

BEFORE THE HIGH COURT OF KARNATAKA AT BENGALURU

(Original Jurisdiction)

W P No. /2020 (Res-Edu)

Serial No. _____

District _____

Shridhar Prabhu
NAVAYANA LAW OFFICES
No.205, 2nd floor, Triguna Icon
Wilson Garden, Hosur Main Road
Bangalore – 560 027
Ph: 98452 26526
shridhar@navayana.in

BETWEEN
BAR COUNCIL OF INDIA

AND

STATE OF KARNATAKA AND ANOTHER

Sl. No.	Description of Paper Presented	Court Fee Affixed On the paper
1.	On the Memo on	
2.	On the Memo of	
3.	On Vakalath	
4.	On Certified Copies	
5.	On the I.A	
6.	On the I.A	
7.	On Process Fee	
8.	On Copy Application	
9.	Court Fee _____	
	TOTAL...	

Number of Copies Furnished
Presented by

Other side served

Advocate for Petitioner

Received Paper With
Court-fee as above


Advocate's Clerk

Date: 11th August, 2020

Bengaluru

Receiving Clerk

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

WRIT PETITION No. / 2020 (EDN-RES)

BETWEEN:

BAR COUNCIL OF INDIA

... PETITIONER

AND

STATE OF KARNATAKA & ANOTHER

... RESPONDENT

INDEX

SI No.	PARTICULARS	PAGE No.
1	List of Dates and Synopsis	1-2
2	Memorandum of Writ Petition under Article 226 & 227 Constitution of India	3-32
3	Affidavit	33
4	Copy of National Law School of India (Amendment) Act, 2020 (Karnataka Act 13 of 2020), is produced as Annexure - A	34-36
5	Copy of Revised seat matrix for B.A.LLB (Hons) and LL.M programmes issued by the 2 nd Respondent vide Notification dated 04 th August, 2020 is produced as Annexure - B	37-38
6	Copy of the current composition of the three governing bodies of the 2 nd Respondent is produced as Annexure - C.	39-42
7	Copy of the extract the BCI Resolution dated 29 th July, 2020 is produced as Annexure - D.	43-55
8	Vakalat	56

Date: 07th August, 2020

Place: Bengaluru


Advocate for the Petitioner
(Shridhar Prabhu)

1

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)**

WRIT PETITION No. / 2020 (EDN-RES)

BETWEEN:

BAR COUNCIL OF INDIA

... PETITIONER

AND

STATE OF KARNATAKA & ANOTHER

... RESPONDENT

DATES AND EVENTS

Date	Event
1961	The Advocate Act, 1961 comes into force
09 th January, 1986	The National Law School of India Act, 1986 came in to effect
27 th April, 2020	The National Law School of India (Amendment) Act, 2020 received the assent of the Governor of Karnataka and was first published in the Karnataka Gazette Extra-ordinary and takes effect at once.
29 th July, 2020	Bar Council of India passed a resolution opposing the passing of the National Law School of India (Amendment) Act, 2020
04 th August, 2020	Revised Seat Matrix is notified by the 2 nd Respondent

SYNOPSIS

The Petitioner, a creation of the Advocates Act, 1961, in discharge of its statutory functions vested therein, established the 2nd Respondent with the statutory enablement from the 1st Respondent. The establishment of the 2nd Respondent as a national institution for the academic excellence, social relevance and professional competence has inspired establishment of a number of National Law Universities across various states in India. However, the 2nd Respondent is unique not just because it was the pioneer but because it forms an integral part of the discharge of 1st Respondent's



statutory functions. Without prior-consultation the 1st Respondent enacted the National Law School of India (Amendment) Act, 2020 ("2020 Act") providing for horizontal domicile reservation across General, Scheduled Caste and Scheduled Tribe categories. Based on this, the 2nd Respondent has issued a revised notification on seat matrix and provided horizontally reserved 25% seats for students of Karnataka and also 5% concession on the General Merit cut-off score. By 2020 Act 2nd Respondent the State Government nullifies the effect of a judgment of this Hon'ble Court in *Lolaksha Vs. The Convener, Common Law Admission Test, (CLAT-2009) Nalsar University of Law (ILR 2009 KAR 3934)*, without taking out the foundation on which it is based. While *Lolaksha* entitled hundred percent reservations for SC-ST students of Karnataka, the 2020 Act restricts it to twenty five percent (25%). The 2020 Act is premised on the judgements that upheld domicile reservations in the Government colleges – that too Government medical colleges. Horizontal reservations have been negated by this Hon'ble Court in the case of *Harsha Shivaram Vs. National Law School of India (ILR 1996 KARNATAKA 902)*. The regime of Government quota seats regime is completely contra-distinguishable from the 2nd Respondent's entrance regime. The state has not provided reservation in its own state law university thus subjecting the Petitioner to hostile discrimination. Further, no law permits concession on the General Merit cut-off score to students of Karnataka, as provided in the revised seat matrix. The 2020 Act is a serious interference and infringement into the statutory functioning of the Petitioner and anathema to and ultra vires the Constitution of India. Hence, this Writ Petition.

Date: 07th August, 2020
Place: Bengaluru



Advocate for the Petitioner
(Shridhar Prabhu)

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

WRIT PETITION No. / 2020 (EDN-RES)

BETWEEN:

BAR COUNCIL OF INDIA

(A statutory body constituted
governed and functioning
under the provisions of the
Advocates Act, 1961)
having its office at
21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
NEW DELHI – 110 002
(Represented by its Secretary)

... PETITIONER

AND

1. STATE OF KARNATAKA

Department of Parliamentary
Affairs and Legislation,
Room Number 137, 1st Floor,
Vidhana Soudha,
Bengaluru 560 001
(Represented by its Secretary)

2. NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

A University constituted under the provisions
of the National Law School of India University Act, 1986
having its office at Gnana Bharathi Main Road,
Opp NAAC, Teachers Colony,
Nagarabhavi,
Bengaluru – 560 072
(Represented its Registrar)

...RESPONDENTS

MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 & 227 OF
THE CONSTITUTION OF INDIA

The Petitioner above-named most respectfully submits as under:

1. The Petitioner has preferred this Writ Petition, *inter alia* praying for
 - A. Issuance of Writ in the nature of *Mandamus* or any other Writ, Order or direction to declare that the National Law School of

4

India (Amendment) Act, 2020 (Karnataka Act 13 of 2020), produced herein as **Annexure - A** as *ultra vires* the Constitution of India, and hence, unconstitutional, illegal, untenable;

- B. Issuance of Writ in the nature of Certiorari or any other Writ order or direction the nature of Prohibition or any other Writ, Order or direction to quash and set aside the Revised seat matrix for B.A.LL.B (Hons) and LL.M programmes issued by the 2nd Respondent vide Notification dated 04th August, 2020 produced herein as **Annexure - B**;

on the following set of

BRIEF FACTS

1.1. Re: *Constitutional Scheme*

1.1.1. As per the scheme of the Constitution of India, education is placed under the Concurrent List so also legal profession (Entries 25 and 26, respectively in List III of the Seventh Schedule of the Constitution). The legal education, in a limited perspective can be treated as residual subject; however, from the most held perspective, it is the collective province of the State and the Union.

1.1.2. It is submitted that Union of India, with an objective to amend and consolidate the law relating to the legal practitioners and to provide for the constitution of the State Bar Councils and an All-

India Bar at the national level, enacted the Advocates Act, 1961 (the "1961 Act")

- 1.1.3. The 1961 Act is a complete code and a composite legislation partly falling under Entries 77 and 78 of List I and partly in Entry 26 of List III in the Seventh Schedule of the Constitution of India.
- 1.1.4. The Petitioner was established under section 4 of the 1961 to discharge certain statutory functions enumerated under section 7 of the 1961 Act, which *inter alia* include the following:
- A. to lay down standards of professional conduct and etiquette for advocates;
 - B. to promote and support law reform;
 - C. to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;
 - D. to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf;
 - E. to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;
 - F. to organise legal aid to the poor in the prescribed manner;
 - G. to recognise on a reciprocal basis foreign qualification in law obtained outside India for the purpose of admission as an advocate under this Act;



1.2. **Re: *Historicity***

1.2.1. Constitution of the Petitioner harbingered the first phase reforms in legal education. However, until the beginning of the 1980s there was no major reform. This phase of legal education reforms included: LL.B. becoming a post-graduate program of three year's duration; Rapid expansion of law teaching institutions, mainly in the private sector, many of them operating as part-time or evening-course institutions and the bulk of teachers coming from the practicing profession, giving lectures before or after court work; Development of core curriculum consisting of certain mandatory subjects offered at all full-time as well as part-time law colleges; and Establishment of a compulsory one year post-LL.B. apprenticeship with a senior advocate required for eligibility for license to practice (this was later dispensed with). Within two decades, access to legal education was greatly expanded, though the quality was diluted uncontrollably. The Petitioner then began inspecting and regulating the law colleges though it had only marginal impact on standards. Second generation reforms thus became imperative to maintain access and improve quality. However, to the utter dismay of the Petitioner, the evening-part-time imparting of law courses never ceased. Moreover, the three-year program was not yielding the results.

1.2.2. The Five-Year Integrated LL.B. program thus developed was prescribed to transform Indian Legal Education by the Petitioner - Bar Council of India (BCI) to be the only BCI-recognized law course beginning in 1982. Due to resistance from some sections of the bar and some universities, the Bar Council soon revised its

own regulations and allowed both streams (three-year post-graduate LL.B. and five-year post-higher secondary integrated LL.B.) to be run by colleges and universities according to their choice. The expansion of law colleges continued during this period, enrolling annually about two lakh (2,00,000) students in the over nine hundred (900) law teaching institutions in the country. Quality remained a casualty in many of these institutions which included university departments of law (roughly 150), Government managed/funded colleges of law (about 150) and the rest privately sponsored self-financing mostly part-time (evening) institutions.

1.2.3. Then, legendary Padma bhushan Prof. N.R. Madhava Menon, then working as Professor in Faculty of Law, Delhi University was approached by then leadership of the Bar Council of India to start an institution for the academic excellence, social relevance and professional competence. Prof Menon took a three-year sabbatical from Delhi University to join the Bar Council of India as Secretary of the Bar Council of India Trust (the "Trust"). A legal opinion on the structuring of an apex institution was obtained by the Petitioner from the Attorney General of India.

1.3. **Re: Dream and Genesis of National Law School**

1.3.1. The Trust of the Petitioner, with an object to carry out its statutory functions, and to carry out the objects under the 1961 Act, opened a branch office at Bengaluru and registered a society named and styled as the National Law School of India Society (the "Society") under the Karnataka Societies Registration Act,

1960 the objects of which *inter alia* included the establishment, maintenance and development of a teaching and research institute of higher learning in law with powers to award degrees, diplomas and other academic distinctions called the National Law School of India in Bengaluru. In furtherance of the above object and to manage the institution of repute, rules were framed by the Society providing for constitution of different authorities and other matters relating to the institution.

