Bar Council Of India v. Gopal Krishna Chatrath And Ors.

Supreme Court Of India
Jul 12, 2006

Smart Summary

Factual and Procedural Background

The Bar Council of India (BCI) passed Resolution No. 68/1999 on 24 October 1999, amending its legal education rules to discontinue evening LL.B. programmes. The amendment required all law colleges offering exclusively evening classes to convert to day sessions by the 2000-2001 academic year, with a proviso allowing students already admitted in 1999-2000 to finish their course.

This amendment was challenged before the Punjab and Haryana High Court by affected parties (the respondents), who claimed that the BCI had failed to conduct the mandatory consultation with Indian universities as required under Section 7(1)(h) of the Advocates Act. A Division Bench of the High Court agreed and struck down the amendment as violative of the statute. The BCI appealed that decision, and the present judgment disposes of those appeals, along with related transfer cases and petitions.

Legal Issues Presented

1. Whether the Bar Council of India was required under Section 7(1)(h) of the Advocates Act to consult Indian universities before amending its rules to ban evening LL.B. courses.
2. If such consultation was mandatory, whether the BCI's conduct—relying on a seminar and committee recommendations—satisfied that statutory requirement.

Arguments of the Parties

Appellant's Arguments (Bar Council of India)

- A seminar involving members of State Bar Councils and university representatives constituted sufficient consultation under Section 7(1)(h).
- Recommendations from a committee on improving legal education supported the policy decision to prohibit evening law courses, implying that formal consultation was unnecessary.

The opinion does not provide a detailed account of the respondents' legal arguments.

Court's Reasoning and Analysis

The Court accepted the High Court's finding that "effective consultation" with universities is a statutory prerequisite under Section 7(1)(h) for amending rules affecting legal education. It found that the BCI's reliance on a seminar and committee suggestions did not fulfil this requirement. Concluding that the Division Bench's interpretation was correct, the Court saw "no reason to interfere" with the High Court's judgment. Consequently, the amendment to Rule 2(1) was deemed unsustainable.

Holding and Implications

APPEALS DISMISSED. The High Court's decision striking down the amendment stands affirmed, and all connected transfer cases and petitions are also dismissed.

Implications: (1) The prohibition on evening LL.B. programmes remains invalid unless re-enacted following proper statutory consultation. (2) Students who have already completed evening LL.B. courses may apply to the Bar Council for enrolment. The decision turns on statutory interpretation rather than creation of new precedent.

Less ...

JUDGMENT

BAR COUNCIL OF INDIA V. GOPAL KRISHNA CHATRATH AND ORS.

1. These appeals have been preferred by the Bar Council of India from the judgment of the High court of Punjab and Haryana.

2. A Resolution No. 68/1999 was passed on 24.10.99 by the Bar Council of India, whereby evening courses for L.L.B. were stopped. The resolution reads thus:

The amendment rule will read as follows:

2.1) That the Law Education under Section B may be through whole times colleges. All Law Colleges which are exclusively running evening sessions shall switch over to "Day" sessions during the academic year 2000-2001 failing which they will not be entitled to approval of affiliation by the Bar Council of India. Provided that wherever, the college is running evening course, the students who were admitted to

3. The amendment of the rule was challenged by the respondents herein on the ground that **Section 7(1)(h)** of the Act contemplates a consultation with the Universities in India before any such amendment is made. The Division Bench has come to the conclusion that there was no effective consultation with the Universities in India before the amendment was effected and the High Court held that the amendment of **Rule 2(1) of the rules** was not sustainable and violative of **Section 7(1)(h)** as there was no consultation with the Universities of State Bar Councils.

4. We heard counsel on both sides. The counsel for the appellant contended that as part of the consultation process there was some seminar in which member of the State Bar Council and representatives from Universities participated and it was after that the amendment was effected. The counsel also pointed out that there has been suggestions by the Committee constituted for the purpose of improving legal education, to ban the evening law courses. Even then the appellant should have made consultation with the Universities before making such amendment. The view expressed by the Division Bench is correct and we do not find any reasons to interfere with the finding. The appeals, therefore, filed by the Bar Council fail and it is dismissed. No costs.

5. In view of the order passed above in the civil appeal, transfer cases and the transfer petitions are also dismissed. If any candidates have passed the L.L.B. examination through evening course, they would be at liberty to move the Bar Council for enrolment.

Comments

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