

SECTION: PIL

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
IN
WRIT PETITION (CIVIL) NO.1030 OF 2020

IN THE MATTER OF:

RAKESH KUMAR AGARWALLA & ANR.

...PETITIONERS

VERSUS

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BENGALURU & ORS.

....RESPONDENTS

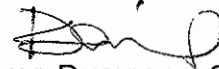
INDEX

S. NO.	PARTICULAR	COPIES C/FEE
1.	COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT No.1	1+3
2.	Annexure-R-1/1 to R-1/18	1+3
3.	Application on behalf of Respondent No.1 seeking exemption from filing Duly attested original Counter Affidavit	1+3

CC: MR. VIPIN NAIR, ADV.

MR. K. PARAMESHWAR, ADV.

Filed By:



(KUMAR DUSHYANT SINGH)
ADVOCATE FOR THE RESPONDENT No.1
27, LAWYERS CHAMBER,
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CODE NO. 2220
MOB: 9717268550

Clerk: I.C. No.6418
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WITH

[COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No.1]

WITH

**[APPLICATION ON BEHALF OF RESPONDENT No.1 SEEKING EXEMPTION
FROM FILING DULY ATTESTED ORIGINAL COUNTER AFFIDAVIT]**

PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE RESPONDENT NO.1: KUMAR DUSHYANT SINGH

RECORD OF PROCEEDINGS

Sr. No.	DATE OF RECORD OF PROCEEDINGS	PAGES
1.		---
2.		---
3.		---
4.		---
5.		---
6.		---
7.		---
8.		---

INDEX

<u>SR. No.</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
1.	COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No.1	1-38
2.	<u>ANNEXURE-R-1/1:</u> True Copy of the relevant extract of the Minutes of the First Meeting of the Executive Council.	39-40
3.	<u>ANNEXURE-R-1/2:</u> True Copy of the minutes of the meeting dated 12.12.1987.	41-59
4.	<u>ANNEXURE-R-1/3:</u> True Copy of the minutes of the meeting of the Executive Council of NLSIU dated 27.01.2007.	60-64
5.	<u>ANNEXURE-R-1/4:</u> True Copy of the minutes of the meeting of the Executive Council of NLSIU dated 13.05.2007.	65-68
6.	<u>ANNEXURE-R-1/5:</u> True Copy of the order dated 28.11.2018 in W.P.(C) No.600 of 2015 titled as " <i>Shamnad Basher Vs. Union of India</i> ".	69-73
7.	<u>ANNEXURE-R-1/6:</u> True Copy of the relevant extract from the Executive Committee's Resolution dated 11.09.1988.	74
8.	<u>ANNEXURE-R-1/7:</u> A detailed note explaining the aforesaid timeframe required for completion of an academic year.	75
9.	<u>ANNEXURE-R-1/8:</u> True Copy of the Communication of Nirma University to the Registrar of NLSIU dated 12.09.2020.	76

10.	<u>ANNEXURE-R-1/9:</u> True Copy of the table prepared by the Respondent No.2 and produced in his Counter-Affidavit, describing the said efforts.	77-80
11.	<u>ANNEXURE-R-1/10:</u> True Copy of minutes of the faculty meeting dated 06.08.2020.	81-83
12.	<u>ANNEXURE-R-1/11</u> True Copy of the draft minutes of the 91 st Executive Council meetings dated 12.08.2020 and 18.08.2020.	84-86
13.	<u>ANNEXURE-R-1/12:</u> True Copy of the Report of the Admissions Committee.	87-90
14.	<u>ANNEXURE-R-1/13:</u> True Copy of the minutes of the Faculty Meeting dated 31.08.2020.	91-93
15.	<u>ANNEXURE-R-1/14:</u> True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, issued to the Nominee of the Chancellor and Executive Council members.	94-95
16.	<u>ANNEXURE-R-1/15:</u> True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, addressed to the Faculty of NLSIU.	96-97
17.	<u>ANNEXURE-R-1/16:</u> True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, addressed to the Consortium of National Law Universities.	98-99
18.	<u>ANNEXURE-R-1/17:</u> The Proctoring Protocol established by NLSIU to effectively detect candidate malpractice.	100-103

19.	<u>ANNEXURE-R-1/18:</u> True Copy of the press release issued by NLSIU on 12.09.2020 depicting the said facts.	104
18.	APPLICATION ON BEHALF OF RESPONDENT No.1 SEEKING EXEMPTION FROM FILING DULY ATTESTED ORIGINAL COUNTER AFFIDAVIT	105-108

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COUNTER-AFFIDAVIT OF RESPONDENT NO.1

I, Prof. Sarasu Esther Thomas, daughter of Mr. A.M. Thomas, aged about 47 years, residing at Faculty Quarters, Block 2, National Law School of India University, Nagarbhavi, Bangalore – 560 072, Registrar of the Respondent No.1-University (NLSIU), solemnly swear on oath and state as follows:

1. The above Writ Petition is not maintainable, is without merits and liable to be dismissed *in limine*.
2. The above Petition is filed calling in question the decision of NLSIU to hold an admissions test called National Law Admissions Test, 2020 (NLAT 2020), for selecting candidates to join the five-year B.A.LL.B (Hons.) undergraduate programme and one-year LLM postgraduate programme.

3. NLSIU submits that the above Writ Petition is liable to be dismissed for the following reasons.
 - a. The Petitioners lack *locus standi* to maintain the present Petition.
 - b. The decision to implement NLAT 2020 is entirely justified in the facts of the case, and is in the public interest and in the interest of students at large, because implementation of NLAT 2020 is the only way to avoid a 'Zero Year', where students will lose the opportunity to join NLSIU in the current academic year.

The academic year at NLSIU must be of at least 285 days' duration, for reasons more fully explained herein below. The academic year for the incoming batch of first-year students for the Academic Year 2020-21 will fall short of 285 days if NLSIU does not complete admissions by 18.09.2020.

Therefore, postponement of CLAT 2020 from 07.09.2020 to 28.09.2020 rendered completion of admissions to NLSIU and commencement of term by 18.09.2020, impossible. To ensure that students aspiring to join classes in Academic

Year 2020-21 were not, consequently, denied the opportunity to study in NLSIU, NLSIU implemented NLAT 2020.

- c. The implementation of NLAT 2020 is also permitted under, and in accordance with, applicable law. As per the NLSI Act, the Executive Council is the Chief Executive Body of NLSIU. The Executive Council has categorically authorised the Respondent No.1 conduct its own admissions process. The impugned examination, NLAT, is held pursuant to the said categorical and unanimous decision of the Executive Council.

Further, the Memorandum of Association and Bye-Laws of the Consortium of National Law Schools, which conducts the CLAT exam, do not prohibit a member from conducting its own admissions test to determine admissions, especially when CLAT is not held by the Consortium. In any event, even assuming without admitting that the Bye-Laws do not permit it, the same would result purely in a dispute amongst members of Consortium, and cannot be urged in this Writ Petition.

Re. Maintainability

4. The Petitioner No.1 claims to be the father of an aspiring law student. However, absolutely no materials are placed on record to depict the said fact. Further, it is neither averred that the child of the Petitioner No.1 is a minor, nor is any material or evidence depicting his / her minor status placed on record. As such, the Petitioner No.1 has no right to move the Petition on behalf of his child.
5. Pertinently, no student has, himself or herself, filed any proceedings calling NLAT 2020 in question before this Hon'ble Court.
6. The Petitioner No.2 is the Chairperson of a private law college, viz., Vivekananda Institute of Professional Studies. Every institution imparting legal education in the country has an interest in the outcome of the present litigation. The above college is not a member of the Consortium and Petitioner No.2 is not aggrieved in any manner. It is also sad that the Petitioner No. 2, having been the Vice-Chancellor, has chosen to file this writ petition, knowing fully well that holding the exam, tentatively, on 28th September, would have resulted in a complete washout for NLSIU. On the

other hand, the other 21 colleges would not be affected as they follow a semester system.

7. Without prejudice to the foregoing preliminary contentions regarding maintainability, NLSIU craves leave to submit, regarding the merits of the matter, as follows.

RE. FACTUAL BACKDROP RELATING TO NLAT 2020

Brief Background regarding NLSIU

8. NLSIU is established pursuant to a joint initiative of the Hon'ble Judiciary, the Bar Council of India ("BCI") and the Karnataka Bar Council, with a view to create a premier institution of legal education in India. It was set up by the National Law School of India Society, established by BCI Trust, as a society under Karnataka Societies Registration Act, 1960, comprising members of the Bar and legal academics to establish a leading national institution for legal studies. The said society approached the Government of Karnataka to host the school in Karnataka. The State of Karnataka, agreeing to such request, enacted the National Law School of India Act, 1986 (Karnataka Act No.22 of 1986) for this purpose ("NLSI Act").

- 6
9. NLSIU, which was established as an autonomous, national-level institution under the NLSI Act, is now recognized globally as the premier institution for imparting legal education in the country to students from India and overseas.
 10. NLSIU, at present, offers the following courses of legal study:
 - a. five-year undergraduate programme leading to the award of B.A., LL.B. (Hons.) degree;
 - b. one-year postgraduate programme leading to the award of LL.M degree;
 - c. two years Master of Public Policy post graduate programme; and
 - d. Ph. D. / M. Phil. Research Degree programme.
 11. NLSIU carries out its functions autonomously, regulated by its governing bodies under the NLSI Act, in consonance with the professional legal education standards prescribed by the BCI. In exercise of its said autonomy, NLSIU defines its own pedagogy and the structure of the courses of legal studies to be offered by it, as also various structural elements such as its academic calendar, faculty, intake and capacity, *etcetera*.

Brief Background regarding History of Admissions to NLSIU and Genesis of CLAT

12. From inception, NLSIU has had autonomy in determination of its admissions' process. The mode of admission into the University was originally fixed by the Executive Council, in its first meeting dated 29.08.1987 to 30.08.1987, wherein it was decided as follows:

The draft proposal of the Academic Council to have the selection of the students done through an All India admission test and interview was approved. The procedure for admission Test and the selection may be decided by the Academic Council and implemented by the Director. However, the Executive Council disapproved the recommendation of the Academic Council to pay one-way second-class train fare to the students called for the interview. The Council noted the sample objective type question paper presented by the two experts on the request of Professor Upendra Baxi. However, the matter for finalizing the test was left to the Academic Council and the Director. The Council noted the format of admission Test provided by M/s. R.C. Mishra and C.B. Dwivedi of Banaras Hindu University as the instance of Professor Upendra Baxi.	Actions will be taken as per the decision of the Executive Council.
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True Copy of the relevant extract of the Minutes of the First Meeting of the Executive Council is annexed herewith and marked as ANNEXURE-R-1/1. (Page No. **39-40**)

13. Pursuant thereto, the Academic Council of NLSIU met on 12.12.1987 and resolved the final procedure for admission. True Copy of the minutes of the meeting dated 12.12.1987 is annexed herewith as ANNEXURE-R-1/2. (Page No. **41-59**)
14. Until 2007, NLSIU was conducting its own entrance examination for admissions into its various programmes. Pertinently, even till date, NLSIU continues to conduct its own admissions process for the MPP programme and Ph. D. programme mentioned in paragraphs 10(c) and 10(d) above.
15. In or around 2007, in the backdrop of proceedings before this Hon'ble Court in *Varun Bhagat v. Union of India and Ors.*, W.P.(C) No. 68 of 2006, a meeting of the (then-existing) seven National Law Universities was convened by the Ministry of Human Resource Development to consider implementation of a joint entrance examination for admission to the said NLUs. The seven NLUs entered into an MOU to conduct a common test

known as the Common Law Admission Test (CLAT). It was agreed that each participating University shall conduct the exam by rotation. The matter of adopting such a common entrance test was also deliberated by the Executive Council of NLSIU, in its meetings dated 27.01.2007 and 13.05.2007, wherein the Executive Council directed that NLSIU should ensure it plays a lead role in implementation of such common entrance test. True Copy of the minutes of the meeting of the Executive Council of NLSIU dated 27.01.2007 is annexed herewith and marked as ANNEXURE-R-1/3. (Page No. **60-64**)

True Copy of the minutes of the meeting of the Executive Council of NLSIU dated 13.05.2007 is annexed herewith and marked as ANNEXURE-R-1/4. (Page No. **65-68**)

16. Thereafter, the CLAT process itself was called in question before this Hon'ble Court in two separate proceedings, i.e., *Shamnad Basheer v. Union of India*, W.P.(C) No. 600 of 2015 and *Disha Panchal v. Union of India*, W.P.(C) No. 551 of 2018. In *Disha Panchal's* case, where grievances relating to CLAT 2018 were raised, this Hon'ble Court directed the Ministry of Human Resource Development to appoint a Committee to investigate

CLAT 2018, suggest remedial measures, and look into future arrangements for the exam, and this Hon'ble Court also observed that the idea of different NLUs conducting the exam each year needs to be revisited. In *Shamnad Basheer's* case, four issues were raised regarding CLAT, namely: (a) the decision of the Universities to conduct the exam, in turn, by rotation; (b) the quality of the exam itself; (c) the integrity of the exam; and (d) issues relating to accessibility, particularly, amongst underprivileged segments of society.

17. The concerned NLUs, in this backdrop, and independently of any directions of the Hon'ble Courts in the said proceedings, resolved to establish a Permanent CLAT Secretariat at NLSIU, Bangalore, by incorporating a registered society, namely, the Consortium of National Law Universities. A plain reading of the Memorandum of Association and Bye-Laws of the Consortium clearly demonstrates that the objectives and purposes for which it was formed were multifarious in nature and not restricted to conducting the entrance exams. The concerned NLUs further decided that the said society would be responsible for conducting the exam under the leadership of the Consortium's Executive

Council. Based on the said decision, the Respondent No.3 (the Consortium) was formed, as a society under the Karnataka Societies Registration Act, 1960. NLSIU was given a central and prominent role in the Consortium, and it was decided that the Secretariat would be permanently located at NLSIU, Bangalore, in order to address the concerns raised in *Shamnad Basheer's* case.

18. The Petitioner in the said case, however, (relying on an Expert Committee Report submitted in *Disha Panchal's* case recommending that a government agency be mandated with conduct of CLAT, since rotation-based implementation by individual colleges was undesirable, which Report had been submitted prior to constitution of the permanent Consortium Secretariat) pressed for the National Testing Agency to be entrusted with conducting CLAT. This Hon'ble Court, *vide* its latest Order in the above proceedings dated 28.11.2018, directed the Ministry of Human Resource Development to convene a meeting amongst the stakeholders to consider this prayer. True Copy of the order dated 28.11.2018 in W.P.(C) No.600 of 2015

titled as "*Shamnad Basher Vs. Union of India*" is annexed herewith as ANNEXURE-R-1/5. (Page No. **67-73**)

However, thereafter, there have been no further proceedings in the said case.

19. As is clear from the foregoing, establishment of the Consortium and CLAT were purely voluntary decisions taken by the respective NLUs, pursuant to deliberations amongst them and in order to resolve issues and concerns that had been raised by various stakeholders, including in the afore-described proceedings before this Hon'ble Court. Further, and specifically, to the best of the Answering Respondent's knowledge – and on a perusal of the various Orders of this Hon'ble Court in the aforesaid proceedings– it is crystal clear that this Hon'ble Court did not issue any directions to establish or implement either a common law entrance exam or a Consortium of National Law Universities. In fact, even the Petitioners do not rely on any such Orders.
20. The voluntary nature of participation in the Consortium and, consequently, CLAT, is also established by the fact that the Bye-Laws of the Consortium itself provide for voluntary withdrawal,

which could never have been permitted if the Petitioners' contention that it was the result of Orders of the Hon'ble Court is correct.

21. NLSIU, as a party to the deliberations amongst the NLUs described above, has been at the forefront of implementing CLAT, and also taking continuous measures to enhance and improve the CLAT admissions process, right from the inception and till date.

Events relating to CLAT 2020; Inordinate Delay in Holding CLAT 2020

22. Even for the Academic Year 2020-21, NLSIU actively participated in the announcement and implementation process of CLAT 2020.
23. As per the original schedule for CLAT 2020, the exam was to be conducted on 10.05.2020.
24. However, starting from March 2020 and thereafter, the Consortium resolved, from time-to-time, to reschedule the CLAT 2020 due to the COVID-19 pandemic, as follows:

Date of decision to reschedule	Rescheduled from – Date	Rescheduled to – Date	Decision taken by
21.04.2020	10.05.2020	21.06.2020	General Body
18.05.2020	21.06.2020	To be notified	Executive Council

29.06.2020	NA	22.08.2020	Executive Council
05.08.2020	22.08.2020	To be notified	Executive Council
10.08.2020	NA	07.09.2020	General Body
28.08.2020	07.09.2020	28.09.2020	Executive Council

25. As is clear from the foregoing, CLAT 2020, which was originally to be held on 10.05.2020, now stands delayed by more than four months, to 28.09.2020.
26. The aforesaid decision to postpone CLAT 2020 to 28.09.2020 would have compelled NLSIU, if it were to rely on CLAT to complete its admissions, to declare a 'Zero Year', *i.e.*, forgo admissions into the first year of its B.A. LL.B and LLM programme, for the reasons explained hereafter.
27. NLSIU, amongst 23 NLUs, is the only NLU which maintains a trimester system-based academic calendar. The trimester system is implemented as per the decision of the Executive Council of NLSIU in its 4th meeting held on 11.09.1988. The Executive Council, in the said meeting, decided that each Academic Year shall be divided into 3 academic terms of mandatory 70 working days each. True Copy of the relevant extract from the Executive

Committee's Resolution dated 11.09.1988 is annexed herewith as

ANNEXURE-R-1/6. (Page No. 74)

28. The requirement to hold mandatory seventy working days in each trimester rests on the fact that NLSIU offered a novel integrated five year dual-degree programme that would otherwise take six years to effectively deliver. In this backdrop, in order to comply with applicable UGC guidelines and justify a five-year programme, the University devised a trimester-based model which could sustain the additional workload and justify the five-year timeframe. The same, therefore, necessarily requires an academic year to be at least 285 days long (even if the usual 15 days' break at the end of each term required for evaluation and analysis is reduced to 5 days). A detailed note explaining the aforesaid timeframe required for completion of an academic year are annexed herewith as ANNEXURE-R-1/7. (Page No. 75)
29. Therefore, the requirement to complete 285 days in the Academic Year 2020-21, coupled with the requirement to start the next academic year (2021-22) on 01.07.2021, meant that NLSIU has to start its first-year classes for the Academic Year 2020-21 by no later than 18.09.2020.

