

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (NO.) 22337 OF 2008

IN THE MATTER OF:

BAR COUNCIL OF INDIA ... PETITIONER

VERSUS

BONNIE FOI LAW COLLEGE & ORS. ... RESPONDENTS

FINAL REPORT

OF THE 3-MEMBER COMMITTEE ON REFORM OF LEGAL EDUCATION

*Pursuant to orders of the Supreme Court dated June 29, 2009 and
October 6, 2009 and as approved by the Bar Council of India vide
Resolution dated October 24, 2009*

[for Index please see inside]

INDEX

Foreword	...i
I. Constitutional and Statutory Framework	...1
II. The Vision for Reform	...12
III. The 2008 BCI Rules	...26
IV. Qualitative Improvement of the Legal Profession	...37
V. Conclusions and Recommendations	...46
VI. Appendix 1	...56
VII. Appendix 2	...63
VII. Appendix 3	...65
VIII. Appendix 4	...67
IX. Appendix 5	...70

During the course of hearing a matter relating to the affiliation of a law college with the Bar Council of India [S.L.P. (C) No. 22337 of 2008, Bar Council of India vs. Bonnie FOI Law College & Ors.], the Supreme Court of India has sought to address an issue of enormous contemporary importance: the inspection, recognition and accreditation of law colleges by the Bar Council of India. Vide order dated June 29, 2009, the Supreme Court noted with concern the diminishing standards of professional legal education provided at various Law Colleges across the country, and, in particular, identified the quality and standard of infrastructure, library and faculty as core areas that need to be redressed, along with the pay and remuneration offered to the faculty members by Law Colleges. The order of the Supreme Court in this regard is as follows:

“This petition filed by the Bar Council of India raises very serious questions regarding affiliation and recognition of Law Colleges by the Bar Council of India. It is a matter of common knowledge that before granting affiliation proper exercise is not carried out. No serious efforts have been made by the concerned authority to learn about the Infrastructure, Library, faculty before granting affiliation or recognition.

It is also necessary for the concerned authority to know about the qualification of faculty members and whether they are paid salaries at least according to recommendation of 5th and 6th Pay Commission. And the present day it is also necessary to know whether the Law College is providing computer internet facility to law students.”

The Supreme Court, therefore, constituted a Committee to examine issues relating to affiliation and recognition of law colleges. The relevant portion of the Supreme Court's order reads as follows:

“The entire future of the legal profession depends on ultimate product of these Law Colleges. Looking to the gravity and seriousness of the matter, we request the learned Solicitor General and President of the Bar Association and the Chairman, Bar Council of India to look into the matter seriously and submit a report to this Court as expeditiously as possible. They would be at liberty to associate experts or any other person which they deem it appropriate.”

The mandate of this Committee was, therefore, to examine issues concerning the manner of affiliation and recognition of Law Colleges by the Bar Council of India, identifying areas which require redressal, and also addressing factors impeding the implementation of the norms already in place.

The Committee, comprising Shri Gopal Subramaniam, Solicitor General of India as its Chairman, and Shri M.N. Krishnamani, President, Supreme Court Bar Association and Shri S.N.P Sinha, Chairman, Bar Council of India as its Members, undertook a holistic and comprehensive review of the existing literature on the reform of professional legal education in India. The Committee, in accordance with the directions passed by the Supreme Court, sought responses and suggestions from various legal

luminaries and experts associated with the field of law and higher education,¹ and was overwhelmed at the keen interest and understanding displayed by all stakeholders in undertaking reform of the legal education system in India.

The Report minutely analyses the existent edifice of the legal education system in India, and seeks to identify the key instrumentalists, as well as their roles, in the ongoing reform movement.²

¹ The Committee sought the views of the following legal luminaries and experts for the purpose of reforming professional legal education in India: Shri F.S. Nariman, Senior Advocate; Shri Soli Sorabjee, Senior Advocate and former Attorney General for India; Shri P.P. Rao, Senior Advocate; Prof. Upendra Baxi, Professor of Law, University of Warwick; Hon'ble Dr. Justice Dhananjaya Y. Chandrachud, Judge, Bombay High Court; Prof. (Dr.) N.R. Madhava Menon, former Director, National Law School of India University, Bangalore & former Vice-Chancellor, National University of Juridical Sciences, Kolkata; Prof. (Dr.) N.L. Mitra, former Director, National Law School of India University, Bangalore & former Vice-Chancellor, National Law University, Jodhpur; Prof. G. Mohan Gopal, Director, National Judicial Academy, Bhopal; Shri Dushyant Dave, Senior Advocate; Shri Shyam Divan, Senior Advocate; Dr. Sam Pitroda, Chairman, National Knowledge Commission; Prof. B.B. Pande, NHRC Chair Professor, National Law School of India University, Bangalore; Prof. Ved Kumari, Professor of Law, University of Delhi; Dr. Usha Ramanathan, Member, Advisory Council for India; Shri S. Gopakumaran Nair, Advocate & former Chairman, Bar Council of India; Shri Ashok Parija, Senior Advocate; Orissa High Court; Shri C.K. Sarma Barua, Advocate General, State of Arunachal Pradesh; Shri Saikrishna Rajagopal, Advocate; Shri Dayan Krishnan, Advocate and Shri Sanjeev Sachdeva, Advocate. The responses received are noted *infra*.

² A draft copy of the Report was submitted to the Supreme Court on October 6, 2009, wherein the Court was pleased to direct that the Report be placed before the Bar Council of India. The Report was, therefore, tabled before the Bar Council of India which approved the Report unanimously subject to one amendment: it was the suggestion of the Bar Council that all law schools and colleges should be mandatorily required to establish legal aid clinics/centres to provide inexpensive and expeditious

Chapter II of the Report canvasses the Constitutional and statutory provisions which govern the regulation of legal education. The reforms in the structure of legal education as suggested by the Law Commission of India as well as the National Knowledge Commission are incorporated in Chapter III of the Report. Chapter IV pertains to the Rules framed by the Bar Council of India in exercise of its statutory powers. Chapter V analyses the requirement of a bar examination in India, while Chapter VI canvasses the literature analyzed and summarizes the conclusions and recommendations of the present Committee.

The Committee would like to acknowledge the tremendous contribution of Dr. Sam Pitroda in the framing of this report, and the countless hours which he spent deliberating the reforms in the legal education sector.

The Committee would also like to acknowledge Justice A.P. Mishra, former Judge, Supreme Court of India and other members of the Bar Council of India Legal Education Committee for the sincerity and commitment displayed by them to the improvement in standards of legal education in the country. In particular, the Committee would like to acknowledge the valuable inputs of Prof. (Dr.) N.L. Mitra.

legal advice to the needy sections of our society (See Appendix 4). This suggestion was welcomed by the 3-Member Committee and has subsequently been incorporated in the Report.

Also immensely helpful were the suggestions made by Prof. (Dr.) N.R. Madhava Menon. The Committee is extremely grateful to all the legal luminaries who took out their precious time in responding to the initiative of the Committee: Shri P.P. Rao, Senior Advocate; Prof. Marc Galanter, John and Rylla Bosshard Professor Emeritus of Law and South Asian Studies, University of Wisconsin-Madison; Prof. S. Krishnaswamy, Vice Chancellor, W.B. National University of Juridical Sciences; Shri Dushyant Dave, Senior Advocate; Prof. C. Rajkumar, Vice Chancellor, Jindal Global Law School; Prof. Shamnad Basheer, Ministry of HRD Professor in IP Law, W.B. National University of Juridical Sciences; Shri Saikrishna Rajagopal, Advocate; and Shri Arun K. Thiruvengadam, Assistant Professor of Law, National University of Singapore.

There is no specific entry in Schedule VII to the Constitution of India that deals with legal education. The regulation of standards of legal education, therefore, is through the more generic entries pertaining to higher education and entitlement to practice before courts.

‘...*Coordination and determination of standards in institutions for higher education...*’ is the subject matter of Entry 66 of List I of the Seventh Schedule to the Constitution of India. Entry 25 of List III also pertains to education, and reads as follows:

“25. Education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.”

Entries 77 and 78 of List I are concerned, *inter alia*, with the entitlement of persons to practice before the Supreme Court and the High Courts. The Entries read as follows:

“77. Constitution, organization, jurisdiction and powers of the Supreme Court (including the contempt of such court) and the fees taken therein; persons entitled to practice before the Supreme Court.

78. Constitution, organization (including vacations) of the High Courts except provisions as to officers and servants of

High Courts; persons entitled to practice before the High Courts.”

It is with reference to Entries 66, 77 and 78 of List I that the Parliament has enacted laws for the regulation of professional legal education in India. The regulation is partaken by two statutory bodies constituted under the above-mentioned laws – the Bar Council of India as the apex professional body concerned with the standards of the legal profession, and the University Grants Commission as an umbrella organization for all institutions of higher education.

a) The Bar Council of India

It has been held by the Supreme Court in the matter of *Bar Council of U.P. vs. State of U.P.*, AIR 1973 SC 231, that the Advocates Act, 1961, under Section 4 of which the Bar Council of India (hereinafter referred to as ‘BCI’) has been constituted, is an enactment made pursuant to Entries 77 and 78 of Schedule VII i.e. it is with respect to the subject matter of ‘...persons entitled to practice...’ BCI is envisaged as the apex professional body for regulating and enforcing the standards to be observed by members of the Bar. In consonance with the various State Bar Councils, BCI is responsible for all matters relating and incidental to admission, practice, ethics, privileges, regulations, discipline and improvement of the profession.

However, the responsibility of BCI is not limited to professional standards alone, but extends to a regulatory character vis-à-vis legal education as well. The significance of the role played by BCI vis-à-vis legal education was noted as early as in 1958 by the 14th Report of the Law Commission of India headed by the great jurist and first Attorney General for India, Shri M.C. Setalvad. Anticipating the introduction of an All-India Bar Council, which ultimately took the shape of the Bar Council of India, the Law Commission observed as follows:

“One of the main subjects to which the All-India Bar Committee of 1953 gave its attention was the formation of a unified Indian Bar. The Committee had made detailed and practical recommendations which envisaged a common roll of advocates for the whole country with liberty to practice in all parts of the country. It considered the qualifications for admission to the common roll of advocates and recognized the need for co-ordination between the professional bodies which would impart practical instruction in law, hold examinations in it and thus regulate admission to the Bar and the Universities which would deal with the academic side of legal education. For achieving this end, it is suggested that the All-India Bar Council which was to consist of representatives of the various State Bar Councils should have a Legal Education Committee of twelve persons. The Committee was to consist of two judges, five persons to be elected by the All-India Bar Council and five other persons from the Universities co-opted by these seven members.

We understand that legislation on the lines suggested by the All-India Bar Committee is on the anvil. It appears to us that

the object of achieving a uniform standard of legal education for admission to the Bar will be equally, if not better, served by this recommendation of the All-India Bar Committee. The unnecessary multiplication of statutory and other bodies is a feature common in our country and needs to be avoided.



We have already seen how in England professional legal education and the admission to the profession are controlled by a body consisting exclusively of professional men. There is no reason why a similar control and regulation should not be vested in the profession in India. Co-ordination between the bodies regulating professional training and the Universities with a view to ensuring minimum standards can be achieved in the manner indicated above. In our view, the Legal Education Committee of the All-India Bar Council may be empowered to keep itself in touch with the standards of legal education imparted at the various Universities by visits and inspection as in the case of the medical and dental professions or as is done by the American Bar Association in the case of the American Law Schools. If the Council or its Committee is of the view that the standards prescribed by a particular University in legal education are not adequate or that institutions established by it or affiliated to it for imparting legal education are not well equipped or properly run, it may decide to refuse admission of the graduates of that University to the professional examination till the University has taken steps to reach the minimum standards.”

BCI's regulation of legal education is further manifested by the provisions of the Advocates Act, 1961. Section 7 of the Act, which delineates the functions to be performed by BCI, provides as follows:

“7. Functions of Bar Council of India.— (1) The functions of the Bar Council of India shall be—

.....

.....

(h) 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;

(i) to recognise Universities whose degree in law shall be a qualification for enrolments 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 in this behalf;

.....

.....”

Section 10 of the Advocates Act contemplates the constitution of a legal education committee as a standing committee by BCI:

“10. Constitution of committees other than disciplinary committees –

.....

.....

(2) The Bar Council of India shall constitute the following standing committees, namely :-

(b) a legal education committee consisting of ten members, of whom five shall be persons elected by the Council from amongst its members and five shall be persons co-opted by the Council who are not members thereof.

.....
”

Under Section 24, BCI is enjoined with the power to admit advocates on a State roll, on satisfaction that they have obtained their degrees in law from a University recognized by BCI:

“24. Persons who may be admitted as advocates on a State roll.—(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely :—

.....

(iii) after the 12th day of March, 1967, save as provided in sub-clause (iii-a), after undergoing a three-year course of study in law from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or

(iii -a)after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68, or any earlier academic year from any University in India which is recognised for the purposes of this Act by the Bar Council of India; or

(iv) in any other case, from any University outside the territory of India, if the degree is recognised for the purposes of this Act by the Bar Council of India; or

.....

.....”

Section 49 of the Advocates Act contains the rule-making power of BCI with respect to legal education and matters incidental thereto:

“49. General power of the Bar Council of India to make rules.— (1) The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe—

(af) the minimum qualifications required for admission to a course of degree in law in any recognised University;

(ag) the class or category of persons entitled to be enrolled as advocates;

(ah) the conditions subject to which an advocate shall have the right to practise and the circumstances under which a person shall be deemed to practise as an advocate in a court;

.....

.....

(d) the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose;

(e) the foreign qualifications in law obtained by persons other than citizens of India which shall be recognised for the purpose of admission as an advocate under this Act;

.....”

The Supreme Court, through its decision in the matter of *Bar Council of India vs. Board of Management, Dayanand College of Law, (2007) 2 SCC 202*, surveyed the statutory powers available to BCI under the provisions of the Advocates Act, 1961 as well as the Rules framed thereunder, and concluded that since BCI was concerned with the standards of the legal profession and the equipment of those who seek entry into that profession, BCI is, thus, also concerned with the legal education in the country.

b) The University Grants Commission

As identified by the Supreme Court in the matter of *Prem Chand Jain vs. R.K. Chhabra, (1984) 2 SCC 302*, it is pursuant to Entry 66 of List I that the University Grants Commission (hereinafter referred to as 'UGC') was established under Section 4 of the University Grants Commission Act, 1956. As stated in the Statement of Objects and Reasons appended to the Act, UGC has the power to recommend to any University the measures necessary for the reform and improvement of University education and to advise the University concerned upon the action to be taken for the purpose of implementing such recommendations. UGC has to act as an expert body to advise the Central Government on problems connected with the coordination of facilities and maintenance of standards in Universities. UGC, in consultation with the University concerned, has

the power to cause an inspection or inquiry to be made of any University, and to advise on any matter which has been the subject of an inquiry or inspection.

The definition of a 'University' under the provisions of Section 2(f) of the UGC Act implies not only a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, but also includes any such institution as may, in consultation with the University concerned, be recognized by UGC in accordance with the regulations made under the Act. It is by virtue of this provision that even affiliated colleges are included within the domain of UGC's regulation.

