



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

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Resumption of Regular Hearings: -

Bar Council of India has today decided to hold conferences with Advocates and Litigants in Supreme Court, all High Courts and District Court in the country. It will consult the Senior and other Advocates of Supreme Court and High Courts in order to gather their opinion regarding resumption of regular hearings in the Courts. On one hand cases of Covid-19 are increasing day by day and on the other the problems of litigants and Advocates are mounting. Litigants are unable to get justice through the process of virtual courts.

In its meeting today, on 20th May, 2020, the General Council of BCI has decided to consult Senior and other Advocates of Supreme Court, of all High Courts and District Court Bar Associations through the State Bar Councils in order to gather opinion on this crucial issue.

The Council has been receiving complaints of pick and choose in fixation of the urgent matters in some High Courts, the frequent disturbances in the Video Conference hearing due to unsatisfactory Wi-Fi and other technical problems which are a common phenomenon. We cannot expect an effective hearing in this process. The public and Advocates are in the dark as to what is really going on in the various Courts of the country. Moreover, in the opinion of some of the biggest Bar Associations and several Advocates of Supreme Court and High Courts, some people are trying to take undue advantage of lockdown (and almost closure of courts) and the legal profession is gradually being attempted to be high jacked by a few blessed Lawyers and selected Law-Firms who have high level connections. The entire system is likely to go out of hands of common Advocates. In such situation, the Supreme Court and High Courts can not shut their eyes and the Bar Council of India would approach the Hon'ble Chief Justice of India and Chief Justice of High Courts to request them to take note of the real difficulties. It is humbly submitted, that without consulting the Bar and without taking the Bar into confidence, if any decision is taken, the same is not going to succeed.

The Council has therefore, decided to hold a opinion poll through State Bar Councils and Bar Associations, and for this purpose, all State Bar Councils have been requested to contact the leaders of all Bar Associations and submit their reports to Bar Council of India at the earliest.

The reports of Bar Associations and State Bar Councils should also suggest the necessary safety measures and safeguards to be adopted and followed by the Courts, court staff, Advocates and Litigants, at the respective places, if physical court hearings begin.

The Council will make desirable request and submit appropriate demand to the Hon'ble Chief Justice of India after discussing the reports to be received from State Bar Councils and Bar Associations. The feasibility of holding physical courts, the methods of listing and hearing (how could it cope-up with and maintain social distancing in Court premises) will all be deliberated upon and the conclusion will be conveyed to Hon'ble Chief Justice of India within a week.

Provision for Extra-Links during virtual hearings in Supreme Court: -

The Council also considered the request of a large number of Advocates practicing in the Supreme Court who have conveyed problems of non-A.O.Rs and the regular members of Supreme Court Bar Association through the Chairman of the Council. The Council has considered the difficulties of thousands of Advocates practicing in Supreme Court and accordingly the Council has resolved to request Hon'ble the Chief Justice of India and Hon'ble Mr. Justice D. Y. Chandrachud to give necessary instructions to the concerned authorities of Supreme Court and to provide links to all such Advocates in the virtual hearings, who are concerned with the particular matter and who are either to assist the Senior Advocate(s) or take part in the hearings. A maximum of 5 links should be provided to the Advocates of each side who apply for the links in a case.

The Members of Supreme Court Bar Association are part of the Supreme Court and are the officers of the Court. The Chairman of the Council has been requested by the Council to write to Hon'ble Chief Justice of India and Hon'ble Mr. Justice D. Y. Chandrachud in this regard.

Illegal Advertisement: -

With permission of the chair, Mr. Ved Prakash Sharma, Co-Chairman, Bar Council of India raised the issue of publication through website of <https://toplawyersofsupremecourtfindia.com> wherein profile of many senior and other advocates has been given. It has been categorized into 3 categories viz. 1st category of Senior Lawyers, 2nd Category of Senior Lawyers and 3rd List of (Good Junior Advocates).

The said profile is nothing but an advertisement and publicity of the professional activities and accomplishments of the said Advocates in clear violation of Rule-36, Chapter-II, Part-VI, Section-IV-Duty to Colleagues, of the Rules of the Bar Council of India.