30. Pertinently, the impact of delays in CLAT on academic calendars is not only real but also felt by other institutions. For example, Nirma University, which conducts its LLM programme on the basis of trimester system, was constrained to withdraw from CLAT 2020 due to the delays in conduct of the same. True Copy of the Communication of Nirma University to the Registrar of NLSIU dated 12.09.2020 is annexed herewith and marked as ANNEXURE-R-1/8. (Page No. 76)

NLSIU's Efforts to Complete Admissions through CLAT 2020 Process

31. NLSIU, in view of the need to complete admissions and commencement of the course by 18.09.2020, made substantial, *bona fide* efforts to convince the Consortium to facilitate the conduct of CLAT 2020 in a timely manner.
32. The Respondent No.2 has, in his Counter-Affidavit, laid out the efforts made by him to avoid postponement of CLAT 2020. NLSIU adopts the averments made in this behalf, in full. True Copy of the table prepared by the Respondent No.2 and produced in his Counter-Affidavit, describing the said efforts is annexed herewith as ANNEXURE-R-1/9. (Page No. 77-80)

33. Further, in light of the repeated delays, when CLAT 2020 was postponed, on 28.08.2020, to 07.09.2020, NLSIU also proposed several alternatives to the Consortium, which would enable universities to complete their admissions within the timeframe required, whilst leaving it open to members, if they so choose, to delay their admissions process. The options furnished were (a) for NLUs to proceed with their own admission process for 2020-21; (b) allow for CLAT 2020 to be conducted in two series so that Universities may choose an earlier or later date; and (c) for NLUs to admit CLAT-enrolled students to appear for separate exams conducted by the NLUs, with no further need for registration or fee payment. However, the members of the Consortium did not agree to any of the alternatives suggested. Subsequently, on 10.08.2020, the General Body of the Consortium met, and decided to hold CLAT 2020, on 07.09.2020. If CLAT 2020 was so held, it would have enabled NLSIU to complete the admissions process in time to meet the requirements of its academic calendar.

Faculty and Executive Council Decision re Alternative Admissions Process; Announcement of NLAT 2020

34. The Faculty of NLSIU, at their meeting dated 06.08.2020, had considered a short presentation made by the Registrar of NLSIU on the effect of the postponement on NLSIU's admissions cycle and academic year, and noted the dangers of a 'Zero Year', including loss of talent to the University, loss of opportunity by students to study at NLSIU and monetary losses over 5 years. The Faculty, in this backdrop, unanimously resolved that NLSIU needed to take all measures necessary to avoid a 'Zero Year'. True Copy of minutes of the faculty meeting dated 06.08.2020 is annexed herewith as ANNEXURE-R-1/10. (Page No. **81-83**)

35. As the continued delays in CLAT 2020 would frustrate NLSIU's academic calendar, the Executive Council, at its 91st Executive Committee meetings dated 12.08.2020 and 18.08.2020, resolved and directed the University to implement an independent admissions process if the CLAT 2020 was further delayed beyond 07.09.2020. True Copy of the draft minutes of the 91st Executive Council meetings dated 12.08.2020 and 18.08.2020 is annexed herewith and marked as ANNEXURE-R-1/11. (Page No. **84-86**)

Efforts taken to Implement NLAT 2020 Effectively with Engagement of All Stakeholders

36. NLSIU, being left with no other alternative, had to act with alacrity to complete the admissions process and commence classes by 18.09.2020, and avoid a 'Zero Year'.
37. In this backdrop, and pursuant to the directions and instructions of the Executive Council at the meetings dated 12.08.2020 and 18.08.2020 to devise alternative methods to complete admissions, the Respondent No.2 convened a Admissions Committee to consider the modalities for completing admissions. The Admissions Committee considered three options for admission for incoming students. *First*, a centre-based computer entrance examination; *Second*, a home-based online examination for all students, and *Third*, a three-stage process providing weight age to 10+2 marks, online entrance examination and an interview.
38. The Admissions Committee, in weighing the feasibility of the aforesaid options, took into account all relevant factors, including the time constraints and costs, the requirement to ensure that

candidates are not put to any undue disadvantage as a result of the decision and also, the prevailing practice of NLSIU prior to the introduction of the CLAT, to conclude that an entrance test conducted online at the earliest and with the lowest possible application fee would constitute the most fair, transparent and accessible admissions process, in the above circumstances. The Admissions Committee expressly noted that the said approach would be in line with the decision of the Executive Council in its meeting dated 28.08.1987-30.08.1987, as also the subsequent decision dated 12.12.1987 of the Academic Council whilst implementing the aforesaid view of the Executive Council (which decisions are more fully described hereinafter). True copy of the Report of the Admissions Committee is annexed herewith and marked as ANNEXURE-R-1/12. (Page No. 87-90)

39. On 31.08.2020, NLSIU convened a Faculty Meeting and the proposals of the Admissions Committee were duly deliberated and accepted. The Faculty unanimously agreed that a separate admissions procedure would be in the best interests of the students and NLSIU. True Copy of the minutes of the Faculty

Meeting dated 31.08.2020 is annexed herewith and marked as

ANNEXURE-R-1/13. (Page No. **91-93**)

40. Pursuant thereto, the Vice-Chancellor formed a team consisting of faculty members and professionals to finalize the modalities of the examination and also appoint, after evaluation, the appropriate service providers to facilitate the conduct of the examination.
41. Thereafter, once these actions were completed by the said team, and the modalities were frozen, the Respondent No.2 communicated / caused to be communicated, through the Registrar, the final arrangements to the Nominee of the Chancellor, the Executive Council, the Faculty of NLSIU and also the Consortium itself. The details regarding the same, as also the conversation between the Respondent No.2 and the nominee of the Chancellor of NLSIU, are averred by Respondent No.2 in his Counter-Affidavit. NLSIU craves leave to adopt the said averments. True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, issued to the Nominee of the Chancellor and Executive Council members is annexed herewith as ANNEXURE-R-1/14. (Page No. **94-95**)

True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, addressed to the Faculty of NLSIU is annexed herewith as ANNEXURE-R-1/15. (Page No. **96-97**)

True Copy of the Communication dated 03.09.2020 regarding NLAT 2020, addressed to the Consortium of National Law Universities is annexed herewith and marked as ANNEXURE-R-1/16. (Page No. **98-99**)

42. Therefore, the decision to hold NLAT 2020 was notified on 03.09.2020, only upon completing the processes described above, and with due and full disclosure to internal stakeholders, the Executive Council as also the Consortium itself.
43. It is in the above factual backdrop, and pursuant to permission granted by this Hon'ble Court in its Order dated 11.09.2020 in the above proceedings, that NLSIU has implemented NLAT 2020 with a view to avoid declaring a 'Zero Year'.

RE. LEGALITY OF NLAT 2020

Re. Statutory Power of NLSIU to Convene NLAT 2020; Scope of Executive Council's Powers under Statute

44. NLAT 2020 is implemented by NLSIU in the aforesaid factual backdrop, and in exercise of its statutory powers and functions. Pertinently, it is implemented pursuant to, and in terms of, the express decision of the Executive Council in the 91st Executive Council Meeting, wherein, in the second session of the said meeting held on 18.08.2020, it was resolved as follows:

"The Executive Council unanimously reconfirmed this resolution to empower the Vice Chancellor and the University to conduct an independent admission process in the event that CLAT 2020 is delayed further".

45. The power of the Executive Council to make this decision is manifest from Section 10 of the NLSI Act, which provides as follows:

"10. The Executive Council.-

(1) The Executive Council shall be the chief executive body of the School.

(2) The administration, management and control of the School and the income thereof shall be vested with the Executive Council..."

46. Even as per the settled law laid down by this Hon'ble Court in *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481, the right of the educational institution under Article 19(1)(g) of the Constitution, as recognised by this Hon'ble Court, encompasses

the right to admit students. In the said Judgment, at para 50, this Hon'ble Court held as follows:

"50. The right to establish and administer broadly comprises the following rights:

- (a) to admit students;*
- (b) to set up a reasonable fee structure;*
- (c) to constitute a governing body;*
- (d) to appoint staff (teaching and non-teaching); and*
- (e) to take action if there is dereliction of duty on the part of any employees."*

47. As a matter of historical practice as well, the Executive Council is the supreme authority which is empowered to take decisions as the chief executive body of the school. The same is evidenced from:
- a. The decision of the First Executive Council meeting dated 29.08.1987 – 30.08.1987, wherein the mode of admission is decided (produced above as Annexure R1); and
 - b. The decision at the Executive Council meetings dated 27.01.2007 and 13.05.2007, regarding admission through a common entrance test (produced above as Annexure-R-1/3 and Annexure R-1/4, respectively).

48. It is, therefore, indisputable that the determination of the method of admission to NLSIU vests, under the statute, with the Executive Council.
49. The related contention, that the Executive Council cannot decide on the mode of admission without reference to the Academic Council, is misconceived. The said contention is asserted on the basis of conditionality imposed by the Second Proviso to Section 13 of the NLSI Act, requiring that the Executive Council seek the concurrence of the Academic Council before making, amending or repealing any regulations regarding the mode of enrolment or admission of students. As is clear from a plain reading of the said provision, the requirement for prior concurrence arises when the Executive Council exercises its power to make regulations.
50. In the present case, there are no extant regulations in place regarding, or in respect of, admissions into NLSIU.
51. It is well-settled, as per the law laid down by this Hon'ble Court in *PTC India vs. Central Electricity Regulation Commission*, (2010) 4 SCC 603, that the executive or administrative power vested in a body under statute can be exercised independently of, and

without recourse to, subordinate legislative power vested in it, under the same statute. In the present case, the Executive Council has exercised its executive or administrative power, which is not conditioned in any manner.

52. *The other contention sought to be urged in this regard, that the Vice-Chancellor's decisions to hold NLAT 2020 do not fall within the scope of / are not authorized by the aforesaid decision of the Executive Council dated 12/18.09.2020, is also misconceived. In the first instance, the said contention is wholly false for reasons stated in the Counter-Affidavit of the Respondent No.2 (the Vice-Chancellor of the Respondent No.1-University), and the same is fully reiterated herein. In any event, the said contention is also untenable in law, in view of Regulation 12 (re. the Executive Council's powers of delegation to the Vice-Chancellor), Regulation 18(2) (re. the Vice-Chancellor's powers co-extensive to the Executive Council), and Regulation 18(5) (re. the emergency powers of the Vice-Chancellor).*

Re. NLSIU's Power and Right to Conduct an Alternative Admissions Test to CLAT 2020 is not Constrained by Orders of the Hon'ble Courts

53. NLSIU adopted CLAT, for purposes of admissions, on a voluntary basis.
54. It is denied that there are any judicial directions to the NLUs to hold CLAT. In fact, the Rajasthan High Court, in respect of a prayer for directions to NLU Delhi to admit students through CLAT, refused to do so, in the case of *Law Prep Tutorials Pvt. Ltd. v. Union of India*, D.B. Civil W.P.(PIL) No. 754 of 2017, by holding as follows:

*“So far joining or not of a particular University in the Common Law Admission Test is concerned, as at present, **we are unable to find any specific legal requirement where for any particular University may be directed to join the Common Law Admission Test by the Court.** Further, the issues as to how the admission process and the examination process is to be conducted, are required to be left for the decision and execution by the organising University. Therefore, as regards prayers Nos. 4 and 5, we are not persuaded to entertain this petition.”*

[Emphasis supplied]

55. The convenor of CLAT at that time, viz., Gujarat National Law University, was a party to the above case. Therefore, the *Consortium* now cannot contend that CLAT is a mandatory

requirement for NLUs, which contention is squarely contrary to the aforesaid finding.

56. In fact, the Petitioners themselves do not rely upon any directions of the Hon'ble Courts in relation to establishment of CLAT, or *adoption* of the same. The reference made to the Preamble of the Consortium's Memorandum of Association, in this behalf, is misconceived. The language therein clearly depicts that this Hon'ble Court directed the Ministry of Human Resource Development to convene a meeting amongst NLUs and the NLUs then proceeded to consider the matter and resolved, voluntarily, to conduct the CLAT exam. The relevant recitals, in this regard, as extracted below:

"AND WHEREAS, on the direction issued by the Hon'ble Supreme Court in Varun Bhagat v. Union of India, [WP No.68 of 2006 decided on 23.11.2007], and due deliberations made by the University Grants Commission, Ministry of Human Resource Development, Government of India, and the Council with the first seven NLUs, the idea to conduct a combined test for all the then-existing NLUs was conceptualized.

AND WHEREAS seven existing NLUs in the year 2008 signed the Memorandum of Understanding dated November 23, 2007 [the "MoU"] to hold a combined admission test to be organised by an NLU on rotation basis in the order of seniority."

57. *There* are no Orders whatsoever, in any of the proceedings before this Hon'ble Court, requiring that CLAT be implemented. It is reiterated that the Petitioners themselves have neither referred to nor produced any such Orders.
58. The fact *that* the decision to stop implementation of the exam by each participant-NLU on a rotational basis, the establishment of the permanent consortium, and the inclusion of new universities did not require any approval from this Hon'ble Court also belies the contention that the requirement to conduct CLAT arises from Orders of this Hon'ble Court.
59. Further, the fact that directions for modification of the process are sought in *Shamnad Basheer's* case have been entertained without requiring the Petitioner therein to file a Review Petition also establishes the said fact.

Re. Bye-Laws of Consortium

60. The contention that NLSIU is bound to admit students only through CLAT, in terms of the Bye-Laws of the Consortium and, specifically, Bye-Law 15.3.3, is entirely baseless, for the following reasons:

- c. The Bye-Laws are a subordinate charter document, binding on the members. The same cannot detract from or inhibit the plenary statutory power conferred on the Executive Council, by the NLSI Act.
- d. In any event, Bye-Law 15.3.3, relied upon by the Petitioners, does not have the effect as claimed by them. The said Bye-Law merely requires members, in order to eligible for membership to the society, to adopt CLAT as a mode of admission. When read keeping in mind its object and purpose, the said Bye-Law cannot be construed to require any member of the Consortium to admit students only through CLAT, even if the CLAT is not held, *i.e.*, the Bye-Laws can never require a member to not admit students at all.
- e. In fact, the Consortium itself has not understood or implemented the Bye-Laws in this manner, as is apparent from the fact that all the NLUs are admitting students into various programmes carried out by them (other than BA LLB and LLM programmes), throughout, without reference to CLAT. Therefore, it is clear that all admissions to the

National Law Universities are not on the basis of the CLAT exam. Therefore, the contention that Clause 15.3.3 of the Bye-Laws compulsorily requires admissions to be based on the CLAT, is untenable and without basis.

- f. Even assuming without admitting that the Bye-Laws have the contended effect, the same can only be actionable at the instance of the society or any other members.

Re. NLAT Process

- 61. NLSIU, as demonstrated above, has the right to conduct its own admission process in terms of its own statute. In exercising this right, NLSIU has taken immense efforts and steps to ensure that the test is lawful and also fair and reasonable.
- 62. In the first instance, the NLAT 2020 meets the triple test, *i.e.*, it must be fair, transparent and non-exploitative. The NLAT 2020 is fair, insofar as it ensures an examination process that is intellectually rigorous and meets the standards of integrity in order to suitably judge the merit of all candidates. The selection of candidates is based solely on their scores in the entrance exam. It has also been designed and implemented in a transparent

manner. The examination is transparent, as details thereof, as also the reasons therefore, have been set out in detail through the impugned notification. NLAT 2020 is also implemented in a non-exploitative manner, by limiting the application fee for the test to just Rs.150/- for general candidates and Rs.125/- for SC and ST candidates in order to ensure that students are not put to financial burden due to the NLAT. Further, since the exam is an online home-based examination, students do not need to physically go to an additional test centre.

63. Apart from the same, the authorities have also taken various measures to ensure (a) accessibility and (b) prevent malpractices. These include:

- g. NLSIU significantly relaxed the technological requirements for candidates, allowing them to take the examination with minimal internet speeds, and using a wide variety of devices, including Android smart phones and tablets.

NLSIU also made available as many as 33 physical test centres across the country, in order to provide access to students lacking the necessary infrastructure to appear for

NLAT 2020 from home. NLSIU, further, ensured that necessary health and safety protocols were rigorously adhered to at the said physical centres.

