

## Original Article

### Regulating Legal Practice in India: A Critical Analysis of All India Bar Examination and its Role in Maintaining Professional Standards

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*The Indian Legal System is a complex framework based on the common law principles from the British Colonial Rules and now blended with the contemporary statutory enactments and the supremacy of the Constitution of India. The regulation of providing the entry into the legal profession plays a very important role in maintaining professional competence and understanding the justice system by holding the key of it. In India, the introduction of the All India Bar Examination (AIBE) by the Bar Council of India (BCI) marked a significant shift towards standardizing professional eligibility for advocates interested in practicing the law. This paper critically examines whether the AIBE effectively fulfills its objective of ensuring minimum professional standards among law graduates entering in the legal practice. Using a doctrinal and comparative methodology, the study analyses the statutory framework under the Advocates Act, 1961, judicial interpretations, examination structure, pass percentage trends, and criticisms regarding its open-book format. The findings reveal structural and functional limitations in the current AIBE model, raising concerns regarding its capacity to meaningfully assess advocacy skills and ethical competence. The paper concludes with reform-oriented recommendations aimed at strengthening entry regulation while balancing access to the profession and quality control.*

**Keywords:** All India Bar Examination, Legal Profession, Professional Standards, Bar Council of India, Entry Regulation, Legal Education Reform

#### Introduction

The Legal Profession in India is one of the most influential and significant professions. The profession is vital for upholding justice, Constitutional values and protection of the Rule of Law in the Democratic Society and ensuring that justice is accessible to all. In the Indian set up Lawyers play a crucial role in representing citizens. Given the importance of this profession, it becomes essential to maintain high standards of professional competence, ethics, and accountability among legal practitioners. In India, the regulation of legal practice is primarily governed by the Advocates Act, 1961 and supervised by the Bar Council of India along with the respective State Bar Councils. However, concerns have been raised over the years regarding the declining standards of legal education and the competence of newly enrolled advocates. The rapid expansion of law colleges, uneven quality of legal training, and lack of effective professional evaluation mechanisms have contributed to these concerns. In response, the Bar Council of India introduced the All India Bar Examination (AIBE) in 2010 as a mandatory qualifying examination for law graduates who wish to practice law in Indian courts.<sup>1</sup> The primary objective of the AIBE is to assess the basic analytical abilities and understanding of law among newly enrolled advocates before granting them a



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“Certificate of Practice.” The introduction of the All India Bar Examination was intended to ensure minimum professional standards in the legal profession; its effectiveness has been widely debated among scholars, legal practitioners, and policymakers. Questions have been raised regarding the structure of the examination, its open-book format, the level of difficulty, and whether it truly evaluates the practical skills and ethical competence required for legal practice.

Against this backdrop, this article critically examines the role of the All India Bar Examination in regulating entry into the legal profession in India. It analyses whether the examination effectively contributes to maintaining professional standards or whether reforms are required to make it a more meaningful regulatory mechanism. The article also explores the broader challenges in regulating legal practice in India and suggests possible measures to strengthen the quality and accountability of the legal profession

## Background of legal profession and its Regulation

The legal profession of India has been evolved through a long historical process shaped by colonial administration, legislative reforms, and institutional development. Lawyers have traditionally played a vital role in the administration of justice by assisting courts in interpreting laws, protecting individual rights. Because of this important role, the legal profession has always required proper regulation to maintain professional competence, ethical conduct, and accountability. The modern legal profession in India began to take a structured form during the British colonial period. Several legislative measures were introduced to regulate legal practitioners and to organize the profession. One of the earliest important laws was **the Legal Practitioners Act, 1879<sup>i</sup>**, which recognized different categories of legal practitioners and provided rules for their enrolment and practice in courts. However, the profession remained fragmented and lacked a unified regulatory framework. A major step toward institutionalizing the legal profession was taken with the enactment of **the Advocates Act, 1961<sup>iii</sup>** after independence. This legislation has brought uniformity to the legal profession across the country by creating a single class of legal practitioners known as “advocates.” It also established regulatory bodies such as the Bar Council of India and various State Bar Councils. These bodies were entrusted with important functions including the regulation of legal education, enrolment of advocates, maintenance of professional standards, and enforcement of disciplinary control over advocates. It has been found that the Bar Council of India is playing a central role in maintaining the standards of the legal profession. It is responsible for setting rules relating to professional conduct and etiquette, promoting legal education, recognizing universities whose law degrees qualify graduates for enrolment, and protecting the rights and interests of advocates. State Bar Councils, on the other hand, manage the enrolment of advocates within their respective states and deal with disciplinary matters at the regional level.