The Supreme Court has emphasized at length the role and responsibility of UGC vis-à-vis the regulation of standards of higher education in India. The decision of the Supreme Court in the matter of *University of Delhi vs. Raj Singh*, 1994 Supp. (3) SCC 516 is highly illuminative in this regard, wherein it was held that Regulations framed by UGC prescribing qualifications for teaching staff would override and prevail over all other legislations in this regard, even Parliamentary enactments. UGC's regulatory character was succinctly reaffirmed by the Supreme Court in the case of *Prof. Yashpal vs. State of Chattisgarh*, (2005) 5 SCC 420 as well, wherein it was held as follows:

“46. Entry 66 which deals with coordination and determination of standard in institutions for higher education or research and scientific and technical institutions is in the Union List and Parliament alone has the legislative competence to legislate on the said topic. The University Grants Commission Act has been made with reference to Entry 66 (see *Prem Chand Jain v. R.K. Chhabra and Osmania University Teachers’ Assn. v. State of A.P.*). The Act has been enacted to ensure that there is coordination and determination of standards in universities, which are institutions of higher learning, by a body created by the Central Government. It is the duty and responsibility of the University Grants Commission, which is established by Section 4 of the UGC Act, to determine and coordinate the standard of teaching curriculum and also level of examination in various universities in the country. In order to achieve the aforesaid objectives, the role of UGC comes at the threshold. The course of study, its nature and volume, has to be ascertained and determined before the commencement of academic session. Proper standard of teaching cannot be achieved unless there are adequate infrastructural facilities in the campus like classrooms, libraries, laboratories, well-equipped teaching staff of requisite calibre and a proper student-teacher ratio. For this purpose, the Central Government has made a number of rules in exercise of powers conferred by Section 25 of the UGC Act and the Commission has also made regulations in exercise of power conferred by Section 26 of the UGC Act and to mention a few, the UGC Inspection of Universities Rules, 1960, the UGC Regulations, 1985 Regarding the Minimum Standards of Instructions for the Grant of the First Degree, UGC Regulations, 1991 Regarding Minimum Qualifications for Appointment of Teachers in Universities and Colleges, etc. UGC with the approval of the Central Government and exercising power

under Section 22(3) of the UGC Act has issued a schedule of degrees which may be awarded by the universities.....”

It is pertinent to note that UGC having been established pursuant to an Act made with reference to Entry 66 of List I, any University established under the provisions of a State Act under Entry 25 of List III would, obviously, be subject to the provisions of the UGC Act, as well as the Rules and Regulations made thereunder.

The above analysis clearly demonstrates the conjoint responsibility which BCI and UGC share towards the regulation of the standards of legal education. It is the consultative relationship between BCI and UGC which forms the backbone of regulation of legal education standards in India.

The structure of professional legal education in India has been in a state of constant flux for the past two decades; in 1987, BCI succeeded in introducing the concept of an integrated double degree course for the study of law through the establishment of the National Law School of India University at Bangalore, to complement the traditional three degree course. A number of States followed the Karnataka example by establishing National Law Schools / Universities of their own. As of date, a total of 13 National Law Schools / Universities have been established through State enactments across the length and breadth of the country, 11 of which conduct admissions through an all-India common entrance examination viz. the Common Law Admission Test (CLAT).³

The rapid developments in the field of legal education have been closely accompanied by detailed analysis and proposals to further reform the system. The mandate of this Committee being to examine the minimum standards required for the purpose of affiliation with BCI, this Report analyzes two of the most significant recent reports in the field of legal education reform: the Law Commission of India's 184th Report on Legal Education and the National Knowledge Commission Report on Legal Education Reform. Also considered are the suggestions received by this Committee from various legal luminaries and academicians. It is on this

³ The all-India common entrance examination system was introduced pursuant to directions of the Supreme Court in W.P. (C) No. 68 of 2006 (*Varun Bhagat vs. Union of India & Ors.*)

basis that the present Report examines the two most crucial aspects concerning contemporary legal education in India:

- (a) The role of BCI as the primary body for regulating standards of professional legal education, and
- (b) The adequacy of the norms laid down by BCI in exercise of its statutory powers.

a) 184th Report of the Law Commission of India

In the year 2002, the Law Commission of India (hereinafter referred to as 'LCI') undertook a comprehensive *suo motu* review of the structure and regulation of the professional legal education system in India. The Report prepared by LCI, titled as the “184th Report on the Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grants Commission Act, 1956” analyses in detail the conjoint responsibility of BCI and UGC towards the regulation of professional legal education.

- i. LCI in its Report analyzes at length the quality of consultation envisaged between BCI and the Universities under Section 7(1)(h) of the Advocates Act, 1961. The Report notes that the

responsibility of BCI in ensuring ‘...standards of legal education...’, and that of UGC in ensuring ‘...standards of education...’ are, in fact, not in conflict with each other, but have to be harmoniously construed. Section 7(1)(h), in providing for consultation between BCI and UGC, advances the proposition that both the statutory bodies share common goals vis-à-vis regulation of professional legal education. The Report stipulates that the requirement of Section 7(1)(f) is, in fact, ‘effective consultation’ between BCI and the Universities, thereby increasing the involvement of the members of academia in regulating legal education.

There are, obviously, practical and logistical difficulties in BCI consulting the huge number of Universities and other institutions imparting legal education. The LCI Report, therefore, recommends that instead of requiring ‘effective consultation’ with each University, the Advocates Act should instead be suitably amended to enable BCI to consult a representative body, which body, in turn, should be constituted by UGC, thus ensuring that both BCI and UGC remain equal partners in regulating legal education.

- ii. LCI in its Report has also considered the composition of the BCI Legal Education Committee provided for under Section 10 of the Advocates Act, 1961. Regarding the concerns raised by the

academia over their perceived under-representation in the BCI Legal Education Committee, LCI rightly notes that the roles of the Bar, Bench and the academia vis-à-vis the regulation of legal education should be balanced. The Report rejects the proposition that the Bar Council's role should be limited to regulating entry into the legal profession and maintenance of professional standards.

LCI recommends that the BCI Legal Education Committee should consist of 5 members elected from amongst the BCI members, one retired Judge of the Supreme Court, one retired Chief Justice / Judge of a High Court and 3 active law teachers holding the rank of Vice-Chancellor / Director / Principal / Professor in a law college. The inclusion of the Attorney General for India as an ex-officio member is also recommended.

- iii. To represent the academia, the Report recommends the constitution of a UGC Committee on Legal Education, comprising a total of 10 members, with 6 members being law teachers in office and 2 members being Vice-Chancellors / Directors of statutory law Universities. The Report envisages 3 faculty members to be common to both the BCI Legal Education Committee and the

UGC Committee on Legal Education, in order to ensure better coordination between the BCI and the UGC Committees.

- iv. LCI envisages ‘effective consultation’ between BCI and the Universities as a three-tier process: the first consultation on a proposal regarding legal education would be between BCI, through its Legal Education Committee, and the State Bar Councils, after which the proposals would be considered by the UGC Committee on Legal Education. As the final stage of the consultation, the proposals would once again be deliberated by the BCI Legal Education Committee.
- v. LCI also contemplates that the proposals of the BCI Legal Education Committee would be binding on the Bar Council, and would have to be implemented “*without demur*”. It is noteworthy that consistent with the recommendations of the 14th Law Commission Report, the 184th Report also accords primacy to BCI with respect to regulation of professional legal education.
- vi. With respect to inspection and recognition of law colleges by BCI, LCI recommends that it is imperative to require prior permission from BCI for imparting legal education. LCI rightly observes that the absence of such a requirement has led to a host of law colleges

being granted permission to offer degrees in law, although such institutions were ill-equipped to offer or impart instruction. It is for this purpose that LCI strenuously recommends the prior permission system, as well as the provision for withdrawal of the permission by BCI in case at a subsequent stage the Bar Council finds that the necessary standards are not being maintained. LCI also recommends imparting of instruction by a law college without the prior permission of BCI to be made a punishable offence under the provisions of the Advocates Act.

- vii. LCI in its Report also records its dissatisfaction with the inspections carried out by BCI for the purpose of granting permission or recognition to law colleges. It is noted that in many cases, the inspection undertaken was merely perfunctory. Also contemplated in the Report is the possible conflict of opinion between BCI and UGC in case of simultaneous inspections undertaken by both the statutory bodies. LCI, therefore, recommends that the BCI Rules governing inspections be suitably amended to provide that at least one academician from a State different from the one where the law college in question is located also forms part of the inspection team. Further, the Report also recommends, in case of a conflict in the inspection reports prepared by BCI and UGC, that a further inspection be carried out

by a Task Force constituted for that purpose, of which a judicial officer must necessarily be a member.

Another important aspect considered by LCI in its 184th Report is that concerning the introduction of an examination for the purposes of admitting law graduates to the Bar. Indeed, the requirement of a bar examination for the purpose of ensuring quality in the legal profession has been a matter of inveterate debate in the legal community, and has been analyzed separately in the present Report.

b) Report of the National Knowledge Commission

In the year 2007, the National Knowledge Commission (hereinafter referred to as 'NKC'), chaired by the noted entrepreneur and policymaker, Dr. Sam Pitroda, submitted its Report to the Prime Minister of India on reform of legal education. The Report crucially notes that the *"...vision of legal education is to provide justice-oriented education essential to the realization of values enshrined in the Constitution of India..."* In discharge of its functions in the field of legal education, NKC constituted a Working Group on legal education in the country.⁴ The

⁴ The following eminent legal luminaries and academicians constituted the Working Group: Justice M. Jaganaddha Rao (Chairperson), former Judge, Supreme Court of India & former Chairperson, Law Commission of India; Shri P.P. Rao, Senior Advocate; Prof. (Dr.) N.R. Madhava Menon, former Director, National Law School of India University, Bangalore; Justice Leila Seth, former Chief Justice, High Court of Himachal Pradesh; Prof. B.S. Chimni, former Vice-Chancellor, West Bengal National

Working Group, through a consultative process with the stakeholders in the field of legal education, made a number of reformatory proposals vis-à-vis the structure of professional legal education in India, which were forwarded as part of NKC's report to the Prime Minister:

- i. NKC has recommended the establishment of a new regulatory body comprising eminent lawyers, BCI members, judges, academicians, representatives from trade, commerce and industry, economists, social workers, students and others; for the purpose of revamping legal education to meet the needs and challenges of all sections of society. NKC has envisaged that this new regulatory mechanism would function under the auspices of the Independent Regulatory Authority for Higher Education (IRAHE), and would be vested with powers to deal with all aspects of legal education. The decisions of this Authority shall be binding on the institutions teaching law as well as the Union and State governments.
- ii. NKC has also recommended the development of an independent Rating System based on a set of agreed criteria to assess the standard of all institutions teaching law as a mechanism to ensure consistent academic quality throughout the country. The criteria

University of Juridical Sciences, Kolkata; Prof. (Dr.) G. Mohan Gopal, Director, National Judicial Academy, Bhopal and Shri Nishith Desai, Managing Partner, Nishith Desai Associates.

for rating would be evolved by the Standing Committee for Legal Education while the rating would be done by independent agencies licensed by IRAHE for that purpose. Recognition could be either granted or withdrawn on the basis of such ratings. The rating results should be reviewed annually, regularly updated, monitored and made available in the public domain.

- iii. Further, in order to attract and retain talented faculty, the NKC Report recommends better incentives, including improving remuneration and service conditions. According to NKC, it may be necessary to think of salary differentials within and between universities and law schools along with other means of attracting and retaining talented faculty members. Such salary differentials between and within universities and law schools could be effective without being large, and would retain talent in legal academia where the problem of inadequate remuneration is far more acute than in other disciplines. Salary differentials could be considered as a means to retain quality talent and also promote a culture of excellence.

Importantly, the NKC Report recommends that to foster quality and create better incentives, there is also need to remove fetters on faculty that pertain to opportunities in legal practice (such as

consultancy assignments and legal practice in courts). These reforms need to be introduced in a balanced, reasonable and regulated manner to ensure adequate incentivization for faculty without compromising on the maintenance of consistent academic quality. As a further incentive, it is necessary to create better opportunities for active involvement of academia in the shaping of national legal education policy.

There is also need to reconsider existing promotional schemes and avenues to promote meritorious faculty members. Other incentives for faculty include fully paid sabbaticals; adequate House Rent Allowance (HRA); instituting awards to honor reputed teachers and researchers at national and institutional levels; flexibility to appoint law teachers without having an LL.M degree if the individual has proven academic or professional credentials; faculty exchange programs with leading universities abroad and upgrading existing infrastructure.

- iv. With respect to financing of legal education, NKC in its Report observes that it is for law schools and universities to decide the level of fees but as a norm, fees should meet at least 20% of the total expenditure in universities, subject to two conditions: first, needy students should be provided with a fee waiver plus scholarships to

meet their costs; second, universities should not be penalized by the UGC for the resources raised from higher fees through matching deductions from their grants-in aid.

It is further recommended by NKC that the Central and State ministries may be urged to endow chairs on specialized branches of law. State financing can be complemented with endowments from the private sector, including synergistic arrangements such as appropriate public private partnerships. Incentives such as tax holidays for donations above a high minimum threshold by the corporate sector may be considered. Institutions should be given the autonomy to evolve their own innovative methods of financing to maximize infrastructure and resource utilization.

c) Suggestions Received by the Committee

As mentioned *supra*, pursuant to its mandate vide order of the Supreme Court dated June 29, 2009, this Committee sought the feedback of various legal luminaries and academicians vis-à-vis the reform of professional legal education in India.⁵ Broadly, the following suggestions and recommendations were received the Committee pursuant to its initiative:

⁵ Responses were received from the following eminent personalities: Shri P.P. Rao, Senior Advocate; Prof. Marc Galanter, John and Rylla Bosshard Professor Emeritus of Law and South Asian Studies, University of Wisconsin-Madison; Prof. (Dr.) N.L. Mitra, former Director, National Law School of India University, Bangalore and

- (i) Role of BCI in regulating professional legal education: Concerns were expressed about BCI's ability and expertise in dealing with developments at the very periphery of legal norms. To elucidate, it is felt that contemporary legal education has the primary challenge of being in sync with technological, biological and scientific developments. For this purpose, a number of recommendations were made to either constitute a new body replacing BCI as the apex body regulating legal education in India, or institutionalizing the association of technical experts with BCI to ensure more intricate understanding of contemporary issues while exercising powers of regulation.
- (ii) Lack of funding for educational projects: Another paramount concern expressed by the legal luminaries is that of lack of funding in an area as important as legal education. The responses have noted that lack of an active culture of financial support for development of legal education in the country has had tremendous adverse impact on the infrastructural and

former Vice Chancellor, National Law University, Jodhpur; Prof. S. Krishnaswamy, Vice Chancellor, West Bengal National University of Juridical Sciences; Shri Dushyant Dave, Senior Advocate; Prof. C. Rajkumar, Vice Chancellor, Jindal Global Law School; Prof. Shamnad Basheer, Ministry of HRD Profession in IP Law, West Bengal National University of Juridical Sciences; Shri Saikrishna Rajagopal, Advocate, Shri Arun K. Thiruvengadam, Assistant Professor of Law, National University of Singapore.

research capabilities of the legal education system. In particular, lack of funds has led to underpaid faculties in numerous law colleges across the country and has also acted as a deterrent for many aspiring law teachers from actively pursuing the academic life.

