



PROFESSIONAL ETHICS

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It is widely acknowledged that the legal profession, as it exists in India today, is a product of the legal system which came into being with the advent of British Rule in India.

It is thus believed that the history of the legal profession in India begins with the Establishment of the British Court in Bombay in 1672 by Governor Gerald Aungier. The first Attorney General appointed by the Governor was George Wilcox, who was 'acquainted with legal business and particularly in the administration of estates on deceased persons on granting of probate'.

By a Charter granted by **King George I** on 24th September 1726, a Court of Record in the name of Mayor's Court and a Court of Record in the name of Mayor's Court and a Court of Record on the nature of a Court of Oyer and Terminer and Gaol Delivery was established in Madras, Bombay and Calcutta. It is said that in Madras there were four Attorneys at the Mayor's Court in 1764 and the same number at Calcutta in 1764. Over the years, the Mayor's Court improved the quality of justice and gave importance to the pleading of case because they were Crown Courts with a right of appeal, first to the Governor in Council and, if necessary, over him to the Privy Council. During the era of the Mayor's Court two important

professional principles were established. The Charter establishing the Mayor's Court did not lay down qualifications for persons who would act and plead as legal practitioners in those courts.

The expression 'Advocate' then extended only to England and Irish Barristers and Members of the Faculty of Advocates in Scotland and the expression 'Attorneys' then meant only the British Attorneys or Solicitors. It is significant that cl 11 made an express provision that 'no other persons whatsoever' would be allowed to appear and plead or act. The Court was therefore the exclusive preserve of members of the British Legal Profession. This was the position in what were known as the King's Courts.

On the other hand, Indian Legal Practitioners would appear in the Company's Courts. Immediately before the advent of British power in India, the administration of Justice in Northern India was in the hands of the courts established by the Mughal Emperors or ruling chiefs owing allegiance to them. Apart from them, petty chieftains and big zamindars had courts exercising civil and criminal jurisdiction. After the arrival of Warren Hastings in 1772, the civil and judicial administration of the Mofussil territories outside Calcutta was undertaken by the East India Company itself.

Significantly, the Bengal Regulations VII of 1793, which was created for the first time a regular legal profession for the Company's Courts, permitted only Hindus and Muslims to be enrolled as pleaders. The Indian High Courts Act, 1862 authorised the creation by



Letters Patent of High Courts in various presidencies.

In Calcutta, the qualifications required for admissions as a Vakil were a degree of Bachelor of Arts or Science followed by degree of Bachelor of Laws and two years of Service as an articled clerk to an approval practicing Vakil of five years standing.

The High Court has these three different classes of legal practitioner, namely Advocates, Attorneys and Vakils. Besides the pleaders there was another class of legal practitioners in the subordinate courts called Mukhtars, who after passing the matriculation examination were required to pass the Mukhtarship examination held by the High Courts.

A major feature of the Act is that disciplinary control is vested with the Bar Councils. Since 1973, by virtue of ability, standing at the Bar or special knowledge or experience in law, he deserving such distinction.

However in Bombay and Calcutta, solicitors still exist as a class, and their societies conduct examination to grant registration. The Supreme Court rules also give recognition to solicitors, by providing for their enrolment as Advocate-on-Record without the requirement of their having to pass the examination conducted by the Court for Advocate-on-Record.

While efforts are being made to modernize the legal system through amendments to the Code of Civil Procedure and the Code of Criminal Procedure and by devising speedy arbitration procedures, setting up of fast

track courts, computerization, etc. A notable feature of the Indian legal profession in the last two decades has been the emergence of public interest lawyers. In a liberalized economy, these lawyers specialize in 'Transactional' practice as against litigation practice. On the other hand, the transactional lawyers has to be more result oriented. It is in the context that the present work seeks to examine issues like advertising and multi-disciplinary partnerships.

Establishment of Bar Council of India

The *Bar Council of India* is a [statutory body](#) established under the [section 4 of Advocates Act 1961](#) that regulates the legal practice and legal education in India. Its members are elected from amongst the lawyers in India and as such represents the Indian bar. It prescribes standards of [professional conduct, etiquettes](#) and exercises disciplinary jurisdiction over the bar. It also sets standards for [legal education](#) and grants recognition to Universities whose degree in law will serve as a qualification for students to enroll themselves as advocates upon graduation.

