



Bar Council Of Punjab & Haryana

LAW BHAWAN

Dakshin Marg, Sector 37-A, Chandigarh - 160036, Phone 0172-2688519

Ref. No. 932 to 934

Date. 10/04/2024

To

1. The Chairman, HDFC Bank Limited, HDFC Bank House, Senapati Bapat Marg, Lower Parel (West), Mumbai – 400013.
2. The Chairman, ICICI Bank Ltd, ICICI Bank Towers, Bandra Kurla Complex Rd, G Block BKC, Mumbai, Maharashtra 400051.
3. The Chairman, Axis Bank Axis House, Ground Floor, C2, Wadia International Centre, Pandurang Budhkar Marg, Worli, Mumbai, Maharashtra 400025.

The Bar Council of Punjab and Haryana is a Statutory body duly constituted under the Advocates Act, 1961. The Section 6 of the Advocate lays down the functions of the State Bar Council.

Apart from certain Administrative functions, the Bar Council also empowered u/s 6 (1) (d) to safeguard the rights, privileges and interest of the Advocates on its roll.

The Bar Council of India has framed Rules called as Bar Council of India Rules, Chapter-II of the Rules framed U/s 49(1)(c) of the Act talks of about the Standards of Professional Conduct and Etiquette. Under Rules 11 of the Chapter-II, the Advocate are authorized to receive the fee consistent with his standing at Bar and nature of the case, under Section 30 of the Act, the Advocates are empowered to appear in any court or authority to practice as an advocate/lawyer. They are also empower to refuse to accept the case in a given circumstances.

The Privilege Committee of the State Bar Council is in receipt of a letter/complaint from the Debt Recovery Tribunal Bar Association Chandigarh, having its jurisdiction over the States of Punjab, Haryana, Jammu & Kashmir, Himachal Pradesh, Leh and Ladakh and Chandigarh (UT) through its Secretary, wherein it is requested to State Bar Council to stop the un-ethical practice asking the advocates on your panel to pay court fee from their own pocket and thereafter recover the same from the banks after two or more months. They have further alleged that court fee is very hefty and runs into lakhs which cannot be afforded to be paid by the lawyers/ ordinary lawyers. They have further stated that the Banks or its officer/officers have no power to ask their empaneled advocates to pay the court fee from their own pocket for filing the cases in DRT, Chandigarh. It is also the case of the DRT Bar Association that this practice is not only un-ethical but also against the Privileges Rights and Duties of the Advocates provided under the Advocates Act, 1961 and it violates their Rights and Duties and privileges as enshrined under BCI Rules. It is also case of the DRT Bar Association that few wealthy advocates are happy with this un-ethical practice as they are interested in monopolizing the allocation of professional work.



The Privilege Committee has gone through the provisions of the Advocate Act, Relevant Rules of the BCI and also the contents of the application-cum-complaint of the DRT Bar Association.

Prima facie it appears that this kind of the practice if it is prevalent is certainly in violation of the provision of the Advocate Act 1961, particularly Section 30, against Privileges Rights and Duties of the Advocate and also against the interest of the common Advocates particularly young Advocates. In addition to this, this practice is un-ethical and it will create monopoly of the professional work/legal work in the hands of the few wealthy Advocates which will further eliminate the talent of the common Advocates.

The Privilege Committee as mentioned above, is creation of Statue specially empowered to jump into the situation where the rights, interest, privileges and duties of the advocates are at stake and therefore, before proceedings further, it will be in the interest of justice to seek your response in regard of the un-ethical practice, being carried out by your officers, as alleged by the DRT Bar Association.

You are, therefore, called upon to appear personally or through your duly authorized representative alongwith your written comments on 10.05.2024 at 03:00 PM sharp at Law Bhawan, Sector 37-A, Chandigarh (Bar Council of Punjab & Haryana). Non-cooperation/compliance of the order will lead to inference that un-ethical practice is going on and will be an admission on your part. As such further action will be taken in your absence, in accordance with law. Let notice be served upon the noticees through electronic modes as well as through registered post.

DATED: 09.04.2024


(LEKH RAJ SHARMA)
CHAIRMAN
PRIVILEGE COMMITTEE


(RAJAT GAUTAM)
MEMBER
PRIVILEGE COMMITTEE


(KARANJIT SINGH)
MEMBER
PRIVILEGE COMMITTEE

