HC-KAR

NC: 2025:KHC-D:14930
WP No. 105477 of 2025

IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 105477 OF 2025 (GM-RES)

BETWEEN:

RAVICHANDRAGOUDA R. PATIL
AGED 24 YEARS, OCC: ADVOCATE,
R/O KALASHA, SANMATI NAGAR,
3RD CROSS, DHARWAD-580007
EMAIL ID advctrrpatil@gmail.com

…PETITIONER

(BY SRI.RAVICHANDRAGOUDA R. PATIL, PARTY-IN-PERSON)

AND:

1. KARNATAKA STATE BAR COUNCIL
HAVING ITS OFFICE AT OLD K.G.I.D BUILDING,
DR. AMBEDKAR RD,
AMBEDKAR VEEDHI, BENGALURU
KARNATAKA-560001
R/BY ITS CHAIRMAN.

2. BAR COUNCIL OF INDIA
HAVING ITS OFFICE AT 21,
ROUSE AVENUE INSTITUTIONAL AREA,
NEAR BAL BHAWAN,
NEW DELHI-110002
TELEPHONE NOS 011-49225000
REPRESENTED BY ITS CHAIRMAN

…RESPONDENTS

(BY SMT. ARCHANA MAGDUM, ADVOCATE FOR R1;
SRI. RAJASHEKAHAR BURJI, ADVOCATE FOR R2)

Digitally signed by RAKESH S HARIHAR
Location: High Court of Karnataka, Dharwad Bench, Dharwad

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.1-KARNATAKA STATE BAR COUNCIL (KSBC) TO REFUND THE AMOUNT COLLECTED FROM THE PETITIONER IN EXCESS OF THE STATUTORY ENROLMENT FEE PRESCRIBED UNDER SECTION 24(1)(F) OF THE ADVOCATES ACT, 1961; ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION QUASHING THE IMPUGNED NOTIFICATION/NOTICE ISSUED BY THE KSBC UNDER OFFICE NOS.080-22868712/080-22868561(ANNEXURE-A)PRESCRIBING A SUM OF ₹6800 UNDER THE HEAD "OTHER FEES" AND OTHER PURPORTED MANDATORY FEES FOR ENROLMENT; AND FURTHER DECLARE THAT THE CURRENT SYSTEM OF COLLECTING FEES BEYOND THE STATUTORY ENROLMENT FEE UNDER SECTION 24(1)(F) OF THE ADVOCATES ACT, 1961 IS ULTRA VIRES, ILLEGAL, AND UNCONSTITUTIONAL; ISSUE A WRIT OF MANDAMUS OR APPROPRIATE DIRECTION DIRECTING THE KSBC TO FORTHWITH CEASE THE PRACTICE OF COLLECTING ANY AMOUNT UNDER ANY HEAD OR NOMENCLATURE IN EXCESS OF THE STATUTORY LIMIT AT THE TIME OF ENROLMENT, AND FURTHER DIRECT THE BAR COUNCIL OF INDIA (BCI) TO ENSURE COMPLIANCE WITH THE DIRECTIONS OF THE HON'BLE SUPREME COURT IN GOURAV KUMAR (SUPRA), IN LETTER AND SPIRIT, WITHOUT DELAY; ISSUE A WRIT OF MANDAMUS, OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, RESTRAINING THE RESPONDENTS FROM DENYING THE PETITIONER ANY BENEFIT, FACILITY, OR SERVICE OTHERWISE AVAILABLE TO OTHER ADVOCATES SOLELY ON THE GROUND THAT THE PETITIONER HAS SOUGHT REFUND OF EXCESS ENROLMENT FEE; ISSUE A DIRECTION TO THE RESPONDENTS TO TAKE EXPEDITIOUS STEPS TO DIGITIZE AND CONDUCT THE ENROLMENT APPLICATION PROCESS THROUGH A FULLY FUNCTIONAL AND ACCESSIBLE ONLINE PORTAL IN ORDER TO REDUCE LOGISTICAL BURDENS, ENSURE TRANSPARENCY, AND FACILITATE EASE OF ACCESS; PASS SUCH OTHER OR FURTHER ORDERS OR DIRECTIONS AS THIS HON'BLE COURT MAY DEEM JUST, FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

