



# 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

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**15.04.2024**

**To,  
 The Vice-Chancellor(s)  
 All the University (ies)**

**The Secretary (ies)  
 All the Department of Higher Education**

**Sub.: Urgent Attention Required-Maintaining Standards of Legal Education in India**

Sir(s)/Ma'am(s),

It is with a deep sense of responsibility and concern that we address this letter to you.

Bar Council of India is an independent statutory body under The Advocates Act, 1961, which has been entrusted to regulate legal education. The Bar Council of India derives its power and functions from the Advocates Act, 1961, more particularly under Section 7(h) and (i), 24(1)(c)(iii) and (iiia), 49(1)(af), (ag), and (d) of the said Act, which lays down the function of the Bar Council of India which includes promotion the legal education and to lay down standard of such education in consultation with Universities in India, imparting such education and State Bar Councils and to recognize Universities whose degree shall be a qualification for enrolment as an advocate, including inspection of such Universities.

As you are undoubtedly aware, the Bar Council of India has been diligently striving to uphold and elevate the standards of legal education across the nation. However, despite our collective efforts, we continue to face significant challenges posed by the mushroom growth and proliferation of substandard law colleges.

Expressing grave concern over the rampant proliferation of law colleges nationwide, the General Council of the Bar Council of India took decisive action by passing resolution No. 114/2015 dated 06.06.2015. This resolution unequivocally urged all State Governments and Universities to impose restrictions on the issuance of No Objection Certificates (NOCs) and affiliations for a period of three years.

Despite this resolute decision and the subsequent issuance of circulars to this effect, it is regrettable to note that over 300 "No Objection Certificates (NOCs)" were issued by State Governments, and affiliations were granted by Universities. This concerning trend highlights the urgent need for stricter adherence to regulatory measures in order to curb the unchecked proliferation of law colleges across the country.

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Bar Council of India again, by way of resolution dated 11.08.2019, imposed moratorium for a period of three years on opening of New Law Colleges/Centers of Legal Education, even additional sections of existing colleges were disallowed in order to try and curb this mushrooming growth.

The moratorium imposed vide council resolution dated 11.08.2019, was challenged by way of a Civil Writ Petition before the Punjab and Haryana High court and the Court was pleased to set aside the Moratorium. The Hon'ble Court considered the fact that the concerned Society/similar placed institutions had already invested a huge sum on construction of infrastructure, on the basis of NOC being granted to them, apart from other considerations The Bar Council of India vide Press Release dated 16.06.2021 thus informed that the moratorium was no longer in existence.

Despite the proactive measures taken by the Bar Council of India, the response from universities regarding surprise inspections of affiliated law colleges has not met the expected standards. Circulars dated 7th June 2016, 12th July 2019, and 28th March 2023 were issued to all universities, emphasizing the importance of conducting surprise inspections as a means to enhance legal education quality and curb the proliferation of substandard law colleges.

However, the level of responsiveness and adherence to these directives has fallen short of expectations. Despite the clear instructions provided by the Bar Council of India, the desired level of cooperation and action from the universities in conducting and submitting reports of surprise inspections has not been achieved. This lack of proactive engagement undermines the efforts to improve the standards of legal education and address the issue of unchecked growth of law colleges.

Moving forward, it is imperative for universities to demonstrate a greater commitment to fulfilling their responsibilities in conducting surprise inspections and promptly submitting reports to the Bar Council of India. Only through collaborative efforts and strict adherence to regulatory measures can the quality of legal education be safeguarded and the proliferation of substandard institutions be effectively addressed.

Thus despite the imposition of moratoriums and taking regulatory measures, the issue persists, posing a serious threat to the quality and integrity of legal education in India.

While the BCI plays a pivotal role in regulating legal education, we acknowledge and reiterate that our mandate primarily comes into play at the 3rd stage once an institution has procured NOC from the concerned Education Ministry in the State and has further obtained an affiliation order from the University concerned. The BCI comes into the picture at this stage to consider approval of affiliation already granted by the University Thus BCI is set in motion more or less when once a proposed Centre of Legal Education/Law College is established and has invested a substantial amount in such establishment.

It is at the initial stages, particularly during the process of grant of No Objection Certificate by the Ministry of Education in each State and Centre as applicable according to the location and jurisdiction of the Centre of Legal Education, and during the process of affiliation by an University, where proactive measures must be taken to ensure compliance with stringent standards.

**Rule 16 of Chapter III of the Bar Council of India Rules of Legal Education underscores the importance of strict adherence to**

**prescribed guidelines and criteria during the affiliation process by an University to a law College/Center of Legal Education.**

**The Rules are herein quoted below :-**

16. *Conditions for a University to affiliate a Centre of Legal Education (1) When a University receives an application for affiliation of a Centre of Legal Education to provide legal education by running professional degree program in law under either or both the streams, the University may before the Bar Council of India deciding whether it is fit case for seeking inspection from the Bar Council of India, shall ensure that*

(i) *the applicant organization proposing to run the institution is either already a non-profit organization of trust or registered society or a nonprofit company or any other such legal entity or has taken all legal formalities to be as such,*

(ii) *the institution has in its name either in freehold or leasehold, adequate land and buildings, to provide for Centre of Legal Education building, library, halls of residences separately for male and female and sports complex both indoor and outdoor, so that it can effectively run professional law courses provided that in case of leasehold the lease is not less than ten years, Provided that sufficient and adequate floor space area specially and completely devoted for a Centre of Legal Education, based on the size of its student population, faculty requirement, adequate space required for infrastructure facilities can be considered sufficient accommodation for the purpose in a multi-faculty building on land possessed by the Management of a Society/ Trust running multi-faculty institutions.*

