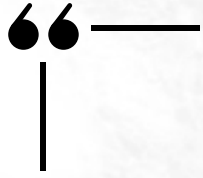


## Constitutional Bench Update

**Bar Council of India v. Bonnie FOI  
Law College**

**Validity Of All India Bar Exam (AIBE)**





## **Bench**

**Justices S.K. Kaul, Sanjiv Khanna,  
Abhay S. Oka, Vikram Nath,  
J.K. Maheshwari**

**Case Admitted on  
September 20, 2022**

**Last Date of Hearing  
September 28, 2022**

**Case Status  
Judgment Reserved**



# Background

- **April 2010:** Bar Council of India (BCI) introduced All India Bar Exam (AIBE) with the objective of improving the standards of the legal profession in India. Candidates who pass the exam are awarded a 'Certificate of Practice (CoP)' by the Bar Council of India to signify their qualification as an advocate
- **October 2014:** BCI framed 'Certificate of Practice and Renewal Rules, 2014' which declared that advocates enrolled in State Bar Councils on June 2010 must obtain a CoP within 6 months and those who enrolled after June 2010 had to appear for AIBE to obtain their CoP
- **January 2015:** BCI issued 'BCI Certificate and Place of Practice (Verification) Rules, 2015' which created two classes of advocates—practicing advocates and non-practicing advocates

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These 2014 and 2015 Rules issued by the Bar Council of India have been challenged by both registered as well as freshly enrolled advocates.

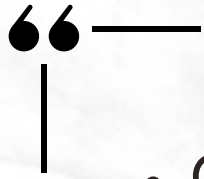
The petitioners argued that the Rules go against the Supreme Court decisions in *V. Sudheer v. Bar Council of India (MANU/SC/0167/1999)* and *Indian Council of Legal Aid and Advice v. Bar Council of India (MANU/SC/0134/1995)*, wherein the Court has held that the BCI cannot impose subordinate rules, which go against the Advocates Act, 1961, on advocates.

In March 2016, a 3-Judge Bench of Supreme Court held that the right to practice law was not only a statutory right under the Act, but is also a fundamental right for LL.B. degree holders; and examination granting licenses to advocates negated this right.

In March 2016, the 3-Judge Bench referred the case to a 5-Judge Constitution Bench.

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# Issues under Consideration



- Can a pre-enrollment exam be prescribed by BCI as a condition precedent for enrollment?
- If a pre-enrollment exam is impermissible, can the BCI prescribe a post-enrollment exam?
- Can Bar Council of India prescribe pre-enrollment training in terms of the BCI's 1995 training rules?



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