

To:

Shri Manan Kumar Mishra

Chairman

Bar Council of India

21, Rouse Avenue Institutional Area,

Near Bal Bhawan,

New Delhi – 110002.

Email: [manankumarmishra@gmail.com](mailto:manankumarmishra@gmail.com)

Phone: +91-9431025478.  
2012.

21<sup>st</sup> August,

### **Re: Consultation with Legal Academics**

Dear Mr. Mishra,

As legal academics interested in the reform of Indian legal education, we wish to bring to your attention certain pressing concerns as below:

#### **I. Consultation with Law Schools**

Section 7(1)(h) of the Advocates Act, 1961, requires the BCI “to lay down standards of... (legal) education in consultation with the Universities in India imparting such education”. Past records do not suggest any meaningful consultation with law universities, and the National Knowledge Commission has made strong note of this deficit.

We are deeply concerned about the fact that the Legal Education Committee has, in the recent past, had only a small minority of legal academics as its members. In particular, we note that the latest committee comprises only 2 legal educationists out of a total of 36 members.

As a result of this consultative deficit, law schools have been thrust with norms that are often alien to them and excessively burdensome to comply with.

As you will appreciate, norms around legal education should be primarily determined by those that work as legal educationists in a full time capacity, albeit in consultation with other stakeholders, such as the Bar and the Judiciary.

Therefore, so long as the present statutory scheme continues, we urge you to consult more meaningfully with legal academics whilst framing legal education policy. In particular, we recommend that a majority of the BCI's legal education committee be members of the legal academy.

In order to determine the optimal mode and manner of future "consultation" so as to comply with the current mandate of the Advocates Act, we request you to consult with a wide cross section of legal academics from across the country.

This consultation, as well as future consultations, should be part of an open and transparent process, designed to elicit the best set of responses from legal academia.

## **II. Curriculum and Institutional Competence**

We take very strong exception to your statement to the Parliamentary Standing Committee as below:

<<http://www.barcouncilofindia.org/wp-content/uploads/2012/06/0004-Memorandum-submitted-to-Standing-Committee.pdf>>

"How the academicians can decide the curriculum of legal education? The litigants, the needy people come in contact of lawyers, explain their problems and the lawyers and judges in turn, work out the solutions. So the lawyers are well conversant with the problems, and they are the best person to decide as to what is needed for the students perusing legal education. The norms, curriculum and syllabus are thus, the domain of Advocates, so far legal education is concerned. The academics have a limited role to teach the books which are almost all authored either by noted lawyers or the Judges."

We believe this is a seriously misguided sentiment and severely denigratory of the role that legal academics have played and continue to play in legal education today. While the efforts of practising lawyers and judges are no doubt important, the primary responsibility for legal education ought to vest in those that teach law full time i.e. legal academics/educationists.

We firmly believe that the purpose of law schools is not only to produce well qualified lawyers ready to serve the bar, but also to cultivate critical thinkers, social change makers and innovative leaders free to pursue an array of career options. Indeed, leading law graduates have played, and continue to play, strong roles in politics, entrepreneurship (both social and otherwise), advocacy of various kinds, and in government (as IAS officers and the like).

Legal educationists must therefore have maximal say in the design of curricula, such that they can offer courses that foster critical and creative thinking beyond the black letters of the law. As such, we believe that any norm relating to the minimum mandatory courses to be offered and the course curriculum must confer maximal autonomy on law schools in this regard.

### **III. Registration Requirements**

We recently learned of a Bar Council Circular on the registration of Law Teachers and Law Students for the creation of a database, as available on the following link:

<http://www.barcouncilofindia.org/web-portal-format-for-%E2%80%9Ccentre-of-legal-education/> >

We extract the main portions of this notice below:

“The Bar Council of India proposes to construct a new Bar Council of India web-portal to have online database of the students pursuing LL.B., teachers and colleges/universities or institutions imparting Legal Education in the country as well as for the advocates and the Disciplinary cases. ...

Registration for all the following categories are made mandatory by the Bar Council of India and the Bar Council of India decided to charge following fees:-

- a) Law students: Rs 100/-,
- b) Law Teachers: Rs 3,000/- (which would be renewed after 3 years and Rs. 1,000/- in case of change of the institution) and
- c) College/University: Rs 5,000/- as per approval of affiliation.