Despite these regulatory mechanisms, concerns have frequently been raised regarding the quality of legal education the quality of the new law graduates entering in this Nobel profession. The rapid increase in the number of law colleges and uneven standards of legal training created doubts about the competence of newly enrolled advocates. To address these issues and ensure minimum professional competence, the Bar Council of India introduced the All India Bar Examination in 2010. The examination is designed to assess the basic legal knowledge and analytical abilities of advocates before granting them the Certificate of Practice. Thus, the regulation of the legal profession in India reflects an ongoing effort to balance professional autonomy with mechanisms that ensure competence, integrity, and accountability among legal practitioners. The introduction of the All India Bar Examination represents an important step in this direction, although its effectiveness continues to be debated within the legal community.

### a) Introduction of AIBE

The All India Bar Examination was considered and approved by the Bar Council of India at its meeting held on 30th April 2010. It was decided in the said meeting by the Council that the examination shall be mandatory for all law students graduating from the academic year 2009-2010 onwards which is considered as the major step in the history of our legal profession. It was decided that candidates may apply to appear in the examination only after enrolling as advocates under **Section 24** of the Advocates Act, 1961.<sup>iv</sup> This examination has becomes mandatory for those who want to practice the Law. For getting the Certificate of Practice, it is necessary to pass the said Exam so that the person can practice in any court within India. The Exam is conducted with the purpose to ensure that the candidates possess certain basic legal knowledge, ethics and can apply minds through the analytical skills. This exam was introduced after the judgment of **Bar Council of India vs. Bonnie Foi Law College<sup>v</sup>** as this case has significantly influenced the regulatory framework of the legal profession in India. In this case the Supreme Court has restricted the powers of the Bar Council of India to introduce the pre-enrolment training and examination which led to the development of post-enrolment regulatory mechanism. Consequently the Bar Council of India has introduced the AIBE Examination for the newly enrolled Advocates to check at least minimum professional competency required for the legal practice.

### b) Objectives

This Research Article has been undertaken to study with the following Objectives;

1. To examine the Regulatory framework governing the Legal Profession in India under the Advocates Act, 1961 and the role of the Bar Council of India.
2. To analyze the rationale behind the introduction of the All India Bar examination.

3. To examine the challenges and Criticisms regarding AIBE structure and the open book format.
4. To analyze the important judicial decisions regarding the issue.
5. To suggest certain reforms to improve the effectiveness of AIBE for maintaining professional standards in legal profession.

### c) Research Problem

The Research problem for the Research Article is taken into consideration with the following issues;

1. Whether the All India Bar Examination serves as an effective regulatory mechanism to maintain uniform professional standards among the Advocates across India.
2. Whether the present structure and pattern of the All India Bar Examination, especially its open book format is capable of assessing properly the professional abilities required for the legal practice in India.

## II) Statutory and Regulatory Framework

The Statutory and the Regulatory framework governing the legal profession in India reflects a combination of legislative provisions , institutional oversight and judicial interpretation aimed towards ensuring the advocates maintaining the highest standards of the professional competency and ethical responsibility. The primary legislation regulating the legal profession in India is the Advocates Act, 1961 providing the legal basis for the enrolment of Advocates, regulating legal education and establishing professional regulatory bodies. This Act governs the enrolment, rights, conduct of the Advocates across the country. The Act was enacted with the objectives of creating unified bar and maintaining high standards of legal practice. The Act empowers the Bar Council of India as the Apex Regulating Authority.

