

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(s) (Civil) No(s). 70/2021

TAMANNA CHANDAN CHACHLANI

Petitioner(s)

VERSUS

BAR COUNCIL OF INDIA & ORS.

Respondent(s)

(IA No. 6836/2021 - EX-PARTE STAY)

WITH

W.P.(C) No. 171/2021 (X)

(IA No. 18184/2021 - STAY APPLICATION)

Date : 11-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. Rohit Kumar Singh, AOR
Mr. Saif Mahmood, Adv.
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Ms. Shweta Priyadarshini, Adv.
Ms. Jahanvi Worah, Adv.
Ms. Nishi Singh, Adv.
Mr. Shikher Gupta, Adv.
Mr. Shubham V. Gawande, Adv.

Mr. Rahul Shyam Bhandari, AOR
Ms. G Priyadharshni, Adv.
Mr. Satyam Pathak, Adv.
Mr. Prabhakar Pahepuri, Adv.
Mr. Harsh Vardhan, Adv.

For Respondent(s) : Ms. Radhika Gautam, AOR

Mr. Vivek K Tankha, Sr. Adv.
Mr. Varun Tankha, Adv.
Mr. Sumeer Sodhi, AOR
Ms. Bhawana Mapwal, Adv.
Mr. Inder Dev Singh, Adv.
Mr. Vipul Tiwari, Adv.

Mr. Anshuman Sharma, Adv.

Mr. Sriharsh Nahush Bundela, AOR
Mr. Azaz Ahmed, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The two Writ Petitions primarily call in question Clause 20(3) of the notification dated 02.07.2021 issued by the Bar Council of India ("BCI") and published in the Gazette. By virtue of the notification, the BCI promulgated the Bar Council of Legal Education (Post Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education) Rules, 2020. Clause 20(3) reads as under:

"(3) One year LL.M. obtained from any foreign University is not equivalent to Indian LL.M. degree. However one year LL.M. degree obtained after an equivalent LL.B. degree from any highly accredited Foreign University may entitle the person concerned to be appointed as a visiting professor in an Indian University for at least one year so as to consider such One year LL.M. degree with one year teaching experience as a Visiting Faculty/internee faculty/clinical faculty the Master degree obtained on one year term may be considered equivalent."

2. The first Writ Petition was filed on 11.01.2021 and the Writ Petition of the Consortium of National Law Universities was filed on 03.02.2021. Pending the Writ Petitions, on 07.03.2021, in a meeting convened by the BCI, which had participation from the Bar Council and the academia and the representatives of the University Grants Commission, a resolution was passed in the following terms:

"After thorough discussion and deliberation, the meeting finally resolved that keeping in view the opinions received, the one year LL.M should not be scrapped and it should be allowed to run subject to it being an intensive programme run only by Centres of Legal

Education having a centre for Post Graduate Legal Studies with faculty, infrastructure and library. Bar Council of India shall grant approval to only such Institutions, who have infrastructure and follow the norms prescribed by U.G.C. in this regard.

Moreover, it was further resolved that based on the views and legal case cited, for the purposes of teaching, the one year LL.M should be atleast qualified by a 6 month professional teachers training course to be imparted at centers to be earmarked by Bar Council of India, including the Indian Institute of Law, at Bhubaneswar, for becoming an Assistant Professor.

2 year LL.M degree holders qualifications will be eligible for teaching purposes while 1 year LL.M degree holders would be sought to be made eligible to teach LL.B degree courses in the capacity of Assistant Professor pursuant to obtaining a 6 months professional teachers training programme of the nature envisaged for becoming Assistant Professor.

For becoming an Associate Professor or Professor of Law, a 2 year LL.M Degree would be required.

However, anyone having a 1 year LL.M. Degree regardless of having a Ph.D. Degree which is a necessary qualification for direct appointment as an associate professor, shall be required to undergo 1 year professional teachers training course to become eligible to be considered for an Associate Professor or Professor of Law.

Anyone having done a 6 months professional teachers training programme, after 1 year LLM in order to be eligible for Assistant Professor, shall be further required to do another 6 months of professional teachers training programme in order to be further considered for Associate Professorship/Professorship apart from other requirements of having necessary publications in reputed journals etc.

The said decision would be made effective only after the decision of the Hon'ble Supreme Court. Office of Bar Council of India is directed to bring this resolution on record in Writ Petition (Civil) No.70/2021 titled as

Tamanna Chandan Chachlani Vs. Bar Council of India & Ors., Writ Petition (Civil) No.113/2021 titled as Rishabh Soni Vs. Bar Council of India & Ors. and Writ Petition No.171/2021 titled as Consortium of National Law University Vs. Bar Council of India & Ors. before Hon'ble Supreme Court.

Resolved accordingly."

3. This has narrowed the grievance further since the only surviving grievance is with regard to the insistence on the teaching experience of 1 year for those with the 1 year LL.M. degree whether obtained from Indian University or foreign University, for the LL.M. degree to be recognised. Also it transpired in the proceedings before us today that a subsequent circular has been issued by the BCI to the effect that only those holding a recognised LL.M. degree can pursue further studies in law. The said circular is confined in its application to 1 year LL.M. degree holders from foreign universities. Though the validity of the circular is specifically not in challenge before us, the petitioner submits that an amendment will be moved challenging the circular dated 20.05.2024 issued by the BCI.

4. It is appropriate that a response to the petition be elicited from the Union of India through the Ministry of Law and Justice, the Union of India through the Ministry of Education and the University Grants Commission.

5. Pending completion of pleadings, we feel that it would be appropriate if the BCI, like they did on 07.03.2021, convene one more meeting before the next hearing, involving all the

stakeholders so that they could brainstorm over the outstanding issues and an attempt can be made to resolve them. This is without prejudice to the rights and contentions of the parties.

6. List the matters on 22.04.2025.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR