



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

BCI:D:1986/2021

Date: 12.06.2021

To,

1. Mr. S. Prabakaran, Sr. Advocate, Vice-Chairman, Bar Council of India;
2. Mr. Debi Prasad Dhal, Sr. Advocate, Executive Chairman, Bar Council of India Trust;
3. Mr. Suresh Chandra Shrimali, Co-Chairman, Bar Council of India;
4. Mr. Shailendra Dubey, Member, Bar Council of India;
5. Mr. A. Rami Reddy, Executive Vice-Chairman, Bar Council of India Trust;
6. Mr. Shreenath Tripathi, Member, Bar Council of India; and
7. Mr. Prashant Kumar Singh, Member, Bar Council of India.

Sub.: Intimation of the resolution dated 10.06.2021 passed by the General Council of the Bar Council of India whereby a 7-Member Committee has been constituted to draft the Advocates' Protection Bill.

Sir(s),

This is to bring to your kind knowledge that the General Council of the Bar Council of India in its meeting dated 10.06.2021 has constituted a 7 Member Committee to draft the Advocates' Protection Bill. The Resolution is quoted below: -

"The Hon'ble Members of the Bar Council of India on 10.06.2021 noted with deep concern, the frequent and often violent physical attacks on members of Advocates fraternity. It was discussed and deliberated with anguish that it is extremely distressing to see that while it is the Advocates fraternity which provides justice to the citizens of the country; and for this reason they have to file and argue cases most of the time against the dreaded anti social elements and criminals, but the Advocates are themselves left without even bare minimum adequate protection against such elements. As a result of such cases, Advocates are often at the receiving end/target of such criminal and anti social elements.

The council's agenda today is the incident of Jaipur, Rajasthan where some of the criminals physically attacked Advocate Shri Ram Sharma and his wife Smt. Vandana Sharma and broke their legs and caused them several serious injuries. This matter was brought to the notice of the Council by the Co-Chairman, Shri Suresh Chandra Shrimali. The Council resolved to write to the Director General of Police Rajasthan to take immediate steps to arrest the culprits and get a fair and expeditious investigation done in the matter. The Government of Rajasthan is to ensure the protection of Advocates of the State, and the council resolved to write to Hon'ble the Chief Minister in this regard.

The Council further noted that of late there has been an increase in the attacks on advocates. It was only recently that we were witness to a heinous and barbaric incident of daylight murder of Advocate Couple (Gattu Vaman Rao and his wife P. V. Nagamani) in Telengana.

It is to be mentioned here that the Karnataka Advocate had filed a PIL against custodial death in police station and some other cases against some leaders of the ruling party in Telangana and the horrific incident took us back to the days of anarchy and lawlessness and goondaraj.

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Such incidents are examples of severe threat and attack on the independence of the Bar.

This is the high time when the Union and the State Government should take-up the issue with all sincerity failing which the Advocates of the country would have to take recourse of a countrywide agitation.

As a result of the increasing incidents of attacks of Advocates, it has been resolved and decided that a Committee be constituted to frame a Draft of "The Advocates Protection Act" to ensure adequate protection to members of the legal fraternity so that they can carry on their duties as officers of the court, fearlessly without having to worry about their and their family's safety.

The Council has nominated the following members to be part of the Committee:-

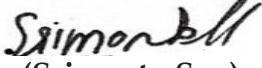
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It is imperative that such Act be passed by the Parliament at the earliest as the Advocates fraternity is literally acting as one of essential wings of the justice delivery system akin to the Police and the Judiciary and while the police and judiciary have access to protection and privileges, but, the most important link between the two who argue and present the cases/matters in courts is/are not given proper protection against the nefarious activities of anti social elements."

Further, please find enclosed herewith the following documents which may be of assistance to the Committee:

1. Draft of "The Karnataka Advocates (Protection) Act, 2019".
- 2(a). Grievances Committee Proposal dated 17.07.2016 by Adv. Aditya Gore, Mumbai submitted to Hon'ble Chairman, Bar Council of India.
- 2(b). Resolution of January, 2016 by Bar Council of Maharashtra and Goa along with Draft of "The Advocates (Protection of Privileges) Rules, 2016" (pg 5) by Adv. Aditya Gore, Mumbai
- 2(c). Draft of "The Advocates (Protection) Bill, 2013" of Maharashtra, by Adv. Aditya Gore, Mumbai.
3. Draft of "The Madhya Pradesh Vidhi Vivausavi Suraksha Vidheyak, 2012".
4. Bar Council of India Resolution dated 13.02.2016 and Sub-Committee Report dated 10.01.2016.

Thanking you

Yours sincerely,

(Srimanto Sen)
Secretary
Bar Council of India

Encl.: as Above