To

1. The Vice Chancellors of all the Universities imparting legal Education.

2. The Registrars of all the Universities imparting legal Education.

3. The Principals of all the Law Colleges.

Sirs,

The Bar Council of India at its meeting held on 30th November, 2014 considered the matter regarding affiliation issued by the Universities to new law colleges and existing law colleges. After consideration, the Council has passed the following resolutions:

1) It has been found in number of cases while filing applications for approval of affiliation to the Bar Council of India, one of the essential pre-condition for consideration is, existence of affiliation by the university. In case, such affiliation granted by the University is not filed on or before of 31st January of the session concerned, the matter will not be considered for approval for that session by the Bar Council of India. If it is filed later, it may be considered for the next subsequent session.

In the cases of penalty the last date will be 31st March for such cases.

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2) In number of inspection reports of various universities/colleges, difficulty is felt about the status of faculty members especially where more than one course is taught, whether they are teaching one course or other courses also. Even, colleges do not state clearly which faculty member with what qualifications are teaching what subjects (law and non-law). It has also been found that the same faculty members are shown in more than one college. In view of all these difficulties, it is felt that a clear direction be issued to all the colleges for giving detail on-line data, specifying, it has the approval of the Bar Council of India, if yes up to what period, including, what courses it has the approval. It should also specify each college-wise name of faculty member with their qualification, specifying the subjects which they are teaching also if for both law and non-law subjects. After publishing the same, in case, any change or modification takes place, each university/college to intimate Bar Council of India and modify online of such changes, if takes place intermagnam between the last inspection and the next inspection to be undertaken. In case, it is found that the same faculty member is shown in more than one college, the notice should be given to the said college/university how they are functioning in two places. This will largely eliminate incongruity or misunderstandings which are created and will also remove the vagueness in this regard.

Similarly, students who have joined the various courses, their names to be shown online. The details of the students in each college for different courses should specifically be mentioned and the moment they pass out, their names should be deleted and those who are admitted should be added in the list of the students of the said college.
3) In number of cases, specially coming from the universities in Uttar Pradesh and Uttarakhand the Vice-Chancellor / Registrar grants affiliation on the basis of NOC granted by the State Government.

It is made clear that the State Government granting NOC and grant affiliation by the university stands on two different footings. University grants degree maintaining the standard of such while State Government is it has no objection for such courses being conducted by the university. It is further stated that the matter has been made abundantly clear in the Legal Education Rules 2008. The Bar Council of India grants affiliation only after affiliation is granted by the University. Rule 16 clarify what are the conditions under which the University has to consider before granting affiliation which is quoted hereunder :

16. Conditions for a University to affiliate a Centre of Legal Education :

(1) When a University receives an application for affiliation of a Centres of Legal Education to provide legal education by running professional degree program in law under either or both the streams, the University may before deciding whether it is fit case for seeking inspection from the Bar Council of India, shall ensure that
(i) the applicant organization proposing to run the institution is either already a non-profit organization of trust or registered society or a non-profit company or any other such legal entity or has taken all legal formalities to be as such,

(ii) the institution has in its name either in freehold or leasehold, adequate land and buildings, to provide for Centre of Legal Education building, library, halls of residences separately for male and female and sports complex both indoor and outdoor, so that it can effectively run professional law courses provided that in case of leasehold the lease is not less than ten years,

Provided that sufficient and adequate floor space area specially and completely devoted for a Centre of Legal Education, based on the size of its student population, faculty requirement, adequate space required for infrastructure facilities can be considered sufficient accommodation for the purpose in a multi-faculty building on land possessed by the Management of a Society/ Trust running multi-faculty institutions.

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

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

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

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

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

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

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

It has been found that Vice-Chancellor grants affiliation to various courses run by the colleges based on the order passed by the State Government. In such cases, it is clear that university does not inspect the said colleges nor it follows Rule 16 as aforesaid when it approves affiliation for the college based on order of the State Government. It is contradictory to the said rule and is illegal. It is further made clear that Vice-Chancellor has no authority to grant affiliation, it is only the academic council which grants affiliation.
In one of such communication even Vice-Chancellor admits that this has been granted in expectation of the orders to be passed by the academic council. In order to effective functioning and maintaining legal education standard university must itself make inspection of the said colleges based on the factors mentioned in Rule 16 as aforesaid and obtain approval of the academic council at the earliest in advance before the matter is to be considered by the Bar Council of India. The above detail has been given so that in future this error may not be committed by the Vice-Chancellor of the universities.

This may be circulated to all the Registrars, Vice-Chancellor of all the universities so that they may follow the aforesaid procedure.

**In future, after this communication received by the Universities if the same pattern is follows as wrongly been done till now then the Bar Council of India will have to perform its unpleasant duty.**

Therefore you are requested to follow the above said resolution with immediate effect and also I recall the Council’s earlier direction to all the Universities to process the applications of new law colleges and existing law colleges for issuing affiliation in time so that the law colleges can apply to the Bar Council of India before six months from date of starting the academic year i.e on or before 31 December of the previous academic year.

This is for your information and necessary action.

Yours sincerely

(J. R. SHARMA)
SECRETARY