1. The petitioner in-person is before this Court seeking the following prayer:

i. To issue a writ of mandamus directing the respondent No.1-Karnataka State Bar Council (KSBC) to refund the amount collected from the petitioner in excess of the statutory enrolment fee prescribed under Section 24(1)(f) of the Advocates Act, 1961;

ii. Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the impugned notification/notice issued by the KSBC under office Nos.080-22868712/080-22868561 (Annexure-A) prescribing a sum of ₹6800/- under the head "other fees" and other purported mandatory fees for enrolment; and further declare that the current system of collecting fees beyond the statutory enrolment fee under section 24(1)(f) of the advocates act, 1961 is ultra vires, illegal, and unconstitutional;

iii. Issue a writ of mandamus or appropriate direction directing the KSBC to forthwith cease the practice of collecting any amount under any head or nomenclature in excess of the statutory limit at the time of enrolment, and further direct the Bar Council of India (BCI) to ensure compliance with the directions of the Hon'ble Supreme Court in Gourav Kumar (supra), in letter and spirit, without delay;

iv. Issue a writ of mandamus, or any other appropriate writ, order, or direction, restraining the respondents from denying the petitioner any benefit, facility, or service otherwise available to other advocates solely on the ground that the petitioner has sought refund of excess enrolment fee;

v. Issue a direction to the respondents to take expeditious steps to digitize and conduct the enrolment application process through a fully functional and accessible online portal in order to reduce logistical burdens, ensure transparency, and facilitate ease of access;

vi. Pass such other or further orders or directions as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case and in the interest of justice and equity.

2. Heard the learned counsel Sri.Ravichandragouda R.Patil, party-in-person, learned counsel Smt.Archana Magdum for respondent No.1 and the learned counsel Sri.Rajashekhar Burji appearing for respondent No.2.

3. The petitioner, appearing in-person, is said to have enrolled as an advocate in the month of October 2024. It is the case of the petitioner that beyond the prescribed statutory fee of ₹750/-, the respondent No.1-Karnataka State Bar Council has been collecting optional fees of ₹6800/-. It transpires that ₹750/- is the only fee that is legally sanctioned for collection in terms of the Advocates Act, 1961. The issue regarding whether the respondents could charge fees beyond what is stipulated under the Statute need not detain this Court for long or delve deep into the matter.

4. The Apex Court in the judgment rendered in the case of **GAURAV KUMAR VS. UNION OF INDIA AND OTHERS**[1], considers this issue, and holds that the charging of enrolment

[1] **(2025)1 SCC 641**

fees, in excess of the statutory stipulation, is impermissible in law. The judgment of the Apex Court reads as follows:

> "**64. While acting as a delegate of Parliament, SBCs and BCI can frame rules under the Advocates Act. However, any rule enacted by SBCs is only ancillary and cannot be so exercised to bring into existence substantive rights, obligations or disabilities not contemplated by the provisions of the parent enactment. [Kunj Behari Lal Butail v. State of H.P., (2000) 3 SCC 40, para 14] Further, the rules must align with the object and purpose of the Advocates Act, namely, the creation of a common Bar and regulation of legal practitioners and their qualifications, enrolment, right to practise, and discipline.**
>
> *** *** ***
>
> **72. From the above discussion, we can cull out the following principles:**
>
> **72.1. A delegate cannot act contrary to the express provisions and object of the parent legislation;**
>
> **72.2. A delegate cannot widen or constrict the scope of the parent legislation or the legislative policy prescribed under it; and**
>
> **72.3. A fiscal provision has to be construed strictly and a delegate cannot consider any circumstance, factors or condition not contemplated by the parent legislation**.
>
> **73. The legislative policy of enrolment and admission of advocates is contained in Chapter III of the Advocates Act. Section 24(1) lays down the qualifications subject to which an advocate may be admitted on a State roll. Section 24(1)(*f*) provides that the enrolment fee payable by general candidates is rupees seven hundred fifty and by SC and ST candidates, rupees one hundred and twenty-five. Section 24(1)(*f*) reflects the legislative policy of the Advocates Act that subject to the fulfilment**

of other conditions of Section 24(1), the payment of the stipulated monetary amount will make a person eligible to be admitted as an advocate.