- 1.3.2. Then, the Society requested the State Government to establish a National Law School on the lines of the said rules to enable it to carry out its objects and functions effectively.
- 1.3.3. The 1st Respondent considered it necessary to encourage the establishment of such a national level institution and enacted the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) hereinafter called as the "1986 Act".
- 1.3.4. It is submitted that the 1986 Act makes it abundantly clear vide section 4 that the objects of the proposed institution shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary



or conducive to the attainment of all or any of the objects thereof. The core objective was that the proposed institution shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the institution to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.


1.4. Re: **Governance *de hors* Government**

1.4.1. As per section 7 of the 1986 Act, the Chief Justice of India or his nominee, who is a sitting Judge of the Supreme Court of India, shall be the Visitor of the institution. The General Council, the chief advisory body of the School, is the supreme authority under Section 9 of the 1986 Act, read with the Schedule. It has the authority to review the policies and programmes of the institution and suggest measures for its improvement and development.

1.4.2. The General Council considers and adopts resolutions on the Annual Reports, Financial Estimates and the Audit Reports and performs other functions it may consider necessary for the efficient functioning and administration of the 2nd Respondent. Clause 2 of the Schedule indicates the composition of the General Council. Clause 3 designates the Chairman, Secretary and Treasurer. The General Council is to meet not less than once a year and the meetings are to be presided over by the Chairman of the Petitioner.



- 1.4.3. It is submitted under Section 10 of the 1986 Act, the Executive Council, constituted under Section 8 read with Clause 7 of the Schedule which defines its composition, is the chief executive body of the institution and is vested with the control of its administration, management and income. Members are appointed for a term of three years. Presided over by the Vice-Chancellor, the Executive Council meets at least once every four months. The Registrar of the Law School is, *ex-officio*, its Secretary.
- 1.4.4. It is submitted that the composition of the three apex bodies - *Governing Council, Executive Council; and the Academic Council* - that govern the institution would indicate two vital aspects:
- 1.4.5. It embodies the national character and phenomenal involvement of the Petitioner, which directly nominates 16 members in the General Council and Bar Council of India Trust; and
- 1.4.6. The Chairman of the Petitioner is the Chairman of the General Council. Constituted by the Executive Council in terms of Clause 16 of the Schedule, the Finance Committee meets under the presidentship of the Treasurer, or in his absence, of the Vice-Chancellor, at least twice a year to perform the functions and duties in terms of para (3) of the Clause.
- 1.4.7. It is submitted that the Petitioner looks to the representation in its body, a galaxy of leading legal luminaries from the entire country. Similarly, its Executive Council (EC) has thirteen (13) members from the BCI - its Trust & Society, *ex officio* and nominated. Per contra, the State of Karnataka has only two *ex officio* officials. In



the Academic Council, in which body, rightly so, institution's own faculty members have majority, BCI has a very effective presence and voice with three of its members represented within it. In fact, out of apex officials of the institution, two are from the Petitioner - the Chairman of the Petitioner is the Chairman of the General Council and Managing Trustee of the BCI Trust is the Treasurer and the other being the Vice Chancellor.

- 1.4.8. The Vice Chancellors of the institution, in the past, came from the leading national legal academic talents. The 1986 Act, including regulations, as reflected above, truly reflected the agreement between the Petitioner's visionary leadership of the time and the State Government of the time that the institution belonged to the Nation, as a whole.
- 1.4.9. In sum, as aforesaid, the institution, its constitution and governing structure, as reflected from the scheme of the 1986 Act, is manifest of its distinctive nature and national character.
- 1.4.10. It is submitted that the 2nd Respondent institution is unique in every sense that this participatory model of the Hon'ble Supreme Court of India and the Petitioner forming part of an educational institutional scheme is experimented in only one special University in the entire nation. And it deserves to be treated as such. In this sense, there is no comparison of the NLS with other any institution. A copy of the current composition of the three governing bodies of the 2nd Respondent is produced herein as **Annexure - C.**



1.5. Re: BCI belongs to all and so does National Law School of India

1.5.1. It is submitted that in the same way as the Petitioner is representative of all the States and Union Territories in India, the 2nd Respondent also belongs to every state. There are a number of small and backward States where it is not feasible to create an institution of repute such as the 2nd Respondent or other National Law Universities.

1.5.2. The 2nd Respondent has lived as per its objectives as defined in section 4 of the 1986 Act. The State of Karnataka got initial institutional locational advantage. Thus, Applicants from the states outnumbered most of other states and secondly, many reputed Law Schools with competitive spirit appeared in various the States creating newer opportunities in the last twenty years. The overall quality of education of Karnataka improved with the establishment of the 2nd Respondent. Law and non-Law teachers from all over Karnataka got the facility of interaction with the faculty of the 2nd Respondent, on a continuing basis.

1.5.3. The first batch of students was selected through a National Entrance Test, and regular academic activities began on 1st July, 1988. Ever since, admissions to the 2nd Respondent has been on the basis of performance at a National Entrance Test which has now, since 2008, graduated to a National Level Common Admission Test known as the Common Law Entrance Test (CLAT) and it operates to select candidates for all the National Law Schools in the country.



- 1.5.4. The students of 2nd Respondent have made significant strides in the Bar Council of India National Moot Court Competition in their very first year of legal education. Thus far, about twenty-six batches have completed their studies. Many students have pursued further studies in their chosen areas of specialisation in other prestigious international Universities on prestigious scholarships like Rhodes and INLAKS.
- 1.5.5. It is submitted that from the year 1996 to 2017, the 2nd Respondent has produced 20 Rhodes Scholars, which is unheard of from the record of one institution. What is striking is that out of those 20 Rhodes Scholars, as many as 7 are from the State of Karnataka. Several students from the 2nd Respondent have joined practice of the law in India at various levels from trial courts to the High Courts and the Supreme Court; some have joined the Judiciary, and a few have joined the Civil Services. Several alumni have been selected for the Civil Services. The institution has undertaken many research projects. The 2nd Respondent has exchange programmes with several international universities including the National University of Singapore, Osgoode Hall Law School, York University, Canada and Bucerius Law School, Germany. Faculty members of this University have gone to the Universities of Wales, Warwick and Nottingham and Faculty from these Universities have spent some time here doing teaching and research under the Exchange and Faculty Improvement Programmes facilitated by the British Council, Chennai. A number of professors and judges from the U.S.A., Canada, U.K., Australia, Singapore, Hong Kong, China, South Africa, Malaysia and New Zealand have visited and



interacted with, and even taught, at the 2nd Respondent institution. The institution has been selected as a Centre for Training of in-service officers from several departments of both the Union and State Governments including the institutional arrangements with the Central Bureau of Investigation (CBI), National Academy of Direct Taxes (NADT), National Academy of Customs, Indirect Taxes and Narcotics (NACEN) etc.

1.5.6. The true national character of the institution is manifest not just in its statutorily declared objectives but in practice and its governance structure.

1.6. **Re: Domicile Reservation via 2020 Act**

1.6.1. This being the case, in the 6th Session of 15th Assembly of the 1st Respondent's Legislative Assembly held on 18th February, 2020, a bill entitled National Law School of India (Amendment) Bill, 2020 was introduced and the same was passed by the Legislative Assembly on 19th March, 2020. Similarly, the Legislative Council also passed the said Bill on 23rd March, 2020. The National Law School of India (Amendment) Act, 2020 thus passed received the assent of Governor of Karnataka on the 27th day of April, 2020 and was first published in the Karnataka Gazette Extra-ordinary on the 27th of April, 2020. A copy of the National Law School of India (Amendment) Act, 2020 is referred to and produced *supra* as *Annexure-A (the "2020 Act")*.

1.6.2. The 2020 Act, *vide* section 2 amends the 1986 Act and inserts after sub-section (2) to section 4, the following: -



"(3) Notwithstanding anything contained in this Act and the regulations made thereunder, the school shall reserve horizontally twenty five percent of seats for students of Karnataka.

Explanation: For the purpose of this section "student of Karnataka" means a student who has studied in any one of the recognized educational institutions in the State for a period of not less than ten years preceding to the qualifying examination."

[Emphasis supplied]

- 1.7. **Re: Tampering Constitutional Reservation – Nullifying judgment**
- 1.7.1. It is submitted that constitutionally guaranteed reservation under Articles 15 is being extended in the 2nd Respondent institution. It is submitted that of the total seats 15% are reserved for the candidates belonging to the Scheduled Castes (SCs) and 7 ½ % for Scheduled Tribes (STs) are provided. Thus, 22 ½% seats are reserved for the SCs-STs.
- 1.7.2. The 2020 Act provides that 25% seats will be horizontally reserved for the students of Karnataka. This conversely means that remaining 75% SC-ST seats are available for all students. In simple terms, the 75% SC-ST seats are now in open category for all students and not exclusively for Karnataka students and SC-ST students of Karnataka now are entitled only to 25% of the seats.



1.7.3. This scheme is directly hit by the judgement of this Hon'ble Court in the case of *Lolaksha Vs. The Convener, Common Law Admission Test, (CLAT-2009) Nalsar University of Law (ILR 2009 KAR 3934)*, in which it was held that SCs-STs of Karnataka alone are entitled to one hundred percent reservations in the 2nd Respondent institution under the SC-ST category. Thus, the 2020 Act is an attempt to nullify the judgement of this Hon'ble Court in *Lolaksha* case by curbing the one hundred percent entitlement of Karnataka SC-ST students to 25%. The Act and resultant Revised Seat matrix at Annexure A and B, respectively, are an attempt to nullify this Hon'ble Court's judgment.

1.8. Re: **BCI's opposition**

1.8.1. As submitted above, a number of nominees of BCI are Members of the Executive Council of the 2nd Respondent. BCI nominees expressed their opinion regarding the 2020 Act in the 90th Executive Council Meeting held on 27th June, 2020 expressing their serious reservations regarding the 2020 Act. Further, on 26th July, 2020, the Petitioner received an email from the Registrar of the 2nd Respondent containing Minutes of the Meeting of the Executive Council of the 2nd Respondent held on 27th June, 2020 (the "**MOM**").

