



SELF FINANCE COLLEGE FEDERATION

स्ववित्तपोषित महाविद्यालय संघ (पंजीकृत)

Regd. Under The Indian Trust Act 1982 of the Government of India & Govt. of U.P.
Regd. in Niti Ayog (NGO Darpan) Govt. of India

Regd. Office : 36, S.D.M. Court, Opp. Street No. 3, Sikandrabad, Distt. Bulandshahr-203205 (U.P.)

Ref. No:-2025/02/SFCF/095

Date:- 20.02.2025

Kind attention to

1. Hon'ble Arjun Ram Meghwal
Minister of Law and Justice
Govt. of India
New Delhi-110 003

2. Hon'ble Justice Ritu Raj Awasthi
Chairman, Law Commission of India
4th Floor, B Wing, Lok Nayak Bhawan
Khan Market, New Delhi- 110003

3. Secretary,
Ministry Law & Justice and Legislative Department
Govt. of India, New Delhi.

Subject: - Objections/Suggestion on the amendment bill of The Advocates act, 1961.

Ref. The constitution of a separate regulatory body for legal education in India

Respected Sir,

That the brief facts giving rise to the present case are that the petitioner is a registered Association of Self-Finance Degree Colleges in the name of "Self-Finance College Federation". The petitioner looks after the interest of Self-finance colleges throughout the India. That by means of the present objections petition, the petitioner here in is espousing common causes of Colleges in respect of Law Courses which are being conducted by the various Law Colleges in the Country.

I am writing to you in order to draw your kind attention to the unauthorized and unwarranted practices adopted by the Bar Council of India with reference to inspection of law colleges in India, charging of huge inspection fees yearly basis and approval of the law colleges in India and the unauthorized interference in the legal education.

There are few Some courses conducted in India- Law, Medical, and Technology

1) **Legal education**- There has been no regulatory body constituted under the law for the regulation of legal education in India.

The Bar Council of India is council of Advocates, 'Bar' refers to group of advocates, for the legal professionals. Not for the law students. The object of forming the BCI is to regulate Legal profession not the legal education.



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Website : www.sfcf.in | Email : sfcf2023@gmail.com | Mob. 8954-89-1289, 9997-70-8995



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2) **Technical education**- Technical education in India is regulated by the All India Council for Technical Education (AICTE) which is constituted under the All India Council for Technical Education Act, 1987. The AICTE consists of 15 members and majority of them are academicians in the technical education field and they have immense knowledge and experience in the field of education.

3) **Medical education**- In India, medical education is regulated by the National Medical Commission (NMC) which is constituted under the National Medical Commission Act, 2019. The NMC consists of 33 members and majority of them are academicians in the medical education field and they have immense knowledge and experience in the field of education.

The BCI has unwarrantedly assumed the role of a regulatory body which is ultravires the provisions of the Advocates Act, 1961. The B.C.I. cannot be equated with apex bodies like the National Medical Commission, All India Council for Technical Education, Dental Council of India, and National Council for Teachers Education, etc.

In the above context, I wish to bring to your notice the following points-

(1) The Bar Council of India (BCI) is established under the Advocates Act-1961 as a statutory body created by Parliament to regulate and represent the Indian bar, i.e., the legal practitioners and not legal education.

(2) As per the Advocates Act, 1961 Section 7 (1) (clause h and i) quoted herewith, the BCI can only visit the Universities for the purpose of inspection and not the Law Colleges in individual.

Clause h- States that the function of BCI is 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 and

Clause i- States that the function of BCI is to recognize Universities whose degree in law shall be a qualification for enrollment 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.

Mischief:- The so called words “centers of legal education” using for Law colleges is a mischief which never used in the Advocates Act.

(3) The above provisions clearly show that the BCI may co-ordinate with the Universities to visit and inspect the Universities and not the Law colleges individually. However, the BCI has been exceeding its authority and it approaches individual colleges wherein huge sums of money are charged as inspection fees from the law colleges.



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The inspection fees are 3.5 lakhs for the three-year LL.B. course (ordinary) and 3.5 lakhs for the five-year B.B.A., LL.B. course (ordinary). This amounts to Rs. 7 lakhs per year. If the inspection of the colleges has not been conducted for the last 5 years, the BCI charges Rs. 35 lakhs for the last 5 years at the time of inspection.

There are more than 2000 law colleges in India,

Law course (Honors) (approx.) $1721 * 10,50,000 = 180,70,50,000$

- (This means that every 03 year the illegal collection of money is about Rs. 180,70,50,000 more than 180 crores per 03 year).
- BCI collects Rs 5 lakh per course from each law college as security amount, which has to be deposited directly into the account of BCI. BCI does not mortgage this security amount with the legal institution and also utilized the interest received on it itself. All the educational regulatory institutions like NCTE, AICTE, NCME. etc in India keep all the security money as mortgage with the institution and itself and the interest amount is given to the institution. BCI does not maintain any transparency on this amount which raises doubts. In this way, giving the responsibility of legal education to BCI will encourage unilateral oppression.

TYPE OF FEE STRUCTURE AMOUNT (Rs.) (for New /Existing Law Colleges/Law Institutes/Law Department) as provided in the BCI website-

(i) Application Fee 50,000/- (each application)

(ii) Inspection fee for 3,00,000/- (per course)

Three year LL.B
Five year B.A.LL.B.
Five year B.B.A. LL.B.
Five year B.Com LLB.
Five year B.Sc. LLB.
Six year B.Tech. LL.B.

(iii) Inspection Fee for 5,00,000/- (per course)

Three year (Honors)
Five year B.A.LL.B. (Honors)
Five year B.B.A. LL.B. (Honors)
Five year B.Com LLB. (Honors)
Five year B.Sc. LLB. (Honors)
Six year B. Tech. LL.B. (Honors)



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(iv) **Recognition fee for universities 5,00,000/-**

(4) The malafide exercise of inspection powers by the Bar Council of India was questioned in the Hon'ble Bombay High Court and a writ petition number 3501/2018 (that has been filed by the SNDT Law School, Juhu, Mumbai) and Writ petition number 2723/2014 before the Nagpur Bench. The BCI is also a party to that proceeding.

(5) With regard to the above quoted sections, the BCI itself has put up the Advocates (Amendment) Bill, 2025 for the amendment of the Advocates Act, 1961 wherein the term **"Universities and institutions imparting legal education, i.e., Law colleges"** shall be amended so as to include **Centers of Legal Education/Universities**. But this is a strategy adopted by the BCI to encroach upon the law colleges and charge huge sums of money as inspection fees from the law colleges.

(6) As per the provisions of Advocates Act, 1961, the BCI is a mere recommendatory body to the Universities only and not a regulating body of the Law colleges and legal education.

(7) The power and authority to accord permission/sanction/affiliation for the establishment of any law college and/or commencement of a law degree course in an existing college is with the State Government and University. Consequently, the BCI has no role of whatsoever nature in the matter of grant of approval or permission to establish the law colleges.

(8) The BCI's attempt to send inspection teams to visit individual law colleges for the so-called inspection of infrastructure is also beyond the functions conferred upon it by the Advocates Act, 1961. The BCI is merely a recognizing body for the recognition of law degrees conferred by Universities and nothing more.

(9) The reliance of the BCI on Section 7 in the matter of inspection of Universities cannot at all be equated with inspecting individual colleges/institutions and attempting to regulate the establishments and continuation of courses/colleges.

(10) **Qualification of the members of B.C.I.-** None of the elected members of the BCI are academicians by profession and therefore they lack the experience and knowledge to administer and run legal educational institutions. Most of them are mere law graduates (LL.B.) having no experience in the field of education.

The Advocates (Amendment) Bill must provide for the constitution of an independent regulating body to govern legal education in India.

This body must consist of academicians, each member holding qualifications equivalent to professor / principal, which is a Master's degree from a recognized university with at least 55% marks and Ph.D. and a minimum of ten years of teaching experience for a professor and a minimum of fifteen years of approved teaching experience for a principal.



