



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: 2546/2024(LE/Std. 25.11.2024)

18.12.2024

1.	The Registrar, Swami Vivekananda University, Bara Kanthailia, Sewli Telini Para, North 24 Parganas, Barrackpore, Kolkata, West Bengal - 700121
2.	The Dean, Department of Law, Swami Vivekananda University, Bara Kanthailia, Sewli Telini Para, North 24 Parganas, Barrackpore, Kolkata, West Bengal - 700121

Sub: Interim approval Letter for recognition to Swami Vivekananda University, Kolkata, West Bengal under section 7(1)(i) of the Advocates Act, 1961 to award degree in law and fresh approval to its Department of Law, Swami Vivekananda University, Kolkata, West Bengal for three year LL.B(Hons.) degree course, five year BA LL.B(Hons.) integrate degree course and five year BBA LL.B(Hons.) integrated degree course with intake of 1 section of 60 students in each section in each course for a period of one year i.e. for the academic year 2025-2026.

Detailed letter with conditions will follow.

Sir/Ma'am,

This is to bring to your kind knowledge that the Standing Committee of Legal Education Committee of Bar Council of India by virtue of its meeting held on 25th November, 2024 considered the matter of Department of Law, Swami Vivekananda University, Kolkata, West Bengal.

The University has applied for fresh recognition as per section 7(1)(i) of the Advocates Act, 1961 to award degree in Law and also applied for fresh approval to its Department of Law, Swami Vivekananda University, Kolkata, West Bengal for three year LL.B(Hons.) degree course, five year BA LL.B(Hons.) integrated degree course and five year BBA LL.B(Hons.) integrated degree course with intake of one section of 60 students in each course.

After consideration, recognition has been granted to Swami Vivekananda University, Kolkata, West Bengal under section 7(1)(i) of the Advocates Act, 1961 to award degree in law and fresh approval has also been granted to its Department of Law, Swami Vivekananda University, Kolkata, West Bengal for three year LL.B(Hons.) degree course, five year BA LL.B(Hons.) integrate degree course and five year BBA LL.B(Hons.) integrated degree course with intake of 1 section of 60 students in each section in each course for a period of one year i.e. for the academic year 2025-2026.

Please kindly ensure, to have adequate Law, Computer, English, Social Science, BBA faculty members in the ratio of 1 faculty per 40 students. Also ensure to have a qualified Librarian. Also ensure that no class room is below 750 Sq. feet.

If these conditions are not complied with, approval of affiliation granted may be withdrawn at any time.

✓ You may kindly bear in mind that the Bar Council of India is the sole and supreme sanctioning authority for seats and it does not allow any supernumerary quota of seats for law degree courses, over and above the sanctioned strength of seats and whatever reservation of seats is to be done by the University under whichever quota as a rule has to be done within sanctioned strength of seats. The only supernumerary quota, as of now permitted by the Bar Council of India, is 10 percent seats in EWS quota over and above the sanctioned strength of seats allotted/approved by BCI and that too, is subject to adequate infrastructure and qualified faculty to accommodate the supernumerary seats. The same is required to be adhered to. If there is any default on such part and the same is discovered subsequently, action shall ensue which includes revocation of approval granted.

✓ The CLE is advised to declare the same voluntarily for consideration of the same in a manner which will not be detrimental to interests of the students admitted, if any, over and above the sanctioned seats as a one time opportunity. The same shall not be construed to be applied prospectively.

➤ It is pertinent to point that no University in India can offer a 4 year LL.B or integrated LL.B, followed by a 1 year LL.M in 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.

➤ While exchange programs of teachers and students have been undertaken by Centers of Legal Education including, Law Universities in India, Dual Degrees or joint Degrees with Foreign Universities have not been permitted or recognized by BCI. It is essential to emphasize that any foreign collaboration involving legal education institutions, must strictly adhere to the regulatory framework established by the Bar Council of India. It cannot compromise on the quality of legal education mandated by the BCI. It's worth noting that unless a degree is recognized by the BCI in India, it holds no validity within the

country. Therefore, a degree obtained from an Indian University, being recognized solely in a foreign jurisdiction, without recognition in India, would be of no consequence to the university or its students.

- Recognition and approval of law degrees are exclusively within the purview of the Bar Council of India. Consequently, if, upon thorough evaluation it is determined Law degrees are being issued by Universities against the rules and norms of Bar Council of India, recognition of such degree/s shall be withdrawn and such degree holders shall not be entitled to be enrolled in any State Bar Council in India.
- BCI and its 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.