74. Presently, SBCs charge enrolment fees in the following manner : (*i*) they charge an enrolment fee according to the legal stipulation under Section 24(1)(*f*), but charge miscellaneous fees, and (*ii*) they charge an enrolment fee beyond the legal stipulation in addition to charging miscellaneous fees. Section 24(1)(*f*) expressly stipulates that the total enrolment fees shall be rupees seven hundred fifty for advocates belonging to the general category and rupees one hundred twenty-five for advocates belonging to the SC and ST category. SBCs cannot charge "enrolment fees" beyond the express legal stipulation under Section 24(1)(*f*) as it currently stands. Therefore, prescribing enrolment fees beyond rupees seven hundred for general candidates and rupees one hundred twenty-five for SC and ST candidates is contrary to Section 24(1)(*f*).

75. The subject-matter of enrolment fee is covered by the Advocates Act. Therefore, SBCs, being delegated authorities, do not have any legislative powers to prescribe enrolment fees contrary to the statutory stipulation.

76. As discussed in the above segments of this judgment, the legislature prescribed the enrolment fee under Section 24(1)(*f*) to cover "all functions" carried out by SBCs and BCI under the Advocates Act. **The legislative history suggests that the legislature was averse to imposing any charges other than enrolment fees at the time of enrolment. This was in furtherance of the legislative object to foster an inclusive Bar. However, SBCs are imposing miscellaneous fees and charges in the guise of an enrolment fee, which cumulatively exceed the statutory stipulation under Section 24(1)(*f*). The decision of SBCs to charge an enrolment fee beyond the stipulated amount is contrary to the legislative object of the Advocates Act.**

77. Section 24(1)(*f*) is a fiscal regulatory provision and has to be construed strictly. Parliament has prescribed the enrolment fees in the exercise of its sovereign legislative powers. SBCs and BCI, being delegates of Parliament, cannot alter or modify the fiscal policy laid down by Parliament. The delegate can create substantive rights and obligations only to the extent to which the parent enactment empowers the delegate. [See *Global Energy Ltd.* v. *CERC*, (2009) 15 SCC 570, para 25] By prescribing additional fees at the time of enrolment, SBCs have created new substantive obligations not contemplated by the provisions of the Advocates Act. The basis for the fees imposed by SBCs has to be traceable to the provisions of the statute. There is no express provision in the Advocates Act empowering SBCs to levy fees, except for the enrolment fee and stamp duty, if any, under Section 24(1)(*f*), at the time of admission of advocates on the State roll. The decision of SBCs to charge miscellaneous fees is contrary to the legislative prescription of the Advocates Act.

78. On 26-6-2013, BCI passed a resolution directing SBCs to charge rupees six thousand as enrolment fees for general candidates and rupees three thousand for SC and ST candidates. Importantly, the resolution stated that SBCs could charge other fees according to "their own suitability". On 22-12-2016, BCI addressed a letter to all SBCs directing them to charge the revised enrolment fees. BCI Resolution dated 26-6-2013 prompted many SBCs such as the Odisha Bar Council to enhance their enrolment fees. Section 24(1)(*f*) stipulates the enrolment fee to be charged by SBCs.

