

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 731
TO BE ANSWERED ON FRIDAY, THE 29th NOVEMBER, 2024**

Directives of BCI to Law Universities

731. Shri Manickam Tagore B :

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the legal grounds on which the Bar Council of India (BCI) issue the directives restricting private law universities from using terms like “India”, “Indian”, “National”, “Bharat”, “Bhartiya”, and “Rashtriya”;
- (b) the reasons for issuance of such directives by the BCI indicating the specific instances of misuse that led to this decision;
- (c) the manner in which such directives affect the autonomy and branding of private law universities in India;
- (d) the details of criteria and justification to exempt the National Law Universities (NLUs) from such directives;
- (e) the process for private law universities to obtain approval from the Union Government to use above said terms;
- (f) the manner in which the BCI ensure compliance with such directives along with penalties proposed to be imposed on non-compliant institutions; and
- (g) the manner in which such directives align with the Emblems and Names (Prevention of Improper Use) Act, 1950, and the measures being taken to prevent misuse of national emblems and names?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a): The Bar Council of India derives its authority to issue these directives from two primary statutes, the Emblems and Names (Prevention of Improper Use) Act, 1950, and the Advocates Act, 1961. Section 3 of the Emblems and Names Act prohibits the use of terms such as “India,” “National,” or “Bharat” for professional or commercial purposes without prior approval from the Central Government. Section 4 further restricts the registration of organizations using these terms unless specifically authorized. The

Advocates Act, 1961, empowers the BCI to regulate legal education and establish uniform standards under Section 7 and to frame rules for governance under Section 49. These directives ensure adherence to constitutional principles by preventing misleading impressions of governmental or national endorsement, thereby fostering transparency and fairness.

(b): The BCI issued this directive vide its letter numbers BCI:5386/2024 dated 15.10.2024 in view of several instances of misuse of terms such as “National” and “India,” which created misleading impressions. Misleading titles, such as “National Moot Court Competition,” falsely suggested Government/official endorsement/recognition or national stature. Additionally, terms were used to imply governmental endorsement, attracting sponsorships under false pretenses. Such practices diluted the credibility of genuine national events organized by recognized institutions.

Some specific instances of misuse in the year 2024 itself, before the issuance of the above referred circular and which formed one of the grounds for the issuance of the circular are as :-

1. Viswanath Pasayat Memorial National Moot Court Competition 2024 by Birla Global University, Bhubaneswar [Oct 2-4;]
2. 3rd Lakshmi Chand National Moot Court Competition by LCIT College of Commerce and Science, Bilaspur [September 27-28;]
3. 5th National Moot Court Competition by Career Point University, Hamirpur [May 24-25]

One specific instance involved J.C. College of Law, Guntur, Andhra Pradesh, which announced the “4th National Moot Court Competition” without obtaining the necessary authorization after issuance of the above referred circular. The BCI issued a Show Cause Notice (No. BCI: 2316:2024) on November 11, 2024. The college responded promptly, offering an unconditional apology and rectifying the error within 24 hours by removing the term “National” from promotional materials. Based on their corrective measures, the BCI emphasized compliance and refrained from punitive actions, highlighting its approach of corrective enforcement over penalties.

(c): The directive does not impede the autonomy of private law universities. Institutions retain the freedom to organize events and promote their initiatives, provided they avoid using restricted terms without appropriate approvals. By promoting fair practices, the directive ensures that no institution gains undue advantages through deceptive branding. This encourages transparency, ensuring that events are accurately represented, and enhances credibility when institutions adhere to these guidelines. The directive ultimately creates a level playing field, supporting fairness and trust in the legal education system.

(d): National Law Universities (NLUs) has been established under State Legislations, with terms like "National" integral to their identity. Their events often involve significant participation and given their reputation carry importance. These institutions qualify for exemptions as their statutory basis provides justification for using restricted terms. However, as per the above referred circular of BCI, even NLUs must notify the Central Government for approval when organizing events having restricted terms. This ensures that the use of terms “National” remains transparent and complies with the

guidelines, while acknowledging the stature and mandate of NLUs. Similarly, Departments of Law within Central Universities or State Universities, which are Government funded institutions, may also use these terms, when the event displays such character, provided they comply with the process of formal intimation to the Central Government. This condition ensures that entities whether statutory or government are facilitated in organizing genuine national-level events. The Ministry of Law and Justice, Department of Legal Affairs reserves the right to review and request further details or deny usage as it may deem fit and necessary.

(e): Private law universities seeking to use terms such as “India,” “National,” or “Bharat” must submit an application to the Department of Legal Affairs, Ministry of Law and Justice. The application should include the proposed event title, purpose, justification for using the restricted term, and details of participation and scope. The Ministry will evaluate whether the event aligns with national importance and communicate its decision, providing reasons for approval or rejection.

(f): The BCI ensures compliance through regular monitoring of event materials, websites, and online platforms. It acts on grievances reported by stakeholders. For instance, J.C. College of Law’s misuse of the term "National" prompted the issuance of a Show Cause Notice. The college’s immediate corrective action emphasized compliance over penalties.

Proposed penalties for violations include issuing Show Cause Notices requiring explanations, revocation of recognition/ approval for persistent violations, legal prosecution under the Emblems and Names Act, and restrictions on organizing future events. This approach prioritizes corrective measures while maintaining accountability.

(g): The directive aligns with the Emblems and Names Act by preventing unauthorized use of restricted terms, thereby promoting fairness, transparency, and integrity in the given area of the legal education. It ensures that events are accurately represented and not misleadingly associated with national or government endorsement. The example of J.C. College of Law illustrates the BCI’s balanced approach to enforcement, focusing on compliance and corrective measures over punitive actions. This promotes a trustworthy and equitable legal education ecosystem in India.
