

Central University of South Bihar



Project on Different committees under bar council of India and state bar council
Professional ethics, Accountancy for Lawyer and Bench Bar Relations
(Law550)

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Acknowledgement

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Hoping Acceptance and Appreciation from you, I hereby submit this project.

-Saurabh Kumar

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Title of the proposed study

Different committees under bar council of India and state bar council.

Literature Survey/Review

The following Primary and Secondary sources have been referred to:-

Primary Sources

- **Books Referred**

The following textbooks have been referred to:

- Gupta S.P, Professional ethics accountancy for lawyers and bench- bar relations, 15, (Central law agency 5th Edn., 2013)
- SRA Rosedar, Professional ethics accountability of lawyers and bar bench relationship, 42, (Lexis nexis 2nd Edn., 2015)
- Rai Kailash, Legal Ethics, Accountability for lawyers and Bench bar relations (central law publication 11th Edn., reprint 2015)
- Dr. S.R Myneni, Professional Ethics, accountancy for lawyers and bench- bar relations (Asia Law House, Hyderabad., 1st Edn., 2002 reprint 2016).

- **Statutes Referred**

- (i) The Advocate Act, 1961
- (ii) The Bar council Act, 1926

Secondary Sources

- **Articles referred from Internet Sources**

- G.Geethisha, Disciplining the Lawyers Law and Professional Ethics available at <http://dspace.cusat.ac.in/jspui/handle/123456789/10810>
- <https://www.quia.com/files/quia/users/mrush01/Overview-of-Ethics>

Objectives of the Study

The study was geared to achieve the following objectives:-

General Objectives

- i. to know about the bar council of India and state bar council.
- ii. To know about the different committees under bar council of India and state bar council.
- iii. To know about the history of bar council of India and state bar council.
- iv. To Know about the need for establishment of bar council and its committees.

Specific Objectives

- (i) To critically review the working of different committees under bar council of India and state bar council.
- (ii) To critically examine the position of committees, functions and powers of the committees.

Purpose, Aim and Scope of the Study.

The aim and scope of study is to know about the different committees under the bar council. For this, meaning, establishment, history, functions and power under the advocates Act 1961 and the Bar council Rule in India is very important to know, which is discussed in this chapter.

1. Research design/methodology

In accordance with the objectives of the present study, doctrinal research design has been adopted. The doctrinal design has been used to study the provisions related to bar council and its committee. Doctrinal Research is a research, as we all know, based on the principles or the propositions made earlier. It is more based on the sources like books of the library, and through resources collected through access to various websites. For the purpose of the Research Project, the Researcher has collected relevant materials from books on professional ethics and also from various websites.

2. Research hypotheses

The following hypotheses would be taken account of in this study and they have been examined in the course of discussion. A conclusion has been drawn to assess whether the hypotheses proposed were true to their extent of statement.

- That the committees have their own sphere of jurisdiction to deals with the matters.
- Committees are formed to reduce the burden of bar council.
- All members and chairman are elected member.
- Bar council have wide discretionary powers.

3. Research problems

- What is the difference between the power of state bar council and bar council of India?
- What are the jurisdiction of different committees of bar council of India and state bar council?
- What is the procedure to deal with any allegations?
- Which kind of status bar council of India and state bar council have?

INTRODUCTION

“In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.”

A lawyer’s job is as important as that of a doctor’s as both of them have power to save the life of a person who comes to seek their professional service. Vested with vast powers, legal professionals are also imposed with vast duties and responsibilities to which they are morally as well as legally bound. Failure of such duty can invite criticism as well as legal sanctions including suspending such advocate from practicing and removing his name from the Roll of advocates. Hence, knowledge of such duties, responsibilities and sanctions is indispensable for an advocate to have a better professional career¹.

The Bar Council of India was established by Parliament under the Advocates Act, 1961 to regulate and represent the Indian bar. BCI performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. BCI also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate. These are all the main functions of BCI under the Advocates Act².

However, BCI also performs certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organize welfare schemes for them under the fundraising powers of the BCI which are embedded in its constituting documents³.