1.8.2. The Petitioner, upon receipt of the MOM, held a meeting and it was resolved in the said meeting that 2nd Respondent that BCI will challenge the legislation of the State of Karnataka. It was specifically resolved that that by way of this Legislation 25% reservation has been made for the students of Karnataka



illegally, without taking the BCI into confidence or even informing BCI of it. The Resolution specifically states that Petitioner established the 2nd Respondent as an autonomous body without any such involvement of the State Government in such matters. The Petitioner firmly resolved that 2020 Act is certainly going to degrade the standard of this Institution. A copy of the extract the BCI Resolution dated 29th July, 2020 is produced herein as **Annexure - D.**

- 1.8.3. As per 2020 Act, the hitherto existing 80 seats has been increased to 120 seats, annually, of which 15% are reserved for the candidates belonging to the Scheduled Castes (SCs) and 7 ½ % for Scheduled Tribes (STs) based only on policy of Constitutional reservation. Further as per the revised Seat Matrix, six (6) seats comprising 5% of the total seats are reserved horizontally for Persons with Disability (PWD).
- 1.8.4. It is submitted up to 25% of total seats in each vertical reservation category, subject to a maximum of Thirty (30) students, shall be admitted under the horizontal institutional preference for Karnataka Students. It is submitted that the 2nd Respondent has issued a notification dated 04th August, 2020 containing the revised seat matrix in view of the 2020 Act.
- 1.8.5. A prima facie perusal of this notification reveals that while 25% seats are reserved for the students of Karnataka in each category including SC-ST category. Conversely, 75% of the seats are de-reserved from Students of Karnataka and importantly from SCs-STs students of Karnataka.



- 1.8.6. As an illustration, prior to the 2020 Act and Revised Seat Matrix, the entire 27 seats were reserved for the Students of Karnataka. However now only 7 seats are reserved for SC-ST student being 25% of 27. This nullifies the judgement of this Hon'ble Court in *Lolaksha*.
- 1.8.7. Further, the students of Karnataka have been provided benefit of a 5% concession on the General Merit cut-off score obtained in Common Law Admission Test (CLAT) 2020. This is not contemplated either under the 1985 Act or 2020 Act.
- 1.8.8. The Petitioner deems the 2020 Act and consequent notification at Annexure B as interference in its statutory duties besides being unconstitutional, illegal and untenable. Hence, this Petition on the following grounds.
- 1.8.9. **Declaration:** The Petitioner declares that it has not filed any other case before this or any other forum based on the same cause of action.
- 1.8.10. The grounds are urged herein are without prejudice to one another and the Petitioner craves the leave of this Hon'ble Court to drop any of the existing of the grounds or to amend them or urge such other additional grounds as may be available at the time of arguments.

2. GROUND

2.1. Re: Nullification of *Lolaksha* judgment

- 2.1.1. Because that 2020 Act provides that 25% seats will be horizontally reserved for the students of Karnataka. This



conversely means that remaining 75% across all categories are available for other students. Consequently, SC-ST students of Karnataka now are entitled only to 25% of the seats. This Hon'ble Court in the case of ***Lolaksha Vs. The Convener, Common Law Admission Test, (CLAT-2009) Nalsar University of Law*** (ILR 2009 KAR 3934), has held that 2nd Respondent cannot extend the status of Scheduled Caste and Schedule Tribe to candidates hailing from other States or areas. Consequently, the SCs-STs of Karnataka alone are entitled to one hundred percent reservations in the 2nd Respondent institution under the SC-ST category. Thus, the 2020 Act is an attempt to nullify the judgement of this Hon'ble Court in *Lolaksha* case by de-reserving 75% seats in favour of non-Karnataka SC-ST students.

- 2.1.2. Because it is trite law in view of the law declared by the apex court in a number of decisions including ***Shri Prithvi Cotton Mills Ltd. v. Broach Borough Municipality (1969) 2 SCC 283, Madan Mohan Pathak v. Union of India (1978) 2 SCC 50*** and a number of judgements rendered thereafter, including the latest judgement of ***Hindustan Construction Company Limited and Ors. vs. Union of India (UOI): AIR 2020 SC 122*** that it is not open to the legislature to render a judgment ineffective without taking away its basis or foundation. In other words, a court's decision must always bind unless the conditions on which it is based are so fundamentally altered that the decision could not have been given in the altered circumstances. As against this settled principle, the 2020 Act, under the garb of domicile reservations, nullifies the judgement of this Hon'ble Court in

Lolaksha, when the conditions on which it is based are not altered at all.

- 2.1.3. Because *Lolaksha* matter is pending in appeal before this Hon'ble Court in W.A.No.3545 of 2009. Be that as it may, as on today, there is no stay against this judgment. The 2020 Act is an attempt to overcome the *Lolaksha* judgment by nullifying the judgement without removing its basis or foundation.
- 2.1.4. Because as the total reservation of SCs-STs in NLS is 22 ½ % (15 percent for SCs and 7½ percent for STs), it is nearly equivalent to the 25% domicile reservation now contemplated under the 2020 Act. Hence, the contention of the State that there is inadequate local representation in 2nd Respondent institution is completely wrong.
- 2.1.5. Because the sole ground contained in the Statement of Reasons and Objectives of the 2020 Act for providing domicile reservations is that other institutions have done it. No examination much less empirical examination of facts has formed the basis for enacting 2020 Act. There was material or empirical data available with the 1st Respondent to make the legislation.
- 2.2. **Re: Incomparable regimes**
- 2.2.1. Because the cases relied upon by the legislature in passing the legislation viz., ***Sourabh Chowdhary*** (AIR 2004 SC 361), ***Saurabh Kumar Dwiwedi***, ***Yatin Kumar Patel*** are all cases pertaining to the institutional preference in the government institutions. The institutional preference in a governmental institution or under the regime of government quota seats in

professional colleges are essentially and completely different from the admissions regime in the 2nd Respondent. In all the cases considered by the state legislature, the issue that fell for consideration was reservations in Government Colleges, Professional Courses wherein Government has a definitive quota seats reserved. The question was how to allocate the said seats – either for respective states or on all India basis. It is submitted that the 2nd Respondent, constituted with a specific objective, as enumerated herein, cannot be compared with these institutions, especially the government-owned, public funded or aided institutions.

2.2.2. Because the horizontal reservations in the 2nd Respondent fell for consideration in the case of *Harsha Shivaram Vs. National Law School of India* (ILR 1996 KARNATAKA 902) held that NLS is neither a Government Educational Institution nor is it receiving any aid from the Government.

2.3. **Re: Class in itself: Interface in statutory functioning**

2.3.1. Because the 2nd Respondent being an autonomous institution established at the instance of the Petitioner, is a class in itself. It is trite law beginning with the *Chiranjit Lal Chowdhuri vs The Union of India And Others* (AIR SC 41) that even one person or thing can be a class in itself. Thus, the 2nd Respondent being a class in itself, generic principles of domicile-based or other reservations cannot be applied to the NLS.

2.3.2. Because the 2nd Respondent was conceived by the BCI to be model national institution for legal education. Its national

character is innate to its constitution. Once national character is compromised, the very purpose for which the 2nd Respondent was established will stand completely defeated. The 2nd Respondent is a living embodiment and manifestation of the statutory function of Petitioner's statutory function contained in the 1961 Act. Hence, the Petitioner regards this amendment nothing short of an interference into its statutory functioning. Thus, the impact of this amendment transcends beyond the aspects of academic autonomy and independent governance of the institution but goes to impact the very edifice on which Petitioner stands to regulate legal education and profession. The constitution and administration of the 2nd Respondent is manifestation of the foundational function of BCI to lay down standards for legal education. The 2020 Act is an encroachment into this exclusive domain of the BCI.

2.4. Re: Manifest Arbitrariness

2.4.1. Because the institutional preference in medical colleges was permitted and upheld by judicial pronouncements on two major grounds: students who secure admissions in their own states will serve their states post education and backward states and regions must be allowed to be developed. However, in the present case, provision of domicile reservation has no rational basis or legal logic. There is no logic nexus to the objective sought to be achieved.

2.4.2. Because whole of Karnataka cannot be treated as backward region and there is no compulsion or guarantee that the recipients of domicile reservations will serve the people of



Karnataka. Unlike Medical profession, there is no compulsion for legal profession for rural service or domicile service etc. Hence, categorization of whole of Karnataka as a unit for reservation is manifestly arbitrary.

2.4.3. Because in an institution established by the Petitioner, an all India statutory council, the institutional preference or domicile reservations cannot be made to the exclusion of other students in an institution established by an All India council such as the Petitioner.

2.4.4. Because manifest arbitrariness has been held to be a permissible line of attack on the *vires* of a legislation in two Constitution Bench judgement of this apex court – firstly, in the case of **Shayara Bano v. Union of India:(2017) 9 SCC 1** and then in the case of **Joseph Shine vs. Union of India: (2019) 3 SCC 39**. Thus, providing reservations to the people of an entire state to the exclusion of the people of other states, in an institution established at the behest of an all India statutory institution is manifestly arbitrary and legislation does not seek to achieve the intended objective of excellence in legal education.

2.5. ***Re: PA Inamdar still holds the field***

2.5.1. Because 2020 Act would open flood gates in admission and also in appointment of the faculties as several types of reservations exist in the State of Karnataka. If these reservations are held valid, the State can make further reservations based on the OBC quota, Hyderabad Karnataka Quota under 371 J of the Constitution of India, Rural Quota, Kannada Medium Quota, Economic Weaker Sections (EWS) etc. The 2020 Act can



harbinger a regime of complete state intervention, which is total anathema to quality legal education as envisaged by BCI and goes against the spirit of constituting the 2nd Respondent with a true national character.

- 2.5.2. Because in *stricto sensu* the 2nd Respondent cannot even be compared to unaided institutions for being on a different pedestal as there are government quota seats in even in the unaided institutions. However, since the regime has some external semblance, it is important to capture the essence of the ruling in ***P.A. Inamdar and others vs. State of Maharashtra: (2005) 6 SCC 537.***

"132. Our answer to the first question is that neither the policy of reservation can be enforced by the State nor any quota or percentage of admissions can be carved out to be appropriated by the State in a minority or non-minority unaided educational institution. Minority institutions are free to admit students of their own choice including students of non-minority community as also members of their own community from other States, both to a limited extent only and not in a manner and to such an extent that their minority educational institution status is lost. If they do so, they lose the protection of Article 30(1).

146. Non-minority unaided institutions can also be subjected to similar restrictions which are found reasonable and in the interest of the student community. Professional education should be made accessible on the criterion of merit and on non-exploitative terms to all



eligible students on a uniform basis. Minorities or non-minorities, in exercise of their educational rights in the field of professional education have an obligation and a duty to maintain requisite standards of professional education by giving admissions based on merit and making education equally accessible to eligible students through a fair and transparent admission procedure and based on a reasonable fee structure."

(Emphasis Supplied)

PA Inamdar still holds the field, at least in so far as 2nd Respondent is concerned.