79. In the face of the express stipulation of law, BCI had no authority to pass a resolution revising the enrolment fees charged by SBCs. The fact that the enrolment fee stipulated under Section 24(1)(*f*) has not been revised by the legislature does not clothe BCI with any authority to direct SBCs to charge revised enrolment fees. Since BCI exercises general supervision and control over all SBCs, it is incumbent upon it to ensure that SBCs strictly follow the mandate of the Advocates Act. The Resolution dated

26-6-2013 is devoid of legal authority and contrary to Section 24(1)(*f*) of the Advocates Act.

80. In this batch of matters, we have transferred to this Court similar petitions pending before the Kerala High Court. In *T. Koshy* v. *Bar Council of Kerala* [*T. Koshy* v. *Bar Council of Kerala*, 2016 SCC OnLine Ker 41055] , SBC was charging special fees for enrolment from candidates who had retired from government service. A Single Judge of the Kerala High Court observed that the special fees were charged in addition to the enrolment fees and other miscellaneous charges such as application form fee, registration fee, enrolment certificate fee, and verification fee. The vires of the miscellaneous fees was not challenged before the High Court. The High Court construed the special fee charged by SBC as an enrolment fee and held that the amount charged by SBC was over and above the enrolment fee stipulated by Section 24(1)(*f*). In appeal, the Division Bench [*Bar Council of Kerala* v. *T. Koshy*, 2018 SCC OnLine Ker 23751] of the High Court upheld the judgment [*T. Koshy* v. *Bar Council of Kerala*, 2016 SCC OnLine Ker 41055] of the Single Judge by holding that Section 28(2)(*d*) did not empower SBC "to prescribe any fee for enrolment, either in the form of enrolment fee or special fee." [*T. Koshy case*, 2018 SCC OnLine Ker 23751, para 7] The special leave petition filed by SBC was dismissed by this Court on 4-6-2019. [*Bar Council of Kerala* v. *N.S. Gopakumar*, SLP (C) Diary No. 44268 of 2018, order dated 4-6-2019 (SC)]

81. In adjudicating upon WP (C) No. 3068 of 2023, [*Akshai M. Sivan* v. *Bar Council of Kerala*, 2023 SCC OnLine Ker 11400] another Single Judge of the Kerala High Court relied on *T. Koshy* [*T. Koshy* v. *Bar Council of Kerala*, 2016 SCC OnLine Ker 41055] to observe that SBC is only entitled to collect the enrolment fee stipulated under Section 24(1)(*f*) of the Advocates Act. Subsequently, the writ petition was heard by a Division Bench of the Kerala High Court which passed [*Bar Council of Kerala* v. *Akshai M. Sivan*, 2023 SCC OnLine Ker 4242] an interim order directing SBC to admit the petitioners on the State roll by accepting rupees seven hundred fifty as enrolment fees.

82. Given the above background, two issues arise for consideration:

82.1. (*i*) Whether the miscellaneous fees which are charged in addition to the enrolment fee at the time of enrolment can be considered as enrolment fee; and

82.2. (*ii*) Whether SBCs or BCI can charge miscellaneous fees as a precondition for enrolment.

83. Section 24(1) of the Advocates Act lays down the conditions subject to which an advocate may be admitted on a State roll. Section 24(1)(*f*) provides that the enrolment fee is paid by the advocate "in respect of the enrolment". The use of the phrase "in respect of the enrolment" conveys that the fee is paid for the entire enrolment process. Under the Advocates Act, the process of enrolment commences when an applicant makes an application to SBC within whose jurisdiction the applicant proposes to practice. Thereafter, the enrolment committee of SBC scrutinises the application on the basis of the eligibility qualifications laid down under Section 24(1). The name of an applicant who is found eligible is entered on the roll of advocates and a certificate of enrolment is issued to the applicant by SBC. The enrolment fee prescribed under Section 24(1)(*f*) comprehends the whole enrolment process.