For every functions of bar council of India and the state bar council, there is separate committee, which is responsible for the regulation of allotted work. In this further study we will discuss about the various committees and their functions. <http://dspace.cusat.ac.in/jspui/handle/123456789/10810>

¹G.Geethisha, Disciplining the Lawyers Law and Professional Ethics available at <http://dspace.cusat.ac.in/jspui/handle/123456789/10810> (last accessed on 03/03/2019)

² <https://www.quia.com/files/quia/users/mrush01/Overview-of-Ethics> (last accessed on 04/03/2019)

³ *Ibid.*

Chapter 01

Bar council of India and its organisation

The Bar Council of India is a statutory body created by Parliament to regulate and represent the Indian bar. It performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. It also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate.

In addition, it perform certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organize welfare schemes for them.

1.1 History of Bar Council of India

After the Constitution of India was established on January 26, 1950, the Inter-University Board passed a resolution emphasizing the need for an all-India Bar and the importance of uniformly high standards for law examinations in different Universities. In May 1950, the Madras Provincial Lawyers Conference, held under the presidency of Shri S. Varadachariar, resolved that a committee appointed by the Government of India should evolve a scheme for an all-India Bar and amend the Indian Bar Councils Act such that it conforms to the new Constitution. On April 12, 1951, Shri Syed Mohammed Ahmad Kazmi, a Member of Parliament, proposed a bill to amend the India Bar Councils Act. The Government of India concluded that it was necessary for the Government to sponsor the Bill. In August 1951, a Committee of Inquiry was set up to consider the feasibility of a unified Bar in India, the continuance or abolition of the dual system of counsel for each state, possibility of a separate Bar Council for the Supreme Court and the revision of enactments related to the legal profession⁴.

⁴ <http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/history/> (last accessed 05/03/2019)

1.2 Functions of Bar Council

The Bar Council of India constituted under the Advocates Act 1961 has several solemn duties to perform. Among others it has to lay down the standards of professional conduct and etiquette and also standards of legal education. The State Bar Councils does enrolment of advocates and enforcement of discipline is part of the obligations of the State Bar Council and the Bar Council of India exercises appellate jurisdiction. The Bar Council of India is a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and may by the name by which it is known sue and be sued. It is under obligation to lay down standards of professional conduct and etiquette for advocates determines the procedure to be followed by its disciplinary committee and the disciplinary committee of each State Bar Council, to safeguard the rights, privileges and interest of advocates to promote and support law reform etc⁵.

1.3 Powers of the Bar Council of India

The Bar Council of India is empowered to make rules to discharge its functions under the Advocates Act 1961. An important rule-making power is with reference to laying down guidelines for the standards of professional conduct and etiquette to be observed by advocates. The Bar Council of India Rules may prescribe for a class or category of person entitled to be enrolled as advocate. The Bar Council of India can also specify the conditions subject to which an advocate must have the right to practice and the circumstances under which a person must be deemed to practice as an advocate in a court.

The Bar Council of India has made rules regarding the duties that an advocate must perform in his interaction with colleagues in the profession. The Bar Council of India can only specify conditions that are applicable at the post-enrolment stage and not at pre-enrolment stage. For example the Bar Council of India does not have the powers under the Advocates Act, 1961 to stipulate that persons should undergo pre-enrolment training. The Bar Council of India was

⁵ The Advocates Act 1961, S. 7(1)

established by Parliament under the Advocates Act, 1961. The following statutory functions and representative mandate for the legal profession and legal education in India⁶:

- (i) To lay down standards of professional conduct and etiquette for advocates.
- (ii) To lay down procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council.
- (iii) To safeguard the rights, privileges and interests of advocates.
- (iv) To promote and support law reform.
- (v) To deal with and dispose of any matter which may be referred to it by a State Bar Council.
- (vi) To promote legal education and to lay down standards of legal education. This is done in consultation with the Universities in India imparting legal education and the State Bar Councils.
- (vii) To recognize Universities whose degree in law shall be a qualification for enrolment as an advocate? The Bar Council of India visits and inspects Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose.
- (viii) To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest.
- (ix) To organize legal aid to the poor.
- (x) To recognize on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India.
- (xi) To manage and invest the funds of the Bar Council.
- (xii) To provide for the election of its members who shall run the Bar Councils.

The Bar Council of India can also constitute funds for the following purposes⁷:

1. Giving financial assistance to organize welfare schemes for poor, disabled or other advocates,
2. Giving legal aid, and
3. Establishing law libraries.

