



“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** - Rules on Advocate's Duty to Opponents:

#### **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

Rules on Advocate's Duty to Opponents: -

Obligations of lawyers who oppose regulations:

- Do not negotiate directly with the opposing party - Lawyers may not exchange, negotiate or call for the resolution of a dispute with a party represented by the lawyer, unless through this lawyer represents parties.

Fulfilling Lawful Promises Made – An attorney should do his best to enforce all lawful promises made to the opposing party, even if those promises are not in writing or not enforceable under the rules of the court.

Regulations on the obligations of attorneys to fellow attorneys No advertising or solicitation of employment Lawyers may not solicit employment or advertise in any way.

He may not promote himself through circulars, advertisements, offers, personal communications and interviews other than personal relationships, by providing or inspiring commentary in the press or by how to create his photographs for publication in relation to the cases in which he is involved or affected.

Signs and nameplates Attorneys' signs or nameplates must be of a reasonable size Signs, nameplates, or stationery must not indicate that he is or has ever been the chairman or member of a bar or association or that he is affiliated with any person or entity, or for a particular cause or issue or whether he specializes in a particular type is working or has served as a judge or attorney general.

Discourage Unauthorized Practice of Law A lawyer may not use his or her professional services or name to promote or initiate unauthorized law practice.

Attorneys should not accept fees less than what may be legally charged when the client can afford to pay more.

Another attorney's consent to appear An attorney should not appear in cases where another attorney has filed a vakalt application or note for the same party.

However, an attorney may require the consent of another attorney to be present.

In case the lawyer cannot present the consent of the lawyer who initiated the lawsuit for the same party, an application must be made to the court to appear.

In this request, he must mention the reason why he was unable to obtain this consent.

He will appear only after obtaining permission from the court.

Rule 40 requires every advocate on the rolls of the State Bar Council to pay a certain sum to the state bar council.

Run the show 41 gives that all the entireties so collected by the state bar committee should be credited in a isolated finance to be known as "Bar

Committee of India Advocates welfare support for the State” and might be stored within the bank as given there beneath.

- (i) Agreeing to rule the show 41(2) the Bar Chamber of India Advocates Welfare finance Committee for the State shall remit 20% of the whole sum collected and credited to its account, to the bar board of India by the conclusion of each month which should be credited by the Bar chamber of India and the Bar committee of India should store the said sum in a isolated finance to be known as “Bar Board of India Advocates Welfare fund.”
- (b) (ii) Concurring to run the show 41(3) the rest 80% of the whole entirety so collected by the Bar Chamber of India Advocate Welfare Finance Committee for the state should be utilized for the welfare of the advocates in regard of welfare plans supported by the particular State Bar Chamber.

Rule 42 deals with the effects of non charge of the stated amount through the propose. It gives that if an advocate fails to pay the aforesaid sum within the prescribed time, the secretary of the nation Bar Council shall issue to him a be aware to reveal motive inside a month why his proper to exercise be no longer suspended. In case the advise can pay the amount together with overdue price inside the length specified in observe, the proceeding shall be dropped. If the recommend does no longer pay the amount or fails to expose sufficient reason, a committee of 3 members constituted via the nation bar council in this behalf may additionally pass an order postponing the proper of the suggest to exercise.

Rule 43 provides that an advocate who has been convicted of an offence mentioned under section 24-A of the Advocates Act or has been declared insolvent or has taken full time service or part time service or engages in business or any avocation inconsistent with his practicing as an advocate or has incurred any disqualification mentioned in the Advocates Act or the rules made there under, shall send a declaration to the effect to the respective state bar

council in which the advocate is enrolled, within 90 days from the date of such disqualification.

Rule the show 44 gives, an request might mislead the bar board of India at the occasion of an wronged advocate inside a period of 30 days from the date of the arrange passed beneath run the show 42 and 43. (e)(i) Run the show 44-A gives that there should be a Bar chamber of India Advocates Welfare Committee comprising of five individuals chosen from among the individuals of the board.

The term of the individuals of the committee should be co-extensive with their term within the Bar Committee of India. Run the show 44-b makes it clear that the Bar Committee of India should use the stores gotten beneath run the show 41(2), expressed over, in agreement with the plot which may be surrounded from time to time

Rules on Advocate's Obligation in Conferring Preparing: Run the show 45 surrounded by the Bar Chamber of India makes it clear that it is disgraceful for an advocate to request or acknowledge expenses or any premium from any individual as a thought for giving preparing in law beneath the rules endorsed by the State Bar Committee to empower such individual to qualify for enrolment beneath the Advocates Act, 1961

Rules on Advocates Obligation to render legitimate help:

The preface of the Structure of India guarantees equity, social, financial and political to all citizens of the nation. Articles 14 & 16 of the Structure of India force an verifiable obligation on the State to guarantee that none is denied of lawful help for reasons of financial or other inabilities so that break even with equity is given to all citizens of the nation. Assist, the rule contained in Article 39-A are essential and cast obligation on the State to secure that the operation of the legitimate framework advances equity to all citizens and especially the destitute and the marginalized. In any case, in spite of this Sacred order,

destitute stay denied of suitable legitimate help for a long time indeed after autonomy.

In this circumstance advocates have a part to play. Legitimate calling is monopolistic in character and this restraining infrastructure itself inheres certain tall conventions, which its individuals are anticipated to upkeep and maintain. Law is an Hon'ble calling and an Advocate is an Officer of equity and companion of the Court. He is an fundamentally portion for the organization of equity. From the old times, the legitimate commitments of the Advocates to conduct the case of a destitute prosecutor without remunerate.

## 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 Bar Committee of India Advocates welfare support for the State”?
  - b. Explain the Rules on Advocate’s Duty to Opponents?

