

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3882-3885 OF 2003

BAR COUNCIL OF INDIA

Appellant (s)

VERSUS

GOPAL KRISHANA CHATRATH & ORS.

Respondent(s)

(With office report)

WITH T.P.(C) NO. 247-248 of 2005

(With office report)

T.C.(C) NO. 28 of 2003

(With office report)

T.C.(C) NO. 29 of 2003

(With office report)

T.C.(C) NO. 33-37 of 2003

(With office report)

T.P.(C) NO. 392-393 of 2004

(With office report)

T.C.(C) NO. 39 of 2004

(With office report)

T.C.(C) NO. 40 of 2004

(With office report)

T.C.(C) NO. 41 of 2004

(With office report)

T.C.(C) NO. 43 of 2003

(With office report)

T.C.(C) NO. 52 of 2003

(With office report)

T.C.(C) NO. 58 of 2003

(With office report)

T.C.(C) NO. 59 of 2004

(With office report)

Date: 12/07/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s) Mr.MN Krishnamani, Sr.Adv.
Mr. Sanjeev Sachdeva,Adv.

For Respondent(s) Mr. R.K. Kapoor, Adv.
Mr.M.K. Verma, Adv.
Mr.SS Yadav. Adv.
Mr. Govind Kaushik, Adv.
Mr. Anis Ahmed Khan,Adv.
Mr. Dhruv Mehta, Adv.
Mr. Harshvardhan Jha, Adv.
Mr.Yashraj Singh, Adv.
M/S K.L. Mehta & Co.

Mr.Sudhir Walia, Adv.
Mr. Prayank, Adv.
Mr. Mahinder Singh Dahiya ,Adv

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Mr. TLV Iyer, Sr.Adv.
Mr B V Deepak ,Adv
Mr. Anil Kumar, Adv.

Ms. Hemantika Wahi,Adv.

Mr. LN Rao, Sr.Adv.
Mr.V.K. Biju, Adv.

Mr. Vipin Nair, Adv.

Mr.PB Suresh, Adv.for

M/S. Temple Law Firm

for UGC

Mr.Amitesh Kumar, Adv.

Mr. Gopal Singh, Adv.

Mr. D.S. Nanavati, Adv.

Mr.Deepak Shukla, Adv,

Mr. Sawrin Mehta, Adv.for

M/S I.M. Nanavati Associates

Mr. SV Deshpande, Adv.

Mr.KN Madhusoodhanan, Adv.

Mr. R. Sathish, Adv.

Mr.Mathai M. Paikeday, Sr.Adv.

Mr. Sanjay Jain, Adv.

Mr. Mukesh Kumar, Adv.

Mr. N. Annapoorni, Adv.

Mr. GRK Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

The civil appeals, transfer cases and
transfer petitions are
dismissed. No costs.

[Usha Bhardwaj]

[Madhu S

axena]

Court Master

Court M

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Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3882-3885 OF 2003

Bar Council of India

...Appellant(s)

Versus

Gopal Krishna Chatrath & Ors.

...Respondent(s)

With

T.C.No.T.C.Nos.28, 29, 33-37, 43, 52, 58,/2003, TC.No.59, 39,
40, 41/2004 & TP.Nos.392-393/2004 & TP.No.247-248/2005

O R D E R

These appeals have been preferred by the Bar Council of

India from the judgment of the High Court of Punjab and

Haryana.

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
time 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

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India. Provided that wherever, the college is running evening course, the students who were admitted to the first year, in the evening sessions during the academic year 1999-2000 shall be allowed to complete the course".

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 or State Bar Councils.

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

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constituted for the purpose of improving legal education, to ban the evening law courses. Even this 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.

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.

.....J.

[K.G. BALAKRISHNAN]

.....J.

[TARUN CHATTERJEE]

.....J.

[D.K. JAIN]

New Delhi,

July 12, 2006.