⁶ The Advocates Act 1961, S. 7

⁷ Dr. S.P Gupta, Professional ethics accountancy for lawyers and bench- bar relations, 15, (Central law agency 5th Edn., 2013)

Chapter 2

Constitution of Committees of the Bar:

Under the Bar Council of India and state bar council, different committees are constituted for the proper functioning of the bar. These committees are responsible for the function assigned to it. There is prescribed procedure under the Advocates Act which must be followed when the committees are exercising the function. The Bar Council of India can also receive grants, donations, and gifts for any of these purposes⁸.

2.1 The Executive Committee

The procedure for the election of the Members of the Executive Committee shall be by secret ballot and in accordance with the rules in so far as they are applicable⁹. A casual vacancy in the Committee shall be filled up by election by the Council. The Committee shall elect its own Chairman and Vice- Chairman. The Chairman shall preside over the deliberations of the Committee and in his absence the Vice-Chairman shall preside over the matter. The Committee shall be the executive authority of the Council and shall be responsible for giving effect to the resolutions of the Council.

2.2 Powers and functions of Executive committee

The executive council has various executor powers, following are the executive power the executive council¹⁰.

- a) To manage the funds of the Council;
- b) To invest the funds of the Council in the manner directed by the Council from time to time;
- c) To grant leave to members of the staff, other than casual leave;

⁸ Bar Council of India Act, 1926 ss. 9, 9A, 10, 15(2)(i)(J)

⁹ Chapter I, part II, Rule 12

¹⁰ <http://indianbarassociation.org/wp-content/uploads/2013/12/BAR-COUNCIL-OF-INDIA1.pdf> (last accessed on 10/03/2019)

- d) To prescribe books of account, registers and files for the proper management of the affairs of the Council;
- e) To appoint and supervise the work of the members of the staff and prescribe their conditions of service;
- f) To appoint auditors and fix their remuneration;
- g) To consider the annual audit report and place it before the Council with its comments for its consideration;
- h) To maintain a library and under the directions of the Council publish any journal, treatise or pamphlets on legal subjects;
- i) To prepare and place before the Council the annual administration report and the statement of account;
- j) To provide for proper annual inspection of the office and its registers;
- k) To authorize the Secretary to incur expenditure within prescribed limits;
- l) To fix travelling and other allowances to members of the Committees of the Council, and to members of the staff;
- m) To delegate to the Chairman and/or the Vice-Chairman any of its aforementioned powers;
- n) To do all other things necessary for discharging the aforesaid functions.

2.3 The Legal Education Committee

The procedure for the election of the Members of the Legal Education Committee shall be by secret ballot, and in accordance with the rules, in so far as they are applicable¹¹. The names of the remaining five members of the Committee to be co-opted shall be proposed and seconded by the members of the Council. In case more than five persons are proposed they shall be chosen by a show of hands. If there is equality of votes, the Chairman of the meeting shall have a casting vote. A casual vacancy in the Committee shall be filled in by the Council from amongst its members or non-members as the case may be, in the manner as specified¹².

¹¹ Bar council Rules, Chapter I, part II, Rule 12

¹² Bar council rules, Rule 6

2.4 Powers and duties of the legal education committee

The legal education committee shall have the following powers and duties:

- a) to make its recommendations to the Council for laying down the standards of legal education for the Universities;
- b) to visit and inspect Universities and report the results to the Council;
- c) to recommend to the Council the conditions, if any, subject to which foreign qualification in law obtained by persons other than citizens of India may be recognized for admission as Advocates under the Act;
- d) (i) to recommend to the Council for recognition of any degree in law of any University in the territory of India under Section 24 (1) (c) (iii) of the Act, and
(ii) to recommend the discontinuance of any recognition already made by the Council.

2.5 The Disciplinary Committee

The procedure for the election or co-option of the members of the Disciplinary Committee shall be by secret ballot and in accordance with the rules, in so far as they are applicable¹³. Any casual vacancy shall be filled in by Council by election or co-option from amongst its members or non-members as the case may be. The Chairman or the Vice-Chairman of the Executive Committee shall assign and allocate all matters relating to the Disciplinary Committees amongst them if more than one such Committee is constituted or is in existence. In case of the absence of a Bar Council of India's member during the sitting of the Disciplinary Committee of the Bar Council of India, the remaining two members of the said Committee may request any available Bar Council of India member to fill the vacancy caused by such absence and in case of the absence of a co-opted member of a Disciplinary Committee of the Bar Council of India, the other two members may make similar request to any other available co-opted member of a Disciplinary Committee of the Bar Council of India and the Committee so constituted shall be deemed to be a Committee constituted under this rule for the purpose of that meeting and shall have all the

¹³ *Id* at 9.

powers of a Disciplinary Committee of the Bar Council of India. For the purpose of determining the senior most member of a Disciplinary Committee seniority is determined¹⁴:

(i) Of a Senior Advocate, and

(ii) Of an Advocate of the Supreme Court enrolled before 1-12-1961, shall be determined in accordance with the date of his enrolment under the Bar Councils Act, 1926.

