



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Extracts of the Minutes of the Meeting of the General Council of the Bar Council of India held on Sunday, the 11th August, 2019.

Item No. 241/2019

The General House considered the issue of imposing a three year moratorium on receiving new proposals and granting fresh approvals for/to all Law Centers of Legal Education/Institutions, Law Colleges, Law Schools, Universities, Deemed to be Universities, University Constituent Units, State Government University Departments, State Private Universities teaching Law as a professional degree course and discussed & deliberated on the note/proposal given by Hon'ble Co-Chairman, Bar Council of India Mr. Ved Prakash Sharma and after thorough discussion and deliberation the Council unanimously passed the following Resolution:-

RESOLUTION

The Council considered the note submitted by Mr. Ved Prakash Sharma, Hon'ble Co-Chairman, Bar Council of India, wherein several issues were raised with regard to mushrooming growth of Centers of Legal Education/ Law Institutions, or by whatever nomenclature the same may be known as, who are teaching Law as a professional degree course –in the country. The same concern had been raised earlier too by some other Hon'ble Members and letters to this effect have been sent in the recent past and earlier to the Vice Chancellors of all Universities, teaching Law as a professional degree course and to the State and Central Higher Education Department, to the MHRD and other ministries and the letters, contentions, and concerns of BCI, have been specifically asked to be placed before Parliament too.

It is hereby unanimously RESOLVED that a **MORATORIUM** is to be imposed for a period of Three Years atleast for grant of **approval of affiliation** to New Law Centers of Legal Education/Institutions, New Law Colleges, New Law Schools, New Universities, New Deemed to be Universities, New University Constituent Units, State Government New University/ies, Departments, New State Private Universities, or by whatever nomenclature the same may be known as, who are teaching and wish to teach Law as a professional degree course and also to grant of New Law Course/s or even to grant of additional sections in existing Law centers/Law Departments, Universities or by whatever nomenclature they may be known as, inclusive of the phrases referred to herein above.

The Council further RESOLVES that it will only consider pending proposals and No fresh Proposal/ Application shall be entertained for any new Law Institution or by whatever nomenclature they may be referred to as indicated above and they will not be given any New additional sections or new course.



It is clarified herein, that if a Center for Legal Education/University has applied for approval for and prior to the academic year 2019-2020, or for recognition as the case may be within the stipulated time, and in case the same could not be granted for the academic year 2019-2020, due to deficiency of document or otherwise, the application for approval/recognition shall be treated as a pending application for the academic year 2019-2020, and such Center of Legal Education/University can be inspected for the academic year 2020-2021, at any time convenient to the inspection team, in case, nearby Centers of Legal Education/University/ies, are being inspected for the sake of convenience and savings of expenditure, which may have to incurred, if there is a standalone inspection done later on. However, it is clarified, that the Center of Legal Education/University shall not be considered for approval/recognition till the University furnishes an affiliation order for the Academic year 2020-2021, and/or furnishes other requisite documents relating to approval/recognition to satisfy the Legal Education Committee of the Bar Council of India

However, the MORATORIUM shall not apply to any proposal for any National Law University, if proposed by any State Government, if that state has no National Law University in existence. Moreover, if the Bar Council of India, decides to establish any Model Law School/University as it had done previously by opening National Law School of India University, Bangalore, the Bar Council of India can do so.

As of now there are about 1500 Centres of Legal Education in the country and such Centers of legal education are required to run/operate with proper infrastructure, adequate and qualified law teachers/faculties. Most of the existing Centre of Legal Education are not improving standards, so such institutions are required to be inspected frequently.

The MORATORIUM is imposed due to non adhearance of guidelines/circulars issued to affiliating Universities and Institutions from time to time.

The State Governments seldom take interest in appointing law faculties in the Government Law Colleges, in Government University Law Departments and in their constituent units. Even after several reminders, most of the State Governments have failed to appoint teachers.

State Government often grants/issues "No Objection Certificates" in a very casual manner for opening of law colleges without consideration of demand of particular area or population of the area. Quite often, the Universities grant "affiliations" to law college recklessly, without any inspection.

The Universities are unable to stop the use of unfair means at the law exams in most of the rural areas; and the State Governments do not show any interest in checking unfair means. Due to negligence of University Grants Commission (UGC), 90% of law colleges/law schools do not get any grants to improve their standards.

*Moreover, it is very easy to get LL. M and Ph. D degrees because of total non-concern of HRD Ministry and Universities; and that is the reasons for the acute dearth of "good law teachers" in the country. LLM and Ph. D. degrees are not under the control of either UGC or Bar Council of India, though equivalence of foreign LL.M degrees with corresponding LL.M degrees is given by BCI as per a joint decision of MHRD, AIU, UGC and BCI.



BCI only grants approval of affiliation once, affiliation is already granted by the University and grants recognition to Universities for awarding law/LL.B degrees.

For the next three years, the Bar Council of India will lay stress on improvement and raising the standard of the existing Law Institutions. The Institutions, which have no proper infrastructure and faculty, would be closed down.

It is also taken note of the fact that in the year 2016 also, the Bar Council of India had taken such decision to stop approval of new law colleges and requested the State Governments not to grant/issue "No objection Certificate" (NOC) to any new Law College or University teaching Law as a professional course/awarding Law degrees for atleast two years. The Universities were also requested not to grant affiliations to new colleges and to lay stress to improve the standard of existing Institutions. However, even after that decision and circular issued in this respect, more than 300 "No Objection Certificates (NOCs)" were issued by the State Governments and Affiliation by the Universities were granted. When the Bar Council of India had refused to grant approval of such affiliations, the Institutions approached some of the Hon'ble High Courts and adverse directions were issued to the BCI to consider the proposals of new law colleges.

It is also taken note of that the State Governments and the Universities were requested to stop unfair means and to ensure the filling up of all the vacancies of Law Teachers in all the colleges/ Universities within a period of four months but it was all in vain, no actions were taken by the concerned authorities. Even Principal Secretary of the Higher Education of Maharashtra Government has submitted an undertaking in the year 2016 that all the institutions will be taken care of and all the vacancies to be filled up but they didn't do so far.

The Council has observed that at present there are enough Institutions in all parts of the country to feed the law courts and to serve the people. There is no dearth of advocates and the existing Law Institutions are sufficient to produce required number of law graduates annually.

At present there is urgent need to improve the standard of teaching and in order to achieve that goal the Council has planned to train the law teachers of the country and also to introduce some skill development programmes for the law students.

Resolved accordingly.



CERTIFIED TO BE A TRUE COPY

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