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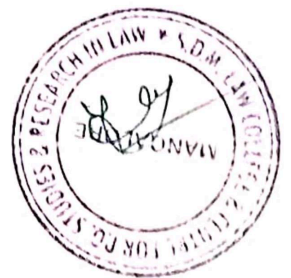
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Law, Professional Ethics and Professional Misconduct by Advocates

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Abstract

Ethics is principles of standard of behaviour applicable to the society, to decide the right from the wrong. Professional ethics in law, is a code of rules and regulations, to guide the behaviour of the advocates - to the court, the clients and the opposite party. The lawyers have social responsibility in upholding the dignity of legal profession. Their behaviour should not affect the dignity of the justice system so as to result in reducing the trust of the people in law while seeking justice. The Advocates Act, 1961 speaks about the duties and responsibilities of advocates in maintaining justice and protecting the dignity of the court. When lawyers misconduct, professional or otherwise, affect the nobility of the profession, then that need to be taken into consideration immediately, to protect the justice system.

Advocates Profession is Noble

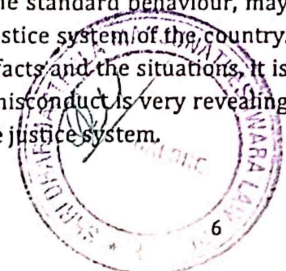
The advocates run the civilization. Lawyers are in the forefront in public matters like education, cultural aspects or humanitarian aspects¹. Advocacy is a profession. It makes them very esteem members of the society. Profession means a limited group of persons with special skills, knowledge, experience or training are performing that function better than the normal persons². Medicine and Law are regarded as learned profession. Advocates and Judges never go to court without proper preparation by learning all the aspects of their cases. As lawyers enforce justice this profession is called noble. It's a honourable profession because it played a great role in

Indian Freedom Struggle. The dignity and nobility of legal profession is based on its self-regulatory nature. The Professional ethics is needed in relationships between Bench and the Bar, Bar and the clients and the Bar and the people at large.

However, the dignity and honour of this legal profession is deteriorating now. The individual advocates are not always considered as noble. Lawyers perform leading roles in administration of justice. They need to be very careful in this endeavour, as their one normal behaviour in comparison to the standard behaviour, may ruin the image of the whole justice system of the country. But after analysing the many facts and the situations, it is come to notice that lawyer's misconduct is very revealing and disturbing the belief in the justice system.

¹ Katju, K. N. (1961), *The Day I Remember II*.

² Titus, H. (1966), *Ethics for Today*, 281.



Professional Ethics

Ethics is a branch of philosophy dealing with right and wrong relating to human conduct and behaviour. Ethics disapproves every kind of wrong whereas, law punishes the wrong which is affecting the government and society.

Legal ethics mean

"Usages and customs among members of the legal profession, involving their moral and professional duties towards one another, towards clients and towards the courts; that branch of moral science which treats of the duties which a member of the legal profession owes to the public, to the court, to his professional brethren, and to his client"³.

Therefore, professional ethics is a branch of moral science, dealing with duties of the members to the society, court, profession, opponent, clients and to himself.

In India, the Advocates Act, 1961, prescribes the standards of professional conduct and etiquette of Advocates'. Advocates are duty bound to follow these rules and regulations not to spoil the image of the legal profession. In *R.D. Saxena v. Balram Prasad Sharma*⁴, it is observed that an advocate is liable for action if he does not observe the standards of the profession.

As legal profession is dealing with human beings, there cannot be given any absolute, specific rules as to ethics in dealing with people. Each and every case is to be dealt with separately and it depends on the advocate as to how to deal with his clients. He needs to follow the general standard prescribed by the Advocates Act, 1961 or any other common law dealing with right and wrong relating to nature of the people.

Need for a Code of Legal Ethics

The advocates depend on written rules and regulations of the enactments in pleading their cases. As there is no written rule for the legal ethics, lawyers find it difficult to differentiate between right and wrong in their conduct. The reputation of the Bar is depending on the conduct of the advocates than on their knowledge and intelligence in proving the case before the court⁵.

There are certain difficulties in framing the code of professional ethics. According to Dr. Paul, "the difficulty in framing the code of professional ethics lies in it being the conduct need to be based on ideals, conscience and morality. Also these are functions of ethics. It is practically

not possible to make it conceivable to bring down to papers"⁶,

It is possible to go for codification of professional ethics from the angle of justice too:

- Restraints can be imposed on personal liberty of people deterring them from inflicting harm to others. As lawyers conduct is affecting the courts, clients and the colleagues, code of ethics is permissible.
- As society can regulate the behaviour of the people for self-protection, restrictions can be put on advocates conduct to maintain justice.
- As there is shared ethics in every enactment, professional ethics can be coded for the survival of the society and justice system⁷.

In the case of *R. D. Saxena*⁸, it is described in the judgement that, according to the ancient tradition the lawyers' services were honorary and reward given was not for his legal service, but as a display of gratitude for his honorary service. This shows the nobility of the lawyers' service and need to have the code of professional ethics, to maintain the justice.

The code of legal ethics is advisable for different reasons:

- Legal profession is the foundation of the justice system. If it gets corrupted for different reasons, then whole judiciary will go weak. So in the interest of justice and country, code of legal ethics is needed to regulate the legal profession.
- Members of the bar are considered as the officers of the courts. They need to have 'good behaviour' to have the confidence of the clients and in upholding justice.

There are many advantages of codification of legal ethics⁹:

- Codes of ethics are means of social control in keeping the advocates accept the social expectations by following the norms.
- Many a behaviour of lawyers which are not acceptable are not intentional, but as a result of not being aware of the ethical requirement of the situation. The code will provide standards of behaviour for advocates and guide them.
- Codification will tend to raise and strengthen the standard of professional honour.
- It takes a long time to build professional character. With the code, the good character can be formed gradually without any deviation.

³ Black, H. C. (Ed.), (1990), *Black's Law Dictionary*, (USA: West Publishing Co.)

⁴ (2000) 7 S.C.C. 264; see also *In re M. an Advocate*, A.I.R. 1957 S.C. 149

⁵ Anand, C.L. (Ed.), (1987), *Professional Ethics of the Bar*, (Allahabad: The Law Book Co. (P) Ltd., 29).

⁶ Dr. Paul, R. V. (1961), *Professional Ethics*, AIR 1961 (Journal Section) 65-68).

⁷ Bodenheimer, (1997), *Jurisprudence*

⁸ *supra* note 4 at 2

⁹ *supra* note 5 at 2



- A code will be helpful for courts in deciding and regulating acts of the lawyers.
- Code can provide a control on growing tendency of the advocates in commercialising the legal profession.

The Advocates Act, 1961

The Advocates Act, 1961 was passed in the Lok Sabha on 19th November, 1959 as a recommendation of All India Bar Committee and the Law Commission for a unified Bar. It was introduced as Legal Practitioners Bill and passed as the Advocates Act.

The Advocates Act provided for the constitution of an All India Bar. Section 29 and Section 30 speaks about the right to practice as an advocate is a statutory right. The Act has made provision for the creation of Bar Council of India at the Central level and State bar Councils in each state. The State Bar Councils maintain the roll of advocates. The control and jurisdiction regarding enrolment of advocates, their discipline, to entertain and determine a case of misconduct against advocates on its rolls and to safeguard the rights and privileges of the advocates on rolls is under Bar Council of India and State Bar Councils. The Bar Councils are the body corporate having perpetual succession and a common seal, with power to acquire and hold property and to contract etc.

The State Bar Council consists of Advocate General of the State, ex-officio and the elected members of Advocates from the State Roll. There will be a elected Chairman and Vice-chairman. Every Council has a appointed secretary and supporting staff. Secretary should be an advocate only. Each State Bar Council has: (a) one or more Disciplinary Committee (b) an Executive Committee consisting of five members; (c) an Enrolment Committee consisting of three members; (d) Legal Aid Committee; and such other committees' as may be found necessary.

Every Disciplinary Committee consists of three members. From among its members, the Bar Council elects two members for the committee and one member is co-opted. He should have been the member of the Bar for at least ten years. The senior-most advocate among the three will be the Chairman.

The Bar Council of India consists of Attorney General and Solicitor General as ex-officio members, and one member elected by each State Bar Council from its members. The chairman and the vice-chairman are elected for a two-year period. The Bar Council of India has a Legal Education Committee along with other committees as State Bar Council holds.

The Advocates Act, 1961, prescribes various duties on the members of the Bar Council of India, like to lay down professional standards and etiquettes for advocates, procedure to be followed by disciplinary committee of the Bar Council and of the State Bar Council,

to support law reforms, to supervise State Bar Council, to check the qualification to be the member of the Bar, to support the election and to prescribe the standard of the legal education. But in India, it is not mandatory for an advocate to become a member of a Bar Association.

In the case of, *C.I.T. Bombay V. The Bar Council of Maharashtra*¹⁰, the Apex Court observed that the major purpose of State Bar Council is ensuring quality service of the advocates to the needy, to support legal education, promote law reforms and to provide legal aid.

The Bar has many welfare schemes for the advocate members as members protect the dignity of the profession. Bar Association and the Bar Councils prescribe rules and regulations for the good behaviour of the members, take public opinion to raise the standard of the Bar, educate the members and take disciplinary action against the members.

Deteriorating Standards of Legal Education

Advocates are the guiding factors for people in the society to get justice. To lead the people to justice, advocates need to have good knowledge about the enactments and its implications. But due to several reasons advocates do not have the required knowledge and skill to lead people to justice and this leads to deterioration of justice system and reducing the belief of the people about legal system of the country. Some of the reasons are¹¹:

- Lawyers with lack of knowledge and no proper training
- Increasing rate of law colleges leading to no proper attention to law students
- Students are not serious about the law education and getting themselves absent often
- Commercialisation of law colleges not focusing on imparting genuine education to students
- Lack of resources, lack of experienced teachers and instability of teachers in law colleges

Professional Misconduct by the Advocates

An advocate is the most responsible, learned and noble person of the society. He needs to have good behaviour to impart justice to the people. He, therefore, needs to follow professional standards of conduct. If not, the Bar Council will have the power to have disciplinary action against the advocates.

¹⁰ A.I.R. 1981 S.C. 1462

¹¹ Prasad, A., Sen, P. S., (2015), *Legal Education and the Ethics of Legal Profession in India*, (Jaipur: University Book House Pvt. Ltd.)



Misconduct

According to Black's Law Dictionary¹², misconduct means, a transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behaviour, wilful incharacter, improper or wrong behaviour.

Section 35 of Advocates Act, 1961¹³, refers to two types of misconducts-professional or other misconduct.

Misconduct word meaning is not defined in the Advocates Act. The term has to be understood with the facts of the cases dealing with propriety, decency etc. In *Maharashtra V. M. V. Dabholkar*¹⁴, Justice Krishna Iyer pointed out that the standard of the conduct of a lawyer is judged from his standard of conscience in discharging his duties.

In *George Frier Grahame V. Attorney General Fizi*¹⁵, Privy Council held, professional misconduct is in betraying the clients, any practice of fraud to deceive court or adverse party or client, or any conduct bringing down the dignity of legal profession, is considered as misconduct by advocates.

In *Noratanmal V. M. R. Murlis*¹⁶, Court expressed its difficulty in defining misconduct. Court said, misconduct is not been defined in the Advocates Act, 1961. Misconduct amounts to breach of discipline, improper behaviour, deliberation violation of rule or standard of behaviour. The court further said, legal profession is very noble and advocates are expected to maintain the standard to keep the nobility of the profession.

The Bar Council of India rules, give list of rules of conduct for an advocate to the court, to the client, to opponent, to colleagues etc. and violation of these rules amount to misconduct. The rules are not exhaustive; it's just the general guide.

Misconduct Need not be Limited to the List of Professional Misconduct Given

There arose a problem before the courts in dealing with "for any other reasonable cause" given in Section 13(f) of the Legal Practitioners Act, 1879¹⁷. In the

¹² *supra* note 3 at 2.

¹³ S. 35(1) of the Advocates Act, 1961 reads, "where on receipt of a complaint or otherwise a State Bar Council has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for its disciplinary committee.

¹⁴ A. I. R. 1976 S.C. 242.

¹⁵ A. I. R. 1936 P. C. 224.

¹⁶ (2004) 5 S. C. C. 689.

¹⁷ Section 13 of the Legal Practitioners Act, 1879 - suspension and dismissal of pleader guilty of unprofessional conduct and 13(f) of the same Act says for any other reasonable cause the pleader can be held responsible for misconduct.

cases *Re Jogendra Narayan Bose*¹⁸, court opined that 'any other reasonable cause' need to construe as related to all the preceding clauses of misconduct explained. But in cases, *Le Measurier V. Wajid Hussain*¹⁹, *Re Matter of Tulsidas*²⁰, *Shankar Ganesh Dabir V. Secretary of State*²¹, court held that 'reasonable cause' need not be restricted to the preceding clauses of Section 13 (f).