- h. With a view to prevent malpractices, NLAT 2020 is making use of a combination of AI-based and human proctoring. Additionally, the test structure has been designed in a manner that minimises the possibility of candidate malpractices. This includes candidates not being able to revisit a question that they have already viewed and moved past and the randomisation of the sequence in which questions are displayed to candidates. Furthermore, the questions for the NLAT 2020 have been drafted in a manner that requires interpretative answers, which minimises the utility of referring to the internet or other sources for answers. Since the examination is an online examination, all relevant data (including webcam recording, sound recording, keystroke information, data relevant for facial detection, window switches, *etcetera*) necessary to detect malpractices are stored and available with NLSIU. The said data will be critically reviewed and analysed, prior

to completion of the admissions process. Therefore, even if any malpractice has occurred, the same will not, and cannot, result in a student gaining admission to NLSIU, through unfair means. The Proctoring Protocol established by NLSIU to effectively detect candidate malpractice is annexed herewith as ANNEXURE-R-1/17. (Page No. 100-103)

64. Pursuant to the aforesaid efforts made by NLSIU to ensure admissions to its programmes, and avoid a 'Zero Year', and pursuant to the Orders of this Hon'ble Court permitting NLSIU on 11.09.2020 to conduct NLAT 2020, a total of 23,225 UG candidates and 2846 PG candidates appeared for the examination on 12.09.2020. Of this number, a total of 122 PWD candidates appeared for NLAT 2020. True Copy of the press release issued by NLSIU on 12.09.2020 depicting the said facts is annexed herewith as ANNEXURE-R-1/18. (Page No. 104)
65. In order to address any concerns that may arise amongst candidates who have taken the exam, NLSIU has also established a three-stage, comprehensive redressal mechanism comprised of:

- i. **Technical Review Committee:** This Committee is constituted to consider queries raised by candidates regarding any technical difficulties in the NLAT 2020, which could be raised online, within the web portal itself. The Technical Review Committee consists of Dr. Sony Pellissery, Dr. Kaushik Babu and Ms. Apoorva Gupta.
- j. **Objections Committee:** This Committee is set up to consider objections submitted by candidates in response to the Answer Key for NLAT 2020. The University's Objections Committee comprises Prof. (Dr.) Sarasu Esther Thomas, Prof. (Dr.) Mrinal Satish, Prof (Dr.) Arul Mani and Assistant Prof. (Dr.) Bipin Sony. The Objections Committee will release the Final Answer Key on 14th September 2020.
- k. **Grievance Committee:** This Committee is constituted to address any grievance raised by candidates who appeared for NLAT 2020, following the announcement of results. It comprises Hon'ble Justice Nag Mohan Das, Prof. Babu Mathew and Prof (Dr.) Sarasu Esther Thomas.

66. A small number of candidates made submissions to the Technical Review Committee that they had faced technical difficulties during the exam. In order to eliminate any apprehensions of these candidates that technical issues would affect their outcome, NLSIU has offered them an additional slot on 14.09.2020 to take the examination, subject to stringent conditions to ensure integrity of the examination. All measures to avoid malpractice are implemented in respect of this additional slot, as well.
67. The fate of these students is now entirely dependent on the admissions processes being completed as per the aforesaid schedule, and commencement of the academic year on 18.09.2020. Unless the same is done, NLSIU will be constrained to declare a 'Zero Year'. Consequently, not only will 120 students lose the opportunity to join their studies at NLSIU (or at the very least, lose one year in order to apply again next year), but the same will also impact admissions in all other NLUs, since – as the first preference law school for most – the Zero Year at NLSIU will have a cascading effect on all admissions to all NLUs.

68. Hence, there is no legal or equitable bar to conducting the NLAT 2020.
69. It is submitted, in this context, that NLSIU's inability to complete admissions will irretrievably damage the University, and result in significant impact on not only its finances but also the public perception of the university. Moreover, the same will have a cascading effect on the effectiveness of NLSIU's academic programme and result in loss of an entire batch of graduating lawyers, in five years' time. All of these adverse consequences will impact NLSIU's standing in the legal education sector.
70. Hence, it would be in the interests of justice and equity that NLSIU be permitted to release the examination results of NLAT 2020 and complete its admissions, so as to commence the academic programme in a timely manner and as per its revised academic calendar.

38

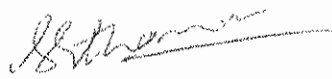
It is therefore submitted that the present Writ Petition may be dismissed with exemplary costs.

VERIFICATION:

Verified at Bengaluru on this 14th day of September, 2020, that the contents of above counter affidavit are true and correct to my knowledge and belief based on records maintained by Respondent No.1 in the usual course and nothing material has been concealed therein.


DEPONENT

National Law School of India University
Post Bag No 7201, Nagarabhavi,
BANGALORE - 560 072


DEPONENT

National Law School of India University
Post Bag No 7201, Nagarabhavi,
BANGALORE - 560 072

ANNEXURE R-1/1Item 15: Structure of Academic Patterns:

The Council noted the proposal to have the following academic activities from the coming year.

1. Regular courses at the undergraduate and post graduate levels leading to degree/diploma.
2. Refresher courses and workshops for legal personnel;
3. Research projects on different topics sponsored by Governmental institutions or private agencies;
4. Publication of legal text books and materials as well as a Law Journal.

It was reported by the Director that detailed proposals in this regard are yet to be formulated by the Academic Council and they would be submitted later to the Executive Council.

Item No.16 Selection of Students

The draft proposal of the Academic Council to have the selection of the students done through an All India admission test and interview was approved. The procedure for admission test and the selection may be decided by the Academic Council and implemented by the Director. However, the Executive Council disapproved the recommendation of the Academic Council to pay one way second class train fare to the students called for the interview.

Action will be taken as per the decision of the Executive Council.

The Council noted the sample objective type question paper presented by the two experts on the request of Professor Upendra Baxi. However the matter of finalising the test was left to the Academic Council and the Director. The Council noted the format of admission test provided by M/s.R.C.Mishra and C.B. Dwivedi of Banaras Hindu University as the instance of Professor Upendra Baxi.

40

The Council also noted the recommendations of Dr. Baxi to pay an honorarium of Rs.1,000.00 each to the two Professors for the work in this regard. The Council approved the payment accordingly of Rs.2,000.00 (Rs.1,000.00 to each) and authorised the Director to write thanking the Professors for their contribution.

For expenses involved in organising the test and interview, the Council approved a budget allotment of an amount not exceeding Rs.25,000.00. The Council further decided that the admission to the 1st year LL.B. class be limited to 80 students and for LL.M. Class the admission be limited to 10 students. The application fee for admission test and interview may be fixed at Rs.125.00 for LL.B., though it may be reduced to Rs.50/- in the case of SC/ST Candidates.

17. Hostel facilities

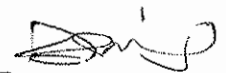
It was noted that being a residential University, the School will have to arrange accommodation for the out station students as a condition for admission. The Executive Council wanted the Registrar to explore with the Government as well as the other educational institutions in the City including the University about the availability of the hostel accommodation for the Law School students (60 boys and 20 girls). Appropriate proposal in this regard may be put up with the approval of the Academic Council in the next meeting. The School can also consider the pattern of "approved housing", as existing in English Universities till such time the School can set up its own hostels.

Efforts are being made to secure private buildings on lease for being used as hostels. A separate note has been placed in this regard before the Executive Council.

Item 18. Publication

The Executive Council appreciated the gesture of the Bar Council of India Trust to publish the pre-law books under the joint auspices of the School and the Trust. It wanted the Trust to consider the feasibility of publishing INDIA BAR REVIEW also jointly with the Law School.

Action will be taken after the Faculty assumes charge.


TRUE COPY -

NATIONAL LAW SCHOOL OF INDIA
BANGALORE

41
ANNEXURE R-1/2

Minutes of the Meeting of the Academic Council of the National Law School of India held at the office of the Bar Council of India, New Delhi on 12th December 1987 at 10-00 AM.

The following members were present:-

1. Shri V.C. Mishra
2. Dr. S.K. Bhatnagar
3. Dr. N.R. Madhava Menon

Dr. K. Ponnuswamy, Dean, Faculty of Law, Delhi University attended the meeting as Special Invitee.

Dr. N.R. Madhava Menon presided over the meeting.

Dr. Menon welcomed the members of the newly constituted Academic Council and acquainted them with the decisions of the earlier meetings of the Academic Council prior to the establishment of the School under the Act. After detailed discussions on the basis of the Agenda notes circulated earlier, the following decisions were made:-

I. Courses of Study:

The National Law School of India will have four different Courses of Study leading to the following degrees:-

- (a) An integrated 5-year LL.B (Hons.) in view of the fact that a great deal of Social Science knowledge will be imparted during the 5-year course, the Academic Council recommended that a composed degree of B.A and LL.B Hons. be conferred to the students joining the National Law School of India.
- (b) An LL.M degree which shall extend to one year (3- Trimesters).
- (c) An M. Phil degree of one year (3 Trimesters) duration constituting of teaching and research
- (d) An LL.D programme based on written thesis after M. Phil.

Besides the above degree courses, the Academic Council recommends that a series of Continuing Education Courses on short duration be offered by the National Law School of India to law teachers, judicial officers, administrators, para-

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legal workers and others.

II. B.A. LL.B (Hons.) Programme

The Academic Council recommends that in the first year only 50 students be admitted to the LL.B Programme. They may be selected:

- (a) purely on merit on the basis of an admission test conducted at four different regions during May 1988. The minimum eligibility for admission to the School be fixed at 50% marks in Aggregate in the 10 + 2 School examination. In this regard the 2-year Pre-University Programme and Intermediate programme be treated as equivalent to 10 + 2 School examination. Those students who have appeared for the qualifying examination in March/April 1988 be also allowed to take the Admission Test on a provisional basis and they may be considered while preparing the Merit List provided they have passed the said examination with 50% marks. The Admission Test be based on an objective type questions and the test may be for a duration of not more than 2 hours. The test can include minimal number of questions which requires written answers. Admission to the Law School be based only on the basis of the written Admission Test.

: 15% of the seats be reserved for Scheduled Castes and 7½% for Scheduled Tribes. However, even for the reserved seats, the requirement of 50% marks at the qualifying examination be insisted upon.

In order to be eligible for admission, the candidate must have secured 50% marks in the Admission test. This is applicable even for the reserved seats.

The Admission Test may be held in four regional centres and it is recommended that it may be held at Bangalore, Delhi, Poona and Burdwan.

In order to organise Admission Tests, prepare the question papers, evaluate the same and finalise the Admission List, an Admission Committee consisting of the Director and three teachers of the Law School be constituted by the Director.

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It is proposed that the last date for receipt of applications be fixed for 2nd May 1988. The Admission Test may be organised on 29th May 1988 and the Selection List announced by 15th June 1988. The Admission may be completed by 25th June and the classes be commenced from 1st July 1988.

A suitable amount may be fixed for the application form and the Admission Test Fee.

(b) Academic Terms:

Each Academic year be divided into 3 Academic terms each with a minimum of 70 working days. This academic term be called a Trimester. Thus the 5-year B.A. LL.B (Hons.) Programme will have 15 Trimesters. It is suggested that the Academic year may begin from 1st July and the Academic terms may adopt the following pattern:-

- i) FIRST TRIMESTER -- July 1st to September 30.
- ii) SECOND TRIMESTER -- October 15 to January 15.
- iii) THIRD TRIMESTER -- January 30 to April 30.

(c) Courses and their distribution

Each Trimester may carry not more than 4 courses with a total of 12 credits distributed according to the importance and coverage of the courses. The subjects/courses for study for the 15 Trimesters be as follows:

FIRST TRIMESTER (FIRST YEAR)

1.1 Legal Profession in Indian Society	3 cr.
1.2 Legal Method and Materials	2 cr.
1.3 Law and Political Organization	3 cr.
1.4 Law and Market Economy	4 cr.

SECOND TRIMESTER

2.5 Law in Historical Development	3 cr.
2.6 Responsibility for Injurious Conduct	3 cr.
2.7 Law and Social Organization	3 cr.
2.8 Law and Agricultural Development	3 cr.

THIRD TRIMESTER

3.1 Law and International Relations	3 cr.
3.2 Law, Minorities and Weaker sections of Society	3 cr.
3.3 Civil & Criminal Procedure-I (Court System)	4 cr.
3.4 Elective Clinical Programme	2 cr.

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FOURTH TRIMESTER (Second year begins)

4.1 Human Rights, Social Justice and Law	4 cr.
4.2 Law and Social Control - Crime and Punishment	3 cr.
4.3 Civil and Criminal Procedure II	3 cr.
4.4. Elective Clinical Programme	2 cr.

FIFTH TRIMESTER

5.1 Criminal Law, Criminology & Social Defense	3 cr.
5.2 Law and Family Relations I	3 cr.
5.3 Law, Planning & Economic Development	3 cr.
5.4 Contractual Relations and Remedies (Specific Reliefs)	3 cr.

SIXTH TRIMESTER

6.1 Non-Criminal Injurious Conduct and Law of Torts	3 cr.
6.2 Law and Family Relations II	3 cr.
6.3 Law and Industrial Development	4 cr.
6.4 Elective Clinical Programme	2 cr.

SEVENTH TRIMESTER

7.1 Law and Urban Development	3 cr.
7.2 Political Process and Constitutional Development	3 cr.
7.3 Constitutional Law-I	4 cr.
7.4 Evidence Law	3 cr.

EIGHTH TRIMESTER

8.1 Company Law and Law of Co-operatives	3 cr.
8.2 Property Law	3 cr.
8.3 Constitutional Law & Litigation	4 cr.
8.4 Elective Clinical Programme	2 cr.

NINTH TRIMESTER

9.1 Law of Insurance	3 cr.
9.2 Taxation Law and Public Finance	4 cr.
9.3 International Trade Law	3 cr.
9.4 Elective Clinical Programme	2 cr.

TENTH TRIMESTER (Fourth year begins)

10.1 Legal Theory	4 cr.
10.2 Labour Law	3 cr.
10.3 Administrative Law	3 cr.
10.4 Elective Clinical Programme	2 cr.

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ELEVENTH TRIMESTER

- | | |
|---|-------|
| 11.1 Banking & Negotiable Instruments Law | 3 cr. |
| 11.2 Intellectual and Industrial Property Laws | 3 cr. |
| 11.3 Principles of Legislations
Interpretation of statutes and Legislative
Drafting | 4 cr. |
| 11.4 Elective Clinical Programme | 2 cr. |

TWELFTH TRIMESTER

- | | |
|---|-------|
| 12.1 International Law | 3 cr. |
| 12.2 Criminal Justice and Police Administration | 3 cr. |
| 12.3 Law and Public Control of Business | 3 cr. |
| 12.4 Electives | 2 cr. |

THIRTEENTH TRIMESTER (Fifth year begins)

- | | |
|---|-------|
| 13.1 Comparative Law | 2 cr. |
| 13.2 Law, Poverty and Social Change | 3 cr. |
| 13.3 Land Reform Laws and Rural Development | 4 cr. |
| 13.4 Seminar-Electives (to be announced). | 3 cr. |

FOURTEENTH TRIMESTER

- | | |
|--|-------|
| 14.1 Public International Law-International
Orgn. | 3 cr. |
| 14.2 Elective Course | 3 cr. |
| 14.3 Administration of Justice-State & Union | 3 cr. |
| 14.4 Seminar-Electives (to be announced) | 3 cr. |

FIFTEENTH TRIMESTER

- | | |
|--|-------|
| 15.1 Administrative Law & Control of Govt. | 3 cr. |
| 15.2 Social Security and the Laws | 3 cr. |
| 15.3 Administration of Justice - Consumer
and their Problems: Legal Aid | 3 cr. |
| 15.4 Seminar - Electives (to be announced). | 3 cr. |

The above distribution of subjects is tentative. During the first year of the course, the subjects may be re-arranged substituted or revised in order to give completely professional education to the new generation of law graduates passing out from NIS.

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(d) Medium of Instruction

The medium of instruction and examination in the National Law School shall be English, atleast until a national language is adopted for administration of justice in the Supreme Court.

(e) Eligibility for degree and examination system

In order to be eligible for the composite degree of B.A. LL.B (Hons.), each student will have to take courses for a grand total of 180 credits in 5 years.

The normal pattern of examination will be a written test at the end of each Trimester. However, in appropriate cases, Intermediate examination and continuing evaluation may be prescribed in different courses.

The examination process will be entirely internal to be done by the teachers giving the courses. If a student is dis-satisfied with the grade awarded, he may be allowed to withdraw it in writing within 10 days of the announcement of the result. He can improve it in the next examination according to the rules prescribed therefor.

There shall not be any examination fee collected from the students nor there will be no examination remuneration given to the teachers.

There shall be an Examination Committee constituted by the Director for each year with not less than five teachers of the NLS by rotation. Every teacher will provide to the Examination Committee at the beginning of each Trimester, the outline of the course he is teaching and the plan he is adopting for evaluation of student performance. The course outline as well as the evaluation scheme will be made available to the students at the beginning of the Trimester itself. Complaints regarding the evaluation shall be sent to the Examination Committee which will make suitable recommendations on it within a fortnight to the Director whose decision thereon shall be final. The Director, however, will report to the Academic Council Meeting a record of such complaints and action taken thereon.

The evaluation system in the NLS shall be through grades in a Seven-point scale which will be as follows:-

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(i)	Outstanding	(0)	...	70% and above
(ii)	A +	...	...	65% to 70%
(iii)	A	...	...	60% to 65%
(iv)	B+	...	...	55% to 60%
(v)	B	...	...	50% to 55%
(vi)	C+	...	...	40% to 50%
(vii)	C	...	...	Below 40%

In order to be declared successful in any course, a student will have to secure any of the first five grades above given. Those who are placed in C+ and C categories will be deemed to have failed in such courses.

(f) Promotion Rules

Promotion from 1st Trimester to second Trimester and from 2nd Trimester to third Trimester will be automatic irrespective of the results in the various examination. However, promotions to the Fourth Trimester shall be only to those who have successfully cleared at least ten out of the 12 courses in the earlier three Trimesters. If a student has failed in three or more courses in the first three Trimesters taken together, he shall be deemed to have disqualified to continue as a student of the NIS. In the case of those who cleared ten courses out of the twelve, they may appear in the remaining two courses as Ex-students while continuing as a regular student in the second year.

