



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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1. The Bar Council of India had, 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.

It had been observed by BCI that State Governments often grant/issue "No Objection Certificate" 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 affiliation to Law Colleges recklessly, without undertaking a careful inspection.

Bar Council of India had imposed the moratorium in order to curtail the mushrooming growth of Law colleges/Centers of legal education in the country with a view to improve the standards of providing legal education by Law Colleges/Centers of Legal Education.

2. One of the handicaps with Bar Council of India (BCI), was that BCI comes into the picture at the third stage so far as opening Law College/Centers of Legal Education is concerned. The No Objection Certificate to open a Law College is issued by the State Government Concerned in whose jurisdiction the college is proposed to be opened. Thereafter, the University with which the College applies for affiliation, is to grant affiliation to the college to run a particular law degree course. Such affiliation should be done ideally, after a full fledged inspection by the University concerned, which is expected to inspect the standard of infrastructure as well as faculty too.

It is, thereafter, at the third stage, the matter comes to the BCI to consider whether to grant or decline approval of the affiliation already granted by the University.

3. After the moratorium was imposed on 11.08.2019, the BCI was flooded with requests to do away with the moratorium. BCI did not yield to any such requests.
4. 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 to operate a professional course/awarding Law degrees for at least 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. Thereafter when the Bar Council of India refused to grant approval to such affiliations and the Institutions approached some of the Hon'ble High Courts and directions were issued to the BCI to consider the proposals of new Law colleges.


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5. Again, 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 has set aside the Moratorium being violative of Article 19(1)(g) of the Constitution of India, by way of an order dated 04.12.2020.
6. The Bar Council of India has filed an LPA against the above referred order dated 04.12.2021, but it realizes that it would be feasible and better if a Committee is appointed to consider drafting of Rules for moratorium which thereafter can be placed before the Legal Education Committee which has a statutory sanction. under section 10 (2) (b) of the Advocates Act, as was observed by the Punjab and Haryana High Court.

The Council has also resolved to undertake surprise visits of Colleges/Centers of Legal Education which, presently, may not be workable till the pandemic is over as mostly all educational institutions are closed. The Bar Council of India has accordingly decided to file an application for withdrawal of the LPA.

7. The moratorium which was imposed on 11.08.2019, continued for a period of 2 years.
8. As far as applications for new Colleges/centers of Legal Education are concerned, the BCI would once again request the State Governments to be very diligent before granting NOC and urge them to take into consideration, the population ratio and the need for such a center of legal education at the designated place before granting NOC. Furthermore, The Universities are requested to carry out inspection and scrutiny of the Institutions in a meticulous manner, and, only thereafter, consider to grant, affiliation, otherwise, Bar Council of India would seriously consider to de -recognise the degrees being issued by such University/ies. The Bar Council of India is not going to compromise with the standard of Legal Education and the Universities are advised to affiliate Law Colleges only with better infrastructure to compete with international standards. Mushrooming of Law Colleges has to be stopped at any costs.

The new Law Teachers would be required to acquire proper training, only then they would be allowed to teach in any Centers of Legal Education. The Council has requested all the State Governments and State owned Universities to fill up all the vacancies of teachers within a period of 3 months. In 80 per cent of Government Institutions, more than 50 percent seats of teachers are vacant. The State Governments are not showing any interest in filling up the vacancies. This is a matter of serious concern.


(Srimanto Sen)
Secretary
Bar Council of India