The Members have discussed in detail the conduct of the promoters of this website and found it prima-facie to be a case of misconduct. The Advocates namely Mr. Raahul Trivedi and Ms. Suhasini Sen appear to be prima-facie responsible for creation of this website and for highlighting and advertising this website, and are thus liable to be proceeded with by initiating disciplinary action against them.

The Council accordingly has resolved to issue notice to Mr. Raahul Trivedi, Ms. Suhasini Sen, Advocates who are indulged in practice of illegal advertisement of their own and of a few Senior and other Advocates practicing in Supreme Court and Delhi High Court. Apparently, these two Advocates have created other websites also to advertise and highlight themselves and also of a few other junior Advocates; as more or less everyone is aware about the senior Advocates and of their merit, and by putting themselves on the same page as many such Senior established Advocates, these two named Advocates, have tried to gain mileage and undue advantage, so that an ordinary client would get misled, by thinking of them to be next in the line of many such established Advocates who have earned their name due to the dint of their hard work and not by such undue advertisements, as they have resorted to. Their intentions are writ large, from the language they have used in the website, which reads as follows-*A day will come when these (so called Junior Advocates) will be listed in 1st List (Let their time come).*

Moreover, they have also used the names of Bar Council of India, to clearly attribute, that as they have done this survey with the help of Bar Council of India, which is nothing but an utter misrepresentation of the name of Bar Council of India and tantamount to misconduct. The Bar Council of India has not conducted any such survey and nor does it conduct such surveys. The website makers and advertisers have also used the name of the Supreme Court and its Judges in similar vein to mislead the public, mostly those, who may be new to court cases and, who mostly form their opinion from whatever they find on the internet as per the trend now a days.

An Advocate, under the Rules of the Bar council of India cannot mention/display anything except his/her name, address, details of his enrollment, professional and academic qualifications, name of State Bar Council where he/she is enrolled, name of Bar Association of which he/she is a member, and areas of his/her practice. However this website operated by the above noted Advocates has been attempting to highlight a few Advocates of Supreme Court and Delhi High Court naming them as "Top Lawyers of Supreme Court of India" in garb and with the real intention of actually highlighting and promoting themselves i.e. so called "Good Junior Advocates: as maximum of these few Senior Advocates do not require highlighting, or promotion of their work which speaks for itself

It is relevant to note it here that from this website it is apparent that purposely the names of some very respectable and noted Senior Advocates like Mr. F. S. Nariman, Mr. K. K. Venugopal, Mr. Soli Sorabji, Mr. K. Parasaran, Mr. Harish N. Salve, Mr. Tulsi, Mr. Mukul Rohtagi, Mr. Sundaram, Mr. Gopal Subramaniam etc. has been used just to mislead the people. Nobody has any doubt about their merit, ability or integrity. They are men of repute. These names have been used to justify the sinister purpose behind this idea. So called 2nd and 3rd Category (of this item) has been made with a definite purpose, deliberately to mislead the people. Not only the two persons Mr. Suhasini Sen and Mr. Rahul Trivedi have tried to advertise about themselves, but they appear to have mislead the country by naming some Senior Advocates and placing them in different categories. There are about 100 Senior Advocates, Several hundred competent and deserving Junior/Young Advocates in Supreme Court and Delhi High Court and in the country who are having roaring practice and who are well recognized by the Courts, Judges and Litigants.

Thus, the sinister game of these two Advocates raises a serious doubt on their conduct when they name only five Advocates as "Good Junior Advocates" and only 10 Senior Advocates in their so called category 2 appears. All this has been done deliberately and prima-facie, it is in clear violation of Rules of Bar Council of India.

The further course of action with regard to initiation of proceeding shall be decided after receipt of the reply to the Show-cause notice, if any. However, prima facie, it appears to the Council that a handful of persons are adopting all sorts of ill methods in order to mislead the people of the country and grab the entire Legal Profession.

