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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D: 468 /2024 /Cir-006/2024 (LE)

Date: 20.05.2024

To,

The Vice-Chancellor(s)
All the University(ies)

The Registrar(s)
All the University(ies)

Principal(s)/Dean(s)/Director(s),
All the Centers of Legal Education

Sub.: Comprehensive Implementation of Legal Education Reforms, Mandatory Guidelines, Norms & Rules of Legal Education.

Sir(s)/Ma'am(s),

A transformative vision has been articulated by the Hon'ble Prime Minister during his address on 30.04.2022 at the Joint Conference of Chief Ministers and Chief Justices of High Courts, advocating for the integration of new subjects in Legal Education, and recognizing the emphasis placed by the Parliamentary Standing Committee on incorporating computer education within the ambit of Legal Education, alongside acknowledging the collective keenness of the judiciary and Government towards the inclusion of Mediation as a compulsory subject in Legal Education, and considering the dynamic landscape of legal education.

Furthermore, during the inauguration of the Commonwealth Legal Education Association (CLEA) - Commonwealth Attorneys and Solicitors General Conference (CASGC) 2024 at Vigyan Bhawan in New Delhi, the Prime Minister emphasised that the Legal education is a key instrument in boosting justice delivery, noting that both passion and professional competence are introduced to young minds through education. Giving insights into realizing the potential of women in every domain, the Prime Minister has suggested making each domain inclusive at the educational level. He said that an increase in the number of women in law schools will lead to an increase in the number of women in the legal profession. Thus, this principle must be kept in mind, and law schools must encourage the admission of female students by offering them incentives.

The Prime Minister also stated that Legal education needs to adapt to changing times and technologies, focusing on understanding the latest trends in crimes, investigation, and evidence. The Prime Minister was also of the view that there's a call for strengthening exchange programs between law universities from different countries to provide young legal professionals with greater international exposure. In the light of these considerations, the Bar Council of India issues this circular to all Centers of Legal Education for immediate implementation.

The National Education Policy (NEP) 2020 indeed marks a significant overhaul in India's education system, aiming to provide a more holistic and flexible approach to learning. One of its key features is the establishment of a single regulatory body, the Higher Education Commission of India (HECI), which will oversee all forms of higher education except for medical and legal education. While the NEP 2020 primarily focuses on higher education and proposes the HECI for its regulation, it does touch upon certain guidelines for legal education as well. The NEP 2020 provides broad guidelines for enhancing the quality and accessibility of legal education. Legal education in India is governed by the Bar Council of India (BCI), which regulates the legal profession and legal education. The BCI is working towards implementing the relevant and applicable guidelines within the framework of legal education to enhance the quality and effectiveness of legal education in the country.

1. Reminder of Inclusion of Emerging Subjects:

All Centers of Legal Education are directed to incorporate subjects such as Blockchains, Electronic-Discovery, Cyber-Security, Robotics, Artificial Intelligence, Bio-Ethics etc. into their Legal Education curricula as per vision of Hon'ble Prime Minister. This is to ensure graduates are well-equipped to handle contemporary legal challenges.

2. Emphasis on Constitutional Values

Legal education programs should ensure to impart a profound understanding of constitutional values, including Justice - Social, Economic, and Political. Emphasis should be placed on practical applications of these values in legal practice in consonance with NEP.

3. Contextualization within Socio-economic and Cultural Realities

All Centers of Legal Education are instructed to integrate socio-economic and cultural contexts into their syllabi, for a nuanced understanding of the law among students to align with NEP.

4. Bilingual Education for Accessible Justice

To enhance access to justice and minimize delays, institutions offering law education must endeavour to provide bilingual education, using both English and the Regional/Bilingual Language as per NEP.

5. Promotion of Critical and Interdisciplinary Thinking

All Centers of Legal Education are encouraged to actively involve students in critical and interdisciplinary thinking. Research and collaboration across disciplines to develop a comprehensive approach to addressing legal challenges in accordance with NEP.