- (iii) Reform of inspection and recognition procedures: It has also been recommended that the area of inspection and recognition of law colleges by BCI needs immediate attention for the purpose of revolutionizing legal education in India. A number of responses suggest in-built checks and balances within the inspection and recognition system to ensure that institutions imparting legal education are not able to operate without prior permission from BCI – for which they should be able to satisfy certain minimum eligibility criteria.
- (iv) Introduction of accreditation/rating system: Also recommended is the introduction of an accreditation/rating system for legal institutions. It is strongly felt that lack of such a rating system has led to a number of mediocre teaching and research institutions, while law colleges pioneering innovative methods of research and teaching have constantly decreased. An accreditation/rating system would indeed be extremely

progressive in incentivizing law colleges to maintain a certain degree of quality.

- (v) Requirement of bar examination: It was also felt that there should be a two-tier system for the purpose of ensuring that only the best students have the privilege of practicing law in India. For this purpose, only providing the minimum standards for the purpose of affiliation of law colleges with BCI may not be sufficient and an entry level exam for the purpose of enrolling with State Bar Councils may be the need of the hour. It has been noted that such an entry level exam for enrolling as an Advocate would certainly not be unprecedented: such a regulation model has been implemented at length in USA as well as UK.

Having analyzed and reviewed the various suggestions and recommendations made towards reform of the professional legal education system in India, it may be relevant to examine the provisions of the Rules currently prevalent with respect to standards of legal education.

The “Rules on Standards of Legal Education and Recognition of Degrees in Law for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law” (hereinafter referred to as ‘the 2008 Rules’) were approved and adopted by the Bar Council of India at its meeting held on September 14, 2008 vide resolution no. 110 of 2008. It is clearly stipulated in the preamble to the Rules that they were framed by BCI in consultation with Universities and the State Bar Councils.

Rule 2(iv) of the 2008 Rules recognizes institutions imparting legal instruction in the form of “Centres of Legal Education”, including thereby all approved Departments of Law of Universities, Colleges of Law, Constituent Colleges under recognized Universities and affiliated Colleges or Schools of law of recognized Universities so approved, as well as National Law Universities constituted and established by Central / State enactments and mandated to start and run Law courses. Pertinently, under the proviso to the sub-rule, a Department or College or Institution conducting correspondence courses through distance

education has been excluded from the definition, thus limiting legal instruction to first-person teaching.

Rule 2(xvi) provides for the composition of the Legal Education Committee as constituted under Section 10(2)(b) of the Advocates Act, 1961. The Committee is to consist of 5 BCI members as nominated by BCI, and 5 co-opted members comprising a former Judge of the Supreme Court as the Chairman, a sitting Judge of a High Court, a distinguished Professor of Law, the UGC Chairman as well as the Secretary, Ministry of Law and Justice.

It must be noted that the 2008 Rules are clearly delineated into four divisions: Chapter II of the Rules deals with Standards of Professional Legal Education, Chapter III contains provisions regarding Inspection, Recognition and Accreditation, Chapter IV pertains to the establishment of a Directorate of Legal Education, and Chapter V provides for Recognition of a Degree in Law of a Foreign University. For the purposes of the present analysis, only the provisions contained in Chapters II and III need to be canvassed.

a) Standards of Professional Legal Education

Rule 3 contains the general proposition that the State Bar Council shall enroll as Advocate only such candidates, who have “...*passed from*

University, approved affiliated Centre of Legal Education / Departments of the recognized University as approved...” and notified by BCI in a list published on its website. The integrated degree is recognized by virtue of Rule 4, which provides for two courses of law:

- a) A three year degree course undertaken after obtaining a Bachelors’ Degree in any discipline of studies from a University or any other qualification considered equivalent by BCI, and
- b) A double degree integrated course combining Bachelors’ Degree course as designed by the University concerned in any discipline of study together with the Bachelors’ degree course in law, which shall be of not less than five years’ duration leading to the integrated degree in the respective discipline of knowledge and law together.

The proviso to Rule 4, along with the Explanations thereto, provides that the integrated course can be completed in one year less than the total time for regularly completing the two courses one after the other in regular and immediate succession; however, the duration of the integrated can in no case be lesser than 5 years.

The eligibility for admission to the two courses is provided for under Rule 5. Under Rule 7, BCI is enjoined with the power to stipulate the

minimum percentage of marks (not below 45% of the total marks in case of general category applicants and 40% of the total marks in case of SC and ST applicants) required to be obtained for appearing in the qualifying examination to either of the two courses. The rule itself clarifies that such percentage of marks is only the minimum criteria, and shall not automatically entitle a candidate to get admission into an institution and such candidate would be required to fulfill other institutional criteria notified by the institution or the Government concerned.

The standard of courses to be imparted is provided for in Rule 8 of the 2008 Rules, while Rule 9 provides for the process and manner of running an integrated course. Rule 11, importantly, addresses a key concern with respect to the infrastructural capabilities of law colleges. Rule 11 provides that any institution imparting legal education would have to comply with the minimum standards of infrastructure as provided under Schedule III to the 2008 Rules.⁶

b) Inspection, Recognition and Accreditation

Rules 14 to 33 are contained in Chapter III, which pertains to provisions regarding Inspection, Recognition and Accreditation of institutions imparting legal education. Rule 14 incorporates the oecumenical rule that

⁶ See **Appendix 1**: Schedule III to the 2008 BCI Rules – Minimum infrastructural facilities required in a Centre of Legal Education for applying permission to run law courses with affiliation from an Indian University.

Centres for Legal Education shall not impart education without approval of BCI. Under sub-rule (2), BCI also has the power to revoke affiliation once granted. Further, under sub-rule (3), BCI also has the power to suspend an institution for two academic years.

The conditions precedent for a University to affiliate a Centre of Legal Education are provided for under Rule 16(1), and read as follows:

“(i) the applicant organization proposing to run the institution is either already a non-profit organization of trust or registered society or a nonprofit company or any other such legal entity or has taken all legal formalities to be as such,

(ii) the institution has in its name either in freehold or leasehold, adequate land and buildings, to provide for Centre of Legal Education building, library, halls of residences separately for male and female and sports complex both indoor and outdoor, so that it can effectively run professional law courses provided that in case of leasehold the lease is not less than ten years,

Provided that sufficient and adequate floor space area specially and completely devoted for a Centre of Legal Education, based on the size of its student population, faculty requirement, adequate space required for infrastructure facilities can be considered sufficient accommodation for the purpose in a multi-faculty building on land possessed by the Management of a Society/ Trust running multi-faculty institutions.

(iii) recruited or taken steps to recruit adequate number of full time and visiting faculty members to teach each subjects of studies, each faculty having at least a Master Degree in the respective subject as required under the UGC Rules,

- (iv) there is the separate Centres 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,
- (v) there is adequate space for reading in the library and there are required number of books and journals and adequate number of computers and computer terminals under a qualified librarian,
- (vi) if the prior permission of the State Government is necessary, a no objection certificate is obtained to apply for affiliation,
- (vii) a minimum Capital Fund as may be required under Schedule III from time to time by the Bar Council of India, and put into a Bank Account in the name of the proposed Centre of Legal Education sponsored by any private sponsor or sponsors, and
- (viii) all other conditions of affiliation under the University rules as well as the Bar Council of India Rules are complied with.”

Under Rule 17, when a University proposes to run a professional degree course in law of either or both streams in its Faculty or Department or in any of its constituent College, it is required that it shall ensure the minimum standards of requirement as prescribed and then shall in each proposal seek inspection by the inspection team of BCI by submission of application.

As per the provisions of Rule 18, a University seeking recognition of its degree in law for the purpose of enrolment in the Bar shall ensure, in

particular, that all University Departmental Centres, Faculty, Constituent and affiliated Centres of Legal Education proposing to offer law courses under either or both the streams, possess:

- i. Required infrastructural facilities outlined under the BCI Rules;
- ii. Required number of teaching faculties as prescribed by BCI and UGC;
- iii. Facilities for imparting practical legal education specified in the curriculum under the Rules and Legal Aid Clinic, Court Training and Moot Court exercises;
- iv. Adequate library, computer and technical facilities including on-line library facility, and
- v. In case of a Centre of Legal Education sponsored by private initiative of a person there is a Capital Fund as required in the Schedule III by BCI from time to time, deposited in the Bank Account in the name of the Centre of Legal Education concerned.

The types of inspection contemplated under the 2008 Rules are provided for under Rule 19, and read as follows:

“(i) Initial inspection: Initial inspection shall mean inspection of the University and inspection of the Bar Council of India for permitting a new Centre of Legal Education;

Provided that if a Law University is established by an Act passed by the Central or any State Legislature to run Law courses as specified and mandated in the statute, such a University may commence and run courses in the stipulated streams before any Initial Inspection. However such a University would require regular inspection and the first inspection shall be conducted within the first year of commencement of the courses.

(ii) Regular Inspection: Regular Inspection means an inspection of a University including all or any of its affiliated Centre of Legal Education by the Bar Council of India conducted after the initial inspection at the end of temporary approval, excepting a Law University established by a Central or State Act, for granting a regular approval and thereafter at least once in every five years unless the University / Centre of Legal Education concerned has sought/inspected for accreditation.

(iii) Surprise inspection: Surprise inspection means inspection conducted by University/Bar Council of India anytime without giving notice to the Centre of Legal Education.

(iv) Inspection for accreditation: Inspection applied for by a Centre of Legal Education possessing approval for the purpose of accreditation and certification.”

The Inspection and Monitoring Committee to be constituted under the Rules shall, as per the provisions of Rule 20, comprise at least 2 members of the BCI to conduct inspection of newly established or existing Universities. According to the provisions of Rule 22, the Inspection and Monitoring Committee shall inspect the University, examine the documents and reports, visit the institution to assess the infrastructure,

curriculum design, teaching and learning process, library and technical facilities and the feasibility of standard clinical education. The Committee shall then submit its report in the prescribed Form together with all relevant documents.

For the purpose of recommending approval of affiliation to a new Centre of Legal Education, Rule 23 requires a specific recommendation identifying the reason as to why such a Centre of Legal Education is required at the same place / area where the Centre of Legal Education is proposed to be started keeping in view the total number of existing Centres of Legal Education in the place / area in particular and the State in general. Sub-rule (2) of Rule 23 provides that while considering such recommendation, the inspection committee shall keep in view the approximate population of the area where the Centre of Legal Education is proposed to be started, number of Centre of Legal Education along with the total number of students therein, number of degree colleges as well as junior colleges in the area in particular and the State in general. Thereafter, as per the provisions of Rule 25, the Legal Education Committee, after reviewing the report and other relevant materials, recommends action on each report to BCI.

Two kinds of approval by BCI, on the recommendation of the Legal Education Committee, are contemplated under Rule 26:

- a) Temporary approval: On the Initial inspection report or Regular Inspection report the Legal Education Committee may recommend a temporary approval for not more than a period of three years to a newly proposed institution in the event the institution has facilities enough to commence the teaching program on such conditions as the Legal Education Committee may prescribe.
- b) Regular approval: A regular approval may be recommended for not more than a period of five years when an institution fulfills all standard set norms and has the capability of maintaining such standard continuously. Such regular approval entitles the institution to seek accreditation from the Bar Council of India.

BCI also possesses the power to revoke the temporary or regular approval once granted, if the conditions on the basis of which the permission was granted are not substantially fulfilled. A regular permission may be cancelled on an adverse report of inspection as well.

Rules 28 to 32 of the 2008 Rules contain provisions regarding an accreditation and performance rating system for institutions imparting legal education. Rule 28 provides that there shall be an accreditation and performance rating system for any institution having regular approval,

based on State and/or National level gradation. The accreditation of performance once obtained shall remain valid for a period of five years. The rules for accreditation are contained in Rule 31 of the 2008 Rules, which identifies, *inter alia*, the following important academic criterion for the purposes of accreditation:

- a) faculty student ratio,
- b) system of detail curriculum development and teaching practice sessions,
- c) number of working days annually,
- d) number of working days lost with reasons,
- e) qualification of the faculty,
- f) capital investment of the institution per student,
- g) library investment per student,
- h) residential facility,
- i) career counseling opportunities,
- j) publication by faculty and students in journals,
- k) class room environment,
- l) status of Free Legal Aid centre and legal literacy program run by the Centre of Legal Education.

The Bar Council is envisaged as a body for regulating the minimum standards to be maintained by institutions imparting legal education, and the Rules framed by BCI in exercise of its powers under the Advocates Act, 1961 indeed provide for a comprehensive framework for the evaluation of institutions on de minimis criteria. However, a need for the qualitative improvement of the Bar has been long felt, and has also been the subject matter of judicial attention in the matter of *V. Sudeer vs. Bar Council of India*, (1999) 3 SCC 176. Two measures have been recognized as imperative for the melioration of the standards of the legal profession i.e. introduction of a bar examination as well compulsory requirement of apprenticeship under a senior lawyer prior to admission to the Bar.

A bar examination is a pre-condition to admission to the Bar in most Commonwealth countries: Australia, Bangladesh, Canada, Hong Kong, Malaysia, New Zealand, Pakistan, Singapore, South Africa as well as the United Kingdom require law graduates to qualify a bar examination before being entitled to practice. However, since the traditional three-year law degree in India closely resembles the graduation model in the United States, it may be pertinent to understand the context for the preference of a bar exam in the US and its relevance in the Indian situation.

In the early history of the US, there was no requirement to qualify a Bar examination for enrolling with the Bar, as admission to the Bar in colonial America was determined by the local courts.⁷ Usually this admission was based upon a candidate's completion of an apprenticeship of indeterminate length. Additionally, in some colonies if one was allowed to practice in the highest court, then he or she would be allowed to practice in all lower courts of that colony. However, with progressive development of the society, it was felt that admissions to the Bar were generally elitist and contrary to the ideals of democracy. Thus, the public viewed the legal profession as an upper class profession that exclusively controlled entry and favored applicants who were well-connected and who could easily secure apprenticeships.

After the Civil War, there was a growing demand for expert legal advice to assist clients during the increasingly legalistic and regulatory society of the Industrial Revolution.⁸ Thus, the idea of law schools was created with the ideal that it would raise standards of admission and cure large disparities in admission requirements that existed among the States. Post 1870, the concept of 'diploma privilege' was applicable for admission to

⁷ Hansen, Daniel R., *The Bar Examination: Justifications and Alternatives*, (45) Case Western Law Review 1193 (1994-1995)

⁸ *Id* at 1997.

the Bar, implying that successful completion of a course of study at a law school would be the major determinant for entrance to the Bar.

However, this did not entirely remedy the problem. In 1921, the profession began to regulate law schools by determining the standards of quality to be complied with. Because the unapproved law schools did not have to abide by any standards for legal education, the rigors of their programs varied, and they generally had relatively lower standards of instruction. The resulting disparity between approved and unapproved law schools is cited as the principle reason for the introduction of a standard written bar examination. The bar exam was increasingly seen as a means of ameliorating the standards of the inferior law schools.

In the 1920s, the concept of ‘diploma privilege’ as a means of admission to the Bar decreased when the American Bar Association (hereinafter referred to as ‘ABA’) stated “...*graduat(ion) from a law school should not confer the right of admission to the Bar, and that every candidate should be subject to an examination by public authority to determine his fitness...*” Thereafter, in 1971, ABA and the National Conference of Bar Examiners reaffirmed this position by resolving as follows:⁹

“Bar examinations....encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is

⁹ *Id* at 1201.

made to realize the interrelation of the various divisions of the law—to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve. Also it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation in appearing before a completely strange judge.”

