



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D: 1202 /2020

Date: 11.03.2020

To,

Shri Ram Vilas Paswan,
Hon'ble Minister, Consumer Affairs,
Food and Public Distribution,
Government of India,
Krishi Bhawan,
Dr. Rajendra Prasad Road,
New Delhi-110001



Respected Sir,

The Legal Fraternity of India wishes to convey the deep anguish and resentment of over twenty lakh advocates of the country against the move of the Government to bring Advocates within the purview of the Consumer Protection Act.

It's a judicially acknowledged fact that advocates' profession is not part of any trade, commerce or industry. It's not even a service within the ambit of Service Tax Act and is merely an activity in aid and assistance of the justice administration system. The government in the past has considered this fact in favour of advocates being kept out of applicability of the Service Tax Act and GST as explained in the scheme of those legislations.

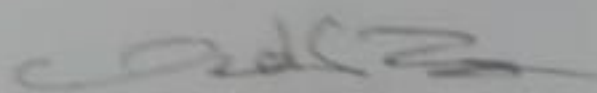
Your esteemed self knows that the Advocates Act, 1961 provides sufficient safeguard for litigants in case they have any complaint of misconduct against advocates and an effective mechanism is provided in section 35 of the Advocates Act to take action against an advocate if found guilty of any misconduct. An advocate found involved in an act of misconduct may even be suspended or even removed from the roll of Advocates. State Bar Councils and Bar Council of India have taken action against erring advocates in the past and even at present many advocates are facing action for indulging in acts that are unbecoming of the legal profession.

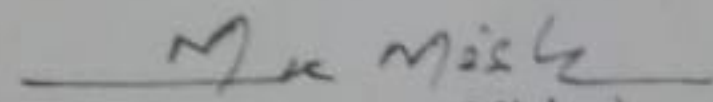
We would like to emphasize that bringing Advocates under the Consumer Protection Act will hamper their professional activities and encourage frivolous complaints that will entail appearing and fighting litigation in Consumer Courts rather than pursuing the noble cause of facilitating administration of justice. This will not only undermine the legal profession but also be demeaning and derogatory for the whole class of advocates.

Thus, with an already existing and effective remedy available for aggrieved clients and others to proceed against advocates found indulging in acts that are harmful and damaging to the interest of litigants, there is no requirement of making Consumer Protection Act applicable to advocates.

You are, therefore, requested to have this proposal withdrawn. With utmost humility, we would like to inform your good self that in case our demand is disregarded, entire advocates fraternity of the country will be left with no option but to come on the roads with a massive agitation against the draconian proposal to bring Advocates within the applicability of Consumer Protection Act.

With best regards,


(Ved Prakash Sharma)
Co-Chairman
Bar Council of India


(Manan Kumar Mishra)
Chairman
Bar Council of India