Integrated 5 year LL.B degree course/s have already acknowledged and promoted this aspect since the introduction of the said course w.e.f. year 1986 at NLSIU, Bangalore which was followed by maximum law schools in India over a period of time

6. Compulsory Integration of Mediation into Legal Education: Government and Judiciary Directive

Keeness has been expressed by both the Government and the Judiciary for the introduction of Mediation as a compulsory specific subject, with a particular emphasis on its integration into Legal Education/Law degree courses. This directive for the introduction of Mediation as a compulsory specific subject, was communicated by the Bar Council of India through a circular dispatched earlier on 13.08.2020 bearing No.BCI:D:1897/2020 (323/2020).

7. Integration of Computer Education into Legal Education: Implementation Directive and Compliance

Simultaneously, we draw your attention to the circular dated 25.01.2024, highlighting the necessity of implementing computer education in Legal Education, particularly in 3-year LL.B and 5-year Integrated LL.B degree programs, both hons and non-hons, which is already a part of Rules of Legal Education-2008. Moreover, a circular BCI:D:465/2024 dated 24.01.2024 has already been earlier issued in this regard.

8. Incorporation of New Legal Enactments into University Curriculum

In line with the evolving legal landscape of the nation, it has been decided to incorporate three new enactments i.e. Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhinyam, 2023 into the curriculum of Universities and Centers of Legal Education starting from the academic year 2024-2025.

These enactments include the Bharatiya Nyaya Sanhita, 2023, aimed at ensuring justice and equity within the legal framework; the Bharatiya Nagarik Suraksha Sanhita, 2023, focused on safeguarding the rights and security of citizens; and the Bharatiya Sakshya Adhinyam, 2023, aimed at streamlining the processes related to gathering and presenting evidence in legal proceedings, thereby ensuring fair and efficient administration of justice.

With these enactments coming into effect from 1st July, 2024, it is imperative for legal education institutions to integrate them into their curricula to equip future legal professionals with a comprehensive understanding of the legal landscape and ensure their readiness to navigate and contribute effectively to the evolving legal system.

Ensuring compliance of the same is crucial for ensuring preparedness for the upcoming 2024-2025 academic session.

9. Non approval/ non recognition by BCI of law courses by online mode and through correspondence, open and distance under the name/nomenclature of LL.B.2; BA (Law etc.); LL.M; MA (Law/etc.) etc.

BCI and it's Legal Education Committee have time and again reiterated, stated and clarified, that it does not recognise LL.B and/or LL.M or any Law degree course through online mode, correspondence, open and/or distance learning mode.

It has further come to the attention of the Bar Council of India and its Legal Education Committee that certain institutions are offering Master of Arts (MA) programs with a Law subject, in open and distance learning mode, or online mode which attempts to mimic the structure and content of a Master of Laws (LL.M.) program. Upon careful examination, it has been observed that such an endeavor is beyond the scope and intent of a Master of Arts Degree and is deemed impermissible. It is hereby clarified that such MA degrees will not be recognized by the BCI as equivalent to a Master of Laws (LL.M.) degree and for the purpose of teaching of LL.B. Course.

It is crucial to clarify that the designation "MA" signifies "Master of Arts," whereas "LL.M." represents "Legum Magister," a Latin term denoting a "Master of Laws" Degree. The distinction between these two titles is significant, as an LL.M. degree is specifically tailored for graduates of law programs, whereas an MA degree encompasses a broader range of academic disciplines and is separate and distinguished from Master of Laws Degree. It is a deliberate attempt to bypass LL.M. in such a manner.

The BCI emphasizes that an MA degree with a Law subject does not confer the same benefits or privileges as an LL.M. degree. Individuals holding an MA degree in Law will not be entitled to the benefits typically associated with possessing an LL.M. degree, nor will they be eligible to teach in LL.B degree programs. Pursuit of legal education at the postgraduate level, in the form of an LL.M. degree, is restricted to individuals who have completed their undergraduate legal studies while it is clarified that any specialized branch of law offered at the master's level, without the LL.B./BA.LLB qualification as the requisite entry-level credential, shall not be recognised as equivalent to an LL.M. degree.

Some Universities, including some reputed Universities are running such programs in flagrant violation of clear directives and guidelines as stipulated above and without even having made a request or application to BCI in this regard. It is categorically made clear, such programs have no recognition and/or approval from BCI.

It is imperative for all stakeholders in the legal education sector to understand that the distinction between an MA degree and an LL.M. degree is significant. An MA degree with a Law subject does not fulfill the requirements for recognition by the BCI as a qualification equivalent to an LL.M. degree.

