The Vice-Chancellor,
University of Delhi,
Chhatra Marg,
Delhi - 7

Sub: Consideration of the representation dated 24th August, 2016 submitted by the Registrar, University of Delhi.

Sir,

The Standing of the Legal Education Committee at its meeting held on 20th August, 2016 considered the representation dated 17.8.2016 submitted by the University of Delhi. After consideration, Committee made the following recommendations:

The matter was taken up. The committee considered the letter of the Registrar of Delhi University dated 17th August, 2016. The crux of the letter was a request for review of the recommendations of the Legal Education Committee of the Bar Council of India dated 6th August, 2016. In the last para of the said letter they made a request that faculty of law may kindly be granted an opportunity to present its case. In view of that, this Committee thought to give an opportunity to the Dean of Law, Delhi University. Professor Dr. S.C. Raina, presented himself before this committee today and discussed with the committee in detail. He was agreeable that since 2016-17 session, Delhi University will follow the statutory rule of the Bar Council of India in letter and spirit. No further admission will be made from 2016-17 for evening classes and also agreed with the recommendations made by the Legal Education committee dated 6th August, 2016. However, he had some reservation in respect of admission of extra students only for session 2016-17 and in respect of batch of students of evening classes who have already passed 1st and 2nd year of the three year law.

The only request was these two batches of evening classes (II year and III year of Law Centre-II) be permitted to be held till 9.30 p.m. as one time settlement.

The other request was that for 2016-17, the strength for admission to three year course instead of 480 students per centre (which has been calculated as per previous order) should be increased to 767 per centre to adjust the students advertised for admission, total to 2301 students. Prof. S.C. Raina, Dean, further said, this shall be only for 2016-17 as one time settlement because students are already waiting for admission and now they cannot go to any other colleges. For subsequent years, the figure as quantified at 480
per centre shall be followed. However, it was thought proper before a
decision is made, University should give undertaking before this
Committee which Dean promises will be sending this by tomorrow i.e.
21.8.16 by 10:30 a.m.

Put up this matter for tomorrow i.e. 21.8.16 for further consideration, along
with representation of Mr. Vikas Khatri dated 19.8.16.

Then again the Committee at its meeting held on 21st August, 2016
considered the inspection report of Centre-II and letter of Mr. Vikas
Khatri. After consideration the Committee decided as follows:

The Standing Committee considered the inspection report submitted by the
inspection team of the Bar Council of India. The Committee considered the
representation dated 19th August, 2016 of in terms of order dated 12th August,
2016 passed by the High Court of Delhi in Writ Petition (C) 6611/2016.

A separate order has been passed in the matter of law students of Delhi
University compositely in which continuing with the evening classes for the
batches already admitted has been considered that order so far continuing with
evening classes of such students will apply to the representation of Shri Vikas
Khatri also. Now evening classes can continue for such students up to 9.30 p.m.
as recorded in the said order.

Then again the Committee at its meeting held on 13th & 14th
After consideration the Committee decided as follows:

It is very unfortunate that after long discussion with the Dean, Faculty of
Law of the Delhi University which resulted into undertaking being filed by the university through the Registrar on 20th August, 2016. This
letter dated 24th August, 2016 by the Registrar seeking in effect for
modification of the undertaking and reviewing the matter;

After final discussion, all the matters which is pending with the courts were
sought to be settled through undertaking but this letter has not been filed
in the spirit in which undertaking was given. I am quoting the relevant part
of the letter of the Registrar for consideration of this Committee:

"With regard to the recommendation for not admitting
students for evening classes from 2016-2017, it is humbly
submitted that this issue is a subject matter of adjudication
vide writ petitions which are pending before the Hon’ble High
Court of Delhi. Therefore, the matter being sub judice, it is
requested that the BCI may kindly wait for the outcome of the
cases in this matter."

Why evening classes cannot be continued a detailed resolution
and communication was already passed, apart from it, it
would be violation of statutory rule under the Parliament Act.

As per undertaking in respect of students of second and third year of Law
Centre-1 and Law Centre-II to help them to complete their course in the
evening session in which they have been enrolled. It has given the following
undertaking:

"As per Legal Education Committee’s recommendations,
classes of LC-II first year students of 2016-2017 batch will be
continued and will be entitled to the morning classes.