Additionally, it has also been observed that the bar exam is a relatively inexpensive and straightforward method that persuades law colleges to develop curriculum in accordance with contemporary practices, helps keep law schools honest in their evaluations of students, and creates a fair uniform standard which improves the quality of lawyers, judges, and the profession as a whole.¹⁰ An added advantage is that the bar exam requires recent graduates to review in a short space of time a great deal of what they have learned during their years of instruction.

In India, the requirement of training with a senior member of the Bar had, in fact, been present even before the enactment of the Advocates Act, 1961, wherein a prospective lawyer was required to ‘train’ in the chambers of a lawyer for a period of one year, and then appear in an examination comprising the subjects of civil and criminal procedure.

¹⁰ Whitman, A. Dale, *Notes from the Joint Working Group Conference: Redefining the Bar Examination*, (2005)

Thereafter, Section 24(1)(d) of the Advocates Act, 1961 continued the requirement of apprenticeship for graduate law students. The provision was, however, omitted in the year 1973, thereby discontinuing the practice. Vide the same amendment, Section 28(2)(b), which enabled the State Bar Councils to frame rules regarding training and bar examination, was also omitted.

In the year 1994, in order to check the declining standards of the legal profession, Justice Venkatachaliah, the then Chief Justice of India, constituted a High-Powered Committee on Legal Education, comprising Justice A.H. Ahmadi, Justice B.N. Kirpal and Justice M. Jaganaddha Rao. It was this Committee which strenuously recommended the re-introduction of the requirement for apprenticeship and a bar examination. The Bar Council of India (Training) Rules, 1995 were, therefore, framed by BCI in furtherance to the mandate of the High Powered Committee.

The Training Rules were, however, struck down by the Supreme Court in the *V. Sudeer* case, holding that once the express provisions vis-à-vis apprenticeship and bar examination i.e. Sections 24(1)(d) and 28(2)(b), had been omitted by way of an express statutory amendment, the requirement could not be re-introduced by way of subordinate legislation, particularly when the rule-making power had also been expressly omitted.

It is pertinent to note that although the Training Rules were declared *ultra vires*, the Court emphasized upon the necessity of such provisions, particularly in light of the declining standards in the legal profession. The following observations of the Court are noteworthy in this regard:

“31. Before parting with these matters, it is necessary to note that in the light of the experience of various Courts in which advocates are practising since the time the Advocates Act has come into force, the Law Commission of India and other expert bodies that were entrusted with the task of suggesting improvements in the standards of legal education and legal practitioners felt it necessary to provide for compulsory training to young advocates entering the portals of the Court rooms. Training under senior advocates with a view to equip them with court craft and to make them future efficient officers of the court became a felt need and there cannot be any dispute on this aspect. In fact, the question of making some suggestions regarding admission to law Colleges, syllabus, training, period of practice at different levels of courts etc., was taken up as Item No. 16 in the last Conference of the Chief Justices held in December, 1993. The Conference resolved that Hon'ble the Chief Justice of India be requested to constitute a Committee consisting of Hon'ble Mr. Justice A.M. Ahmadi as its Chairman, and two other members to be nominated by Hon'ble the Chief Justice of India to suggest appropriate steps to be taken in the matter so that the law graduates may acquire sufficient experience before they become entitled to practise in the courts. The said High Power Committee, after inviting the views of the Chief Justices and State Bar Councils as well as the Bar Council of India made valuable suggestions. The relevant suggestions in connection with legal education are suggestion Nos. 1, 12, 13, 15, 16 which are required to be noted. They read as under:

1. *In laying down the standards of Legal Education, the Bar Council's "Legal Education Committee" constituted under Rule 4 of Chapter III of the Bar Council of India Rules, 1965 must reflect the participation of representatives of (1) the Judiciary, (2) the Bar Council and (3) the U.G.C. It is proposed that the Rules be amended and the Legal Education Committee be restructured to involve the bodies above-mentioned.*

12. *Rule 21 of the Bar Council Rules directing that every University shall endeavour to supplement the lecture method with case method, tutorials and other modern techniques of imparting Legal Education must be amended in a mandatory form and it should include problem method, moot courts, mock trials and other aspects and make them compulsory.*

13. *(i) Participation in moot courts, mock trials, and debates must be made compulsory and marks awarded, (ii) Practical training in drafting pleadings, contracts can be developed in the last year of the study, and (iii) Students' visits at various levels to the Courts must be made compulsory so as to provide a greater exposure.*

15. *Entrance into the Bar after 12 months or 18 months of Apprenticeship with Entry Examination. For obtaining the License/Sanad from State Bar Councils it must be prescribed that one should secure at least 50 per cent or 60 per cent marks at the Bar Council Examination.*

16. *So far as the training under a Senior Lawyer during the period of one year or 18 months of apprenticeship,*

the Act or the Rules must stipulate that the senior must have at least 10 or 15 years' standing at the District Court/High Court and the student's diary must reflect his attendance for three months in the grass root level in a civil court and for three months in a Magistrate's court and at least six months in a district court. The Advocate in whose office he works must also certify that the student is fit to enter the Bar. Unless these formalities are completed, the student should not be permitted to sit for the Bar Council Examination.

32. It is true that these suggestions of the High Power Committee clearly highlighted the crying need for improving the standards of legal education and the requirements for new entrants to the legal profession of being equipped with adequate professional skill and expertise. There also cannot be any dispute on this aspect..."

The Supreme Court was of the firm opinion that the requirements of apprenticeship and bar examination were very essential for the qualitative improvement of the legal profession; however, such requirements had to be introduced by way of statutory amendments, and could not be provided for through subordinate legislation.

It is, therefore, apparent from the above analysis that the requirements of apprenticeship and bar examination are extremely pivotal in ensuring high standards of the legal profession. It must be noted that the introduction of such a requirement would (i) prevent law schools from escaping the high standards imposed by the governing legal education

body; (ii) promote curriculum reform thus increasing the quality of lawyers; (iii) incline students to interrelate and connect the subjects studied in school with contextual problems and challenges; (iv) provide for a more objective scenario of testing knowledge; and (v) lastly, create a uniform and fair method in granting enrolment to the Bar, and eliminate possibility of subjectivity.

- i. BCI's role as the primary body for regulating standards of professional legal education should be reaffirmed.

BCI's role in maintaining standards of professional legal education was, as discussed earlier, envisioned in 1958 by the 14th Report of the Law Commission. It is undoubtedly true that both the legal profession as well as the legal education system in the country have undergone innumerable changes ever since. The continuing modernization of society has raised a number of intricate issues involving subjects as diverse as psychology, technology, agriculture, finance; and it has become imperative for all lawyers to be as familiar with issues of fact as with issues of law. It is in this context that reservations have been expressed vis-à-vis BCI's role in supervising legal education in the country, considering its constitution as a professional body, rather than an academic one.

However, such reservations need to be rationalized with the modern-day interactive and facilitative role being played by BCI. The recommendations of the Law Commission in its 184th Report are pivotal in this regard. The 184th Report envisages BCI as the principal body for regulating standards of legal education, *importantly*, in conjunction with UGC and other technical bodies. In fact, as noted above, the 184th Report contemplates 'effective consultation' between BCI and UGC, in order to ensure professional regulation of legal education as well as adequate representation of academicians.

There is indeed a recognition on part of the Bar Council itself that the legal education sector is a significant contributory towards the meaningful existence of law and justice in civil society, and that a constantly evolving economy requires a multi-disciplinary understating of law. The Bar Council's resolve towards the reform process is amply demonstrated by the composition of its Legal Education Committee as provided for under Rule 2(xvi) of the 2008 Rules, which provision contemplates a distinguished Professor of Law as well as the Chairman of UGC to be members of the Legal Education Committee.

The Bar Council of India has recently passed two historic resolutions addressing a number of contemporary issues concerning the standards of legal education in the country. In its meeting held on August 22, 2009, the Legal Education Committee of the Bar Council contemplated the constitution of a body of experts to be associated with the BCI inspection teams, the constitution of a Selection Commission for the purposes of identifying and appointing competent faculties to law colleges, as well as the provision of better salaries and facilities to law faculties.¹¹ The reform process was advanced further at the meeting of the Bar Council on October 24, 2009, wherein the Bar Council not only approved the draft

¹¹ See **Appendix 2**: Resolution passed by the Legal Education Committee at its meeting held on 22nd August, 2009 and approved by the Bar Council of India at its meeting held on 23rd August, 2009.

Report submitted by this Committee, but also resolved in favour of the constitution of a National Legal Knowledge Council,¹² comprising legal luminaries and academicians as well as members from various socially relevant fields such as technology, sciences, media, economics, social sciences etc.¹³

In these circumstances, this Committee is of the firm view that BCI's role vis-à-vis regulation of legal education standards in the country cannot be undermined, but, in fact, should be reaffirmed and preserved.

- ii. The 2008 BCI Rules address all relevant contemporary issues vis-à-vis legal education.

It is the observation of the present Committee that the 2008 Rules address a number of relevant contemporary issues concerning legal education; including most of the recommendations made by the Law Commission in its 184th Report, the recommendations made by the National Knowledge Commission, as well as the suggestions and recommendations received by this Committee. The implementation by BCI of most of these recommendations can be ascertained from the following table:

¹² See **Appendix 3**: Composition of the National Legal Knowledge Council, as approved by the Bar Council of India.

¹³ See **Appendix 4**: Resolution passed by the Bar Council of India at its meeting dated October 24, 2009.

Proposal	Provision in the 2008 Rules
Increased representation of academia in BCI Legal Education Committee	Rule 2(xvi)
Prior permission for imparting legal education	Rule 14
Reformed modes of Inspection, and Approval of an institution	Rules 18-27
Accreditation / rating system for law colleges	Rules 28-32

The Committee, therefore, is of the view that the standards of legal education provided for in the 2008 BCI Rules, including the provisions on inspection, recognition and accreditation, are in consonance with the

requirements of the time, and in fact, are suited to ensure the highest quality of legal education. However, there still remain a few areas which require firm and immediate implementation, and thus the Committee recommends the adoption of the following measures:

- I. **Constitution of National Legal Knowledge Council:** For the purpose of formulating the policy vis-à-vis legal education India at a national level and by due consideration of experts from various fields, it is recommended that a National Legal Knowledge Council be established under the orders of this Hon'ble Court comprising legal luminaries as well as experts from various socially relevant fields. The functions of the National Legal Knowledge Council would include continuing reform of legal education in the country, including of matters pertaining to inspection and recognition of law colleges as well as appointment of suitable faculty to various institutions imparting legal education across the country.

The Council would have the power to constitute expert groups / sub-committees for the purpose of assisting the Bar Council of India in matters regarding inspection and recognition of colleges, as well as for the purpose of identifying and selecting competent and qualified faculty.

- II. Establishment of Legal Aid Clinics/Centres:** Apropos the principle enshrined under Article 39-A of the Constitution of India, the Bar Council of India, vide Resolution dated October 24 2009, resolved that all law schools/colleges should establish a legal aid clinic/centre for the purpose of providing inexpensive and efficient justice to the needy sections of our society. It was also resolved that a lecturer shall be the faculty incharge of a legal aid clinic/centre, and that final year students would be trained at such legal aid clinics/centres in imparting professional legal advice and client interaction. This Committee unreservedly endorses the Resolution passed by the Bar Council of India and recommends that establishment of such legal aid clinics/centres be made a pre-condition to the recognition of law colleges by the Bar Council.
- III. Faculty remuneration should, at least, be in accordance with the recommendations of the 6th Central Pay Commission:** The terms and conditions of service of the faculty members employed at institutions imparting legal instruction must be standardized on a priority basis. Since law is a very important professional stream, it may be

necessary to offer higher and better emoluments and more attractive conditions of service. In particular, the remuneration accorded to the faculty at all legal institutions must be, at the very minimum, in conformity with the recommendations of the 6th Central Pay Commission, which have already been adopted by the Ministry of Human Resources Development and the University Grants Commission with respect to Central Universities. Similar pay-scales should also be made applicable to faculty teaching at law colleges, irrespective of the status of the institution i.e. statutory or private.¹⁴ The Bar Council may also consider the stipulation of higher salaries to make imparting legal education attractive and thoroughly professional.

IV. Chapter IV of the 2008 BCI Rules to be strictly enforced:

Chapter IV of the 2008 BCI Rules contains provisions vis-à-vis the Directorate of Legal Education, the responsibility of which include:

- (a) Continuing Legal education,
- (b) Teachers training,
- (c) Advanced specialized professional courses,

¹⁴ See **Appendix 5**: Letter of the Ministry of Human Resources Development dated December 31, 2008.

- (d) Education program for Indian students seeking registration after obtaining Law Degree from a Foreign University,
- (e) Research on professional Legal Education and Standardization,
- (f) Seminar and workshop,
- (g) Legal Research,
- (h) any other assignment that may be assigned to it by the Legal Education Committee and the Bar Council of India.

Considering the importance of the functions to be performed by the Directorate of Legal Education, as well as the recommendations made by this Committee in the draft report submitted to this Hon'ble Court on October 6, 2009, the Bar Council of India has, vide Resolution dated October 24 2009, appointed Prof. Satish Shastri, former Dean, Faculty of Law, Rajasthan University, Jaipur as the Director of Legal Education. Further, the Bar Council has also resolved that two young academicians who are capable of pioneering legal research should be appointed to the posts of Professor (Research) and Professor (Academic) in the Directorate. The Central Government has assured the Bar Council of its steadfast support to the Directorate, including provision of

adequate functioning space as well as grants to enable the Directorate to perform its functions.

The constitution of the Directorate would give a much needed impetus towards research oriented reform in India. It is, therefore, imperative that adequate funds are earmarked towards the constitution and functioning of the Directorate and the provisions of Chapter IV of the BCI Rules are strictly complied with. Further, it should be ensured that only academicians and researchers of the highest quality are associated with the Directorate.

- V. **A Bar Examination should be introduced for the purpose of admitting law graduates to the Bar:** As discussed *supra*, the introduction of a bar examination would ensure maintenance of standards in the legal profession, as well as standardization and constant innovation in the standards of curriculum, teaching methodology etc. The Committee is, therefore, of the opinion that qualifying a bar examination should be made a requirement prior to admission to the Bar by all State Bar Councils across the country. In light of the decision of the Supreme Court in the *V. Sudeer* case, such a requirement may be introduced in the Advocates Act, 1961 by means of a statutory amendment. The said examination

will be a professional examination conducted by BCI in accordance with the recommendations of the Parent Committee.

BAR COUNCIL OF INDIA
Part –IV
Rules of Legal Education

Rules on standards of legal education and recognition of degrees in law for the purpose of enrolment as advocate and inspection of Universities for recognizing its degree in law under Sections 7(1)(h) and (i), 24(1)(c)(iii), and (iia), 49(1)(af),(ag),and (d) of the Advocates Act, 1961 made by the Bar Council of India in consultation with Universities and State Bar Councils

SCHEDULE III

Minimum infrastructural facilities required in a Centre of Legal Education for applying permission to run law courses with affiliation from an Indian University

Physical infrastructure

1. **Definition:** Institution means a Centre of Legal Education (CLE).
2. **Minimum Capital Fund requirement:** Each Centre of Legal Education before seeking affiliation with a University and approval of Bar Council of India of the same shall have a minimum capital fund requirement of Rupees ten lakh to be kept into a Bank account to be used for any future exigencies and development of the Institution. The Account is to be jointly operated by the Secretary or Principal with the Registrar of the University or his authorized agent.
3. **Freehold or Leasehold Property:** Each Centre of Legal Education providing education in law either in the Department of law of a University or its constituent or affiliated college must have either on freehold or on long leasehold land adequate to provide academic buildings, library, indoor and outdoor sports facilities, halls of residences for male and female students separately, as the case may be, in the name of the Centre of Legal Education or organization running the Centre of Legal Education. However, lease in the name of the Centre of Legal Education shall be for a period of not less than ten years. What is the adequate space for the said purpose shall be decided by the respective authority of the University under its affiliation regulation and as guided by the UGC.