### a) Advocates Act, 1961

The Advocates Act, 1961<sup>vi</sup> is a cornerstone in the development and regulation of the legal profession in India. It plays a vital role in establishing a unified and organized system by creating a single class of legal practitioners known as advocates, thereby eliminating inconsistencies that existed prior to its enactment. The Act entrusts the Bar Council of India and State Bar Councils with the responsibility of regulating legal practice, maintaining discipline, and promoting legal education. Through these bodies, the Act ensures that only qualified and competent individuals are allowed to enter the profession. This Act significantly contributes to enhancing the standards of legal education by empowering the Bar Council of India to prescribe curriculum, recognize law institutions, and set minimum qualifications for enrolment. The introduction of the All India Bar Examination further strengthens this framework by acting as a benchmark to assess the professional competence of law graduates before they begin practice. In addition, the Act lays down rules of professional conduct and provides disciplinary mechanisms to address misconduct, thereby ensuring ethical legal practice. Overall, the Advocates Act, 1961 is essential for maintaining the integrity, accountability, and efficiency of the legal system. By linking legal education with professional standards and safeguarding the interests of clients, it reinforces public confidence in the administration of justice and upholds the rule of law in India.

### b) Powers of Bar Council of India

As the BCI is an apex regulatory authority, it plays crucial role in maintaining standards in order to ensure discipline among Advocates. The powers of Bar Council of India are primarily derived from section 7, 24, and 49 of the Act which collectively enable it to function for maintaining standards of legal profession in India. Apart from that the other provisions like Sections 9, 15, 36, and 37 help BCI to function.

Under Section 7, the BCI performs its primary functions, which include laying down standards of professional conduct and etiquette for advocates, safeguarding their rights and interests, promoting law reform, supervising State Bar Councils, and regulating legal education by prescribing standards and recognizing law degrees. Its disciplinary powers are provided under Section 36, which empowers it to initiate proceedings against advocates for professional misconduct and even withdraw cases from State Bar Councils. Further, Section 37 establishes the BCI as an appellate authority to hear appeals against decisions of the disciplinary committees of State Bar Councils. The rule-making powers under Section 49 enable the BCI to frame rules regarding professional conduct, legal education, conditions for practice, dress code, and the conduct of the All India Bar Examination. Additionally, through provision of section 48B, the BCI exercises supervisory control over State Bar Councils and can issue directions to ensure their proper functioning. Although enrollment of advocates is primarily governed by State Bar Councils under Section 24, the BCI plays an indirect role by maintaining uniform standards across the country. Thus, the Bar Council of India functions as the apex regulatory authority ensuring discipline, uniformity, and high standards in the legal profession in India.

### c) Structure and Functioning of AIBE

The All India Bar Examination (AIBE) was introduced by the Bar Council of India (BCI) under the Advocates Act, 1961 to ensure that every law graduate possesses the minimum level of professional competence required to practice law in India. The concerns were raised about the declining standards of legal education and the uneven quality of law graduates coming from different universities, so it was found that there was a need of common unified knowledge checking of the law graduates. Simply obtaining a law degree was not considered sufficient to guarantee the skills and knowledge needed for effective legal practice. The AIBE is acting as a screening mechanism to test an advocate's understanding of basic legal principles, procedures, and professional ethics before granting the Certificate of