- 2.5.3. Because the Union legislature, in order to nullify the effect of the apex court ruling in *PA Inamdar*, enacted the Constitution (Ninety-Third Amendment) Act, 2005, wherein, Clause (5) was inserted in Article 15 of the Constitution of India, which reads as under:

"Nothing in this article or in Sub-clause (g) of Clause (1) of Article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to the educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in Clause (1) of Article 30."



The Apex court considered the constitutional validity of the aforesaid amendment in the context of 27% reservations in the case of ***Ashoka Kumar Thakur vs. Union of India (UOI) and Ors: 2008 (6) SCC 1***. What is now settled is that impact of *PA Inandar* is neutralized in so far as the Schedule Castes and Scheduled Tribes and Other Backward Classes (OBCs) are concerned. However, legislature in its wisdom, did not neutralize the impact of *PA Inandar* in the case of other segments of reservations and particularly in the autonomous institution such as the 2nd Respondent.

2.6. ***Re: Saurabh Chaudary et al distinguishable***

- 2.6.1. Because it has been a settled principle of law of precedent that a decision is an authority for what it actually lays down, and not for what all logically follows from what is laid down *vide* Lord Halsbury in ***Quinn Vs. Leathern (1901) A.C. 495, 506***. Thus, the cases cited in the legislation are distinguishable. Since the subcategory called – *Students of Karnataka* – as contemplated in 2020 Act - can by no stretch of imagination be termed as Socially and Educationally Backward Classes under Article 15, the no protection is guaranteed to them under the unaided institutions. The cases that formed the basis for bringing out the 2020 legislation were the ones in which horizontal reservations in Government institutions was the exclusive consideration or the composite scheme of seat sharing like Engineering or Medical Colleges fell for consideration. For instance, the opening

paragraph in **Saurabh Chaudary**, which is followed in all subsequent cases, reads thus:

*"2. The core question involved in these writ petitions and appeal centers round the constitutional validity of reservation whether based on domicile or institution in the matter of admission into Post Graduate Courses in **government run medical colleges.**"*

[Emphasis added]

2.6.2. Because **Saurabh Chaudary** case is further distinguishable in view of the observations therein at para 68 of the said judgement:

*"The court while adjudicating upon the constitutionality of the provisions of the statute may notice all **relevant facts** whether existing or conceived. This Court may therefore **notice** the following:*

- (i) The State runs the Universities.**
- (ii) It has to spend a lot of money in imparting medical education to the students of the State.**

[Emphasis Supplied]

XXX

In the present case, it is not the State, but the General Council and Executive Council that run the institution of NLS. The state intervention and funding are justifiably minimal or nil.

2.6.3. Because all the judgments up to the latest Judgement in the case of *Yatinkumar Jasubhai Patel*, wherein Rules framed by Gujarat University under the Gujarat State University Act, 1949, for the purpose of governing admission to Post Graduate Courses were examined in the anvil of National Eligibility Entrance Test (NEET). These facts and regimes are incomparable with the facts of the present case. Under the NEET scheme, there are defined State quotas, which are conspicuously missing in the case of the 2nd Respondent's admission process. Thus, both are in different domain. Moreover, the objective of creating a national level model legal institution and the model of State governing the Universities and expending its resources therefor are conspicuously absent in the case of the 2nd Respondent. Furthermore, there is no nexus much less a reasonable nexus with creation of a subcategory of *Students of Karnataka* in 2020 Act with promotion of legal education as is sought under the 1986 Act.

2.7. **Re: Colleges in Karnataka – Hostile Discrimination**

2.7.1. Because it is submitted that in the State of Karnataka there are about ten (10) law colleges governed by State and more than one hundred and twelve (112) private Law Colleges. Of these, about 106 Law Colleges in the State of Karnataka are affiliated to the Karnataka State Law University (KSLU), which was constituted under the Karnataka State Law University Act, 2009 (“2009 Act”). It is submitted that the State of Karnataka has not provided for any domicile-based reservations under the 2009 Act. Further, none of the Statutes made by KSLU under the Act



mandate for any domicile-based reservations. If the State was so much conscious of reservations for its Karnataka students, the provision ought to have been made therefor. Notwithstanding whether the State provides for the reservations in its other institutions or not, the 2nd Respondent being constituted as national institution under the 1986 Act is a class by itself with its own historicity and unique governance structure, is not to be treated at par with other institutions.

- 2.7.2. Because one of the major grounds on which the 2020 Act is made is the so-called principles of parity. The Statement of Objects and Reasons of 2020 Act goes on to that "*19 National Law NLS Universities in India, wherein horizontal reservation for State domicile is provided.*" At the outset, it is submitted that what other institutions in other States are doing does not confer legal or constitutional validity to State action. More importantly, none of these institutions have the same historicity and origination objectives as that of the 2nd Respondent. Except 2nd Respondent, no other Law Universities were established at the behest and with the partnership of BCI – either at the inception or thereafter. All of them, in some sense, are much akin State Universities, which can thus, at best be, compared to the KSLU constituted by the State under the 2009 Act.

2.8. ***Re: Reversal of domicile trend***

- 2.8.1. Because it is submitted that the issue of domicile-reservations in one such University was the subject matter of a Writ Petition before the Hon'ble Delhi High Court. In that case, a Division Bench of the Hon'ble Delhi in the case of **BALVINDER**



SANGWAN & ORS VS. STATE (GNCT) OF DELHI. Hon'ble Delhi High Court was pleased to stay the notification providing for 50% horizontal reservations.

2.9. **Re: Revised Seat Matrix**

2.10.1 Because as per the Revised Seat Matrix at Annexure-B the General Category candidates who are 'Karnataka Students' shall benefit from a 5% concession on the General Merit cut-off score obtained in CLAT-2020. There is no statutory, legal or logical basis for this provision.

2.10.2 Because neither the 1986 Act nor the 2020 Act contemplate or authorise the 2nd Respondent to provide 5% concession on the General Merit cut-off score obtained in CLAT-2020. Thus, this provision in the Revised Seat Matrix is *ultra vires* the 1986 Act even as it stands amended by 2020 Act.

3. **GROUNDS IN SUPPORT OF INTERIM PRAYER**

3.1. Because the 2020 Act is aimed at nullifying the effect of a judgement rendered by this Hon'ble Court. It is primarily an interference into the statutory functioning of the Petitioner. The domicile reservations and institutional preference in government medical college et al that too in the Government quota regime cannot be equated with the regime prevailing in the 2nd Respondent. The revised seat matrix, if implemented, would create third party rights and leads to avoidable and protracted litigations. It irreversibly harms the interest of the legal education and profession. If the revised seat matrix is stayed, no harm or

injustice would be caused. The Petitioner has a prima facie case on merits. There is balance of convenience in favour of the Petitioner and against the Respondents. The revised seat matrix, if implemented, would cause irreversible consequences, which cannot be compensated with money.

4.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- A. Call for records;
- B. Issue a Writ in the nature of *Mandamus* or any other Writ, Order or direction to declare that the National Law School of India (Amendment) Act, 2020 (Karnataka Act 13 of 2020), produced at **Annexure - A** as *ultra vires* the Constitution of India, and hence, unconstitutional, illegal, untenable; and consequently be pleased to strike down the same from the statute book
- C. Issue a Writ of Certiorari or any other Writ order or direction the nature of Prohibition or any other Writ, Order or direction to quash and set aside the Revised seat matrix for B.A.LLB (Hons) and LL.M programmes issued by the 2nd Respondent *vide* Notification dated 04th August, 2020, produced at **Annexure - B**;



- D. Pass such other and consequential order/s as may be deemed appropriate under the facts and circumstances of the present case.

INTERIM PRAYER

Pending final adjudication of the present Writ Petition on merits, stay the operation of the Revised seat matrix for B.A.LLB (Hons) and LL.M programmes issued by the 2nd Respondent *vide* Notification dated 04th August, 2020, produced at **Annexure - B** and all further and consequent actions thereby;

Date: 07th August, 2020

Place: Bengaluru

Address for Service:

**Navayana Law Office
No.205, II Floor, Triguna Icon
Wilson Garden, Hosur Main Road
Bengaluru 560 027
Ph: 98452 26526
Email: shridhar@navayana.in**



**Advocate for the Petitioner
(Shridhar Prabhu)**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
(Original Jurisdiction)

WRIT PETITION No. / 2020 (GM-RES)

BETWEEN:

Bar Council of India

... PETITIONER

AND

STATE OF KARNATAKA & ANOTHER

...RESPONDENTS

AFFIDAVIT

I, Srimanto Sen, son of Sh. S. Sen, aged about 46 years, working as Secretary of Bar Council of India, having office at No.21, Rouse Avenue, Institutional Area, New Delhi – 110 002, do hereby affirm and state on oath as follows:

1. I am the Deponent of this Affidavit and Secretary of Bar Council of India, the Petitioner in the present Petition. I am well conversant with the facts of this case and am authorised and competent to swear to this Affidavit.
2. I state that what is contained in paragraphs 1 to 3 of the accompanying Writ Petition is true to the best of my knowledge and information as per the records maintained by the Petitioner. I state that paragraphs 4 and 5 are prayer clauses and are based on the legal advice received, which I believe to be true. I state that Annexure-A to D are true copies of their respective originals.

Date:

Place: New Delhi



Srimanto Sen
Deponent

SRIMANTO SEN
Secretary
Bar Council of India
NEW DELHI-110002

KARNATAKA ACT NO. 13 OF 2020

THE NATIONAL LAW SCHOOL OF INDIA (AMENDMENT) ACT, 2020

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 4

STATEMENT OF OBJECTS AND REASONS

Act 13 of 2020.- Whereas there are 19 National Law School Universities in India wherein horizontal reservation of State domicile is provided as under:-

- (1) 25% of seats are horizontally reserved for candidates of domicile of State of Madhya Pradesh in National Law School University, Bhopal.
- (2) 10% of seats are reserved for Punjab residents in Rajiv Gandhi National University, Punjab.
- (3) 30 seats are reserved for permanent residents of Assam in National Law University and Judicial Academy, Assam.
- (4) 80 seats out of 258 seats are reserved for candidates of domicile of Uttar Pradesh in Dr. Ram Manohar Lohia National Law University, Lucknow.
- (5) 30 seats out of 120 seats are reserved for General Candidates of Andhra Pradesh in DamodarSanjivayya National Law University, VishakaPatnam, Andhra Pradesh.
- (6) 16 General Tamil Nadu seats are filled out of 54 seats in Tamil Nadu National Law School Tiruchirapalli, Tamil Nadu.
- (7) 16 seats out of 81 seats are reserved for residents of Telangana in National Academy of Legal Studies and Research University, Hyderabad.
- (8) 80 seats out of 187 seats are filled horizontally by Chattisgarh domicile students in Hidayatulla National Law University, Raipur.

