



A Saga of Exclusionary Practices: Systemic Hindrances in Obtaining a Certificate of Legal Practice in India

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Abstract:

In India, to practice law, a law graduate needs to clear the All India Bar Examination conducted by the Bar Council of India. The popular narrative about the exam is that it is straightforward and easy to clear, however, the system is deeply unequal and narratives around its difficulty are imbedded with intersectional privilege. There are multiple challenges that candidates face right from the enrollment stage to the exam stage. Systematic issues such as an exorbitant enrollment cost, cumbersome registration processes, quality of question papers in vernacular languages and an ineffective grievance redressal mechanism. The article series argues that the entry point of the legal profession in its present form is deeply exclusionary. In our three-part article series, based on our interactions with hundreds of law graduates about their lived experiences of the examination process, we attempt to capture and bring forth these structural inequities into public discourse. In the first part of our article series, we discuss the exorbitant registration fees, examination fees and other associated costs that contribute to making the

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A saga of exclusionary practices: Systemic hindrances in obtaining a Certificate of Legal Practice in India

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Abstract

In India, to practice law, a law graduate needs to clear the All India Bar Examination conducted by the Bar Council of India. The popular narrative about the exam is that it is straightforward and easy to clear, however, the system is deeply unequal and narratives around its difficulty are embedded with intersectional privilege. There are multiple challenges that candidates face right from the enrollment stage to the exam stage. Systematic issues such as an exorbitant enrollment cost, cumbersome registration processes, quality of question papers in vernacular languages and an ineffective grievance redressal mechanism. The article series argues that the entry point of the legal profession in its present form is deeply exclusionary. In our three-part article series, based on our interactions with hundreds of law graduates about their lived experiences of the examination process, we attempt to capture and bring forth these structural inequities into public discourse.

In the first part of our article series, we discuss the exorbitant registration fees, examination fees and other associated costs that contribute to making the examination process exclusionary. This article was first published in LiveLaw (<https://www.livelaw.in/columns/all-india-bar-examination-aibe-bar-council-of-india-bci-197405>) in April 2022.

¹The authors are associated with the [Centre for Social Justice](#) and can be contacted at socjust@gmail.com. The Centre for Social Justice, is a socio-legal organisation, working in the sphere of access to justice, that uses the judicial system to fight the rights of the marginalised communities.



Whether as a result of intentional gatekeeping or institutional apathy, there are multiple challenges that a law graduate faces in the process of getting certified as a practising advocate. These challenges contribute to creating an exclusionary environment for law graduates trying to enter the legal ecosystem. Unfortunately, it is created and sustained by the same institutions and systems that are responsible for protecting the rights of lawyers and maintaining the standards of legal education and profession.

To practice law in India, one has to clear the All India Bar Examination (AIBE) conducted by the Bar Council of India (BCI). To appear for the examination, law graduates have to first enrol themselves with a State Bar Council. The next step in the enrollment process is the AIBE exam. On clearing the exam, one gets the Certificate of Practice that makes them eligible to practice law in Indian courts. The AIBE exam, usually conducted bi-annually in 10 vernacular languages and English, is an open-book exam with a Multiple Choice Questions pattern and no negative marking.

While we often hear remarks on how effortless and straightforward the paper is and how one cannot possibly fail, this is a deep-rooted and long-lived misconception.

Since the inception of the AIBE in 2010, the Centre for Social Justice, a socio-legal organisation, has been conducting training for grassroots lawyers appearing for the exam in vernacular languages from various parts of Gujarat, Chhattisgarh and Jharkhand. In this article, we have tried to capture the lived experiences of hundreds of law graduates who have participated in our training.

The interactions shed light on several issues which have been brought forth in this article. This article has tried to capture the financial constraints in the form of exorbitant enrollment costs and the cost of bare acts in regional languages. We believe that these are systemic issues that need to be brought to the public discourse.

1. Exorbitant registration fees

To be eligible to apply for the AIBE exam, one has to register with their respective state bar council. As can be observed from the table below (Table 1), the enrolment fees for registering in the State Bar Councils are very high.

When we compared the fee concessions given to candidates from a Scheduled Caste or a Scheduled Tribe community, we observed that there was not a significant reduction in the fee. Additionally, these reductions are not extended to candidates from any other socially or economically disadvantaged community. Since



entrenched and interconnected structures of social identities (such as caste, religion, and gender) give rise to pervasive class identities in India, such expensive bar enrolment registration detrimentally impacts law graduates from marginalised communities.

Moreover, the registration fee for the State Bar Council is also not uniform and ranges from Rs. 11,100/- in Tamil Nadu to Rs. 25,000/- in states like Gujarat and Bihar.

There needs to be an explainable reason justifying the stark variations in the fee structures of various states. While some might argue that the facilities provided by each State Bar are different, we were not able to map any significant difference in the facilities being provided from the break-up of registration fees.

On the contrary, the services provided by the district bars within each state are often substandard. When the fees charged for practising within a state are kept uniform, the services being provided by the bar councils in different districts of the same state should at least have a minimum threshold. Despite paying heavy enrolment fees, the lawyers practising in lower courts and bars do not have access to basic facilities in the court premises like sitting spaces for advocates or a functional library.

