



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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BCI:D: 2133__:2020

Date: 24.08.2020

To,

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Ref.: Corrigendum and Addendum to the letter No.BCI:D:1897/2020 (323/2020)
dated 16.08.2020.

Sub.: 1. Inclusion of Subject of "Mediation & Conciliation and Arbitration" as a major compulsory subject in various Universities of the Country Imparting Legal Education.

2. **Inclusion of Subject “Defence Studies/Science (which is also called Defence and Strategic Studies/Sciences)” as a optional/alternative subject in various Universities of the Country (especially those who are Imparting Legal Education)**

Sir(s)/Ma’am(s),

This circular/letter is being issued as a corrigendum and addendum to the above referred circular/letter which had been briefly posted on the website of the Bar Council of India.

Subject 1 (Part I) “Mediation & Conciliation and Arbitration”

The Bar Council of India has included the subject of Mediation & Conciliation and Arbitration as a compulsory subject in all the Law degree/ LL.B. courses from the session 2020-2021. All Universities/Centers of Legal Education have to introduce the same for the fresh batch of entrants from this academic session 2020-2021, who have to be taught this paper either in the, 3rd and 4th semester, (2nd Year) or in the 5th and 6th semester (3rd Year) for 3 year LL.B degree courses and in the 7th and 8th Semester (4th year) or in the 9th and 10th semester (5th year), for the 5 year LL.B integrated degree courses as the Universities may deem fit. This is the novel idea of our Hon’ble the Chief Justice of India and it is the need of the hour. Though Alternative Dispute Resolution (ADR) was one of the subjects earlier in a Law Degree Course, but keeping in view the special significance of Mediation & Conciliation and Arbitration, even during pre-trial stage of disputes, the Bar Council of India has introduced this subject as a compulsory subject. The details/guidelines relating to the course structure shall more or less be the same as is being taught already in ADR, but special emphasis will be laid on Mediation from now onwards. It shall be aimed to provide training in practical skills apart from theory.

Qualification of Teachers to teach the subjects of Mediation & Conciliation and Arbitration in a Law/LL.B Degree Course: -

The teachers for such programs must be trained adequately. The qualification of teachers required to teach Mediation & Conciliation and Arbitration shall be decided by the Bar Council of India in consultation with any authority/institution as it may deem fit including U.G.C. and the teachers are to be appointed as per the norms laid down by Bar Council of India.

For teaching this/these subject/s in a Law/LL.B degree course, a person should have at least a Law/ LL.B. Degree.

As of now, Centers of Legal Education/Universities may invite applications from lawyers having at least 10 years of practice with theoretical knowledge and practical experience in these subjects, inclusive of trained Mediators/Conciliators. Teachers, who are not into Advocacy should have a Law/LL.B. Degree and be armed with exhaustive and thorough study in the form of certificate or Diploma course or P.G. (LL.M.) in the subject of Mediation, Conciliation and Arbitration and after initial one year, it should be ensured that such certificates or Diploma, should also be duly approved/recognized by Bar Council of India..

Training courses are going to be introduced by the Bar Council of India, in the near future and subsequently, such certificate/Diploma holders/LL.M degree holders would be preferred for being appointed as Teachers for teaching the subject of Mediation & Conciliation and Arbitration

New Course to be Introduced for Teachers(Details):-

The subject course/s will be of various durations ranging from 12 months to 24 months and apart from attending classes, the candidates/*(proposed Teachers for Law/LL.B degree courses)* will be required to attend the Mediation centers of Supreme Court and at least of one High Court and the Indian Institute of Corporate Affairs (IICA), Delhi (or any other centre earmarked by Bar Council of India) in this regard, at least for one case at each of the above places. Earmarked centers will provide them certificates in Mediation & Conciliation and Arbitration for attending classes and for internships.

P.G. Diploma/LL.M/Internship

One year P.G. Diploma and 2 year LL.M. (Mediation & Conciliation and Arbitration/ LL.M. (ADR) Degree shall be awarded and internship certificates will be awarded.