Provided that sufficient land and adequate floor space area completely and exclusively devoted for a Centre of Legal Education, based on the

size of its student population, faculty requirement infrastructure facilities, Library space requirement, indoor and outdoor games facilities and other requirements can be considered sufficient accommodation in compliance with this clause, for the purpose in a multi-faculty Institution on land possessed by the Management of a Society/ Trust/ Non Profit Company running multi-faculty institutions in a metropolitan or in a class 1 city.

4. **Academic Building:** There shall be the academic building to provide separate class rooms for general class for each section sufficient to accommodate sixty students as per the requirement of per student floor space as specified by the University Grants commission or such other standard setting body like AICTE and also such other rooms for tutorial work, moot court room exercises, common room for male and female students and adequate library space for keeping books, periodicals, and journals. The library shall also have adequate reading space for at least 25% of the enrolled students according to per capita reading space specified by any standard setting bodies like UGC.
5. **General timing for conduction of courses in Academic Building:** Classes may be conducted between 8 a.m. to 7 p.m. in an Institution, which is not fully residential. However the Library may remain open till 10 p.m.
- 5A. **Size of a section:** The Inspection Committee may approve for admission in each of the section of a class for not more than 60 students and may allow a minimum of two sections in each class but not more than five sections in one class (such as First Year or Second Year or Third Year, etc) as the case may be unless there is any exceptional reason for granting more sections in a Class, such a reason has to be specified by the inspection Committee.
6. **Library Building:** There shall be adequate space in the library for computer facility with access to internet and national and international library access and data bases.
7. **Games Facilities:** There shall be facilities for indoor and outdoor facilities for games and sports.
8. **Halls of residence:** There may be facility required for halls of residence separately for males and females students constructed on the direction and specification by UGC or any such other standard setting body for affiliating an Institution.
9. (a) **Laboratories:** Institutions running integrated law program shall have adequate laboratory facilities in various courses of studies, if offered in the curriculum for Science, Engineering and technology courses along

with law courses. The standard of such laboratory, per capita space, equipments, supplies, and other facilities shall be as specified by the UGC or any such other standard setting and regulatory bodies for the purpose of affiliation of such an Institution.

(b) Computer Education to be made compulsory for all the students.

10. **Organization structure of an Institution:** Affiliated Centres of Legal Education can be run by a Non-profit organization, like a Public Trust, Societies registered under Union or State law, or a Non Profit Company. All properties, assets, and the academic and academic support services shall be required to be recorded in the name of the Institution.
11. **Legal Aid Centre:** Each institution shall establish and run a Legal Aid Clinic under the supervision of a Senior Faculty Member who may administer the Clinic run by the Final year students of the Institution in cooperation with the Legal Aid Authorities with list of voluntary lawyers and other Non-Government Organizations engaged in this regard in the locality generally from which the student community of the Institution, hail from.
12. **All Bank account or accounts and Funds** of the Institution shall be jointly operated by the Manager/Secretary designated by the Trust, Society, or the Non - Profit Company, as the case may be, with the Head of the Institution.
13. **All Records of the Institution** including financial, academic and other organizational records and the meeting proceedings shall be kept in safe custody by the Head of the Institution in the Office of the Institution and shall remain accessible to all authorities and Inspection teams.
14. **Copy of Affiliation Rules of the University:** All affiliating Universities would be required to forward a copy of the Affiliation Rules and affiliation order to the Bar Council of India before an Inspection of the University including any of its affiliated Centres of Legal Education.

Academic infrastructure

15. **Minimum Library requirement:** To start with, a Law Library shall have a set of AIR manual, Central Acts and Local Acts, Criminal law journal, SCC, Company cases, Indian Bar Review, selected Judgements on Professional Ethics and Journals with the back volumes for at least ten years and also such number of text books in each subjects taught during the period according to the minimum standard ratio of ten books for each registered students. For running integrated program, text books of such other subjects are also to be kept in the similar minimum ratio.

The minimum investment in Library in each academic year must shall be Rupees Fifty thousand for one stream and Rupees One Lakh for both the streams.

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.
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 Honour 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.

18. **Minimum weekly class program per subject (paper):** 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.
19. **Examination rule guideline:** The examination shall ordinarily be held at the end of every semester. The University shall, however, be at liberty to hold examination quicker frequency on continuing basis. Suitable allocations of subjects for each semester program, as the case may be, shall be planned by the University and the same shall be intimated to the Bar Council of India along with the Examination Rules adopted by the University concerned.
20. **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 10 years. Visiting faculty from the Bar, bench or academy shall have a minimum experience of 10 years.
21. **Teaching load:** The teaching load of full-time and part time teachers shall be according to the norms prescribed by the U.G.C. from time to time.
22. **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.
23. **Standard Academic practice:** The Bar Council of India may issue directives from time to time for maintenance of the standards of Legal

Education. The Centre of Legal Education /University has to follow them as compulsory.

24. **The Questionnaire specified in Schedule VI & VII** and as amended from time to time, is to be responded to by the applicant for approving an affiliated institution by the Bar Council of India under the Rules, which shall be deemed to be directive issued under this Rule. The questionnaire shall be submitted with the application for initial inspection with such other particulars, documents and fees as may be prescribed.
25. **Minimum Period of Internship:** (a) Each registered student shall have completed minimum of 12 weeks internship for Three Year Course stream and 20 weeks in case of Five Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.

(b) Each student shall 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 total mark shall be assessed in the Final Semester of the course in the 4th Clinical course as stipulated under the Rules in Schedule II.

26. **District-wise list of Senior Lawyers willing to guide students under internship:** The State Bar Councils shall be required to prepare a list of suggested Senior Advocates District-wise with at least ten years experience who are willing to take under internship students during the vacation period. The Bar Council of India shall then publish the list of senior lawyers willing to guide students under internship in the web-site as well as make the list available with the Institutions.
27. **Formal Dress Code during internship:** Students placed under internship or in moot court exercise shall have formal dress of legal professional in pupillage as follows:

(For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.

(Optional for Girl students) Black printed sharee, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe.

The Organization or Advocate under whom the internee is placed is required to follow suitable dress code.

28. Age on admission:

(a) Subject to the condition stipulated by a University on this behalf and the high degree of professional commitment required, the maximum age for seeking admission into a stream of integrated Bachelor of law degree program, is limited to twenty years in case of general category of applicants and to twenty two years in case of applicants from SC, ST and other Backward communities.

(b) Subject to the condition stipulated by a University, and the general social condition of the applicants seeking legal education belatedly, the maximum age for seeking admission into a stream of Three Year Bachelor Degree Course in Law, is limited to thirty years with right of the University to give concession of 5 further year for the applicant belonging to SC or ST or any other Backward Community.

Grams : ALINDIABAR, New Delhi
 Fax : Off. (91) 011-23231767
 E-mail : info@barcouncilofindia.org
 Website : www.barcouncilofindia.org



Phones : 23231647
 23231648

बार कौंसिल ऑफ इन्डिया BAR COUNCIL OF INDIA

21, राउज ऐवन्यू इन्स्टीटूशनल एरिया
 नई दिल्ली - 110 002
 21, Rouse Avenue Institutional Area
 New Delhi - 110 002

Extracts of the minutes of the meeting of the Legal Education Committee at its meeting held on 22nd August, 2009 and approved by the Bar Council of India at its meeting held on 23rd August, 2009.

At the outset Learned Solicitor General of India apprised the august body of the Bar Council of India about the new challenges being faced in the field of Legal Education. It was suggested that the Rules 2008 framed by the Bar Council of India relating to Standards of Legal Education are detailed and highly adequate for the purpose of ensuring that the approval of affiliation being given will provide high quality legal education. It was suggested that there are three areas which have to be specifically addressed by the Bar Council of India (including Legal Education Committee). The first was that the inspection team must be adequately assisted by technical experts of proven integrity (Legal/Non Legal) and a panel of such experts should be prepared by the Bar Council of India so that there would be assurance in matters of approval recommended by the sub-Committee.

Secondly, it was also suggested that quality of Legal Education in terms of teaching faculty, facilities available to the teaching faculty, facilities available to the students and remuneration payable to the teaching faculty must be adequately addressed. Since it is necessary that the Bar Council of India would like the establishment of stream of brilliant young lawyers who want to pursue academic discipline on full time basis, it would be necessary to make an investment by relaxing the normal pay scales payable to the teachers and offer appropriate pay scales by which talent is attracted on the teaching faculty in the institutions.

Thirdly, it was suggested that a road map has to be laid for the purpose of recruitment of such teachers by the appointment/ selection Commission to be set up by the Bar Council of India /Legal Education Committee consisting of members of the highest quality who would have due regard to the panel of the teachers who would contribute to future of legal education. The Learned Solicitor General assured that the Govt. of India is committed to provide all possible support in enabling the Bar Council of India to discharge the newly added functions and no efforts should be spared in making the new arrangements as quickly as possible.

The Central Govt. would also be approached for suitable financial assistance so that regulatory body is strengthened and Bar Council of India is able to fulfill its resolution in the effective manner.

Grams : ALINDIABAR, New Delhi
 Fax : Off. (91) 011-23231767
 E-mail : info@barcouncilofindia.org
 Website : www.barcouncilofindia.org



Phones : 23231647
 23231648

बार कौंसिल ऑफ इन्डिया BAR COUNCIL OF INDIA

21, राजज ऐवन्यू इन्सटीटूशनल एरिया
 नई दिल्ली - 110 002
 21, Rouse Avenue Institutional Area
 New Delhi - 110 002

On the question of law colleges in rural areas where it could be difficult for the management to pay higher fee for better teachers, the Ld. Solicitor General suggested that in the road map provision can be made that all the law colleges which have funds to undertake social responsibilities by adopting law colleges in the rural areas so that financial efficiency can be addressed by a process of adopting quality recruitment of teachers, teaching and non – teaching staff, librarian and other infrastructural support through the proposed high powered commission to be set up by the Bar Council of India.

The members also suggested that in order to do this exercise they will have to be frequent meetings at regular intervals to see that within a time frame the road map including the setting up of the Commission should be established. It was also suggested that after the Bar Council of India passes a resolution in the course of proceeding during the day, a period of three months may be outlined within which milestone can be fixed for the appointment of Directorate of Legal Education, setting up of the suitable appointment of Commission, rules under which Commission would function, apart from problems between the State University and the Bar Council of India which may have to be addressed. It is very necessary that the Bar Council of India and State Bar Councils as allies, support the Councils to give affect to this road map and this can be done by the Directorate of Legal Education which is already contemplated under the Legal Education Rules – 2008 without any further delay.

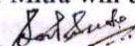
RESOLUTION NO. 3/2009

Legal Education Committee resolves and accept the suggestions of the Ld. Solicitor General of India and will draw the road map with milestone as suggested. The committee will endeavor to comply the above exercise within a period of three months.

It is further RESOLVED that Legal Education Committee will further enhance and devote more time apart from sanctioning law colleges regarding Legal Education so that standards of Legal Education be enhanced.

RESOLUTION NO. 4/ 2009

The Committee RESOLVES that since the Directorate of Legal Education has been established under Bar Council of India Rules, Hon'ble Mr. Justice A. P. Misra, Chairman, Legal Education Committee, Former Judge, Supreme Court of India, Mr. Gopal Subramaniam, Solicitor General of India, Shri N. L. Mitra, Former Director, National Law School of India University, Bangalore and Prof (Dr.) Ranbir Singh, Director, National Law School, Delhi are being nominated as members of the Search Committee for appointment of a Director of Legal Education. Dr. N.L. Mitra will be the convenor of the Committee.


 Chairman

Bar Council of India

LIST OF MEMBERS OF THE NATIONAL LEGAL KNOWLEDGE COUNCIL**A. Judges / Retired Judges of Supreme Court / Chief Justices / Judges of the High Court**

- i. Hon'ble Shri Justice A.P. Mishra, former Judge, Supreme Court of India;
- ii. Hon'ble Shri Justice Asok Kumar Ganguly, Judge, Supreme Court of India;
- iii. Hon'ble Shri Justice Ananga Patnaik, Chief Justice, Madhya Pradesh High Court;
- iv. Hon'ble Dr. Justice Dhananjaya Chandrachud, Judge, Bombay High Court;
- v. Hon'ble Shri Justice Badar Ahmad, Judge, Delhi High Court.

B. Eminent Lawyers:

- i. The Attorney General for India (ex-officio);
- ii. The Solicitor General of India (ex-officio);
- iii. Shri Fali S. Nariman, Senior Advocate;
- iv. Shri Gopal Subramaniam, Senior Advocate;
- v. Shri S.N.P. Sinha, Senior Advocate;
- vi. Shri Ashok K. Parija, Senior Advocate;
- vii. Shri Jairam Beniwal, Advocate;
- viii. Shri Nishith Desai, Advocate;
- ix. Shri Dayan Krishnan, Advocate;
- x. Shri Saikrishna Rajagopal, Advocate.

C. Members of the Bar Council of India;

All Members of the Bar Council of India.

D. Distinguished Professors of Law:

- i. Prof. (Dr.) Upendra Baxi, Professor of Law, University of Warwick;
- ii. Prof. (Dr.) N.L. Mitra, former Vice-Chancellor, National Law University, Jodhpur;
- iii. Prof. (Dr.) N.R. Madhava Menon, former Vice-Chancellor, National University of Juridical Sciences, Kolkata;
- iv. Prof. (Dr.) Ranbir Singh, Vice-Chancellor, National Law University, Delhi.

E. Young academicians:

- i. Shri Arun K. Thiruvengadam, Assistant Professor of Law, National University of Singapore;
- ii. Shri Vikram Raghavan, Senior Counsel, Middle East, North Africa and South Asia, Legal Vice Presidency, The World Bank;
- iii. Prof. C. Rajkumar, Vice Chancellor, Jindal Global Law School, Sonipat, Haryana;
- iv. Professor Shamnad Basheer, Ministry of HRD Profession in IP Law, West Bengal National University of Juridical Sciences, Kolkata;

F. Reputed persons from other socially relevant fields:

- i. Deputy-Chairman, Planning Commission / Nominee;
- ii. Chairman, Finance Commission / Nominee;
- iii. Dr. Sam Pitroda, Advisor to the Hon'ble Prime Minister on Infrastructure, Innovation and Information;
- iv. Director / Nominee of Director of three Indian Institutes of Technology - Delhi, Kharagpur and Kanpur;
- v. Director / Nominee of Director of three Indian Institutes of Management - Ahmedabad, Bangalore and Kolkata, and Dean / Nominee of Dean, Indian School of Business, Hyderabad;
- vi. Director / Nominee of Director of Indian Institute of Science, Bangalore;
- vii. Director / Nominee of Director of Tata Institute of Social Sciences, Mumbai;
- viii. Director / Nominee of Director of All India Institute of Medical Sciences, New Delhi;
- ix. Director / Nominee of Director of National Institute of Mental Health and Neuro-Sciences, Bangalore;
- x. Vice Chancellor / Nominee of Vice-Chancellor of Jawaharlal Nehru University, New Delhi;
- xi. Director / Nominee of Confederation of Indian Industries;
- xii. Representatives from media (a) Shri N. Ram, Chief Editor, Hindu, and (b) Shri Pranoy Roy, NDTV;
- xiii. Professor T.C.A. Anand, Delhi School of Economics, New Delhi;
- xiv. Professor Gowardhan Mehta, Former Director, IIS.