State	Registration Fees (for the General category candidates)	Registration Fees (for the Scheduled Caste/ Scheduled Tribe category candidates)	Form
Gujarat	25,000/-	22,000/-	https://barcouncilofgujarat.org/images/Files/ENROLMENT_APPLICATION.pdf (Updated form available on the website)
Bihar	25,000/-	Updated information not available	No Website



Jharkhand	20,210/-	Updated information not available	http://jharkhandstatebarcouncil.org/wp-content/uploads/2020/08/null.pdf (Updated form not available on the website. It mentions Rs 11,000 as the fees)
Delhi	14,300/-	Form does not mention any concession for SC/ST students	https://delhibarcouncil.com/the-membership/fee-structure/ (Updated form available on the website)
Madhya Pradesh	19,350/-	16,225/-	http://www.sbcofmp.org.in/ (Updated form available on the website)
Assam/Arunachal Pradesh/ Nagaland/ Mizoram/ Sikkim	17,350/-	Updated information not available	https://www.barcouncilassametc.org/forms.php (Updated form not available on the website. It mentions Rs 6,000 as the fees)
Uttar Pradesh	16,665/-	13,540/-	http://upbarcouncil.com/OnlineForm/Form/Advocate_registration_formnew1.pdf
West Bengal	16,650/-	15,150/-	http://wbbarcouncil.org/charges.php (Updated form not available on the website. Exact fees unclear)
Rajasthan	16,200/-	Updated information not available	https://www.barcouncilofrajasthan.org/download/InstructionsFile.pdf (Updated form available on the website)



Karnataka	15,900/-	12,900/-	http://ksbc.org.in/registration/enroll_instn_eng.php (Updated form available on the website)
Maharashtra	19,250/-	18,750/-	https://www.barcouncilmahgoa.org/uploads/forms/51/223/Enhanced%20Enrollment%20Amountx.pdf (Updated form available on the website)
Punjab and Haryana	14,400/-	11,400/-	http://bcph.co.in/wp-content/uploads/2021/03/bar-enrolment-form.pdf (Updated form available on the website)
Tamil Nadu	Updated information not available	11,100/-	http://bctnpy.org/lawfirm/web/index.php?r=user-management%2Fauth%2Flogin (Updated form available on the website)

Table 1: Registration fees of some of the State Bar Councils of India²

²As we had earlier mostly relied on enrollment forms uploaded on the State Bars's website, to cross-check whether states had updated their website we had contacted the State Bar Councils via the numbers mentioned on their website. This revealed that most State Bar councils do not have a functional phone desk. We had to therefore resort to contacting young lawyers from different states who had recently gotten themselves enrolled, to get updated information on the fees structure.

2. Examination fees and other associated costs

Apart from the enrolment fees, each candidate has to pay an additional amount as the examination fee for AIBE. The fee now stands at an exorbitant amount of Rs 3,560/- for candidates belonging to the General Category and Rs 2,500/- for candidates belonging to a Scheduled Caste or Scheduled Tribe.

There are only 40 exam centres in the country. The travel and staying in the location of the examination centre (which are mostly situated in cities and towns) makes the



process even more expensive and inaccessible. This issue has been highlighted to us especially by women candidates from rural Chhattisgarh and Gujarat.

Cost of bare acts

Since the exam is open book, the candidates are required to carry Bare Acts to the examination hall. As per the syllabus provided on the AIBE website, it can be estimated that if a candidate wishes to carry all the Bare Acts in the syllabus, they would have to be carrying a total of 84 Bare Acts for the examination. While the decision to carry most of the Bare Acts has little implication on those candidates who do not have any financial constraints, carrying just those Bare Acts that have the most weightage is a significant expense for many candidates appearing for the examination.

The examination is conducted in 11 languages - English, Hindi, Telugu, Tamil, Kannada, Marathi, Bengali, Gujarati, Oriya, Assamese, and Punjabi. While many candidates opt for one of the 10 vernacular languages as the medium of examination, the availability of Bare Acts in these languages is a major impediment.

When it comes to vernacular languages, Bare Acts are not just unavailable on most of the popular e-commerce websites or bookstores, they are also way more expensive. While a set of 18 English Bare Acts costs around rupees 1,800/- on amazon, their translations are far more expensive. Procuring just 10 Gujarati Bare Acts with the most weightage would cost close to 8,000/-, around 16 times more than their English counterparts (considering that in 8,000/- the buyer would get only half the books he/she would get for 1,800/- in English).