Hon'ble Sitting/Former Judges of Supreme Court of India/ High Courts, Senior/Experienced Advocates, renowned Academicians and Mediators/Conciliators/Arbitrators of the country and abroad and some social workers/activists who are experts, shall be requested and engaged to teach/train these Mediation & Conciliation and Arbitration teachers who shall thereafter teach such subjects in various Law colleges. The Bar Council of India Trust shall nominate the teachers/experts to train/teach the candidates who shall further teach such subjects in Law/LL.B degree courses and fix Honorariums to be provided to such experts.

The classes/Courses would be on-line and/or off-line or both. However internship would be complete only on attending the practical/offline/physical Mediation & Conciliation and Arbitration classes/courses.

The candidates would also be required to attend a few proceedings of Disciplinary cases in a State Bar Council, or Bar Council of India apart from attending at least 5 cases in Supreme Court, 5 cases in any of the High Court(s), and 10 cases in a Trial Court. The candidate/s shall be required to submit the summary of the proceedings, he/she attended before various courts/Tribunals/Forums and Training and/or at Mediation & Conciliation and Arbitration centers.

Academic Committee:-

Bar Council of India Trust shall constitute an Academic Committee to evaluate the performance of the Institutions who are to grant/award the certificate of Teaching, Diploma or LL.Ms to the candidates (Teachers) who shall thereafter be deemed fit to teach such subjects in Law/LL.B degree courses.

The Academic committee of Bar Council of India will be headed by a Former Judge of Supreme Court, with a sitting or Former Chief Justice of any High Court (as its Vice-Chairman) and will include one sitting or Former Female Judge of any High Court, the Chairman, U.G.C. or his nominees and two noted Academicians (of whom, one shall be an expert in the ADR) two designated, Senior Advocates and three Members of Bar Council of India, one nominee of Ministry of Corporate Affairs.

In due course of time, only the LL.B. Degree-holders having such Diplomas/ LL.M. Degrees from such approved/recognized Institutions shall be eligible to teach the subject of Mediation & Conciliation and Arbitration in any Centre of Legal Education. However, the Diploma Holder Teachers shall not be eligible to teach this course after a period of 4 years unless they acquire the LL.M Degree during the span of 4 years.

The Bar Council of India may also approve/recognize and approve some other Centres of Legal Education to award such P.G. Diplomas and LL.M's., who have proper infrastructure and who could provide such education & Training as per the norms laid down by Bar Council of India. This process shall start w.e.f. 2020-2021 session only.

Thus all are hereby intimated and hereby notified that with effect from the academic session 2020-2021, Mediation & Conciliation and Arbitration shall be mandatorily introduced in/by all Universities alike, and shall be a compulsory paper/subject/course component for the pursuit of a Law degree course, for new batches, both for 3 years LL.B and 5 years Integrated LL.B courses, (both Honours and non Honours).

Mediation & Conciliation and Arbitration have been seen to lead to resolutions without undergoing arduous trials and moreover resolutions/solutions are arrived at, at a relatively lesser time.

The Hon'ble Chief Justice of India, as stated above is keen that the art of Mediation is taught to law degree students as it will go a long way in reducing the backlog and flood of cases. With litigants, students and Lawyers being more aware and keen about Mediation, this will be looked upon more as an option instead of filing suits/cases straight away.

With the introduction of Section-89 in C.P.C. alternative dispute resolution was sought to be invoked and used more often and courts have started referring many matters under this provision.

However, what is required is that students of both 3 year and 5 year Law degree courses and Lawyers are also trained in the art of Mediation & Conciliation and Arbitration to understand its true benefits and reap its true fruits which will pave the way for a great reform in the Indian Legal System, which will lead to reduction of burden on courts and quick and efficacious resolution being agreed upon by parties in disputes having varied points of conflict.

This will lead to blending of judicial and non-judicial dispute resolution mechanism and bring Mediation & Conciliation to the centre of the Indian Judicial System. The long-drawn process of litigation, the costs incurred by both

parties for the same have made Mediation & Conciliation an important aspect of the Judicial system to ensure swifter and speedier justice.

The purpose of Mediation & Conciliation and Arbitration is to provide amicable, peaceful and mutual settlement between parties without intervention of the court. In countries all round the world, especially the developed few, most of the cases (over 90 per cent) are settled out of court.

The case/dispute between parties can and should go to trial only when there is a failure to reach a resolution.