Misconduct

Misconduct is a wide expression. Any conduct which is likely to hamper or embarrass the administration of justice or which renders the person unfit to practice¹⁵. Probity and professional life style, not trade briefs not merchandise.¹⁶

2.6 Legal Aid committee

The Bar Council of India Constituted¹⁷ a committee for organizing legal aid which provides as follows: A Bar Council may constitute one or more legal aid committees, each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed. The qualifications, the method of selection and the term of office of the members of a legal aid committee shall be such as may be prescribed. The Bar Council of India rule¹⁸ relating to legal aid which runs thus " Every advocate shall, in the practice of the profession of law, bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an advocate owes to society ". The Bar Council of India Rules on professional conduct also

¹⁴ the Advocates Act, 1961, S. 9

¹⁵ M V Dabolkar (1976) 2 SCR 48 : (1976)

¹⁶ Sudha v. Chennai Advocate Association, (2010) 14 SCC 114.

¹⁷ The Advocates Act, 1961, S. 9A

¹⁸ Rule 46 The Bar Council of India Rules, 1983

provides that all the advocates will discharge their social responsibilities. Indeed, it is the highest obligation an advocate owes to the society¹⁹

2.7 Advocate fund committee

The advocate fund and trustee committee consists of advocate general of a state who is the chairperson of the committee where there is no Advocate General of a state; the appropriate government shall nominate a senior advocate to be the Chairperson.

1. Secretary of law department or ministry.
2. Secretary of home department or ministry.
3. Chairman of state bar council
4. The Government Pleader or the Public Prosecutor nominated by the appropriate Government
5. Two advocates nominated by state bar council
6. Secretary of state bar council will be appointed as the secretary of the committee.

The committee is responsible to act in accordance with the advocates welfare fund act, 2001 is mainly made for the welfare of advocates. There is a fund created for the benefit of advocates. This is basically the combination of rules, regulations and principles which are made for the benefit of the advocates. This act came into force on 14th September, 2001. It is applicable to the whole of India except in those states which already has its own state Welfare Fund Act functioning. The act talks about how the fund is made, who makes it, to whom the act is applicable. Further how the welfare of the advocates is done and to what extent it is applicable is also clarified in the act.

¹⁹ All India Lawyers Conference (1962)

Functions of the committee

Followings are some important functions of the committee²⁰

- To administer the fund.
- Hold the amounts and assets belonging to the fund.
- Receive applications of the members and can dispose of such application within 90 days from receipt.
- Receive application from the members or their legal heirs for payment of funds and do the necessary inquiry and if not found appropriate can dispose of the applications within 5 months.
- They keep a record in minutes book of the decision on such applications.
- To send periodical and annual reports to the appropriate government and state bar council.
- Communicate to the applicants regarding the decisions on their applications.

²⁰ The advocates Act, 1961, S. 7

Chapter 3

Election of Members and Representatives

The Procedure for electing its representative to the Bar Council of India under the Bar Council Act, 1926, or for electing any other representative or representatives by or from amongst its members to any other statutory body by virtue of any special power conferred under any other enactment or for any other election by the Council provided that any member so requires, shall be in accordance with the same procedure and shall in so far as it may be applicable, be as laid down in Rule 12, Chapter I, Part II.

The Council may appoint from amongst its members, one or more Committees as it may deem necessary, in addition to those specified in the Act and delegate such powers, duties, and functions to such Committees as it deems fit. Any casual vacancy in the above Committees shall be filled up by the Council²¹. Where the Chairman or the Vice-Chairman is a member of the Committee or the Sub-Committee, the Committee or the Sub-Committee shall choose its Chairman for the meeting, unless at the time of the constitution thereof the name of the Chairman has been specified²².

