



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Extract of the Minutes of the Meeting of the General Council of the Bar Council of India held on 09.08.2020.

Item No.353/2020

- (A) To consider the Civil Writ Petition under Article 225 of the Constitution of India filed by Mr. Purav Middha against Bar Council of India before the Hon'ble High Court of Judicature at Delhi praying for issuing writ of mandamus or any other writ, order or direction to the respondent BCI to conduct AIBE-XV through online mode and also give grace time period for candidates holding provisionally enrolled certificate starting from 21st March, 2020 i.e. from commencement of lockdown 1.0 till next date of examination.
- (B) To consider the Civil Writ Petition under Article 226 of the Constitution of India filed by Mr. Bilaal Ahmed Syed against Bar Council of India and Bar Council of Andhra Pradesh before the Hon'ble High Court of Andhra Pradesh at Amaravati praying for issuance of a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification No.AIBE/WE/176 dated 30.07.2020 of the Bar Council of India, thereby notifying the AIBE-XV as postponed and the date of examination and other schedules are to be considered and decided by the Monitoring Committee for AIBE (Headed by the Hon'ble Former Judge of Supreme Court) and extending of the registration dated 31.08.2020, despite Covid-19 Corona Virus pandemic disease as illegal, irregular, irrational and arbitrary and unjust, violative of principles of natural justice contrary to the provision of Advocate Act, 1961, Bar Council of India Rules and Articles 14 and 21 of Constitution of India and consequently suspend the Notification No.AIBE/WS/176 dated 30.07.2020 issued by the respondent and to declare the enrolled advocates on the rolls of the 2nd respondent Bar Council as qualified in the AIBE Exam or in the alternative give an exemption to AIBE Exam for the year 2020 to the enrolled Advocates who are supposed to appear AIBE Exam this year, in view of Covid-19 Corona virus and pass such other order or orders may deem fit and proper in the circumstances of the case.

RESOLUTION

The office has placed before the Council the two writ petitions bearing W.P.(C) No.5064/2020 titled as Poorav Midha Versus Bar Council of India pending before the Hon'ble High Court of Delhi and Civil Writ Petition No.5200 of 2020 under Article 226 of the Constitution of India titled as Mr. Bilaal Ahmed Sayyad against the Bar Council of India and the Bar Council of Andhra Pradesh pending before the Hon'ble High Court of Andhra Pradesh at Amravati praying for issuing writ of mandamus or any other writ, order or direction to the respondent Bar Council of India to conduct AIBE-XV through online mode and also give grace time period for candidates holding provisionally enrolled certificate starting from March, 2020 i.e. from commencement of lockdown 1.0 till next date of examination AND praying for issuance of a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification No.AIBE/WE/176 dated 30.07.2020 of the Bar Council of India, thereby notifying the AIBE-XV as postponed and the date of examination and other schedules are to be considered and decided by the Monitoring Committee for AIBE (Headed by the Hon'ble Former Judge of Supreme Court) and extending of the registration dated 31.08.2020, despite Covid-19 Corona Virus pandemic disease as illegal, irregular, irrational and arbitrary and unjust, violative of principles of natural justice contrary to the provision of Advocate Act, 1961, Bar Council of India Rules and Articles 14 and 21 of Constitution of and consequently suspend the Notification No.AIBE/WS/176 dated 30.07.2020 issued by the respondent and to declare the enrolled advocates on the rolls of the 2nd respondent Bar Council as qualified in the All India Bar Exam or in the alternative give an exemption to AIBE Exam for the year 2020 to the enrolled Advocates who are supposed to appear AIBE Exam this year, in view of Covid-19 Corona virus and pass such other order or orders may deem fit and proper in the circumstances of the case.

By virtue of a resolution passed on 29.07.2020, the Council has already resolved to extend the last date of receipt of application for the AIBE-XV till 31st August, 2020 and has also resolved to postpone the AIBE-XV which was earlier scheduled for 16th August, 2020. As, has been resolved the date of examination and the other schedules are to be considered and decided by the Monitoring Committee of the Bar Council of India Chaired by a Former Judge of Hon'ble Supreme Court of India. By virtue of another resolution passed by the Bar Council of India on 29.07.2020, the Bar Council of India has also further decided to exempt the period from 24th March, 2020 to 31st March, 2021 owing to the pandemic situation and lockdown from being counted as a necessary time period from the point of view of considering it within the requisite time period of 2 years from the date of enrolment, to clear the AIBE for continuation in practice. Thus it has been resolved that this period shall remain exempted and not be counted while calculating the 2 year period from the date of enrolment for the purposes of the time period for clearing/passing AIBE.

Furthermore, vide the same resolution the issue of conducting AIBE by online mode has been considered and after through discussion and deliberation after taking the view of all Hon'ble Members, it was considered and deemed fit that it would not be feasible to conduct AIBE by online mode. This request had been rejected on the ground that we cannot loose sight of the fact that India is a vast country. 90-95% i.e. maximum percentage of lawyers in India do not stay in metro cities or in even class 1 cities, maximum Advocates stay in semi urban, semi rural and rural places, and even in remote areas, and furthermore even many urban cities have net connectivity issues. Even metros face internet speed and connectivity issues sometimes.

It had been observed and resolved that Internet connectivity is not uniform throughout the country and therefore it would not be possible or feasible for all advocates to give the exam by an online mode and furthermore since the time period of approximately of one year from 24th March, 2020 to 31st March, 2021 is exempted, from being counted within the period of 2 years from the date of enrolment, to clear/pass the AIBE, no one shall be prejudiced and whom so ever's term of 2 years from enrolment was expiring with effect from 24th March, 2020 to 31st March, 2021 shall continue to remain in practice during such period.

Therefore the Council does not deem it fit to hold the AIBE by online mode as of now.

Resolved accordingly.

Certified to be the True Copy



(Srimanto Sen)

Secretary

Bar Council of India