The early introduction of such subjects and steps for appointment of Teachers of the subject of Mediation & Conciliation and Arbitration is required to be taken by all Universities/CLE's to fill up vacant posts as per norms provided herein and as per requirements of Bar Council of India Legal Education Rules, 2008, or any subsequently amended Rules of Legal Education, which shall also be taken into consideration during further grant of approval of Bar Council of India.

It is a mandatory requirement/condition for further approval.

Mediation & Conciliation and Arbitration would enable students obtaining Law degrees to become experts and proficient to enable parties to reach upon successful resolutions and conclusion.

Keeping all the above factors in mind, the Bar Council of India has decided to notify Mediation & Conciliation and Arbitration as a compulsory subject to be taught in 3 year LL.B. and 5 year Law/LL.B integrated courses both.

The syllabus for Mediation & Conciliation and Arbitration shall be basically what is already being taught by the Universities but with special emphasis on Mediation & Conciliation. The course/syllabus and further guidelines, if any, shall be duly put up on the website of BCI and duly intimated in due course of time.

Subject 2 (Part II) Defence and Strategic Studies/Sciences

Defence Studies which is also called Defence Strategic/Science as subjects/papers has been resolved to be taught as a optional discipline(non-law) subject/paper with effect from the academic year 2020-2021 for new batches, in New Universities in 5 year B.A LL.B and B.Sc. LL.B (Honours and non Honours courses). Old Universities also have to introduce the discipline(non-law)/subject/paper of Defence Studies at the earliest, and the introduction of the same, as a optional discipline should not be delayed/extended beyond the fresh batch of entrants from the next academic session, 2021-2022 but preferably they should try to introduce this discipline(non-law)/subject/paper from this academic session 2020-2021, as the fresh batch of entrants of this academic year 2020-2021 can be given the option to opt for the paper/s, either in the 1st semester, and 2nd semester (1st Year) or even in the 3rd and 4th semesters (2nd Year)), or even, thereafter,, as the University, deems fit.

The Defence Studies which is also a called Defence and Strategic Studies/Sciences promotes the development of military education and creation

of awareness about National Security among Civilians. It includes geopolitics too and the strategic studies/discipline covers the issues that influence the security of the country. It deals with relationship between international politics, geo-strategy, international diplomacy, international economics and military power.

Under the guidelines and notes of U. G. C., the Council has considered that under the present scenario, the country needs the younger generation, to have the knowledge of Defence Studies and other major subjects during/for graduation courses. Like History, Sociology, Economics and Political Science, the Defence Studies (which is also called Defence Science) is required to be studied in the Universities at graduation/ post graduation level.

National Defence is not only obligation of the people who are in armed forces but it is a responsibility of all the citizens of a nation. However, there is a lack of well informed public opinion on defence and security related matters.

Defence studies expose the individual to an in-depth analysis of contemporary events and issues in the multilateral and unpredictable world.

There can be little doubt that law is placed under growing pressure as it strives to reconcile freedom with perils of terrorism, extremism and threat to national security which threaten to destroy the values cherished by a democratic legal system. Draconian powers are probably unavoidable during times of war/ threat to the security of the country. How long can a free society tolerate infringements of liberty during this period? The Law faces formidable difficulties in this respect.

Many Universities of the country, have Defence Studies / Sciences as one of the subjects in their courses of studies at Under- Graduate Level. The inclusion of the subject Defence and Strategic Studies/Sciences seems to be the need of the hour:

Presently, the subject is being taught in many leading Universities and in hundreds of affiliated colleges in addition to many institutes and in the recently established Indian National Defense University (A Central University), Gurgaon, in 2013.

It would be pertinent to mention that great importance be given to the introduction of Defence and Strategic Studies/Sciences as a discipline/course component in five year B.A. LL.B and five year B.Sc. LL.B degree course as an alternative compulsory subject in place of Political Science or History or Sociology or Economics or any other course component of above mentioned B.A. LL.B and B. Sc. LL.B degree courses.

It would not be out of place to mention that the Legal Education Committee and the Council may also consider introduction of B.A. (*Defence and Strategic Studies*) LL.B and B. Sc (*Defence and Strategic Studies*) LL.B in the near future.

The subject of Defence Studies holds unique significance and demands security consciousness in society in which citizens, academics, law students and Advocates have a wider role to play. Introduction of the same as an optional discipline (non-law) subject/paper in integrated B.A. LL.B and B. Sc. LL.B degree course is a moderate attempt in this regard to introspect the causes

and reasons of rigidity and tepidity which revolves around the subject. There is a dire need of equipping our young community with this knowledge.