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(11) The BCI also does not have the power to grant approval to the law colleges in India, For the purpose of granting approval to law colleges in India and to regulate legal education in India, it is necessary that a regulatory body shall be established under a statute and such a regulatory body must comprise at least 95% academicians as members and the Chairperson shall be an individual having qualifications equivalent to the Vice Chancellor of a University.

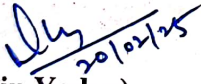
(12) Even the NAAC insists on the law colleges seeking the approval from the BCI. This practice must be brought to an end as this would lead to huge corruption.

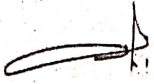
(13) The recommendation of 142 reports of the Standing Committee of the Indian Parliament has been completely ignored in this bill. The Standing Committee of Parliament on 07 February 2024 has recommended the arbitrary attitude of the Bar Council of India and separating legal education from it. She is nowhere to be seen in the current draft. The recommendations of the Parliament's Standing Committee of 07 February 2024 should be considered and they should also be included in the bill. (The recommendation of the Standing Committee of Parliament is attached)


From the above facts, it would be crystal clear the BCI has acted in an unreasonable and arbitrary manner in the conduct of inspection of individual law colleges. In this light, Federation request the Hon'ble Law minister, Secretary, Ministry Law & Justice and Legislative Department, Govt. of India and Law commission to urge the Parliament to introduce a law providing for the constitution of an independent regulatory body for legal education in India. This would bring all the unauthorized activities and the unauthorized interference in the legal education by the BCI to an end.

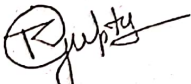
Thank you.

Enclosed: Recommendation of the Standing Committee of Parliament.



(Nitin Yadav)
National President


Prof (Dr.) Anil Sharma
National Vice President


Prof (Dr.) Anand Singh
Sr. National General Secretary


Prof. (Dr.) Rajeev Gupta
National General Secretary




Rajesh Wankhede
State President, Maharashtra

पत्र फेडरेशन की अधिकृत वेबसाइट www.sfcf.in पर SFCF Desk में भी अपलोड है।

पत्र की आधिकारिक पुष्टि वेबसाइट से की जा सकती है।

REPORT NO.

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सत्यमेव जयते

PARLIAMENT OF INDIA

RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND
JUSTICE

ONE HUNDRED FORTY-SECOND REPORT

ON THE SUBJECT

**"STRENGTHENING LEGAL EDUCATION IN VIEW OF
EMERGING CHALLENGES BEFORE THE LEGAL PROFESSION"**

(Presented to the Rajya Sabha on 07th February, 2024)

(Laid on the Table of Lok Sabha on 07th February, 2024)



Rajya Sabha Secretariat, New Delhi
February, 2024 / Magha, 1945 (Saka)

Recommendation:

6.13 The Committee feels that with India's increasing role in global context there is a need to produce legal luminaries who can advise for protecting India's interest as well as ensure fair, just and reasonable dealing in the international sphere. Legal education need to be upgraded and enhanced to prepare young lawyers for global challenges. There is need to have a global curriculum, global faculty, global degrees, and global interaction.

6.14 The Committee recommends that law courses should cater to the needs of present-day cross-border issues. Introduction to different legal cultures, private international law, Sustainable Development are some of the special courses which need to be made essential in course curriculum.

6.15 The Committee further recommends that both Student exchange and faculty exchange programmes with Indian and Foreign institutions should be encouraged to gain perspectives of other legal systems and fields. To encourage participation in international exchange programs, the BCI and the government can offer scholarships and grants to financially support the students who wish to engage in global legal education. The government, universities, and the BCI should also continuously evaluate the effectiveness of international law courses and exchange programs to make necessary improvements and ensure their relevance in a changing global landscape.

