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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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The Bar Council of India had recently amended rules relating to misconduct in Part-VI, Chapter-II of Bar Council of India Rules and added Section-V: Duties towards Society and Bar and Section VA: Code of conduct and Disqualification for members of Bar Councils and had published the same in Gazette Notification in Extraordinary Part-III-Section-4 on 26.06.2021.

A writ petition was filed in High Court of Himachal Pradesh, challenging the said amendments, but, the High Court of Himachal Pradesh refused to entertain the writ petition challenging the above referred recently notified and Amended rules relating to misconduct; however, to address the concerns expressed by some members of the Bar, the Bar Council of India has decided to review the said Rules relating to Misconduct.

Accordingly, the Council has resolved to constitute a Committee to review the Rules. The Chairman has been authorised to constitute the Committee. The Committee shall consist of some senior Advocates, representatives of State Bar Councils and High Court and other Bar Associations, besides five Members of Bar Council of India. The Committee shall be requested to submit its report within 3 weeks. Thereafter, the Council will proceed to act in accordance with the provisions of Advocates Act, 1961.

In view of the above, it has been resolved that till the report of the Review Committee is received, considered and acted upon by the Council, the operation/implementation of the amended rules published in Gazette Notification dated 26.06.2021 in Extraordinary Part-III-Section-4 with respect to Amendment in Part-VI, Chapter-II of Bar Council of India Rules relating to the conduct of Advocates shall be kept in abeyance.

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The object of such the Rule was/is to improve the standard of the Profession and to weed out black sheeps from the Profession. The Supreme Court on several occasions has directed Bar Council of India to take steps for weeding out undeserving elements from the Bar. Therefore, the Bar Council of India was/is under an obligation to frame rules for strengthening the profession. The legal profession is a highly noble profession, considering the nature of duties of advocates and their impact on the society. Advocates command respect and a prestigious position in the society for this very reason.

Bar Council of India is fully conscious of the fact that an advocate is supposed to protect the rights of the people and ensure that unhindered justice is delivered to the needy.

The role of a Lawyer is indispensable in the system of delivery of justice. He is bound by professional ethics and etiquettes and keep his conduct above board. An advocate should always be conscious of the fact that he belongs to a highly respected intellectual class and the expectations of the people from him are too high. The points to be noted are:-

- a. A lawyer is accorded great privilege and prestige, not available to all other professionals.
- b. A lawyer is governed by well established moral and professional ethics
- c. He is supposed to conduct himself with elegance, dignity, and decency.
- d. Judges are selected from the ranks of the Bar. The purity of the Bench depends on the purity of the Bar.

Bar Council of India has to maintain the dignity of the legal profession and at the same time the independence of Bar.

It is the duty of the Bar Council of India and State Bar Councils to maintain the purity of the profession and remove undesirable people from it to preserve the rich ideals of the Bar for which it has always strived.

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Fair criticism of judgments and its analysis is permissible. Lawyers' fearlessness in court, his independence, uprightness and honesty are the virtues which should never be compromised.

Bar Council of India Rules of ethics and etiquettes were framed long back when there were no social media platforms. It has been observed that many advocates indulge in increasing misuse of social and electronic media which make the whole community fall in the estimation of general public, so, it has become necessary to make necessary changes in the existing Rules. The various orders/Directions of Apex Court cannot be bypassed by the Bar Council of India, moreover, the ground realities and the causes for decreasing standard of the profession are to be kept in mind and addressed by the Apex Statutory Body. No prudent and real Advocate would oppose such steps of Bar Council of India; And only those who are not in active practice, but, always indulge in nasty and nefarious activities and have been maligning the image of the profession raise a hue and cry when meaningful steps are taken to preserve the dignity of the profession. Some people are in the habit to object to each and every reformative step, but, Bar Council of India is not going to succumb to any such undue pressure

The Review Committee will take into consideration the representations received from some of the Associations and it will frame the Rules after noticing the issues raised by all concerned.

M K Mishra
(Manan Kumar Mishra)
Chairman,
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