As per order of University of Delhi, second and third year students of Law
Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.

As per order of University of Delhi, the students of second and third year of
Law Centre-I and Law Centre-II will be entitled to the morning classes as per
undertaking of Dean.
conducted in the new building at North campus till the time an alternate arrangement for LC-II is made at Dwarka, for which the DDA has allotted land to the University, and the University has funds for the construction of buildings. The classes of LC-II students only for batches of 2014-17 and 2015-18 (i.e. existing 2nd and 3rd year) will continue to be conducted from ARSD building, South Campus upto 9.30 pm.

The LC-I shall continue to operate from the North Campus. Classes of earlier batches of 2014-17 and 2015-18 (i.e. existing 2nd and 3rd year) of LC-I will be held in the North Campus upto 9.30pm till such batches are over.”

Finally the last few lines, the further undertaking is : “The University of Delhi in general, and Faculty of Law in particular, are committed to abide by the applicable rules and regulations.”

After this undertaking question of again modification does not arise.

The second request is quoted hereunder :-

“It is also humbly requested that the Faculty of Law, while complying with the BCI rules, may kindly be given the liberty to determine the timing and location of conducting the class/es of the three Centres in the approved premises in the North Campus as per functional and operational requirements of these Centres in the best interest of the students.”

After all these matter being considered before filing the undertaking, once again requesting the same shows indecisive mind of the university.

Hence, question of modification of giving back liberty to the university to determining their timing and location of conducting the classes of three centres does not arise. These three centres were examine by high power inspection team considered by Legal Education Committee and finally accepted through the undertaking. Hence question of granting this relieve does not arise.

So far, the last request of the university is quoted hereunder :-

“Further, with regard to the imposition of penalty of rupees 30 lakhs for default, the University would like to reiterate its request to the BCI to kindly waive the penalty amount because of the fact that it is a public-funded educational institution receiving grants from the government through the University Grants Commission, wherein no fund is allocated in the budget for payment of such penalty. The University hopes that the BCI would kindly accede to the request of the university as it is cooperating with the BCI for maintaining the standards of Legal Education.”

The principle of getting default money as already recorded there more in the interest of the university and the interest of the students because the other option is where any university or centre of legal education admits student for any law course without getting approval of the Bar Council of India would be violative of Rule 14. The consequences then would be very serious of suspending the said centres for two years and the students who
an advocate. The principle was culled out by Sub-Committee of Hon'ble Mr. Justice Kurain Joseph as then was under the Bar Council of India to take default money of Rs. 2,00,000/- per year of such default to regularize the session and save the carrier of the students. This principle is being applied for the last several years and every university and centre of legal education who falls under this category all over India are paying the default money accordingly. For these reasons, it would not be proper to modify the same. Hence, all these requests cannot be acceded to.

The above recommendations were considered by the Legal Education Committee at its meeting held on 22nd October, 2016 and General Council of the Bar Council of India at its meeting held on 13th November, 2016 and approved the same.

This is for your information and necessary action.

Yours Sincerely,

(Srimanto Sen)
Secretary

(N. Senthil Kumar)
Asstt. Secretary/HOD, L.E.

Copy to:

1. The Registrar,
   University of Delhi
   Chhatra Marg, Delhi-7

2. The Head of the Department
   Campus Law Centre (CLC),
   Faculty of Law, University of Delhi,
   Chhatra Marg, Delhi-7

3. The Head of the Department
   Campus Law Centre-I, (Main Campus)
   Faculty of Law, University of Delhi,
   Chhatra Marg, Delhi-7

4. The Head of the Department
   Law Centre-II, Faculty of Law,
   A.R.S.D. College. Dhaula Kuan,
   Delhi – 21

5. Bar Council of Delhi
   2/6, Sirifort Institutional Area,
   Khel Gaon Marg,
   Delhi – 110 049

6. The Director,
   Directorate of Higher Education,
   Govt. of Delhi, “B” Wing, 5 sham Nath Marg,
   Govt. of NCT of Delhi,
   Delhi

7. The Secretaries,
   of the other State Bar Councils (through e-mail)