



ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી, જૂનાગઢ.

પરિપત્ર:-

વિષય: યુનિવર્સિટી સંલગ્ન અનુદાનિત સંસ્થાઓમાં શૈક્ષણિક વર્ષ:૨૦૨૦-૨૧માં LL.B. અભ્યાસક્રમમાં વિદ્યાર્થીઓના પ્રવેશ બાબત.

સંદર્ભ: (૧) BCI:D:158:(LE: Circular No. 01/2020) 05.02.2020

(૨) BCI:D:737:(LE: Circular No. 08/2020) 21.11.2020

(૩) ORAL ORDER of R/WRIT PETITION (PIL) NO. 198 of 2020, Date:18/12/2020

આથી ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી સંલગ્ન ગ્રાન્ટ-ઇન-એઇડ (અનુદાનિત) લો-કોલેજના આચાર્યશ્રીઓને જણાવવામાં આવે છે કે, LL.B. અભ્યાસક્રમમાં શૈક્ષણિક વર્ષ:૨૦૨૦-૨૧ માટે વિદ્યાર્થીઓનાં પ્રવેશ માટેની કાર્યવાહી કોલેજ કક્ષાએ ઓનલાઇન કરવાની રહેશે. પ્રવેશ માટેની કાર્યવાહી તા.31-12-2020 થી શરૂ કરવાની રહેશે. તેમજ તા.૧૦/૦૧/૨૦૨૦ સુધીમાં સમગ્ર પ્રવેશ પ્રક્રિયા પૂર્ણ કરવાની રહેશે. ઓનલાઇન પ્રવેશ માટે પ્રત્યેક લો-કોલેજના આચાર્યશ્રીને ગત વર્ષે આપેલ યુઝર આઇડી તથા પાસવર્ડ યથાવત રહેશે. કોલેજ/સંસ્થા દ્વારા ઓનલાઇન પ્રવેશ માટેનું શેડ્યુલ નિયત કરવાનું રહેશે. મેરીટક્રમમાં આવેલ વિદ્યાર્થી ફી ભરવા આવે ત્યારે તેના ઓરિજિનલ ડોક્યુમેન્ટ્સ સાથે કોલેજ/સંસ્થાએ વેરીફિકેશન કરવાનું રહેશે. આ સમયે Covid-19ની માર્ગદર્શીકાનું ચુસ્તપણે પાલન કરવાનું રહેશે. વિદ્યાર્થીઓનાં પ્રવેશ અંગેના નિયમો, વિદ્યાર્થીઓનાં પ્રવેશની સંખ્યા (ઇન્ટેક) અને રાજ્ય સરકારશ્રી/યુ.જી.સી. દ્વારા નિયત થયેલ અનામત નીતિ મુજબ જ પ્રવેશ પ્રક્રિયા કરવાની રહેશે. તેમજ માન્ય સંસ્થાઓની મંજૂર થયેલ ઇન્ટેકની મર્યાદામાં જ વિદ્યાર્થીઓને પ્રવેશ આપવાનો રહેશે. (તા.૩૦/૦૫/૨૦૨૦નો LL.B. અભ્યાસક્રમ અંગેનો ઇન્ટેક બાબતનો પરિપત્ર) ઇન્ટેક કેપેસિટીથી વધુ આપવામાં આવેલ પ્રવેશનાં એનરોલમેન્ટ/એનલીસ્ટમેન્ટ/રજીસ્ટ્રેશન સ્વીકારવામાં આવશે નહીં અને તે અંગે ઉપસ્થિત થતી તમામ જવાબદારી આચાર્યશ્રી/સંચાલકશ્રીની રહેશે, જેની ખાસ નોંધ લેવી.

વધુમાં પ્રત્યેક સંસ્થાએ સંદર્ભ (૧) થી (૩)માં દર્શાવેલ નિયમોનું પાલન કરવાનું રહેશે અને સદર પ્રવેશ પ્રક્રિયા માત્ર અનુદાનિત કોલેજો માટે (સ્વનિર્ભર કોલેજો સિવાય) નામદાર હાઇકોર્ટનાં ચુકાદાને આધિન રહેશે. દરેક સંસ્થા ધ્વારા વિદ્યાર્થી પાસેથી ઉક્ત પ્રવેશ નામદાર હાઇકોર્ટનાં ચુકાદાને આધિન અને યુનિવર્સિટીનાં નિયમો મુજબ રહેશે તેવી બાહેધરી લેવાની રહેશે.

- ઓનલાઇન પ્રવેશ માટેની વેબસાઇટ:- <http://bknmuadm.icrp.in> → college registration and merit
- દરેક સંસ્થાનાં આચાર્યશ્રીએ શૈક્ષણિક કામગીરી/અભ્યાસનાં દિવસો પૂર્ણ કરવાનાં રહેશે.

કા.કુલસચિવ

બિડાણ:- (૧) LL.B. અભ્યાસક્રમ અંગેનો તા.૩૦/૦૫/૨૦૨૦નો ઇન્ટેકનો પરિપત્ર

(૨) સંદર્ભ પત્ર (૧) થી (૩)ની નકલ

ક્રમાંક/બીકેએનએમયુ/એકેડેમિક/૩૧૪૫/૨૦૨૦

ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી, ગવર્નમેન્ટ પોલીટેકનિક કેમ્પસ, ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી રોડ, ખડીયા-જૂનાગઢ.

તા.૨૯/૧૨/૨૦૨૦

પ્રતિ,

- ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી સંલગ્ન ગ્રાન્ટ-ઇન-એઇડ લો-કોલેજના આચાર્યશ્રીઓ તરફ.....

નકલ સાદર રવાના:-

(૧) માન.કુલપતિશ્રી/કુલસચિવશ્રીનાં અંગત સચિવશ્રી.

નકલ રવાના જાણ તથા યોગ્ય કાર્યવાહી અર્થે:

(૨) પરીક્ષા વિભાગ.

(૩) આઇ.ટી.સેલ વિભાગ વેબસાઇટ ઉપર પ્રસિદ્ધ થવા અર્થે.



ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી, જુનાગઢ

વિષય: વિદ્યાર્થી પ્રવેશ અંગે ડિવીઝન તથા વર્ગવધારા બાબત

સંદર્ભ: એક્ઝીક્યુટીવ કાઉન્સિલની બેઠક નં. 19 નાં ઠરાવ ક્રમાંક 19.૨૬ , તા:૧૦/૦૨/૨૦૨૦

પરિપત્ર :

ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી, જુનાગઢ સંલગ્ન કોલેજોનાં આચાર્યશ્રીઓ/સંચાલકશ્રીઓ/માન્ય સંસ્થાઓના વડા/અનુસ્નાતક કેન્દ્રોનાં પ્રોફેસર ઇન્ચાર્જશ્રીઓ/અનુસ્નાતક ભવનનાં અધ્યક્ષશ્રીઓને જણાવવામાં આવે છે કે કોલેજ/સંસ્થા/અનુસ્નાતક કેન્દ્ર ધ્વારા જે સ્વનિર્ભર અભ્યાસક્રમો ચાલતા હોય તેવા અભ્યાસક્રમો માટે નિયત થયેલ નીચે મુજબની ઇન્ટેક કેપેસિટી (ડિવીઝન)થી વધુ સંખ્યામાં વિદ્યાર્થીને પ્રવેશ આપી શકાશે નહિ. નિયત થયેલ મહત્તમ ડિવીઝનની મહત્તમ સંખ્યાથી વધુ પ્રવેશ આપનાર કોલેજ/સંસ્થા ઇંડને પાત્ર થશે તેમજ તેવી કોલેજોનાં એનરોલમેન્ટ/એનલિસ્ટમેન્ટ સ્વીકારવામાં આવશે નહિ અને તેના કારણે જે પરિસ્થિતિ ઊભી થશે તેની સંપૂર્ણ જવાબદારી જે-તે સંસ્થાની રહેશે.

સ્નાતક કક્ષાનાં અભ્યાસક્રમ (UG Course)							
ક્રમ	અભ્યાસક્રમ	ડિવીઝન	સંખ્યા	ક્રમ	અભ્યાસક્રમ	ડિવીઝન	સંખ્યા
1	B.A.	1	130	7	B.Sc.(IT)	1	60
2	B.Com.	1	130	8	B.Sc. (HS)	1	30
3	B.Sc.	1	120	9	B.R.S.	1	120
4	B.B.A.	1	60	10	D.M.L.T.	1	60
5	B.C.A.	1	60	11	P.G.D.C.A.	1	60
6	B.S.W.	1	120	12	LL.B.	(As Per Council)	60/120/180
				13	BA (HS)	1	130
અનુસ્નાતક કક્ષાનાં અભ્યાસક્રમ (PG Course)							
ક્રમ	અભ્યાસક્રમ	ડિવીઝન	સંખ્યા	ક્રમ	અભ્યાસક્રમ	ડિવીઝન	સંખ્યા
1	M.Com.	1	60	7	LL.M.	1	60
2	M.A.	1	60	8	M.Sc. (Chemistry)	1	20/30/40/60
3	M.Sc. Home Science	1	60	9	M.Sc. (Microbiology)	1	20/30/60
4	M.Sc.(IT & CA)	1	60	10	M.Sc. (Physics)	1	20
5	M.R.S.	1	60	11	M.Sc. (Mathematics)	1	20
6	M.S.W.	1	60				

વધુમાં, સરકારી/ ગ્રાન્ટ-ઇન-એઇડ કોલેજોમાં રાજ્ય સરકારશ્રીનાં મંજુર ડિવીઝન (ઇન્ટેક)/રાજ્ય સરકારશ્રીનાં નિયમાનુસાર વિદ્યાર્થી સંખ્યા ધ્યાને લેવામાં આવશે. સ્વનિર્ભર સંસ્થા ઇન્ફ્રાસ્ટ્રક્ચર, માન્ય શિક્ષકો, સંભવિત વિદ્યાર્થી પ્રવેશ વગેરેને ધ્યાને લઈ સંદર્ભ-૧માં દર્શાવેલ બેઠકનાં ઠરાવ અનુસાર નીચેની વિગતે યુનિવર્સિટીમાં ફી ભરી વિદ્યાર્થી સંખ્યા વધારો (વર્ગવધારો) મેળવી શકશે. જે માટે યુનિવર્સિટીની પૂર્વમંજુરી મેળવવાની રહેશે.

