

Let it remain a "NOBLE PROFESSION" otherwise give us
"FREEDOM"

The Bill "**Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010**" has been put up on the law ministry website for comments. I thought of going through it in curiosity to see what new developments it unfolds according to new generation lawyers/advocates. But I must say that it does not and could not impress me.

Firstly, there are several flaws in the Bill which will come out as a continuous tug of war between the Legal Services Board and the Bar Council of India/ Bar Councils. May be, the same get cured before transforming into an Act but I doubt, in fact I am sure enough that this can not be eradicated completely since the tussle of power between the BCI/BC and the LSB is the core area of dispute under this Bill and in fact the Bill is introduced simply to shift away the Regulatory Authority status of the BCI over advocates to the LSB. Initially the LSB shall not regulate advocates but all other legal professionals. This shows that the Ministry is trying to please BCI as well. But of no avail since this is just the beginning and provisions say that another authority shall take over regulatory status over advocates from the BCI when the Government incorporates such authority. Other provisions also leave great and interesting scope for war of words between the BCI/BC and the LSB. Eventually it shall become quite interesting to watch those episodes.

But the provision I was concerned and shocked with was that now we advocates /lawyers would not be dealing with clients but consumers whom we will sell our services. Does it sound good for the profession which is still treated as the "Noblest" one and because of this nobility we are restrained from doing certain acts.

The definition goes as follows : ***"Consumer of Legal Profession" includes the clients of legal professionals and anyone who might have recourse to legal services because of a legal issue and those who are using or are may be contemplating using services provided by the legal professionals in relation to the legal services arising out of a legal issue***". This clearly says that the term we will be dealing with shall be "CONSUMER" which may include "CLIENTS".

The definition of client has been confined in four corners of power of attorney.

"Clients" means the clients of the Legal Professionals who engaged such Legal Professionals by executing a vakalatnama / letter of authority, by whatever name it may be known".

Again it says that every "Legal Practitioner" shall be duty bound to provide free legal services to persons who fall just above the income levels of Legal Services Authority Act. Here we do not know who shall fall under the term "Legal Practitioner" since it has not been defined in the Bill. It may be a typographical

error hence if it means legal professional, then it shall apply to each and every lawyer working in the legal profession.

The definition says that ***“Legal Professionals” means the Advocates as defined in the Advocates Act, 1961 and includes the qualified lawyers engaged in legal practice confined to their chamber, engaged in drafting and conveyancing, practitioner of income tax and sale tax and those appearing before the relevant authorities, giving advise to the clients for a fee, gain or reward in the areas of customs, immigrations, trademark and patent services and all other professional services where legal issues are involved.***

This again seems impractical approach of the Government against legal professionals. Why don't they put such binding duty on doctors. I do not say that we should not help poor in fact I am always ready to do so, but why to make such a binding duty for which action may be taken by that person against a lawyer if he refuses to do so. If the professional is practicing in courts then it shall not be a problem for him but imagine if the same happens to a corporate/tax practitioner or any lawyer not visiting courts quite often. Without any fault of his, he will be forced to appear, wasting his whole day, before authorities under the Act.

I had certain rational approach towards the Bill in mind before reading it. I was of the view that this Bill may prove to be milestone for our profession which craves for quality and dignity but after going through the Bill, I am shocked that it chiefly talks about taking away authority of the BCI.

The second main object which the Bill speaks about is regulating all other legal professionals who are not advocates. Again, the approach towards it is keeping other legal professionals out of the ambit of Advocates Act since instead of amending the Advocates Act, they are placing a new act.

We have seen BCI/BC, now we will have to see other regulating authorities. I don't think anything is going to change in the manner they work. Those authorities will only act as some more pressure on us rather than the reforming ones whom we can never expect for any revolutionary change.

I doubt when this Bill will be passed and even passed when it shall be notified. I am sure it is not going to be notified soon but even when notified, we lawyers must be given rights as a seller instead of being confined under the boundaries of nobility.