

ITEM NO.19

COURT NO.1

SECTION IVA

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

Petition(s) for Special Leave to Appeal (C) No(s). 22337/2008
(Arising out of impugned final judgment and order dated 17/03/2008
in WP No. 13698/2007 passed by the High Court Of M.P at Jabalpur)

BAR COUNCIL OF INDIA

Petitioner(s)

VERSUS

BONNIE FOI LAW COLLEGE & ORS.

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and
vacating stay and interim relief and office report)

WITH

T.C. (C) No.13/2011

T.C. (C) No.14/2011

T.C. (C) No.15/2011

T.C. (C) No.17/2011

T.C. (C) No.18/2011

T.C. (C) No.36/2011

(With appln.(s) for effecting substituted service)

T.C. (C) No.8/2012

T.C. (C) No.75/2012

T.C. (C) No.88/2012

W.P. (C) No.987/2013

(With appln.(s) for ex-parte stay and Office Report)

T.P. (C) No.692/2015

(With appln.(s) for stay and Office Report)

T.C. (C) No.12/2011

T.C. (C) No.16/2011

Date : 18/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Ms. Pinky Anand, ASG
 Mr. Rishabh Jain, Adv.
 Ms. Kaanan Gupta, Adv.
 Mr. Karan Seth, Adv.
 Mr. Sanchit Kumar, Adv.
 Mr. Binu Tamta, Adv.
 Ms. Madhavi Diwan, Adv.
 Mr. B.K. Prasad, Adv.
 Ms. Nidhi Khanna, Adv.

Mr. Kartik Seth, Adv.
 Ms. Kumud Lata Das, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
 Mr. Dharm Singh, Adv.
 Mr. Ajit Kalyan, Adv.
 M/s. Nuli & Nuli, Adv.

Mr. Anup Jain, Adv.
 Mr. Masoom K. Shah, Adv.
 Mr. Abhishek Baid, Adv.
 Ms. Richa Banshali, Adv.

Mr. A.Venayagam Balam, Adv.
 Mrs. V.S. Lakshmi, Adv.

Mr. K.K. Venugopal, Sr. Adv.
 Mr. Ankur Talwar, Adv.
 Mr. Rohit Bhutt, Adv.
 Ms. Shradha Deshmukh, Adv.
 Ms. Prerna Priyadarshini, Adv.

Mr. Ardhendumauli Kumar Prasad, Adv.
 Ms. Taruna Ardhendumauli Prasad, Adv.
 Mr. Nirmal Kumar Ambastha, Adv.
 Mr. Aviral Shukla, Adv.
 Mr. Amit A. Pai, Adv.
 Mr. S.G. Chankapa, Adv.
 Mr. Panshul Chandra, Adv.
 Ms. Ansul Dwivedi, Adv.

For Respondent(s)

Mr. Satyajit A, Desai, Adv.
 Ms. A.S. Desai, Adv.

Mr. B. K. Satija, Adv.

Mr. Mohan Pandey, Adv.

Ms. Chandan Ramamurthi, Adv.

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

One of the questions that has been raised for determination by this Court is whether the Bar Council of India is competent to prescribe an examination post enrollment of an advocate as a condition of eligibility for his continuing to practice at the Bar. An incident question that arises is whether pre-enrollment training in terms of the Bar Council Training Rules, 1995 framed under Section 24(3)(d) of the Advocates Act, 1961 is within the competence of the Bar Council of India and whether the decision of this Court in Sudeer vs. Bar Council of India & Anr. [(1999) 3 SCC 176] holding pre-enrollment training to be beyond the competence of the Bar Council needs reconsideration. On the same analogy arises yet another question whether a pre-enrollment examination can be prescribed by the Bar Council of India as a condition precedent for enrollment under the Advocates Act.

Having heard learned counsel for the parties at some length including Mr. K.K. Venugopal, learned senior counsel who has assisted us as an amicus we are of the view that the questions that fall for determination are of considerable importance affecting the legal profession in general and need to be authoritatively answered by a Constitution Bench of this Court. We accordingly refer this matter to a five-Judge Bench for consideration and determining of the following three questions:-

- (1) Whether Pre-enrollment training in terms of Bar Council of India Training Rules, 1995 framed under Section 24(3)(d) of the Advocates Act, 1961 could be validly

prescribed by the Bar Council of India and if so whether the decision of this Court in Sudeer vs. Bar Council of India & Anr. [(1999) 3 SCC 176] requires reconsideration.

(2) Whether a pre-enrollment examination can be prescribed by the Bar Council of India under the Advocates Act, 1961.

(3) In case questions Nos.1 and 2 are answered in the negative whether a post-enrollment examination can be validly prescribed by the Bar Council of India in terms of Section 49(1)(ah) of the Advocates Act, 1961

Learned counsel for the parties shall now furnish additional sets of paper books within four weeks. The papers shall be placed before the Chief Justice of India for constituting an appropriate Bench.

We request Mr.K.K.Venugopal, learned senior counsel to continue to render his valuable assistance to the Court when the matter comes up for hearing before the Constitution Bench of five Hon'ble Judges.

(Ashok Raj Singh)
Court Master

(Veena Khara)
Court Master