

>

Title: Issue regarding withdrawal of the Higher Education and Research Bill, 2011.

SHRI R. THAMARAISELVAN (DHARMAPURI): Mr. Chairman, thank you very much. I would like to raise a matter of public importance for withdrawal of the Higher Education and Research Bill, 2011, which was approved by the Government and introduced in the Rajya Sabha on 27<sup>th</sup> December, 2011. The same has been referred to the Parliamentary Standing Committee on Human Resource Development.

The proposed Bill will directly affect the vital and basic structures of the Advocates Act, 1961 under which total autonomy and independence was given to the elected bodies, namely the Bar Council of India and State Bar Councils to regulate the legal profession and legal education.

The proposed HER Bill envisages to divest the duties and functions entrusted to the Bar Council of India and the State Bar Councils under the Advocates Act, 1961. It proposes to vest all these powers with a National Commission consisting of a few academicians.

MR. CHAIRMAN: You just tell what you want.

SHRI R. THAMARAISELVAN: The Bar Councils have strongly condemned the attempt of the Government to encroach upon the provisions of the Advocates Act, 1961 with a view to usurping the functions and duties of the elected bodies comprising more than seventeen lakh advocates of the country.

MR. CHAIRMAN: Hon. Member, you please come to the point.

SHRI R. THAMARAISELVAN: The proposed Bill seeks to deprive the representatives of Advocates of India to have their say in the formulation and implementation of policies involving legal education at the professional and educational level, which had been recommended by the All India Bar Committee after taking into account the recommendations of the Law Commission on the subject 'Reform of Judicial Administration'. Consequently the Advocates Act, 1961 was enacted.

The Bill in question is an attack on the federal structure and *ultra vires* of the very Constitution of India. This Bill has completely overlooked the interests of our common people.

The 17 lakh advocates of the country are totally against the inclusion of institutions of legal education and of Advocates Act in this Bill.

The Bar Council of India and the State Bar Councils have already resolved to voice their concern against the proposed Bill.

Legal Wing of our DMK Party in its meeting held on 12.05.2012 has unanimously resolved to urge upon the Government to withdraw the proposed Bill forthwith.

Looking into all these issues and the concerns expressed, I would urge upon the Government to withdraw forthwith the Higher Education and Research Bill, 2011 in public interest.