Similarly, a student may be automatically promoted from the fourth to the 5th and 5th to 6th during the second year. His promotion to the third year, i.e. to the 7th Trimester shall be only if he successfully clears a minimum of 20 courses.

The same patterns will be followed for promotion from the second year to the third year and from third year to the fourth year and from fourth year to the fifth year.

No student will be allowed to avoid taking any examination on the completion of the courses excepting for reasonable cause for which prior permission should be secured from the Director. Further, no student will be eligible to take an examination in a given course unless he has, to the satisfaction of the teacher concerned, fulfilled the course requirements and has secured not less than 70% attendance in the class in the said course.

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(g) Teaching Methods.

The National Law School was employed varied teaching methods in order to promote multi-disciplinary enquiry and practical appreciation of problems. Besides, lectures, the school shall employ Seminars, Tutorials, Clinical experiences, Field work, Legal research and Legal writing. In appropriate courses cooperative teaching between teachers of different subjects may be employed to maximise of the learning potential to the student.

Clinical Legal Education must form a necessary component of professional legal education at the National Law School. The Academic Council recommends Clinical education from the first year of the LL.B programme. Due academic credit may be given to the participating students in clinical courses.

(h) Fee Structure

The tuition fee for the LL.B programme for each year may be fixed at Rs. 1500/- which may be collected in 3 equal instalments at the beginning of each Trimester. If fee is not deposited within a week of the beginning of the Trimester, it may be collected with late fee of Rs. 1/- per day till the end of 20 working days. Those who failed to pay fees within the prescribed period with late fee, their names may be struck off from the rolls. They can be re-admitted on payment of re-admission fee of Rs. 100/- and a satisfactory report of progress from any teacher of the Faculty.

Besides tuition fee at the beginning of the first Trimester each year, a student may be required to pay a sum of Rs. 500/- towards reading materials and another sum of Rs. 500/- on account of co-curricular activities.

(i) Stipend and Scholarships

In order to attract meritorious students from the lower socio-economic strata of society, it is absolutely necessary for the NLS to provide as many scholarships and stipends as possible. It will be ideal to have 50% of the students body enjoy such scholarships. Every effort should be made to secure such economic inducements for promoting scholarship amongst the less privileged sections of society.

The LL.B students may be provided Scholarships of the value of Rs. 500/- a month for 10 months a year. The Scholarships may be awarded on the basis of a report

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of Scholarship Committee to be constituted by the Director with membership of three or more teachers of NIS. The Scholarship Committee shall frame its own rules and procedures which may be approved by the Director. The award may be given basically on academic merit of the candidate. However, economic status and the social background of the candidates are to be the relevant considerations.

Besides Scholarships in deserving cases, exemption from payment of tuition fee may also be granted on the recommendations of the Scholarship Committee.

(j) Students' Residence

The Academic Council strongly recommends that the National Law School be kept purely as a residential University wherein all the students be required to stay in the Halls of residence provided or approved by the University. Of course, for students belonging to Bangalore City, the University may give exemption from residence in the University Hostel if considered necessary. If the National Law School is unable to provide its own hostel facilities immediately it may approve such accommodation in the city which satisfies the requirements of the residential character of the University for purposes of students' residence.

Though the accommodation may have to be subsidised by the University, the boarding charges will have to be entirely made by the student. The boarding charges may include the salary of the essential staff maintained in the Hostel by the University.

(k) Exchange of students and teachers

The National Law School may initiate steps to arrange for exchange of students and teachers with other reputed Law Schools within India and outside. For this purpose if students are invited to another Law School and undertake courses according to their regulations, they may be given due credit within the curriculum prescribed at the NIS.

III. LL.M Programme

The Academic Council decided to have an LL.M Programme extending for 3 Trimesters with three courses in each Trimester. To begin with not more than ten students be admitted to the LL.M programme. They may be selected by the Admission Committee

on the basis of their past academic record particularly at the LL.B level. The Admission Committee may assess their aptitude for higher studies and research in law and make suitable recommendations for their admission. The admission may be done through an interview besides assessment on documentary materials.

The LL.M course may contain 5 required courses and four optional courses. The Optional courses may be from the subject areas of constitutional law, criminal law, international law and commercial law. The actual subjects of the course in any of these subject areas may be decided at the beginning of each year by the Faculty concerned.

The compulsory courses for LL.M shall be as follows:

- (i) Teaching methods and Curriculum development
- (ii) Indian Legal Philosophy and Contemporary Legal Theory.
- (iii) Constitutional Law & Human Rights Jurisprudence
- (iv) Research Methodology and Legal Writing
- (v) Law, Society and Development

The distribution of the 12 courses in the three Trimesters for LL.M and the credits for each of them may be as follows:-

FIRST TRIMESTER

1.1 Teaching Methods and Curriculum Development	4 cr
1.2 Indian Legal Philosophy and Contemporary Theory	4 cr
1.3 Course on subject area - option	4 cr

SECOND TRIMESTER

2.1 Research Methodology and Legal writing	4 cr.
2.2 Constitutional Law and Human Rights Jurisprudence	4 cr.
2.3 Course on subject area - option	4 cr.

THIRD TRIMESTER

3.1 Law, Society and Development	4 cr.
3.2 Seminar on select topic - option	4 cr.
3.3 Course on a subject area - option	4 cr.

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: 11 -

The examination pattern for LL.M will also be the same as suggested for LL.B. However, besides the internal examiner for every course in LL.M., there shall be an external examiner as well. The questions, however, shall be set only by the internal examiner. If the difference in evaluation between the internal examiner and the external examiner in a given course is less than 20%, then it will be deemed that the grades assigned by the internal examiner shall be the grade to be assigned to the candidate. However, if there is a difference of more than 20% between the internal and external in a given course, it shall be referred to a third examiner outside the National Law School whose evaluation shall be the score to be assigned to the candidate on that subject.

Tuition fee for the LL.M programme be fixed at Rs.1500/- for the full course. It may be collected in three instalments at the beginning of each Trimester.

IV. M. Phil Programme

The M. Phil programme is to be for one year extending to 3 Trimesters. It shall be exclusively consisted of research and teaching. Every student admitted to the M. Phil programme shall have LL.M degree and will fulfill the teaching and research requirements prescribed by the Faculty of the NLS.

In order to be eligible for M. Phil degree, besides completing the teaching and research requirements during the year, every candidate must submit the desertation on a topic approved by the faculty. The desertation shall be examined by two external examiners suggested by the faculty and approved by the Academic Council. The degree shall be conferred to such of those candidates who receive variable reports on the desertation from both the examiners. If there is a difference of opinion amongst them, it shall be referred to a 3rd examiner and the decision of the majority shall be final.

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: 12 :

For the M. Phil programme, no tuition fee be collected. However, a sum of Rs. 1000/- be collected from every student admitted to the M. Phil programme towards admission and facilities in the School.

V. LL.D Programme

The National Law School should offer a doctoral programme in which it may confer an LL.D degree. The LL.D programme be exclusively on the basis of a written thesis to be examined by three external experts to be appointed by the Academic Council.

Admission to the Ph.D Programme be restricted to those who have M. Phil degree from the National Law School.

Every candidate registering for the LL.D Programme be required to be in residence at the National Law School for atleast one academic year, during which they shall engage in such teaching and research as assigned to them by the Director of the University.

VI. The Teaching Faculty and Service Conditions:

The Academic Council recommends the creation of five different categories of teachers:-

- (a) Professors
- (b) Associate Professors
- (c) Assistant Professors
- (d) Adjunct Professors
- (e) Hon. Professors

All the above professors, Associate professors and Assistant professors shall be regular teachers of the School drawing the revised scales of pay prescribed by the University Grants Commission. The scale prescribed by the U.G.C. and approved by the Academic Council for the various positions are as given below:-

Pay structure of different categories of teachers of the National Law School of India University.

contd.....13

1. Professors	Rs. 4500-150-5700-200-7300
2. Associate Professors	Rs. 3700-125-4700-160-5300
3. Asstt. Professors	Rs. 2200-75-2800-100-4000
4. Asstt. Professor (Sr. Scale)	Rs. 3000-100-3500-125-5000
5. Adjunct Professor	Rs. 1000 P.M. (consolidated)
6. Hony. Professor	Honorary: TA/DA for visits according to rules.

NOTE: Besides pay, teachers will be entitled to Dearness allowance as prescribed from time to time by the Central Government and approved by the Executive Council. Further, they are entitled to Contributory Provident Fund and Gratuity benefits as declared under the rules. If they are not provided with accommodation, teachers will draw House Rent allowance as prescribed by the Central Government for 'B' class Cities. If accommodation is provided by the School, 10% of salary will be deducted towards house rent.

Out of the above scales, the Selection Committee will have the freedom to recommend enhanced salary to those considered outstanding who are selected for appointment to the NIS.

In the initial stages it is recommended that all appointments of teachers in the NIS including the regular teachers be on a contract basis for a period extending upto 3 years. The Academic Council has approved the terms of contract contained in the model contract enclosed with these minutes as Appendix.

To begin with the Academic Council agrees with the earlier decisions to have five professors, five Associate Professors and three Assistant professors to be appointed forthwith. However, these positions may be filled only if deserving candidates are available for appointment.

The Academic Council has noted that advertisements for filling these posts have already been given and a large number of applications have been received in response to the advertisement. In this connection the Academic Council strongly recommends that so far as the positions of professorship is concerned, the Selection Committee may be requested to consider eminent law teachers in the country who may not have applied in response to the advertisement and recommend such persons whom the NIS may invite suitable terms. This

is necessary in order to enable the NIS to have a core faculty of eminent academics to develop the activities of the school during its infancy.

All teachers called for interview may be paid one-way 1st Class train fare from their place of residence to the place of interview. It is suggested that if necessary the interview may be held at Bangalore and Delhi so that it may minimise expenditure and will be helpful to the candidate who are all teachers in various Universities.

All regular teachers appointed in the NIS may be provided living accommodation by the School. If necessary, the School may take flats on lease and provide it to the teachers from whom the rent according to the Rules may be collected.

Besides regular teachers, the following categories of persons may also be included in the faculty:

(a) Adjunct professors:

In view of the need for teaching Social Science subjects in the integrated law curriculum, it is necessary to have Social Science teachers associated with the faculty. Since it may not be necessary to have them as regular teachers at least in the beginning, the Academic Council recommends creation of four part time Adjunct professors in the subjects of economics, Sociology, History and English. They may be appointed from serving or retired teachers of City colleges in Bangalore. They may be provided a monthly honorarium of Rs. 1000/- and their appointment be for one year renewable at the discretion of the Director. A local Selection Committee may be constituted by the Director in order to select the Adjunct Professors.

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(b) Honorary Professors:

It is necessary for the NLS to associate Sr. advocates and eminent jurists in the teaching and research programmes of the school. The Academic Council, therefore, recommends that a Panel of distinguished lawyers and jurists be invited to join the school as Hon. professors. They may be invited for a term of 3 years during which they shall spend at least one month during the year in teaching and research at the School. When they visit the School for teaching and research, the Hon. professors may be given the necessary hospitality and wherever necessary TA accordingly.

The Academic Council has agreed to the suggestion of the Director of inviting the following eight persons as Hon. professors:

- (1) Shri K.K. Venugopal
- (2) Dr. L.M. Singhvi
- (3) Shri Soli J. Sorabjee
- (4) Shri Fali S. Nariman
- (5) Mr. Justice P.N. Bhagwati
- (6) Mr. Justice V.R. Krishna Iyer
- (7) Mr. Ran Jethmalani
- (8) Mr. P.K. Jayaraman

(c) Research Associates:

The Academic Council feels that at least for a year or two, the faculty may have to be given some research support for preparation of teaching materials and coordinating the teaching programme. For this purpose, the Academic Council recommends the appointment of two Research Associates who are qualified with an LL.M degree. They may be selected by the Director and may be paid a consolidated sum of Rs. 1,200/- per month for one year.

(d) Panel of Experts:

The Academic Council recommends the following 15 names to be included in the Panel of experts for being

invited to the Selection Committee for Faculty positions in the NIS:

Panel of Experts for the Selection Committees to be constituted for Faculty selection in the National Law School.

1. Dr. S.K. Agrawala, Vice Chancellor, Agra University, Agra
2. Dr. G.S. Sharma, Ex-Dean, Faculty of Law, Jaipur
3. Dr (Mrs) Alice Jacob, Director, Indian Law Institute, N.Delhi
4. Dr. Paras Divan, Ex-Dean, Faculty of Law, Chandigarh
5. Dr. S.P. Sharma, Dean, Faculty of Law, Kurukshetra University.
6. Dr. S.P. Sathe, Principal, I.L.S. Law College, Pune
7. Dr. K.B. Rohtgi, Professor of Law, Delhi University
8. Dr. I.P. Massey, Dean, Faculty of Law, Himachal Pradesh Uni.
9. Prof. G.V. Ajjappa, Dean, Faculty of Law, Karnataka University, Dharwar
10. Dr. Upendra Baxi, Professor of Law, Delhi University
11. Dr. S.N. Shukla, Ex-Dean, Faculty of Law, Allahabad University.
12. Dr. R.K. Mishra, Dean, Faculty of Law, Banaras Hindu University
13. Dr. Mishahul-Hassan, Faculty of Law, Aligarh Muslim University
14. Dr. K.D. Gaur, Dean, Faculty of Law, Utkal University
15. Dr. R.C. Hingarami, Patna University.

(1) Legal Services Clinic:

The Academic Council recommends setting up of a legal services clinic in the NIS forthwith. It is essential to give the necessary support to the clinical education programmes of the School. A Faculty Committee may be constituted by the Director for the purpose which may develop the programmes to be instituted and the participation of students to be decided in them. In order to organise the clinic at the first instance, a sum of Rs. 10,000/- may be provided by the NIS. It is expected that the Clinic will later on be supported by the State Legal Aid Board and the Central Legal services authorities.

The Faculty Committee may develop appropriate Rules for the organization and functioning of the Legal Services Clinics.

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(n) Continuing Education Courses:

In order to make the best use of the resources of the NIS for the community and to make its programmes socially and professionally useful, it is suggested that the NIS may engage in a series of continuing education programmes for different segments of the profession including law teachers. Of course, these programmes may be financed by the sponsoring Agency and NIS may provide expertise of its faculty and organizational assistance.

In this connection a beginning may be made by offering to the Karnataka Government and to the Karnataka High Court for the training of its officers in the Law and Judiciary departments.

(n) Research and Publications:

In order to strengthen the teaching programmes of the NIS it is absolutely necessary to have on going research projects on various aspects of law in development. The School may seek funds from Agencies within and outside the government for support of its research activities.

In this connection the Academic Council welcomes the decision to publish books on Economics, Sociology, History, Political Science and English for law students by the NIS. It is desirable to get these materials suitably edited by the Sr. Faculty of the NIS and publish in the name of the NIS.

Besides the above publication, the NIS should bring out an Half-yearly Journal on 'Contemporary Developments in different branches of Law'. This may be called the National Law Review and it may be funded by the NIS itself.

(o) A Centre for Women and Law:

In view of the increasing importance of Human studies

: 18 :

and support being offered by the University Grants Commission and the Ministry of Human Development, the NIS should set up a Special Centre for study of issues in Law concerning the status of women. Suitable projects may be developed by the Faculty and appropriate assistance sought from funding agencies. A small Faculty Committee may be constituted to look after the development of this Centre.

(p) Institute for Comparative Law:

The importance of comparative law studies for both scholarship and International relations cannot be over-emphasized. In view of the role of our country in regional cooperation and International relations, an Institute for Comparative Law is most appropriate in the NIS. This will give the necessary legal support to India's position in SAARC countries and the non-aligned movements. It may also organise specialised studies regionally or country-wise. In this regard the Academic Council recommends special attention to the study of Socialist Legal System particularly because of the need to develop socialist jurisprudence in the present context of India

(q) Library Development:

An Institution like the National Law School should aspire to develop library facilities suitable to cater to its academic and research commitments. Of course, this will take a long time and a suitable plan should be developed by the library staff of the NIS. Meanwhile, the NIS should approach the funding agencies within the country and outside for its library developments.

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The Ford Foundation in India may be approached to assist the library in securing volumes of important foreign legal periodicals and to enrol subscription for current issues of these publications.

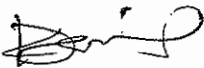
Similarly the Government at the Centre and in the States may be approached to give atleast one copy of its publications free of charge to the NIS Library. Meanwhile the essential reports and texts Books may be immediately purchased before the commencement of the Academic year.

(p) Institution of Academic Chairs:

It is an excellent idea to associate private philanthropic institutes with the development of NIS. Besides seeking suitable donations, the Academic Council recommends that individuals and institutions may be approached to institute endowments for setting up the Academic Chairs in different branches of law. It is estimated that a Chair may need an Endowment of Rs. 10 lakhs to support a Professorship and necessary staff.

DIRECTOR.
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ANNEXURE R-1/3

60

Minutes of the Meeting of the Executive Council held on Saturday, the 27th January, 2007

Item No. 2 - Common Entrance Test

It was resolved that

"We accept in principle holding of a Common Admission Test, but we reiterate that the responsibility of conducting the CAT should be with the NLSIU, so that the same standards can be retained."

Item No. 3 – Ratification of faculty appointments

Recruitment – for ratification – VC said that the consent has already been obtained by circular.

Regarding 4 additional increments to Mr. Sairam Bhat

The committee disapproved the additional increments given to Mr. Sairam Bhat, as it is not in conformity with the UGC Rules. The increments given to others is approved.

Item No. 4 – Ratification of the administrative staff appointments

The Regularisation was not approved since the procedure was not followed properly. EC further felt that there should be proper records maintained in the process. At any cost the backdoor entry shall be avoided.

