

भारतीय विधिज्ञ परिषद् और/या उसके द्वारा गठित समिति/समितियों के समक्ष अयोग्यता की कार्यवाही प्राकृतिक न्याय के मापदंडों का अनुपालन करते हुए करेगी और इसे धारा 49 (1)(ए) और (एबी) के तहत पारित आदेश माना जाएगा।

अशोक कुमार पाण्डेय, संयुक्त सचिव

[विज्ञापन-III/4/असा./124/2021-22]

## BAR COUNCIL OF INDIA

### NOTIFICATION

New Delhi, the 25th June, 2021

Item No.146/2020

(Council Meeting dated 03.06.2020)

To consider the proposed amendments in Chapter-II of Bar Council of India Rules and to add Section-V in order to make certain clarifications with regard to conduct and etiquettes of Advocates and/or office-bearers of Bar Associations, Members of Bar Councils.

Resolution No. \_\_\_\_\_/2020

Amendment in Part-VI, Chapter-II of Bar Council of India Rules as per the functions contained under section 7(1)(b)(c)(d)(g) and (l) and (m) read with the section 49 (1)(a) and (ab) of Advocate Act, 1961.

These amendments are being made in order to address issues with regard to misconduct by Advocate/s, which have not been specifically mentioned in the Preamble or any of the Sections of this Chapter. These Rules are introduced/added with a view to maintain and improve the standards of professional conduct and etiquette for Advocates.

The following Section-V shall be added in Part-VI, Chapter-II of the Bar Council of India Rules:—

Section-V - Duties towards Society and Bar:—

[Under Section 49(1)(c) of the Advocates Act, 1961]

An Advocate shall conduct himself/herself as a gentleman/gentle lady in his/her day to day life and he/she shall not do any unlawful act, he/she shall not make any statement in the Print, Electronic or Social Media, which is indecent or derogatory, defamatory or motivated, malicious or mischievous against any Court or Judge or any member of Judiciary, or against State Bar Council or Bar Council of India nor shall any Advocate engage in any willful violation, disregard or defiance of any resolution or order of the State Bar Council or Bar Council of India and any such act/conduct shall amount to misconduct and such Advocates would be liable to be proceeded with under Section-35 or 36 of the Advocates' Act, 1961.

Section-VA: — Code of conduct and Disqualification for members of Bar Councils:

[under Section 49(1)(a)and (ab) of the Advocates Act, 1961]

(i) No Member of any State Bar Council or of Bar Council of India shall be permitted to publish anything or to make any Statement or Press-Release in Print, Electronic or Social Media against any Resolution or Order of concerned State Bar Council or Bar Council of India or to make/use any derogatory or abusive language/comment/s/ word/s against the Bar Council or its office-bearers or members.

(ii) The Decision of any State Bar Council or Bar Council of India shall not be criticized or attacked by any Member/s of Bar Council in public domain.

(iii) No Advocate or any Member of any State Bar Council or the Bar Council of India shall undermine the dignity or authority of the State Bar Council or Bar Council of India.

(iv) The Violation of this above mentioned clause (i) to (iii) of this code of conduct may amount to other misconduct under Section 35 of Advocates Act, 1961, and /or violation of Section-V and/or V-A shall

result in suspension or removal of membership of such member from the Bar Council. The Bar Council of India may declare such Advocates (as mentioned above in Section-V) or any Member of Bar Council to be disqualified from contesting the elections of any Bar Association or Bar Council for any period, depending on the gravity of the misconduct. The State Bar Council/s may refer the matters of misconduct or violation of these Rules by any of its members to Bar Council of India.

Note: Provided that a healthy and bona-fide criticism made in good faith, shall not be treated as a “misconduct”;

(v) For declaring any Advocate or Member of Bar Council as disqualified from contesting the elections as aforesaid, Bar Council of India shall be required to hold an inquiry by a “3 Member Committee” headed by a Former Chief Justice or a former Judge of any High Court. The Committee shall be constituted by the Bar Council of India and may consist of any member of Bar Council of India or a Member or Office-Bearer of any State Bar Council or any Advocate with a minimum of 25 years of standing at the Bar.

(vi) After any such reference of any case by Bar Council of India, the committee shall issue notice to the concerned Advocate(s)/ Member(s) and give him/her/them opportunity of hearing. Bar Council of India shall take its decision after consideration of the report of the Committee.

(vii). The proceedings for disqualification before the Bar Council of India and/or the Committee/s constituted by it shall follow the norms of natural Justice and it will be deemed to be an order passed under Section 49(1)(a) or 49(1)(ab).

ASHOK KUMAR PANDEY, Jt. Secy.

[ADVT.-III/4/Exty./124/2021-22]