



STATEMENT OF CONDEMNATION

We, the Student Bar Council of NALSAR University of Law, strongly condemn the events that have transpired on 13th August 2026. Mr Manan Kumar Mishra, BJP MP to the Rajya Sabha and Chairperson of the Bar Council of India, in his letter (BCI: D:5449/2026), issued a blanket ban on the outgoing NALSAR batch of 2026 in the evening hours of the day, preventing them from enrolling in any State Bar Council of their choice. He further demanded that our Vice Chancellor produce an inquiry and a factual report on the persons who participated in expressing their dissent against the CJI's participation at the convocation. Later that evening, his second letter (BCI: D:5450/2026) was modified to allow the 2026 batch to enrol in the Bar Councils of their choice. However, he demanded an inquiry and claimed that "a handful of teachers and outsiders were instrumental in instigating innocent students". Finally, Mr Manan Kumar Mishra unofficially communicated on X later at night that all proceedings against NALSAR have been cancelled.

We acknowledge the rescission of the letter and the extinguishment of the cause of action. However, even then, it is important for us to record our condemnation of this event at four levels: [A] statutory, [B] constitutional, [C] first principles, and [D] in light of the wider social realities of repression and unfreedom.

A. Statutory:

Firstly, the Chairperson has invoked Section 7(1)(b), 7(1)(g), 7(1)(h), 7(1)(i) of the Advocates Act of 1961, which establishes the functions of the BCI. It is pertinent to note that of these provisions, the ones applicable to the University are only regarding the BCI's function to set standards for professional conduct and promotion of legal education. Furthermore, Section 24A of the Advocates Act, 1961 restricts disqualifications from enrolment strictly to convictions for criminal offences, which did not take place in the present case. To then direct State Bar Councils to restrict the enrolment of students from the Batch of 2026 does not align with the BCI's statutory functions.

The BCI's reliance on *Ex-Capt. Harish Uppal v. Union of India* is fundamentally misplaced. *Harish Uppal* concerned the BCI's disciplinary and regulatory authority over advocates in the specific context of strikes and boycotts that obstruct the administration of justice. It was in that factual matrix that the Court recognised the BCI's power to regulate professional conduct and issue directions to State Bar Councils. The judgment does not remotely confer upon the BCI a roving mandate to intervene in the internal affairs of a university, much less to threaten the enrolment of an entire graduating batch. To lift the Court's observations from the context in which they were made and deploy them to justify an entirely different exercise of power is to stretch *Harish Uppal* beyond recognition. The BCI cannot manufacture jurisdiction by citing a judgment that never granted it.

Secondly, the BCI letter directed our Vice-Chancellor to prepare an inquiry report. The letter seeks to surveil the identities of virtually everyone involved in the alleged campaign, including (hold your breath) its initiators, drafters, organisers, coordinators, mobilisers, spokespersons, social-media administrators, office-bearers of student bodies, faculty, research scholars, alumni, and external participants. Section 49 of the Advocates Act, 1961 is merely a rule-making provision and cannot serve as an independent source of substantive power. Any rule or direction issued thereunder must remain within the limits of the Advocates Act and cannot create new disabilities, restrictions, or conditions for enrolment beyond those enacted by Parliament. This does not give them the power to direct the Vice-Chancellor to prepare an inquiry report in response to an internal request to reconsider the CJI's participation in the University's Convocation. Moreover, asking for such details is an intrusive violation of privacy, considering that it involves revealing the identities of students, who may face potential long-term consequences. It is important to note that this requirement was included in the modified order by the Chairperson and was only removed at night by an unofficial communication on X from the BCI Chairperson's handle after significant public backlash from several quarters.

Thirdly, the language of the letter is highly objectionable. It talks of "groupism" and "dirty politics" within the University and the role of faculty in "misleading, misguiding and instigating students." These allegations are unprofessional, unfounded, and without any substance. Making such claims against members of the University family for mere peaceful expression of legitimate dissent is uncalled for and reeks of malice. The modified letter stated the role of teachers

and outsiders in instigating innocent students. By searching for the faculty member, alumnus, research scholar, or “outsider” who supposedly orchestrated the campaign, the letter denies students ownership of their own political views. It reflects the classic ‘anti-national’ narrative, in which dissent is not engaged with on its merits but is explained away as the work of external actors manipulating impressionable students in a patronising fashion. The post of Chairperson of BCI is the epitome of a statutory regulatory body. The current chairperson’s actions are unbecoming of his post and the constitutional directives that he is expected to uphold. Even the communication on X from the BCI Chairperson did not withdraw the allegations made. We demand an apology from the BCI Chairperson for making such objectionable comments.