It was resolved that :

The Registrar's office should prepare a note with the individual candidate's details and a proposal can be made to EC with the relevant information about their service, pay, confidential records, nature of duties, educational qualification, etc. Also whether the candidate is qualified or not. With the complete information the note may be placed before the Executive Council. Until the decision is made, the consolidated pay whatever they were getting should be paid. If necessary, a meeting may be arranged as soon as the information is ready.

Item No. 8

When Prof. Hegde raised some objection regarding the irregularity in paying the additional increments – the Committee insisted to make a formal complaint, then they will look into individual cases.

The Committee also suggested to prepare the Rules, if already Rules are available and if modification is required, make a formal proposal and place it before the EC.

As regards fixation of pay to Mr. Somu C.

The EC disapproved the appointment letter issued by the Registrar. However, considering the plea of the Vice Chancellor, the Executive Council suggested his present pay of Rs. 25,675/- may be protected and new appointment letter may be issued with the refixed amount, i.e. Rs. 25,000/- and not 29,000/- .

Item No. 5 – Investments

The Committee was of the opinion that the office should come out with a proposal giving a clear picture – indicating where it will be invested – what is the present rate of interest – whether to invest in public sector or government organizations and not in private institutions, etc. and which mutual fund you prefer and reasons for the same. The proposal with all the above information may be placed before the EC for its approval.

Item No. 6 – enhancement of tuition fee

Approved.

Item No. 7 – Pension payable to Ms. Pushpa, CCL Dept.

It was approved and informed that the same pension rule can be applied as it is applied in other cases.

Item No. 9 – As regards information to be given under RTI

It was approved that only the resolutions can be given and not the proceedings.

Item No. 10 – Revision of medical budget – Beerappa's case.

It was agreed to revise the medical budget.

Item No. 11 – Agreed

Registrar informed the Committee that Prof. Babu Mathew's lien will come to an end by 31.3.2007. The Committee felt that he should join before the date and if not his lien will not be extended.

Next item – approved

Item No. - Increments to those who have reached maximum

The Committee recommended that a proposal may be placed before the EC based on the UGC Rules for grant of increments for those who have reached the maximum scale. Based on the proposal the EC may grant some stagnation increment as per Central Govt. Rules.

Registrar informed the Committee that he is not getting any separate allowance for holding the Office of Registrar as he is doing both administration work and also teaching.

The Committee was of the opinion that let the matter be placed before EC with a proper proposal – in order to finalise granting of a special allowance for a Professor when he is appointed as Registrar during the term of Office of Registrar.

Item No. 27 – ASLEA Conference

When the Registrar informed the Committee about the receipt of Rs. 19,00,000/- from the UTI Bank towards organizing the ASLEA Conference and that the same has not been remitted to NLSIU, the EC resolved that

“whenever such Conferences / Seminars conducted with the coordination of the NLSIU, a detailed report must be prepared showing the amount received by the concerned Departments / sponsors, expenses incurred, what is the income earned by NLSIU from those Conferences” Such reports must be duly certified by the Registrar and the same should be placed before the EC.

Finally EC strongly recommended the Minutes of the Meeting shall be circulated for approval immediately.

Item No. . P. 3

GRH - Some advance increments would be – let that proposal come separately. Some of the – those who hold the

Increments only for the Lecturer and not for the Asst. Professor because he has Ph.D.
Mr. Sairam Bhat

UGC Rules – AJD – With the modification for

Let there be a proper note circulated

Sairam Bhat – increments to those who hold the lecturer post - Registrar denied –

Make a proposal for amendment of Rules – we may apply the rules.

IF you find any rule – please make applications – before EC. if it is fare .

AJD – posts are already there – but here is a situation wherein certain people are working since so many years – who were recruited directly – since 1998 – at that time we were not in a position to appoint -

The Committee should have been constituted by EC – do not violate the rules

Call for application itself is out of question – they should also face the Committee

They were on consolidated basis –

VVK –

You can regularize – there should be some record – prepare a note call those employees – back door entry should not be permitted – we are not against them – the power has to be exercised by the EC.

Who had approved the internal circular – VC admitted – he himself – it would have been discussed in the meeting. Let them also know who are the members of the

The Committee took a decision and authorized Justice Mallimath to take a decision about the

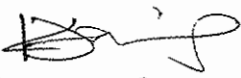
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VR Reddy – ad hocism should not be there – some kind of a procedure should be followed – you may appoint a competent person – but procedure should be followed.

Mallimath – we accept his own statement and pay him only Rs. 25.000- and not 29.000/-.

It shall not be treated as a precedent –

You may refix it and ensure that it total should not be less than what he is drawing now.


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Minutes of the meeting of the Executive Council held on Sunday, the 13th May, 2007 at 10.00 A.M.

Item No. : 1 : Confirmation of the minutes of the previous Executive Council meeting :

With the permission of the Chair, certain decisions have taken at the EC meeting, a report of the action taken should be placed before the next EC

Item No. 1: Search Committee – Chair Professor as NLSIU

Resolved to constitute a search committee consisted of the following members for identifying suitable persons for the appointment to hold the position of the Professor of different chairs at NLSIU. The committee shall be entitled to consult distinguished persons for the position, the search committee shall place the names so selected in the next meeting for the final decision :

1. Justice Malimath
2. Vice Chancellor
3. Shri Patnaik
4. Shri V.R. Reddy
5. Mr. Gopakumaran Nair, Chairman, BCI

The members of the EC have requested to suggest suitable names. Registrar shall be the Ex-officio Secretary to the Committee.

Item No. 2: The EC constituted a Committee consisting of following members to finalise the rules placed before the next EC :

1. Shri. B.S. Reddy
2. Shri.Desai Chandrashekar, Karnataka Bar Council Chairman
3. Prof. V. Nagaraj
4. Shri. B.D. Hiremath

Registrar shall be the Ex officio secretary

Item No. 3: Common Entrance Test

It was resolved the modify the resolution to the following effect that the VC should take the stand that having regard to the preeminent position of the NLSIU being the pioneer in holding the Test, it should play the leading role in conducting the Common Entrance Test. The VC is requested to persuade the other Vice Chancellors in this behalf.

Item No. 5 : Resolved that the proposal contemplated by agenda item no. 5, shall be finalized within a week and the approval of the EC sought by circulation.

Item No. 6 : Increase in fees by Rs. 14,000/- over last year was approved and confirmed.

Item No. 7 : Providing information under RTI Act - Based on the issue relating to the publication about Law School in Times of India under RTI Act and the issue of what can be released in the Press under RTI Act was discussed elaborately though no conclusion was arrived at. It was resolved that the information must have leaked by the administrative staff and a stern warning must be given to them to prevent such happenings in the future.

Main Agenda

Item No. 2 :

1. Regularisation of the services of administrative staff :

It was resolved to approve the regularisations of services of the following with effect from November 1, 2006 :

- i) Ms. Pushpa Kadam
- ii) Ms. Vidya S.G.
- iii) Mr. Umesh
- iv) Mr. Naveen Kumar
- v) Ms. Prema Kumari

Resolved that having regard to the exigencies of service becomes necessary to make immediate appointment, the VC could make such adhoc appointments and bring it to the notice of the Executive Committee immediately in the next EC meeting.

Further resolved that if the vacancies should be filled up as per the University Rules and Regulations and if the ad hoc appointments are eligible, to consider their applications as well. The cases of Ms. Uma, Ms. Jyothi, Mr. Gulam Hyder and Mangala Gowri were not considered for regularization as they have left the service long back.

2. Grant of advance increments to those who acquire M.Phil and Ph.D. degree:

Keeping in mind the UGC guidelines issued on the basis of the Order of the Govt. of India dated 1st July, 1998 and the resolution of the Executive Committee dated 7th of August, 1999, the Executive Committee resolved to extend the benefit of advance increments to the members of the teaching staff acquiring Ph.D. or M.Phil degree respectively as follows :

1. 4 and 2 advance increments will be admissible to those who hold Ph.D and M.Phil degree respectively at the time of recruitment as Lecturers and Assistant Professors:

2. 4 and 2 advance increments will be admissible to those who acquire Ph.D. and M.Phil degree respectively after the recruitment to the said post;
3. Associate Professors onwards who acquire Ph.D. degree after 7.8.1999 shall be eligible for two increments

The aforesaid provisions shall be given effect to from 7.8.1999.

4. Appointment of Mr. Somu C. :

After an exhaustive consultation on the issue regarding fixation of the pay to Mr. Somu on his appointment as Assistant Professor, the Executive Council resolved to grant four advance increments in the pay scale of Rs. 10,000 to 15,000/- so that the total emoluments will be receiving could not be less than the total emoluments he is receiving in the private college where he is serving. The offer of appointment, already made shall be modified on these lines.

Item No. 3 : Stagnation increments

The Executive Council decided to grant the benefit of stagnation increments contemplated to the employees of NLSIU. The proposal in the agenda to grant stagnation increment is approved.

Item No. 4 : Institution of Allen & Overy Chair on International Financial Laws

The Executive Council approved the action taken by the Vice Chancellor in establishing a Chair on International Financial Laws financed by M/s, Allen & Overy, London. It is resolved to convey the appreciation and thanks to the donor.

Item No. 5 : Convocation

The EC suggested the following names for being invited to be the Chief Guest for the next Convocation

1. Shri Gopalaswamy Iyengar, Chief Election Commissioner
2. Shri Y.V. Reddy, RBI Governor
3. Shri Fali S. Nariman, Sr. Advocate
4. Shri K. Pachauri

In case none of the above are not available, the Vice Chancellor may at his discretion invite any other suitable dignitary.

Item No. 6 : 3% reservation for physically challenged candidates in the Admission to NLS.

EC deferred it to the next EC meeting. The Registrar shall place before the Executive Council, a copy of the Act, the judgment rendered by the High court of Karnataka and

also a copy of the report said to have been submitted by Justice Rama Jois. if available. along with relevant judgments.

Item No. 7 :

The EC committee decided to consider the incentive to be given to the staff members on the occasion of the Silver Jubilee function of the University.

Item No. 8 : Selection of the administrative staff

The EC felt that the response to the advertisements being very poor. steps should be taken to adequately advertise and invite applications afresh. In view of the urgent necessity to carry on the administration, the EC authorizes the VC to make ad hoc appointments pending regular recruitment to the posts of Secretary, Office Assistants and Junior Assistants. Adequate steps should be taken for advertising posts indicating all relevant details.

Among the three members to be nominated by the VC under the NLSIU Regulation 4(c), the Chairman of the Karnataka State Bar Council or any member nominated by him shall be nominated.

Item No. 9 : Establishment of a Centre

Resolved to constitute a committee consisting of the following members of the Executive Committee to scrutinize the proposal and to take a final decision in this regard:

1. Chairman of the State Bar Council
2. Bar Council of India member from Karnataka
3. Law Secretary

Item No. 10 : Institution of Chair on Consumer Law

The Council noted with appreciation the sanction of professorial chair on Consumer Law & Practice by the Ministry of Consumer Affairs. to set up Chair on Consumer Law & Practice at NLSIU. EC authorized the University to convey the appreciation and thanks to the appropriate authority.


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ITEM NO.17, 17.1

COURT NO.5

SECTION PIL-W

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 S

Writ Petition(Civil) No. 600/2015

SHAMNAD BASHEER

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH APPLN(S). FOR PERMISSION TO FILE ADDL. DOCUMENTS,
INTERVENTION APPLN.)

WITH

W.P.(C) No. 576/2018 (X)

Date : 30-10-2018 These matters were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Mr. Zoheb Hossain, AOR
Mr. Adeeba Mujathid, Adv.
Mr. Vivek Gurnani, Adv.

For Petitioner(s)/
Respondent(s)

Ms. Roopali Mohan, Adv.
Mr. Namit Saxena, Adv.
Ms. Taruna Ardhendumauli Prasad, Adv.
Mr. Piyush Singh, Adv.
Mr. Amritesh Raj, Adv.
Mr. Nitesh Ranjan, Adv.
Mr. Shashank Saxena, Adv.
Mr. Ardhendumauli Kumar Prasad, AOR

For Respondent(s)

Mr. Rakesh Munjal, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Vaibhav Gulia, Adv.
Mr. Puneet Gupta, Adv.
Mr. Paramjit Singh Jaswal, Adv.
Mr. Ravinder Singh, Adv.
Ms. Rakhi Ray, AOR

Mr. Atmaram N.S. Nadkarni, A.S.G.
Mr. Merusagar Samantray, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. Leelesh Krishna, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Sajan Poovayya, Sr. Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Ms. Priyanka M.P., Adv.
Mr. Risha Agarwal, Adv.
Mr. E.C. Agrawala, AOR

Mr. Anand Varma, AOR
Ms. Shubhangni Jain, Adv.
Ms. Manpreet Kaur, Adv.

Mr. Puneet Gupta, Adv.
Mr. Ravinder Singh, Adv.
Mrs. Reeta Dewan Puri, Adv.
Mr. P.N. Puri, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Gaurav Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

The copy of the report filed by the Union of India, Ministry of Human Resource & Development, pursuant to order dated 13.06.2018, passed in W.P.(C) No. 551/2018 be furnished to learned counsel for the parties.

List the matters on 28.11.2018.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar

71

ITEM NO.5, 5.1

COURT NO.5

SECTION PIL-W

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 S

Writ Petition(Civil) No. 600/2015

SHAMNAD BASHEER

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH APPLN(S). FOR PERMISSION TO FILE ADDL. DOCUMENTS,
INTERVENTION APPLN.)

WITH

W.P.(C) No. 576/2018 (X)

Date : 28-11-2018 These matters were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. Zoheb Hossain, AOR
Mr. Gopal Shankar Narayan, Adv.
Mr. Adeeba Mujathid, Adv.
Mr. Vivek Gurnani, Adv.

For Petitioner(s)/
Respondent(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Amritesh Raj, Adv.
Mr. Piyush Singh, Adv.
Mr. Nitesh Ranjan, Adv.
Mr. Vaibhav shrivastava, Adv.
Mr. Sashank Saxena, Adv.

Mr. Namit Saxena, adv.
Ms. Taruna Ardhendumauli Prasad, Adv.

For Respondent(s)

Mr. Rakesh Munjal, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Puneet Gupta, Adv.
Mr. Vaibhav Gulia, Adv.
Ms. Rakhi Ray, AOR

Mr. V. Giri, Sr. Adv.
Mr. A.Karthi K., Adv.
Ms. Rakhi Ray, Adv.

Mr. Atmaram N.S. Nadkarni, A.S.G.
Ms. Suhasini Sen, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Leelesh Krishna, Adv.
Mr. Merusagar Samantray, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. Salvador Santosh Rebellow, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Sajan Poovayya, Sr. Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Ms. Priyanka M.P., Adv.
Mr. E.C. Agrawala, AOR

Mr. Anand Varma, AOR

Mr. Puneet Gupta, Adv.
Mr. Ravinder Singh, Adv.
Mrs. Reeta Dewan Puri, Adv.
Prof. Paramjit Jaswal, Adv.
Prof. K.D. Rao, Adv.
Mr. P.N. Puri, AOR

Mr. Prabhas Bajaj, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Abhishek, Adv.
Mr. Gaurav Sharma, AOR

For Applicant(s) Ms. M. Sidhu, Adv.
Mr. P Vinay Kumar, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Mr. S.S. Ray, Adv.
Mr. Puneet Gupta, Adv.
Ms. Rakhi Ray, AOR

UPON hearing the counsel the Court made the following
O R D E R

Application for intervention is dismissed as
withdrawn.

Shri Atmaram N.S. Nadkarni, learned Additional
Solicitor General appearing on behalf of the Union
of India, Ministry of Human Resource & Development
states that the Government has prepared a report

and shall further convene a meeting of all the parties to these petitions, NTA and the Bar Council of India; seek their views and make appropriate recommendations for the holding of the examination within four weeks.

List thereafter.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar


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ANNEXURE R-1/6**4. Intake and reservation:**

The intake capacity for the Degree Programme shall normally be Sixty, with the following reservations:

(a) Scheduled Caste	15%
(b) Scheduled Tribe	7½%
(c) Foreign Students	5%

Provided in respect of Foreign Students the Admission Test shall be conducted with the help of Indian Missions abroad in the respective Countries.

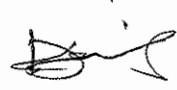
5. Duration and academic terms:

- 5.1. The duration of the course shall be for a period of five academic years.
- 5.2. Each academic year is divided into three academic terms, each term called a 'Trimester' having a minimum of 70 working days.
- 5.3. The Academic terms shall ordinarily be from 1st July to 20th September, from 25th Oct. to 15th January and from 30th January to 30th April.

6. Tuition and other fees:

- 6.1. The tuition fee for the degree programme for each year shall be Rs. 1,500/- which shall be collected in three instalments at the beginning of each Trimester. If fee is not paid within a week after the commencement of the Trimester, it shall be collected with late fee of Rs. 1/- per day till the end of 20 working days. Candidates who fail to pay fee within the prescribed period with late fee shall be removed from the rolls and they shall be re-admitted only on payment of re-admission fee of Rs. 100/- and a satisfactory report of progress and conduct from a Teacher of the Faculty.
- 6.2. In respect of newly admitted students, admission will not be complete unless they pay the prescribed fees within specified time.
- 6.3. Besides tuition fee at the beginning of the first trimester of each year, a candidate is required to pay a sum of Rs. 500/- towards reading materials and a further sum of Rs. 500/- towards co-curricular and student welfare activities.

Note: Tuition and other fees paid by the students admitted to the course shall not be refunded under any circumstances.


