

## 1. The Times of India

NEW DELHI: Lawyers, like other professionals, are now free to advertise their services on the Internet as the Bar Council of India today informed the Supreme Court that it has relaxed its rules on the issue in view of the changing global scenario.

In an affidavit filed through its secretary S Radhakrishnan, the BCI submitted that it has decided to permit such advertisements.

The BCI's latest turnaround marks a significant departure from its earlier stand under which it took a stance that the legal profession was not a trade and, hence, advocates could not be permitted to advertise about their services.

For this purpose it has amended Rule 36, Section IV of the BCI which earlier prohibited the legal fraternity from advertising their services.

Under the amended rule, advocates can mention in their chosen websites, their names, telephone numbers, e-mail addresses, professional qualification and areas of specialisation.

The BCI, however, submitted that such advertisements can be issued only within the parameters fixed by it under the amended regulations, and any breach of the same would invite disciplinary action.

The regulatory body had earlier taken the view that unlike western countries where lawyers were permitted to advertise their services, the same cannot be permitted in India as it "cherished different ethos, social values and ethical norms."

## 2. Lawyers can have websites, Bar Council tells court

The Hindu 30/07/2008

New Delhi: The Bar Council of India (BCI) on Monday informed the Supreme Court that it allowed lawyers to launch their own web sites giving basic information about themselves to prospective clients.

A Bench consisting of Justices B.N. Agrawal, S.H. Kapadia and D.K. Jain is hearing a petition filed by advocate V.B. Joshi challenging Rule 36 of the BCI, which prohibits lawyers from advertising their services in any manner.

Appearing for the BCI, senior counsel Krishnamani said it had passed a resolution to amend Rule 36 for following lawyers to furnish information on the website — their names, addresses, telephone numbers, email ID, enrolment number, date of enrolment, the name of the State Bar Council where they originally enrolled, the name of State Bar Council on whose roll they are now, the name of the Bar Association of which they are members, and professional and academic qualifications and areas of practice.

Justice Agrawal told counsel that it would be better if the BCI allowed lawyers to furnish information about their experience and areas of specialisation also. Mr. Krishnamani said the BCI

would accept this suggestion. The suggestion that the BCI and the State Bar Councils furnish on their websites particulars of lawyers enrolled in their States would also be considered.

### **Different from west**

Earlier, the BCI and the Centre opposed the petition, saying the legal profession was not a trade. It was always treated as a noble profession. "The rule against soliciting is the foundation of the legal system in India and the Indian society is quite different from western countries including the U.S. as our society cherishes different ethos, social values and ethical norms." The petitioner termed Rule 36 archaic. Over half-a-million lawyers, arbitrators and legal experts in India could offer their services to the world with the help of advertising, he said.

The Bench later adjourned the hearing. Additional Solicitor-General Gopal Subramaniam is appearing for the Centre.

### 3. **RESOLUTION PASSED BY THE BCI IN THIS EFFECT**

Resolution passed by the **Bar Council of India** on 30th April, 2008 (yet to be notified in the official gazette) to amend Rule 36 of the Bar Council of India Rules:

"RESOLVED that the following amendment of Rule 36 in Section IV, Chapter II, Part VI of the Bar Council of India Rules by incorporating a proviso in terms of resolution passed by the joint consultative conference be and is hereby approved"

"PROVIDED that this rule will not stand in the way of advocates furnishing website information as prescribed in the Schedule under intimation to and as approved by the Bar Council of India. Any additional other input in the particulars than approved by the Bar Council of India will be deemed to be violation of Rule 36 and such advocates are liable to be proceeded with misconduct under Section 35 of the Advocates Act, 1961."