



**DIRECTORATE OF ENFORCEMENT
GOVERNMENT OF INDIA
B-Block, 2nd Floor, Pravartan Bhawan
Dr. A.P.J Abdul Kalam Road, New Delhi-110011**

Leg-19/7/2025-LEGAL-HO

Dated 20.06.2025

Technical circular No. 03/2025

Subject:- Directive for issuing summons to Legal Practitioners/Advocates/Lawyers.

It has come to the notice that field formations are issuing summons to legal practitioners/Advocates/Lawyers during the course of money laundering investigation to disclose/produce communications and documents in professional capacity pertaining to their clients.

2. In this connection, attention is invited to Section 132 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA, 2023) which is reproduced as under:

132. (1) No advocate, shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his service as such advocate, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional service, or to disclose any advice given by him to his client in the course and for the purpose of such service:

Provided that nothing in this section shall protect from disclosure of—

(a) any such communication made in furtherance of any illegal purpose;

(b) any fact observed by any advocate, in the course of his service as such, showing that any crime or fraud has been committed since the commencement of his service.

(2) It is immaterial whether the attention of such advocate referred to in the proviso to sub-section (1), was or was not directed to such fact by or on behalf of his client.

Explanation.— The obligation stated in this section continues after the professional service has ceased.

(a) A, a client, says to B, an advocate—"I have committed forgery, and I wish you to defend me". As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b) A, a client, says to B, an advocate—"I wish to obtain possession of property by the use of a forged deed on which I request you to sue". This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(3) The provisions of this section shall apply to interpreters, and the clerks or employees of advocates.

3. From the above, it is amply clear that legal practitioner cannot be compelled to disclose any communication made to him in the course and for the purpose of his professional service as such legal practitioner, by or on behalf of his client unless with his client's express consent. However, proviso to Section 132 of the BSA, 2023 has carved out certain exceptions.

4. In view of the above, it is directed that no summons shall be issued to any advocate in violation of Section 132 of the BSA, 2023. Further, if any summon needs to be issued under the exceptions carved out in proviso to Section 132 of the BSA, 2023, the same shall be issued with the prior approval of the Director, ED.



5. This issues with the approval of the Director, Directorate of Enforcement.



(Santosh Kumar Verma)
Deputy Director (Legal)

Copy to:-

- 1) The Director,
- 2) SDE (CR)/SDE (HIU)/SDE (STF)/SDE (NR)/SDE (ER)/SDE (WR)/SDE (SR),
- 3) ADE (HIU-I)/ADE (HIU-II)/ADE (CR)/ADE (SR),
- 4) ADE (P)/DLA-I (HO)/DLA-II(HO)/ALA-I (HO)/ALA-II(HO)
- 5) JDs (CR, NR, ER, WR, SR)/DDs (Coordination), HIU-I, HIU-II, STF, CR, NR, ER, WR, SR),
- 6) Guard file.