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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D:5386/2024

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To,

The Vice-Chancellors/Registrars of Universities/Centers of Legal Education
Issuing Law Degrees

The Deans, Faculty of Law, Principals/Heads of Departments of Law
Colleges and Centers of Legal Education

**Sub.: Prohibition on the Use of the Words "India," "Indian," "National,"
"Bharat," "Bharatiya," or "Rashtriya" in Organizing Legal/Law Related
Conferences, Events, Mock Courts, or Moot Courts by Centers of Legal
Education, Organizations, Institutions, Trusts, Societies, and
Associations**

Sir(s)/Ma'am(s),

The Bar Council of India, as the statutory body governing legal education and the legal profession in India, is responsible for ensuring the appropriate use of names and terms that may suggest government patronage or national significance. It has come to the notice of the BCI that several legal educational institutions, organizations, trusts, societies, associations, and other entities have been referring to their legal or law-related conferences, events, mock courts, and moot court competitions as national or all-India events without the necessary approval. This practice is misleading and contravenes the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950.

**1. Framework Governing the Use of the Terms "India," "Indian,"
"National," "Bharat," "Bharatiya," and "Rashtriya"**

The Emblems and Names (Prevention of Improper Use) Act, 1950, prohibits the use of certain names and terms, including those that suggest government or national patronage, without explicit permission from the Central Government.

Section 3 of the Act prohibits any person or organization from using names such as "India," "Indian," "National," "Bharat," "Bharatiya," or "Rashtriya," or any name suggesting government patronage, for professional or commercial purposes without prior approval.

Section 4 prohibits the registration of entities with names that contravene these provisions.

This framework ensures that names implying national importance or government endorsement are not misused or misunderstood by the public. Various ministries and other relevant authorities have issued guidelines to further restrict the use of such terms without proper authorization, to avoid confusion or the false impression of official endorsement.

2. Recent Misuse and Misleading Practices

In recent years, there has been a noticeable increase in the use of the terms "National," "India," "Indian," "Bharat," "Bharatiya," and "Rashtriya" by various institutions when organizing legal or law-related conferences, events, mock courts, and moot courts. Many of these events are titled as "National Moot Courts" or "All India Moot Court Competitions," despite the institutions hosting them lacking the statutory authority or government approval to use these terms.

This is misleading and creates confusion among participants and the public, suggesting that such events are of national significance and under government patronage. This false impression can distort participants' understanding of the event's stature and authority, leading them to believe that they are attending a government-sanctioned event. Moreover, the unauthorized use of these names has been observed to be misused for securing sponsorships, further exploiting the misunderstanding that such events hold official national status.

3. Bar Council of India's Statutory Authority

The Bar Council of India, as a statutory body established under the Advocates Act, 1961, has the authority to regulate legal education across the country. Due to its statutory status and national scope, the BCI has the right to organize events under titles such as "National Moot Court" or "All India Moot Court Competition." Such titles are appropriate when used by the BCI as they reflect the organization's authority at the national level.

When the BCI organizes events, the use of terms like "National" is legally justified and indicative of its national regulatory role in legal education.

4. Restrictions for Other Institutions/Organizations/Entities

Centers of Legal Education, universities, organizations, institutions, trusts, societies, associations, and other entities do not have the inherent authority to use these terms. Unless they receive specific approval from the Central Government, they are prohibited from organizing events or mock courts, or moot courts under titles that include the words "National," "India," "Indian," "Bharat," "Bharatiya," or "Rashtriya."

5. Special Provision for National Law Schools and Government Institutions

National Law Universities (NLUs), which have the term "National" in their official name, may use the term in the titles of their conferences, events, mock courts, and moot courts when it is of such character. However, they must formally intimate the Central Government regarding their intent to use these titles before such event. This ensures that the use of the term "National" remains transparent and complies with the guidelines, while acknowledging the stature and mandate of NLUs.

Similarly, Departments of Law within Central Universities or State Universities, being government institutions, may also use these terms, when the event displays such character, provided they comply with the process of formal intimation to the Central Government. This provision ensures that entities under the direct ambit of the government are accorded recognition for their role and stature in organizing genuinely national-level events.

6. Consequences of Non-Compliance

If an institution, organization, trust, society, association, or any other entity is found to be using these prohibited terms without obtaining the necessary permission, the following consequences may apply.

Revocation of recognition or approval by the Bar Council of India.

Legal action under the Emblems and Names (Prevention of Improper Use) Act, 1950.

Disqualification from organizing future mock courts, moot courts, or similar events, and loss of privileges granted by the BCI.

The Bar Council of India emphasizes that only events organized by the BCI, National Law Universities, Departments of Law of Central or State Universities, or other recognized national bodies may be referred to as national events when they reflect such character. This ensures the integrity and credibility of national competitions and prevents any misleading representation to participants, sponsors, and the public.

The use of "National," "India," "Indian," "Bharat," "Bharatiya," or "Rashtriya" in the title of an event gives it an appearance of representing the entire nation. Only statutory bodies like the BCI and institutions such as National Law Universities or government-affiliated Departments of Law, which have a national mandate, can be said have the legal standing to host such events. Unregulated use of these terms by other entities diminishes the value of genuinely national events, misleads those involved, and may lead to the unethical securing of sponsorships under false pretenses.

7. **Directive for Immediate Compliance**

In light of the above, the Bar Council of India directs all Centers of Legal Education, universities, private institutions, organizations, trusts, societies, associations, and other entities to immediately cease using the terms "India," "Indian," "National," "Bharat," "Bharatiya," or "Rashtriya" in the titles of their conferences, events, mock courts, or moot courts, unless they have secured prior permission from the Central Government. The BCI will strictly enforce these guidelines to prevent any further misuse.

Institutions and entities are reminded that compliance with the Emblems and Names (Prevention of Improper Use) Act, 1950, is mandatory. Failure to adhere to this circular will result in revocation of recognition or approval, and legal consequences will ensue. Only events organized by the Bar Council of India, National Law Universities, Departments of Law within Central or State Universities, or other authorized national bodies can be referred to as "**National-Level Competitions**" or events that genuinely represent their national status, when they possess such character.


(Srimanto Sen)
Secretary
Bar Council of India