84. On 27-12-2016, [Communication dated 28-1-2017 by BCI to the Secretaries of SBCs, BCI : D 529/2017(Council) dated 28-1-2017.] BCI passed a resolution fixing the verification fees charged by SBCs at the time of submission of enrolment forms. The resolution was in the following terms:

> "The State Bar Councils/Enrolment Committees of the State Bar Councils shall require the xerox as well as the original certificates of the candidates applying for enrolment. Following certificates shall be required to be submitted along with the enrolment forms:
>
> (*a*) Certificate of Board for Secondary/10th examination concerned.
>
> (*b*) Certificate of Board for Senior Secondary or intermediate examination concerned.

(*c*) Certificate of graduation, if any or/and the LLB degree or the provisional certificates of these Degrees granted by the University as well as the marksheets of all the three or five year of LLB examinations.

The office of State Bar Councils shall charge a sum of Rs 2500 for verification of the said certificates from the candidates at the time of submission of the enrolment forms only."

85. In view of BCI resolution, many SBCs increased the verification fees charged by them. Currently, SBCs charge various fees such as verification fees, application fees, registration fees, and identity card fees at the time of enrolment. SBCs charge these fees as concomitant to the process of enrolment. For instance, a verification fee is charged for the verification of academic qualification certificates of the candidates. The verification fee is collected from the candidates "at the time of submission of enrolment forms". These additional fees are in furtherance of the process of enrolment of advocates and are encompassed within the meaning of the phrase "in respect of the enrolment" appearing in Section 24(1)(*f*).

86. Additionally, SBCs also collect charges such as building fund and benevolent fund from advocates at the time of enrolment. These charges are per se not related to the process of enrolment, but in most cases the candidates have no choice but to pay the levies. SBCs admit that they charge the fees at the time of enrolment as a one-time payment for all the services offered by them. SBCs contend that they charge these fees at the time of enrolment because the advocates do not pay periodic fees after enrolment.

87. Admission on the roll of advocates is a prerequisite for any person intending to practise law in India. At the time of enrolment, candidates have little agency but to pay the miscellaneous fees imposed by SBCs to get enrolled. Non-payment of the fees means that a candidate cannot get enrolled on the State roll. Thus, all the miscellaneous fees collected from a candidate at the time of enrolment essentially serve as a precondition to the process of enrolment. Section 24(1) specifically lays down the preconditions subject to which an advocate can be enrolled on State rolls. Since Section 24(1)(*f*) specifies the amount that can be charged by SBCs as an enrolment fee, SBCs and BCI

cannot demand payment of fees other than the stipulated enrolment fee as a precondition to enrolment.

88. Rule 40 under Section IV-A of Chapter II of Part VI under BCI Rules mandates every advocate borne on the rolls to pay SBC a sum of rupees three hundred every third year. [BCI Rules, Part VI, Chapter II, Section IV-A, Rule 40. It reads:"40. Every Advocate borne on the rolls of the State Bar Council shall pay to the State Bar Council a sum of Rs 300 every third year commencing from 1-8-2001 along with a statement of particulars as given in the form set out at the end of these Rules, the first payment to be made on or before 1-8-2001 or such extended time as notified by the Bar Council of India or the concerned State Bar Council:Provided further however that an advocate shall be at liberty to pay in lieu of the payment of Rs [600][80a] every three years a consolidated amount of Rs 1000. This will be a lifetime payment to be kept in the fixed deposit by the concerned State Bar Council. Out of life time payment, 80% of the amount will be retained by the State Bar Council in a fixed deposit and remaining 20% has to be transferred to the Bar Council of India. The Bar Council of India and State Bar Council have to keep the same in a fixed deposit and the interest on the said deposits shall alone be utilised for the Welfare of the Advocates[80b].*Explanation 1*.—Statement of particulars as required by Rule 40 in the form set out shall require to be submitted only once in three years.*Explanation 2*.—The Advocates who are in actual practise and are not drawing salary or not in full time service and not drawing salary from their respective employers are only required to pay the amount referred to in this rule.*Explanation 3*.—This rule will be effective from 1-10-2006 and for period prior to this, advocates will continue to be covered by old rule."] [Contribution enhancement vide Resolution No. 130/2006, dt. 16-9-2006.] [Proviso to Rule 40 amended vide Resolution No. 66/2001, dt. 22-6-2001, w.e.f. 1-8-2001.] The sum under Rule 40 can only be collected from advocates already admitted on the State rolls. Therefore, this sum cannot be collected from persons at the time of enrolment. It must be collected from advocates after they are admitted on the State roll."