Practice. It helps in maintaining uniform standards across the country, ensuring that only those who meet a certain benchmark are allowed to practice. The All India Bar Examination (AIBE) is permitted under the rule-making power of the Bar Council of India (BCI) provided in the Advocates Act, 1961, specifically Section 49(1)(ah). This provision empowers the Bar Council of India to make rules regarding the conditions subject to which an advocate shall have the right to practice. Using this authority, the BCI introduced the AIBE as a mandatory requirement for advocates to obtain the Certificate of Practice. The exam pattern of the All India Bar Examination (AIBE), conducted by the Bar Council of India (BCI) under the Advocates Act, 1961, is designed to test the basic legal knowledge and professional competence of law graduates. The AIBE is an offline, pen-and-paper based examination consisting of 100 multiple-choice questions (MCQs). The paper is set in multiple languages, giving candidates the option to choose a language they are comfortable with. The exam is open-book in nature, meaning candidates are allowed to carry bare acts without notes, although recent patterns have introduced stricter rules on the type of materials permitted. The questions are generally based on core law subjects such as Constitutional Law, Criminal Law (Indian Penal Code and Bharatiya Nyaya Sanhita), Civil Procedure Code, Code of Criminal Procedure (and Bharatiya Nagarik Suraksha Sanhita), Evidence Act (and Bharatiya Saksha Adhinyam), Alternative Dispute Resolution, Family Law, Public Interest Litigation, Administrative Law, and Professional Ethics, Environmental Law, Cyber Law, Labor Law, Law on Taxation, Land Acquisition and Intellectual Property Laws. To qualify, candidates must secure the minimum passing marks prescribed by the BCI (generally around 45% for general category and 40% for reserved categories of SC/ ST and PwD candidates) though it may vary. Upon passing the examination, candidates are awarded a Certificate of Practice, which is mandatory to practice law in India. There is no any negative marking introduced for the Examination.

The case of Bar Council of India vs. Aparna Basu<sup>vii</sup> clearly accepts and recognizes the Advocates to pass the qualifying examination for obtaining the certificate of practice. In the case of Mahipal singh Rana vs. State of Uttar Pradesh<sup>viii</sup> the Supreme Court analyzed Section 24-A of the Advocates Act, 1961 for setting entry level standards in this profession of Advocacy. The Supreme Court emphasized on the urgent need to improve the standards of the legal profession. The observation of the honourable Court highlighted concerns declining of professional quality and implicitly supported the role of AIBE in filtering the candidates.

#### d) Pass Percentage Analysis

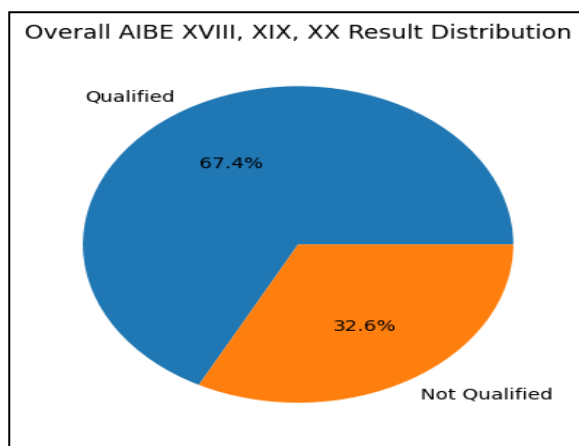
Overall, the AIBE pattern focuses more on practical understanding of law rather than rote learning, ensuring that advocates are ready for real-world legal practice. Till this date total XX AIBE Exams are conducted. And now XXI AIBE Exam is scheduled on 7<sup>th</sup> June 2026<sup>ix</sup>. If the last 3 AIBE exams are studied closely and found out the trend of passing candidates;

**Chart No. 1**

| Exam                    | Appeared | Qualified | Not Qualified | Passing Percentage |
|-------------------------|----------|-----------|---------------|--------------------|
| AIBE XVIII <sup>x</sup> | 144014   | 69646     | 74368         | 48.36              |
| AIBE XIX <sup>xi</sup>  | 229843   | 177592    | 52251         | 77.27              |
| AIBE XX <sup>xii</sup>  | 251968   | 174386    | 77579         | 69.20              |

After studying the Data available on the passing trends of students giving AIBE Examination, it has been found out that the increase in the passing percentage of students has been witnessed for AIBE XIX Examination. Even the number of students appeared for the Examination has also been increased. For AIBE XX, though the number has been increased again, the percentage of passing students has been decreased. If we study all the years together with a pie chart, the outcome can be studied in the following way;

**Chart No. 2**





This Pie Chart shows the combined result distribution of the All India Bar examination (AIBE) for the three cycles i.e. AIBE XVIII, XIX and XX. It has divided overall performance in two categories. Majority of candidates 67.4% successfully cleared the Exam while 32.6% candidates unable to qualify the same. The study clearly shows that more than two-thirds of the candidates have qualified the Examination. This comparatively high pass rate reflects a satisfactory performance trend across the three cycles.