The following is a comparative price list (with the names of the publishers) of English and Gujarati Bare Acts³:

Sr. No.	Bare Acts	Publisher (Gujarati)	Price	Publisher (English)	Price	% difference in price
1	The Consumer Protection Act, 2019	Vinay Law House	795/-	Universal	80/-	90%
2	The Advocates Act, 1961	Punahal Law House	450/-	Universal	59/-	87%
3	The Code of Civil Procedure, 1908	Punahal Law House	995/-	Universal	172/-	83%



4	The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013	Punahal Law House	595/-	Universal	88/-	85%
5	The Indian Evidence Act, 1872	Punahal Law House	450/-	Universal	69/-	85%
6	The Code of Criminal Procedure, 1973	Punahal Law House	1,095/-	Universal	280/-	74%
7	The Indian Penal Code, 1860	Punahal Law House	895/-	Universal	187/-	80%
8	The Law of Contracts	Punahal Law House	995/-	Professionals	225/-	79%
9	Family Laws	Punahal Law House	995/-	Universal	243/-	76%
10	The Constitution of India, 1950	Punahal Law House	1,095/-	Universal	184/-	86%
TOTAL			8,360/-		1,587/-	81%

Table 2 : Price difference between Gujarati and English Bare Acts

³<https://www.newsclick.in/Dissecting-The-Bar-Council-India-Recent-Notification-Allowing-Candidates-Carry-Bare-Acts-Notes>

As can be observed from the table, candidates appearing for the exam in Gujarati have to shell out 81% more for procuring Bare Acts compared to those appearing for the exam in English. However, as can be observed from Table 2, the difference in the price of Hindi Bare Acts is not as stark. This could be because the number of publishers available for publishing Hindi Bare acts is more than that of Gujarati Bare Acts. The result is that buyers of Hindi Bare Acts are comparatively only paying around 30% more.



While the obvious market-driven solution to the problem would be to have more publishers in the market, what the State Bars should do as an immediate intervention is to either upload the soft copies of the same on their websites or ensure that they are at least available in the court library so that candidates can take its xeroxes to the examination. The soft copies of most Bare Acts in English are available online in English. There should be no reason for not making it available online in other languages as well.

Sr. No.	Bare Acts	Publisher (Hindi)	Price	Publisher (English)	Price	% difference in price
1	The Consumer Protection Act, 2019	Universal	70/-	Universal	80/-	(-)12.5%
2	The Advocates Act, 1961	Bright	105/-	Universal	59/-	43.8%
3	The Code of Civil Procedure, 1908	Whitesmann Publication	429/-	Universal	172/-	59.9%
4	The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013	Ekta's	260/-	Universal	88/-	66.15%
5	The Indian Evidence Act, 1872	Bright	110/-	Universal	69/-	37.27%
6	The Code of Criminal Procedure, 1973	Bright	249/-	Universal	280/-	(-)11.07%
7	The Indian Penal Code, 1860	Bright	150/-	Universal	187/-	(-)19.78%
8	The Law of Contracts (Indian Contract Act, Specific Relief Act, Negotiable instruments Act)	Universal and Bright	70/- +60/- +90/-	Professional s	225/-	(-)2.27%
9	Family Laws (Hindu law and Muslim law)	Bright	100/- +60/-	Universal	243/-	(-)30.04%
10	The Constitution of India, 1950	Bright	269/-	Universal	184/-	31.59%



TOTAL			2,022/-		1,587/-	21.51%
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Table 3: Price difference between English and Hindi Bare Acts

Discontinuation of Bare Acts with Notes

Sometime in February 2021, the Bar Council of India decided to not allow books, notes, or study material inside the examination hall, from AIBE-XVI (that took place on October 31st, 2021). With respect to Bare Acts, candidates were allowed to only carry Bare Acts without notes. In a [previous article published on 28th October 2021](#), we had analysed the then-recent notification by the Bar Council of India which reversed the February notification and allowed candidates to use Bare Acts with short notes/comments during the examination. As stated in that piece, there is an ecosystem where candidates relied on their seniors for accessing the Bare Acts. Since the exams before AIBE-XVI allowed for Bare Acts with notes, the February notification forced many candidates to buy new Bare Acts. This was yet another expense incurred that was not anticipated by the candidates. By withdrawing the notification just 7 days before the exam, the Bar Council of India basically forced many candidates to pay for new copies, especially for candidates appearing for the exam in vernacular languages. Due to limited copies of the vernacular bare acts available in the market, these candidates could not have afforded to wait till the last minute to purchase the Bare Acts. This consequence is a reality that the BCI should have been aware of.

While it is true that the stark price difference in the price of Bare Acts is due to the huge supply gap in publishing them, the rationale behind bringing forth the pricing of the vernacular Bare Acts is to highlight the hidden costs one has to incur over and above the average of Rs. 19,000/- for enrolment and Rs. 3,560/- towards the examination fees for each attempt.

Such high financial stakes point out the exclusionary nature of AIBE for law graduates in the context of the reality that most lawyers are not paid enough to sustain themselves in their initial years of practice by their seniors.



About the Author

The authors are research associates at the Centre for Social Justice, Ahmedabad. The Centre for Social Justice, is a socio-legal organisation, working in the sphere of access to justice, that uses the judicial system to fight the rights of the marginalised communities. The authors have their respective field areas. Gatha works with the Gumla unit in Jharkhand, Tanvi works with the Amreli Unit in South Gujarat (coastal area) and Nivedita works with the Dang unit in South Gujarat (Tribal area).