Whereas National Law School of India University, Bangalore is a creature of the State Legislature. No reservation is provided in the said University for Karnataka Students and they are deprived of this opportunity. Institutional reservation for Karnataka Students is permissible as per the Hon'ble Supreme Court Judgement in Sourabh Choudary v/s Union of India (2003) 11 SCC 146 and in Sourabh Dwivedi v/s union of India (2017) SCC 626 dt.7-6-2017 upto the extent of 50% in undergraduate Courses.

In Yatin Kumar Jasubhai Patel v/s State of Gujarat in W.A.No.7939 of 2019.
Dt.4-10-2019 the Hon'ble Supreme Court has held as follows:-

"The decision of this Court in the case of Dinesh Kumar (Dr.) (II) (supra) permitting 25% Institutional Preference has been distinguished by a Constitutional Bench of this Court in the case of Saurabh Chaudri (supra). Therefore, once the Institutional Preference to the extent of 50% of the total number of open seats has held to be permissible, in that case, thereafter it will be for the appropriate authority/State to

consider how much percentage seats are to be reserved for Institutional Preference/Reservation. It will be in the realm of a policy decision and this Court cannot substitute the same, unless it is held to be arbitrary and/or mala fide and/or not permissible. As observed hereinabove, a five Judge Bench of this Court in the case of Sourabh Chaudri (supra) has categorically allowed/permitted/approved the Institutional Preference/Reservation in the post graduate medical courses to the extent of 50% of the total number of open seats."

Now therefore initially it is considered necessary to provide for 25% of seats to Karnataka Students in National Law School of India, University Bangalore by amending the Karnataka National Law School of India Act, 1986 (Karnataka Act 22 of 1986).

[L.A. Bill No. 03 of 2020, File No. Samvyashae 34 Shasana 2017]
[Entry 25 and 26 of List III of the Seventh Schedule to the Constitution of India]
[Published in Karnataka Gazette Extra-ordinary No. 148 in part-IV dated: 27.04.2020]

KARNATAKA ACT NO. 13 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 27th Day of April, 2020)

THE NATIONAL LAW SCHOOL OF INDIA (AMENDMENT) ACT, 2020

(Received the assent of Governor on the 27th day of April, 2020)

An Act further to amend the National Law School of India Act, 1986.

Whereas, it is expedient to amend the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy First year of the Republic of India as follows.-

1. Short title and commencement.- (1) This Act may be called the National Law School of India (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 4.-In section 4 of the National Law School of India Act, 1986 (Karnataka Act 22 of 1986) after sub-section (2), the following shall be inserted, namely:-

"(3) Notwithstanding anything contained in this Act and the regulations made thereunder, the school shall reserve horizontally twenty five percent of seats for students of Karnataka.

Explanation: For the purpose of this section "student of Karnataka" means a student who has studied in any one of the recognized educational institutions in the State for a period of not less than ten years preceding to the qualifying examination."

By Order and in the name of
the Governor of Karnataka,


TRUE COPY

(K. DWARAKNATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation

**NATIONAL LAW SCHOOL OF INIDA UNIVERSITY
BENGALURU**

NOTIFICATION

Revised seat matrix for B.A.LLB(Hons) and LL.M programmes

August 4, 2020

This notification brings to the notice of the applicants a change in the seat matrix of the National Law School of India University, Bangalore, Karnataka. Candidates are requested to update their eligibility criteria, by Monday, 17th August, 2020, if applicable.

1. The total number of seats available in B.A., LL.B(Hons) Programme has been increased from 80 (eighty) to 120 (Hundred and twenty).
2. **New "Karnataka Students" category**
 - 2.1. The National Law School of India (Amendment) Act, 2020 (Karnataka Act No. 13 of 2020) which came into effect on 27.04.2020, has introduced a new category of institutional preference for candidates who have studied for not less than ten years in a recognized educational institution in Karnataka ("**Karnataka Students**"). These candidates shall be preferred for admission for upto 25% of the total seats available in the B.A., LLB (Hons) and LL.M programmes offered by NLSIU.
 - 2.2. General Category candidates who are 'Karnataka Students' shall benefit from a 5% concession on the General Merit cut-off score obtained in CLAT 2020.

'Karnataka Students' who also belong to the SC, ST or PWD categories shall be subject to the same concessions provided to SC, ST and PWD categories respectively.
 - 2.3. The implementation of the "Karnataka Students" category shall be subject to the Orders of the High Courts and the Supreme Court in ongoing litigation.

The revised Seat matrix for B.A., LL.B (Hons) is as follows:

Category	No. of seats (out of 120)
Scheduled Caste (15%)	18
Scheduled Tribe (7.5%)	9
General Category	93

Note -

- 1) Six (6) seats comprising 5% of the total seats shall be reserved horizontally for Persons with Disability.
- 2) Upto 25% of total seats in each vertical reservation category, subject to a maximum of Thirty (30) students, shall be admitted under the horizontal institutional preference for Karnataka Students.


The revised Seat matrix for LL.M is as follows:

Category	Business seats (30)	Human Rights seats (20)
Scheduled Caste (15%)	5	3
Scheduled Tribe (7.5%)	2	2
General Category	23	15

Note -

- 1) Two (2) seats in Business Law and One (1) seat in Human Rights Law comprising 5% of the total seats shall be reserved horizontally for Persons with Disability.
- 2) Upto 25% of total seats in each vertical reservation category, subject to a maximum of Thirteen (13) students shall be admitted under the horizontal institutional preference for Karnataka Students.

 TRUE COPY

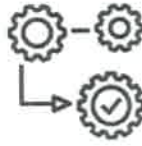

Prof.(Dr.) Sarasu E. Thomas
Registrar, NLSIU, Bengaluru



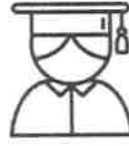
The NLSIU has the following authorities



The General Council



The Executive Council



The Academic Council



The Finance Committee

Powers of the aforesaid authorities are mentioned below

The General Council has the power to review the broad policies and programmes of the University and suggest measures for the improvement and development of the School. It also considers and passes the resolutions on the annual report, financial estimates and the audit reports on such accounts. The General Council shall meet at least once in a year. The Chairman of the Bar Council of India shall preside over the meetings. However, so far, the Visitor has attended all the General Council Meetings and whenever he attends he presides over the meetings as per the Statute.

The Executive Council is the chief executive body of the University in which all the administrative control and management of the NLSIU is vested. It has been empowered to control and administer the property and funds of the School. The Director shall be the Chairman of the Executive Council and the Registrar shall be ex-officio Secretary.

The Academic Council has the power of control over and general regulation of and be responsible for the maintenance of standards of instruction, education and examination at the School. It has been mandated to advise the Executive Council on all academic matters. The Director shall be the Chairman of Academic Council.

Finance Committee constituted by the Executive Council consists of the Treasurer of the School who is the Managing Trustee of the Bar Council of India Trust, the Director, three members nominated by Executive Council from amongst its members out of whom at least one would be from the Bar Council of India and one from Government of Karnataka. The Finance Committee has been empowered to examine and scrutinise the annual budget of the school and make recommendations on financial matters to the Executive Council and to consider the proposals for new expenditure, and the periodical statement of accounts and review the finances of the school. The treasurer shall preside over the meeting and in his absence, the Director shall preside.

The General Council

Constituted under Section 8 read with para 2 of the Schedule, the General Council is the supreme authority under Section 9 of the Act. It has the authority to review the policies and programmes of the Law School and suggest measures for its improvement and development. The Council considers and adopts Resolutions on the Annual Reports, Financial Estimates and the Audit Reports and performs other functions it may consider necessary for the efficient functioning and administration of the Law School. Clause 2 of the Schedule indicates the composition of the General Council. Clause 3 designates the Chairman, Secretary and Treasurer.

Members of the Council are appointed for a term of three years.

The General Council is to meet not less than once a year. The meetings are to be presided over by the Chairman, Bar Council of India.

Current Members of the General Council – 2019 are

- 1 Hon'ble Mr. Justice Sharad Arvind Bobde, Chief Justice of India
- 2 Hon'ble Mr. Justice Nuthalapati Venkata Ramana Judge, Supreme Court of India
- 3 Hon'ble Mr. Justice Arun Kumar Mishra Judge, Supreme Court of India
- 4 Hon'ble Mr. Justice Uday Umesh Lalit Judge, Supreme Court of India
- 5 Hon'ble Mr. Justice Ajay Manikrao Khanwilkar Judge, Supreme Court of India
- 6 Hon'ble Mr. Justice Dhananjaya Y. Chandrachud Judge, Supreme Court of India



- 13 Hon'ble Mr. Justice Dinesh Maheshwari Judge Supreme Court of India
- 14 Hon'ble Mr. Justice Surya Kant Judge, Supreme Court of India
- 15 Hon'ble Mr. Justice Ajikuttira S. Bopanna Judge Supreme Court of India
- 16 Hon'ble Mr. Justice Abhay Shreeniwas Oka Chief Justice of Karnataka High Court
- 17 Hon'ble Mr. Justice V Gopala Gowda Former Judge, Supreme Court of India
- 18 Shri. Manan Kumar Mishra Senior Advocate, Chairman, Bar Council of India
- 19 Shri. Satish Abarao Deshmukh Advocate, Vice-Chairman, Bar Council of India
- 20 Shri. S. Prabakaran Advocate, Member, Bar Council of India
- 21 Shri. Debi Prasad Dhal Advocate, Managing Trustee, BCI Trust
- 22 Shri. Apurba Kumar Sharma Senior Advocate, Chairman, Executive Committee, Bar Council of India
- 23 Shri. Y. R. Sadasiva Reddy Member, Bar Council of India
- 24 Shri. Shailendra Dubey Advocate, Member, Bar Council of India
- 25 Shri. Ved Prakash Sharma Advocate, Member, Bar Council of India
- 26 Shri. Prashant Kumar Singh Advocate, Member Bar Council of India
- 27 Shri. Suresh Chand Shrimali, Advocate, Member, Bar Council of India
- 28 Shri. Manoj Kumar N Member, Bar Council of India
- 29 Shri. Dilip K Patel Member, Bar Council of India
- 30 Shri. Shreenath Tripathi Member, Bar Council of India
- 31 Shri. A Rami Reddy Member, Bar Council of India
- 32 Shri. Pratap Singh Member, Bar Council of India
- 33 Shri. Sunil Gupta Member, Bar Council of India
- 34 Shri. Desh Raj Sharma Member, Bar Council of India
- 35 Shri. D K Sharma Member, Bar Council of India
- 36 Shri J. C. Madhu Swamy Hon'ble Minister of Law, Parliamentary affairs and Legislation, Minister of Minor Irrigation from Water Resources Department
- 37 Dr. C. N. Ashwath Narayan Hon'ble Deputy Chief Minister, Hon'ble Minister of Higher Education, Minister of IT & BT, Minister of Science and Technology
- 38 Shri. Anil Kumar J.M. Chairman, Karnataka State Bar Council
- 39 Shri. Prabhuling K Navadgi Advocate General, Karnataka
- 40 Shri. E. V. Ramana Reddy, IAS Secretary, Higher Education, Government of Karnataka
- 41 Shri. S.Y. Watawati Law Secretary, Government of Karnataka
- 42 Prof.(Dr.) Sudhir Krishnaswamy Vice Chancellor
- 43 Prof. (Dr.) Sarasu Esther Thomas, Professor of Law & Registrar, NLSIU
- 44 Prof. (Dr.) Ashok R. Patil Professor of Law, NLSIU
- 45 Prof. (Dr.) T.S. Somashekar Professor of Economics, NLSIU
- 46 Dr. Nagarathna A. Associate Professor, NLSIU

[BACK](#)

The Executive Council

Under Section 10 of the Act, the Executive Council, constituted under Section 8 read with Clause 7 of the Schedule which defines its composition, is the chief executive body of the Law School and is vested with the control of the School, its administration, management and income.