(Emphasis supplied)

Pursuant to the judgment of the Apex Court in **GAURAV KUMAR** *(supra)*, a contempt petition comes to be filed against respondent No.1 in **KLJA KIRAN BABU v. KARNATAKA STATE BAR COUNCIL[2],** preventing respondent No.1 from collecting any fee beyond the permissible statutory limit. The order of the Apex Court reads as follows:

> **"2.** Petitioner has moved this Contempt petition on the premise that the directions issued by this Court in Writ Petition (Civil) No. 352 of 2023 as regards enrolment fee which the Bar Council of various States are entitled to collect are not being complied with in their letter and spirit.
>
> **3.** In pursuance of the notice issued by us to the Bar Council of India Mr. Manan Kumar Mishra, the learned counsel has appeared.
>
> **4.** He has filed an affidavit on behalf of the Bar Council of India, inter-alia, stating as under:—
>
> > *"I Awanish Kumar Pandey, son of Lt. Shri Ram Ekbal Pandey, aged 55 years, occupation Additional Secretary, Bar Council of India at Bar Council of India, 21 Rouse Avenue, New Delhi - 110002, do hereby state as follows:—*
> >
> > *1. That this affidavit is filed pursuant to the order of this Hon'ble Court dated 15.07.2025,*

[2] **2025 SCC OnLine SC 1659**

wherein the Hon'ble Court has sought a clarification from the Bar Council of India (hereinafter referred to as "BCI") on whether the directions issued in paragraph 109 of the judgment dated 30.07.2024 in W.P. (C) No. 352 of 2023 (Gaurav Kumar *v.* Union of India) *have been duly complied with.*

2. That for the convenience of this Hon'ble Court, it is imperative to reproduce para 109 of the judgment dated 30.07.2024 which reads, inter alia, as under:—

"109. In view of the above discussion, we conclude that:

a. The SBCs cannot charge "enrolment fees" beyond the express legal stipulation under Section 24(1)(f) as it currently stands;

b. Section 24(l)(f) specifically lays down the fiscal preconditions subject to which an advocate can be enrolled on State rolls. The SBCs and the BCI cannot demand payment of fees other than the stipulated enrolment fee and stamp duty, if any, as a pre-condition to enrolment;

c. The decision of the SBCs to charge fees and charges at the time of enrolment in excess of the legal stipulation under Section 24(1)(f) violates Article 14 and Article 19(1)(g) of the Constitution; and

d. This decision will have prospective effect. The SBCs are not required to refund the excess enrolment fees collected before the date of this judgment.

3. That subsequent upon the judgment of this Hon'ble Court, the BCI, to ensure uniformity and compliance, has issued a detailed communication vide letter bearing No. BCI : D : 4088/2024 dated 06.08.2024, addressed to the Secretaries of all State Bar Councils, directed them to strictly proceed with the enrolment of candidates in light of the judgment

passed by this Hon'ble Court in W.P. (C) No. 352 of 2023, titled Gaurav Kumar *v.* Union of India."

