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A Regulator Without the Power It Used: The Bar Council, NALSAR, and Justice Nagarathna's Warning

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A Regulator Without the Power It Used: The Bar Council, NALSAR, and Justice Nagarathna's Warning

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✓ Every fact web-verified against primary sources

Speaking at the 13th convocation of National Law University Delhi on Saturday, August 29, 2026, Supreme Court judge Justice B. V. Nagarathna said that “when a Bar Council does not earn the respect of its members, it is not a good sign for the legal profession”, and that Bar Councils at the Central and State level must introspect on their role in upholding professional ethics, morality and professional competence. She described lawyers as “safety valves of democracies”.

Her remarks land three weeks after the Bar Council of India ordered, and then withdrew within hours, a freeze on the professional enrolment of an entire graduating class. The episode raises a precise constitutional question: does a statutory regulator possess a power it attempted to use?

WHAT THE BAR COUNCIL DID

The background sequence, which began in July 2026 and is set out here as a chronology rather than as fresh news.

DATE	EVENT
July 23, 2026	70 students of NALSAR University of Law, Hyderabad write objecting to Chief Justice of India Surya Kant as chief guest at their convocation. Four further letters follow; over 450 students of the 2026 batch eventually sign representations
August 13, 2026	The Bar Council of India directs State Bar Councils to freeze enrolment of NALSAR's entire 2026 batch "till further orders" , demands the university name the students and teachers involved within three days, and accuses faculty of "nasty politics"
August 14, 2026, early hours	The order is withdrawn after public outrage and pushback from the legal fraternity
August 14, 2026	The CJI publicly criticises the BCI's intervention
August 17, 2026	The CJI says he had "never accepted" the NALSAR invitation, "so no question of going"
Subsequently	The BCI drops the proceedings entirely , saying the 2026 batch had no role in any "disturbance or movement"

What the students objected to. Remarks attributed to Justice Surya Kant during a **May 2026 hearing on fraudulent law degrees**, which they read as describing young citizens as **"parasites and cockroaches"**, and, the second piece of context, his conduct of a hearing concerning alleged police action against protesters at a **Jantar Mantar march on July 20, 2026**.

*The phrase "unwarranted interference" is widely attributed to the CJI. It is a **paraphrase, not his reported words**. What he actually said on August 14 was **"Who are BCI to interfere?"** and that they **"had no business to interfere"**, describing the matter as **"between me and the students"**. Use his words, not the paraphrase, inside quotation marks.*

The episode did not end there. TISS Mumbai dropped the CJI as convocation chief guest on **August 18, 2026**, and NLSIU Bengaluru cancelled its convocation at which he was to be chief guest on **August 27, 2026**.

THE CONSTITUTIONAL QUESTION: COULD THE BCI DO THIS?

Context first, since the answer turns on a statute enacted in 1961.

This is the part that belongs in an answer, and the answer is no.

The **Bar Council of India is a statutory body under the Advocates Act, 1961**. Enrolment is governed by **Section 24**, which sets out **individual** qualifications:

- ❶ **citizenship of India,**
- ❷ **completion of 21 years of age,**

- ③ a law degree from a University in India recognised for the purposes of the Act by the Bar Council of India, and
- ④ payment of the prescribed **stamp duty and enrolment fee**.

The qualifications are individual and objective. A student who satisfies all four is entitled to enrolment.

The Act's only institutional lever is de-recognition of a University's degree, which is a separate process with its own requirements, and it **was never invoked here**. NALSAR's Vice-Chancellor publicly questioned whether the BCI had statutory or constitutional authority even to demand the inquiry it demanded.

Where the BCI's powers do reach. In *Bar Council of India v. Bonnie FOI Law College*, the background authority here, a **five-judge Constitution Bench** on **February 10, 2023** held that the BCI has ample power under **Sections 24(3)(d) and 49(1)(ag)** to prescribe an examination, upheld the **All India Bar Examination**, and held that *V. Sudeer v. Bar Council of India (1999)* “**would not be good law**”. The Court expressly **left it to the BCI to decide whether the AIBE is held before or after enrolment**, and permitted final-semester students who had cleared all prior examinations to sit it.

So the BCI has real, judicially affirmed regulatory power over standards and examinations. It does not have a disciplinary power over a batch of students for protesting. The distinction between regulating competence and punishing dissent is the whole case.

THE CONFLICT OF INTEREST NOBODY SHOULD SKIP

Manan Kumar Mishra has been Chairman of the Bar Council of India since November 9, 2014. He is simultaneously a **Bharatiya Janata Party member of the Rajya Sabha from Bihar since 2024**, entering on **August 28, 2024**, elected unopposed in a by-election.

