

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2963
ANSWERED ON:18.08.2011
BAR COUNCIL OF INDIA
Owaisi Shri Asaduddin

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Bar Council of India (BCI) and state Bar Councils are the sole regulators to professional ethics of lawyers;
- (b) if so, whether on the lines of Judicial Standards and Accountability Bill. Government proposes to enforce accountability and ethics among lawyers; and
- (c) if so, the details thereof and action taken in this regard?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) Yes, Madam.

(b)&(c) The Bar Council of India has informed that they have proposed a new draft Code of Professional Standards, Ethics and Etiquette which is being finalized and will be forwarded to the Hon'ble Chief Justice of India for approval before publication in the Official Gazette in accordance with the proviso to section 49(l)(c) of the Advocates Act, 1961. They have further informed that the Objectives of the draft Code of Professional Standards, Ethics and Etiquette are-

'This Code provides a general guide for ethical standards to be adhered to by members of the Bar whether practicing individually or as a law firm and whether engaged in litigation or transactional/ corporate work. The expression 'advocate' in these rules/Code of Conduct shall include to the extent practicable, any lawyer or group of lawyers practising as part of a law firm and the law firm itself.

An advocate shall, at all times, comport himself in a manner befitting the high standards of the Indian Bar and of his/her status as an officer of Court and a privileged member of the community, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his/her non-professional capacity may still be improper for an advocate.

Without prejudice to the generality for the foregoing obligation, an advocate shall fearlessly uphold the interests of his/her client and in his/her conduct, conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention there of shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.'

The Bar Council of India has further informed that the said draft Code of Professional Standards, Ethics and etiquette has been circulated by the Bar Council of India to all the State Bar Councils, published on the website, circulated among academics and also members of the Judiciary.