Members are appointed for a term of three years. Presided over by the Vice-Chancellor of the Law School, the Executive Council meets at least once every four months.

The Registrar of the Law School is, ex-officio, its Secretary.

The current Members of the Executive Council – 2019 are



- 7 Shri. Manan Kumar Mishra Senior Advocate, Chairman, Bar Council of India
- 8 Shri. S. Prabakaran Advocate, Member, Bar Council of India
- 9 Shri. Debi Prasad Dhal Advocate, Managing Trustee, BCI Trust
- 10 Shri. Apurba Kumar Sharma Senior Advocate, Chairman, Executive Committee, Bar Council of India
- 11 Shri. Y. R. Sadasiva Reddy Member, Bar Council of India
- 12 Shri.Ved Prakash Sharma Advocate, Member, Bar Council of India
- 13 Shri.Prashant Kumar Singh Advocate, Member Bar Council of India
- 14 Shri. Anil Kumar J.M. Chairman, Karnataka State Bar Council
- 15 Shri. E V Ramana Reddy, Secretary, Higher Education, Government of Karnataka
- 16 Shri. S.Y. Watawati Law Secretary, Government of Karnataka
- 17 Prof.(Dr.) Sudhir Krishnaswamy Vice Chancellor
- 18 Prof. (Dr.) Sarasu Esther Thomas, Professor of Law & Registrar, NLSIU
- 19 Prof. (Dr.) Ashok R. Patil Professor of Law, NLSIU
- 20 Prof. (Dr.) T.S. Somashekar Professor of Economics, NLSIU
- 21 Dr.Nagarathna A. Associate Professor, NLSIU

[BACK](#)

The Academic Council

Under Section 11 of the Act, the Academic Council, constituted under Section 8 read with Clause 13(1) of the Schedule which defines its composition, is the principal academic body of the School with powers, subject to the provisions of the Act and Regulations, of general regulation and control together with responsibility for the maintenance of standards, education and examinations at the School, and with a right to advise the Executive Council on all academic matters.

Nominated members hold office for three years.

The current Members of the Academic Council – 2019 are

- 1 Hon'ble Mrs.Justice Indu Malhotra Judge, Supreme Court of India
- 2 Hon'ble Mr. Justice Vineet Saran Judge, Supreme Court of India
- 3 Hon'ble Mr.Justice Sanjiv Khanna Judge, Supreme Court of India
- 4 Hon'ble Mr.Justice Bhushan R Gavai Judge Supreme Court of India
- 5 Hon'ble Mr. Justice Ajikuttira S. Bopanna Judge Supreme Court of India
- 6 Shri. Sunil Gupta Member, Bar Council of India
- 7 Shri.Desh Raj Sharma Member, Bar Council of India
- 8 Shri.D K Sharma Member, Bar Council of India
- 9 Shri.Vishnu Vardhan Reddy Member, Bar Council of India
- 10 Shri Aruna Shyam M, Advocate, High Court of Karnataka
- 11 Prof.(Dr.) Sudhir Krishnaswamy Vice Chancellor
- 12 Prof.(Dr.) Sarasu Esther Thomas, Professor of Law & Registrar, NLSIU
- 13 Prof.(Dr.) V. Nagaraj Professor of Law, NLSIU
- 14 Prof.(Dr.) M.K. Ramesh Professor of Law, NLSIU
- 15 Prof. (Dr.) T. Ramakrishna Professor of Law, NLSIU
- 16 Prof. (Dr.) Ashok R. Patil Professor of Law, NLSIU
- 17 Prof.(Dr.) T. S. Somashekar Professor of Economics, NLSIU
- 18 Prof.(Dr.) Sairam Bhat Professor of Law, NLSIU
- 19 Prof. Babu Mathew Resident Professor, NLSIU
- 20 Prof. P.R. Chandrasekharan Chair Professor, NLSIU
- 21 Shri. Rahul Singh Associate Professor, NLSIU
- 22 Dr.Nagarathna A. Associate Professor, NLSIU



Constituted by the Executive Council in terms of Clause 16 of the Schedule, the Finance Committee shall meet under the presidentship of the Treasurer, or in his absence, of the Vice-Chancellor, at least twice a year to perform the functions and duties in terms of para (3) of the Clause.

Members of Finance Committee

1. Shri. Debi Prasad DShri. Anil Kumar J.M. Chairman, Karnataka State Bar Council
2. Shri. Apurba Kumar Sharma Senior Advocate, Chairman, Executive Committee, Bar Council of India
3. Shri. Anil Kumar J.M. Chairman, Karnataka State Bar Council
4. Shri. S.Y. Watawati Law Secretary, Government of Karnataka
5. Prof.(Dr.) Sudhir Krishnaswamy, Vice Chancellor
6. Prof. (Dr.) Sarasu Esther Thomas, Professor of Law & Registrar, NLSIU

[BACK](#)

Contact Us

National Law School of India University, Gnana Bharathi Main Rd, Opp
NAAC, Teachers Colony, Nagarabhavi, Bengaluru,
Karnataka 560072

Maps & Directions

+91 80 2321 3160, 2316 0532,

2316 0533, 2316 0535

+91 80 23160534

registrar@nls.ac.in

contactus@nls.ac.in

Main Links

[Admissions](#)

[Academics](#)

[Faculty](#)

[Library](#)

[News & Events](#)

Useful Links

[NIRF 2020](#)

[About NLS](#)

[Infrastructure](#)

[Students](#)

[Career Services](#)

[Alumni](#)

[Reach Us](#)

Follow Us

 Facebook

 Twitter

 Youtube


TRUE COPY

Item No. 323/2020 dated 29.07.2020 in reg. 90th Executive Council Meeting held on 27.06.2020.

To consider the email dated 26.07.2020 received from Registrar, National Law School of India University, Bangalore forwarding the Draft Minutes of the 90th Executive Council Meeting held on 27.06.2020.

Office Note:

As per the Draft minutes, apart from other issues, the following aspect of the minutes with respect to reservation of seats for local students and initiation of 3 year LL.B program may be perused and considered.

Item No.3A

Consider increased student intake in BA LLB and MPP programmes

Discussion

The Vice Chancellor explained the proposal of the University to increase the student intake in the BA LLB and MPP programmes in the years ahead. He pointed out that there had been no increase in BA LLB intake from 1989. The Bar Council of India has approved the increase in intake from 80-120. A modest increase from 50-70 was being proposed for the 7th cohort of the MPP programme as the programme has established itself. Members unanimously endorsed the proposal and said that this was long overdue.

The Vice-Chancellor then explained the proposal of the University to introduce a new 3 year LLB programme. He clarified that this would be a pathbreaking and rigorously designed novel 3 year LLB programme that can potentially transform the 3 year LLB programme across the country.

The Chairman of the Bar Council clarified that this proposal was with the Bar Council which will consider it carefully before approval. The Vice-Chancellor confirmed that the University will wait for Bar Council approval and will work with the BCI Committee to develop a strong proposal for this radical new programme.

The Chair, Justice UU Lalit commended the University for this initiative and pointed out that several talented graduates from across the country would benefit from such a programme. Justice Chandrachud added that it was essential to bring a wide range of talented multi disciplinary graduates to the legal profession through such a programme. The Vice Chancellor confirmed that the University proposes to hold a new national law entrance exam for graduates and was confident to attract the best graduates from across the country to this programme.

Some Members enquired about whether adequate faculty were available for these programmes. The Vice chancellor confirmed that the recruitment of faculty would continue on an ongoing basis with the approval of the Governing Bodies and in line with the expansion of academic programmes.

Decision

The Council approved the increased student intake from 80 to 120 for BA LLB Programme and increased student intake from 50 to 70 for MPP Programme.

The Council approved, *in principle*, the proposal to launch a new 3 year LLB degree programme subject to the approval of the Bar Council of India.

Item No.3C

Consider Amendment to NLSIU Act and Karnataka Student Category

Discussion

The Vice Chancellor informed the Council that the Government of Karnataka had amended the NLSI Act in 2020 to introduce a new horizontal reservation of 25% of the seats for Karnataka students. He also informed the Members that the University had received a legal notice of Writ Petition filed in the High Court of Delhi and Karnataka challenging the 2020 Amendment.

Some Members expressed the view that the University was an autonomous institution established by the Bar Council of India in Karnataka on the express assurance that it would remain a national institution. Other members felt that the legislation was necessary to ensure adequate representation to Karnataka students as the University had received so much support from the Government.

Members pointed out that such reservation was justifiable only when the State Government does provide the University with substantial financial support in line with that provided by the Maharashtra and Odisha State Governments to their NLUs. The Vice Chancellor pointed out that the modest maintenance grants received from the Karnataka Government has been formally reduced by 75% from Rs.2 Crores to Rs.50 lakhs in the current State Budget and it is likely that no money will be released this financial year.

Decision

The Executive Council took note of the legislation and resolved to apply it subject to the decisions of the courts.

AS

The email and draft minutes are given below: -

From: Registrar <registrar@nls.ac.in>

Date: Sun, 26 Jul, 2020, 21:06

Subject: Draft Minutes of the 90th Executive Council Meeting held on 27th June 2020

To: Manan Mishra <manankumarmishra@gmail.com>

Cc: VCOffice NLS <vcoffice@nls.ac.in>, <sensrimantosecy.bci@gmail.com>

Dear Sir,

Please find attached the Draft Minutes of the 90th Meeting of the Executive Council held on 27th June 2020 via video conferencing.