Professor Ghanshyam Singh, Registrar, National Law University, Delhi shall be the Convener of the Parent Committee.

THE BAR COUNCIL OF INDIA

An Emergent Meeting of the Bar Council of India cum Legal Education Committee was held on Saturday the 24th October, 2009 at 6 p.m. at the India International Centre, Max Muller Marg, Annexure – Lecture Hall, Lodhi Estate, New Delhi

The following members were present:-

1. Mr. Justice A.P. Misra
2. Mr. Justice A.K. Patnaik
3. Mr. S.N.P. Sinha
4. Mr. Jai Ram Beniwal
5. Mr. Gopal Subramaniam
6. Mr. Hemantkumar J. Patel
7. Prof. (Dr.) N.L. Mitra
8. Mr. Jagdev
9. Mr. R. Dhanapal Raj
10. Mr. Daulat Ram Sharma
11. Mr. Milan Kumar Dey
12. Mr. M. Rajender Reddy
13. Mr. Ashok Parija
14. Mr. Zafar Ahmed Khan
15. Mr. C.M. Jagdeesh

Mr. Justice A.P. Misra presided over the meeting,

ITEM NO. 95/2009

To consider about selection of the Director for Directorate of Legal Education from among the names recommended by the Search Committee.

The Council considered the Resolution passed by the Search Committee in respect of selection of the Director of Legal Education and the two Professors under him. The Council passed the following Resolution.

RESOLUTION:

RESOLVED that the Selection of Dr. Satish C. Shastri, to be the Director of Legal Education under Bar Council of India be and is hereby approved.

RESOLVED that the two Professors may be selected from out of four persons earlier shortlisted by the Search Committee.

ITEM NO. 96/2009

To consider the resolutions passed on 10.10.2009 about constitution of various Committees at the meeting at National Law University of Delhi in the presence of Shri S.N.P. Sinha, Chairman and Mr. Ashok Parija, Member of the Bar Council of India.

The Bar Council considered the Resolutions passed on 10.10.2009 about formation of National Legal Knowledge Committee. The Learned Solicitor General suggested 36 names to be in the National Legal Knowledge Committee. It was suggested that all the Member of the Bar Council of India should be in the Committee. After discussion the following Resolution was passed.

RESOLUTION:

RESOLVED that the National Legal Knowledge Committee be formed with the members suggested by the Solicitor General and IT WAS ALSO RESOLVED that all the Members of the Bar Council of India would be Members of the said Committee. IT WAS ALSO RESOLVED that the said National legal Knowledge Committee will be the Advisory Committee to the Bar Council of India. (A list of the members of the committee is enclosed.)

Consideration of Resolutions 2 to 4 passed by the Search Committee on 10.10.2009 is deferred to the next meeting of the Council.

ITEM NO.97/ 2009

To consider the report submitted by the 3 Member Committee to the Hon'ble Supreme Court in the matter of Bonnie Foi Law College.

The Bar Council considered the report of the 3 Member Committee submitted to the Hon'ble Supreme Court of India. While considering the Report of the 3-Member Committee, Mr. Justice A.P. Misra suggested that Legal Aid Centres should be created in all Law colleges. After discussion the following Resolution was passed.

RESOLUTION:

RESOLVED that the report of the 3 Member Committee submitted to the Hon'ble Supreme Court of India be and is hereby approved with the following addition: that a Legal Aid Centre be created in all Colleges and that One Lecturer should be incharge of the said Legal Aid Centre and the final year students should be trained in that Centre.

IT IS FURTHER RESOLVED that the Committee as mentioned by the Hon'ble Supreme Court should inspect Bonnie Foi College after receipt of the requisite fee from the College.

Any other matter with the permission of the Chairman.

ITEM NO.98 / 2009

To consider sanction of Rs.50 lakhs to the Formation of Directorate of Education

RESOLUTION:

RESOLVED that a sum of Rs. 50 lakhs be and hereby sanctioned for the formation of Directorate of Legal Education.

The meeting ended with the Members expressing their deep gratitude of the Bar Council of India to the tireless and sincere efforts of the learned Solicitor General of India, Shri Gopal Subramaniam, without whose intervention, involvement and guidance the Bar Council of India could not have taken the aforesaid historic decision.

No.1-32/2006-U.II/U.I(i)
Government of India
Ministry of Human Resource Development
Department of Higher Education

New Delhi, dated the 31st December, 2008

To

The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

Subject:- Scheme of revision of pay of teachers and equivalent cadres in universities and colleges following the revision of pay scales of Central Government employees on the recommendations of the Sixth Central Pay Commission.

Sir,

I am directed to say that the Government of India have decided, after taking into consideration the recommendations made by the University Grants Commission (UGC) based on the decisions taken at the meeting of the Commission held on 7-8 October 2008, to revise the pay scales of teachers in the Central Universities. The revision of pay scales of teachers shall be subject to various provisions of the Scheme of revision of pay scales as contained in this letter, and Regulations to be framed by the UGC in this behalf in accordance with the Scheme given below. The revised pay scales and other provisions of the Scheme are as under:-

1. General

(i) There shall be only three designations in respect of teachers in universities and colleges, namely, Assistant Professors, Associate Professors and Professors. However, there shall be no change in the present designation in respect of Library and Physical Education Personnel at various levels.

(ii) No one shall be eligible to be appointed, promoted or designated as Professor, unless he or she possesses a Ph.D. and satisfies other academic conditions, as laid down by the University Grants Commission (UGC) from time to time. This shall, however, not affect those who are already designated as 'Professor'.

(iii) The pay of teachers and equivalent positions in Universities and Colleges shall be fixed according to their designations in two pay bands of Rs. 15600-39100 and Rs. 37400-67000 with appropriate "Academic Grade Pay" (AGP in short). Each Pay Band shall have different stages of Academic Grade Pay which shall ensure that teachers and other equivalent cadres covered under this Scheme, subject to other conditions of eligibility being satisfied, have multiple opportunities for upward movement during their career.

(iv) Posts of Professors shall be created in under-graduate (UG) colleges as well as in post-graduate (PG) colleges. The number of posts of Professors in a UG College shall be equivalent to 10 percent of the number of posts of Associate Professors in that College. There shall be as many posts of Professors in each PG College as the number of Departments in that College. No new Departments shall be created in UG or PG Colleges without prior approval of the UGC.

(v) Up to 10% of the posts of Professors in universities shall be in the higher Academic Grade Pay of Rs. 12000 with eligibility conditions to be prescribed by the UGC.

(vi) National Eligibility Test (NET) shall be compulsory for appointment at the entry level of Assistant Professor, subject to the exemptions to the degree of Ph.D. in respect of those persons obtaining the award through a process of registration, course-work and external evaluation, as have been/ or may be laid down by the UGC through its regulations, and so adopted by the University. NET shall not be required for such Masters' programmes in disciplines for which there is no NET.

2. Revised Pay Scales, Service conditions and Career Advancement Scheme for teachers and equivalent positions:

The pay structure for different categories of teachers and equivalent positions shall be as indicated below:-

(a) Assistant Professor/Associate Professors/Professors in Colleges & Universities

(i) Persons entering the teaching profession in Universities and Colleges shall be designated as Assistant Professors and shall be placed in the Pay Band of Rs.15600-39100 with AGP of Rs.6000. Lecturers already in service in the pre-revised scale of Rs. 8000-13500, shall be re-designated as Assistant Professors with the said AGP of Rs. 6000.

(ii) An Assistant Professor with completed service of 4 years, possessing Ph.D Degree in the relevant discipline shall be eligible, for moving up to AGP of Rs. 7000.

(iii) Assistant Professors possessing M.Phil degree or post-graduate degree in professional courses approved by the relevant Statutory Body, such as LL.M/M.Tech etc. shall be eligible for the AGP of Rs. 7,000 after completion of 5 years service as Assistant Professor.

(iv) Assistant Professors who do not have Ph.D or M.Phil or a Master's degree in the relevant Professional course shall be eligible for the AGP of Rs. 7,000 only after completion of 6 years' service as Assistant Professor.

(v) The upward movement from AGP of Rs. 6000 to AGP of Rs. 7000 for all Assistant Professors shall be subject to their satisfying other conditions as laid down by the UGC.

(vi) The pay of the incumbents to the posts of Lecturer (senior scale) (i.e. the un-revised scale of Rs. 10,000-15200) shall be re-designated as Assistant Professor, and shall be fixed at the appropriate stage in Pay Band of Rs.15600-39100 based on their present pay, with AGP of Rs. 7000.

(vii) Assistant Professors with completed service of 5 years at the AGP of Rs. 7000 shall be eligible, subject to other requirements laid down by the UGC, to move up to the AGP of Rs. 8000.

(viii) Posts of Associate Professor shall be in the Pay Band of Rs.37400-67000, with AGP of Rs.9000. Directly recruited Associate Professors shall be placed in the Pay Band of Rs. 37400-67000 with an AGP of Rs. 9000, at the appropriate stage in the Pay Band in terms of the conditions of appointment.

(ix) Incumbent Readers and Lecturers (Selection Grade) who have completed 3 years in the current pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed in Pay Band of

Rs. 37400-67000 with AGP Pay of Rs. 9000 and shall be re-designated as Associate Professor.

(x) Incumbent Readers and Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs. 12000-18300 on 1.1.2006 shall be placed at the appropriate stage in the Pay Band of Rs. 15600-39100 with AGP of Rs. 8000 till they complete 3 years of service in the grade of Lecturer (Selection Grade)/Reader, and thereafter shall be placed in the higher Pay Band of Rs.37400-67000 and accordingly re-designated as Associate Professor.

(xi) Readers/ Lecturers (Selection Grade) in service at present shall continue to be designated as Lecturer (Selection Grade) or Readers, as the case may be, until they are placed in the Pay Band of Rs. 37,400-67000 and re-designated as Associate Professor in the manner described in (x) above.

(xii) Assistant Professors completing 3 years of teaching in the AGP of Rs. 8000 shall be eligible, subject to other conditions, that may be prescribed by the UGC and the university, to move to the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000 and to be designated as Associate Professor.

(xiii) Associate Professor completing 3 years of service in the AGP of Rs. 9000 and possessing a Ph.D.degree in the relevant discipline shall be eligible to be appointed and designated as Professor, subject to other conditions of academic performance as laid down by the UGC and if any by the university. No teacher other than those with a Ph.D. shall be promoted, appointed or designated as Professor. The Pay Band for the post of Professors shall be Rs.37400-67000 with AGP of Rs. 10000.

(xiv) The pay of a directly recruited Professor shall be fixed at a stage not below Rs. 43000 in the Pay Band of Rs. 37400-67000, with the applicable AGP of Rs. 10000.

(xv) Ten percent of the posts of Professors in a university shall be in the higher AGP of Rs. 12000, however, teachers appointed to the posts shall continue to be designated as Professor. Eligibility for appointment as a Professor in the higher Academic Grade Pay shall be as may be laid down by the UGC, and such eligibility conditions shall, inter alia, include publications in peer reviewed/ refereed Research Journals, and the requirement of at least 10 years of teaching as Professor and post-doctoral work of a high standard. No person appointed directly as Professor in the AGP of Rs. 12000 shall be fixed at a stage less than Rs. 48000 along with the AGP.

(xvi) For initial direct recruitment at the level of Associate Professors and Professors, the eligibility conditions in respect of academic and research requirements shall be as may be or have been prescribed by the UGC through Regulations and as may be laid down by the university.

(xvii) Discretionary award of advance increments for those who enter the profession as Associate Professors or Professors with higher merit, high number of research publications and experience at the appropriate level, shall be within the competence of the appropriate authority of the concerned University or recruiting institution while negotiating with individual candidates in the context of the merits of each case, taking into account the pay structure of other teachers in the faculty and other specific factors.

(b) Professors in Under Graduate and Post Graduate Colleges:

(xviii) Ten percent of the number of sanctioned posts of Associate Professor in an Under Graduate College shall be that of Professors and shall be subject to the same criterion for selection/ appointment as that of Professors in Universities, provided that there shall not be more than one post of Professor in each Department; and provided further that

One-fourth (25%) of the posts of Professor in UG Colleges shall be directly recruited or filled on deputation by eligible teachers and the remaining three-fourths (75%) of posts of Professors shall be filled by merit promotion from among eligible Associate Professors of the relevant department of the Under Graduate College. Identification of posts of Professor in an Under Graduate College for being filled through direct recruitment/deputation shall be within the competence of the University acting in consultation with the College. Where the number of posts of Professor worked out as a percentage of the number of posts of Associate Professor for merit promotion or direct recruitment/ deputation is not an integer, the same shall be rounded off to the next higher integer.

(xix) There shall be one post of Professor in each Department of a Post Graduate College and shall be subject to the same criterion for selection/ appointment as that of Professors in Universities, provided that One-fourth (25%) of the posts of Professor shall be filled on deputation/direct recruitment from among eligible teachers and the remaining three-fourths (75%) of posts shall be filled through merit promotion from among the eligible Associate Professors in the relevant department of the Post Graduate College. Identification of posts of Professor in a Post Graduate College for being filled through direct recruitment/deputation shall be within the competence of the University acting in consultation with the College. Where the number of posts of professor for merit promotion or direct recruitment/ deputation worked out as a percentage of the total number of posts in a Post Graduate College is not an integer, the same shall be rounded off to the next higher integer. The UGC shall issue separate guidelines to ensure availability of minimum standards of academic infrastructure (library, research facilities etc.) for starting Post Graduate Courses in Colleges.

3. Pay Scales of Pro-Vice Chancellor/Vice Chancellor of Universities:

(i) Pro-Vice-Chancellor

The posts of Pro-Vice Chancellor shall be in the Pay Band of Rs.37400-67000 with AGP of Rs. 10000 or Rs. 12000, as the case may be, along with a Special Allowance of Rs.4000 per month, subject to the condition that the sum total of pay in the Pay Band, the Academic Grade Pay and the Special Allowance shall not exceed Rs. 80,000.

(ii) Vice Chancellor

The posts of Vice Chancellor shall carry a fixed pay of Rs. 75000 along with a Special Allowance of Rs. 5000 per month.

4. Pay Scales of Principals in Colleges:

(i) Principal of Under Graduate Colleges

Appointments to the posts of Principal in Under Graduate Colleges shall be based on the conditions of eligibility in respect of educational qualifications and teaching/research experience laid down by the University Grants Commission and if any by the university from time to time. The posts of Principal in Under Graduate Colleges shall be in the Pay Band of Rs.37400-67000 with AGP of Rs.10000, plus a Special Allowance of Rs. 2000 per month. All Principals in service shall be appropriately fixed in the Pay Band with the AGP of Rs. 10000.