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Academic Calendar at NLS

Resolutions on Academic Calendar

The Academic Council Meeting on 12th December, 1987 proposed that each Academic Year be divided into three academic terms each with a minimum of 70 working days. This academic term will be called a trimester.

On 11th September, 1988 the 4th Executive Council Meeting of NLSIU resolved that each Academic Year is divided into 3 academic terms. Each term, called a trimester, has a minimum of 70 working days.

Consequences of the Resolutions

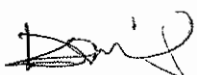
The mandatory 70 working days are spread across 12-13 weeks. Each 12-13 week trimester extends to 90 calendar days. 3 trimesters will require 270 calendar days.

Ordinarily students complete compulsory internships during the term breaks which vary from 30 to 45 days. This year we had planned to forego the term break and replace it with a 15 day break between each trimester as this is essential to finish evaluation and assessment exercises. Hence the Academic Year requires 315 days.

Academic Year 2020-21

If NLS Admissions is completed under the NLAT 2020 Schedule the Academic Year will run from September 18, 2020 to June 30, 2021. This will allow for 285 calendar days this year leaving a 30 day shortfall. We may preserve the Academic Year by further compressing the evaluation and assessment period to 5 days. This is neither optimal or desirable but is the result of the delayed CLAT 2020 schedule. Hence, the Academic Year 2020-21 will be completed before the start of Academic Year 2021-22 on July 1, 2021.

If NLS Admissions is completed under CLAT 2020 From October 10 to June 30, 2021 the Academic Year will have 263 days leaving a 52 day gap. Even if we compress the evaluation and assessment period to 5 days between each term and save 30 days, the Academic Year 2020-21 cannot be delivered.


-TRUE COPY-

ANNEXURE R-1/8

76

Nithya Rajshekhar <legal@nls.ac.in>

M Gmail

Letter from Nirma University Law School which has a trimester system for LLM and has moved away from CLAT for this process this year

Sarasu . <Sarasu@nls.ac.in>
To: Nithya Rajshekhar <legal@nls.ac.in>
Cc: Sudhir Krishnaswamy <sudhir@nls.ac.in>

Sat, Sep 12, 2020 at 10:31 AM

Email

----- Forwarded message -----

From: **Purvi Pokhariyal** <director.ll@nirmauni.ac.in>
Date: Sat, Sep 12, 2020, 10:27 AM
Subject: Thank you!!
To: Sarasu . <sarasu@nls.ac.in>

Dear Prof. Sarasu Thomas
Professor of Law & Registrar
National Law School of India University, Bangalore

Subject: gratitude for gracing Commencement session of One Year LLM batch (2020-21)

Dear Sarasu Ma'am

It was indeed an absolute pleasure to host you for the commencement (Orientation) session for our newly admitted one year LLM batch of 20-21.

Your motivational address infused new energy and enthusiasm amongst the students during this testing times.

As you know this is one year programme and it is expected to nurture post graduate students with cognitive deeper understanding on specialised area along with sharpening their research and writing skills. One year programme comprises of three trimester for our LLM programme. And we were running out of time due to delay in centralised admission process through CLAT 2020. So finally in early August we have decided to change the mode of admission from CLAT to graduation merit. So that we can save time of our first trimester and can complete the programme on time. Accordingly we could start our new LLM batch from 31st August, 2020. I am really thankful to you for accepting our invitation for our formal commencement ceremony. You have been motivating and inspiring generations of students throughout all these years and your words wisdom paved a new direction for learning for our LLM students. I received overwhelming feedback from this session and I must be thankful to you to be with us and helping us for guiding our LLM students during this unprecedented times. This is unprecedented time and that demands the unusual responses and new adaptability.

Thank you once again

With regards

Purvi


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ANNEXURE R-1/9

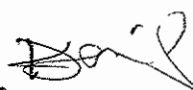
77

06.01.2020	The General Body meeting of the Consortium of NLUs was held. The Secretary-Treasurer introduced and explained to the members various steps taken by the CLAT Secretariat in preparation of the examination including: a user-friendly and streamlined website for the Consortium and CLAT 2020 and a sample of the revised format of the UG CLAT paper designed to test student aptitude instead of prior knowledge of law. The sample paper had also been surveyed by students from NLSIU. The efforts of the CLAT Secretariat on both initiatives were specially commended by the Members. Additionally, he also briefed the General Body that the CLAT Secretariat had put in efforts to develop and introduce free and high-quality study materials and mock tests for all CLAT applicants, so as to not disadvantage those students who could not afford coaching.
21.04.2020	Due to the ongoing COVID-19 lock-downs, Executive Committee of the Consortium postponed the CLAT 2020 examination from 10th May 2020 and rescheduled to 21st June 2020.
17.05.2020	The Executive Committee of the Consortium resolved to postpone the CLAT 2020 again (2nd CLAT Postponement). The Consortium issued a notification informing candidates that a new date would be notified by 01st July 2020. At the same meeting, the Respondent No.2 informed the EC of the large increase in the number of applications after the digital marketing initiative.
17.06.2020	The Executive Committee of the Consortium met. The Respondent No.2 presented the report of the survey conducted by the CLAT Secretariat to evaluate options for conduct of the exam, given the Covid-19 pandemic. The Executive Committee assessed the feasibility of continuing with a pen-and-paper exam vs. an online computer-based examination. The Respondent No.2 also reported his efforts in contacting vendors to conduct an online examination.

29.06.2020	The Executive Committee of the Consortium issued a notification scheduling the CLAT 2020 exam on 22nd August 2020. The test was to be a centre-based online computer exam. The Executive Committee was informed by the Convenor that a Vendor had been selected.
16.07.2020	A General Body Meeting of the Consortium was held. The Respondent No.2 informed the Consortium of the various measures taken by the CLAT Secretariat including: ▪ Due to the pandemic situation, the test centres were expanded from 67 to 203; ▪ Detailed Medical protocols to be followed on the exam day; ▪ The mock exams schedule has been prepared and shared to all the VCs The Respondent No.2 also informed the members about the proposal for securing an insurance policy for students and staff for the duration of CLAT 2020 exams. He informed that proposals have been sought from various Insurance Companies and the best proposal received was shared with the VCs. The Consortium authorised Secretary-Treasurer and the President to go ahead with the said Proposal. However, certain members raised objections on the ground that the price for an Insurance Policy was too high to bear for the Consortium and not necessary.
30.07.2020	A meeting of the Executive Committee of the Consortium of NLUs was held. The Respondent No.2's proposal to secure an Insurance Policy for students and staff as a precautionary measure for CLAT 2020 was rejected, despite general support from several members, for the sole reason that it was not necessary and it involves huge amount and does not serve any purpose. The Respondent No.2 did not share the same view. At the same meeting, despite the Health and Safety Protocols and the conversion of the exam to a Computer Based format in order to accommodate students during the pandemic, few members raised health concerns and suggested a postponement

	of the CLAT 2020 from 22 nd August 2020. However, the Consortium resolved to decide the issue at its next meeting.
05.08.2020	The Executive Committee of the Consortium of NLUs held a meeting to consider the date of the CLAT 2020 exam. The Test Vendor was also in place to conduct the exam on 7th September 2020. The Respondent No.2 had also begun the process of securing an additional approval from MHA for the conduct of the CLAT exam and to ensure all candidates would be allowed to travel to the centres. The Respondent No.2 urged the Consortium against postponement of the exam, given the extensive Covid-preventative measures being taken at the centres and the need to preserve the Academic Year. The Respondent No.2 shared a presentation with the Executive Committee detailing the impact of a postponement on the Academic Calendar of the Respondent No.1 University, and proposing a host of options in order to accommodate members facing such difficulties: • for NLUs to proceed with their own admission process for 2020-21; • allow for CLAT 2020 to be conducted in two series so that Universities may choose an earlier or later date; and • for NLUs to admit CLAT-enrolled students to appear for separate exams conducted by the NLUs, with no further need for registration or fee payment. Despite this, the Consortium, by majority vote, merely resolved to postpone the examination, to a date to be determined later.
10.08.2020	The General Body of the Consortium of NLUs held a meeting where it was decided to schedule the CLAT exam on 7th September 2020. Whilst this date would enable members such as NLSIU to complete their admissions without suffering a 'Zero Year', some participants mentioned that it may be necessary to postpone the examination even further.

27.08.2020	The Executive Council of the Consortium took the decision to postpone CLAT once again. The Respondent No.2 raised serious objections to the postponement, and also brought to the notice of the Consortium the fact that the pandemic would only get worse in the coming months. Further, to facilitate the needs of institutions reliant on CLAT who would not be able to sustain further delay, the options already presented and discussed with the Consortium, the Respondent No.2 offered to underwrite the entire CLAT 2020 examination from NLSIU's share of Consortium fees, in order to hold the examination on the fixed date of 7th September 2020. However, none of the options were accepted by the Consortium.
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**Minutes of the Emergency Faculty Meeting
held via video conference on 6th August 2020**

Members present:

As per the Zoom Video Recording

Agenda

1. Postponement of CLAT yet again from 22nd August to 7th September 2020
2. Contingency Plan to prevent a Zero Year

Discussion:

The Vice Chancellor, Prof Sudhir Krishnaswamy informed Faculty members that this emergency meeting had been called due to the decision of the Executive Committee of the Consortium of National Law Universities dated 05.09.2020 to postpone the CLAT 2020 exam until further notice. It was also informed that a new date for CLAT 2020 was not yet finalised, however, it was likely that the exam would be scheduled in September. He stated that this emergency Faculty Meeting had been called to decide on NLSIU's next steps.

The Vice Chancellor informed the Faculty that he had put forth the case of NLSIU as the only National Law University having a trimester system before the Consortium members. He informed the Consortium that delays in CLAT would unfairly prejudice NLSIU and set before them several alternatives including: (1) allowing NLSIU to go ahead with an alternate admissions process for this year, and (2) allowing multiple CLAT exams and go ahead with the date as proposed.

The Vice Chancellor further informed the Faculty that the CLAT 2020 had been postponed for the third time, despite the extensive health and safety protocols and a redesign of the exam to a centre-based computer exam. As the Covid-19 pandemic is only getting worse, there is no justification for further delays.

Faculty members expressed concern that the trimester was going to be severely delayed as a result of the postponement. Undergraduate Chairperson Prof T. Somashekhar suggested going ahead with an exam immediately to prevent further delay and to explore using the same centres as CLAT.

Other Faculty members including Prof Ashok Patil suggested that we should run our own entrance exam. Mr Kunal Ambasta agreed, but expressed concern about the costs of administering a separate entrance examination.

Dr. Nandakishore queried whether we could go ahead for this year while staying within the Consortium.

Some members including Ms. Sanyukta Choudhry and Ms. Rashmi Venkatesh asked if it was possible to have a delayed trimester and what the impact of that would be. Academic calendar options were explored and discussed.

Prof. Babu Mathew opined that we should explore many options and shared the MPP experience which allowed the MPP course to begin on schedule.

The Registrar, Prof. Sarasu Esther Thomas made a short presentation on the impact of a delayed CLAT on the NLSIU's Academic Year:

1. Impact on applicants

a. Financial

The Registrar explained that since many private colleges have conducted or are in the process of concluding their admissions, students may join these colleges as a backup while they are waiting for the CLAT to be held. Many students will be forced to pay fees in these private universities, which they will not be able to get back in case if they wish to join a National Law University at a much later date. Therefore, many such students will be forced to lose out on the opportunity to study at the National Law School or other similar institutions in this Academic Year.

According to the UGC policy, admission and fees paid may be refunded by universities to students in the following manner.

Sl. No.	Percentage Refund of fees	Point of time when notice of withdrawal of admission is received in the HEI
1	100%	15 days or more before the formally notified last date of admission
2	90%	Less than 15 days before the formally notified last date of admission
3	80%	15 days or less after the formally notified last date of admission
4	50%	30 days or less, but more than 15 days, after formally notified last date of admission
5	00%	More than 30 days after formally notified last date of admission

b. Loss of opportunity to study at NLS

The Registrar explained to the Faculty that our academic calendar had been reworked around the August 22nd CLAT date allowing 1st Year B.A., LL.B and LL.M students to begin the Academic term from 7th September.

I Trimester	7 th September 2020	to	7 th December 2020
II Trimester	15 th December 2020	to	15 th March 2021
III Trimester	21 st March 2021	to	21 st June 2021

From the next year onwards, it would be synchronised with other classes. Even if NLSIU were to begin on 15th September 2020, the schedule will be 7 days beyond the above. 2nd year classes would then be able to begin from July 2021.

Any further delay beyond mid-September would mean that NLSIU would be extremely difficult to implement since all teachers would be busy with second trimester courses for 2nd- 5th year students. Further, the delays would also severely cut short the possibility of term breaks between the trimesters.

This would force NLSIU to announce a Zero Year i.e., there would be zero student intake in the year 2020-21. NLSIU would therefore lose 120 seats of B.A., LL.B. (for 5 years) and 50 seats for LL.M (for 1 year). Considering the fact that NLSIU is the first preference for more than 60% of CLAT applicants, this would be a grave injustice to those who wanted to join the University.

2. Impact on NLSIU

- a. The Registrar explained a delayed CLAT would result in NLSIU losing out on the best students, as they may be forced to join other institutions before admissions through CLAT could be concluded.
- b. She further explained the loss of fees that would be incurred by the University in the event of a Zero Year:

B.A.,LL.B.- Rs.2,75,100 pa x 120 students x 5 years = Rs.16,50,60,000/-

LL.M- Rs. 1,98,975 pa x 50 students x 1 year = Rs. 99,48,750/-

- c. The Registrar also noted that the University had undertaken a Faculty Recruitment drive keeping in mind the increased student intake as well. In the event of a zero year, this would result in a non-optimum use of faculty resources.

Possible solutions

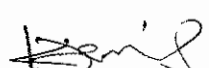
The Members discussed the following possible solutions to the delay effected by CLAT 2020:

1. To go ahead with an extremely delayed intake of students with whoever we get in terms of quality and with additional double workload for teachers and consequent loss in quality.
2. Devising a fresh admissions process to be completed urgently which will allow us to admit students by mid-September and continue with a delayed but full trimester without compromising academics.
3. Declare a Zero year with consequent financial losses, loss of talent etc as the last possible resort.
4. If we run our own entrance exam, we may have to bear a small loss in monetary terms for the entrance process at a time when our finances have been severely hit.

It was concluded that since the date for the CLAT exam had not been fixed, and there was no knowing whether there would be any further postponements, NLSIU may be faced with pushing the first trimester to the second trimester, and so forth, thereby making it impossible to make up the Academic calendar before July 2021. In such a case, NLSIU will be forced to announce a 'zero year'.

As a last option, we should develop a separate admissions procedure which will allow us to begin classes by mid September.

The Faculty unanimously resolved that the Vice Chancellor should contact the Nominee of the Chancellor, Hon'ble Justice U.U. Lalit and convene an emergency meeting of the Executive Committee to discuss this issue and obtain the Executive Committee's approval for a separate admissions process.


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REGISTRAR
National Law School of India University
Post Bag No. 7201, Nagardahav.
BANGALORE - 560 072

Extract of Draft Minutes of 91st Executive Council Meeting

**DRAFT MINUTES OF THE 91st MEETING OF THE EXECUTIVE COUNCIL
OF THE
NATIONAL LAW SCHOOL OF INDIA UNIVERSITY
HELD ON
WEDNESDAY, AUGUST 12, 2020 AT 3.30 PM
AND ON
TUESDAY, AUGUST 18, 2020 AT 4.30 PM
VIA VIDEO CONFERENCING**

MEMBERS PRESENT

1. Hon'ble Mr. Justice Uday Umesh Lalit, Judge, Supreme Court of India
2. Hon'ble Mr. Justice Dhananjaya Y. Chandrachud, Judge, Supreme Court of India
3. Hon'ble Mr. Justice S. Abdul Nazeer, Judge, Supreme Court of India
4. Hon'ble Mr. Justice V. Gopala Gowda, Former Judge, Supreme Court of India
5. Shri. Manan Kumar Mishra, Senior Advocate, Chairman, Bar Council of India
6. Shri. S. Prabakaran, Senior Advocate, Co Chairman, Bar Council of India
7. Shri. Debi Prasad Dhal, Advocate, Managing Trustee, BCI Trust
8. Shri. Apurba Kumar Sharma, Senior Advocate, Chairman, Executive Committee, Bar Council of India,
9. Shri. Y. R. Sadasiva Reddy, Member, Bar Council of India
10. Shri. Ved Prakash Sharma, Advocate, Member, Bar Council of India
11. Shri. Prashant Kumar Singh, Advocate, Member Bar Council of India
12. Shri. Anil Kumar J.M., Chairman, Karnataka State Bar Council
13. Shri. E.V. Ramana Reddy, IAS, Additional Chief Secretary to Government of Karnataka, Higher Education Department
14. Shri. S.Y. Watawati, Law Secretary, Government of Karnataka
15. Prof. (Dr.) Sudhir Krishnaswamy, Vice Chancellor, NLSIU
16. Prof. (Dr.) Ashok R. Patil, Professor of Law, NLSIU
17. Prof. (Dr.) T.S. Somashekhar, Professor in Economics, NLSIU
18. Dr. Nagarathna A., Associate Professor, NLSIU

AND

19. Prof. (Dr.) Sarasu Esther Thomas, Registrar & Professor of Law as Secretary to the Executive Council

MEMBERS WHO EXCUSED THEMSELVES

1. Hon'ble Mr. Justice Mohan M. Shantanagoudar, Judge, Supreme Court of India

Opening Remarks

The Vice Chancellor, Prof. Sudhir Krishnaswamy, welcomed all the members to the 91st Meeting of the Executive Council. He thanked the Hon'ble Judges, representatives of the Karnataka State Government and members of the Bar Council of India for agreeing to attend this Executive



Council Meeting organized at short notice on Video Conference. He informed the Members that the Hon'ble Chief Justice of India, the Chancellor of the University was unable to attend and had nominated Hon'ble Justice UU Lalit to Chair the meeting in his absence.

