



# 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

BCI:D:1420/2020

Date: 30.06.2020

To,

1. Mr. Pratham Kaushik, Petitioner in WP(C) No. 3607/2020

Through

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Sir/s,

This is to bring to your kind knowledge that your applications requesting CLAT to be conducted in vernacular languages apart from conducting the same in English, along with order of the Hon'ble High Court of Delhi dated 19<sup>th</sup> June, 2020, in W.P.(C) No.3607/2020, wherein the Hon'ble High Court has held that since the Bar Council of India sets the standards for admitting the students into law schools, it is for the said Council to take a call on the cause espoused by the petitioner and that accordingly, this petition shall be treated as the petitioner's representation on which the Bar Council of India shall take a decision within three weeks and convey the same to the petitioner, but however, looking at the fact that the forms for such examinations are to be deposited by 30.06.2020, it would be preferable that the Bar Council of India takes a decision prior to that, if such quick decision is feasible, was duly considered by the Council vide its Council meeting dated 21.06.2020.

The Council being the regulator of Legal Education and Legal Profession, prima facie is of the view that no deserving candidate should be deprived from giving the CLAT on account of his/her inability to be proficient in English. India is a vast country having numerous regional languages. Part-XVII of the Indian constitution deals with the official languages in articles 343 to 351 and the Constitution does not specify the official language of different states. At present the Eighth Schedule of the Constitution specifies 22 languages Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri. English does not find mention here, though

In the perspective of the above, and otherwise, as the knowledge or lack of English language does not determine ones intelligence, ability, acumen, dedication, IQ etc., therefore, prima-facie the exam should be conducted in vernacular languages too. Infact the Bar Council of India conducts All India Bar Examination in 11 languages including English.

Presently the matter relating to conduct of CLAT is pending in the Hon'ble Supreme Court of India. The BCI having taken note of the observation of the Hon'ble Apex Court in Disha Panchal W. P. (C) No.551 of 2018 vide it's order of 13.06.2018 and other issues relating to discrepancies in conduct of CLAT, as also due to that the fact that vide order dated 28.11.2018 passed in Writ Petition Civil No.600/2015 titled as Shamnad Basheer Vs. Union of India and Ors, Hon'ble Supreme Court has recorded that the views of the Bar Council of India would be sought by the MHRD to make appropriate recommendations for the holding of the CLAT examinations, Bar Council of India had passed a resolution dated 16.12.2018 vide item number 480/2018 to constitute a Monitoring Committee to look into the conduct of CLAT exam which would comprise of a former judge of the Supreme Court of India, two Hon'ble sitting judges of High Court, 2 members of the Bar Council of India, three academicians and one technical expert who shall be an expert in evaluating whether the body/Agency who may be entrusted the task of conducting the CLAT exam, online or offline has the technical know-how to ensure against technical glitches and as to how it is ensuring the fact, that if it is awarded the tender/task of conducting CLAT online, there would be no technical glitches and lapses, for holding the exam online. The Committee so proposed by Bar Council would scrutinize the background, and expertise and performance of the Agency who may be awarded the tender, as to whether it has had expertise in conducting such examinations and whether there has ever been any leakage of question papers with such Agency. The Committee would supervise and take a final decision on all other aspect too.

The certified true copy of the resolution along with the view and stand of the Bar Council of India, by way of Affidavit has been filed in Hon'ble Supreme Court of India, and the matter is pending hearing post July, 2019 in CWP No 600 of 2015 and it has been ordered by the Hon'ble Supreme Court in Disha Panchal WPC 551 of 2018 vide its order dated, 08.07.2019 to let this Writ, i.e. Disha Panchal Writ be listed along with report of MHRD with Writ Petition (Civil) No.600 of 2015.

Thus the matter is pending before the Hon'ble Supreme Court of India, presently.

Another aspect that would be required to be considered is, as to in how many vernacular languages are semester exams being conducted in Law Universities across the Country, as on date. It is but obvious, that after clearing CLAT, the next request could be to hold semester exams in regional languages too in National Law Universities. Presently many Universities conduct exams in English and in one i.e. regional language of the State. However, National Law Universities depict a national character, and it cannot be compared to other State Universities, or Private Universities, and therefore, this issue has to be given a deep and thoughtful consideration.

In order to study this issue and in order take a view of the National Law Universities, and other interested parties, stake holders, a Seven Member Committee has been constituted to take stock of the situation and do the needful. This committee consists of Former and Sitting Vice-Chancellors of National Law Universities, other academicians and two members of Bar Council of India. The committee will be headed by a Former Chief Justice of a High Court. The Committee will also consider the fact that the date of CLAT 2020 has been fixed, though it is most likely to be rescheduled to July/August, 2020 owing to Covid-19. The Committee would weigh every aspect of feasibility to conduct CLAT in vernacular languages and as to whether it would be feasible to reschedule CLAT 2020, only, for giving opportunity to such candidates. The Committee would also suggest the way to go ahead and approach the Hon'ble Supreme Court with an appropriate application.

This is for your kind information.

**Thanking you,**

**Yours sincerely,**



**(Srimanto Sen)**

**Secretary**

**Bar Council of India**