I request you to acknowledge the receipt of the same. If you have any comments/suggestions, do forward them to me.

With warm regards,

Yours sincerely,

Sarasu E Thomas
Registrar, NLSIU.

**DRAFT MINUTES OF THE 90TH MEETING OF THE EXECUTIVE COUNCIL
OF NATIONAL LAW SCHOOL OF INDIA UNIVERSITY
HELD ON SATURDAY, JUNE 27, 2020 AT 11.00 AM
VIA VIDEO CONFERENCING**

MEMBERS PRESENT

1. Hon'ble Mr. Justice Uday Umesh Lalit, Judge, Supreme Court of India
2. Hon'ble Mr. Justice Dhananjaya Y. Chandrachud, Judge, Supreme Court of India
3. Hon'ble Mr. Justice Mohan M. Shantanagoudar, Judge, Supreme Court of India
4. Hon'ble Mr. Justice S. Abdul Nazeer, Judge, Supreme Court of India
5. Hon'ble Mr. Justice V. Gopala Gowda, Former Judge, Supreme Court of India
6. Shri. Manan Kumar Mishra, Senior Advocate, Chairman, Bar Council of India
7. Shri. S. Prabakaran, Advocate, Member, Bar Council of India
8. Shri. Debi Prasad Dhal, Advocate, Managing Trustee, BCI Trust
9. Shri. Apurba Kumar Sharma, Committee, Bar Council of India
10. Shri. Y. R. Sadasiva Reddy, Member, Bar Council of India
11. Shri. Ved Prakash Sharma, Advocate, Member, Bar Council of India
12. Shri. Prashant Kumar Singh, Advocate, Member Bar Council of India
13. Shri. Anil Kumar J.M., Chairman, Karnataka State Bar Council
14. Shri. E.V. Ramana Reddy, IAS, Additional Chief Secretary to Government of Karnataka, Higher Education Department
15. Shri. S.Y. Watawati, Law Secretary, Government of Karnataka
16. Prof. (Dr.) Sudhir Krishnaswamy, Vice Chancellor, NLSIU
17. Prof. (Dr.) Ashok R. Patil, Professor of Law, NLSIU
18. Prof. (Dr.) T.S. Somashekhar, Professor in Economics, NLSIU
19. Dr. Nagarathna A., Associate Professor, NLSIU

AND

20. Prof. (Dr.) Sarasu Thomas, Registrar & Professor of Law as Secretary to the Executive Council

MEMBERS WHO EXCUSED THEMSELVES

Nil

Opening Remarks

The Vice Chancellor, Prof. Sudhir Krishnaswamy, welcomed all the members to the 90th Meeting of the Executive Council. This meeting was originally meant to be held on February 28th 2020. It was rescheduled to June 27th 2020 due to the Covid pandemic.

He thanked the Hon'ble Judges, representatives of the Karnataka State Government and members of the Bar Council of India for agreeing to attend the first Executive Council to be held on Video Conference.

He informed the members that the Hon'ble Chief Justice of India, the Chancellor of the University was unable to attend and had nominated Hon'ble Justice U.U. Lalit to Chair the meeting in his absence.

Prof. Krishnaswamy, then invited Hon'ble Justice U.U. Lalit to be preside over the meeting. Justice Lalit then requested the Vice Chancellor to go over the Agenda items in order.

Item No. 1A	Confirmation of the Minutes of the 89 th Executive Council meeting held on 28 th September, 2019
Decision	Minutes of the 89 th Executive Council meeting held on 28 th September 2019 were confirmed.
Item No. 1B	Consider Action Taken Report on the 89 th Executive Council Meeting
Decision	The Vice Chancellor presented the Action Taken Report on the 89 th Executive Council Meeting. The Report was reviewed and accepted.
2	Financial Matters
Item No. 2A	Budget and other Financial Matters
Discussion	<p>The Vice Chancellor presented the revised Budget for the year 2019-20. He pointed out that the projected revenue deficit of Rs 3.88 crores and capital deficit of Rs 98 lakhs had been eliminated and the University had generated a substantial surplus of the Rs 5.27 crore in the revised revenue and Rs 4.71 crore in the revised capital budgets. He explained that this was possible by reducing excess expenditures and ensuring that all income due was collected including student fees and other institutional grants and fees.</p> <p>The Chair pointed out that a 9 Crore surplus from the revenue and capital amounts were transferred to the building fund to be utilized in subsequent years. The Chair and Members expressed great satisfaction and pride with the dramatic financial turnaround at the University. They congratulated the Vice Chancellor for leading this transformation. The Vice Chancellor thanked the faculty, staff and students for their commitment to making this turnaround possible.</p> <p>The Vice Chancellor then presented the Proposed Budget 2020-21. The Vice Chancellor explained that there is a minor revenue and capital deficit in the budget (Page No. 49), but the University authorities are confident that it will be bridged by cost cutting and revenue mobilization through the year. The Vice Chancellor confirmed that the expenditure will be directed towards infrastructural improvement and upgrades required for expansion. Some members cautioned against excessive expenditure in the challenging year ahead.</p>

	<p>The Review Report for four financial years from 2015-2019 was presented. A Projection Report for 5 years from 2020 to 2025 was presented. The Vice Chancellor pointed out that though the University can expand and maintain a revenue surplus, it needs capital support for a successful transformation. He also pointed out that the appointment of external financial consultants had assisted the University prepare these Reports and plan for the years ahead.</p> <p>The Action Taken Report on Internal Auditor Observations for the quarters ended September 2019 and December 2019 were presented.</p>
Decision	The Revised Budget for 2019-20 was accepted. The Proposed Budget for 2020-21 was accepted.
Item No. 2B	Confirm proposed fee revision for the BA LLB and LLM programmes of 10% for the upcoming batches from the academic year 2020-2021
Discussion	<p>The University proposal for a 10% fee increase for the incoming batch of the BALLB and LLM programmes was discussed. The Vice Chancellor pointed out that the University was established to be financially self-sustaining but was effectively subsidizing both tuition and accommodation costs of the students. Moreover, the University is unlikely to receive any financial support from the Union or State government in this Financial Year.</p> <p>He informed the Council that the Finance Committee had accepted that the University must remain financially self-sustaining but proposed a 5% increase in fees for the incoming batch due to the financial difficulties students may face due to the COVID pandemic.</p>
Decision	The Finance Committee decision for a 5% increase in fees for the incoming batch of BALLB and LLM students was confirmed.
Item No. 2C	Permission to secure Net Banking and Credit Card Facility to the University
Decision	Permission to secure Net Banking and Credit Card Facility to the University was approved.
Item No. 2D	Review of the University Real Estate
Discussion	<p>The Vice Chancellor informed the Council that this matter was reviewed by the Finance Committee which concluded that the University should not sell property due to the economic downturn arising out of the COVID pandemic, and hence to defer the proposal.</p> <p>Many members of the Council expressed a similar view that the University should not sell property due to the economic downturn. They suggested that the Government of Karnataka and funds from other sources should be explored.</p>

Decision	The Executive Council resolved that the University should avoid the sale of property for the time being and raise funds from other sources.
Item No. 2E	Creation of University Investment Committee
Discussion	The Vice Chancellor informed the Council that the Finance Committee had reviewed this proposal and agreed that experts and professionals may be invited to give periodic advice on the management of University Funds but decided against the establishment of a University Investment Committee at this point. The Committee resolved to meet online on a quarterly basis to review and act on the advice of these experts to manage University funds more actively.
Decision	The Finance Committee decision was confirmed.
Item No. 2F	Confirm Sale of Old Vehicles and Scrap
Decision	The sale of old vehicles and scrap materials was approved.
3	Academic Matters
Item No.3A	Consider increased student intake in BA LLB and MPP programmes
Discussion	<p>The Vice Chancellor explained the proposal of the University to increase the student intake in the BA LLB and MPP programmes in the years ahead. He pointed out that there had been no increase in BALLB intake from 1989. The Bar Council of India has approved the increase in intake from 80-120. A modest increase from 50-70 was being proposed for the 7th cohort of the MPP programme as the programme has established itself. Members unanimously endorsed the proposal and said that this was long overdue.</p> <p>The Vice Chancellor then explained the proposal of the University to introduce a new 3 year LLB programme. He clarified that this would be a pathbreaking and rigorously designed novel 3 year LLB programme that can potentially transform the 3 year LLB programme across the country.</p> <p>The Chairman of the Bar Council clarified that this proposal was with the Bar Council which will consider it carefully before approval. The Vice Chancellor confirmed that the University will wait for Bar Council approval and will work with the BCI Committee to develop a strong proposal for this radical new programme.</p> <p>The Chair, Justice UU Lalit commended the University for this initiative and pointed out that several talented graduates from across the country would benefit from such a programme. Justice Chandrachud added that it was essential to bring a wide range of talented multi-disciplinary graduates to the legal profession through such a programme. The Vice Chancellor confirmed that the University proposes to hold a new national law entrance exam for graduates and</p>

	<p>was confident to attract the best graduates from across the country to this programme.</p> <p>Some members enquired about whether adequate faculty were available for these programmes. The Vice Chancellor confirmed that the recruitment of faculty would continue on an ongoing basis with the approval of the Governing Bodies and in line with the expansion of academic programmes.</p>
Decision	<p>The Council approved the increased student intake from 80 to 120 for B.A.,LL.B. Programme and increased student intake from 50 to 70 for MPP programme.</p> <p>The Council approved, <i>in principle</i>, the proposal to launch a new 3 year LLB degree programme subject to the approval of the Bar Council of India.</p>
Item No. 3B	Consider Removal of Foreign National Category
Discussion	<p>The Vice Chancellor informed the Council that the Foreign National Category admissions had deviated from their original purpose to encourage SAARC nationals. This was discussed in the Academic Council which concluded that the current admissions practice was unsustainable but that it is worthwhile to explore different models to attract international students. The Vice Chancellor clarified that the Executive Council may withdraw admissions under the category till a new admissions model may be developed by the University.</p>
Decision	<p>The Council confirmed the withdrawal of admissions under the Foreign National Category till a more robust selection process for international students is developed.</p>
Item No. 3C	Consider Amendment to NLSIU Act and Karnataka Student Category
Discussion	<p>The Vice Chancellor informed the Council that the Government of Karnataka had amended the NLSI Act in 2020 to introduce a new horizontal reservation of 25% of the seats for Karnataka students. He also informed the Members that the University had received a legal notice of Writ Petitions filed in the High Court of Delhi and Karnataka challenging the 2020 Amendment.</p> <p>Some members expressed the view that the University was an autonomous institution established by the Bar Council of India in Karnataka on the express assurance that it would remain a national institution. Other members felt that the legislation was necessary to ensure adequate representation to Karnataka students as the University had received so much support from the Government.</p> <p>Members pointed out that such reservation was justifiable only when the State government does provide the University with substantial financial support in line with that provided by the Maharashtra and Odisha State governments to their NLUs. The Vice Chancellor pointed out that the modest maintenance</p>