Purposes of Bar Council of India

Section 7 of the Advocates Act provides for the following statutory functions of the Bar Council of India:

1. To lay down standards of professional conduct and etiquette for advocates;
2. To lay down the procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council;
3. To safeguard the rights, privileges and interests of advocates;
4. To promote and support law reform;



5. To deal with and dispose of any matter which may be referred to it by a State Bar Council;
6. To exercise general supervision and control over the state bar council;
7. To promote legal education and to lay down standards of legal education in consultation with the Universities in India imparting legal education and the State Bar Councils, With respect to this point, the Supreme Court has made it clear that the question of importing legal education is entrusted to the Universities in India and not to the Bar Council of India. All that the Bar Council can do is to suggest ways and means to promote such legal education to be imparted by the Universities and for that purpose it may lay down the standards of education. Sections 7 do not entitle the Bar Council itself to frame rules laying down pre-enrolment as Advocate;
8. To recognize Universities whose degree in law shall be a qualification for enrolment for an advocate for that purpose to visit and inspects Universities, or direct the State Bar Councils to visit and inspect Universities for this purpose;
9. To conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest;
10. To organize legal aid to the poor;
11. To recognize on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India;
12. To manage and invest the funds of the Bar Council;
13. To provide for the election of its members who shall run the Bar Councils.
14. To perform all other functions conferred on it or under this Act;
15. To do all other things necessary for discharging the aforesaid functions;
16. The Bar Council of India may constitute one or more funds in the prescribed manner
 - a. giving financial assistance to organise welfare schemes for indigents, disabled or other advocates;
 - b. giving legal aid or advise in accordance with the rule made in this behalf;
 - c. establishing law libraries.
17. The Bar Council of India can also receive grants, donations, and gifts for any of these purposes mentioned under point no 16.

In *Ex Captain Harish Uppal v. Union of India*, the court held that section 7 provides in respect of the functions of the Bar Council of India, but none of its functions mentioned in section 7 authorizes it to paralyze the working of the Courts. On the contrary it is enjoined with a duty to lay down standards of professional conduct and etiquette for advocates. No Bar Council can ever consider giving a call of strike or a call of boycott. In case any association calls for a strike or boycott the concerned State Bar Council of India must immediately take disciplinary action against the advocates who gives a call for a strike. It is the duty of every advocate to ignore a call of strike or boycott.

In *Raveendranath Naik v. Bar Council of India*, AIR 2007 Kar. 75 the court held that the resolution passed by the Bar Council India directing advocates not to participate in any programme organised by the Legal Services Authorities in any Lok Adalat or



any legal aid programme has been held illegal and void.

Section 7-A of the Advocates Act makes it clear that the Bar Council of India may become a member of international legal bodies, such as, the International Bar Association or the International Legal Aid Association, contribute such sums as it thinks fit to such bodies by way of subscription or otherwise and authorised expenditure on the participation of its representatives in any international legal conference or seminar.

Section 7(2) of the Advocates Act provides that the Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of:

- (a) giving financial assistance to organise welfare schemes for indigent, disabled or other advocates;
- (b) giving legal aid or advice in accordance with the rules made in this behalf;
- (c) establishing law libraries.

It may receive any grants, donations, gifts or benefactions for all or any of the purposes specified above such grants, donations, etc., shall be credited to the appropriate fund or funds constituted under this sub-section.

General Powers of BCI to make Rules

An advocate shall not act or plead in any manner in which he is himself pecuniary interest.

An advocate shall not stand as a surety or certify, soundness of a surety for his client required for the purpose of any legal proceedings.

Disciplinary Committee

- Constitute one or more disciplinary committee.
- Each of which shall consist of three persons.
- Two shall be person elected by the Council from amongst its members.
- One shall be a person co-opted by the council from amongst advocate.

Bench Bar Relation

Bar-Bench Relation in law refers to the cordial relationship between the Advocates and the Judges. The Bar (Advocates) and Bench (Judges) play an important role in the administration of justice. The judges administer the law with the assistance of the lawyers. The lawyers are the officers of the court. They are expected to assist the court in the administration of justice. As the officers of the court the lawyers are required to maintain respectful attitude toward the court bearing in mind that the dignity of the judicial office is essential for the survival of the society. Mutual respect is necessary for the maintenance of the cordial relations between the Bench and Bar.

