



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

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BAR COUNCIL OF INDIA TAKES STRICT VIEW ON UNETHICAL LEGAL ADVERTISING, MISLEADING SOCIAL MEDIA PROMOTIONS, AND PROFESSIONAL MISCONDUCT BY ADVOCATES AND LEGAL INFLUENCERS

The Bar Council of India, exercising its statutory and regulatory powers under the Advocates Act, 1961, and the Bar Council of India Rules, strongly condemns and issues a stringent warning against the increasingly prevalent and unethical practice of advocates advertising their legal services through social media, promotional videos, and influencer endorsements. The BCI expressly denounces the involvement of Bollywood actors, celebrities, and digital media platforms as promotional tools, which clearly violate Rule 36, Chapter II, Part VI of the BCI Rules.

The profession of law, deeply rooted in public trust and ethical standards, is fundamentally distinct from commercial business ventures. The Supreme Court of India has consistently maintained this stance, emphasizing that legal practice is a noble service focused on justice, integrity, and fairness, and must not be commodified through commercial advertising or solicitation. Such unethical commercialization erodes public trust and demeans the sanctity of the legal profession.

The Bar Council of India, through its previous detailed press release dated 08 July 2024, explicitly warned advocates against unethical practices following the judgment pronounced by the Hon'ble Madras High Court on 03 July 2024 in Writ Petition Nos.31281 of 2019 and 31428 of 2019. In this landmark ruling, the Hon'ble Madras High Court categorically emphasized that advocacy is a noble profession, primarily driven by societal service rather than commercial motives, and highlighted that promotional activities through online platforms severely compromise ethical standards and professional integrity.

Pursuant to the aforementioned judgment, the BCI issued stringent directives through Letter No.BCI:D:3417/2024 dated 06 July 2024 to all State Bar Councils (STBCs), mandating immediate disciplinary action against advocates engaging in unethical advertising or solicitation of work via online portals such as Quikr India Pvt. Ltd., Sulekha.com New Media Pvt. Ltd., Just Dial Limited and Grotal.com. The court specifically highlighted that many online platforms are violating the BCI Rules and the ethical standards of the Legal profession, unequivocally stating that such activities contravene the Advocates Act, 1961, and the Bar Council of India Rules. Furthermore, the judgment categorically denied these online platforms any protection under the safe harbour provisions outlined in Section 79 of the Information Technology Act, 2000, considering their involvement in facilitating practices expressly prohibited by law.

In consonance with the Supreme Court's judgment in A. K. Balaji v. Union of India, 2018, the BCI reiterates that individuals, associations, firms, companies, juridical persons, and even BPO companies, irrespective of their nomenclature and how they label their operations, are governed by the Advocates Act, 1961, and fall under the regulatory jurisdiction of the Bar Council of India if, in pith and substance, they engage in the practice of law. This judgment firmly establishes the broad regulatory authority of the BCI, reinforcing the council's mandate to enforce ethical practices universally within the profession.

The Bar Council of India has also observed advocates leveraging religious, cultural, or public events for self-promotion through banners, stalls, and digital advertisements. Such methods clearly constitute unethical canvassing, infringing upon professional ethics and the dignity of legal practice. Lawyers must uphold justice and public service, refraining entirely from commercializing their roles or services through distasteful or misleading advertisements.

In the age of internet and digital media the rise of self-styled legal influencers has compounded these ethical concerns. The Bar Council of India notes with serious concern the rapid growth of legal influencers, many such legal influencers who without possessing appropriate credentials, spread misinformation on critical legal issues such as matrimonial disputes, taxation, intellectual property rights, citizenship laws, privacy rights, and GST compliance. Incorrect or misleading interpretations of landmark judgments like the Citizenship Amendment Act (CAA), the Right to Privacy ruling in Justice K. S. Puttaswamy (Retd.) v. Union of India, and GST regulations have resulted in widespread confusion, misguided legal decisions, and undue judicial burden.

The BCI underscores Rule 36, Chapter II, Part VI of the BCI Rules

"An advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned."

To comprehensively address these ethical breaches and misinformation spread by legal influencers, the BCI mandates

Immediate withdrawal of advertisements violating Rule 36.

-Prohibition against utilizing Bollywood actors, celebrities, or influencers for legal practice promotions.

-Swift removal of banners, promotional materials, and digital advertisements related to legal practices.

-Mandatory cessation of misleading and unauthorized legal advice dissemination by non-enrolled individuals.

-Absolute prohibition on the use of social media or digital platforms to directly or indirectly solicit legal work.

-Digital platforms must establish stringent vetting mechanisms for legal content and swift removal of misleading information.

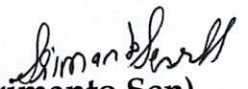
-Ethical practices related to online conduct should be followed.

Prompt action will be initiated against unethical online practices.

The Bar Council of India stresses that any deviation from these mandates will attract severe disciplinary measures, including suspension or cancellation of enrollment, referral to the Supreme Court of India for contempt proceedings, and formal complaints to digital platforms for the removal of unethical content.

The Bar Council of India remains resolute in its commitment to upholding the highest standards of ethical integrity, dignity, and professionalism within the legal community. Advocates must rigorously adhere to ethical guidelines, ensuring their practice exemplifies honesty, dignity, and professional integrity, thus safeguarding the noble essence of legal advocacy.

The Bar Council of India earnestly appeals to all legal practitioners and digital, advertising platforms to comply diligently with these directives to uphold the esteemed tradition and integrity of the legal profession.


(Srimanto Sen)
Principal Secretary
Bar Council of India