

Open Letter to Chairperson

Bar Council of India

Re: Delay in declaration of results for the 18<sup>th</sup> Qualifying Examination for Foreign Law Degree Holders.

It is with great regret that I am writing to you for the second time about the problems that law students face in relation to the declaration of their exam results. In 2020, the exam was conducted and the results were declared in April 2021. Moreover, the exam itself is conducted once a year even though it ought to be conducted twice a year and the same problem arose that needed to be addressed.

I have recently become aware of a concerning issue that has been brought to my attention through numerous distress calls. It appears that there is a significant delay in enrolling graduates as Advocates in India under the Advocates Act of 1962. This delay has persisted for the past five months and has caused distress among those affected.

As you may recall, the Bar Council of India administers the Qualifying Examination for Foreign Law graduates as a prerequisite for them to commence practicing law in India. It is widely known that many aspiring law students pursue their education at esteemed international universities. Upon their return to India, they are required to undergo an examination conducted by the Bar Council of India in order to qualify for

legal practice in the country. Following enrolment, they are also expected to successfully pass the All India Bar Examination.

This year, around 75 students have been adversely affected by the recent events. The administration faced a delay in organizing the examination, which is typically scheduled between July and August. However, this year, it was scheduled in December. Initially, the examination dates were set for December 5<sup>th</sup>-10<sup>th</sup>, 2022. However, without providing any explanation, the Bar Council of India (BCI) subsequently changed the dates to December 19<sup>th</sup>-24<sup>th</sup>, 2022.

Consequently, numerous students who had made travel arrangements from different cities had to modify their flight tickets and hotel bookings. Numerous students from various cities in India, such as Bangalore, Mumbai, Chennai, Hyderabad, and even from different parts of the United Kingdom, made arrangements to take this examination. However, due to an arbitrary decision by the BCI to reschedule the examination dates, these students were compelled to modify their flight and accommodation bookings. This unexpected change incurred significant expenses for them, particularly considering that the examination dates were pushed last minute during the peak holiday season when travel and accommodation costs were much higher than usual.

Adding to the agony, the release of examination results has been significantly delayed. While the previous year's results were published in March, no specific timeline had been provided this time. The students

have been repeatedly requesting for updates and have been met with arbitrary and vague justifications. There is an inordinate delay of 5 months which severely impacts the Right to Practice under Article 19 (1) (g) which is a Fundamental Right. Moreover, this situation places these students who have studied from prestigious universities in a precarious position, as they are missing out on potential job opportunities due to the uncertain nature of their status. Many of these students are holding LLM degrees and some have qualified as Solicitor and Barrister. Some have also undergone a conversion course for one or two years in the National Law Schools in India.

There was also considerable confusion surrounding the allowance of Bare Acts during the examination. Despite repeated requests made by the students for prompt information, they were informed just one week before the examination about the permissibility of carrying Bare Acts. The BCI has displayed a lack of responsiveness and assistance. Student's attempts to reach them via phone calls and emails have been intentionally ignored on multiple occasions.

It is further pertinent to bring to your attention that these students have paid an examination fee of Rs. 1.5 lakh however, the BCI has not provided any breakdown for this amount. This lack of transparency is concerning, particularly as there is no fees difference even though majority of the students are not even classified as NRIs (Non-Resident Indians).

In light of the injustices faced by the affected students, and in the event that the results of the examination cannot be promptly released, I urge you as a responsible member of the legal profession and a concerned citizen to consider provisionally enrolling the foreign law graduates as Advocates with such conditions as the Bar Council of India deems appropriate. There are approximately 75 law graduates currently in a state of limbo, waiting for an opportunity to commence their legal practice. As a profession, we owe them an explanation and a chance to begin their careers in law.

These aspiring lawyers possess the potential to make valuable contributions to the profession, and can work in the public interest, either by enhancing the pool of legal aid lawyers or in other areas where qualified advocates are needed. It would be a disservice to lose such a valuable human resource in this manner. While acknowledging the administrative difficulties that we all may be facing, it is incumbent upon us as a profession to rise to the occasion and support these young lawyers.

I eagerly anticipate a positive response to this request.

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