This notification serves to clarify the position of the BCI on the recognition of MA degrees with a Law subject and to prevent any misconceptions regarding their equivalence to LL.M. degrees.

It has also been brought to the notice of Bar Council of India that some entities claiming to be Centre of Legal Education are offering courses through distance education/correspondence mode, under the nomenclature of the degree of LL.M. or LL.M. professional, where anyone even without LL.B. can get an LL.M. degree, and, the same persons are also getting registered for Ph.D., appearing for UGC NET etc. thereby diluting quality of legal education.

This is an illegal practice and Bar Council of India shall not hesitate in taking stringent action against such centers.

As per the order of the Hon'ble Supreme Court of India dated 29.08.2019 passed in Writ Petition (Civil) No.1510 of 2018, titled as Vinit Garg Vs. University Grants Commission and as per the earlier order of Hon'ble Supreme Court of India dated 03.11.2017 passed in Civil Appeal Nos.17869-17870, arising out of SLP No. 19807-19808/2012 in the case of Odisha Lift Irrigation Corp Ltd. Vs Ravi Shankar Patro & Ors., the Hon'ble Supreme Court has held that an University has to obtain permission from the concerned regulatory body for initiating/starting, opening and conducting any distance learning course/s.

As per UGC Regulations 4(A)(iv), (Open and Distance Learning Programmes & Online Programmes) Regulations, 2020, the Higher Educational Institution must have the approval or recommendations of the statutory or regulatory authority, in this case, the Bar Council of India (BCI), for offering law programs in Open and Distance Learning mode or Online mode.

Explanation: Programmes as mentioned at clause (iv) shall be considered only when these are recommended by the respective statutory or regulatory authority or regulatory council to offer in Open and Distance Learning mode or Online mode, as applicable....."

Furthermore, the Distance Education Bureau under UGC explicitly prohibits courses in engineering, law, medicine, dental, pharmacy, nursing, architecture, physiotherapy, applied arts, and other such programs from being offered through online mode without approval from the respective statutory or regulatory bodies.

CLE's must ensure to comply with these directives, failing which necessary action will ensue.

Public at large is being made aware of non approval/ non recognition by BCI of law courses by/through correspondence, open and distance learning, and online mode under the name/nomenclature of LL.B; BA (Law etc), LL.M, MA (Law/etc) etc.

The BCI and its Legal Education Committee has further also observed that running an MA (with Law subject) by any such mode is an attempt to mimic an LL.M, which is also not permitted by such mode.

10. **General Timing for conduct of classes/courses by CLEs**

It may be noted that LL.B. Three year/Five year is a regular course and there is no concept of evening classes. Central of Legal Education can run law courses only in accordance to Rule-2(xxiii) of Rules of Legal Education, 2008, which states that a course should run for at least five hours a day continuously with an additional half an hour recess every day and should have less than thirty hours of working schedule per week

As per Clause-5 of Schedule-III of the Rules of Legal Education, classes can be conducted only between 8 am to 7 pm in an institution, which is not fully residential. However, the Library may remain open till 10 pm.

Kindly note that approval of affiliation of any Center of Legal Education may be revoked with immediate effect without giving notice, if the CLE is found violating the above Rules.

11. Bar Council of India Regulations Regarding Equivalence of Foreign Law Degrees and Compliance of Legal Education Rules in India -Guidelines and Prerequisites

Any LL.B degree obtained from a foreign University jurisdiction by an Indian national requires to be equated to a LL.B degree issued by an Indian University, by the Bar Council of India. Without this equivalence, the degree holder is not entitled to admission in LL.M under any CLE/ University in India.

It is very essential to note that if a University is granting LL.M admission without this LL.B degree equating process, the LL.M degree obtained would lack validity since a valid LL.B degree recognized by the BCI is a fundamental prerequisite for LL.M.

Even if a foreign University or its Law degree is recognized by the BCI, it is crucial to understand that the recognition is subject to such foreign LL.B degree aligning with the pattern of studies required for pursuing an LL.B degree in India.

Further it is crucial to note that Chapter II, Rule 5 of Rules of Legal Education-2008, which stipulates eligibility criteria for admission to law programs must be complied with before seeking admission into a LL.B degree course.

