

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

RAJYA SABHA

**UNSTARRED QUESTION NO. 1399
TO BE ANSWERED ON THURSDAY, THE 9th December, 2021**

Regulation on erring advocates

1399.Shri A.Vijayakumar:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the lawyers/advocates issued false insurance claims affidavits in Uttar Pradesh and were thereby barred for practices;
- (b) if so, the details thereof;
- (c) whether Government will take steps against erring advocates by bringing amendments in Bar Council of India Act;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e) : As per the Advocates Act, 1961, the power to take disciplinary action against any advocate for professional or other misconduct is under the purview of the Bar Council of India(BCI)/State Bar Councils. The BCI have informed that the matter is sub-judice before the Hon'ble Supreme Court of India, in SLP No.1110/2017 titled as Safiq Ahmad Vs ICICI Lombard General Insurance Co. Ltd. &ors.

Furthermore, the General Council of the Bar Council of India in its meeting dated 19.11.2021 vide Item No.546/2021 considered the Order dated 16.11.2021 passed by Hon'ble Supreme Court of India in the afore referred matter and has taken serious note of the issue relating to Advocates involved in filing fake claim petitions under Motor Accident Claims Tribunal and Workmen Compensation Act.

The BCI also considered two lists i.e. (1) the details of the Advocates against whom FIRs have been registered; and (2) the details of the Advocates against whom the Charge Sheet has been filed in the concerned Courts after investigation, which was provided by the SIT to Bar Council of India.

After consideration, the General Council of the Bar Council of India suspended 28 Advocates of Uttar Pradesh indulged in mal-practices of filing fake claim-cases whose names are listed in FIRs/Charge-Sheets, till the proceedings against them are completed.

The Bar Council of India has also directed the State Bar Council of Uttar Pradesh to initiate disciplinary proceeding against these Advocates and conclude the inquiry within a period of three months and submit the report of the same to the Bar Council of India”.