B. Constitutional:

At this juncture, it is imperative to reiterate our shared constitutional principles. Article 19(1)(a) explicitly states that all citizens will have the right to freedom of speech and expression. Firstly, on the question of whether dissent is part of speech and expression, the Supreme Court in *Javed Ahmad Hajam v. State of Maharashtra* has explicitly stated that “the right to dissent legitimately and lawfully is an integral part of the rights guaranteed under Article 19(1)(a).” Furthermore, it states that every individual must respect others’ right to dissent. The Chairperson seems to have forgotten the same.

Secondly, regarding political life and dissent, the SC beautifully captured this in *Anita Thakur v. Govt. of J&K*, stating that it “hardly needs elaboration that a distinguishing feature of any democracy is the space afforded for legitimate dissent. One cherished and valuable aspect of political life in India is the tradition of expressing grievances through direct action or peaceful protest. Organised, non-violent protest marches were a key weapon in the struggle for independence, and the right to peaceful protest is now recognised as a fundamental right in the Constitution.” It only seems fitting that we write this on the eve of Independence Day.

Lastly, given that the entire controversy arose due to NALSAR students expressing dissent to the presence of the CJI owing to his comments on police brutality against student protests at Jantar Mantar. It is only appropriate to quote what the SC stated in *Mazdoor Kisan Shakti Sangathan vs Union of India*, that in a vibrant democracy like India and its societal context, it is important to

aid in the assertion of the rights of the marginalised and the poorly represented minorities, and not aid in the suppression of their dissent.

C. First Principles:

We reject the notion that constitutional fidelity requires silence. The rights to dissent, protest, criticise public institutions, and demand accountability from those who wield power lie at the heart of democratic and republican government. No institution, including the Supreme Court and the CJI are beyond legitimate scrutiny in a constitutional democracy, and judicial accountability is not the antithesis of judicial independence but one of its essential safeguards. Universities exist to cultivate these values, to nurture independent thought, critical inquiry, and the courage to question authority. A university that cannot accommodate dissent ceases to be a university; a legal profession that fears criticism ceases to serve the Constitution.

At stake in this controversy is a simple but fundamental question: what do “dignity, discipline and ethical standards of the legal profession”, to quote the letter, demand of future lawyers? The finest traditions of the Bar are not those of deference to power, but of defending liberty, speaking uncomfortable truths, and standing by principle when it is unpopular. Rights become hollow when exercised under fear, and democracy is diminished when disagreement is treated as suspicion. Free speech, peaceful protest, university autonomy, freedom from fear, and the pursuit of accountability are not privileges to be dispensed at the whim of authority; they are constitutional commitments that acquire their greatest importance precisely when they are inconvenient.

D. Wider Social Realities:

Nor can this controversy be divorced from the institutional context in which it has arisen. The Chairman of the Bar Council of India, Mr Manan Kumar Mishra, is not only the head of a statutory regulator but also a sitting Rajya Sabha Member elected on a BJP ticket who has publicly described himself as a supporter of Prime Minister Narendra Modi. Against this backdrop, the attempt to identify faculty members, alumni, research scholars, and “outsiders” behind student dissent appears like the familiar political exercise in which dissent is recast as conspiracy, disagreement as subversion, and protest as external manipulation.

We have consistently stood in solidarity with those resisting state repression, on the streets of Delhi, in universities across the country, and against incidents of police brutality elsewhere, like in Jharkhand. It is because dissent has so often been met with surveillance, intimidation, and disciplinary threats that this moment matters. The legal profession should resist the normalisation of fear, not participate in it. NALSAR is facing a defining choice: whether to acquiesce in the shrinking of democratic space or to affirm that universities are not extensions of the state, that regulators are not instruments for policing political opinion, and that constitutional freedoms do not become expendable when they are inconvenient. We owe that commitment not only to ourselves, but to all those who lack the privilege and visibility that we possess as part of an elite institution. The question is not whether dissent is comfortable; it is whether it will remain possible.

Finally, we would like to express our heartfelt gratitude to everyone who displayed solidarity amidst recent events, especially our alumni, NALSAR administration, including the Hon'ble Vice Chancellor, and the wider legal and social fraternity. At the coming stroke of the midnight hour, we should strive to leave the old and move into the new, realising the promise of our independence struggle and its most beautiful product, our beloved Constitution!

Independence Day Wishes To All!