(ii) Principal of Post Graduate Colleges

Appointments to the posts of Principal in Post Graduate Colleges shall be based on the conditions of eligibility in respect of educational qualifications and teaching/research experience laid down by the University Grants Commission and if any by the university

from time to time. Posts of Principal in Post Graduate Colleges shall also be in the Pay Band of Rs.37400-67000 with AGP of Rs.10,000, plus a Special Allowance of Rs. 3000 per month. All Principals in service shall be appropriately fixed in the Pay Band with the AGP of Rs. 10000.

5. Pay Scales and Career Advancement Scheme for Librarians etc:

(a) Assistant Librarian/ College Librarian:

(i) Assistant Librarian/ College Librarian in the pre-revised scale of pay of Rs. 8000-13500 shall be placed in the Pay Band of Rs.15600-39100 with AGP of Rs. 6000.

(ii) All existing conditions of eligibility and academic qualifications laid down by the UGC shall continue to be applicable for direct recruitment of Assistant Librarian/ College Librarian.

(b) Assistant Librarian (Sr. Scale)/ College Librarian (Sr.Scale)

(i) The posts of Assistant Librarian (Sr. Scale)/ College Librarian (Sr.Scale) in the pre-revised scale of pay of Rs. 10000-15200 shall be placed in the Pay Band of Rs. 15600-39100 with AGP of Rs.7000.

(ii) Assistant Librarian/ College Librarian possessing Ph.D. in Library Science at the entry level, after completing service of 4 years in the AGP of Rs.6000, and if otherwise eligible as per guidelines laid down by the UGC shall be eligible for the higher AGP of Rs. 7000 with in the Pay Band of Rs. 15600-39100.

(iii) Assistant Librarian/ College Librarian not possessing Ph.D. but only M.Phil in Library Science at the entry level after completing service of 5 years in the AGP of Rs. 6000, if otherwise eligible as per guidelines laid down by the UGC, shall become eligible for the higher AGP of Rs. 7000.

(iv) After completing service of 6 years in the AGP of Rs. 6000 Assistant Librarian/ College Librarian without the relevant Ph.D. and M.Phil shall, if otherwise eligible as per guidelines laid down by the UGC and if any by the university, move to the higher AGP of Rs. 7000.

(v) The pay of the existing Assistant Librarian (Sr. Scale)/ College Librarian (Sr.Scale) in the pre-revised scale of pay of Rs. 10000-15200 shall be fixed in the Pay Band of Rs. 15600-39100 with AGP of Rs. 7000. at an appropriate stage based on their present pay,

(c) Deputy Librarian/ Assistant Librarian (Selection Grade)/College Librarian (Selection Grade)

(i) Deputy Librarians who are directly recruited at present shall be placed in the Pay Band of Rs. 15600-39100 with AGP of Rs. 8000 initially at the time of recruitment.

(ii) On completion of service of 5 years, Assistant Librarian (Sr.Scale)/ College Librarian (Senior Scale) shall be eligible for the post of Deputy Librarian/ equivalent posts in Pay Band of Rs. 15600-39100, with Academic Grade Pay of Rs.8,000, subject to their fulfilling other conditions of eligibility (such as Ph.D. degree or equivalent published work etc. for Deputy Librarian) as laid down by the UGC. They shall be designated as Deputy Librarian/ Assistant Librarian (Selection Grade)/ College Librarian (Selection Grade), as the case may be.

(iii) The existing process of selection by a Selection Committee shall continue in respect of promotion to the post of Deputy Librarian and their equivalent positions.

(iv) After completing 3 years in the Pay Band of Rs. 15600-39100 with an AGP of Rs. 8000, Deputy Librarians/ equivalent positions shall move to the Pay Band of Rs. 37400-67000 and AGP of Rs. 9000, subject to fulfilling other conditions of eligibility laid down by the UGC and if any by the university.

(v) Assistant Librarians (Senior Scale) in universities/ College Librarians (Senior Scale) in the AGP of Rs.7000 not possessing Ph.D. in Library Science or equivalent published work but who fulfill other criteria prescribed by the UGC and if any by the university, shall also be eligible for being placed in the AGP of Rs. 8000.

(vi) Incumbents to the posts of Deputy Librarian/ Assistant Librarian (Selection Grade)/College Librarian (Selection Grade) who have completed three years in the pre-revised pay scale of Rs. 12000-18300 on 1.1.2006 shall be fixed at an appropriate stage in the Pay Band of Rs. 37400-67000 with an AGP of Rs. 9000. They shall continue to be designated as Deputy Librarian/ Assistant Librarian (Selection Grade)/College Librarian (Selection Grade)

(vii) Incumbents to the posts of Deputy Librarian/ Assistant Librarian (Selection Grade)/College Librarian (Selection Grade) who have not completed the requirement of three years in the pre-revised pay scale of Rs. 12000-18300, for being eligible to be placed in the higher Pay Band of Rs. 37400-67000, shall be placed at an appropriate stage with Academic Grade Pay of Rs.8000 till they complete three years of service as Deputy Librarian/ Assistant Librarian (Selection Grade)/ College Librarian (Selection Grade).

(viii) Pay in regard to the directly recruited Deputy Librarians shall be initially fixed in Pay Band Rs. 15600-39100 with AGP of Rs. 8000. They shall move to the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000 after completing three years of service in the AGP of Rs. 8000.

(ix) The existing conditions of eligibility and academic qualifications prescribed by the UGC shall continue to be applicable for direct recruitment to the post of Deputy Librarian.

(d) Librarian (University)

(i) The post of Librarian shall be in the Pay Band of Rs. 37400-67000 with the Academic Grade Pay of Rs. 10000.

(ii) The existing conditions of eligibility and academic qualifications prescribed by the UGC shall continue to be applicable for appointment to the post of Librarian (University).

(iii) Deputy Librarian completing service of three years in the AGP of Rs. 9000 and otherwise eligible as per conditions prescribed by the UGC and if any by the university, shall also be eligible to be considered for appointment to the post of Librarian through open recruitment.

(iv) Incumbent Librarian (University) shall be placed at the appropriate stage as per the 'fixation formula' of the 6th CPC in the Pay Band of Rs. 3740-67000 with AGP of Rs. 10000.

6. Pay Scales and Career Advancement Scheme for Physical Education Personnel:

(a) Assistant Director of Physical Education(Assistant DPE)/ College Director of Physical Education (College DPE)

(i) The Assistant Director of Physical Education/ College DPE in the pre-revised pays scale of Rs. 8000-13500 shall be placed in the Pay Band of Rs.15600-39100 with AGP of Rs. 6000.

(ii) Pay of incumbent Assistant Directors of Physical Education/ College DPE shall be fixed at an appropriate stage in the Pay Band of Rs. 15600-39100 with an AGP of Rs. 6000, in accordance with the 'fixation formula' of the 6th CPC.

(iii) All existing conditions of eligibility and academic qualifications laid down by the UGC shall continue to be applicable for direct recruitment of Assistant Director of Physical Education/College DPE.

(b) Assistant Director of Physical Education (Senior Scale)/ College DPE (Senior Scale)

(i) Assistant Directors of Physical Education (Senior Scale)/ College DPE (Senior Scale) in the pre-revised pay scale of Rs. 10000-15200 shall be placed in the Pay Band of Rs. 15600-39100 with AGP of Rs. 7000.

(ii) Assistant Directors of Physical Education (Senior Scale)/ College DPE (Senior Scale) possessing Ph.D. in Physical Education at the entry level of Assistant DPE/ College DPE in the AGP of Rs. 6000 shall, after completing service of four years in the AGP of Rs.6000, and if otherwise eligible as per guidelines prescribed by the UGC and if any by the university, move to higher AGP of Rs. 7000 in the Pay Band of Rs. 15600-39100.

(iii) Assistant Directors of Physical Education (Senior Scale)/ College DPE (Senior Scale) possessing M.Phil in Physical Education at the entry level of Assistant DPE/ College DPE in the AGP of Rs. 6000 shall, after completing service of five years in the AGP of Rs. 6000, be eligible for the higher AGP of Rs. 7000.

(iv) Assistant Directors of Physical Education/ College DPEs without the relevant Ph.D. and M.Phil shall, after completing service of six years as Assistant Director of Physical Education/College DPE in the AGP of Rs. 6000, and if otherwise eligible as per guidelines prescribed by the UGC and if any by the university, be eligible for being placed in the AGP of Rs. 7000.

(v) Pay of incumbent Assistant Directors of Physical Education (Senior Scale)/ College DPE (Senior Scale) shall be fixed in Pay Band of Rs. 15600-39100 at an appropriate stage in the AGP of Rs. 7000, as per the 'fixation formula' of the 6th CPC.

(c) Deputy Director of Physical Education/ Assistant Director of Physical Education (Selection Grade)/ College Director of Physical Education (Selection Grade)

(i) After completing service of five years in the Pay Band of Rs. 15600-39100 with the AGP of Rs. 7000 and subject to satisfying other eligibility conditions laid down by the UGC and if any by the university, Assistant Director of Physical Education (Senior Scale)/ College DPE (Senior Scale) shall move to AGP of Rs. 8000 in the Pay Band of Rs. 15600-39100. They shall be designated as Deputy Director of Physical Education/ Assistant DPE (Selection Grade)/ College DPE (Selection Grade), as the case may be.

(ii) After completing service of three years in the Pay Band of Rs. 15600-39100 and the AGP of Rs. 8000 and subject to eligibility laid down by the UGC and if any by the university, Deputy DPE/ Assistant DPE (Selection Grade)/ College DPE (Selection Grade) shall move to the Pay Band of Rs. 37400-67000 with the AGP of Rs. 9000. They shall continue to be designated as Deputy DPE/ Assistant DPE (Selection Grade)/ College DPE (Selection Grade)

(iii) All Incumbents to the post of Deputy DPE/ Assistant DPE (Selection Grade)/ College DPE(Selection Grade) who have completed service of at least three years in the un-revised Pay Scale of Rs. 12000-18300 as on 1.1.2006 shall be eligible to be fixed in the Pay Band of Rs. 37400-67000 with AGP of Rs. 9000.

(iv) All incumbents to the post of Deputy DPE/ Assistant DPE (Selection Grade)/ College DPE (Selection Grade) whose services in the un-revised Pay Scale of Rs. 12000-18300 fall short of three years which would have made them eligible to move to the higher Pay Band, shall be placed at an appropriate stage at the AGP of Rs. 8000 in the Pay Band of Rs. 15600-39100 till they complete the required service of three years as Deputy DPE/ ADPE (Selection Grade)/ College DPE (Selection Grade) in the un-revised Pay Scale.

(v) Pay of the directly recruited Deputy DPE shall be initially fixed with the AGP of Rs. 8000 in the Pay Band of Rs. 15600-39100, and after completing 3 years of service directly recruited Deputy DPE and equivalents shall move to Pay Band Rs. 37400-67000 with AGP of Rs. 9000.

(d) Director of Physical Education (University):

(i) Post of Director Physical Education in universities shall be in the Pay Band of Rs. 37400-67000 with AGP of Rs. 10000.

(ii) Post of Director Physical Education (University) shall continue to be filled through direct recruitment and the existing conditions of eligibility i.e. the minimum qualification, number of years of relevant experience and other conditions prescribed by the UGC shall continue to be the eligibility for recruitment.

(iii) Pay of the incumbents shall be fixed at the appropriate stage in the Pay Band of Rs. 37400-67000 as per 'fixation formula' of the Government of India for 6th CPC.

7. Incentives for Ph.D./M.Phil and other higher qualification:

(i) Five non-compounded advance increments shall be admissible at the entry level of recruitment as Assistant Professor to persons possessing the degree of Ph.D. awarded in the relevant discipline by a university following the process of registration, course-work and external evaluation as prescribed by the UGC.

(ii) M.Phil degree holders at the time of recruitment to the post of Assistant Professor shall be entitled to two non-compounded advance increments.

(iii) Those possessing Post Graduate degree in a professional course such as LL.M/M.Tech etc., recognised by the relevant Statutory Body/Council, shall also be entitled to 2 non-compounded advance increments at the entry level.

(iv) Teachers who complete their Ph.D. degree while in service shall be entitled to three non-compounded increments if such Ph.D. is in the relevant discipline and has been awarded by a university complying with the process prescribed by the UGC for enrolment, course-work and evaluation etc.

(v) However, teachers in service who have been awarded Ph.D. at the time of coming into force of this Scheme or having been enrolled for Ph.D. have already undergone course-work, if any, as well as evaluation, and only notification in regard to the award of Ph.D. is awaited, shall also be entitled to the award of three non-compounded increments even if the university awarding such Ph.D. has not yet been notified by the UGC as having complied with the process prescribed by the Commission.

(vi) In respect of every other case, a teacher who is already enrolled for Ph.D. shall avail the benefit of three non-compounded increments only if the university awarding the Ph.D. has been notified by the UGC to have complied with the process prescribed by the Commission for the award of Ph.D. in respect of either course-work or evaluation or both, as the case may be.

(vii) Teachers in service who have not yet enrolled for Ph.D. shall therefore derive the benefit of three non-compounded increments on award of Ph.D. while in service only if such enrolment is with a university which complies with the entire process, including that of enrolment as prescribed by the UGC.

(viii) Teachers who acquire M.Phil. degree or a post graduate degree in a professional course recognised by the relevant Statutory Body/Council, while in service, shall be entitled to one advance increment. If post graduate qualification in a particular subject is not a mandatory requirement at the entry level of recruitment, acquisition of such a qualification for in service candidates shall also entitle them to one advance increment.

(ix) Five non-compounded advance increments shall be admissible to Assistant Librarian/ College Librarian who are recruited at entry level with Ph.D. degree in the discipline of library science from a university complying with the process prescribed by the UGC in respect of enrolment, course-work and evaluation process for the award of Ph.D. in library science.

(x) Assistant Librarian/ College Librarian and other Library personnel acquiring the degree of Ph.D. at any time while in service, in the discipline of library science from a university complying with the process prescribed by the UGC in respect of enrolment, course-work and evaluation shall be entitled to three non-compounded advance increments.

(xi) However, persons in posts of Assistant Librarian/College Librarian or higher positions who have been awarded Ph.D. in library science at the time of coming into force of this Scheme or having been enrolled for Ph.D. in library science have already undergone course-work, if any, as well as evaluation, and only notification in regard to the award of Ph.D. is awaited, shall also be entitled to the award of three non-compounded increments even if the university awarding such Ph.D. has not yet been notified by the UGC as having complied with the process prescribed by the Commission.

(xii) In respect of every other case of persons in the posts of Assistant Librarian/ College Librarian or higher positions who are already enrolled for Ph.D. shall avail the benefit of three non-compounded increments only if the university awarding the Ph.D. has been notified by the UGC to have complied with the process prescribed by the Commission for the award of Ph.D. in respect of either course-work or evaluation or both, as the case may be.

(xiii) Assistant Librarian/ College Librarian and others in higher Library positions in service who have not yet enrolled for Ph.D. shall therefore derive the benefit of three non-compounded increments on award of Ph.D. while in service only if such enrolment is with a university which complies with the entire process, including that of enrolment as prescribed by the UGC.

(xiv) Two non-compounded advance increments shall be admissible for Assistant Librarian/ College Librarian with M.Phil degree in Library Science at the entry level. Assistant Librarian/ College Librarian and those in higher positions acquiring M.Phil degree in Library Science at any time during the course of their service, shall be entitled to one advance increment.