In *the Matter of V an Advocate*²², court took the view that the words 'professional or other misconduct' in S. 10 of Indian Advocates Act, 1961, gives the intention to confer on courts the disciplinary jurisdiction to deal with all the kinds of misconduct on the part of the advocates, to uphold the dignity of law and justice.

Misconduct Need not be Related to Profession Itself

An advocate's misconduct, be it related to profession or not, affects the dignity of the court and deteriorate the justice system. In *the Matter of P an Advocate*²³ the Supreme Court held that an advocate may be punished for other misconducts also even though it is not related to the profession.

Professional Misconduct and the Indian Judiciary

Under S.35 of the Advocates Act, An Advocate is punishable not only for professional misconduct but also for other misconduct. Other misconduct means misconduct not directly connected with the legal profession. Professional misconduct arises as a result of serious dereliction of duties to the court, to the client, to the opponent, to the colleagues, to the profession, to the public etc. Following are some of the instances of professional misconduct:

1. Making false allegation against judicial officers.
2. Deliberately lodging groundless criminal complaint.
3. Making groundless and insulting charges against witness.
4. Refusing to accept a case without justification.
5. Attending court proceedings in drunken state.
6. Attempting to influence judicial officers for favour.
7. Carrying on other trade or business.
8. Committing crimes.
9. Financing litigation.
10. Obtaining client's signature on blank papers, etc.

Misconduct in Relation to Clients

Duty to submit the clients' documents In *Lalit Mohan Das V. The Advocate-General, Orissa*²⁴, S. C. held that an advocate undoubtedly owes a duty to his client and must place before the court all that can fairly and

¹⁸ 4 CWN 242.

¹⁹ 29 Cal 890.

²⁰ 1 LR 1941 Bom. 548.

²¹ A. I. R. 7922 P. C. 351.

²² A. I. R. 1936 Cal 867.

²³ A. I. R. 1963 S. C. 1313.

²⁴ A.I.R. 1957 S.C. 250,254.



reasonably be submitted on behalf of his client to render justice.

Prohibition from Appearance

An advocate is prohibited from appearing in a case where there is a possibility of he becoming a witness (Rule 13 of Bar Council of India Rules - If he is a witness in a material question of fact, he should not continue to appear as an advocate, if he can retire without jeopardizing his client's interest). In such cases, before ordering relinquishment, the court has to enquire and satisfy as to the existence of the chances of pleader being the witness²⁵.

Misconduct in Relation to Fee

While charging fees from the clients, as per Professional Ethics, advocates should charge reasonable fees, if not, the high charge may cause the lawyer to compromise the lawyer's fiduciary obligation to the client. An advocate cannot leave the case till it ends once he stipulates the fees at the time of signing the vakalat²⁶. If the lawyer does not appear before the court, after signing the vakalat, it will be considered as misconduct, even though the fee is not paid by the client²⁷.

Conduct Involving Misappropriation of money

In *Smt. Siya Bai V. Sitaram Singh*²⁸ the withdrawal of the client's money by the advocate from the court and not furnishing the accounts to the client nor depositing the money in clients account held the advocate as guilty of misconduct.

An advocate should keep accounts of the client's money entrusted to him. The purpose is to prevent the advocate from diverting any portion of the client's money towards his fees²⁹.

Misconduct in Relation to Court

The duties which a lawyer owes to the court are broadly classified into five categories: duty of disclosure, duty not to abuse the court process, duty not to corrupt the administration of justice, duty to conduct cases efficiently and expeditiously and duty to respect the Court. The violation of these duties amounts to misconduct.

Duty of Disclosure

In *D.P.Chadha V. Torvugi Narain Mishra*³⁰, the Court found the lawyer was intentionally misleading the

court as to personal appearance of parties was not a mandatory requirement for compromise. The advocate was held guilty of misconduct. The Court observed that a lawyer must tell the court the correct position of law when it is undisputed and admits of no exception. He is not entitled to drag a settled and non-controversial point of law to mislead or confuse court so as to gain an unfair advantage for his client.

Abuse of Court Process

Seeking repeating adjournments unnecessarily was held as misconduct on the part of the advocate in the case of *N.G.Dastane v. Shrikant S.Shivde*³¹. A lawyer is not entitled to use the proceedings for unjustifiable reasons or for pursuing a case which is known to be dishonest.