6.16 By implementing these strategies and fostering cooperation between the government, universities, and the BCI, legal education can successfully equip aspiring lawyers with the international perspectives, language skills, and cultural sensitivity needed to thrive in an interconnected world. Through these efforts, the legal profession can contribute effectively to global legal challenges and promote justice on an international scale.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

REGULATING LEGAL EDUCATION IN INDIA

1. The Advocates Act, 1961 was enacted with a limited view of legal education producing only lawyers for courts. However, over the years legal education has not remained confined to a limited role of producing lawyers only. Today law graduates pursue a range of career beyond the courtroom practice. So, the Legal curriculum in education institutions needs to be designed in a manner that enables the development of skills required for pursuing diverse legal professions and not just courtroom practice. Thus there is no sense in the BCI having regulatory powers over the entire spectrum of legal education. Further, the BCI has neither power nor expertise to meet the challenges of the ever changing globalized world. This view has also been expounded by the National Knowledge Commission. Also there is a near unanimity amongst all the expert witnesses who appeared before the Committee, on this particular issue. (Para 2.34)

2. Accordingly, the Committee recommends that the BCI's powers to regulate legal education should be limited to the extent of acquiring basic eligibility for practicing at the Bar. For other regulatory functions related to higher education in Law i.e. Post graduation and above, which are presently being performed by the BCI, and which are not related directly to practice at the Bar should be entrusted to an independent Authority, the National Council for Legal Education and Research to be established under the proposed Higher Education Commission of India. (Para 2.35)

3. Many of the stakeholders have also raised serious concern about the manner in which the BCI has used the power to inspect law colleges and granting them recognition which has led to a reckless proliferation of substandard law colleges in the country. Accordingly, the Committee is of the view that while granting recognition to new colleges due consideration should be given to quality over quantity. It is imperative for the BCI to take urgent and effective measures to curb the proliferation of substandard law colleges in India and to ensure the quality and excellence of legal education and profession in the country. (Para 2.36)

4. The Committee feels that reservation policies in student admissions and faculty recruitment must be rigorously followed to encourage participation from disadvantaged communities by all Universities, colleges and educational institutions, as per the policy of Government of India. The Committee recommends that the Bar Council of India should oversee the implementation of reservations in the Universities including the National Law Universities, colleges and other law institutions and consider withdrawing their recognition, if they fail to adhere to. (Para 2.38)

CURRICULUM

5. The Committee feels that the existing colleges and universities across the country adopt different curriculum and syllabus as prescribed by the affiliating Universities. This creates unevenness among the law students who pass out from different colleges and Universities. The Committee, therefore, recommends that the role of BCI should be redefined and the uniform curriculum should be laid by the Bar Council of India for undergraduate courses in all the law colleges/ Universities. For Post graduation and above, the uniform curriculum should be laid by an independent Authority as recommended by the Committee. (Para 3.5)

6. The Committee feels that as the legal landscape continues to evolve at a rapid pace, it has become imperative that legal education keeps pace with these changes. Comprehensive curriculum reform is necessary to ensure that future lawyers are well-prepared to address emerging legal challenges. The curriculum must develop all aspects and capabilities of learners; and make education more well-rounded, useful, and fulfilling to the learner. It should enable learners to be ethical, rational, compassionate and prepare them for a gainful and fulfilling employment. There has to be innovative approaches towards curriculum development and course structuring that will provide a sharper and specialized focus towards training and capacity building for the future juridical officers. (Para 3.8)

7. The Committee recommends that topics such as Law and Medicine, Sports Law, Energy Law, Tech Law/Cyber Law, Commercial & Investment Arbitrations, Securities Law, Telecom laws, banking laws must not only be

included but must be given mandatory status as the interdisciplinary subjects are the need of the hour. Government and Universities should work in tandem with BCI to ensure the comprehensive inclusion of the emerging areas in the curriculum of undergraduate courses. For Post graduation and above, independent body with experts from different fields shall ensure the inclusion of these emerging areas in the curriculum.(Para 3.9)