The opinion of our Supreme Court in the context of Bench- Bar Relation has been clearly laid down in **P.D. Gupta v. Ram Murti and Others**¹ as follows: "A lawyer owes a duty to be fair not only to his client but also to the court as well as to the opposite party in the conduct of the case. Administration of justice is a stream which has to be kept pure and clean. It has to be kept unpolluted. Administration of justice is not something which concerns the Bench only. It concerns the Bar as well. The Bar is the principal ground for recruiting judges. Nobody should be able to raise a finger about the conduct of a lawyer. Actually



judges and lawyers are complementary to each other. The primary duty of the lawyer is to inform the court as to the law and facts of the case and to aid the court to do justice by arriving at the correct conclusions. Good and strong advocacy by the counsel is necessary for the good administration of justice. Consequently, the counsel must have freedom to present his case fully and properly and should not be interrupted by the judges unless the interruption is necessary."

Power to punish for professional or other misconduct:

Section 36 of the Advocates Act empowers the Bar Council of India to punish an advocate for professional or other misconduct. It provides that where on receipt of a complaint or otherwise the Bar Council of India has reason to believe that any advocate whose name is entered on any State roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee. The disciplinary committee of the Bar Council of India may, either on its own motion or on a report by any State Bar Council or an application made to it by any person interested, withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before the disciplinary committee of any State Bar Council and dispose of the same.

The disciplinary committee of the Bar Council of India, in disposing of any case of professional or other misconduct of advocate shall observe, so far as may be, the procedure laid down in Section 35 of the Act. In other words in disposing of such case, it shall fix a date for its hearing, cause

a notice thereof to be given to the advocate concerned and Attorney-General of India, Thus after giving the advocate concerned and the Attorney General of India an opportunity of being heard, it will dispose of the case and may make any order which the disciplinary committee of a State Bar Council can make under Section 35(3) of the Advocates Act. Thus, in disposing of such case it may dismiss the plaint, reprimand the advocate, suspend the advocate from practice for such period as it may deem fit and remove the name of the advocate the State roll of advocates. Sub-section (4) of Section 36 makes it that if any proceedings are withdrawn for inquiry before the disciplinary committee of the Bar Council of India, the State Bar Council concerned shall give effect to any such order.

RIGHTS AND PRIVILEGES OF ADVOCATES

1. Right of Advocates:

Right to Practice: The most important of right conferred to a lawyer is his/her right to practice but there are a plethora of conditions which has to be fulfilled for allowing a lawyer to exercise his right to practice. This is the only right of advocates that has been codified and placed in the Advocates Act, 1961 with the duties and code of conduct of lawyers. This is an exclusive right and has been conferred to a set of people who are deemed to be qualified to represent others. Earlier even friends and family could represent an accused on facts but due to demand of unification of bar, Section 29 was incorporated whereby there will be only one recognized class of persons entitled to practice the profession of law i.e. the advocates.³ Advocates have been conferred rights to practice not only in all



courts including the Supreme Court but also before any tribunal or person legally authorized to take evidence and also before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practice.⁴ Section 30⁵ lays down the right in clear words and Section 33⁶ that is worded negatively to exclude everyone other than an advocate from practicing.

As a rule, a person who is not an advocate on roll of a high court can not represent accused but there are situations where the courts have used their discretion to allow a power of attorney holder to plead on behalf of the parties. However it is imperative to mention here that an advocate does not include a person in whose favour a power of attorney has been executed to take proceedings in court as he cannot be placed in the position of an advocate, who has been given a *vakalatnama*.

However, the right of a lawyer to practice is not an absolute right as there are a number of fetters placed upon the same. Section 34⁸ of the Act empowers high court to make rules prescribing conditions subject to which an advocate will be permitted to practice in the High Court and the courts below. Hence, an advocate's right to practice in all courts is subject to the rules made by High Court.

One thing to be noted in this regard is that Section 30 has not come into operation as yet. Section 1(3) of the Act suggests that the provisions of the Act will come into effect from the day notified by the Central Government and since no such date has been notified in the Official Gazette, the Act has not come into full force. This position

was substantiated by the Supreme Court in the case of *Altmeish Rein v. Union of India*, AIR 1988 SC 1768 at 1771, wherein the Apex Court held that a person enrolled as an advocate is not ipso facto entitled to a right of audience unless this section is first brought into force. This also means that Section 30, in its present form, does not confer an absolute right to practice but is subject to other provisions of the Act.

There have been several instances where this right of advocates has upheld by the Courts for instance in case of *Jaswant Kaur v. State of Haryana*, AIR 1977 P&H 221, where a full Bench of Punjab and Haryana High Court held that the provisions under Haryana Ceilings on Holdings Act prohibiting an advocate from appearing before any authority except Financial Commissioner, were unconstitutional in light of the Section 14 of the Bar Council's Act, even though Section 30 has not been brought into effect.