4. *That after issuance of the letter, the BCI has firmly believed that all the State Bar Councils are adhering and complying the judgment passed by this Hon'ble Court in the matter of* Gaurav Kumar *(supra).*

5. *That, with utmost respect and a sense of dismay, the Bar Council of India has received a copy of the order dated 15.07.2025, passed in the present contempt petition initiated by the petitioner against the Karnataka State Bar Council, whereby this Hon'ble Court has specifically directed Mr. Manan Kumar Mishra, Chairman, Bar Council of India, to assist the Court with respect to the compliance of its judgment, particularly paragraph 109 thereof. A copy of order dated 15.07.2025 passed by this Hon'ble Court in Contempt Petition (C) Diary No. 16629 of 2029 titled d* K.L.J.A Kiran Babu *v.* Karnataka State Bar Council *is annexed herewith and marked as ANNEXURE A/1 (Page No. 9 to 10).*

6. *That immediately upon receipt of the order dated 15.07.2025, the Bar Council of India, with prompt action, issued a letter bearing No. BCI : D : 5397/2025 dated 23.07.2025, thereby directing all State Bar Councils to furnish details regarding the fee being collected or charged at the time of enrolment, in light of the judgment dated 30.07.2024 passed by this Hon'ble Court in W.P. (C) No. 352 of 2023*, Gaurav Kumar *v.* Union of India, *within a period of three days. A copy of letter bearing BCI : D : 5397/2025 dated 23.07.2025 issued by the Bar Council of India is annexed herewith and marked as ANNEXURE A/2 (Page No. 11 to 12).*

7. That in response to the said letter dated 23.07.2025, the State Bar Councils has duly furnished the details that they are collecting only Rs. 750/- for General and Rs. 125/- for SC/ST.

Fee Structure as Reported by Various State Bar Councils:

State Bar Council	*General/OBC (Rs.)*	*SC/ST (Rs.)*	*Remarks*
Chhattisgarh, MP, Delhi, Punjab and Haryana, Maharashtra & Goa, Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, Meghalaya, Tamil Nadu and Puducherry, Gujarat, Rajasthan, Telangana, Uttar Pradesh, Andhra Pradesh, Jharkhand, Odisha, Uttarakhand, Bihar, Manipur, Kerala, West Bengal, Tripura, Karnataka	*Rs. 750 (Rs. 600 SBC + Rs. 150 BCI)*	*Rs. 125 (Rs. 100 SBC + Rs. 25 BCI)*	*All these councils affirm full compliance with SC judgment and BCI advisories. No additional fees reported.*
Himachal Pradesh	*Rs. 750 (Rs. 600 SBC + Rs. 150 BCI)*	*Rs. 125 (Rs. 100 SBC + Rs. 25 BCI)*	*Also collects Rule-40 Advocates' Welfare Fund fee at the time of enrolment.*
Karnataka	*Rs. 750 (Rs. 600 SBC+ Rs. 150 BCI)*	*Rs. 125 (Rs. 100 SBC + Rs. 25 BCI)*	*Additionally collects optional fees totalling Rs. 6,800 (for ID cards, certificates, welfare fund, training, etc.)*
Jammu & Kashmir	*Rs. 900 (Rs. 600 SBC + Rs. 300 BCI)*	*Rs. 450 (Rs. 300 SBC + 150 BCI)*	*The said fees has been charged by the High Court of Jammu and Kashmir and Ladakh (Exercising the Powers of Bar Council of Jammu & Kashmir under section 58 of the Advocates Act, 1961)*

The details of the responses furnished by the State Bar Council is has been annexed herewith and marked as ANNEXURE A/3 (Page No. 13 to 47).

A copy of Letter being No. BCI D : 4088 of 2024 Dated 06.08.2024 is has been annexed herewith and marked as ANNEXURE A/4 (Page No. 48 to 49).

8. *That the Bar Council of India, as the apex statutory body under the Advocates Act, 1961, reiterates its unequivocal commitment to comply with the judgment dated 30.07.2024 passed by this Hon'ble Court in W.P. (C) No. 352 of 2023 in both letter and spirit. The BCI has taken prompt and substantive steps to secure adherence by all State Bar Councils, and continues to monitor compliance through an institutional mechanism established for that purpose.*

9. *That the BCI respectfully submits that it has acted diligently, without delay, and in full faith, and that there is no occasion for invoking the contempt jurisdiction of this Hon'ble Court against it"*

5. According to him, all the directions issued by this Court vide the judgment and order dated 30th July, 2024 are being duly complied with by all the State Bar Councils across the Country. At this stage, the contempt petitioner pointed out that so far as the Karnataka State Bar Council is concerned, they are charging amounts of Rs. 6800/- and Rs. 25,000/- respectively over and above the statutory fees.