Further, the Bar Council of India mandates that no Centers for Legal Education can enroll students or provide legal education courses without prior approval from the Bar Council of India. Existing centers cannot offer legal education courses if their affiliation is disapproved or revoked by the Bar Council of India. In cases of violations, the Bar Council has the authority to suspend a center for a period of two academic years.

Foreign universities and their law degrees not recognized by the BCI imply that their law graduates are not entitled to equate their LL.B. degree with an Indian LL.B degree.

Even for those recognized by the BCI but not following the pattern of 12 plus 5 (integrated degree) or 12 plus 3 (graduation) plus 3, individuals shall be required to undergo a bridge course of BCI for 1 or 2 years to make up for the deficiency in the pattern. Subsequently, they must qualify in the qualifying examination for Indian nationals holding foreign law degrees being held since the year 2005, with a minimum qualifying mark (as prescribed) in each paper for their degree to be equated to an Indian LL.B. degree and for them to be eligible for enrolment in the Indian Bar subject to other pre -requisites of enrolment under State Bar Council Rules, BCI Rules and under provisions of Advocates Act.

Indian Nationals acquiring LL.M degrees, from abroad are also required to apply to the BCI for the equivalence of their foreign LL.M degree and without such equivalence, they are not eligible for admission to any post qualification course which requires passing LL.M.



No University in India can offer 4 year LL.B followed by a 1 year LL.M a tie up with a foreign University under the present BCI regulations. Such a Law degree, nor the post qualification after it, is recognised by Bar Council of India. The BCI only recognizes the pattern of a 12th class +3 (graduation in any stream+3 (year Law degree) and/or a 12 + 5 year integrated law degree

Names of defaulting Universities may be published on the website of BCI.

Para 9 & 10 serves as a reminder and reflects the established procedure.

12. Periodic Review and Adaptation:

Necessary adaptations and updates are required to be made by CLE's to align with the dynamic nature of legal practice and emerging global trends. The CLE's are expected to report adherence to Bar Council of India to ensure relevance and effectiveness.

13. Compliance of Sanctioned Seat Strength in Centers of Legal Education & any/all reservation or quota must fall within the sanctioned strength of seats and not exceed it -Only degrees awarded to students within the sanctioned strength of seats will be recognized by the BCI.

The BCI wishes to reiterate a fundamental principle upheld by the Bar Council of India repeatedly regarding the sanctioned strength of seats in Centers of Legal Education. It has been explicitly stated and reiterated time and again in approval letters and in provisional approval letters and by way of circulars, that BCI does not permit any supernumerary quota of seats, i.e., seats over and above the sanctioned strength, except for the provision of 10 percent reservation for Economically Weaker Sections (EWS), which provision is also contingent upon the availability of adequate infrastructure to accommodate these additional seats without compromising the quality of education.

It is imperative to emphasize that any reservation or quota must fall within the sanctioned strength of seats and not exceed it under any circumstances. If any CLE has violated this norm by admitting students beyond the sanctioned strength, it is incumbent upon them to acknowledge and inform the BCI accordingly.

Only degrees awarded to students within the sanctioned strength of seats will be recognized by the BCI.

To ensure further meticulous compliance with this requirement, the BCI is implementing a mechanism through its portal. State Bar Councils will be requested to verify the names and roll numbers of students enrolled in CLEs to ascertain their adherence to the sanctioned strength. Students not found within this list will not be enrolled, and their degrees will not be recognized.

CLEs found to have violated this norm are urged to come forward with complete details of the infractions and submit them to the BCI without delay, so that BCI can consider their case for regularisation as a one time opportunity. Failure to comply with this directive may result in the BCI derecognizing the degrees awarded by the respective CLEs and/or revoking any approvals granted to them.

14. Implementation and Compliance:

All Centers of Legal Education under the BCI's purview are required to adhere to Bar Council of India Legal Education Reforms, Mandatory Guidelines, Norms & Rules of Legal Education in the design and execution of Legal Education/Law Degree programs

Non-compliance shall result in necessary action.

This circular is effective immediately.

Your cooperation is pivotal for advancing legal education with excellence.

Yours sincerely,


(Srimanto Sen)
Secretary
Bar Council of India