(xv) Five non-compounded advance increments shall be admissible to Assistant Director of Physical Education/ College Director of Physical Education who are recruited at entry level with Ph.D. degree in the discipline of Physical Education from a university complying with the process prescribed by the UGC in respect of enrolment, course-work and evaluation process for the award of Ph.D. in Physical Education.

(xvi) Persons in posts of Assistant Director of Physical Education/ College DPE or higher positions acquiring the degree of Ph.D in the discipline of Physical Education, at any time while in service from a university complying with the process prescribed by the UGC in respect of enrolment, course-work and evaluation shall be entitled to three non-compounded advance increments.

(xvii) However, persons in posts of Assistant Director of Physical Education/ College DPE or higher positions who have been awarded Ph.D. in Physical Education at the time of coming into force of this Scheme or having been enrolled for Ph.D. in Physical Education have already undergone course-work, if any, as well as evaluation, and only notification in regard to the award of Ph.D. is awaited, shall also be entitled to the award of three non-compounded increments even if the university awarding such Ph.D. has not yet been notified by the UGC as having complied with the process prescribed by the Commission.

(xviii) In respect of every other case of persons in the posts of Assistant Director of Physical Education/ College DPE or higher positions who are already enrolled for Ph.D. in Physical Education shall avail the benefit of three non-compounded increments only if the university awarding the Ph.D. has been notified by the UGC to have complied with the process prescribed by the Commission for the award of Ph.D. in respect of either course-work or evaluation or both, as the case may be.

(xix) Assistant Director of Physical Education/ College DPE and others in higher Physical Education positions in service who have not yet enrolled for Ph.D. shall therefore derive the benefit of three non-compounded increments on award of Ph.D, while in service only if such enrolment is with a university which complies with the entire process, including that of enrolment as prescribed by the UGC.

(xx) Two non-compounded advance increments shall be admissible for Assistant Director of Physical Education/ College DPE with M.Phil degree in Physical Education at the entry level. Assistant Director of Physical Education/ College DPE and those in higher positions acquiring M.Phil degree in Physical Education at any time during the course of their service, shall be entitled to one advance increment.

(xxi) Notwithstanding anything in the foregoing clauses, those who have already availed the benefits of advance increments for possessing Ph.D./ M.Phil. at the entry level under the earlier scheme shall not be entitled to the benefit of advance increments under this Scheme.

(xxii) For posts at the entry level where no such advance increments were admissible for possessing Ph.D/ M.Phil. under the earlier scheme, the benefit of five advance increments for possessing Ph.D./ M.Phil. shall be available to only those appointments which have been made on or after the coming into force of this Scheme.

(xxiii) Teachers, Library and Physical Education cadres who have already availed the benefits of increments as per existing policy for acquiring Ph.D./M.Phil while in service, would not be entitled to benefits under this Scheme.

8. Other terms and conditions:

(a) Increments:

(i) Each annual increment shall be equivalent to 3% of the sum total of pay in the relevant Pay Band and the AGP as applicable for the stage in the Pay Band.

(ii) Each advance increment shall also be at the rate of 3% of the sum total of pay in the relevant Pay Band and the AGP as applicable and shall be non-compoundable.

(iii) The number of additional increment(s) on placement at each higher stage of AGP shall be as per the existing scheme of increment on promotion from lower Pay Scale to higher Pay Scale; however, in view of the considerable raise in effective pay between the two Pay Bands, there shall be no additional increment on movement from the Pay Band of Rs. 15600-39100 to the Pay Band of Rs. 37400-67000.

(iv) All issues relating to grant of advance increments to teachers engaged in engineering/ technical courses in the university system shall be subject to recommendations of the Committee separately constituted by the Central Government for pay review of teachers in technical education.

(b) Pay 'fixation formula':

The pay 'fixation formula' recommended by 6th Central Pay Commission as accepted by the Central Government shall be adopted for teachers and equivalent positions in the Library and Physical Education Cadres.

(c) Allowances:

(i) Allowances such as Leave Travel Concession, Special Compensatory Allowances, Children's Education Allowance, Transport Allowance, House Rent Allowance, Deputation Allowance, Travelling Allowance, Dearness Allowance, area based Special Compensatory Allowance etc. as applicable to teachers and Library and Physical Education Cadres, shall be at par with those accepted by the Central Government for Central Government employees on the recommendations of 6th Central Pay Commission and shall be applicable from 1.09.2008.

(ii) For teachers and equivalent positions in Library and Physical Education cadres in UGC maintained universities/colleges and institutions deemed to be universities, the rates of allowances as applicable to Central Government Group 'A' employees shall be adopted.

(iii) Teachers and equivalent positions in Library and Physical Education cadres, in UGC maintained universities/colleges and institutions deemed to be universities, with visual, orthopedic hearing or other disabilities under the provisions of 'Persons with Disabilities (Protection of Rights, Equal Opportunities and Full Participation) Act, 1995' shall be entitled to twice the normal rate of transport allowance as accepted by the Central Government on the recommendations of 6th CPC for Central Government Employees with disabilities.

(d) **Study Leave:**

(i) University Grants Commission shall revise its guidelines in respect of granting study leave with pay for acquiring M. Phil etc. and Ph.D. in the relevant discipline while in service by relaxing the number of years to be put in after entry while keeping in mind the availability of vacant positions for teachers and other cadres in colleges and universities, so that a teacher and other cadres entering service without Ph.D. or M.Phil. or higher qualification could be encouraged to acquire these qualifications in the relevant disciplines at the earliest rather than at a later stage of the career.

(e) **Research Promotion Grant:**

(i) University Grants Commission shall prescribe a scheme with appropriate guidelines for providing by way of appropriate 'start up grants' to teachers and other cadres taking up research in all disciplines including basic science research as recommended by 'Prof. M.M. Sharma Committee on Strengthening of Basic Science Research' and suitably adopted for research in social sciences/humanities and other disciplines by the UGC.

(f) **Age of Superannuation:**

(i) In order to meet the situation arising out of shortage of teachers in universities and other teaching institutions and the consequent vacant positions therein, the age of superannuation for teachers in Central Educational Institutions has already been enhanced to sixty five years, vide the Department of Higher Education letter No.F.No.1-19/2006-U.II dated 23.3.2007, for those involved in class room teaching in order to attract eligible persons to the teaching career and to retain teachers in service for a longer period. Consequent on upward revision of the age of superannuation of teachers, the Central Government has already authorized the Central Universities, vide Department of Higher Education D.O. letter No.F.1-24/2006-Desk(U) dated 30.3.2007 to enhance the age of superannuation of Vice- Cancellors of Central Universities from 65 years to 70 years, subject to amendments in the respective statutes, with the approval of the competent authority (Visitor in the case of Central Universities).

(ii) Subject to availability of vacant positions and fitness, teachers shall also be re-employed on contract appointment beyond the age of sixty five years up to the age of seventy years. Re-employment beyond the age of superannuation shall, however, be done selectively, for a limited period of 3 years in the first instance and then for another further period of 2 years purely on the basis of merit, experience, area of specialization and peer group review and only against available vacant positions without affecting selection or promotion prospects of eligible teachers.

(ii) Whereas the enhancement of the age of superannuation for teachers engaged in class room teaching is intended to attract eligible persons to a career in teaching and to meet the shortage of teachers by retaining teachers in service for a longer period, and whereas there is no shortage in the categories of Librarians and Directors of Physical Education, the increase in the age of superannuation from the present sixty two years shall not be available to the categories of Librarians and Directors of Physical Education.

(g) **Pension:**

(i) For teachers and other cadres in UGC maintained institutions in receipt of pension, the Central Government rules for pension and gratuity as applicable to Central Government employees shall be applicable. Recommendations of Sixth Central Pay Commission in respect of pension for Central Government employees, including eligibility for full pension i.e. 50% of average pay or last pay drawn whichever is higher after 20 years of qualifying service, shall be adopted for only those teachers and other cadres

who are already on pension in Central Universities/ colleges and other institutions deemed to be universities coming under the purview of the UGC .

(ii) In view of the new pension scheme effective from 1.1.2004, no new cases of conversion to pension scheme shall be allowed.

(h) **Family Pension:**

(i) Family Pension facilities as approved by the Central Government in respect of Central Government Employees on the recommendations of Sixth CPC shall be available to teachers and other cadres in Central Universities and other UGC maintained institutions who are eligible for such Pension at present.

(i) **Additional Quantum of Pension to senior pensioners:**

(i) The facility of additional quantum of pension accepted by the Central Government on the recommendation of 6th CPC for senior pensioners of the Central Government shall be extended to persons who are or were in teaching and other cadres on attaining the age of eighty years if they are already in pension scheme in Central Universities and other UGC maintained institutions.

(j) **Gratuity and Encashment of Leave:** Facilities of gratuity and encashment of leave accepted by the Central Government on the recommendation of 6th CPC for Central Government employees shall be extended to teachers and other cadres in Central Universities and other UGC maintained institutions.

(k) **Ex-Gratia Compensation:** Families of teachers and other cadres who die in performance of their bona fide duties shall be compensated in the same manner as similarly placed families of Central Government Employees.

(l) **Provident Fund:**

(i) In view of the present policy in regard to Contributory Provident Fund, the status quo shall continue.

(m) **Consultancy Assignments:**

(i) University Grants Commission shall work out a suitable model, for which the models of revenue sharing between institutions and consultant-teachers prevailing in the Indian Institutes of Technology, Indian Institutes of Management and other institutions may be taken into consideration.

(n) **Anomalies of the last PRC:**

(i) Anomalies and unimplemented recommendations of the last Pay Review Committee, if any, shall be examined by the University Grants Commission in consultation with the Ministry of Human Resource Development.

(o) **Other recommendations of PRC and UGC:**

(i) Recommendations made by the Pay Review Committee and the UGC in regard to the various selection processes, service and working conditions, training/ refresher courses etc. shall be considered appropriately by University Grants Commission with the approval of the Central Government, wherever required, or under the Commission's Regulations in accordance with the provisions of the University Grants Commission Act.

(p) **Applicability of the Scheme:**

(i) This Scheme shall be applicable to teachers and other equivalent cadres of Library and Physical Education in all the Central Universities and Colleges there-under and the Institutions Deemed to be Universities whose maintenance expenditure is met by the UGC. The implementation of the revised scales shall be subject to the acceptance of all the conditions mentioned in this letter as well as Regulations to be framed by the UGC in this behalf. Universities implementing this Scheme shall be advised by the UGC to amend their relevant statutes and ordinances in line with the UGC Regulations within three months from the date of issue of this letter.

(ii) This Scheme does not extend to the cadres of Registrar, Finance Officer and Controller of Examinations for which a separate Scheme is being issued separately.

(iii) This Scheme does not extend to the Accompanists, Coaches, Tutors and Demonstrators. Pay and Grade Pay of the said categories of employees shall be fixed in the appropriate Pay Bands relative to their existing Pay in each university/ institution corresponding to such fixation in respect of Central Government employees as approved by the Central Government on the basis of the recommendations of 6th Central Pay Commission.

(iv) This Scheme does not extend to the posts of professionals like System Analysts, Senior Analysts, Research Officers etc. who shall be treated at par with similarly qualified personnel in research/ scientific organizations of the Central Government.

(v) This Scheme may be extended to universities, Colleges and other higher educational institutions coming under the purview of State legislatures, provided State Governments wish to adopt and implement the Scheme subject to the following terms and conditions:

(a) Financial assistance from the Central Government to State Governments opting to revise pay scales of teachers and other equivalent cadre covered under the Scheme shall be limited to the extent of 80% (eighty percent) of the additional expenditure involved in the implementation of the revision.

(b) The State Government opting for revision of pay shall meet the remaining 20% (twenty percent) of the additional expenditure from its own sources.

(c) Financial assistance referred to in sub-clause (a) above shall be provided for the period from 1.01.2006 to 31.03.2010.

(d) The entire liability on account of revision of pay scales etc. of university and college teachers shall be taken over by the State Government opting for revision of pay scales with effect from 1.04.2010.

(e) Financial assistance from the Central Government shall be restricted to revision of pay scales in respect of only those posts which were in existence and had been filled up as on 1.01.2006.

(f) State Governments, taking into consideration other local conditions, may also decide in their discretion, to introduce scales of pay higher than those mentioned in this Scheme, and may give effect to the revised bands/ scales of pay from a date on or after 1.01.2006; however, in such cases, the details of modifications proposed shall be furnished to the Central Government and Central assistance shall be restricted to the Pay Bands as approved by the Central Government and not to any higher scale of pay fixed by the State Government(s).

(g) Payment of Central assistance for implementing this Scheme is also subject to the condition that the entire Scheme of revision of pay scales, together with all the conditions to be laid down by the UGC by way of Regulations and other guidelines shall be implemented by State Governments and Universities and Colleges coming under their jurisdiction as a composite scheme without any modification except in regard to the date of implementation and scales of pay mentioned herein above.

9. Date of implementation of revised pay and allowance and payment of arrears:

(i) The revised Pay and revised rates of Dearness Allowance under this Scheme shall be effective from 1.01.2006. The revised rates of all other applicable allowances such as House Rent Allowance, Transport Allowance, Children Education Allowance etc. and the non-compounded advance increments shall take effect from 1.09.2008.

(ii) Payment of arrears up to 40% of the total arrears shall be made during the current financial year i.e. 2008-09, after deduction of admissible income tax.

(iii) An undertaking shall be taken from every beneficiary under this Scheme to the effect that any excess payment made on account of Incorrect fixation of pay in the revised Pay Bands or grant of inappropriate Pay Band/ Academic Grade Pay or any other excess payment made shall be adjusted against the future payments due or otherwise to the beneficiary in the same manner as provided in this Ministry's O.M. No. F.23-7/2008-IFD dated 23.10.2008., read with Ministry of Finance (Department of Expenditure) O.M.No.F.1-1/2008-IC dated 30.8.2008.

10. The revised Pay in the relevant Pay Band and the Academic Grade Pay together with the applicable allowances including arrears of salary as mentioned above shall be paid to all eligible beneficiaries under this Scheme pending issue of Regulations by the UGC.

11. This Scheme is subject to the guidelines issued by the Ministry of Finance (Department of Expenditure) vide OM No. 7-23/2008-E.III dated 30.09.2008.

12. Anomalies, if any, in the implementation of this Scheme may be brought to the notice of the Department of Higher Education, Ministry of Human Resource Development, for clarification/decision of the Central Government.

Yours faithfully,



(R.Chakravarty)

Deputy Secretary to the Government of India

Copy to:

1. Vice Chancellors of all Central Universities/ Institutions Deemed to be Universities fully funded by the Central Government.
2. Principal Secretary to Prime Minister, South Block, Central Secretariat, New Delhi
3. Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi
4. Secretary, Department of Expenditure, North Block, New Delhi
5. Secretary, Department of Personnel & Training, North Block, New Delhi
6. Secretary, Department of Agriculture Research and Education, Krishi Bhavan, New Delhi.

7. Secretary, Ministry of Health and Family Welfare (Medical Education), Nirman Bhavan, New Delhi.
8. Member Secretary, All India Council for Technical Education, New Delhi
9. Chief Secretaries of all State Governments.
10. Web Master, Ministry of Human Resource Development for publication on the website of the Ministry, hosted by the National Informatics Centre.



(R.Chakravarty)

Deputy Secretary to the Government of India