(iii) *recruited or taken steps to recruit adequate number of full time and visiting faculty members to teach each subjects of studies, each faculty having at least a Master Degree in the respective subject as required under the UGC Rules,*

(iv) *there is the separate Centres of Legal Education for the study of law under a separate Principal who should be qualified in Law to be a Professor of Law as stipulated under UGC and Bar Council of India rules,*

(v) *there is adequate space for reading in the library and there are required number of books and journals and adequate number of computers and computer terminals under a qualified librarian,*

(vi) *if the prior permission of the State Government is necessary, a no objection certificate is obtained to apply for affiliation,*

(vii) *a minimum Capital Fund as may be required under Schedule III from time to time by the Bar Council of India, and put into a Bank Account in the name of the proposed Centre of Legal Education sponsored by any private sponsor or sponsors, and*

(viii) *all other conditions of affiliation under the University rules as well as the Bar Council of India Rules are complied with.*

(2) *After affiliation order is received from the University the Centres of Legal Education may only then apply for inspection by the Bar Council of India.*

**However, it has come to our attention that some universities may not be exercising due diligence in this regard.**

Therefore, we earnestly request and direct all affiliating Universities to not only comply with the aforementioned directives but also to furnish comprehensive insights into the criteria, norms, personnel involved, and the inspection procedures utilized during the affiliation process of new legal education centers. This should encompass all documents involved in the entirety of the affiliation process, including a standardized format of the inspection form and report.

**It may be pertinent to mention that in the matter of The State of Tamil Nadu Vs. Advocate's Forum for Social Justice & ors., the Hon'ble Supreme Court has passed an order, the relevant extracts of which is furnished below.**

*The concerned University, who has to affiliate the college in question, is also required to inspect the college for grant of affiliation and to pass the order with respect to the affiliation to be granted. ....It also transpires that the Bar Council of India has also inspected the college. However, its Legal Education Committee and the Bar Council of India are also required to consider the matter for approval of affiliation once it is granted by the concerned University.*

*But affiliation has to be granted firstly by the concerned University. After the grant of affiliation by the concerned university, let the matter be considered for its approval by the Legal Education Committee and by the Bar Council of India in their meeting and let decision be placed before us.*

In our pursuit to ensure adherence to the stipulated regulations, it is imperative that we have access to the inspection reports conducted by universities in relation to their affiliated centers of legal education. This holistic approach will enable us to effectively monitor and assess compliance with the prescribed standards, thereby upholding the integrity and quality of legal education across all affiliated institutions.

**Furthermore, we urge state governments and their concerned Ministries, to conduct thorough surveys and assessments before granting No Objection Certificates (NOCs) to new centers of Legal Education.**

It is imperative that these NOCs are issued based on comprehensive evaluations of the need for legal professionals in the region and the ability of the proposed centers of legal education to meet the requisite standards.

We request you to kindly let us the know criteria and documentation required and the process and procedure for consideration and grant of NOC to proposed Centres of Legal Education.

**Some suggested guidelines, criteria, and procedures for consideration and grant of NOCs, which if deemed fit may be considered to be adopted are as follows :-**

--Conduct a comprehensive survey to assess the demand for legal professionals in the region. Factors to consider include population demographics, legal infrastructure, demand for legal professionals, and employment opportunities for law graduates.

---Assess the financial viability of the proposed center, including funding sources, fee structure, and sustainability plans. Verify the availability of

funds for infrastructure development, faculty salaries, and other operational expenses.

---Specify the documentation required for NOC application, which may include detailed project proposals, financial statements, infrastructure plans, etc.

----Establish a transparent and time-bound review process for NOC applications. Designate a committee or regulatory authority responsible for evaluating applications and making recommendations based on the above criteria. Ensure that decisions are communicated to applicants promptly and include reasons for approval or rejection.

---Evaluate the center's plans for providing legal aid to the community and integrating clinical legal education into the curriculum. Emphasize the importance of hands-on learning experiences through internships, moot court competitions, and legal clinics.

---Ensure that the proposed center complies with all regulatory standards set by the Bar Council of India

This will help in promoting the growth of legal education institutions that contribute effectively to the development of the legal profession and justice system in the region.

We must emphasize that the responsibility for curbing the mushroom growth and proliferation of substandard law colleges does not rest solely on the shoulders of the BCI.

While we remain committed to our regulatory role, the active involvement and cooperation of universities and government bodies are indispensable in achieving our collective goal of maintaining the highest standards of legal education.

It's crucial to recognize the pivotal roles played by both the State Government and the Universities in addressing the mushroom growth/proliferation of substandard law colleges. The foundation of tackling this issue lies in the groundwork carried out by the State Government's Higher Education Department and the Universities, which serve as the grassroots entities responsible for regulating educational standards.

The establishment of a law college typically undergoes three key stages. Firstly, it requires obtaining a No Objection Certificate (NOC) from the Department of Higher Education, which serves as an initial quality control measure. Secondly, the Concerned University issues an affiliation order, signifying its endorsement of the college's standards and curriculum. Lastly, the Bar Council of India grants approval to the university's affiliation, ensuring adherence to the Rules of Legal Education.

By meticulously adhering to these stages, the State Government, Higher Education Departments, and Universities can collectively mitigate the proliferation of substandard law colleges. This structured approach not only ensures the maintenance of educational standards but also safeguards the integrity of legal education as a whole.

We appeal to Universities and the Ministry of Education in each State to join hands with the BCI in our endeavor to uphold the sanctity and quality of legal education in India.

Your unstinted support and collaboration in this endeavor will be instrumental in safeguarding the future of our legal fraternity.

We look forward to your prompt and positive response.

This is for your information and necessary action.

Yours sincerely

  
**(Srimanto Sen)**  
**Secretary**