8. The Committee further recommends that the Universities should work with BCI to incorporate more of practical training programs like moot court competitions, where students can apply legal theory in a simulated courtroom setting, enhancing oral advocacy and critical thinking skills. BCI's Legal Education Rules must be adhered to by all Universities to ensure that clinical programs are introduced, providing students with immersive experiences to work directly with clients, conduct research, draft legal documents, and represent clients under faculty supervision. (Para 3.10)

9. The Committee recommends that for every academic year, the undergraduate law student should mandatorily go for a two months apprenticeship for getting enrolled as an advocate. Thus the Advocates Act, 1961 may be revisited in this regard in consultation with Universities, senior members of the Bar and Bench. The Committee also recommends that the law students who undergo internships with the seniors should be paid with stipends to encourage them and also to take care of their logistic expenses during internship. (Para 3.11)

10. The Committee also recommends that a joint committee of senior academicians and practitioners at the Bar and the Bench should be constituted to review the curriculum periodically. By implementing these changes, law graduates will be better equipped to tackle the legal challenges of the 21st century, serve their clients effectively, and contribute to the development of the legal profession. (Para 3.12)

11. The Committee also feels that Government support is crucial in allocating resources and funding for practical training programs, ensuring that students have access to diverse and enriching experiences. Government

funding should also be provided for specialized courses in legal tech, e-discovery, and ODR. (Para 3.13)

12. The Committee feels that it is important for law universities to have a strategic and comprehensive approach to financing infrastructure needs, combining multiple funding sources, and prioritizing projects based on immediate needs and long-term goals. Effective financial planning, collaboration with stakeholders, and transparent utilization of funds are crucial for successful infrastructure development in law universities. The government can consider providing financial support and allocating necessary resources, if needed/requested for the academy. (Para 3.15)

13. The Committee feels that NAAC shall re-look the rule of levying Rs. 6,00,000/-as assessment fee to Legal Education Institutions. NAAC shall also hold more frequent and wider awareness programs and hand holding exercises that shall address the hesitation amongst legal Education institutions to volunteer for NAAC accreditation. Policy level decisions are required for making accreditation obligatory and motivations and incentives needs to be designed. (Para 3.22)

RESEARCH IN LEGAL EDUCATION

14. The Committee feels that there is a need to prioritize and promote research in the field of legal education in India to improve the quality of legal knowledge and education for students and professionals. The Union and State Governments as well as the Universities should lay stress on the research works in the field of legal education and encourage law graduates to pursue higher education and knowledge in India rather than seeking education abroad. (Para 4.19)

15. The Committee further feels that there is a need to recruit world class global faculty who are top researchers in the field of law and can combine sound teaching methods with established track records of research. For this, it is imperative that we need to make legal academia an appealing career option

for bright young lawyers through financial incentives, career development opportunities within the law schools. (Para 4.20)

16. The Committee recommends that the Government and Universities should collaborate with the Bar Council of India (BCI) to allocate dedicated research funding and resources to support faculty research initiatives in legal education institutions. BCI can provide guidelines and recommendations to Universities regarding the incorporation of research activities in the legal curriculum of undergraduate courses. By fostering cooperation between the Government, Universities, and the BCI, legal education institutions can effectively strengthen their research and innovation endeavors. For Post graduation and above, an independent body as already recommended by the Committee shall lay guidelines regarding the incorporation of research activities in the curriculum.(Para 4.21)

17. The Committee observes that the Law schools in India majorly follow the traditional approach of theoretical learning while only a select few National Law Universities possess the requisite physical infrastructure for conducting research. With the demand of more adaptive lawyers, that too in an ever more digitized legal industry, a hands-on approach to such infrastructure and financial assistance in lieu of the same is much needed. The introduction of proper research facilities, as well as specialized infrastructure for conducting training and workshops, is a need as it inculcates the necessary skills to ace the changing legal field. Digital libraries and online research tools are increasingly becoming the need in order to keep up with changes in the field. (Para 4.22)

18. The Committee feels that there is a need to develop programmes for enhancing communication and research skills for lawyers and students through systematic and organized training at State level institutions of excellence. (Para 4.23)