Justice Lalit clarified the reasons why this emergency Executive Council Meeting had been convened at short notice at his initiative. First, as CLAT 2020 had been postponed several times, the University is unlikely to complete admissions by September 2020. Hence, NLSIU faces the prospect of a zero year where 120 BALLB + 50 LLM students will not be admitted and the University will lose INR16 crores over 5 years. Secondly, as the University had submitted a comprehensive Report reviewing the Reservation Policy in the third week of July, this Report should be discussed while the admissions process was underway.

Justice Lalit then asked if any Member took objection to the short notice and was keen that the Meeting should be adjourned. All Members unanimously agreed that due to the urgent nature of the agenda of the Meeting, the usual time frames for the Meeting may be dispensed with on this occasion.

Item No. 1	Postponement of CLAT 2020 and Admissions to the NLSIU for the Academic Year 2020-21
Discussion	Members noted that the Governing Body of the Consortium of NLUs held an emergency meeting on Aug 10th, 2020 to reschedule CLAT 2020 from Aug 22nd to 7th September 2020. Members expressed concern that CLAT 2020 had been rescheduled 3 times and further postponement could not be ruled out. The Vice Chancellor clarified that the University has made adequate plans to compress the Academic Year if the exam is completed on September 7th 2020. However, several Members expressed concerns if CLAT 2020 was delayed further. All Members agreed that the consequences of a 'Zero Year' in terms of loss of revenue (around 16 crores) and loss of opportunity to 120 BA LLB (Hons) and 50 LLM students to study at the National Law School was too high a price to pay. Some Members suggested exploring various admissions options: using 12th Standard Marks, other entrance examination results or conducting an online examination. The Chair emphasized that it is critical to authorize and urge the University to take immediate steps to prevent a Zero Year if CLAT 2020 is further rescheduled. The Chair requested the Vice Chancellor to consult with the BCI Chairperson in the event that the University needs the leave of the Supreme Court in these matters.
Decision	It was resolved unanimously that if there is a further delay in CLAT, the Vice Chancellor is empowered to take all necessary steps to ensure that the



86

	Admissions Process for 2020-21 is completed in September 2020. NLSIU is authorised to run its own admission process and conduct an independent admission test if necessary if there is further postponement of the CLAT exam.
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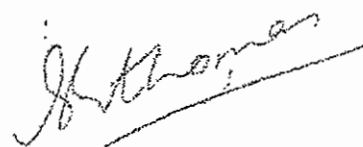
It was decided that the meeting would be adjourned to 18th August 2020 at 4.30 PM. The Vice Chancellor thanked all the members for joining this meeting.

After a formal welcome by the Vice Chancellor, Justice U U Lalit chair the meeting and invited Justice Gopala Gowda to present his note followed by a presentation by the Chairman, Bar Council of India.

Item 3	Any other item with the permission of the Chair
Discussion	The Chair asked the Vice Chancellor to clarify that CLAT 2020 was likely to be held on 7th September 2020. The Vice Chancellor confirmed that as per the current schedule it was to be conducted on 7th September 2020, but the Consortium may choose to reconsider the date later.
Decision	The Executive Council unanimously reconfirmed this resolution to empower the Vice Chancellor and the University to conduct an independent admission process in the event that CLAT 2020 is delayed further.

The Vice Chancellor thanked all the Members for joining the meeting and thanked Justice UU Lalit for chairing this important emergency Executive Council meeting.

Sd/-
Registrar
National Law School of India University, Bangalore



REGISTRAR
National Law School of India University
Post Bag No. 7201, Nagasbhalli,
BANGALORE - 560 072.


-TRUE COPY-



NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

Post Bag No. 7201, NAGARBHAVI, BENGALURU - 560 242. (Old Code No. 560 072), INDIA.

Telefax: 080 - 2321 3160, 2316 0532, 535 Fax : 080 - 2316 0534. Website : www.nls.ac.in Email : registrar@nls.ac.in

Report of the B.A.LL.B.(Hons.) and LL.M. Admissions Committee 2020

Committee Members

1. Prof. (Dr.) Sarasu Esther Thomas, Registrar
2. Professor Babu Mathew
3. Assistant Professor (Dr.) Kaushik Basu
4. Assistant Professor Kunal Ambasta
5. Assistant Professor Sanyukta Chowdhury
6. Nithya Rhea Rajashekar, Advocate (Legal Advisor to the Committee)

A. Objective

Since inception, admission to the B.A., LL.B. (Hons.) programme has been purely on the basis of merit as assessed through a common entrance exam. The University conducted its own All-India entrance examination until 2008, when the Common Law Admission Test was conceived. In 2018, the Consortium of National Law Universities comprising the Vice-Chancellors of 22 National Law Universities was formed to establish a Permanent CLAT Secretariat for the conduction of the CLAT. Admissions to the University's BA LLB(Hons) and LL.M. programme were also done on the basis of CLAT score.

The Covid-19 pandemic has however caused unforeseen difficulties and delays in the conduct of CLAT 2020. The repeated postponement of the examination has resulted in uncertainty for students, parents and the participating Universities. NLSIU is uniquely disadvantaged as it follows a trimester system where every academic year is made up of three terms of 90 days duration. Moreover, each term must accommodate 60 hours of classroom instruction in each course and adequately provide for examination and evaluation processes. Further, the academic offering for the 3rd, 4th and 5th year of the B.A., LL.B programme as well as the LL.M programme is fully integrated and requires a common academic calendar.

Hence, if NLSIU is unable to complete admissions before the end of September 2020 it will inevitably result in a 'Zero Year' with no admission. This will deprive law students of the opportunity to pursue their studies this year at India's premier law university. We are fully committed to ensuring that no student is denied the opportunity to study at NLSIU this Academic Year. Hence, NLSIU is compelled by the current circumstances to conduct a separate admissions process for the B.A., LL.B and LL.M programmes for the Academic Year 2020-21.

This matter was considered at length at a Faculty Meeting at the University on August 6th, 2020 where the Faculty unanimously resolved that NLSIU needed to take all measures necessary to avoid a 'Zero Year.' The Executive Council of the University, at its 91st Meeting held in two sessions on August 12, 2020 and 18th August 2020 met to consider the matter and unanimously resolved to authorize the University to develop an alternative admissions process in the event that CLAT 2020 was not conducted on September 7, 2020.

On August 28, the Executive Committee of the Consortium of National Law Universities postponed CLAT 2020 from September 7 to September 28, 2020. Accordingly, this Faculty Sub-Committee was constituted by the Vice-Chancellor and tasked with formulating a revised admission procedure for the academic year 2020-21 with respect to the B.A., LL.B. (Hons.) and LL.M. Programme (hereinafter referred to as 'Programmes').

B. Options available before the Committee

1. Conduct an online entrance exam at identified centres across the country for all applicants.
2. Conduct a home-based proctored online entrance exam for all applicants.
3. Conduct a home-based proctored online entrance exam for applicants shortlisted as per pre-defined criteria.

B1. Committee's decision regarding Option 1

As per expenditure estimates prepared by the University, conducting an online entrance exam at identified centres across the country for all applicants would cost Rs 4 crores. Moreover, under the given time constraints it would be extremely challenging to organise the same. Further, a home-based online examination discussed in Option 2 and 3 below ensures that candidates do not need to travel to physical centres for an additional examination.

Accordingly, the Committee decided that option 1 would be unfeasible.

B2. Committee's decision regarding Option 2 and 3

A home-based proctored online entrance exam for all applicants would not be feasible given the expected number of applicants (approximately 20,000+ for BA LLB and 5,000 for LLM considering the late call) and the available funds of the University, unless some minimum fee is charged from applicants. If this is done, we may make an open call.

Where no application fee is charged, such an entrance exam is feasible for applicants shortlisted as per pre-defined criteria. Subsequent to the initial deliberations of the Sub-Committee, it was made known to the members that the procedure for admissions as finalised by the Academic Council on December 12, 1987 was that "*Admission to the Law School would be only on the basis of the Written Admission Test*".

The Committee discussed the available technology platforms for conducting home-based proctored online entrance examination with two vendors (Edchemy and Co-cubes). The Committee also got in touch with Pearson Vue and NSEIT). A more exhaustive search may be undertaken by the University before making the choice of technology partner for the entrance exam.

With respect to the application fee, the University has two options - (i) to charge a nominal application fee (in the range of Rs 100 - Rs 250) to recover part of the costs

(with the balance being met by the University funds); or (ii) to not charge any application fee. While the Committee felt that (i) was ideal, a final decision may be taken by the Vice-Chancellor in this regard depending on the final expenditure estimates of the entire admissions process and availability of funds with the University.

Therefore, having considered all the options, it was concluded by the Committee that an online home-based entrance examination conducted for all applicants at the earliest and with the lowest possible application fee would be a fair, transparent and accessible admissions process.

C. Committee's recommendation regarding conduct of home based online proctored entrance examination

The syllabus of the examination should be as close as possible to the Common Law Admission Test 2020 so that candidates are not required to undertake any additional preparation for the NLSIU Entrance exam. The following format was recommended by the Committee.

Maximum Marks	80
Duration of the Exam	45 minutes
Question Type	Multiple Choice Questions only
Marking Scheme	2 mark per correct answer -0.50 marks per wrong answer -0.25 marks per skipped/unanswered question

Candidates will have to appear for the examination using a computer device with video and audio transmission available. They should be informed in advance that the University would not be responsible for any connectivity issues, or failure of internet connection during the examination.

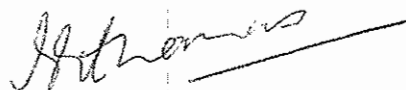
A mock examination should be held to familiarise the candidates with the technology platform on which the examination will be conducted.

There should be a protocol established to deal with potential malpractice since the examination will be attempted by the candidates in a home environment. It is understood that the available technology allows for artificial intelligence enabled human proctoring of the examination. Additionally, the technology vendor will put in place software mechanisms to ensure that forms of examination malpractice will be detected and suitable action taken. This should include, but is not limited to, restricting access to different online tabs on the computer, audio detection, continuous video streaming, detection of multiple login attempts etc. In addition to proctoring during the examination, post hoc verification must be conducted on the basis of detailed logs and data records maintained by the human proctors and the available system records. In cases of observed malpractice, the candidate's examination should be cancelled by the University.

At the time of computation of final scores, post the examination, if two or more candidates obtain the same marks, a break of tie should be made by the following procedure and order:

- (i) Higher number of correct answers to Legal Reasoning Questions
- (ii) Higher number of correct answers in the overall examination
- (iii) Computerised draw of lots

In view of the foregoing discussion on the available options, the Vice Chancellor may take the final decision on the admissions procedure to be followed for the academic year 2020-21.



Prof. (Dr.) Sarasu Esther Thomas,

Professor Babu Mathew

Dr. Kaushik Basu

Mr. Kunal Ambasta

Ms. Sanyukta Chowdhury

Ms. Nithya Rhea Rajashekar



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National Law School of India University
Faculty Meeting
31 August 2020

Attendance:

As Recorded in the Zoom Video Recording

Agenda

Update on BA LLB and LL.M Admissions for Academic Year 2020-21 and need for a Decision on next steps.

The Vice Chancellor Sudhir Krishnaswamy presented an update on CLAT 2020.

CLAT 2020 was postponed from Sept 7 to Sept 28 by the Executive Committee of the Consortium at its Meeting held on August 27, 2020. The VC presented several options to the Consortium and emphasized the constraints of the NLSIU Academic Calendar. However, the Committee rescheduled the exam nevertheless.

As the faculty meeting held on August 6th had unanimously resolved that if CLAT 2020 was delayed admissions to NLSIU beyond September, the University should conduct a separate admission process, the Vice Chancellor sought to reconfirm the views of the faculty members given the short time lines available.

He confirmed that the Executive Council had unanimously endorsed an independent admissions process if there was a further postponement. He then asked the Faculty Members and whether we should press ahead with a separate Admissions process.

He also informed the faculty that over the weekend, an Admissions Committee has reviewed available options - both legal and practical feasibility and we now need to decide which is the way to go.

Faculty Members gave their views on these ideas. Mr Rahul Singh and Mr Govindraj Hegde gave suggestions on having an independent admissions process. Prof Nandimath cautioned that that process should take place quickly once we inform CLAT that we are withdrawing from the 2020 admissions process otherwise we will be neither here nor there. Dr Nanda Kishore raised queries about the CLAT process and there was a discussion of the history, the documents of the consortium etc and faculty members opined that there is nothing prohibiting us from running our own process as long as the Executive Council has given a go ahead. Ms Rashmi Venkatesan suggested a spillover trimester, but it was pointed out that except for LL.M, this was not possible and even for LL.M it would be difficult to graduate on time. Convocation would be delayed and

they would miss out on PhD admissions abroad. Their recruitment would be affected as it would not happen at the same time as BA LLB and MPP. Prof Ramakrishna had earlier pointed out that some courses were cross listed with BA LLB students and the trimesters needed to run together.

The Registrar, Prof Sarasu Esther Thomas summarised the findings of the Admissions Committee set up to look at the Admissions process. She stated that there were broadly three options available.

She stated that the first option was to conduct an online entrance exam at identified centres across the country for all applicants which would work out as expensive as 4 crores. She opined that it would not be fair to ask applicants to pay this amount and that the university in its current financial situation would not be able to afford it.

She went on to say that the second option was to conduct a home-based proctored online entrance exam for all applicants which has already been done for MPP admissions this year. Ms Sanyukta Choudhary and Mr Kunal Ambasta detailed this process further. Ms Sanyukta Choudhary noted that the Admissions Committee had met with some of the vendors over Zoom. Mr Kunal Ambasta estimated that this could work out for a nominal fee of about Rs 150-200 per student. The Prof Sudhir Krishnaswamy surmised that we could expect about 20,000 applicants given the time frame.

Professor Sarasu Esther Thomas put forth a third option discussed by the Admissions Committee which was to conduct a home-based proctored online entrance exam for applicants shortlisted based on some criteria.

On criteria, some Faculty members suggested 12th Standard marks, followed by an interview which is the process in many Universities. As marks in the 12th Standard vary across Boards, Prof Babu Mathew had suggested that there be a normalization of marks. Dr Kaushik explained a possible normalization formula after which round 8000 applicants would be invited for the Test.

Faculty Members were especially concerned with the fact that they would be busy with other classes in Trimester 2, Trimester 3 beginning on November 1st and would not be available to teach the incoming first year students. The Vice Chancellor, Prof Sudhir Krishnaswamy reassured faculty that a quick admission process would be put in place in the next couple of days and we could plan for an exam at the earliest around 10 September 2020 and merit list by 15 September 2020.

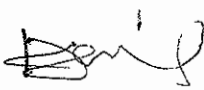
The majority of faculty members were in favour of a quick test for all as being a fair, transparent and accessible mode of selection. They further noted that this was the usual method for selections to the National Law School. Everyone would get a chance to apply for a token cost of Rs 150-200.

Faculty Members felt that it should be left to the Vice Chancellor to make a final decision depending on the availability of vendors and the ease of running the admission process. Faculty were unanimous that the admission process should be completed as soon as possible with no further delay.



Prof. (Dr.) Sarasu Esther Thomas
Registrar, NLSIU

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ANNEXURE R-1/14

94

Hon'ble Justice Mr. U. U. Lalit,
Judge of the Supreme Court of India
Chairman, Executive Council,
National Law School of India University

3rd September, 2020

Sub: Decision of the Consortium of National Law Universities on 28.08.2020 to postpone CLAT 2020

Hon'ble Sir,

Greetings from NLSIU, Bangalore!

The Consortium of National Law Universities, of which NLSIU is a member, has by its notification dated 28th August 2020, decided to postpone the Common Law Admission Test (CLAT) from 7th September to 28th September, 2020. The COVID-19 pandemic has caused unforeseen difficulties and delays in the conduct of CLAT 2020 and the repeated postponement of the examination has resulted in uncertainty for students, parents and the participating Universities.

As you are aware, the NLSIU is uniquely disadvantaged as it follows a trimester system where every academic year is made up of three terms of 90 days duration. Moreover, each term must accommodate 60 hours of classroom instruction in each course and adequately provide for examination and evaluation processes. Further, the academic offering for the 3rd, 4th and 5th year of the B.A., LL.B programme as well as the LL.M programme is fully integrated and requires a common academic calendar. Hence, if NLSIU is unable to complete admissions before the end of September 2020 it will inevitably result in a 'Zero Year' with no admissions. This will deprive law students of the opportunity to pursue their studies this year at India's premier law university. Therefore, NLSIU is compelled by the current circumstances to conduct a separate admissions process for the B.A., LL.B and LL.M programmes for the Academic Year 2020-21.

This matter was considered at length at a Faculty Meeting at the University on August 6th, 2020 when the Consortium postponed the exam from August 22nd to September 7th, 2020 where the Faculty unanimously resolved that NLSIU needed to take all measures necessary to avoid a 'Zero Year.'

Then the matter was placed before you in the Executive Council at its 91st meeting held on 12th August 2020, wherein it was unanimously resolved to authorize the University to develop an

95

alternative admissions process in the event that CLAT 2020 was not conducted on September 7th 2020.

Accordingly, the Vice Chancellor constituted a Faculty Sub-Committee on 28th August 2020 to develop a revised admission procedure. The Sub-Committee concluded that **a common entrance test conducted online at the lowest possible application fee** would be a fair, transparent and accessible admissions process at this stage. The proposals of the Sub-Committee were discussed at a Faculty Meeting held on 31st August, 2020. After taking into account the suggestions and revisions as necessary, the Revised Admission Notifications for the Academic Year 2020-21 for the B.A., LL.B programme and LL.M programme have been notified.