²¹ Rosedar SRA, Professional ethics accountability of lawyers and bar bench relationship, 42, (Lexis nexis 2nd Edn., 2015)

²² *Ibid.*

3.1 Term of the members of the Committees of the Council

Unless otherwise determined at the time of election, the term of the members of the Committees of the Council shall be as follows²³:-

- (a) Executive Committee for 2 years
- (b) Disciplinary Committee for 3 years
- (c) Legal Education Committee for 4 years
- (d) Legal Aid Committee for 2 years
- (e) Advocates Fund Committee for 2 years
- (f) Any other Committee not falling under the above clauses for 2 years

²³ www.barcouncilofindia.org (last accessed on 01/05/2019)

Chapter 4

State bar councils

The state bar council are established under Section 3 of the Advocates Act, 1961, for the representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organise welfare schemes for them. For each of the States of Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Madhya Pradesh, Karnataka, Orissa, Rajasthan and Uttar Pradesh, to be known as the Bar Council of that State²⁴. For the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, Mizoram and Arunachal Pradesh²⁵. For the State of Kerala and the Union territory of Lakshadweep, Minicoy and Amindivi islands to be known as the Bar Council of Kerala²⁶. for the words "State of Madras" state of Tamil Nadu and the Union territory of Pondichery to be known as the Bar Council of Madras²⁷. For the State of Maharashtra and Goa, and the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa²⁸. For the State of Punjab and Haryana, and the Union territory of Chandigarh to be known as the Bar Council of Punjab and Haryana²⁹. For the State of Himachal Pradesh to be known as the Bar Council of Himachal Pradesh³⁰. For the State of West Bengal and the union territory of Andaman and Nicobar islands to be known as the Bar Council of West Bengal³¹ and for the Union territory of Delhi to be known as the Bar Council of Delhi³²

²⁴ The advocates Act, 1961, S.3(a)

²⁵ The advocates Act, 1961, S.3(b)

²⁶ The advocates Act, 1961, S.3(c)

²⁷ The advocates Act, 1961, S.3(cc)

²⁸ The advocates Act, 1961, S.3(ccc)

²⁹ The advocates Act, 1961, S.3(d)

³⁰ The advocates Act, 1961, S.3(dd)

³¹ The advocates Act, 1961, S.3(e)

³² The advocates Act, 1961, S.3(f)

4.1 Committees under State Bar Council

Under state bar council there is also different committees for different functions like the bar council of India have. The committees under state bar council have similar functions like committees of bar council of India.

Examples of committees under some state bar councils are as follows:

Bar council of Delhi

The various committees under the aegis of the Bar Council of Delhi are:

Executive Committee

The Executive Committee shall be the Executive Authority of the Council and shall be responsible for giving effect to the resolutions of the Council.

Powers of the committee

This committees have powers like to propose investment of the funds of the Council, to prescribe books of account, registers and files for the proper management of the affairs of the Council, to supervise the work of the members of the staff and propose their conditions of service, consider the Secretary's Annual Report and place it before the Council with its comments thereon, consider the annual budget prepared by the Hony. Treasurer for being place before the Council, to provide for proper annual inspection of the office and its registers, to authorize the Secretary to incur expenditure within prescribed limits and to do all other things necessary for discharging the aforesaid functions.

Disciplinary Committee

A Disciplinary Committee under the provisions of the Advocates Act shall be constituted by the Council and its term shall be two and a half years or till a successor committee is constituted

whichever is later³³. The procedure prescribed for the election of Chairman, Vice- Chairman, Treasurer or members of other Committees shall as far as possible be followed for co-opting such members. The senior most among the members shall be its Chairman The Disciplinary Committee can hold its meetings at New Delhi or at such other places as the Committee may decide, for speedy disposal of cases³⁴.

Enrollment Committee

The duties of the Enrollment Committee shall be to scrutinize enrollment papers filed by candidates and if they are found in order, to recommend their enrollment to scrutinize and advice the Bar Council regarding any dispute relating to the order of seniority in the State Roll to advice the secretary in the preparing and maintenance of the roll. The Enrollment Committee shall have power to exempt the requirement of one month notice in exceptional cases³⁵.

Rules Committee

Functions of the Rule Committee are to formulate rules for the conduct of business of the Bar Council, to frame rules as may be required, to study, consider and recommend matters referred to the Council, by the Parliament, Legislative Assembly and other bodies, regarding any bills or rules and report to the Council, to perform any other functions required by the Council from time to time³⁶.