સ્નાતક કક્ષાનાં અભ્યાસક્રમ (UG Course)				અનુસ્નાતક કક્ષાનાં અભ્યાસક્રમ (PG Course)			
ક્રમ	ફેકલ્ટી	વર્ગ-વધારો ફી (One Division)	વર્ગ-વધારો ફી (Half Division)	ક્રમ	ફેકલ્ટી	વર્ગ-વધારો ફી (One Division)	વર્ગ-વધારો ફી (Half Division)
1	Arts	1,30,000/-	65,000/-	1	Arts	1,30,000/-	65,000/-
2	Commerce	1,30,000/-	65,000/-	2	Commerce	1,30,000/-	65,000/-
3	Science	1,50,000/-	75,000/-	3	Science	1,50,000/-	75,000/-
ડિપ્લોમા/પીજી ડિપ્લોમા અભ્યાસક્રમ (Diploma/ PG Diploma Course)				4	Law	1,50,000/-	75,000/-
ક્રમ	અભ્યાસક્રમ	વર્ગ-વધારો ફી (One Division)	વર્ગ-વધારો ફી (Half Division)	5	MRS	1,30,000/-	65,000/-
1	DMLT	1,30,000/-	65,000/-	6	MSW	1,30,000/-	65,000/-
2	PGDCA	1,30,000/-	65,000/-				

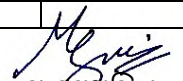
નં. : બીકેએનએમયુ/૨જી./૭૩૫ /૨૦૨૦

ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી,
ગવર્નમેન્ટ પોલીટેકનીક કેમ્પસ, ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી રોડ, ખડીયા, જુનાગઢ. તા. ૩૦/૦૫/૨૦૨૦

પ્રતિ,

ભક્તકવિ નરસિંહ મહેતા યુનિવર્સિટી સંલગ્ન તમામ કોલેજના આચાર્યશ્રીઓ/પી.જી.સેન્ટરના વડાશ્રીઓ, અનુસ્નાતક ભવનોના અધ્યક્ષશ્રીઓ તથા યુનિવર્સિટીના તમામ વિભાગના વિભાગીય અધ્યક્ષશ્રીઓ તરફ...

નકલ સાદર રવાના :- માન.કુલપતિશ્રીના અંગત સચિવશ્રી તરફ...


ડૉ.કુલસચિવ



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: 158 (LE: Circular No. 01 /2020)

05.02.2020

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/The Deans of all the
Centre of Legal Education/Law Institutions**

Sub. : Circular for compliance of all the Rules of Legal Education 2008 by all Centres of Legal Education (Universities, Law Colleges etc.) failing which approval of affiliation and/or recognition shall not be renewed/granted from the academic year 2020-2021 onwards.

Sir/Ma'am,

The Rules of Legal Education-2008 are mandatory, statutory rules, framed by the Bar Council of India (the regulatory authority for legal education in India) under Section 7(h) and (i) 24(1)(c) iii and iii (a), 49(1)(af) (ag) and d of the Advocates Act, 1961. The said rules were duly notified in the official Gazette in March 2009. It is hereby reiterated that all such Rules are required to be followed/ complied with by each and every Centre of Legal Education (Universities, Law Colleges etc.) failing which approval of affiliation to existing Law Colleges etc. and/or recognition to existing Universities issuing Law Degrees shall not be renewed/ granted from the academic year 2020-2021 onwards, unless they comply with the same.

It is obligatory and mandatory for every Centre of Legal Education (University, Law College etc) to follow the Legal Education Rules 2008 meticulously.

It is in this respect, relevant extracts and the summary of a few specific rules of legal education are reiterated yet again below as a reminder that non-compliance of the same, apart from non-compliance of the other rules of legal education shall disentitle an existing Centre of Legal Education from being granted/renewed of approval of affiliation and/or recognition as the case may be from the academic year 2020-2021 onwards.

Firstly, you are required to keep in mind the Rule 17 of Schedule III of Legal Education Rules 2008 relating to core faculty required to teach a three year or a five year law degree course. The said rule is quoted below :-

Rule 17. Core Faculty:

There shall be sufficient number of full time faculty members in each Centre of Legal Education (i.e. ,Department, constituent or affiliated college) to teach each subject at all point of time for running courses who can be supported by part time or visiting faculty. Such a core faculty shall in no case be less than six in the first year of the approval with both streams in operation, eight in the second year and ten in the case of third year of law courses. In addition, for the integrated course there shall be adequate faculty in the subjects offered in the liberal educational subjects as part of the course by the institution. These faculties in the liberal educational discipline in Arts, Science, Management, Commerce, Engineering, Technology or any other discipline shall possess qualification as is required under the UGC guideline or under such other standard setting body as the discipline is allotted to by any Act, statute, or Rules of the Government of India or of a State.

For the Three Year Bachelor of Law degree course only with two sections without the Honours program, there shall be minimum of 4 core faculty in the first year six in the second and eight in the third year in addition to the Principal/ Head or Dean as the case may be.

Provided that an institution intending to run any specialized or honours course must have at least three faculty in the group in which specialization and honours courses are offered.

Provided further that each full time faculty shall take as many classes in the subject or subjects as may be assigned to them on the basis of standard prescribed by 'the standard setting institution' like UGC.

Provided further, if any institution of a University, which was already affiliated to the University and approved to run professional courses of either scheme or both by the Bar Council of India after inspection of the University, falls short of required full time faculty, the new admission in courses may be required to remain suspended until new required number of faculty is procured. The University shall before starting a new academic session, notify which institutions are only be allowed to admit fresh students.

Provided further that if while inspecting the University it was found that in any institution of the University adequate number of full time faculty was not there in the staff, the Bar Council after giving notice to the University might give a public notice directing the University not to admit students in the new academic year in that institution.

Kindly also take note of Schedule III-Rule 20 of the Rules of Legal Education 2008.

