BLOGS

State Bar Councils Cannot Charge Exorbitant Bar Council Enrollment Fees in India: Supreme Court

Ruchika Mohapatra · 16 Aug 2024

In a recent writ petition challenging the Union Government, Bar Council of India (BCI), and State Bar Councils (SBCs) for imposing excessive enrollment fees, the Supreme Court has deemed the exorbitant bar council fees arbitrary. Read more about it here!

Curious Case of Exorbitant Enrollment Fees

In recent years, the rising cost of bar council enrollment fees has become a significant concern for aspiring lawyers in India. The high fees, which often run into thousands of rupees, are proving to be a barrier for many students and young professionals seeking to enter the legal profession. This issue has sparked a broader debate about accessibility and fairness within the legal field.

Enrollment fees, intended to cover administrative costs and regulatory functions, have increased considerably, putting a strain on many budding legal professionals. This financial burden often comes as a shock to students who have already invested substantial amounts in their legal education. The concern is not only about the financial strain but also about the potential deterrent effect on diversity and talent within the legal profession.

Challenge Against Bar Enrollment Fees

In response to these challenges, Gourav Kumar, a law student and activist, took a stand by filing a Public Interest Litigation (PIL) in the Supreme Court of India. Kumar's PIL challenged the exorbitant enrollment fees imposed by various Bar Councils across the country, arguing that they are unjust and discriminatory.

The petition sought to address the issue of excessive fees and demand a more transparent and equitable fee structure that aligns with the principles of fairness and accessibility.

Kumar's initiative highlighted the urgent need for a reform in the fee structure to ensure that aspiring lawyers are not discouraged from pursuing their professional dreams due to financial constraints. The case also garnered significant attention and support from the legal community, with many advocating for a revision of the current fee regulations.

Verdict of the Writ Petition

Deciding the case, the three-judge bench consisting of Chief Justice Dr. DY Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra issued a significant ruling.

The bench declared that SBCs are not permitted to charge enrollment fees beyond what is explicitly prescribed under Section 24(1)(f) of Advocates Act. This section outlines the specific financial requirements for enrolling an advocate on the State rolls. SBCs and the BCI can only demand the stipulated enrollment fee and, if applicable, stamp duty, as prerequisites for enrollment.

Section 24(1)(f) provides that the enrolment fee payable by general candidates is Rupees seven hundred fifty and by SC and ST candidates, Rupees one hundred and twenty-five.

Charging additional fees beyond the legal stipulation violates Articles 14 and 19(1)(g) of the Constitution. This ruling is set to have prospective effect, meaning that while the SBCs are required to adhere to the prescribed fee structure moving forward, they are not obligated to refund any excess fees collected prior to the judgment.

Free and Open Webinar by Lawctopus

Lawctopus is organising a free and open webinar on the landmark judgement that declared that there should not be any exorbitant bar council enrollment fees. The webinar will discuss the judgement of **Gaurav Kumar v. UOI** in detail on August 21st, Wednesday between 7:30 – 8:30 PM. Register by August 20!

Click here to Register for the Webinar.