## e) Syllabus Structure

The syllabus of the All India Bar Examination is structured to evaluate whether a law graduate is adequately equipped to enter the legal profession with essential knowledge and practical competence. Conducted by the Bar Council of India, the examination does not aim to test academic depth alone but rather focuses on the candidate's ability to understand and apply fundamental legal principles in real-life situations. Its open-book format further highlights the importance of interpretation and analytical skills over memorization. The framework of the syllabus covers a wide spectrum of legal subjects, categorized broadly into core and allied areas. Foundational subjects such as Constitutional Law, Criminal Law—including the Bharatiya Nyaya Sanhita (Indian Penal Code), Bharatiya Nagarik Suraksha Sanhita (Criminal Procedure Code), Bharatiya Saksha Adhinyam (Indian Evidence Act) - Civil Procedure, and Contract Law form the backbone of the examination. Alongside these, the syllabus incorporates important branches like Family Law, Property Law, Administrative Law, and Professional Ethics, all of which are integral to everyday legal practice. It also recognizes the changing dynamics of law by including areas such as Environmental Law, Cyber Law, and Labour Law.

What sets the AIBE syllabus apart is its orientation towards practical understanding. Candidates are expected to rely on bare acts, interpret statutory provisions, and apply legal reasoning to problem-based questions. The distribution of marks reflects the significance of subjects that are frequently encountered in courts and legal advisory roles, thereby aligning the examination with the realities of the profession. In essence, the syllabus is carefully designed to act as a qualifying benchmark rather than a competitive test. It ensures that only those graduates who possess a clear grasp of essential laws and the ability to use them effectively are granted the right to practice. This approach reinforces the broader objective of maintaining professional standards and accountability within the legal system.

## f) Critical Evaluation

A critical evaluation of the All India Bar Examination reveals both its relevance as a qualifying test and its limitations in assessing true professional competence. Conducted by the Bar Council of India, the exam aims to ensure minimum standards for entry into legal practice, yet questions remain about how effectively it achieves this objective. The AIBE primarily tests theoretical understanding through multiple-choice questions. While this format checks basic legal awareness, it does not adequately measure a candidate's ability to apply law in complex, real-life situations such as drafting, argumentation, or client counselling. **Does it Test Advocacy Skills?** Not meaningfully. Advocacy involves skills like oral arguments, courtroom strategy, persuasion, and legal drafting. The AIBE does not include viva voce, moot performance, or practical simulations. As a result, it fails to assess whether a candidate can actually function as an advocate in court. The open-book pattern encourages the use of bare acts and reduces learning. However, it can also lower the threshold of preparation, as candidates may rely heavily on materials rather than understanding concepts deeply.

On the positive side, the exam creates a uniform national benchmark. It ensures that all law graduates, regardless of their university, possess at least a basic level of legal knowledge before entering practice. The questions are often straightforward and do not test higher-order thinking like critical analysis or problem-solving. This raises concerns about whether the exam truly filters competent candidates. There is often a gap between what is taught in law schools and what is tested in AIBE. Practical training components such as internships and clinical legal education are not reflected in the exam pattern. It is argued for reforms such as introducing practical components, case-based questions, or skill-oriented evaluation. Incorporating elements like drafting exercises or oral assessments could make the exam more aligned with professional requirements.

## Conclusion

While the AIBE serves as an important gatekeeping mechanism, its current structure does not comprehensively evaluate advocacy skills. It succeeds in testing foundational knowledge but falls short in measuring the practical abilities that define an effective lawyer. Strengthening its design could significantly improve the quality of legal professionals entering the field. In conclusion, the All India Bar Examination stands as a significant regulatory mechanism introduced by the Bar Council of India to bring uniformity and accountability in the legal profession. By requiring law graduates to clear a common qualifying test before entering practice, it attempts to ensure that only those with a basic understanding of law are permitted to represent clients and participate in the justice system. At the same time, its effectiveness as a tool for maintaining professional standards remains only partial. The examination largely measures conceptual familiarity with legal subjects but does not adequately capture the practical dimensions of Advocacy. Skills such as courtroom advocacy, drafting, negotiation, and ethical judgment—central to the profession—remain outside its scope. This creates a gap between certification and actual professional competence.