"Minimum qualification needed for the Faculty: Full-time faculty members including the Principal of the Centre of Legal Education shall be holders of a Master's degree or as prescribed by UGC or other such standard setting bodies. However faculty for teaching clinical program may be appointed from the retired judicial officers or from the Bar, a person with professional experience for a minimum period of ten years. Visiting faculty from the Bar, bench or academy shall have a minimum experience of ten years."

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Thus, there should be sufficient number of qualified full time faculty members in each Centre of Legal Education to teach each subject at all points of time for running courses who can be supported by part time or visiting faculty.

Your attention is further drawn to Rule 16 IV, Chapter II, and as well as to Rule 16, Schedule III which reads as under :-

Chapter II Rule 16 (iv) *There is to be a separate Centre 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.*

Schedule III Rule 16- *“Whole time Principal/ Head/Dean: There shall be a Principal for each constituent or affiliated Centre of Legal Education of a University and a Dean for the University Department, who shall have minimum prescribed qualification in law as prescribed by the UGC for respective position like Principal of a Centre of Legal Education or a Professor of Law to hold Deanship, as the case may be.”*

The above stipulated rules must be ensured to be complied with.

Kindly note that that all Centres of Legal Education must send the details of faculty members including the Principal/ Head of Institution, and Head of Department specifying and certifying their qualifications and the subjects being taught by them to the Bar Council of India.

Furthermore, it is extremely pertinent and important that the faculty is paid as per UGC scale. **The relevant Rule 22 of Schedule III of Legal Education Rules 2008 is quoted hereunder :-**

“Salary scale: *The salary paid to the Principal shall be according to the scales recommended by the U.G.C from time to time with other benefits. Core Full Time Faculty shall ordinarily be given usual UGC scale.*

An Institution may however have faculty whose remuneration is based on contract provided the remuneration is comparable with or more favorable to the faculty in comparison with the UGC Scale and salary shall be paid through account payee cheque.”

Thus kindly bear in mind that Salary has to be paid to the faculty members and other staff by Cheque, though RTGS or NEFT may also be opted for and the same should be as per UGC scale under Bankers Book of Evidence Act. and authenticated, signed and certified Bank Statements, have to be necessarily furnished to the Bar Council of India showing electronic transfer of salary to teaching and non-teaching staff on a quarterly basis without fail.

Further, the Centre of Legal Education(University, College etc) has to follow **Clause 15 of Schedule III of Legal Education Rules 2008** in respect of minimum library requirements.

No Center of Legal Education can be expected to impart/teach a Law degree course without having a basic well furnished Law Library for the Law students and teachers alike to refer to.

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A law library should be furnished with latest updated version of law books and bare acts for each subject being taught and updated with new editions according to the ratio of 10 books and bare acts for each registered student and there should be a minimum investment of Rs. 10 lakhs for each year. However for any university/deemed university in a rural area, the investment should be Rs. 5 Lakh and for all other affiliated colleges in the urban area it should be Rs. 2 lakhs and in rural area it should be Rs. 1 lakh.

The Library should also have a set of AIR manual, Combo offer of CD of AIR Pvt. Ltd. containing electronic version of AIR, Cr. L.J. AIR Manual etc. which should be updated every year by AIR Pvt. Ltd. and also minimum 10 sets of Indian Bar Review, selected judgments and professional Ethics published by Bar Council of India Trust and the AIR volumes/set must be promptly ordered for the library if not already ordered, as it is an essential requirement to run a law college. The receipts of purchase of the same shall be required to be duly submitted to the Bar Council of India before seeking renewal of approval of affiliation and/or recognition.

Further the College/University should ensure to follow semester system as mentioned under **Rule-10, Chapter II of Legal Education Rules 2008**. Unitary or integrated double degree should be conducted in semester system in not less than 15 weeks for unitary degree course or not less than 18 weeks in double degree integrated course with not less than 30 class-hours per week including tutorials, moot court room exercise and seminars provided there shall be at least 24 lecture hours per week and for honours courses there shall be not less than 36 class-hours per week including seminar, moot court and tutorial classes and 30 minimum lecture hours per week.

Further as per Schedule III Rule-18 of LE Rules, 2008 there shall be for each paper (with 4 credit) Four class-hours for one hour duration each and one hour of tutorial/moot court/project work per week.

Furthermore, the Centre of Legal Education(University, Law College etc) should also follow **Clause-24, Schedule-II of Legal Education Rule-2008** which lays down Moot Court exercises and Internship; as well as **Clause-25, Schedule-III of Rules of Legal Education** which lays down Minimum period of Internship.

University/college should ensure that every student must do at least three moot courts in a year and they may also be required to attend two trials in the course of the last two or three years of LL.B. studies. They should maintain a record and enter the various steps observed during their attendance on different days in the court assignment. Each student should observe two interviewing sessions of clients at the Lawyer's Office /Legal Aid Office and record the proceedings in a diary and further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.

Each student has to complete minimum of twelve weeks internship for Three Year Course stream and twenty weeks in case of Five Year Course stream and they should also keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time.

The record of the above should be furnished to Bar Council of India.

You are hereby called upon and reminded that all the above mentioned rules/norms and all other Rules of Legal Education 2008 are compulsory/required to be followed by all the Centers of Legal Education(Law Colleges/Universities and its Law Departments).

