



“बेटी बचाओ, बेटी पढ़ाओ”

JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR
Faculty of Law & Management

Faculty Name	-	JV'n Dr. Beena Dewan
Program	-	LLB III Sem
Course Name	-	Professional Ethics & Accounting System
Session No. & Name	-	Duties of a lawyer before the court

Academic Day starts with –

Greeting with saying ‘**Namaste**’ by joining Hands together following by 2-3 Minutes Happy session, Celebrating birthday of any student of respective class and **National Anthem**.

Lecture Starts with- Review of previous Session

A lawyer must always position himself in a way that benefits his position as an officer of the court. In addition to citizenship, a lawyer is a privileged member of the community and a gentleman. He has a great responsibility to protect the country and lead the community.

The duties of a lawyer in court are as follows –

- 1) A lawyer must behave with dignity and self-respect when presenting his claim and acting otherwise in court. He must not be servile, and whenever there is good reason for a serious complaint against a judge, it is his right and duty to refer the complaint to the proper authorities.
- 2) A lawyer must follow an attitude that respects the court, considering that the value of the judicial office is essential for the preservation of a free society.

- 3) A lawyer must not influence the decision of the court in an illegal or improper manner. Private communication with a judge about a pending case is prohibited.
- 4) A lawyer must do his best to restrain and prevent his client from returning to sharp or inappropriate activities or doing anything against the court, the lawyer or the litigants that the lawyer himself should not do. A lawyer refuses to represent a client who continues to engage in such inappropriate conduct. He must not regard himself as a mere mouthpiece for the client and use as he sees fit the restrained language in correspondence, avoiding reckless attacks in pleadings and unrestrained language in litigation.
- 5) A lawyer can always appear in court only in the prescribed clothing and his appearance must always be presented.
- 6) A lawyer cannot appear, act, claim or act in any way before the court, arbitration court or authority specified in S.30 of the Act, if the only person or one of its members is related to the lawyer as a father, mother, grandfather, son, grandson, daughter, sister, mother-in-law, mother-in-law, son-in-law, brother, father-in-law or mother-in-law. Court in this rule means a court where the said relative of the lawyer is a judge, a member of the president.
- 7) A lawyer shall not wear or dress in public places except in Courts, except on ceremonial occasions and in such places as may be prescribed by the Bar Council of India or the Court.
- 8) A lawyer may not enter a court or other official body on behalf of or against an organization or institution, association or community, if he is a member of the executive committee of this organization or institution or association or community. , "management committee", by whatever

name, includes any commission or body of persons for the time being responsible for the general management of the affairs of an organization or agency, association or corporation: Provided, That this rule shall not apply to any bar. council, general meeting or bar association acting as amicus curie or to a member appearing without leave.

- 9) A lawyer cannot act or rely on any matter in which he himself has a financial interest.
- 10) A lawyer cannot be a guarantor or testify about the correctness of his client's bond, which is required from the point of view of judicial proceedings.
- 11) The arguments of a lawyer must have a sense of humor and pleasant manners.
- 12) A lawyer must be direct and his arguments must be sharp, clear and concise.
- 13) A attorney must not deceive the court.
- 14) A legal counselor must not noxiously criticize the legal framework Powers of Disciplinary Commission beneath the Advocates Act 1961

Presentation:

1. Segment 2 of the Advocates Act 1961 sets out the powers of the Disciplinary Commission of the Bar Committee. The arrangements of this area are the same for the State Bar Committee as for the Bar Board of India.
2. Formation / Composition of Disciplinary Board : Agreeing to area 9 of the Advocates Act 1961, the Bar Chamber constitutes one or more Disciplinary Sheets, each comprising of three people, two of whom are chosen by the Chamber. from among themselves. individuals and the

other may be a individual chosen by the chamber from among legal counselors who have the capabilities indicated in S. 3 subsection 2 and who are not individuals of the board, and the foremost senior attorney among the individuals of the disciplinary board is its president 3 .
Powers of Disciplinary committee:

- 1) The disciplinary committee of a Bar Chamber should have the same powers as are vested in a respectful court beneath the Code of Gracious Method, 1908 (5 of 1908), in regard of the taking after things, to be specific — (a) summoning and upholding the participation of any individual and analyzing him on vow; (b) requiring revelation and generation of any archives; (c) getting prove on testimonies; (d) demanding any open record or duplicates thereof from any court or office; (e) issuing commissions for the examination of witness or reports; (f) any other matter which may be prescribed: Given that no such disciplinary committee should have the proper to require the participation of — (a) any managing officer of a Court but with the past authorize of the Tall Court to which such court is subordinate; (b) any officer of a income court but with the past endorse of the State Government.
- 2) All procedures some time recently a disciplinary committee of a Bar Board should be regarded to be legal procedures inside the meaning of areas 193 and 228 of the Indian Corrective Code, 1860, and each such disciplinary committee might be regarded to be a respectful court for the purposes of segments 80, 82 and 85 of the Code of Criminal Strategy, 1898.
- 3) For the purposes of working out any of the powers conferred by sub if it so thinks fit, hold -section (1), a disciplinary committee may send to any gracious court within the regions to which this Act expands, any

summons or other prepare, for the participation of a witness or the generation of a record required by the committee or any commission which it wants to issue.