However, there have been enough instances wherein the right has been restricted for other reasons. One of the most important cases in this regard is that of *Paradip Port Trust v. Their Workmen*, AIR 1977 SC 36, where Section 36(4) of the Industrial Disputes Act that forbids parties to industrial dispute to be represented by a lawyer except with the consent of other parties and permission of the labour court, tribunal etc. The court held that Section 30 of the Advocate's Act would not be applicable in this case as Industrial Disputes Act is legislation with avowed object of labour welfare and representation before adjudicatory authorities has been specially provided. It was also held that a special Act



would override the provisions of Advocate's Act which is a general law.

There are a number of other restrictions placed upon the right to practice of a lawyer as they do not have a right to represent others in departmental enquiries. It is also to be noted that the Section does not confer any right on the litigant to be represented by the lawyer but only on a lawyer to practice. Once a lawyer has been engaged in a case, his right continues to be in existence unless and until it is terminated by writing signed by him or his client with the leave of the court; it will also come to an end with the termination of the proceedings or with the death of the lawyer or that of the client.

It is however to be noted here that the right to practice the profession of law is a statutory right and not a fundamental right⁹. It is also to be noted that only advocates, who are enrolled as per this Section can practice, while others not so entitled and illegally practicing are punishable under Section 45¹⁰ of the Act.

Section 32 of the Act provides for an exception to the application of Section 30 and provides for situations where persons other than advocates enrolled with the Bar can represent others with the permission of the court. This provision acts as an antithesis to the provision under Section 30 as the court has been given discretion to allow any person, not an enrolled advocate to practice law. However, this might be a necessity in certain cases and we need to reply upon the wisdom of the courts to take the right decision in this regard. This position was substantiated by the case of *T.K Kodandaram v. E. Manohar*,¹¹ where no

lawyer was ready to defend the case, the court decided to allow the petitioner's brother to represent him. However, it is to be kept in mind that the powers under this Section have been given to the courts and tribunals for special circumstances and they ought to be exercised judiciously.

Another important aspect that is needed to be considered here is the power of High Court to make rules regarding right to practice of the advocates. However, it has been specified that the words 'laying down the conditions subject to which an advocate shall be permitted to practice' under Section 34 must be given a restricted meaning of permitting physical appearance of the advocate and not his general right to practice.

2. Right to Fee:

One of the important rights of the advocate is right to fee. An advocate has a right to his fee and this right is absolute as it does not depend upon winning or losing of the case and in either case the client will have to pay up the fee. A lawyer has no legal remedy if his/her fee is not paid, but he accepts what the client is willing to pay in accordance with the bargain but in such cases advocate can refuse to appear before the court. The advocate has also a right to waive this right and take up a case without charging any fee at all.

Another aspect to be taken into account here is that an advocate can be denied agreed fees when he makes default or is found guilty of misconduct but he cannot be deprived of agreed fees where the case has been withdrawn for policy reasons and the



advocate has done some work in that particular case¹².

3. Lawyers Right To Lien Over Client's Papers:

Before India attained independence different High Courts in India had adopted different views regarding the question whether an advocate has a lien over the litigation files kept with him. In *P. Krishnamachariar vs. The Official Assignee of Madras*¹³, a Division Bench held that an advocate could not have such a lien unless there was an express agreement to the contrary. A Full Bench of the Patna High Court in *In re B.N. Advocate*¹⁴, held the view that an advocate could not claim a right to retain the certified copy of the judgment obtained by him on the premise that an appeal was to be filed against it. The Bench further said that if the client had specifically instructed him to do so it is open to him to keep it.

After independence the position would have continued until the enactment of the Advocates Act 1961 which has repealed a host of enactments including Indian Bar Council Act. When the new Bar Council of India came into existence it framed Rules called the Bar Council of India Rules as empowered by the Advocates Act. Such Rules contain provision specifically prohibiting an advocate from adjusting the fees payable to him by a client against his own personal liability to the client. As a rule an Advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client, (vide Rule 24). In this context a reference can be made to Rules 28 and 29 which are extracted below:

Rule 28. After the termination of the proceeding, the Advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses, or any amount that has come into his hands in that proceeding.

Rule 29. Where the fee has been left unsettled, the Advocate shall be entitled to deduct, out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the Court, in force for the time being, or by when settled and the balance, if any, shall be refunded to the client.