Other Committees

- Election committee
- Library committee
- Welfare committee

³³The advocates Act, 1961, section 9(i)

³⁴ <http://delhibarcouncil.com/who-we-are/about-us/committees/> (last accessed on 02/05/2019)

³⁵ *Ibid*

³⁶ *Ibid*

Conclusion

After going through the above discussion, it is clear that there is The Bar Council of India was established by Parliament under the Advocates Act, 1961 to regulate and represent the Indian bar. BCI performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. BCI also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate³⁷ There is also total 20 state bar councils including the bar council of the state of Jammu and Kashmir. Under the Bar council of India and Bar council of states, there is various committees which performs various functions like, disciplinary function, executive functions, legal aid functions. The object behind establishing the state bar council is to reduce the burden of Bar council of India and similarly, the object behind establishing various committees under the state bar council is to reduce the burden of the council. The other object behind establishing various committees under the council is making work more functional. Every work is divided into the various category and the committees is responsible towards its allotted work. For example, disciplinary committee is only responsible to the disciplinary functions, enrollment committees is only responsible toward the enrollment of lawyers and other prescribed function. Similarly other committees are also only responsible to function prescribed. The Bar council have also power to make rules, important rule-making power is with reference to laying down guidelines for the standards of professional conduct and etiquette to be observed by advocates. The Bar Council of India can also specify the conditions subject to which an advocate must have the right to practice and the circumstances under which a person must be deemed to practice as an advocate in a court. For every council there is one chairman and one vice-chairman and various others members who are responsible toward the duties allotted to them. In the absence of chairman, vice- chairman preside over the matter which chairman is intended to preside³⁸.

³⁷ Dr. Kailash Rai, Legal Ethics, Accountability for lawyers and Bench bar relations 57 (central law publication 11th Edn., reprint 2015)

³⁸ Dr. S.R Myneni, Professional Ethics, accountancy for lawyers and bench- bar relations 135 (Asia Law House, Hyderabad., 1st Edn., 2002 reprint 2016.

Suggestions

Even though India has an organised Bar and disciplinary authorities to regulate the profession, we cannot run away from the reality that the reputation of the Bar is today at the lowest ebb. Individual lawyers have been seen with some sort of suspicion. There are numerous reasons for the same. The main reason is the deviant behavior from the accepted standards of professional ethics. But this deviant behavior is mostly due to actual ignorance of ethical requirements. Further there is practically no limit to the fees which a lawyer may charge to his client. If a litigant wants to engage one of the topmost lawyers, he would have to pay exorbitant fees which may be demanded by the lawyer. This directly leads to inequality in the quality of legal representation as between the rich and the poor. Professional misbehavior can be minimized through self-policing and legal education.

The Bar Councils and Associations through its disciplinary committees have great responsibility in preserving the nobility and honor of the profession. Unless the lawyer observes the highest standards of professional ethics he cannot earn the respect of the community nor do his peers in the profession accept him as an outstanding lawyer. The present declining standards of lawyers are to be properly checked from within before it is wrecked from outside. Hence, the need of hour is that the members of the profession should examine and take corrective measures in time. So, there should be some limitation on the prescription of fee. There Bar council should give affiliation to only those colleges which have sufficient infrastructure, so that student can get the adequate legal knowledge. Bar councils committees should be more functional so that, no misconduct can take place on the side of lawyers. There should be a separate committee which can make a strategies to improve the quality of lawyers and litigation.

Bibliography

Books Referred

The following textbooks have been referred to:

- Gupta S.P, Professional ethics accountancy for lawyers and bench- bar relations, 15, (Central law agency 5th Edn., 2013)
- SRA Rosedar, Professional ethics accountability of lawyers and bar bench relationship, 42, (Lexis nexis 2nd Edn., 2015)
- Rai Kailash, Legal Ethics, Accountability for lawyers and Bench bar relations (central law publication 11th Edn., reprint 2015)
- Dr. S.R Myneni, Professional Ethics, accountancy for lawyers and bench- bar relations (Asia Law House, Hyderabad., 1st Edn., 2002 reprint 2016).

Statutes Referred

- (iii) The Advocate Act, 1961
- (iv) The Bar council Act, 1926

Rules Referred

Bar council Rules

Articles referred from Internet Sources

- G.Geethisha, Disciplining the Lawyers Law and Professional Ethics available at <http://dspace.cusat.ac.in/jspui/handle/123456789/10810>
- <https://www.quia.com/files/quia/users/mrush01/Overview-of-Ethics>