In view of the above decision you are requested to remit the fees to the Bar Council of India for carrying out the proposal for Web Portal. The fees be remitted to the Bar Council of India by way of Demand Draft

drawn in favour of “The Secretary, Bar Council of India” payable at New Delhi.

The last date of remittance of fee to the Bar Council of India is 30th June 2012.”

To the best of our knowledge, there has been no consultation with legal academics prior to the issuance of this notice, which not only imposes a financial burden on us, but also throws up other concerns such as the privacy of the data that is uploaded on a public website. We urge you to remove this notification at the earliest and place it back (in the present or modified form) only after you’ve consulted with a wide cross-section of legal academics and allowed due time for public comment.

Yours sincerely,

**Signatories to Petition:**

1. Prof. M.P. Singh,

Chairman, Delhi Judicial Academy.

Former Vice Chancellor, WBNUJS, Kolkata.

2. Prof. Upendra Baxi

Emeritus Professor of Law, University of Warwick

Former Vice Chancellor, University of Delhi

2. Prof. D.N. Jauhar,

Vice Chancellor, Agra University.

3. Prof A.K. Koul,

Vice Chancellor, National University of Study and Research in Law (NUSRL), Ranchi.

4. Prof. T.S.N. Sastry,

Professor of Law & Head, Department of Law, University of Pune.

5. Prof. K.L. Bhatia,

Former Head and Dean, Faculty of Law, University of Jammu.

6. Prof. N.K. Chakrabarti,

Director, School of Law, KIIT University, Bhubaneswar.

7. Prof. Surendra Nath,

Former Head and Dean, Law School, Banaras Hindu University.

8. Dr. Vaibhav Goel,

Principal and Dean, Subharti Law School, Swami Vivekanand Subharti University.

9. Prof. N.S. Gopalakrishnan,

Professor of Law, School of Law, Cochin University of Science and Technology (CUSAT).

10. Prof. Devidas

Professor of Law, National Law School India University (NLSIU), Bangalore.

11. Prof. S. Japhet,

Professor of Sociology, NLSIU, Bangalore.

12. Prof. Babu Mathew,  
Professor of Law, National Law University (NLU), Delhi.

13. Prof. V.C. Vivekanandan,  
Professor of Law, NALSAR, Hyderabad.

14. Prof. Madabhushi Sridhar,  
Professor of Law, NALSAR, Hyderabad.

15. Prof. Kamala Sankaran,  
Professor of Law, Faculty of Law, University of Delhi.

16. Prof. Ved Kumari,  
Professor of Law and Professor-in-Charge, Law Centre-I, Faculty of Law,  
University of Delhi.  
Former Chairperson, Delhi Judicial Academy.

17. Prof. V.S. Elizabeth,  
Professor of History, NLSIU, Bangalore.

18. Prof. Manoj Kumar Sinha,  
Professor of Law, WBNUJS, Kolkata.

19. Prof. Bhavani Prasad Panda,  
Professor of Law, Berhampur University, Orissa.

20. Prof. Shobhalata Udupudi,  
Professor of Law, Gujarat National Law University (GNLU), Gandhinagar.

21. Prof. Arvind Jasrotia,  
Professor of Law, Department of Law, University of Jammu.

22. Dr. Bhagirathi Panigrahi,  
Professor of Law, Department of Law, Berhampur University.

23. Prof. Shamnad Basheer,  
Professor of Law, WBNUJS, Kolkata.

24. Dr. Nick Robinson,  
Visiting Fellow, Center for Policy Research, Delhi.  
Former Faculty, Jindal Global Law School (JGLS).

25. Dr. Srividya Ragavan,  
Associate Professor, University of Okahaloma.

26. Dr. Arun Thiruvengadam,  
Assistant Professor, National University of Singapore.  
Visiting Professor, WBNUJS.

27. Dr. Raman Mittal,  
Associate Professor, Faculty of Law, University of Delhi.

28. Sarfaraz Ahmed Khan,

Assistant Professor, WBNUJS.

29. Dr. Aftab Alam,

Associate Professor, Aligarh Muslim University, Aligarh.

30. Dr. Prabhash Ranjan,

Associate Professor, National Law University (NLU), Jodhpur.

31. Dr. D.K. Singla,

Associate Professor, Department Of Law, Punjab University, Patiala.

32. Anirudha,

Assistant Professor, Jindal Global Law School (JGLS).