For the AIBE to serve as a more meaningful instrument of regulation, it must move towards a model that reflects the realities of legal practice. Introducing applied components, such as case-based evaluation or skill-oriented testing, would make the process more rigorous and relevant. Without these changes, the examination would be functioning merely as a procedural requirement rather a true indicator of readiness. Therefore, while the AIBE has laid an important foundation for standardizing entry into the legal profession, its long-term impact depends on thoughtful reform. Strengthening its structure can help ensure that it not only filters candidates on paper but also contributes to the development of capable, ethical, and practice-ready advocates in India.

## Suggestions

The Researchers are proposing certain suggestions towards standardizing the All India Bar Examinations and maintaining professional standards;

- **Skill based Assessment is needed alongside written examination:** The current format should be expanded to test practical Advocacy skills like drafting pleadings, opinion writing etc. to evaluate whether candidates can apply legal knowledge in real situations.

- **Structured Advocacy Evaluation is needed:** Since advocacy is central to legal practice, a system of viva voce, moot court performance, or recorded oral submissions could be integrated. This would help assess articulation, reasoning, and courtroom conduct—areas presently ignored.

- **Continuous Professional Assessment Instead of One-Time Qualification:** Rather than treating the AIBE as a single qualifying hurdle, a system of periodic evaluation or continuing legal education could be introduced under the supervision of the Bar Council of India to maintain long-term professional competence.

- **Strengthening Clinical Legal Education Linkages:** Internships, legal aid work, and clinical courses should be given weightage in the AIB Examinations, ensuring that practical exposure is formally recognized in the certification process.

- **Transparent and Efficient Evaluation:** Digital platforms can be used for secure testing, quick result processing, and even simulation-based assessments. This would enhance transparency and reduce administrative delays. But it should be alongside with the Skill based Assessment.

- **Establishing a Clear Benchmark for Professional Ethics:** Greater emphasis should be placed on ethical responsibilities, professional misconduct, and client accountability. Scenario-based questions can help assess ethical decision-making in practical contexts.

## Closing Insights

The present structure of AIBE is still based on the checking just basic knowledge about the laws. These reforms would help transform the AIBE from a minimal qualifying test into a comprehensive evaluation mechanism. By aligning it more closely with the realities of legal practice, the system can better ensure that newly enrolled advocates are not only knowledgeable but also professionally competent and ethically grounded.

<sup>i</sup> <https://www.allindiabarexamination.com/about.html> retrieved on dated 10th March 2026

<sup>ii</sup> The At is available on

<https://thc.nic.in/Central%20Governmental%20Acts/Legal%20Practitioners%20Act,%201879..pdf> retrieved on dated 11<sup>th</sup> March 2026

<sup>iii</sup> <https://www.barcouncilofindia.org/info/advocates-act-1961>

<sup>iv</sup> <https://www.barcouncilofindia.org/info/aibe>

<sup>v</sup> (2009) 7 SCC 1

<sup>vi</sup> The pdf of the Act is referred from

[https://www.indiacode.nic.in/bitstream/123456789/21921/1/the\\_advocate\\_act%2C\\_1961.pdf](https://www.indiacode.nic.in/bitstream/123456789/21921/1/the_advocate_act%2C_1961.pdf)

<sup>vii</sup> AIR 2015 Cal1

<sup>viii</sup> (2016) 8 SCC 335

<sup>ix</sup> <https://www.barcouncilofindia.org/info/schedule-f-6wrh9g>

<sup>x</sup> <https://law.career360.com>

<sup>xi</sup> *ibid*

<sup>xii</sup> 001 Press Release Dated 07.01.2026.pdf <https://share.google/9fBR5q6UJQwV5QnKm>