19. The Committee feels that as legal practice becomes more interconnected and complex, legal education must adapt to prepare students for emerging challenges and opportunities. There is a pressing need to provide young law

graduates with market-oriented and socially relevant legal education. Even though ‘traditional’ legal fields like criminal law, family law and law of contract continue to remain popular to this day, contemporary important fields like arbitration, mediation, space law, trade law, intellectual property law, energy law, bankruptcy law, corporate law, media law, cyber law and sports law have emerged as significant areas in recent years. Thus, it is important to develop expertise in the newer areas of law, while ensuring that law graduates are properly sensitized towards the morals and ethics, which are badly needed in the legal profession today. There is a need to have theme-oriented research centres on the lines of such centres in other institutions in India and abroad.³⁹ (Para 4.24)

TECHNOLOGY WITH RELEVANCE TO LEGAL EDUCATION

20. The Committee feels that onslaught of technological innovation and globalization of the society and education has made the scene quite complicated for the legal education deliveries in India. It is important that law schools address the impact of technology on the legal profession more broadly which includes exploring the legal and ethical implications of emerging technologies, such as blockchain and smart contracts, and understanding how these technologies are changing the way legal services are provided. (Para 5.6)

21. The Committee recommends that Law graduates must be made more conversant with emerging technologies like Artificial Intelligence (AI), block chain and other IT related tools, which in the years ahead, will certainly have a bearing on how law is practiced. Thus, it is important to develop expertise in the newer areas of law. (Para 5.7)

22. The Committee recommends that BCI can establish guidelines and recommendations for integrating technology-focused courses such as legal tech, e-discovery, and online dispute resolution, into law school curricula of undergraduate courses. For Post graduation and above, an independent body with experts from different fields shall establish guidelines for integrating technology-focused courses. By incorporating technology-focused courses, law schools can ensure that their students are well-prepared to leverage emerging

³⁹ Delhi university Note

technologies, streamline legal processes, and provide innovative solutions to their clients. This comprehensive approach will empower law graduates to adapt, excel, and make a significant impact in the evolving practice of law. BCI and the independent body can also establish a review and evaluation mechanism to assess the effectiveness of technology-focused courses and make necessary improvements based on feedback from students, faculty, and legal professionals for undergraduate and postgraduate courses respectively. (Para 5.10)

23. Government funding and grants can be provided to law schools that actively promote technology integration and offer specialized courses in legal tech, e-discovery, and online dispute resolution. Thus, the Committee feels that collaborative efforts from legal educators, practitioners, and policymakers are needed to ensure that legal education in India meets the needs of society and the legal profession. (Para 5.11)

EFFECT OF GLOBALIZATION IN LEGAL EDUCATION

24. The Committee feels that with India's increasing role in global context there is a need to produce legal luminaries who can advise for protecting India's interest as well as ensure fair, just and reasonable dealing in the international sphere. Legal education need to be upgraded and enhanced to prepare young lawyers for global challenges. There is need to have a global curriculum, global faculty, global degrees, and global interaction. (Para 6.13)

25. The Committee recommends that law courses should cater to the needs of present-day cross-border issues. Introduction to different legal cultures, private international law, Sustainable Development are some of the special courses which need to be made essential in course curriculum. (Para 6.14)

26. The Committee further recommends that both Student exchange and faculty exchange programmes with Indian and Foreign institutions should be encouraged to gain perspectives of other legal systems and fields. To encourage participation in international exchange programs, the BCI and the government can offer scholarships and grants to financially support the students who wish to engage in global legal education. The government,

universities, and the BCI should also continuously evaluate the effectiveness of international law courses and exchange programs to make necessary improvements and ensure their relevance in a changing global landscape. (Para6.15)

27. By implementing these strategies and fostering cooperation between the government, universities, and the BCI, legal education can successfully equip aspiring lawyers with the international perspectives, language skills, and cultural sensitivity needed to thrive in an interconnected world. Through these efforts, the legal profession can contribute effectively to global legal challenges and promote justice on an international scale. (Para 6.16)