33. Lawrence Liang

Founder, Alternative Law Forum and Visiting Faculty, NLSIU.

34. Saurabh Bhattacharjee,

Assistant Professor, WBNUJS.

35. Arathi Ashok,

Assistant Professor, Hidayatullah National Law University (HNLU), Raipur.

36. Pritam Barua,

Assistant Professor (on leave), WBNUJS.

37. Rachna Bolloru,  
Assistant Professor, NALSAR, Hyderabad.

38. Anirban Chakraborty,  
Assistant Professor, WBNUJS.

39. Yogesh Pai,  
Assistant Professor, NLU, Jodhpur.

40. Dr. A.P. Singh,  
Assistant Professor, RMLNLU, Lucknow.

41. Nandan Nawn,  
Assistant Professor, WBNUJS.

42. Shameek Sen,  
Assistant Professor, WBNUJS.

43. Sidharth Chauhan,  
Assistant Professor, NLSIU, Bangalore.

44. Supriya Routh,  
Assistant Professor, WBNUJS.

45. Rajeev Kadambi,  
Assistant Professor, Jindal Global Law School.

46. Parveen,

Assistant Professor, NLU, Jodhpur.

47. Dr. Dipika Jain,

Assistant Professor, Jindal Global Law School.

48. Harishankar K. S.

Assistant Professor, NLU, Jodhpur.

49. Anil R. Nair,

Assistant Professor, National University of Advanced Legal Studies (NUALS), Cochin.

50. Dr. V. Umakanth,

Assistant Professor, National University of Singapore.

51. Nidhi Hriday Buch,

Assistant Professor, GNLU, Gandhinagar.

52. Om Prakash,

Assistant Professor, NLU, Jodhpur.

53. Shishir Tiwari,

Assistant Professor, Department of Law, North-Eastern Hill University, Shillong.

54. Amit Singh,

Assistant Professor, NLU, Jodhpur.

55. Ranjana Ferrao,

Assistant Professor, V.M. Salgaocar College of Law, Goa.

56. S. Srinivasan,

Assistant Professor, Dr. Ambedkar Government Law College, Puducherry.

57. Tarunabh Khaitan,

Fellow and Tutor in Law, Wadham College, University of Oxford.

58. John Verghese,

Assistant Professor, Government Law College, Kozhikode.

59. Oishik Sircar,

Assistant Professor, Jindal Global Law School.

60. Garima Dadich,

Assistant Professor, NLU, Jodhpur.

61. Shakuntla Sangam

Assistant Professor, RMLNLU, Lucknow.

62. Mathew Thomas,

Assistant Professor, Damodram Sanjivayya National Law School,  
Vishakapatnam.

63. Nilesh Sinha,

Assistant Professor of Law, Jindal Global Law School.

64. Maithreyi Mulupuru,

CSCS (Centre for Study of Culture and Society), Former Faculty, NJA, NLSIU and NALSAR.

65. Prashant Iyengar,

Assistant Professor, Jindal Global Law School.

66. Navajyoti Samanta,

Assistant Professor, NLU, Orissa.

67. Shilpi Bhattacharya,

Assistant Professor, Jindal Global Law School.

68. Dr. K.V.K. Santhy,

Assistant Professor, NALSAR, Hyderabad.

69. Dr. Anupam Jha,

Assistant Professor, Faculty of Law, University of Delhi.

70. Dr Mrinal Satish,

Visiting Professor, NLSIU, Bangalore.

71. Dr Aparna Chandra,

Visiting Professor, NLSIU, Bangalore.

72. Dr Mona Sharma,  
Associate Professor, Amity Law School.

73. Sourabh Bharti,  
Assistant Professor, NALSAR, Hyderabad.

74. Shouvik Kumar Guha,  
Research Assistant, WBNUJS.

75. Athira P.S.,  
Assistant Professor, NUALS, Cochin.

76. Mini N. Nair,  
Lecturer, Amity Law School, Delhi.

77. Jayashri Das,  
Assistant Professor, Nerim Law College, Guwahati.

78. Varsha Deshpande,  
Assistant Professor, Dr. Ambedkar College, Nagpur.

79. Dr. Vaishali Gupta,  
Assistant Prof. Law, NREC College Khurja, CCS University, Meerut.

80. Kumar Askand Pandey,  
Assistant Professor of Law, RMLNLU, Lucknow.

