



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI: D: 716 /2017 (LE)

Date: 19.06.2017

The Registrar
ITM University, Gwalior
NH-75, Jhansi Road,
Gwalior - 474 001
Madhya Pradesh

III

Sub: Letter for recognition of your University and fresh approval of affiliation to School of Law, ITM University, Gwalior, Madhya Pradesh for imparting five year BA LLB (Hons.) and five year B. Com. LLB (Hons.) law courses with an intake of two sections of 60 students in each section in each course.

Sir,

Legal Education Committee at its meeting held on **22nd October, 2016** considered the Inspection report of **School of Law, ITM University, Gwalior, Madhya Pradesh**. After consideration, Committee made the following recommendations: -

The Committee considered the inspection report of School of Law, ITM University, Gwalior, Madhya Pradesh and further, Committee is of the view that as per Section 7 (1) (i) of the Advocates Act, 1961 University be granted recognition for the purpose of conferring the degree of law for imparting three year and five year law courses and also granted fresh approval of affiliation extension of approval of affiliation for running B.A. LL.B (Hons.) five year course and B.Com LL.B (Hons.) five year course with an intake of two sections of 60 students in each section for a period of two years i.e. for the academic years 2016-2017 and 2017-2018 subject to the following conditions :-

Further, we find that there are only six class rooms. For next year, additional rooms will be required. University to construct by and before the conclusion of the present session and get it furnished.

So far, faculty members are concerned, we find that except for four faculty members all others are only identified and have not yet joined the said university. The University shall not start the said two courses before all the faculty members have joined with intimation to the Bar Council of India on affidavit.

Heads

Since, the university is going to give honours degree to the said two courses, they should follow the rule. The relevant rule i.e. Rule-4, Schedule II of the rules of Legal Education 2008 which has to be complied by the college is quoted herein :-

Rule - 4, Schedule II

“(b) For specialized and / or honors course, a student has to take not less than thirty eight papers in all, which shall include twenty compulsory papers, four clinical papers, six optional papers and eight papers in specialized/honors course in any Group as stipulated below. However if eight papers are taken from multiple of groups, honors can be given in general law without mentioning any specialization.

Example: “A” has taken eight honors papers selected as follows: two from Constitutional Law, three from Business Law, one from International Law and two from International Trade Law, his Honors shall be in Law. “B” takes eight papers from Constitutional Law group, his honors shall be mentioned in Constitutional Law.”

1. The college management is directed to establish the Legal Aid Centre as per Clause-11, Schedule-III of Rule-11 of the Part-IV of the Legal Education Rules - 2008.
2. College should ensure the payment of salary to teachers as per Rules 22 schedule III, Part IV of BCI Rules.
3. The institution is directed to upgrade the library as mentioned below :-

“Today with the increasing cost of journals, books, wi-fi, e-library and online facilities including I.T. facilities, the minimum investment by each university should be Rs. 10 lakhs for each year. However any university/deemed university in rural area, it should be Rs. 5 Lakh and for all other affiliated colleges in the urban area it should be Rs. 2 lakhs and in rural area Rs. 1 lakh.”

4. The institution is also directed to upgrade the library by subscribing 10 sets of Indian Bar Review, selected judgments and professional Ethics published by Bar Council of India Trust.
5. Teacher Student ratio shall be as per Schedule-III, Rule-11, Clause-17, Part-IV of Bar Council of India Rules.
6. The college must improve the moot court set up with requisite furniture and fixtures.
7. College is directed to inform the timings of the classes.

Further, the library should be furnished as per Clause 15 of Schedule III of Legal Education Rules 2008 is given below :-

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“Minimum Library requirement: To start with, a Law Library shall have a set of AIR manual, Combo offer of CD of AIR Pvt. Ltd. (containing electronic version of AIR Supreme Court and High Court Data bases Research 1950-2015 (four connections each) Cr. L.J. Data Base 1950-2015(four connections) AIR Privy Council Data Base 1900-1950 (four connections) AIR Mannual latest 6th Edition(1-45 Vols.) AIR Journal 2015, Cr. L.J. 2015, L.I.C. 2015, AIR Civil Cases 2015, AIR Law Lines 2015, AIR Cheque Dishonour Reports 2015, AIR Accident Claims and compensation 2015, Institution shall get electronic versions updated every year by AIR Pvt. Ltd. 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.”

Further, the institution should follow the attendance rule and file reply that they are going to follow the aforesaid rule. The next inspection team must see whether the said rule is being followed by the university or not. The relevant Rule 12 is given below :-

“12. End Semester Test: No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education , as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.”

Shree

College should also maintain the timing which has to be minimum 5 ½ hours with half an hour break. College to file an affidavit to the Bar Council of India within six weeks mentioning the timing of the classes. The relevant rules are quoted hereunder :-

Rule (xxiii), Chapter I

“(xxiii) “Regular Course of Study” means and includes a course which runs for at least five hours a day continuously with an additional half an hour recess every day and running not less than thirty hours of working schedule per week.”

Rule 5 of Schedule III

“Classes may be conducted between 8 a.m. to 7 p.m. in an Centre of Legal Education, which is not fully residential. However the Library may remain open till 10 p.m.”

Institution should submit affidavit in compliance to the above conditions within six weeks.

The college shall also comply with the following Rule of the Bar Council of India (Clause (iii) and Explanation 2 of Schedule IV in Part IV of new rules of the Bar Council of India):-

“Whenever approval of affiliation is granted to the Centres of Legal Education, it shall be necessary for the Centres of Legal Education to deposit Rupees Five Lakh in shape of guarantee to fulfil all the norms of the Bar Council of India. The same shall be liable to be forfeited if norms are not complied with and same shall carry no interest.”

The approval now granted by the Bar Council of India is subject to the payment of guarantee amount as mentioned in the above rule.

College authorities are also required to apply before the Bar Council of India for further extension of approval six months in advance before expiry of the period of approval of affiliation granted by the Bar Council of India. i.e. on or before 31st December, 2017.

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The above recommendations were considered by the Bar Council of India at its meeting held on 13th November, 2016 and accepted the same.

This is for your information and necessary action.

Yours Sincerely,

Srimanto Sen
(Srimanto Sen)

Secretary

Copy to:

1. **The Dean,
School of Law,
ITM University, Gwalior
NH-75, Jhansi Road,
Gwalior - 474 001
Madhya Pradesh**
2. **The Secretary,
Bar Council of Madhya Pradesh
High Court Campus
Jabalpur - 482 007 (MP)**
3. **The Secretary/Director,
Higher Education Govt. of Madhya Pradesh
Department of Information Technology
Mantralaya, Bhopal, Madhya Pradesh**
4. **The Secretaries,
of the other State Bar Councils (through e-mail)**