Corrupting the Administration of Justice

Lawyers should not involve in any kind of fraud and should take reasonable amount of professional care. Making false statement in a pleading drafted by an advocate was held as misconduct³², along with cases like giving false certificate to a person, giving false identification etc.

Duty to Conduct Cases Efficiently and Expeditiously

Negligence on the part of the advocates in leading the case amounts to misconduct but it needs to be proved that there is a suppression of truth or deliberate misrepresentation of fact along with negligence³³.

Duty to Respect the Court

In *Re D.C.Saxena*³⁴ and in the case of *Mahahir Prasad Singh V. Jacks Aviatio*³⁵, it was held that an advocate appearing before court should maintain dignity and decorum of Court. He should not indulge in writing in pleadings, the scurrilous allegations or scandalisation against judge or court thereby leading to undermining the public confidence of the court in proper dispensation of justice.

But if the lawyer has a just and proper ground for serious complaints against a judicial officer, he has the right and duty to submit grievance to proper authorities³⁶.

Other Misconduct

Section 35 of the Advocates Act, 1961, refers to professional and 'other misconduct'. 'Other misconduct' need not relate to profession at all. It is considered as misconduct to protect the dignity of the legal system.

An advocate was also a Deputy Mayor of a Municipal Corporation. Usage of obscene and vulgar

²⁵ *Abdhu v. Veeravu*, 1991 (1) K.L.T. 116.

²⁶ A.I.R. 1956 Bom. 739; See also *In re. K.L. Gauba*, A.I.R. 1954 Bom. 478, *R. B. Basu v. P.K. Mukherjee* A.I.R. 1957 Cal. 449.

²⁷ *S.T.K.S. Chettiar v. V.K.M. Kodhandarama*, A.I.R. (1958) Mad. 122.

²⁸ B. C. I. TR. Case No. 8/1987, dated 23.4.2000.

²⁹ *Prof. Krishna Raj Goswami v. Viswanath D.Mukasikar*, D.C.Appeal No.40/1995 of Bar Council of India.

³⁰ (2001)2 S.C.0 221,237.

³¹ (2001) 6 S.C.C. 135.

³² *In re, a Pleader Vellore*, A.I.R 1944 Mad.268.

³³ *P.D. Khandekar v. Bar Council of Maharashtra*, A.I.R. 1984 S.C. 110, 113.

³⁴ A. I.R.1996 S.C 2481.

³⁵ (1999)1 S.C.C.37.

³⁶ Bar Council of India Rules, R. I.



language by him at a public meeting was held to come under 'other misconduct'³⁷.

In *Bar Council of the State of A. P. V. Sri G. Lingareddy*³⁸, the advocate was held under 'other misconduct' for committing rage on colleague's brother's wife and convicted under Section 450 and 376 of Indian Penal Code.

A practising lawyer was an editor, printer and publisher of a weekly, "Aaj Ki Janta". He was held guilty of professional misconduct for violation of Rule 47 of the Bar Council of India Rules³⁹.

The advocate made a publication in the International Bar Directory giving the names and addresses of their offices. The Bar Council of India found that purpose of the publication was to give publicity to his firm and found guilty of misconduct⁴⁰.

An advocate assaulting his opponent with a knife and then had a pistol shot also, was held as misconduct⁴¹.

Contempt of Court

The wrong attitude of advocate against the court will affect the dignity of the court in the eyes of the public and thereby losing the confidence in justice. If an advocate has rational and genuine criticism against the judiciary he must proceed with complaint to the authorities as per the procedure.

The Bar Council Rules does not contain any provision as to contempt of court, but as per the judicial decisions, every contempt of court is considered as professional misconduct. The law relating to contempt of court is given under the Contempt of Court Act, 1971.

In *P.N. Dube v. P. Shiv Shankar*⁴², court observed that any kind of criticism about judicial system will hinder the growth of administration of justice and need to be prevented. In *Registrar, High Court, Bombay v. S.K. Inam*⁴³ it was held that scandalising a court by sending a letter by an advocate even on the instruction of the client is professional misconduct and he can be prosecuted for contempt of court.