The University aims to initiate and complete the entire process by mid-September and begin the Academic Term immediately thereafter. While the revised admissions process presents a monumental task, the careers of the students who have worked hard for this opportunity remain our top priority.

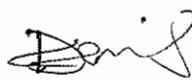
The Vice-Chancellor and I will continue to apprise the Executive Council of these developments, and we thank you for your support at this time.

Sincerely,

Prof. (Dr.) Sarasu Esther Thomas
Professor of Law and Registrar, NLSIU
Member Secretary, Executive Council

Copy to:

- (1) Members of the Executive Council, NLSIU
- (2) Vice-Chancellor, NLSIU


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ANNEXURE R-1/15

96

The Faculty,
National Law School of India University
Bangalore

3rd September, 2020

Sub: Decision of the Consortium of National Law Universities on 28.08.2020 to postpone CLAT 2020

Dear all,

As you are aware, the Consortium of National Law Universities, of which NLSIU is a member, has by its notification dated 28th August 2020, decided to postpone the Common Law Admission Test (CLAT) from 7th September to 28th September, 2020. The COVID-19 pandemic has caused unforeseen difficulties and delays in the conduct of CLAT 2020 and the repeated postponement of the examination has resulted in uncertainty for students, parents and the participating Universities.

At the Faculty Meeting at the University on August 6th, 2020, the matter was considered at length when the CLAT 2020 was postponed from August 22nd, 2020 to September 7th, 2020, and the need to avoid a delayed Academic Term was discussed. NLSIU is uniquely disadvantaged as it follows a trimester system where every academic year is made up of three terms of 90 days duration. Moreover, each term must accommodate 60 hours of classroom instruction in each course and adequately provide for examination and evaluation processes. Further, the academic offering for the 3rd, 4th and 5th year of the B.A., LL.B programme as well as the LL.M programme is fully integrated and requires a common academic calendar. Hence, if NLSIU is unable to complete admissions before the end of September 2020 it will inevitably result in a 'Zero Year' with no admissions that deprives law students of the opportunity to pursue their studies this year at India's premier law university. At this meeting, the Faculty unanimously resolved that NLSIU needed to take all measures necessary to avoid a 'Zero Year.'

Thereafter, the matter was also placed before the Executive Council at its 91st meeting held on 12th August 2020, wherein it was unanimously resolved to authorize the University to develop an alternative admission process in the event that CLAT 2020 was not conducted on September 7th 2020. Therefore, NLSIU is compelled by the current circumstances to conduct a separate admissions process for the B.A., LL.B and LL.M programmes for the Academic Year 2020-21.

Accordingly, the Vice Chancellor constituted a Faculty Sub-Committee on 28th August 2020 to develop a revised admissions procedure. The Sub-Committee concluded that a **common entrance test conducted online at the lowest possible application fee** would be a fair, transparent and accessible admissions process at this stage. The proposals of the Sub-Committee were discussed at the Faculty Meeting held on 31st August, 2020. After taking into account the

97

suggestions and revisions as necessary. the Revised Admission Notifications for the Academic Year 2020-21 for the B.A., LL.B programme and LL.M programme have been notified on the University website.

The University aims to initiate and complete the entire process by mid-September and begin the Academic Term immediately thereafter. While the revised admissions process presents a monumental task, the careers of the students who have worked hard for this opportunity remain our top priority.

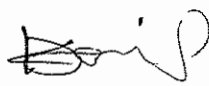
The Vice-Chancellor and I shall continue to apprise the Faculty of the developments, and we thank you for your support at this time.

Sincerely,

Prof. (Dr.) Sarasu Esther Thomas
Professor of Law and Registrar, NLSIU
Member Secretary, Executive Council

Copy to:

- (1) Members of Faculty, NLSIU
- (2) Vice-Chancellor, NLSIU


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ANNEXURE R-1/16

98

The President.
Consortium of National Law Universities

3rd September, 2020

Sub: Decision of the Consortium dated 27.08.20 to postpone CLAT 2020

Dear Prof. Vijaykumar.

Greetings from NLSIU, Bangalore!

The COVID-19 pandemic has caused unforeseen difficulties and delays in the conduct of CLAT 2020. The repeated postponement of the examination has resulted in uncertainty for students, parents and the participating Universities.

NLSIU is uniquely disadvantaged as it follows a trimester system where every academic year is made up of three terms of 90 days duration. Moreover, each term must accommodate 60 hours of classroom instruction in each course and adequately provide for examination and evaluation processes. Further, the academic offering for the 3rd, 4th and 5th year of the B.A., LL.B programme as well as the LL.M programme is fully integrated and requires a common academic calendar.

Hence, if NLSIU is unable to complete admissions before the end of September 2020 it will inevitably result in a 'Zero Year' with no admissions. This deprives law students of the opportunity to pursue their studies this year at India's premier law university. Therefore, NLSIU is compelled by the current circumstances to conduct a separate admissions process for the B.A., LL.B and LL.M programmes for the Academic Year 2020-21.

This matter was considered at length at a Faculty Meeting at the University on August 6th, 2020 where the Faculty unanimously resolved that NLSIU needed to take all measures necessary to avoid a 'Zero Year.' The Executive Council of the University, the 91st EC meeting held in two sessions on 12th August 2020 and 18th August 2020 considered the matter and unanimously resolved to authorize the University to develop an alternative admissions process in the event that CLAT 2020 was not conducted on September 7th 2020.

On August 28th the Executive Committee of the Consortium of National Law Universities postponed CLAT 2020 from September 7th to September 28th 2020. In these circumstances NLSIU is compelled to conduct a separate admissions process for the Academic Year 2020-21.

99

I reiterate that NLSIU, will continue to discharge all its responsibilities as a Founder Member of the Consortium and the Vice-Chancellor, in his capacity as *ex-officio* Secretary-Treasurer shall extend all necessary support to the Consortium for the successful conduct of CLAT 2020 at the earliest possible date.

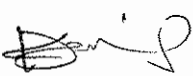
I am continuously available to clarify any of these developments on the email and the phone. We request you to take all necessary steps to communicate this to all students who have registered for CLAT 2020 as we must together conduct the admissions process with the least possible disruption.

Sincerely,

Sarasu Esther Thomas
Registrar, NLSIU

Copy to:

- (1) Mr. Balraj Chauhan, CLAT Convenor
- (2) Members of the Consortium


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PROCTORING PROTOCOLS**THE NATIONAL LAW APTITUDE TEST 2020**

NLSIU aims to ensure that the NLAT 2020 is an accessible, student-friendly examination. All registered candidates are required to follow the highest standards of academic integrity while taking the test. The Proctoring Protocols to monitor the examination process are set out below.

S.No.	Malpractice	Ownership	Proctor Action
1	Impersonation (determined at stage of candidate validation prior to examination commencement)	Proctor	1. Record Malpractice. 2. Do not allow the impersonator to start the examination. 3. For PWD candidates, both, the candidate's and scribe's Govt. Photo-ID must be verified.
2	Inappropriate surroundings at test location / External help solicited (suspected): (Someone other than permitted scribes present in the vicinity, candidate looking in other directions continuously/ periodically, candidate talking/ communicating in any other manner with someone other than permitted scribes)	Proctor	1. Proctors will send a message to such candidates: "Please sweep the camera in a circle around the place you are taking the assessment" and / or: "Please tilt the device/ keyboard you are using for the assessment". 2. Candidates to show a 360-degree view of the entire room by turning on a webcam (laptops/desktops) or front/ selfie camera (as directed by proctor) (mobile devices)/ tilt the device/ keyboard, as instructed. 3. If any unauthorised person or unauthorised device is observed in the candidate's vicinity, including but not limited to person(s) other than permitted scribes, HDMI cables/ external devices/ projection of the test screen, etc., proctors to terminate the candidate's examination attempt immediately. 4. If the proctor observes a phone/ tablet/ other device falling/ slipping when the device/ keyboard used for the assessment is tilted, proctor to terminate the exam immediately. 5. Any candidate who fails to comply with the proctor's instruction within 45 seconds will be logged out of the examination. Proctors may permit 10 additional seconds in situations where they, in their discretion, determine that

S.No.	Malpractice	Ownership	Proctor Action
			the candidate may not have noticed messages from the proctor in the course of attempting the examination.
3	Talking/Speaking/Making Gestures (could include gestures that indicate to the proctor candidate may be using another device/ looking at chat applications/ mirror/ other screen. etc.)	Proctor	1. Send two warnings to the candidate. 2. If a candidate persists with this behaviour, the proctor shall inform the Super Proctor. 3. Super Proctor may recommend that candidates should be contacted through the system for clarification, or disqualified.
4	Window Switch (Accessing any other window other than the test window)	System	1. Candidate will be logged out of the examination after 5 such attempts (accounts for occasional system pop-ups: inadvertent errors). 2. Proctor may issue warnings to candidates when the first few attempts are detected.
5	Candidate's Face not Detected (Candidate not present in front of system)	Proctor	1. Send one warning. 2. If the candidate does not return within 45 seconds, terminate the candidate's examination attempt immediately. 3. Proctors may permit 10 additional seconds in situations where they, in their discretion, determine that the candidate may not have noticed warning messages from the proctor in the course of attempting the examination.
6	Multiple persons detected	Proctor	1. Send one warning to the candidate. 2. If the other person does not leave immediately, terminate the candidate's examination attempt immediately. 3. Proctors shall, when contemplating the above actions, account for: a. PWD candidates that may be using scribes: b. Candidates that may be appearing for the examination at test centres.
7	Foreign Device Observed (Mobile/Tablets/Calculators etc.)	Proctor	1. Send one warning to the candidate. 2. If the candidate still persists, terminate the candidate's examination attempt immediately.
8	Candidates observed wearing Earphones/	Proctor	1. Send one warning to the candidate

S.No.	Malpractice	Ownership	Proctor Action
	Headphones/Bluetooth Audio devices		2. Check if the candidate is only using it for microphones purposes (i.e. device plugged into system as an external attached microphone, but candidate is not wearing earpiece/ headset) 3. If the candidate does not comply with the proctor's instructions, terminate the candidate's examination attempt immediately.
9	Simultaneous login attempts from multiple devices	Proctor	1. Proctors will observe the pictures of candidates from all such devices. 2. If it is observed that someone other than the candidate is using such other devices, proctor to terminate the exam immediately. 3. If a candidate is observed on all such devices, proctor will flag the issue for the Super Proctor's attention. Super Proctor may recommend that candidates be contacted through the system for clarification, or disqualified. Further investigation post the examination may be carried out with help of audit logs generated on the system, and NLSIU may disqualify the candidate upon such examination.
10	Any other malpractices not describe above	Proctor/ Super Proctor	1. Proctors/ Super Proctors may, in addition to situations where Proctors/ Super Proctors detect any potential malpractices as described above, ask the candidate to perform any of the actions described in this column titled 'Proctor Action', at any time, and at their discretion. 2. In addition to the details set out in these Protocols, the Super Proctors shall have the authority to disqualify a candidate/ terminate the candidate's examination attempt in the event they detect any act or omission that does not comply with the requirements of integrity of a test of the nature of the NLAT 2020.

NOTES:

- Instructions will be provided to candidates on the test screen as well as in advance of the examination in a 'Candidate Manual' in relation to situations such as power cuts/ internet

failures. The assessment system used for the NLAT 2020 may permit the candidate to continue answering the question paper in events of internet failure; however, this is subject to the Proctor's discretion, and subject to the candidate's system re-connecting to the examination interface within the time and in the manner stipulated in the on-screen instructions and the Candidate Manual.

2. While every attempt shall be made to ensure that communications, messages, instructions and requests promptly are delivered to candidates during the examination process, candidates shall have the responsibility to ensure that they respond to such communications, messages, instructions and requests promptly.
3. NLSIU reserves the right, upon conducting a detailed and thorough scrutiny of the system reports generated for shortlisted candidates after the examination, to cancel any such candidate's test scores in the event the system reports, in NLSIU's opinion, reveal any act or omission that does not comply with the requirements of integrity of a test of the nature of the NLAT 2020.
4. NLSIU may review/ update these Protocols at any time prior to the examination at its discretion. All registered candidates shall be informed of such revisions/ updates prior to the time of their examination.

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104 ANNEXURE R-1/18

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

Post Bag No. 7201, NAGARBHAVI, BENGALURU - 560 242. (Old Code No. 560 072), INDIA.

Telefax: 080 - 2321 3160, 2316 0532, 535 Fax : 080 - 2316 0534 Website : www.nls.ac.in Email : registrar@nls.ac.in

12-09-2020

The National Law Aptitude Test for admissions to NLSU for the 5-year B.A. LL.B Programme and the 1-year Postgraduate LL.M. Programme was successfully completed on September 12, 2020.

The UG NLAAT exam was conducted across three sessions. Of the 24,603 who registered for the UG NLAAT, a total of 23,225 candidates appeared for the exam recording an overall attendance of 94%. In 2019, UG CLAT recorded attendance of 90.92%.

The PG NLAAT exam was conducted in a single session where 2846 candidates appeared out of 2935 registered candidates which is nearly 97% attendance for the exam. The PG CLAT 2019 recorded 85.23% attendance.

NLSU has made serious efforts to ensure that NLAAT 2020 was inclusive and we are glad to report that attendance was especially strong among PWD candidates. 99 out of 100 UG candidates and 23 out of 24 PG candidates attempted the exam.

Despite being an online proctored examination under COVID pandemic conditions, these are significant improvements in attendance from similar examinations in previous years.

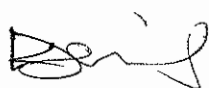
We reassure all candidates and their parents that the technological systems and proctoring processes of NLAAT 2020 were fully operational during the examination. Comprehensive digital records and technological parameters will be rigorously assessed for examination malpractice before any admission list is prepared. We are confident that the combination of human and AI proctoring will ensure that the exam integrity will be maintained. No candidate indulging in examination malpractice will secure admission to the University.

Despite these overall numbers, we are aware that some candidates may have faced technical difficulties during the examination. NLAAT 2020 candidates may login to the admissions.nls.ac.in portal and raise a query by 12 noon on September 13, 2020. A thorough technical review will be carried out and candidates will receive a response.

Provisional answer keys for UG NLAAT and PG NLAAT 2020 have been released on the University website admissions.nls.ac.in. Candidates may raise objections if any by sending an email to nlat2020key@nls.ac.in on or before midnight, September 13, 2020.

The final answer key shall be released by Tuesday, September 15, 2020. The release of admission results will be subject to further orders of the Supreme Court on September 16, 2020 in WP (Civil) 1030/2020.

We remain grateful to the students, parents and well-wishers who have worked with the University to make NLAAT 2020 possible in these exceptional times.


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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
IN
WRIT PETITION (CIVIL) NO.1030 OF 2020

IN THE MATTER OF:

RAKESH KUMAR AGARWALLA & ANR.

...PETITIONERS

VERSUS

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BENGALURU & ORS.

....RESPONDENTS

APPLICATION ON BEHALF OF RESPONDENT NO.1
SEEKING EXEMPTION FROM FILING DULY ATTESTED
ORIGINAL COUNTER AFFIDAVIT

TO

THE HON'BLE CHIEF JUSTICE AND
OTHER HON'BLE JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE
RESPONDENT NO.1 ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. That the respondent No.1 is filing the accompanying Counter Affidavit of its authorized representative in the present matter.
2. That the Respondent No.1 craves leave of this Hon'ble Court to refer to and rely upon the contents of the accompanying counter-affidavit.

3. That due to the situation prevailing on account of corona virus pandemic, the authorized representative of the respondent No.1 is unable to get her Counter Affidavit duly attested / notarized. Accordingly, the respondent No.1 is constrained to file the non-attested signed affidavit in support of the present counter-affidavit.
4. That in the light of the above-mentioned facts and circumstances, which are beyond the control of the Respondent No.1, it is imperative that the Respondent No.1 is exempted from filing the duly attested Affidavit in support of the present counter-affidavit.
5. That the present application is made *bonafide* and deserves to be allowed in the interest of justice.

PRAYER

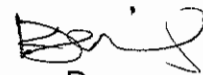
It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application; and

- (i) Exempt the Respondent No.1 from filing of the duly attested original Counter Affidavit; and

- (ii) Pass such order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY

FILED BY:



(KUMAR DUSHYANT SINGH)

ADVOCATE FOR THE RESPONDENT NO.1

FILED ON: 14.09.2020

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
IN
WRIT PETITION (CIVIL) NO.1030 OF 2020

IN THE MATTER OF:

RAKESH KUMAR AGARWALLA & ANR.

...PETITIONERS

VERSUS

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,
BENGALURU & ORS

...RESPONDENTS

AFFIDAVIT

I, Prof. (Dr.) SARASU ESTHER THOMAS, D/o Mr. A.M. Thomas, Aged About 47 years resident at Faculty Quarters, Block 2, National Law School of India University, Nagarbhavi, Bengaluru, 560072, do hereby solemnly affirm and state on oath as under:

- 1 That I am the Registrar of the Respondent No.1 in the present Writ Petition. I am well conversant with the facts of the case and thus competent to swear and affirm to this affidavit.
- 2 That the contents of accompanying application for exemption are true and correct to my knowledge and belief and nothing material has been concealed therein.


DEPONENT
REGISTRAR

National Law School of India University
Post Bag No. 7201, Nagarabhavi,
BANGALORE - 560 072.

VERIFICATION:

Verified at Bengaluru on 14th day of September, 2020, that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.


DEPONENT
REGISTRAR

National Law School of India University
Post Bag No. 7201, Nagarabhavi,
BANGALORE - 560 072.