The issue was settled by the decision of the Supreme Court in *R.D. Saxena v. Balram Prasad Sharma*¹⁵ wherein the Supreme Court declared in the negative. In holding that giving the right of lien (unlike what is allowed to a Solicitor in England) would lead to disastrous consequences in as much as the flow of justice would be impeded. Court also noted that given the socio-economic conditions prevailing in the country, holding such a right of the legal practitioner may be susceptible to great abuse and exploitation. The Court setting aside the technical objection that such papers were under an agreement of bailment declared that it was upon the ordinary process of law that the lawyer should recover his dues but not by retaining the files of the client. The Supreme Court also went on to declare that while it was a professional duty and moral obligation of the lawyer to return the brief when the client required to change counsel but also declared that not returning the files would be



considered as professional misconduct on the part of the erring lawyer.

4. Right to Access to Judge:

One right of the lawyer is to have access to the judge. Though the scope of this right has not been defined anywhere, it is understood that it is the right of a lawyer to have access to the Judge in urgent judicial matters at any time during the day or night and the judge has to look into it. Another right of a lawyer that has been considered quite odd is that a lawyer has a right to refuse to recognize and appear before a presiding judge, who is not in the prescribed robe of a judge in the court. The legal profession seems to be more comfortable with the idea of allowing a judge to disallow a lawyer in improper robe but not to this right of lawyers as a result of which it is never exercised.

Conclusion:

In the above discussion it is evident that the persons belonging to learned professions are under duty to exercise reasonable degree of care and skill in performance of these professional activities. It is fundamental principles that to protect the interest of consumers and to restore the faith of general public in legal system the judicial interpretation of the term „Service“ and deficiency of service“ with respect to the legal services keeping in to account the intention of legislature and a objective of the act is the need of society in present time.

A significant number of decisions given by the consumer forums against the professional service providers has brought home, the clear message that the consumer are not going to tolerate the unethical practices of professionals and are liable to

pay the compensations for their deficient services.

The legal profession is one of the most maligned one. Literature abounds in disparaging remarks against them, like this quote from Shakespeare: “The first thing we do, let’s kill all lawyers.” There are several remedies against erring lawyers, though most people avoid confrontations with them as in the case of doctors. Lawyers can be sued like doctors for breach of contract and negligence. Claims for compensation can be filed before the consumer forum for damages suffered due to lawyer’s negligence. A lawyer has duty to take care and be skilful while handling your case, though there is no remedy against bad advocacall If you do not like your lawyer, you are free to try another. But it is not advisable to change him just because you do not like his advice or he warns you that you may lose. A lawyer who is sought to be replaced may also strike back by not returning the case filed until a hefty bill is paid. He can claim a lien over it.

The conduct of lawyers is governed by the Advocate Act, 1961. Under this law, Bar Council have been set up in states and at the Centre to enroll law graduate as lawyers, to hear and decide cases of misconduct against lawyers, to lay down standard of professional conduct, and to establish procedure of disciplinary committees. They have other functions, which are more from the welfare of the lawyers than for their clients. Bar Councils are also enjoined to set up legal aid committees.

A client may complain against his lawyer to the state Bar Council which will refer it to its disciplinary committee. This committee



has the powers of a civil court and can summon witnesses and records. If the complaint is found to be true, the lawyer may be reprimanded, suspended from practice, or permanently removed from the roll of advocates. Since only advocates are allowed to practice in the courts, the last step would throw him out of the profession. Some of the instances of professional misconduct are, Handling over the brief to another lawyer without the client's consent, representing conflicting interests without telling the clients, soliciting briefs, undercutting fees, and putting indecent questions at trail. A lawyer could be tried as any other offender in case of cheating or other criminal offences. Proof of misconduct must be beyond reasonable doubt.

C.P. Act, 1986 is the largest development in India to protect the interest of consumers. Any person can claim compensation under the provision of Act including negligent doctors. To get relief under C.P. Act, 1986, the complainant should be a consumer as defined under S-2(1)(d) of the Act and the "service" for the deficiency of which the complaint has been made should come within the circle of "service as defined under S-2(1)(o) of the Act. As soon as the person, who is trying to file a suit for compensation in the Consumer Forum under the C.P. Act, 1986, proves that he is in the status of consumer, and the act against which the complain is there "service" under C.P. Act, 1986, he becomes entitled to do so. The question is, whether the service of medical professionals comes within the limit of "service". Except the some earlier decisions courts have include the service of the doctor under the term service and the patient as a

consumer as under the Act, on the basis that they receive service on payment.

