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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

15.4.2017

PRESS RELEASE

RESOLUTIONS and DECISION taken on 15.4.2017 in the JOINT MEETING of Bar Council of India held at Delhi with all the Representatives of High Court Bar Associations throughout the country and the Co-ordination Committee of all the Bar Associations of Delhi in Order to discuss and deliberate upon the protest measures against the proposed The Advocates (Amendments) Bill-2017 suggested by the Law Commission of India.

The meeting of Bar Council of India and the representatives of all the High Court Bar Association of the country unanimously and strongly oppose the actions of Law Commission of India for attempting to take away the autonomy and independence of the Indian Bar. The meeting expresses strong resentment to the recommendations of Law Commission by which it has put the entire legal fraternity in jeopardy. The Chairman of Law Commission has misled the Government by making a false statement about the Bar Council of India.

The proposed bill namely "The Advocates (Amendment) Bill, 2017" of Law Commission proposes that the members of Bar Councils are to be nominated by High Courts and Supreme Court, more than 50% of such members are to be people from the fields of Commerce, Accountancy or management, medical science or social science. Further these people, under the chairmanship of a former Judge of High Court or the Supreme Court, are to conduct the proceedings relating to any complaint of misconduct against the Advocates (facing Disciplinary Proceedings) and to regulate the legal profession and Legal education of the country.

According to the recommendations and Bill of Law Commission, Lawyers would be required to pay compensation to the clients in case they go on strikes, abstinence or fail to appear in cases (even for genuine reasons). This draconian provision says that compensation upto Rs. 5 lakhs shall have to be paid by the Lawyers even though the clients might not have paid a single farthing to them as fee.

The Joint meeting of Bar Councils has rejected the recommendations and the proposed bill of Law Commission in toto. The Bar Councils demand the Government to throw the recommendations and bill of Law Commission in Dustbin.

The meeting further demanded the immediate resignation of Mr. B.S. Chauhan from the post of Chairman, Law Commission of India.

The meeting is fully against the involvement of Hon'ble Judges in the affairs of the Bar. The meeting was further of the view that the Union Government should come with a new legislation replacing collegium system for appointment of Judges of High Courts and Supreme Court in order to ensure transparency in the process of appointment: Bar Should also be involved with the process of appointment. The meeting has further demanded a Legislation for accountability of Judges.

In order to oppose the recommendations of the proposed bill, the joint meeting of BCI, and the State Bar Councils takes following decisions—

1. On 16th April the State Bar Councils will convene the meeting at state H.Q. of the State Bar Council and the representatives of all Bar Associations, in order to make them aware of the agitation programs/plans.
2. A signature campaign will be undertaken by all the Bar Associations of country demanding the rejection of recommendations of Law commission in toto and the removal of Chairman of Law Commission should be any renowned senior Advocate.
3. On 21st April during Lunch hours, the lawyers throughout the country will assemble outside the Court premises and burn the copies of recommendations and bill of Law commission. Thereafter they will hand over a memorandum to Union Government through the Concerned District Magistrate/Governor. The lawyers will abstain from court works after lunche on interval on 21st April, 2017.
4. If the recommendations of Law Commission are not rejected even after that, then **on 2nd May, 2017, there shall be a rally of Bar Council of India, all the members of all the Bar Councils, (sitting and former, who are members of ad-hoc committees), the representatives of all the Bar Associations of the Country at Delhi. The protest March will start from the premises of Patiala House Court and proceed for Rajghat. Thereafter there will be a meeting at Patiala House Campus.**

In all the protest programs the lawyers will be in full court dress.



A meeting of all the State Bar Councils and all the Bar Associations of the country will be convened on 22nd April, 2017 at their respective headquarters for analyzing the success of move of 21st April, 2017 and for issuing necessary instructions and preparation for rally of 2nd May, 2017 to be held at Delhi.

If the demands against the anti lawyer recommendations is not accepted even till 2nd May, then **“Massive Rallies”** and **“Jail Bharo Campaign”** will be undertaken by Bar Council of India, State Bar Councils and Bar Associations of the country at Delhi and throughout the country.

On 22nd April, 2017, all the State Bar Councils shall convene their meetings in order to consider and gather the report from all the Bar Associations and to send their reports to the Bar Council of India as also to prepare for the programme of 2nd May, 2017.

All the State Bar Councils and Special Committees have been requested to invite all the sitting & former members (members of Ad-hoc Committee) and all district and High Court Bar Association office bearers and other eminent Advocates to participate in the meeting of 22nd April, 2017, so that the thorough discussion could take place and suggestions for the future plans of 2nd May, 2017 and afterwards could be chalked out.

The meeting has also demanded substantive schemes from the Union Government making provisions for protection of Lawyers, their social security: Schemes for Insurance of lawyers and their family members (dependants), medi-claim to Lawyers and their dependents, schemes for pension to lawyers (if they opt to retire or become unable to practice due to health or age reasons), family pension (in case of death of lawyers), schemes for stipend to young lawyers, provision for housing, sitting arrangements in court premises, adequate library facilities, loan for vehicle etc. are the other demands of meeting from Union Government.

The Joint meeting has examined the resolution of Bar Council of India dated 26.3.2017 and this meeting has taken serious notice against the Law Commission of India for misleading the Government and the people (through para 3 of letter dated 23.3.2017 written by the Chairman, Mr. B.S. Chauhan to Hon'ble Law Minister). In this letter, the Chairman of Law Commission has stated that Bar Council of India had wrongly submitted some draft bill to the Commission. The statement of the Commission in para 3 of the letter is misleading and false.



The meeting further strongly condemns the acts and resolution of the Odisha State Bar Council and warns it not to try to mislead and divide the lawyers fraternity.

There is the unanimous view of the joint meeting that the Supreme Court Bar Association and its office-bearers should follow the decisions of the Bar Council of India and of this joint meeting as they are also part and parcel of this Institution. S.C.B.A is a responsible body and its members are respectable citizen of the country

The meeting has also decided to meet our Hon'ble Prime Minister Mr. Narendra Modiji , Hon'ble Mr. Arun Jaitley ji, Hon'ble Union Law Minister Mr. Ravi Shankar Prasadji, Hon'ble Mr. P.P. Chaudhuryji, Union Minister for State of Law & Justice, Hon'ble Mr. Bhupinder Yadava ji(Member of Parliament) and other leaders in order to make them acquainted with the misdeeds of Law Commission . The delegation will request these dignitaries to immediately reject the recommendations and bill of law commission .The delegation shall also make our Hon'ble Prime Minister and other Hon'ble Ministers and leaders aware of the fact that that some powerful people are giving threats to the Council and it's office bearers to take certain steps and hatch up a conspiracy to malign the image of Bar Council of India and/or State Bar Councils in order to justify the anti lawyer bill.

15.4.2017


[SRIMANTO SEN]
Secretary
Bar Council of India