The security dimension has unique dynamics - it starts with human security and goes unendingly to national and international level. Assessing human security stretches from personal security to the very basic need of societal obligations whereby security gambit is so essentially required. All developed countries have concerns for protective security whether it remains to nation's development capacity building or fostering relations with other countries for enhancing comprehensive national power signifying importance of security and its academic relationship. This subject will help instill the skills, knowledge and abilities to understand national security issues analytically which will help the students to pick up adequate comprehension on matters of security. It will infuse students with a desire to be a domain specialist which can be co-related to law.

It will imbibe an appreciation of one's civic duties and responsibilities towards society and demonstrate knowledge of contemporary or emerging threats, challenges or issues thereby contributing to strategic culture. Students will gain an understanding of professional ethics and apply them in the field of national security rather than replicate curriculum content knowledge, this subject will enable to make students skilled communicators and critical thinkers. This will endow them with Ability to transmit complex information and ability to employ critical thinking relating to national security issues in a clear and concise manner in writing and communication skills.

They will develop a sense of inquiry and a capability for asking relevant/appropriate questions relating to issues and problems in the field of Defence & Strategic Studies and planning, executing and reporting the results of any issues related to national/international security. This will raise ethical awareness/reasoning. It will raise capability of embracing and demonstrating the ability to demonstrate moral/ ethical values in one's work and will show the pitfalls and non requirement of indulging in unethical behavior such as fabrication, falsification or misrepresentation of data or committing plagiarism, and appreciate environmental and sustainability issues.

This will enable students in understanding national and international strategic and security issues, analyses and evaluation using methodologies as appropriate to the subject(s) for drawing interpretations and conclusions. It shall develop capability in understanding the implications of use and threat of use of force in International relations. A student will acquire basic competency in strategic affairs covering a wide spectrum of interstate security to global security issues including non kinetic dimensions. He/she shall develop capability in understanding the implications of use and threat of use of force in International relations. He/she shall seek, identify and apply the acquired knowledge in defence and strategic studies on contemporary issues of strategic relevance.

It will train a person and provide further Ability to move from LOTS (Lower Order of Thinking Skills) to HOTS (Higher Order of Thinking Skills) in Defence and Strategic Studies. It will help in applying one's subject knowledge and transferable skills to new/unfamiliar contexts to identify and analyze different issues and analyze complex problems with well-defined suggestions for policy makers in national security issues.

It will encourage and help them in becoming Team players/Leaders who are capable of working effectively in diverse teams in both classroom, in society and real life situations. It will encourage leadership qualities amongst students and raise ability to work as a team. This will further enable them to be skilled project/situation managers who are capable of identifying/mobilizing appropriate resources required for a project/situation, and manage a project/situation through to completion, while observing responsible and ethical conduct which will help them in all stages of life.

Accordingly, the Standing Committee of Legal Education Committee/LEC Curriculum Development Committee of Bar Council of India considered this discipline (non-law) subject/paper to be included in the five year B.A. LL. B. and five year B.Sc. LL.B integrated degree course as an optional subject to be taught as a course component compulsorily in place of/as an alternative to History or Political Science or Economics or Sociology or any other course component.

The Legal Education Committee of Bar Council of India and Bar Council of India have approved the decision of Curriculum Development Committee.

It was and with all these avowed objectives as enumerated above and keeping the defence and security interests of our country and of our citizens, more so of the susceptible ones primarily in mind, and to imbibe the sense of value of our freedom and to become more aware about our defence forces, and about basic skills, and basic strategies which will enable us to preserve our freedom, *Defence and Strategic Studies* has been incorporated as a optional discipline(non-law)/paper/subject in five year B.A. LL.B and five year B. Sc. LL.B. integrated degree courses (Honours/Non-Honours).

The qualified teachers for Defence studies/sciences are to be appointed with qualifications as prescribed by U.G.C, for teaching B.A. Defence Studies. Ideally the teachers to teach this subject should have the minimum qualifications of a graduate in Science or Arts with a Post graduation Degree in the subject of Defence Studies/ Defence Sciences (which is also called as Defence and Strategic Studies/Sciences in some of the Universities). Apart from having P. G. Degree, the teachers should be NET qualified or they may hold other qualifications as per directions to be issued by the Bar Council of India in this regard.

