# Split identity of the Bar Council of India

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**M S Sahoo, Raghav Pandey** September 9, 2026

On the morning of August 13, the Bar Council of India (BCI) issued a six-page order directing every state bar council (SBC) to refuse enrolment to the entire 2026 graduating class of NALSAR University of Law, Hyderabad. The provocation was an email in which outgoing students had asked their vice-chancellor to reconsider inviting the Chief Justice of India to their convocation. By evening, the order was initially watered down and then withdrawn. In a single day, the BCI asserted a power to jeopardise the futures of an entire graduating class, and then withdrew the order as though nothing had happened.

The rule of law is the first condition of a civil society, and the legal profession holds a special responsibility to defend it. It is therefore troubling when its statutory authority exercises power without observing the disciplines expected of a regulator. A regulator's stock-in-trade is natural justice. It hears affected persons, gives reasons for its decisions and does not practise collective punishment. If, by the BCI's own admission, the vast majority of the students were innocent, was the order designed to punish the innocent?

The order cited no statutory provision. Section 48B of the Advocates Act, 1961, which enables the BCI to issue directions to SBCs, is tied to its general supervision of their functions. Section 24 requires an SBC to enrol applicants who satisfy the prescribed conditions, while Section 24A specifies the statutory grounds of disqualification. Petitioning a V-C appears nowhere among them.

The direction therefore purported to require SBCs to withhold enrolment on a ground not found in the statute. It was issued as an interim order without notice or hearing to persons who were not before the BCI. Its withdrawal did not answer the question of power: it conceded innocence, not want of jurisdiction.

Nor is the episode entirely isolated. The BCI’s three-year moratorium on new law colleges, notified last year, was withdrawn within seven months after the Supreme Court began asking questions. In *Gaurav Kumar* (2024), the Supreme Court found bar councils charging enrolment fees as high as `42,100 against the statutory ceiling of `750; and a year later, the court was still threatening contempt proceedings. A regulator that must be litigated into complying with its own statute is hardly well placed to lecture universities on standards.

Why is the BCI in the classroom at all? The Advocates Act links its role in legal education to qualifications required for enrolment. Section 7 speaks of standards set in consultation with the universities, so that a degree may qualify its holder for enrolment. But a licence to

keep the gate is not a title to the house. The Supreme Court's September 3  decision confirms the lack of jurisdiction of BCI to punish law students.

Earlier, in March 2025, dismissing the BCI's challenge concerning two convicts attending law classes online, the court observed that “the BCI has no business to go into this legal education part”, that the field belongs to jurists and academicians, and to have “some mercy on legal education”.

A body of elected practitioners carries no pedagogic mandate. BCI’s 2025 moratorium rules confess to the unchecked mushrooming of substandard institutions across about 2,000 centres of legal education. If decades of inspections, approvals and standards have coincided with proliferation, the answer cannot be more of the same. The national law universities, meanwhile, flourished precisely where the BCI's pedagogical hand was lightest.

No other civilised world has a precedent for this degree of micro-control. England's solicitors' regulator permits candidates with a degree in any discipline to enter the profession through a single qualifying examination, followed by supervised work experience. The closest comparator, the American Bar Association's accreditation monopoly, was academic-run, unlike the BCI, and the Texas and Florida Supreme Courts ended it this January.

The BCI has supplied the datum itself. Its leadership lamented in 2023 that fewer than 20 percent of NLU students opted for litigation. The question is why. Most junior advocates struggle to earn a subsistence income. The Madras High Court had to direct advocates on the Tamil Nadu and Puducherry rolls to pay their juniors a minimum stipend of `15,000-20,000 a month. A first-year associate at leading firms can now earn a package of around `25 lakh a year. Our best students have read the signal clearly: many choose corporate practice or postgraduate study abroad instead.

A student who petitions her V-C to reconsider a convocation invitation is doing what the profession exists to do. The order seeking the complete list of signatories and threatening their professional entry turns enrolment into an instrument of coercion. A regulator that teaches its entrants that dissent may cost them their careers sends the wrong lesson about the rule of law.

The deeper problem is institutional. The Advocates Act was a product of its time, drafted for a self-governing guild before India learnt to build regulators. Six decades of experience have settled what responsible regulation needs: defined mandate, separation of functions, procedural fairness, reasoned and appealable decisions, and meaningful accountability. The BCI’s present structure has none of them. Not one seat on it is earmarked for an academic, nor does it have any interface with the society.

It is time to bring the BCI's role and powers within a clearer institutional framework. Let it keep the gate—one credible examination, competently administered, along with enrolment, professional standards and discipline, but exercise them within clearly defined statutory powers, through fair procedures and reasoned decisions, and effective accountability. Let everything upstream—curriculum, degrees, doctorates and internal academic discipline—return to the universities, with an independent academic council providing oversight of legal education.

The NALSAR episode shows how far the BCI has yet to travel. Regulation is not the mere exercise of power; it is the disciplined exercise of power in pursuit of a legitimate public purpose. That is the reform the statute needs. In its absence, the market will impose a cruder one: the best graduates will increasingly choose careers outside litigation, and the profession will lose precisely the entrants it most needs.

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***(Views are personal)***