

PROFESSIONAL ETHICS

SEMESTER- VIII (B.Com LL.B.)

DATE- 09.04.2020

SUBJECT- Professional Ethics, Accountability for Lawyers & Bar Bench Relation (Clinical Course)


TOPIC- Duties of an Advocate

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INTRODUCTION

S.49(I) (C) of the Advocates Act, 1961 empowers the bar council of India to make rules prescribing the standards of professional conduct and etiquette to be observed by the advocates. The rules made by the Bar council shall come into effect only when it is approved by the Chief Justice of India.



In exercise of this rule making power the Bar Council of India has made several rules prescribing the standards of professional conduct and etiquette for the advocates. These rules specifies the duties of an Advocate to the court, client, opponent and colleagues etc.

In the administration of the justice, the role of the advocate is to help the court to take a right decision in the dispute. While performing this job, an Advocate is duty bound to perform certain duties to the court. Following are duties prescribed by the Bar Council rules as duty to the court, which should be observed by the Advocates.

DUTY TO THE COURT

{Rule 1-10}

1. AN ADVOCATE SHALL SHOW THE DUE RESPECT TO THE COURT AND SHALL NEVER ACT IN ANY MANNER TO UNDERMINE THE CONFIDENCE IN THE JUDICIARY.
2. HE SHALL NOT EXERT OR ATTEMPT TO EXERT ANY PERSONAL INFLUENCE ON THE DECISION OF THE COURT, NOR SHALL GIVE ANY IMPRESSION THAT HE POSSESSES PERSONAL INFLUENCE WITH THE JUDGE BEFORE WHOM HE NORMALLY PRACTICES.
3. HE SHALL BE ALWAYS PUNCTUAL IN ATTENDING COURTS IN THE PRESCRIBED DRESS.
4. HE SHALL BE FAIR AND FRANK IN THE COURT PROCEEDINGS.

5. He shall not include any fact which he knows to be false in the pleadings, petitions or affidavits.

6. He shall not ask for any adjournment of a case without genuine reasons.

7. He shall not communicate privately with the judges to influence them relating to any pending case.

8. He shall not speak ill of judges or use abusive remarks about them. But, if the judge behaves improperly, it is not only the right but also his duty to report it to the proper authorities.



9. He shall not interrupt when the counsel for the otherside or the judge is speaking.

10. He shall appear in the court in the prescribed dress and his appearances shall always be presentable. He shall not wear bands or gown in the public places.

11. He shall not practice before a judge if he is related to him.

12. He shall not act or plead in any matter in which he is pecuniarily (monetary) interested.

13. He shall not appear for any organization, institution, society or corporation if he is the member of the executive committee of such organization, institution, society or corporation.

DUTY TO COLLEAGUES

IN ORDER TO MAINTAIN GOOD RELATION AMONG THE MEMBERS OF THE BAR, AN ADVOCATE HAS TO PERFORM THE FOLLOWING DUTIES TO COLLEAGUES.

1. AN ADVOCATE SHALL NOT ENTER APPEARANCE IN ANY CASE IN WHICH THERE IS ALREADY AN ADVOCATE.
2. HE SHALL NOT IN ANY WAY SOLICIT CASES BY ADVERTISEMENT OR OTHERWISE.
3. HE SHALL NOT ALLOW HIS NAME TO BE USED BY SOME OTHER PERSON FOR UNAUTHORIZED PRACTICE OF LAW.
4. HE SHALL NOT ACCEPT A FEE LESS THAN THE FEE CHARGEABLE UNDER LAW.

THANK YOU !!