If any University has the teacher of this subject for some other constituent units of the University, the services of those teachers may be utilized for teaching in 5 years B. A. LL.B/ B. Sc. LL. B courses also in those other constituent units too and the same principle may apply to College too, subject to permission of the Bar Council of India.

The appointments of the teachers of Defence Studies/Science are to be made within two months w.e.f. the academic session 2020-2021 itself.

In case, any clarification(s) is required, the University or the Centre of Legal Education may contact the office of the Bar Council of India (if need be) with respect to the proper qualifications required for the Teachers of the subject of Defence Studies/Sciences, though same qualifications as prescribed for such teachers teaching B.A. Defence, as per U.G.C. norms or other qualifications as per directions to be issued by the Bar Council of India in this regard would suffice.

It is to be noted that all the new Universities who have recently started/are starting to impart five year B.A. LL.B and five year B. Sc. LL.B integrated degree courses are required to necessarily introduce/include the Discipline/(non-law) subject/paper of "Defence Studies/Sciences" (which is also called Defence and Strategic Studies) as one of the optional Disciplines/(Non-Law) Subjects/paper in their syllabus of B.A. LL.B and B. Sc. LL.B (Honours and in non Honours) degree course as a course component, as an alternative to History or Political Science or Sociology or Economics or to any other course component in B.A. LL.B and B. Sc. LL.B (Honours and in non Honours) integrated degree courses with effect from the academic year 2020-2021, for the present fresh batch of entrants.

Old Universities should also introduce the discipline(non-law)/subject/paper of Defence Studies at the earliest, and the introduction of the same, as a optional discipline should not be delayed/extended beyond the fresh batch of entrants from the next academic session, 2021-2022 but preferably they should try to introduce this discipline(non-law)/subject/paper from this academic session 2020-2021, as the fresh batch of entrants of this academic year 2020-2021 can be given the option to opt for the paper/s, either in the 1st semester, and 2nd semester (1st Year) or even in the 3rd and 4th semesters (2nd Year), or even, thereafter, as the University, deems fit.

The early introduction of the subject of Defence and Strategic Studies/Sciences and steps for appointment of Teachers of this subject are required to be taken by the new Universities/CLE's to fill up vacant posts as per norms provided herein and as per requirements of Bar Council of India Legal Education Rules, 2008, which shall also be taken into consideration during further grant of approval of Bar Council of India.

It is a requirement/condition for further approval for New Universities with effect from the academic year 2020-2021 and for Old Universities as per the norms mentioned above, not beyond the academic year 2021-2022.

There should be a minimum of 2 subject papers on Defence and Strategic Studies/Sciences in five year B.A. LL.B integrated course, and as far as B.Sc five year LL.B year integrated course is concerned, this discipline will be taught for the duration, the component alternative course paper of History or any other course component paper is being taught therein, and thus Defence and Strategic Studies/Sciences will act as an optional alternative to one of the course component papers of political science or history or Sociology or Economics or to any other course component as stated above.

This subject is already being taught in 23 Universities of the country. The course content may be taken from the syllabus of those Universities and may be also based on the reading material/reference books suggested by University Grants Commission for the papers on Defence and Strategic Studies.

The names of the Universities where this subject is being taught are given below:-

