

What is legal service?

The legal service sector plays a vital role in upholding justice and protecting the rights of individuals and organisations. It encompasses a range of services such as legal advice, representation in court, and drafting legal documents. The sector is regulated by various bodies such as the Bar Council of India, which sets standards of professional conduct and etiquette to be observed by advocates. Despite the regulatory framework, there may be instances when complaints arise against legal service providers, and there are established mechanisms to redress such complaints. A lawyer as a legal service provider is not merely an agent of the client in the court but also the officer of the court. An advocate has the sacred duty to protect the interests of his clients.

On the other hand, he has to always act in the interest of justice. Section 49 (1) c of the Advocates Act has empowered the BCI (Bar Council of India) to set standards of professional conduct and etiquette to be observed by the advocate. One can access the Rules on an Advocate's duty toward the client and court at the BCI site.

What are the grounds for filing a complaint?

Legal service is covered under the definition of the service under section 2 (d) (ii). Further, in C.K.. Johnny v. Jaisundaram, the apex court observed that the draft for Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Act, 2010 has also defined the client as a consumer of the legal profession. Therefore, a client can file a complaint against the Advocate for deficiency of service. The grounds for complaint can be traceable to the Advocate's duty toward the client. However, we are looking presently at two Fee disputes and Service delivery.

What is the complaint redressal system?

Grievance Redressal Mechanism of Service provider- One of the first step that an aggrieved Consumer shall consider is to approach the Grievance redressal mechanism or authority of the service provider. For instance, most of the Insurance companies and organizations have their Internal grievance redressal mechanism and an aggrieved consumer can approach this mechanism or authority with his complaints before initiating any legal action against the service provider.

Sending of Legal Notice: Prior to availing of statutory remedies and approaching the Consumer Forum, it is advisable that the aggrieved consumer exhausts any alternative legal

remedies available to him/her. One of the actions that can be taken by Consumer before approaching the Consumer Court is to send legal notice to the service provider detailing the particulars of complaint, relief sought for, time period to comply with the conditions and cautioning the service provider of legal recourse in the event of non-compliance of terms and conditions of the notice.

File Consumer complaint before appropriate Forum- If the service provider fails to comply with the terms and conditions mentioned in the legal notice or disagrees to compensate for the loss caused, the complainant has the right to file a legal complaint in the Consumer forum. It is pertinent to state that, sending of legal notice is not mandatory and therefore, a complainant has the right to directly approach respective consumer forum for filing of complaint.

When complaints won't be accepted?

Limitation period to file Consumer Complaint- As per Section 35 of the Act, a consumer complaint must be filed to respective District Forum within a span of two years from the date on which the cause of action or deficiency in service or defect in goods arises. Nevertheless, the law permits the Consumer or aggrieved to file a complaint even after the statutory period of two years if the District Forum is satisfied that the complainant has genuine and valid reasons for not filing the complaint within the specified time period.

What is the regulatory body?

Consumer Disputes Redressal Forum

What are the landmark judgements in legal service?

V.P. Nair v. Cosmopolitan Hospitals (P) Ltd.

NCDRC affirmed that the service of an Advocate under section 36 of the Advocates Act is amenable to CPA, 1986. In this case, an Advocate failed to appear on behalf of the Complainant due to some fee issue. In this case, the legal service was held to be a service under the contract of personal service and therefore not a service under CPA.

V.C. Rangudurai v. D. Gopalam

In this case V. C. Rangadurai was an advocate and Devasenapathy was an old deaf man, aged 70 years and Smt. D. Kamalammal was also aged.

They had given two promissory notes to rangadurai and also paid the fees as was asked to the advocate. Nevertheless, the advocate did not file the case in time. The limitation was over. After a long time of wandering around the office of the advocate, the old man came to know that the advocate deceived him by not filing the cases within the time even after receiving the fees. He filed a complaint before disciplinary committee of the Tamilnadu state bar council which after enquiry punished the advocate suspending him for 6 years. On appeal, it was confirmed by the Bar council of India and also by Supreme Court. Rule 6 of Chapter II of Part- VI of the Bar Council Rules states that an advocate shall not appear, act, plead or practice before the court if any member is related to the advocate as father, son, wife etc. the main object is to avoid personal bias between an advocate and presiding officer related to such advocate.

What is the format of the complaint to be made?

Your details: Name, address, and contact information.

Lawyer's details: Name, bar council registration number, and address.

Case details: Briefly describe the nature of the case and the court it was filed in.

Vakalatnama: Mention the date the vakalatnama was signed and provide a copy if possible.

Promises made: Detail the specific promises your lawyer made regarding representation in court.

Failure to represent: Explain how your lawyer failed to represent you in court, including the date and court session.

Consequences: Describe the negative consequences you suffered due to your lawyer's absence, such as missed deadlines, adverse rulings, or damage to your case.

Relief sought: Clearly state what you are seeking as a remedy, such as disciplinary action against the lawyer, reimbursement of fees, or compensation for damages.

What are the Acts and Guidelines that govern legal service?

Consumer Protection Act, 2019

Consumer Protection (E-commerce) Rules, 2020

What are the important links and resources?

Deficiency of Services under Consumer Protection Act, 2019 - Lexology

Legal Practitioners Liability for Deficiency in service under the Consumer Protection Act, 1986 : An Analytical Review | V. M. SALGAOCAR COLLEGE OF LAW (vmslaw.edu.in)

Advocate's Duty Towards Court (legalserviceindia.com)

Rules on an Advocate's Duty Towards the Client | Bar Council of India

India: Supreme Court calls for regulating hefty fees of lawyers - Lexology