The Council has also authorized and requested the Chairman of Bar Council of India to write a detailed letter to Hon'ble Chief Justice of India and all the Hon'ble Judges of Supreme Court of India and to draw their attention towards such mal-practices, since it is tarnishing the image of our Judiciary and the Judges also.

It appears that due to lockdown, the general members of Supreme Court Bar Association are unable to assemble and taking undue advantage of this situation, such and many similar types of Advertisements are being made and advertised and highlighted more, even though such websites may have been existing discreetly before Lockdown, and was not brought to our attention earlier. This is just one of such many websites. The common Advocates and regular practitioners and a large number of deserving and busy Advocates are unable to oppose such mischief and such mal-practices are increasing day by day.

The Chairman has been requested to make the Hon'ble Judges acquainted of the resentment and anguish of thousands of Advocates and hundreds of Senior Advocates practicing in Supreme Court of India, Delhi High Court and other High Courts of the country.

The Supreme Court of India is also to be requested to check such malpractices, in it's own manner, and so that the general public do not have any occasion to be and to remain under the impression that only about some selected Advocates are getting preferences here and that any other Advocate practicing in the country is unable to compete with these "so called Top Advocates" (whose names have been indulged in advertisements against the Rules of the Bar Council of India, maybe without even the knowledge of most of them). Though, Bar Council of India has full respect for all of them, and is also aware that out of them, many might, not even have knowledge of such ill-method adopted by the perpetrators of the mischief. However, in view of the larger picture for the interest of the entire legal fraternity, a message from the Hon'ble Supreme Court of India, would be much appreciated and is the need of the hour to dispel the myth that the Hon'ble Supreme Court of India, gives weightage and hears only a few Advocates, while the rest of the Advocates are not given a proper hearing or any prominence or respect by the Hon'ble Supreme Court, as has been sought to be indirectly conveyed by way of such unsolicited advertisements by perpetrators of such mischief who are being show caused by the Bar Council of India.

Permission whether former Ministers could Practice: -

Some of the Bar Associations have been writing and raising the issue whether a former Union Minister, who was/is a part of cabinet which approves/approved the appointment of a particular Judge of Supreme Court of India or of High Court, should be allowed to practice before that particular Hon'ble Judge.

The Supreme Court Bar Association, the High Court Bar Associations and all the State Bar Councils shall be requested to furnish their opinion on this important issue. This issue will be decided after normal functioning in all courts resume.

This issue has now become very important, because, not only in the matter of appointment of Judges, but, in the matters of engagement of Government Advocates and Advocates for different Organizations, Corporations, Companies, Arbitrations etc., only a few blessed Advocates are getting all opportunities.


The commoners are being ignored and/or being made to suffer. Today, more than 18 Lakh Advocates are practicing, several thousands of them are deserving and competent, but, only a few are getting all sorts of benefits. This is a matter of serious concern for the Legal Fraternity and the Bar bodies are not supposed to sit tight over such issues.

Mr. Manan Kumar Mishra, the Chairman of the Council, however, requested the house to drop this issue for the moment. Mr. Pratap Singh and Mr. Vishnuvardha Reddy, Hon'ble Members did not participate in this agenda.

Financial Assistance to Needy Advocates: -

The Council has further resolved to again request Hon'ble Prime Minister and all the Hon'ble Chief Ministers to assist the needy lawyers and help them to overcome their professional loss, they have suffered/are still suffering. It is noted that the Bar Council of India, the State Bar Councils and the Bar Associations of the country have been doing and helping such needy Advocates, as per their capacity. However, the resources of these organizations are limited. Therefore, unless the Government comes to their rescue, their problem is not going to be solved. All the Bar Associations of the country should pass a resolution and send it to Hon'ble Prime Minister and to all the Hon'ble Chief Ministers through Local M. P., M. L. As., and District Collectors.

If the lockdown is going to continue after 31st May, 2020 and functioning of the Courts are not resumed even then, then the Union and State Governments should suo-moto come forward and extend substantial financial assistance to all the needy Advocates, their clerks and their families. In a welfare state it is the duty of the State to do so.


(Srimanto Sen)
Secretary
Bar Council of India