and other communications pertaining to the Government Law Colleges.

THE FINDINGS OF THE COMMITTEE IN BRIEF

- i. The grievances and problems raised by the teachers of the Government Law Colleges in the State are genuine;
- ii. The existing system of one Section in the Department of Higher Education in the Secretariat is highly inadequate to address the problems and remedy the grievances;
- iii. An alternative mechanism to deal with the administrative affairs of the Government Law Colleges is essential;
- iv. The formation of the Directorate of Legal Education, as demanded by the Law Colleges, may be an appropriate solution to the problems and grievances of the college;

- v. There are sufficient justifications for a Directorate of Legal Education, though there are only four Government Law Colleges and
- vi. A Directorate of Legal Education with the senior most Principal among the Government Law Colleges as the Director of Legal Education and a skeletal administrative staff that may be deputed from the existing Section in the Secretariat

can be established without incurring any undue additional financial burden to the State.

RECOMMENDATIONS

In view of the facts, circumstances and the objective study and analysis of all aspects of the issue referred to the Committee, as stated in this report, the Committee unanimously recommend that a separate Directorate of Legal Education may be formed for the four Government Law Colleges in the State.

This report is submitted on this day 18th March, 2019 to the Vice Chairman, The Kerala State Higher Education Council.

Prof. (Dr.) Vikraman Nair
Chairman

Dr. Vani Kesari. A
Member

Dr. A. Suhruth Kumar
Member