1. Allahabad University- # Senate Hall, Allahabad-211002, Uttar Pradesh, www.allduniv.ac.in;

2. Central University of Gujarat- # Gandhinagar – 382030, Centre for Security Studies (CSS) at the School of International Studies, www.cug.ac.in
3. Central University of Jammu- # Jammu- 180011, Department of National Security Studies, www.cujammu.ac.in
4. Central University of Kerala recently opened a Centre for Defence and Strategic Studies www.cukerala.ac.in
5. Deen Dayal Upadhyay Gorakhpur University-# Gorakhpur-273009, Uttar Pradesh, www.ddugorakhpuruniversity.in
6. Hemwati Nandan Bahuguna Garhwal University- # Garhwal University, Srinagar Garhwal-246174, www.hnbgu.ac.in
7. Kurukshetra University- #Kurukshetra 136119, Haryana, www.kuk.ac.in
8. Maharshi Dayanand University-# Rohtak-124001, Haryana, www.mdurohtak.ac.in
9. Meerut College -#Meerut- 250003,Uttar Pradesh, www.meerutcollege.org
10. University of Madras-# Chepauk Campus. Triplicane, P.O- Chennai-600005, Tamilnadu, www.unom.ac.in.
11. Savitribai Phule Pune University # Pune-411007, Maharashtra, www.unipune.ac.in.
12. Panjab University-# Chandigarh-160014, www.puchd.ac.in
13. Punjabi University-# Patiala- 147002, Punjab, www.punjabiuniversity.ac.in
14. Chhatrapati Shahu Ji Maharaj University-Kalyanpur-208024, Kanpur UttarPradesh, www.kanpuruniversity.org.
15. University of Calcutta- # Senate House 87/1, College Street, Calcutta-700073, West Bengal, www.caluni.ac.in.
16. M.J.P. Rohilkhand University- #Dori Lal Agarwal Marg, University Campus. Bareilly-243001, Uttar Pradesh, www.mjpru.ac.in.
17. Manipur University- # Canchipur, Imphal-795003, Manipur, www.manipuruniv.ac.in
18. North Maharashtra University-# PO Box No.80, Umavinagar, Jalgaon-425002, Maharashtra, www.nmu.ac.in.
19. Tripura University- #PO.-Agartala College, Tripura West, Suryamani Nagar, Agartala-799004, www.tripurauniv.in
20. Osmania University, Hyderabad www.osmania.ac.in.
21. University of Lucknow- # Lucknow 226 007, www.lkouniv.ac.in
22. Jai Narain Vyas University-# Central Office, Residency Road, Jodhpur 342011 Rajasthan, www.jnvu.edu.in
23. Jawaharlal Nehru University- #New Delhi-110067, School of International Studies www.jnu.ac.in.

The syllabus shall be prepared by the Universities from amongst the following topics in proportion and in accordance with the time/duration of the course component of political science, or history or sociology or Economic or any other course which is being taught as a Discipline/ (non law) subject/paper in five year B.A. LL.B and five year B. Sc. LL.B integrated degree course.

This shall be followed, till further directions/ guidelines, if any, are issued by the Bar Council of India.

The outline and details of course paper/s to be adhered to, is given here and shall be as follows and the Discipline (non-law)/paper/subject of Defence and Strategic Studies will have to incorporate topics from amongst the following.

The topics are as follows: -

Military History and Psychology of India and World, Conceptual Aspects of War and Strategic Thought, Specialized and Limited Warfare in general and in respect to India, Organization of Management of Indian Defence/ Armed Forces, National Security (*The Border Security Force, The Special Frontier Force (SFF), The Assam Rifles, The Indo-Tibetan Boarder Police Force, The National Security Guard, The Sashastra Seema Bal, The Central Reserve Police Force, The Central Industrial Security Force, The National Investing Agency, The Defence Security Corps*), Insurgency and Counter Insurgency, Economic Aspects of National Security, Maritime Security- Politics and Security of the Indian Ocean, Strategic studies, Contemporary Strategic Environment in India Geo Politics and Military Geography-Conceptual Aspects and Strategic Thought, Regional Security and Cooperation, National Agencies *Research and Analysis Wing (RAW), Intelligence Bureau (I.B.) and Central Bureau of Investigation (C.B.I.)*, Defence Aspects/ Security aspects in International Relations, International Law, International Organisations, Contemporary Strategic Environment in Science and Technology in relation to Warfare, Disaster Management.


Accordingly, Defence studies has to be included in Curriculum of five year B.A. LL. B and five year B.Sc degree integrated degree courses as an optional discipline(non-law) subject/paper by every University. Every University/Center of Legal Education/Law College which have constituent Units must ensure to have sufficient teachers for such subject, who can, if required be allowed to teach in one or more constituent Units as mentioned above, subject to permission of the Bar Council of India.

It is also advised that Defence and Strategic Studies be also included as a subject in Bachelor of Arts courses .

If any clarification is required, it may be sought by way of email at bciinfo21@gmail.com

All the concerned are to be informed accordingly.

This is for your kind information and necessary action.

Yours sincerely

(Srimanto Sen)
Secretary