In case, any college/University is/are unable to follow these rules and guidelines, they should not admit any student w.e.f the session beginning from 2020-2021 , and no approval/provisional approval of affiliation for existing Centers of Legal Education shall be renewed/granted from the Academic year 2020-2021 and in case they are found running the Center of Legal Education(college/University department) in violation of these rules, the approval of affiliation/recognition will be cancelled **and as per Chapter-III, Rule 14 of Rules of Legal Education 2008, such Center of Legal Education shall be suspended for a period upto 2 Academic years**

Thus it is hereby directed that all Centers of Legal Education- (College ,University etc.) are required to send a affidavit duly notarized in compliance of the above mentioned conditions/norms within 15 days from the date of receipt of this Circular failing which approval of affiliation/recognition for running law course will be liable to be declined by the Bar council of India.

Your's sincerely


(Srimanto Sen)
Secretary



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:737:(LE:Circular No. 08/2020)

21.11.2020

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/The Deans of all the,
Centre of Legal Education/Law Institutions**

Sub. : Circular regarding extension of date for compliance of the circular dated 5th February, 2020 issued by Bar Council of India vide letter No. BCI:D:158(LE:Circular No. 01/2020), and of the show cause notices and compliance letters further, in general, till 28th February 2021.

Sir/s Ma'am/s,

This is to bring to your kind knowledge that as per the circular dated 05.02.2020 bearing No.BCI:D:158 (LE:Circulation No.01/2020), issued to all Centers of Legal education, every center of Legal Education /college was required to submit a certified authenticated bank statement bearing bank stamp, date and signature, mandatorily with respect to the salary/ies being disbursed to all the teachers/faculties every three months from date of receipt of communication on a regular basis, unless specifically sought at other intervals, and also furnish list of teachers with qualifications as per BCI and UGC Rules, and further furnish proof/receipts of fulfillment of minimum library requirements, as enumerated under Schedule-III, Rule-15, Minimum Library requirements of Legal Education Rules-which is the sine qua non of a Center of Legal Education.

Certain show cause notices and compliance letters had also been issued specifically to certain Centers of Legal Education/Colleges, with conditions mentioned therein to be complied with.

The time for compliance of the circular and the show cause notices and compliance letters had been extended till 31st October, 2020 by virtue of the resolution passed on 24th June 2020 by the Bar Council of India.

By virtue of the resolution in the meetings of 9th, 10th and 11th of November, 2020, the Standing Committee of the Legal Education Committee of the Bar Council of India has considered the requests received from many quarters to further extend such date and owing to the prevalency of the pandemic has decided to further extend the date for compliance of the circular of 5th February, 2020, and of the show cause notices and compliance letters in general further till 28th February 2021.

It is made clear that if any Center of Legal Education, fails to submit all the required documents as sought by way of the referred circular and the show cause notices (where applicable), and compliance letters, in general, which have already been issued, and the subsequent circulars etc to be issued in this regard, on or before 28th February, 2021, including certified authenticated bank statements, library receipts and faculty list with qualifications and UGC pay scale, then their application for extension of approval for 2021-2022 shall not be considered and/or approval already granted may be withdrawn.

The Center/s of Legal Education/College may take a note of the above mentioned facts and furnish compliance of the same and of the other rules and regulations of Legal Education, including the stipulations specified in the abovesaid referred circular/s, show cause notices and compliance letters, and in Annexure A, attached to provisional approval of affiliation letter, which as a general norm shall be required to be complied with by/on/before 28.02.2021 with adequate documentary proof and by way of a notarized affidavit, failing which as stated above their application for extension of approval for 2021-2022 shall not be considered and/or approval already granted may be withdrawn.

Yours sincerely,



Srimanto Sen

Secretary

Bar Council of India

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 198 of 2020**

MAYURDHWAJ SINH LAXMANSINH RAHEVAR

Versus

THE BAR COUNCIL OF INDIA

Appearance:

SHIVANG P JANI(8285) for the Applicant(s) No. 1,2,3,4,5

for the Opponent(s) No. 1,3

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
Opponent(s) No. 2CORAM: **HONOURABLE MR. JUSTICE J.B.PARDIWALA**

and

HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 18/12/2020

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1. By this writ petition filed in public interest, the writ applicants – students of Shri Narandas Patel Law College, Modasa have prayed for the following reliefs:-

“(A) YOUR LORDSHIPS may be pleased to declare Rule 17 of the Rules of Legal Education, 2008 as contained in Schedule-III of the Rules of Legal Education, 2008 to the extent to which it requires 08 faculties in addition to the principal in the Government aided law colleges as ultra vires to the provisions of the Advocates Act, 1961 and Article 14 and Article 19 of the Constitution of India;

(B) YOUR LORDSHIPS may be pleased issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions quashing and setting aside the impugned Circular dated 05.02.2020 and Circular dated 21.11.2020 issued by the Bar Council of India – respondent

No.1 herein (at ANNEXURE-C and ANNEXURE-L1 hereto), so far as it directs the Government aided law colleges in the State of Gujarat not to admit any students from the academic sessions commencing from 2020-2021 and be further pleased to quash and set aside the directions contained in the said circular which seeks to cancel the affiliation and recognition of government aided law colleges and be further pleased to permanently refrain respondent no.1 herein to seek the affidavit duly notarized in compliance with the above condition;

(C) YOUR LORDSHIPS may be pleased issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions directing the respondent – Stae of Gujarat and Commissioner Higher Education, respondent No.3 herein, to complete the process of selection of professors in the Government aided law colleges within the stipulated time and till the same is done be pleased to restrain respondent No.1 herein – Bar Council of India from taking any steps pursuant to the impugned circular dated 05.02.2020 (at ANNEXURE-C hereto) and 21.11.2020 which is at ANNEXURE-L1 to this petition;

