BLOGS

Supreme Court Seeks Response from BCI in Petition Against the Circular on Background Checks, CCTV Rules for Law Colleges

Ruchika Mohapatra · 12 Jan 2025

The Supreme Court of India has issued a notice to the Bar Council of India (BCI) seeking a response regarding petition against the BCI circular issued in September 2024.

These circulars mandate law students to undergo criminal background checks and submit declarations about their academic and professional engagements.

Read Here: BCI Mandates Implementation of Criminal Background Check System

The bench, comprising Justices Vikram Nath and Sandeep Mehta, has sought the BCI's response within six weeks.

The petitions were filed by two final-year law students: Prakruthi Jain from NALSAR University of Law, Hyderabad, and Keyur Akkiraju from Symbiosis Law School.

Key Requirements of the Circulars

Under the new directives, law students must disclose any ongoing or previous criminal cases, details about simultaneous enrollment in other academic programs, and their employment status during the LLB program.

Compliance with these requirements has been made mandatory for receiving final marksheets and degrees.

The BCI has also instructed law colleges to install biometric attendance systems and surveillance cameras in classrooms and other important areas on campus. The circular specifies that the footage captured by the cameras must be retained for at least one year.

Concerns Raised by Petitioners

The petitioners argue that the circulars infringe upon several fundamental rights guaranteed under the Indian Constitution.

They claim these measures violate the right to equality (Article 14), freedom of speech and expression (Article 19(1)(a)), freedom to practice any profession (Article 19(1)(g)), and the right to privacy (Article 21).

The students assert that the BCI's regulations impose undue restrictions without a sound legal or rational basis. They further argue that the mandatory surveillance through CCTV cameras could lead to an atmosphere of self-censorship among students and faculty, stifling free expression within academic spaces.

Open Letter to the BCI

Critics had strongly opposed the Bar Council of India's (BCI) directives, calling them arbitrary, unconstitutional, and impractical in an open letter. They highlighted the lack of clarity behind the measures and criticized the absence of judicial backing for such rules.

The letter argued that law students are being unfairly singled out, with requirements like declaring criminal cases and ongoing FIRs violating their basic rights.

Concerns over privacy violations through biometric attendance systems and CCTV surveillance were also raised, citing the Supreme Court's Puttaswamy judgment on the right to privacy. Critics labeled these measures as excessive and warned of potential misuse of sensitive data.

Additionally, the withholding of degrees for students engaged in undeclared part-time work was seen as penalizing economically disadvantaged students. The letter had urged the BCI to prioritize improving legal education standards over imposing invasive and disproportionate regulations.

Check out the letter written to the BCI here