- 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 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.
- 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.
- 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 centres.

✓ The Kerala High Court in the case of Indira Gandhi Memorial Trust Vs. State of Kerala, W.P. (Civil) No. 34303/2023 vide its order dated 12th December, 2023 held that if a College intends to start a course during the academic year 2023-24, the application before the Bar Council has to be submitted before 31.12.2022. In effect, if an affiliation is granted by the University for a particular academic year, beyond such timeline, the same cannot be produced before the Bar Council of India for starting the course in the very same academic year going by the time schedules that are kept by the Bar Council of India.

The Hon'ble court directed the University to extend the affiliation dated 20.07.2023 issued for the academic year 2023-24 to be valid for the academic year 2024-25 and comply

with the time schedules that are kept by the Bar Council of India.

Therefore, in view of the above, universities are directed to adhere to the above timeline or to any timeline notified by the Bar Council of India before each academic year for providing affiliation to any Centre of Legal Education.

✓ The Division Bench of the Hon'ble High Court of Mumbai at Nagpur, in the Writ Petition Number 1114/2018 vide Judgment dated 08.04.2020 in re Rashtrasant Tukdoji Maharaj Nagpur University and others vs. State of Maharashtra and others (AIR 2020 Bom 135), upheld the constitutional validity of Rule 2(xxiv) "Regular Approval" means approval for not more than five years and includes permanent approval earlier granted to any Centre of Legal Education before these Rules come into force.

The Court observed that approval of educational institutions is procedural, and the approval granted is in the nature of an existing right rather than a vested right. Legal education, the Court noted, is a dynamic process that requires maintaining standards, which cannot be confined to any time frame or remain static.

✓ 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.

✓ The Hon'ble Supreme Court in the case of Bar Council of India Vs. Rabi Sahu, Civil Appeal No. 8571/2013 vide its order dated 9th June, 2023 has held that in view of the Bar Council of India Rules, Part IV- Rules of Legal Education, 2008 prescribed by Bar Council of India, only graduates from recognized/approved Centres of Legal Education (Universities, University Departments, Constituent Units, Colleges etc.) by the Bar Council of India can be enrolled as advocates.

✓ 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.

➤ 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.

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

NOTE

Public Meeting for Legal Education related Matters will be held from Monday to Thursday every week between 3.00 p.m. to 4.30 p.m. only at BCI office at 21 Rouse Avenue Institutional Area, New Delhi 110002 (2nd floor, Conference room) with Chancellor, Vice Chancellor, Pro-Vice-Chancellor, Registrar, Director, Dean, Principal, Academician/Permanent Faculty of Law, Head of Department, /Member of Society/or Trust which has established the CLE, administrative personnel, attached to(permanently working with Center of Legal Education) and/ Society Registration documents and/or with owners whose name should be documented in Trust Deed. All should carry CLE photo

id cards as well as Aadhar/PAN/Passport for identity along with authority letter from authorised personnel like VC, Registrar, Dean, Principal or owner whose Identity should be clear from documents like Trust Deed, Society Registration papers, Photo Ids referred to above.

Authority letter has to bear original signature as on Govt. id like PAN Card/Passport, FULL NAME, DESIGNATION, MOBILE NUMBER AND EMAIL ID of person issuing authority letter as well as of person who is being issued authority letter.

No agents/touts or unauthorised personnel shall be entertained at any cost.

All visitors will have to fill the following form with attachments before the meeting.

On behalf of BCI, the meeting will be attended by Secretary Mr. Srimanto Sen and/or Mr. Nalin Raj Chaturvedi, Joint Secretary and/or in absence of one/both of them by Mr. Awanish Kumar Pandey, Joint Secretary.

No other BCI employee is authorised to discuss Legal Education Related Matters.

To ensure the integrity and quality of legal education, it is essential to prevent unauthorized personnel, agents and touts from interfering in academic and administrative matters. Unauthorized interference often leads to misinformation and compromises the standards of legal education. Therefore, **ONLY SENIOR AND AUTHORISED PERSONNEL AS MENTIONED ABOVE WILL BE ENTERTAINED.**

Your cooperation is required to maintain transparency and uphold the highest standards in legal education. This measure is in the best interest of all stakeholders and aims to promote an environment conducive to the betterment of legal education.

Detailed letter incorporating conditions shall be sent in due course of time.

This is for your information, necessary compliance and action.

Yours sincerely,



**Nalin Raj Chaturvedi
Additional Charge
Legal Education Department
Joint Secretary**



**Srimanto Sen
Secretary**