	grants received from the Karnataka Government has been formally reduced by 75% from Rs 2 Crores to Rs 50 lakhs in the current State Budget and it is likely that no money will be released this financial year.
Decision	The Executive Council took note of the legislation and resolved to apply it subject to the decisions of the courts.
Item No. 3D	Confirm Amendments to B.A.,LL.B. (Hons.) Academic and Examination Regulations, 2009
Discussion	<p>The Vice Chancellor explained that the Regulations had been considered and approved by the Academic Council at its last meeting. These Regulations provide for a more cooperative learning atmosphere in the University that caters to different learning needs while ensuring that there is no dilution of academic standards.</p> <p>Justice Abdul Nazeer sought to clarify if the revised Regulations will be applied from the upcoming Academic year. The Vice Chancellor clarified that the Regulations will be applied prospectively after careful adjustments made for current batches to ensure that there is no disruption to their academic progress. He explained that in the upcoming academic year adjustments may be made for promotions and to cope with the disruptions arising out of the Covid pandemic.</p> <p>Further, the Vice Chancellor explained that various adjustments had become necessary to the attendance, examination and evaluation procedures arising out of the Covid pandemic in the last term of AY 2019-20. These changes will be documented and put up for the review and approval of the Academic Council at its next meeting and then placed before the Executive Council for its approval.</p> <p>The University will develop a final version after eliminating inconsistencies/typographical errors and Practice Notes for implementation in the year ahead.</p>
Decision	The Academic and Examination Regulations 2020 were approved.
Item No. 3E	Confirm Amendments to LL.M. Academic and Examination Regulations
Discussion	The Vice Chancellor presented the Regulations to the Council. He clarified that these amendments were in consonance with the BA LLB Regulations and were approved by the Academic Council.
Decision	The LL.M. Academic and Examination Regulations 2020 was approved.

Item No. 3F	Confirm Amendments to Master of Public Policy Programme Regulations and new Curriculum Framework for MPP
Discussion	<p>The Vice Chancellor presented the Regulations to the Council. He explained that the Academic Regulations were amended in tune with the BA LLB Regulations with a few minor divergences.</p> <p>Further, he pointed out that this Programme had developed a revised curriculum framework that took inputs from alumni, current students, recruiters and external peer academics to reshape the Programme. The Revised Curriculum would apply to the incoming cohort of MPP students in 2020.</p> <p>These changes have been reviewed and approved by the Academic Council.</p>
Decision	The MPP Academic and Examination Regulations 2020 and the New Curriculum Framework was approved.
Item No. 3G	Consider Award of PG Diploma for NADT, L&T, NACEN and ICLS Programmes
Decision	The matter was deferred till the Academic Council Sub-Committee submits a Report on a credit structure for off campus programmes.
4	Personnel Matters
Item No. 4A	Confirm the Recruitment of New Faculty
Discussion	<p>The Vice Chancellor presented the Council with an overview of the process followed by the University for faculty recruitment:</p> <ul style="list-style-type: none"> • Identifying selection panel members; • Issuing an advertisement notification applying reservation categories; • Shortlisting candidates for interview; • The conduct of interviews by a panel <p>The Vice Chancellor confirmed that all these steps complied with all University statutes and regulations, UGC regulations and all applicable law. Representatives of the Bar Council and the Chief Justice were included in the process which was conducted transparently and on schedule.</p> <p>The Vice Chancellor informed the Council that an applicant had challenged the recruitment process in the Karnataka High Court which issued an ex parte interim order on the selection process. The University approached the Hon'ble High Court and modified the order to not fill up one position till further orders from the Court. The Chair, Justice UU Lalit, read out the relevant portion of the order included in the Agenda Documents. After due consideration, the Council</p>

	<p>proceeded to consider the other faculty selections after keeping aside one position for which the litigant is eligible.</p> <p>Justice Gopala Gowda raised a concern with whether the Notification published in the newspapers had enough information. The Vice Chancellor explained that it was now common practice to issue a short notification in the newspaper, and that all readers were directed to a detailed notification that was issued, and available 24*7 on the University website.</p> <p>Other members emphasized that the University had taken considerable efforts to follow due process and that it was critical to the future of the University that good faculty must be recruited. The Chair then directed the Vice Chancellor to open the sealed envelopes and present the candidates selected.</p> <p>The Vice Chancellor opened the envelopes and the Registrar read out the names of the selected candidates. Several members appreciated the quality of the candidates selected and congratulated the Vice Chancellor on the successful completion of the process.</p>
Decision	<p>The Council reviewed and confirmed the process followed by the University for this round of faculty appointments.</p> <p>Further, the Executive Council approved the appointment of new faculty on the terms and conditions approved by the Selection Committee.</p>
Item No. 4B	Sanction Lien to Prof. V.S. Elizabeth upon her appointment as Vice-chancellor, TNNLU
Decision	Sanction of Lien to Prof. V.S. Elizabeth was approved
Item No. 4C	Permission to continue contribution to Pension Fund by Ms. Anuroopa Giliyal
Decision	Permission to continue contribution to pension fund by Ms. Anuroopa Giliyal was approved
Item No. 4D	Settlement of Pension Funds of Mr. Nisar Ahmed, Driver
Decision	Settlement of Pension Funds of Mr. Nisar Ahmed was approved by the Executive Council

Item No. 4E	Commence recruitment process for Registrar and Finance and Accounts Officer
Discussion	<p>The Vice Chancellor informed the Members of the urgent need to appoint qualified candidates to two key administrative positions in the University: Registrar and the Finance and Accounts Officer.</p> <p>Prof Ashok Patil expressed the view that University Regulations require the Registrar to be recruited from among internal candidates. The Vice Chancellor confirmed that all applicable Regulations would be reviewed and applied carefully giving all candidates a fair opportunity.</p>
Decision	The Council permitted the University to commence the Recruitment Process for these positions.
Item No. 4F	Commence recruitment process for HAL DPSU Chair Professor, Ford Foundation Public Interest Law Professor and Department of Revenue Chair Professor
Decision	The Council permitted the University to commence the Recruitment Process for these positions.
Item No. 4G	Commence Career Advancement Process for Internal Faculty
Decision	The Council permitted the University to commence the Career Advancement Process for Internal Faculty.
Item No. 5	Any other items (with the permission of the Chair)
Issue 1&2	University Scholarship Policy and Financial Assistance Policy
Discussion	<p>The Vice Chancellor informed the Council that a Scholarship Policy had been announced in 2015 that imposed unsustainable costs on the University General Funds.</p> <p>This had been discussed in the Academic Council where Justice Bopanna had recommended that the University explore external loans for students rather than University loans as the University is unable to secure repayment.</p>
Decision	The Council authorized the Vice Chancellor to make suitable revisions in the Scholarship Policy and Financial Assistance Policy to ensure that the University is not granting loans and grants to students while facilitating the access to funding for needy students from external sources.

Issue 3	The Appointment of a Student Welfare Officer / Asst Director of Distance Education and a Communication Officer on Contract for a period of 2 years.
Decision	The appointments are approved.
Issue 4	Appointment of a School Review Commission
Decision	The Council requested the Vice Chancellor to request the Chancellor to appoint a School Review Commission
Issue 5 & 6	Faculty & Staff Workload and Incentives Policy & Housing Policy
Decision	The Vice Chancellor shall develop comprehensive Incentive and Housing Policies in consultation with external experts, reviewing existing practice and drawing on best practices in Universities in India and abroad.
Issue 7	Reservation in Student Admissions Policy
Discussion	Justice Gopala Gowda raised concerns about why the Reservations Policy for which a Committee was set up in the 89th Executive Council Meeting was yet to submit its Report to the Executive Council. The Vice Chancellor clarified that the Committee had been constituted and had already met. Considerable progress had been made but as complicated legal issues are involved it would be presented by the next Executive Council Meeting The Chair requested the Vice Chancellor to accelerate the effort and circulate the Report at the earliest.
Decision	The Council resolved that the Vice Chancellor shall circulate the Reservation Committee Report by the third week of July 2020.

The Chair, Justice UU Lalit, thanked the Vice Chancellor for the substantive and detailed manner in which matters were presented in the Agenda papers and at the Meeting. Further, he thanked all the Members for the comprehensive discussion and conducive manner in which the Meeting was conducted.

The Vice Chancellor thanked the Chair, and all the Members, for their cooperation at hosting this historic Executive Council Meeting and indicated that the next meeting would be held ahead of the Annual Convocation in August 2020.

Sd/-
Registrar
National Law School of India University, Bangalore


THUMMUR

56

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
[ORIGINAL JURISDICTION]

W.P. No. of 2020 (GM-RES)

Bar Council of India

Vs

State of Karnataka & Another

We, the Bar Council of India acting through its Secretary, Srimanto Sen son of Sh. S. Sen, aged about 46 years, having office at No.21, Rouse Avenue, Institutional Area, New Delhi – 110 002, the ~~1st Respondent~~ ^{Deputy} in the present Petition; do hereby appoint and retain, Mr. Shridhar Prabhu, Advocate having his office at Navayana Law Offices, No. 205, Triguna Icon, 2nd Floor, Wilson Garden, Hosur Main Road, Bangalore – 560 027 to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

I/We hereby authorize them on our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order/therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/other therein.

I/We further agree that if I/we fail to pay the fees agreed upon or to give due instructions at all stages, they are at liberty to retire from the case and recover all amounts due to them and retain all me/our monies till such dues are paid.

Executed on this 10 day of August, 2020 at New Delhi

Identified by



Srimanto Sen
SRIMANTO SEN
Secretary
Bar Council of India
NEW DELHI-110002

Executant is personally known to me and has signed before me.

Satisfied as to the identity of executant/s Signature/s

(Where the executants are not illiterate, blind or unacquainted with the language of vakalat)
Certified, that the contents were explained to the executant/s in my presence in ~~Kannada/English~~ Language known to him/them who appears/s perfectly to understand the same and has/have signed in the presence.

Accepted:

Shridhar Prabhu
Shridhar Prabhu
KAR/1839A/2001

Advocates for Petitioner

Date: 10, August, 2020

Place: Bengaluru

Address for service:

Shridhar Prabhu
Advocate,
Navayana Law Offices
#205, II Floor, Triguna Icon
Wilson Garden, Hosur Main Road
Bengaluru – 560 027
Ph: +91 98452 26526
Email: Shridhar@navayana.in