- 4) Notwithstanding the absence of the Chairman or any member of a disciplinary committee on date fixed for the hearing of a case before it, the disciplinary committee may if it so considers fit, hold or proceed the procedures on the date so settled and no such procedures and no arrange made by the disciplinary committee in any such procedures should be invalid just by reason of the nonattendance of the Chairman or part thereof on any such date: Given that no last orders of the nature alluded to in sub- area (3) of segment 35 might be made in any continuing unless the Chairman and other individuals of the disciplinary committee are display. Sub-section (3) of Segment 35 : "The disciplinary committee of a State Bar Chamber after giving the advocate concerned and the Advocate-General an opportunity of being listened, may make any of the taking after orders, specifically —
 - (a) expel the complaint or, where the procedures were started at the occurrence of the State Bar Committee, coordinate that the procedures be recorded;
 - (b) decry the advocate;
 - (c) suspend the advocate from hone for such period because it may consider fit;
 - (d) expel the title of the advocate from the State roll of advocates."
- 5) Where no last arrange of the nature alluded to in sub-section (3) of area 35 can be made in any procedures in agreement with the conclusion of the Chairman and the individuals of a disciplinary committee either for need of larger part supposition among themselves

or something else, the case, with their conclusion consequently, should be laid some time recently the Chairman of the Bar Board concerned or in the event that the Chairman of the Bar Chamber is acting as the Chairman or a part of the disciplinary committee, some time recently the Vice-Chairman of the Bar Chamber, and the said Chairman or the Bad habit Chairman of the Bar Board, as the case may be, after such hearing as he considers fit, should deliver his supposition and the ultimate arrange of the disciplinary committee should take after such supposition.,

Powers of the State Bar Council:

(a) Power to make rules

The State Bar Council has the power to make rules to carry out the purpose of sections 16 to 27 of the Bar Act 196. acceptance as a lawyer and permission to practice as a lawyer, in accordance with s.28 subsection 1, the State Bar may issue regulations for the implementation of the purposes of Chapter III (Sections 16-28) of the Act, but these regulations are not. valid unless approved by the Bar Council. from India.

b) The right to punish a lawyer

The State Bar has the right to punish a lawyer for professional violations and other misdeeds. The State Bar Disciplinary Board may make one of the following orders -

- (a) dismiss the complaint or, if the State Bar Board has instituted proceedings, order the commencement of proceedings;
- b) reprimand the lawyer; c) to suspend the activity of the lawyer for the time he deems necessary; (d) removes the name of attorney from the State Bar Roll.

c) Appointment of committees and employees

The Bar Association forms several committees, including the disciplinary committee, the executive committee, the registration committee, etc., to fulfill its duties arising from this law. Each such committee is given a separate function.

d) Maintenance of Accounts and Audit

Section 12 of the Advocates Act, 1961 provides that every Bar Association shall maintain accounts and such other documents as may be prescribed in such form and manner as may be prescribed. The accounts of the Bar Association must be audited by an auditor who is qualified as an auditor of companies in accordance with the Limited Liability Companies Act 1956 (1/1956), at the prescribed times and in the prescribed manner. The State Bar Council shall send a copy of its accounts and the auditors' report to the Central Government and publish them in the Official Gazette of India

The Constitution, Powers and Functions of the State Bar Council

Advocate Act, 1961, contains provisions for the constitution of a Bar -Councils. The Bar Council has two models - Bar Council of India and State Bar Council. According to S. 3 of the Act, the State Bar is established. However, under Section , the Bar Council of India is created. State Bar Council:

- (1) There is a Bar Council
 - (a) in each of the States of Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Jharkhand Madhya Pradesh, Chhattisgarh, Karnataka, Orissa, Rajasthan and Uttar Pradesh . , known as the State Bar;
 - (b) in respect of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, to be called the Bar Council of Assam, Nagaland,

- (c) within the State of Kerala and the Union Domain of Lakshadweep, known as the Bar Affiliation of Kerala;
 - (cc) within the State of Tamil Nadu and the Union Region of Pondicherry, known as the Madras Bar Board;
 - (ccc) in regard of the States of Maharashtra and Goa and the Union Domains of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;
 - (d) within the Union Domain of the States of Punjab and Haryana and Chandigarh to be known as the Bar Affiliation of Punjab and Haryana;
 - (dd) in connection to the State of Himachal Pradesh, known as the Himachal Pradesh Bar Board;
 - (e) within the State of West Bengal and the Union Domain of Andaman and Nicobar Islands known as the Bar Affiliation of West Bengal; and
 - (f) within the Union Region of Delhi known as the Bar Affiliation of Delhi.
- (2) The State Bar Board should comprise of the taking after individuals, namely:—
- (a) In regard of the State Bar Committee of Delhi, the Ex-officio Bad habit President of India, in regard of the State Bar Chambers of Assam, Nagaland, Meghalaya, Manipur and Tripura, all States of Assam, Manipur, Meghalaya, Nagaland and Ex-Officio Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.

References:

- Manupatra
- SCC Online
- Indian Kanoon
- Lawctopus
- Bar and Bench Articles
- **Suggestions to secure good marks to answer in exam-**
- Write answer with key points and examples.
- **Questions to check understanding level of students-**
 - a. What do you understand by Constitution, Powers and Functions of the State Bar Council ?
 - b. Explain the Powers of Disciplinary committee:?