(D) YOUR LORDSHIPS may be pleased direct respondent No.1 herein – Bar Council of India to modify the circular dated 21st November, 2020 and to extent the period till the State Government of Gujarat undertakes and declares to complete the process filling up the deficit number of vacancies;

(E) During pendency and final disposal of the present petition, YOUR LORDSHIPS may be pleased permit the Government aided law colleges to give admission to the students in Three years law Course;

(F) Pending hearing and final disposal of this writ petition, this Hon'ble Court may be pleased to stay operation, implementation

and execution of the circulars issued by respondent No.1 dated 05.02.2020 and 21.11.2020 which are ANNEXURE-C and ANNEXURE-L1 to this petition in favour of government aided law colleges in the State of Gujarat;

(G) Pending hearing and final disposal of this petition, this Hon'ble Court may be pleased to stay Rule 17 of the Rules of Legal Education, 2008 as contained in Schedule-III of the Rules of Legal Education, 2008 so far as it pertains to government aided law colleges in the State of Gujarat;

(H) Pending hearing and final disposal of this writ petition, this Hon'ble Court be pleased to direct respondent No. 2 and respondent No.3 to start and complete the process of appointment of professors in government aided law colleges and in the State of Gujarat as per the Rules of Legal Education, 2008 and till the same is completed, respondent No.1 be restrained from taking any steps pursuant to its circular dated 05.02.2020 and 21.11.2020 which are at ANNEXURE-C and ANNEXURE-L1 to this petition;

(I) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case."

2. Having regard to the nature of reliefs prayed for in this writ petition filed in public interest, we called upon Mr. P.K.Jani, the learned Sr. Counsel appearing for the writ applicants to make good his case as to how this petition in public interest is maintainable when all the writ applicants are directly or indirectly interested in the fruits of this litigation.

3. There was some discussion in regard to the aforesaid and at the

end of it, Mr. Jani, the learned Sr. Counsel appearing for the writ applicants fairly submitted that the writ petition in public interest would not be maintainable, but at the same time, his clients being the students of the Law College are likely to be directly affected because of the Rule 17 of the Legal Education Rules, 2008 (herein after referred to as 'the Rules 2008' for short) sought to be enforced by the Bar Council of India with immediate effect. Mr. Jani, would submit that his clients can always come before the High Court with a prayer that Rule 17 of the Rules, 2008 be declared as ultra vires the provisions of the Advocates Act, 1961 and also being violative of Articles 14 and 19 respectively of the Constitution of India.

4. We could have asked Mr. Jani to withdraw this writ application filed in public interest and file a fresh petition with the nomenclature of the Special Civil Application. Without going into any such technicality, we are of the view that we should hear this petition not as a public interest litigation, but as a writ application under Article 226 of the Constitution. Therefore, this writ petition shall not be treated as a PIL. The Registry shall renumber this petition with the nomenclature of the Special Civil Application. The cause title be amended accordingly.

5. We have heard Mr. P.K.Jani, the learned Sr. Counsel assisted by Mr.Shivang Jani, the learned advocate appearing for the writ applicants.
6. The writ applicants herein are the students studying in the recognized Government aided Law College in the State of Gujarat. There are 26 Government Aided Law Colleges, which are recognized by the Bar Council of India for the purpose of imparting 3 years law course in the State of Gujarat. It is the case of the writ applicants that in the Grant-In-Aid recognized Law Colleges, the State Government provides 100 % grant by way of salary and also provides the maintenance grant in some proportion. The Law Colleges are required to deposit the tuition fees received from the students with the State Government. According to the writ applicants, as the State Government bears the entire burden of salary, the State Government is the final authority for sanctioning the posts of teaching staff in any Grant-In-Aid college. According to them, at present in the Government Aided recognized Law Colleges, there is a strength of 1 Principal and 4 full time Professors. Such set up has been sanctioned by the State Government considering that all the Law Colleges will have 2 classes each in every year course i.e. totaling to 6 classes for the 3 years course. This was done in accordance with the earlier norms. It is further pointed out that, because of the

financial aid being provided by the State Government, the fees in the aided recognized Law Colleges is around Rs.1500/- for a Male student and Rs.600/- for a Female student per semester compared to Rs.30,000/- to Rs.1,50,000/- per semester in the self-financed Law Colleges in the State of Gujarat. According to the writ applicants, it is because of this subsidized fee, the students hailing from the poor and backward strata of society are able to pursue the study in law.

7. It appears from the materials on record that, the Bar Council of India issued a Circular dated 05.02.2020 informing all the Law Colleges to strictly implement the Rules, 2008. Such instructions from the Bar Council of India by way of a Circular referred to above, will have the effect upon every Law Colleges to have minimum 8 full time professors instead of 4 and 1 Principal. This would be the position in all the 26 Government Aided Law Colleges in the State of Gujarat. The Circular further provides that the Principal or any responsible person of each Law Colleges will have to file an affidavit as regards the compliance with the norms and conditions referred to above in the Circular dated 05.02.2020, failing which, the Bar Council of India would cancel the approval (affiliation and recognition) of such Law Colleges. It is further pointed out that the Circular dated 05.02.2020 has been followed by one another Circular dated 21.11.2020, by which, the period to

comply with the earlier directives as contained in the Circular dated 05.02.2020 has been extended upto 28.02.2021.

8. Mr. Jani, the learned Sr. Counsel further pointed out that the Government Aided Law Colleges have made a fervent appeal to the State Government to appoint the professors in accordance with the norms as laid down by the Bar Council of India. According to Mr. Jani, the process of appointment of the professors in the Government aided Law Colleges is definitely going to take some time. It is not feasible for the State Government to appoint such many number of professors by 28.02.2021. According to Mr. Jani, even the Government aided Law Colleges have addressed representations in this regard to the Bar Council of India explaining the practical difficulties in applying the recent directives as contained in the Circular dated 25.02.2020.