There is no clear cut definition, whether Govt. hospitals comes under the purview of the Act. Hence the policy maker or the judiciary should take necessary step to bring Govt. hospitals under the umbrella of the C.P. Act, 1986 taking into consideration that these hospitals are maintained from the taxes paid by people and on larger humanitarian grounds so that the ordinary people who are the victims of negligent doctors either of Govt. or private hospitals and who are unable to approach ordinary court file the complaint before the consumer court to get redressal.

Since there is no express provision in CP Act, 1986 to include the medical professionals service within the purview of the Act, therefore the role of judiciary has become very important with this regard, before the enactment of the Act the liability of the doctor was decided on the basis of "fort" by taking some principle like *res ipsa loquitor* and the principles laid down by the British court like *Bolom test* etc, but after the enactment the question has been raised, whether patients are being saved by applying the C P Act, 1986 in case of medical professionals.

In this scenario, judiciary has played very significant role to protect patient from legal and medical negligence. In the landmark decision of the supreme court delivered in *Indian Medical Association v. V.P. Shanta*, A clear and effective law has been laid down by the Supreme Court and has given a clear cut ruling with regent to the inclusion of service under C.P. Act, Supreme court make it clear that service render to a patient



by medical professionals by the way of consultation diagnosis and treatment both medicinal and surgical would fall within the ambit of the „service“, as defined in Sec. 2(1)(o) of the act except those service which are render by the doctor free of charge.

It was further made clear that service rendered by non-government hospital/medical professionals where all the person receives the service free of charge are outside the expression of service but persons those are poor who get free service then it come within the ambit of „Service“ as in C.P. Act, 1986 because these institutions provide free service by casting these charges open those patient who are economically competent.

It was also made clear in this case that a person who has taken health policy thought not paying charges but are consumer and are entitled to get relief under C.P. Act, 1986 because in such condition the payment was given by insurance company.

I tried my best to put the view of various courts in the test of medical profession and consumer protection while I am thinking as a common citizen. I find that poor people who cannot afford costly legal and medical aid cannot get the compensation for deficiency of service by Government legal and medical professionals I do not at all agree with the view of National Commission as well as Madras High Courts view that medical profession does not come under consumer redressal whether private of Governmental. But I am much agree with present view of Supreme Court in *Dr. Suresh Gupta's* case and very recent in *Martin D'Souza* case including *Jacob Mathew's* case in which courts brought the

service rendered by medical professionals under the preview of C.P. Act, 1986 and also has given direction to save them from false litigation.

Suggestions:

For better expeditions and effective redressal of the victim of legal the following suggestions are made:

- The Constitution of the consumer for should be modified and the representatives of the legal and medical profession with integrity and proven track record should be incorporated to the forum, so that as and when a case of legal and medical deficiency in services comes up before the forum it can be decided in a professional mannell by following the strict professional standards.
- In order to assure the lawyer and doctors and to prevent cantankerous litigation, Sec.26 of the Act should be amended so that a false complainant may be fined heavily and penalized.
- The Lawyer would not come within the ambit of s. 2(1)(o) of the Consumer Protection Act, 1986, as the client executes the power of attorney authorizing the Counsel to do certain acts on his behalf and there is no term of contract as to the liability of the lawyer in case he fails to do any such act.
- Consumer Redressal Agencies should carry out preliminary inquiries and screening of all the cases filed against the lawyer and doctors to detect the existence of a prima-facie case. This should be made mandatory at the time of admission of the case itself.



- Consumption and intoxication of liquor by lawyer and doctors should be forbidden during working and duty hours.
- Private practice by the government legal professionals should be banned strictly.
- Legal should be encouraged to follow ethics and model code of conduct.
- The doctrine of „Informed consent“ should be adopted. The client and patient“s right to self determination which forms the basis and enables him to form a rational and informed choice should be respected and enforced.
- No attempt should be made in diagnosis and treatment to amend cases of gross negligence of glaring deviations from the accepted norms of code of ethics for legal and medical professionals.
- Private/corporate hospital, also should be made responsible at par with government hospitals in paying compensation when right to life is infringed which is protected under Art. 21.
- There should be a greater coordination between the various professional association and bodies like the Bar Council of India, Indian Medical Council and several associations like Bar Association, Indian Medical Association in ensuring the compliance with the code of ethics and minimizing the cases of deficiency in legal and medical profession.