*The BCI regulates a profession whose central function includes **litigating against the State**. Its chairperson simultaneously sits in Parliament as a member of the governing party. **The question is structural, not personal:** can a regulator of an independent Bar be led by a serving legislator of any ruling party without at least the appearance of a conflict? That question would arise identically whichever party held office.*

This connects directly to what Justice Nagarathna said next: that the responsibility to preserve the autonomy of the legal profession lies **with lawyers**, and that “**the independence of the Bar is not an entitlement given to lawyers for their own benefit**”.

JUSTICE NAGARATHNA, AND A DATE THAT IS WIDELY REPORTED WRONG

Justice **B. V. Nagarathna**, born **October 30, 1962** and, as background, elevated to the Supreme Court in **August 2021**, on **August 31, 2021**, is due to become **India's first woman Chief Justice of India**.

*She is expected to serve as the , a tenure of about **36 days**.*

*February 2027 is when **CJI Surya Kant demits office. Justice Vikram Nath's tenure intervenes** before hers. The February figure is a stale projection made in 2021, before the succession line settled.*

Her other themes at the convocation are worth carrying. She called the legal profession a liberal pursuit in the truest sense, observing that its institutions, “**courts, tribunals, the Bar, law schools, are among the places in which disagreements can have a civilised implication**”, and stressed adaptability in a century of technological, environmental, social and geopolitical change.

HOW TO THINK ABOUT THIS

The case for the students. Protest, including protest about who addresses one's own convocation, is expression. The CJI himself took the position that the matter was between him and the students, and defended their right to peaceful protest.

The case for institutional restraint. Judges cannot answer back to criticism in the way other public figures can, and a norm in which every judicial remark generates an organised campaign has costs for the judiciary's functioning.

Why the BCI's intervention satisfied neither. It did not protect the judiciary, which had not asked for protection and publicly disowned the intervention. It did not serve regulation, because the power asserted does not exist in the Advocates Act. And it exposed the regulator to precisely the loss of professional respect that Justice Nagarathna described from the podium two weeks later.

UPSC RELEVANCE

GS Paper 2: Statutory, regulatory and various quasi-judicial bodies. The Bar Council of India's constitution, powers and limits under the Advocates Act, 1961 are directly examinable, and this episode supplies a live test of where those limits lie.

GS Paper 2: Structure, organization and functioning of the Judiciary. Judicial independence, the independence of the Bar as its counterpart, and the relationship between them.

GS Paper 4: Ethics in public administration; conflict of interest. A regulator's chairperson holding simultaneous legislative office is a clean, current, non-hypothetical conflict-of-interest case.

Mains framing. “The independence of the Bar is a **precondition** for the independence of the judiciary.” Use the Advocates Act's enrolment scheme to show why a regulator that can arbitrarily withhold enrolment would compromise both.

Prelims focus. Section 24 qualifications for enrolment, the Advocates Act year, the AIBE and the *Bonnie FOI* Constitution Bench, and Justice Nagarathna's position in the CJI succession.

★ FACTS CORNER — KNOWLEDGE PEDIA

Justice B. V. Nagarathna addressed the 13th convocation of National Law University Delhi on August 29, 2026.

She said lawyers are “safety valves of democracies” and that Bar Councils must introspect on their role.

She is expected to be India’s first woman Chief Justice, the 55th, from September 24 to October 29, 2027.

That tenure is about 36 days. A widely repeated claim that she becomes CJI in February 2027 is wrong.

Justice Nagarathna, born on October 30, 1962, has served on the Supreme Court since 2021, elevated on August 31 that year.

On August 13, 2026 the Bar Council of India ordered a freeze on enrolment of NALSAR’s entire 2026 graduating batch.

The order was withdrawn in the early hours of August 14, 2026 after protests from the legal fraternity.

The Bar Council of India is a statutory body constituted under the Advocates Act, 1961.

Section 24 of the Advocates Act sets individual enrolment qualifications: citizenship, age 21, a recognised law degree and fees.

The Act gives the BCI no power to bar the graduates of a recognised university as a class.

Bar Council of India v Bonnie FOI Law College, a five-judge Bench, was decided on February 10, 2023.

It upheld the All India Bar Examination under Sections 24(3)(d) and 49(1)(ag) of the Advocates Act.

It held that V. Sudeer v Bar Council of India (1999) would not be good law.

The Court left it to the BCI to decide whether the AIBE is conducted before or after enrolment.

Manan Kumar Mishra has chaired the Bar Council of India since November 9, 2014.

He has simultaneously been a BJP Rajya Sabha member from Bihar since August 28, 2024.

Source: A Regulator Without the Power It Used: The Bar Council, NALSAR, and Justice Nagarathna's Warning —
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