9. Mr. Jani further submitted that on account of the reasons referred to above, most of the Law Colleges have not filed the affidavits. At the same time, few Government aided Law Colleges have stopped giving admissions in the 3 years law course, thereby, depriving the eligible and needy students from securing admissions in the law course on the ground that, his or her college is not able to meet with the norms fixed by the Bar

Council of India. The writ applicants apprehend that this may lead to lot of difficulties and their future may also get hamper.

10. In such circumstances referred to above, the writ applicants are here before this Court praying that the Rule 17 of the Legal Education Rules, 2008 as contained in Schedule-III of the Rules of Legal Education Rules, 2008 be declared as ultravires being violative of Articles 14 and 19 respectively of the Constitution. In the alternative, it has been prayed that appropriate directions be issued to the Bar Council of India to extend the date (time period) of compliance of the Rules 2008. It is also prayed that appropriate directions be issued to the State Government to initiate the process of appointment of the professors in the Government aided Law Colleges. Mr. Jani also prays for ad-interim relief in terms of Paras 12 (F) & 12 (G) of this writ petition.
11. In the course of the hearing of this matter, Mr. Sudhir Nanavati appearing in-person, also joined in the discussion on behalf of the Society of Higher Education Institution, registered under the Gujarat Cooperative Societies Act as well as the Bombay Public Trusts Act. Mr. Nanavati intends to join in this litigation, so as to protect the interest of the colleges as well as the students studying in the Law Colleges. According to Mr. Nanavati, he has filed the necessary Civil Application appearing in-person.

12. We could have impleaded the Society of Higher Education Institutions as one of the respondents in this litigation. However, we are of the view that it will be in the fitness of things if the Society of Higher Education Institution files a separate writ petition. In such circumstance, at this point of time, we are not joining the Society of Higher Education Institution as one of the respondents in this writ petition.
13. We are prima-facie of the view that, the implementation of Rule 17 of the Rules 2008 referred to above, is going to cause lot of problems. We need to take a practical view of the entire matter. The Bar Council of India also needs to discuss this ticklish issue with the State Government. There should not be any problem in implementing Rule 17 of the Rules, 2008. The implementation of the same may ultimately provide quality legal education to the students. However, to inform all the colleges that if they are unable to follow the Rules and Guidelines, they should not admit any student w.e.f. Academic Session 2020-21 and no approval/provisional approval of affiliation of Center shall be renewed/granted from the academic year 2020-21 would be very harsh and unreasonable. The Bar Council of India has made itself very clear that, if it finds any center of legal education/college/university running in violation of these rules, the

approval or recognition would be cancelled and such center of legal education may be suspended for a period upto 2 Academic Years.

14. At this stage, Mr. Jani invited our attention to a very exhaustive representation dated 04.03.2020 addressed by the Executive Vice President of the Gujarat Law Society to the Bar Council of India. He also invited the attention of this Court to the contents of the representation as contained in paras 5 to 17. According to Mr. Nanavti, the same has not been responded by the Bar Council of India so far. Paras 5 to 17 of the representation dated 04.03.2020 addressed by the Executive Vice President of Gujarat Law Society read as under:

“5. All the law colleges in the State of Gujarat are affiliated with the State Universities and none of these law colleges are running the degree of law courses themselves and/or under the nomenclature of private statutory universities. All these law colleges are governed under the Grant-In-Aid Code of the State of Gujarat with effect from 1.1.1996. As per the regulations in the Grant-In-Aid Code, the tuition fees are required to be charged, as on today, from the Male student @ Rs.900/- per Semester excluding other types of nominal fees pertaining to enrollment, examination, library, sports etc. As far as the Female students are concerned, they are considered under the FREE EDUCATION, hence, no tuition fees are charged from them. Whatever tuition fees are collected by the Colleges as stated above, are required to be deposited with the Government Treasury from time to time against which all the

expenses including the salaries of the teaching and non-teaching staff, maintenance grant of the infrastructure etc. are provided by the Government under the said Code. This amount is also calculated on the basis of Rs.60 per student per year to concerned college which itself is a very negligible figure in the present days, but that is not the issue here.

6. For the purpose appointment of the staff and more particularly the teaching staff, the first main concern is about the number of students in one Division. As per the Bar Council of India - Legal Education Rules, 2008, one Division should not have more than 60 students. As per the Code, for the purpose of providing the grant, State Government considers 120 students per Division. It is also necessary to be mentioned that all the admissions are given on Centralized System basis by the Gujarat University and these colleges have no authority to grant any admission to any student.

All present, the aforesaid three law colleges are having following strength for the last academic year 2019 0 2020.