6. In this regard, Mr. Mishra pointed out that these are optional and not mandatory.

7. We make it clear that there is nothing like optional. No State Bar Council(s) or Bar Council of India shall collect any fees of any amount as optional. They shall strictly collect fees in accordance with the directions issued by this Court in the main judgment.

8. We reiterate the directions as under:

> *"109. In view of the above discussion, we conclude that:*
>
> *a. The SBCs cannot charge "enrolment fees" beyond the express legal stipulation under Section 24(1)(f) as it currently stands;*
>
> *b. Section 24(1)(f) specifically lays down the fiscal pre-conditions subject to which an advocate can be enrolled on State rolls. The SBCs and the BCI cannot demand payment of fees other than the stipulated enrolment fee and stamp duty, if any, as a pre-condition to enrolment;*
>
> *c. The decision of the SBCs to charge fees and charges at the time of enrolment in excess of the legal stipulation under Section 24(1)(f) violates Article 14 and Article 19(1)(g) of the Constitution; and*
>
> *d. This decision will have prospective effect. The SBCs are not required to refund the excess enrolment fees collected before the date of this judgment."*

9. If the Karnataka State Bar Council is collecting any amount in the name of optional, though it may not be mandatory, it must be stopped."

(Emphasis supplied)

5. The Apex Court in the afore-quoted judgment holds that the charging of enrollment fee, in excess of statutory stipulation, is impermissible in law.

6. The learned counsel Smt.Archana Magadum, appearing for respondent No.1-Karnataka State Bar Council, submits that the fee was collected prior to the order passed by the Apex Court in **GAURAV KUMAR** *(supra)* and **KLJA KIRAN BABU** *(supra).* Therefore, if the account details of the petitioner is furnished, the fee that is in excess would be refunded, and if a representation to that effect be submitted to the Bar Council, action would be taken in accordance with law as submitted hereinabove.

7. In the light of the issue standing completely answered by the Apex Court in the judgments rendered in the case **GAURAV KUMAR** *(supra)* and **KLJA KIRAN BABU** *(supra)*, the petitioner in-person shall now submit a representation to the Bar Council within two weeks from the date of receipt of the copy of the order.

8. In the event the representation is submitted by the petitioner within two weeks, the respondent No.1-Karnataka State Bar Council shall act upon the same, bearing in mind the observations made in the course of the order passed by the Apex Court in **GAURAV KUMAR** *(supra)* and **KLJA KIRAN BABU** *(supra),* and pass necessary orders, directing granting in accordance with the law laid down by the Apex Court, within 3 weeks from the date of receipt of the representation of the petitioner.

9. It is needless to observe that respondent No.1 – Karnataka State Bar Council cannot and will not collect any fee contrary to law.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

KGK
CT:ANB
List No.: 1 Sl No.: 185

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[RAVICHANDRAGOUDA R PATIL VS. KARNATAKA STATE BAR COUNCIL AND ANOTHER]

18.11.2025
(VIDEO CONFERENCING / PHYSICAL HEARING)
CORAM: HON'BLE MR JUSTICE M.NAGAPRASANNA

ORDER ON BEING SPOKEN TO

The subject petition was disposed of by order dated 03.11.2025.

Due to inadvertence, a typographical omission has crept in with regard to the compliance that *"In the event it would not be complied, the cost of Rs.25,000/- imposed shall be refunded* * ***to the petitioner*** *within three weeks from the date of receipt of copy of this order"*.

This order shall be treated as part and parcel of the main order dated 03.11.2025.

Registry is directed to issue a fresh certified copy of this order.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Rhr/-
List No.: 1 Sl No.: 1

* Corrected vide Chamber order dated 20.11.2025

Sd/-
MNPJ