



Bar Council of Punjab & Haryana

LAW BHAWAN

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To whomsoever, it may concern.

More recently, it has become a common practice across the socio-political spectrum to speculate, malign, ridicule and cast aspersions on Senior Advocates and Members of the Bar, only for the reason that they represent/once represented clients who do not find favour in opinions or discourse.

Morally associating lawyers with their briefs/clients, whom they represent is beyond logical parlance. A lawyer is a patriot in pursuit of justice, confined to his brief/client only to the extent he represents such interest in Courts and this allegiance, by itself, must not be construed as having personal affection beyond brief. Targeting lawyers for the clients they represent, or once represented, is unfair and any such attack is reprehensible. Such malicious attacks in the media, particularly social media appear to be sponsored and synchronised.

Bar Council Rules provide that '*an advocate is bound to accept any brief in the Courts and only under special circumstances his refusal is justified*', further that '*it shall be the duty of an advocate to fearlessly uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other - regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law.*'

Article 22(1) of the Indian Constitution gives the fundamental right to every person not to be denied the right to be defended by a legal practitioner of his or her choice. Article 14 provides for equality before law and equal protection of the laws within the territory of India. Article 39A and part of the Directive Principles of State Policy state that equal opportunity to secure justice must not be denied to any citizen.

Lawyers have represented violent and non-violent revolutionaries against British rule – even internationally the Nazi-German war criminals were represented by lawyers at the Nuremberg trials. History is replete with instances of distinguished services by lawyers who have represented unpopular clients and causes. Personal feelings should not be interlinked with the representation of a client in Courts, only because of the reason that the client or a cause is unpopular or certain community reaction is adverse. One of the important tasks of a lawyer is to see that the constitutional principles of equal access to justice and the rule of law are adhered to despite public excitement and without regard to personal enthusiasm or hate for the particular litigant.

Just as a doctor has the sacred duty to treat the patient to the best of his abilities and accept every patient irrespective of his caste, creed, religion, character, misdoings etc. - a lawyer is duty bound to accept every client aiming to protect the physical, moral, and intellectual integrity of the individual to the best of his/her abilities and this is not his/her personal profile/identity.

A lawyer cannot and should not be attached to the character of the brief/client. The Central and State law enforcement agencies, need to deal with such malicious attacks on lawyers effectively. The governments are expected to create a secure environment so that lawyers' can function fearlessly without even an iota of doubt in their minds that they may be called to question or publicly ridiculed for the act and conduct of their client or their legal representation of the same.

Bar Council has viewed such malicious attacks very seriously and via this, intends to issue this advisory to all concerned. In case of violation, the Council reserves its right to contemplate legal recourse, in accordance with the law.



Suvir Sidhu

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Chairman