(i)	Sir L.A. Shah College	780
(ii)	I.M.Nanavati Law College and	748
(iii)	M.N.Nanavati Law College	703

7. Five Divisions are sanctioned to the aforesaid three law colleges in such a way that no division can have more than 60 students. The main problem arises now viz. as per the total number of students admitted, as stated above, and if it is in five divisions, the number of teaching faculties required as per the Bar Council of India - Legal Education Rules, 2008 and regularizations is as under :-

	Class	Core Teaching Faculties
(i)	First Year LLB Course	6 Teaching Faculties
(ii)	Second Year LLB Course	8 Teaching Faculties
(iii)	Third Year LLB Course	10 Teaching Faculties

8. On the basis of the aforesaid requirement and to honour the regulations/mandate, from time to time, we are making application, which is known as NOC (no Objection Certificate) for recruitment of the faculties, to the State of Gujarat. The Education Department of the State of Gujarat is calculating the requirement and grants NOC on the basis of the following manner :

9. They consider one Division comprising of 150 studnets while granting NOC of teaching faculty So the total number of students in Sir L.A Shah Law College being 780, the total number of the Faculty, according to the Government understanding, the NOC is given only for 4 full time faculties and a Principal which is much less than the requirement under the Bar Council Rules. In order not to make this reply and representation so lengthy, I am avoiding to mention the past history which can be apprised if we are granted a personal hearing for this problem i.e. in the past, we have contacted the Education Department almost at the levels of Hon'ble Education Minister and the Hon'ble Chief Minister from time to time and tried to convince them that this is the minimum teaching faculty requirement of the Bar Council of India and these being grant-in-aid colleges should be permitted to recruit the desired number of permanent teaching faculties for which NOC must be granted. Unfortunately, there is no positive response in almost four decades.

10. As stated in the beginning of this communication that I being a practicing lawyer and associated in the filed of education at the management level for more than 5 decades, I fully agree that for the permanent faculties, the NOC given by the Government is too less and if any college does not have permanent teaching faculty, it is difficult for them to provide quality education and more particularly in professional courses like Law. Here, let me inform you that Gujarat Law Society which is managing the aforesaid three law colleges is spending not less than Rs.10 lacs per annum from its own corpus for inviting visiting faculties being eminent retired judges and practicing lawyers to whom necessary payments are made from the corpus of the Society to ensure whatever best can be done to achieve the quality education level in the field of Law.

11. I taking this opportunity of addressing this communication slightly in detail and requesting to give us time for personal meeting to apprise the Bar Council of India Office Bearers or any other authorized person and to find out the best possible solution for which, if necessary, a meeting can be convened by requesting the Education Department at the level of the Hon'ble Education Minister of the State of Gujarat.

12. Here, as rightly stated at the end of the communication under reference that, in the event, no affidavit is filed within stipulated time by the Principal of the concerned Law College can be put into no admission zone from next Academic Year i.e.2020-2021. I have enquired and examined the situation of the law colleges in the State of Gujarat which are approximately 30 in number and which are Grant-In-Aid Law Colleges, that all the Law Colleges will have to be closed down or they cannot admit the new students as stated above. This is my respectful request that what is stated at the end of communication is very

harsh decision in advance. And, therefore, request is that, the body like the Bar Council of India always is ready to support the legal education to be provided properly by the concerned Law Colleges, must give a proper personal hearing and /or personal representation to be made and at the end of the day if no reasonable way or solution is found, the Bar council of India may take such harsh decision.

13. *In short, it appears the Bar Council of India is calling upon all the concerned Law Colleges in the State to either file such affidavit, the contents of which cannot be implemented or in other words, is asking to close down the college from next academic year as far as new entries of students are concerned.*

14. *I myself have worked as a Member of Syndicate in Gujarat University for more than 40 years; I have got few suggestions which can be worked out and given in order to achieve the goal and quality legal education by almost all the private trusts managing grant-in-aid law Colleges are willing to contribute certain expenses to be borne by the trust itself from their own corpus with a view to see that quality legal education in the State of Gujarat is maintained properly.*

15. *In the event, the trust has to appoint deficit permanent teaching faculties in number required by the Bar Council of India, Legal Education Rules, 2008, the same will be approximately Rs.2,27,52,000/- per year, if the college is having 5 Divisions like Sir L.A. Shah Law College, which is at present having 5 core teaching faculty including the Principal. You must be aware that at present the permanent faculty in any college is required to be paid the scale as per the UGC regulations as well as Government Rules and Regulations i.e. Recommendations of 7th Pay Commission and the aforesaid*

calculation is on that basis. If this amount is required to be borne here by the trust without having any other income from sources of fees, or otherwise, the same is not workable at all.

16. *Please note that, at present the Law Colleges who have received the Circular Letter under reference are not in a position to give any affidavit which will be totally false in nature and knowing that the same cannot be implemented. However, as stated above, if the office of the Bar council of India and the authorized person on behalf of the Body is ready and willing to grant us personal meeting to make our representation and to apprise more in detail, we are willing to come on advance intimation of 15 days.*

17. *We are also enclosing herewith the Letters of Authority of all the concerned colleges, who have received the identical Circular Letter and who have also gone through the present reply and are agreeable with the contents thereof and also requesting to accompany the undersigned in the event, personal meeting for representation is granted.”*

15. We take notice of the fact that Rule 17 of the Rules, 2008 came into force w.e.f. 2010. We would like to know from the Bar Council of India what steps it took for the implementation of the same past one decade. We are saying so because the Bar Council of India has now thought fit to give time only upto 28.02.2021.

16. In view of the above, the matter requires consideration. Let **Notice** be issued to the respondents, returnable on **12.01.2021**. By the next date of hearing, we expect the Bar Council of India as

well as the State of Gujarat to come forward with some viable solution to this problem.

17. Having heard the learned Sr. Counsel appearing for the writ applicants and having gone through the materials on record, by way of ad-interim relief, we restrain the Bar Council of India from taking any coercive steps against the Grant-In-Aid Government Law Colleges within the State of Gujarat.

(J. B. PARDIWALA, J)

(ILESH J. VORA, J)

PALLAV-SUCHIT