In *Re V. C. Mishra's Case*⁴⁴, court opined that conduct involved in contempt of court is both a

professional misconduct as well as the contempt of court and as an appellate body Supreme Court can deal with the matter. But in the case of *Supreme Court Bar Association v. Union of India*⁴⁵, it is held that contempt of court is different from professional misconduct. In *Suo Motu Inquiry v. Nand Lal Bahwani*⁴⁶, the Bar Council initiated suo motu proceedings against a lawyer for shouting slogans and hurling shoes when the court proceedings were going on. But Supreme Court of India passed the matter to Bar Council of India considered it as professional misconduct.

Now, there is a clear case between the power of the court to punish for contempt of court under the Contempt of Court Act, 1971 and power of the Bar Council to punish for professional misconduct under the Advocates Act, 1961. In *Supreme Court Bar Association case*⁴⁷, the Supreme Court said, "The power of the Supreme Court to punish for contempt of court, though quiet wide, is yet limited and cannot be expanded to include the power to determine whether an advocate is also guilty of 'professional misconduct', it also further stated that 'while dealing with the contempt of court as misconduct, the Advocates Act, 1961 does not give wide right which includes the right to suspend the licence to practice as an advocate'.

Authorities and Procedures to deal with Professional Misconduct

Authorities

The Bar Council of India and the State Bar Councils are the authorities to deal with cases of professional misconduct of advocates. The functions of the Bar Council of India are:

- 1) To lay down standards of professional conduct and etiquette for advocates; and
- 2) To lay down the procedure to be followed by its Disciplinary Committee and the Disciplinary Committees of each State Bar Councils.

The initiation of disciplinary action lies under the power of the Bar Council as a unit and not in the hands of any office bearer⁴⁸.

Procedure

A complaint against an advocate shall be in the form of a petition duly signed, in English or if not, translated in English, with prescribed fees. On receipt of the complaint the secretary of the Bar Council, if found it to be in order, will register it and placed before the Bar

³⁷ P. E. Jyoti V. The Bar Council of Maharashtra, 1972, J. B. C. 9,115

³⁸ Vol. (2) 197, B. C. I. 461.

³⁹ *Bahulal V. Sahasraji Jain*, B. C. I. Tr. Case No. 115/1986, Rule 47 of the Bar Council of India Rules - An advocate shall not personally engage in any business.

⁴⁰ *The Matter of A' as an Advocate*, A. L. R. 1962 S. C. 1188.

⁴¹ *Elkumar Ali Khan V. Ishwar Prasad Arya*, J. T. 1997 (2) S. C. 182.

⁴² A.I.R. 1988 S.C. 1208.

⁴³ A.I.R. 1963 Bom. 254.

⁴⁴ A. L. R. 1996 S. C. 2348.

⁴⁵ A. L. R. 1998 S. C. 1895.

⁴⁶ B. C. I. Tr. Case No. 68/1999.

⁴⁷ *supra* Note 45.

⁴⁸ *A...Complainant V. B...Respondent*, Vol. (2) 1973 J. B. C. I 266.



Council. The Bar Council will proceed with the matter. There are two constraints:

1. No matter taken up by a State Bar Council suo motu or arising on a complaint under S. 35 of the Act, shall be dropped by reason of its having been withdrawn, settled or otherwise compromised or the complainant does not want to proceed with the inquiry
2. The State Bar Council should itself satisfy as to 'reason to believe' as the guilty of professional misconduct.

In the cases of *Bar Council of Maharashtra V. M. V. Dabholkar*⁴⁹ and *N. G. Dastane V. Shrikant Shivade*⁵⁰, court said the requirement of 'reason to believe' cannot be construed as a road block to proceed with the genuine cases; it is just to keep the barrier against the frivolous enquiries.

Remedies against the Order of Authorities as to Professional Misconduct

The Supreme Court of India, as an appellate body, may pass such order including an order varying the punishment awarded by the disciplinary committee of the Bar Council of India, as it deem fit.

The Grounds on which the Order of the Disciplinary Committee is set aside by the Supreme Court

The Supreme Court may pass such order including an order varying the punishment awarded by the disciplinary committee of the Bar Council of India as it deem fit.

Few of the grounds mentioned in the decided cases are:

- Violation of statutory requirement – In *D. P. Chadha V. Triyugi Naain Mishra*⁵¹, State Bar Council suspended the advocate from practice for a period of 5 years for fabricating a compromise by misusing a signed blank paper. On appeal, without giving the chance of hearing, the Bar Council of India, enhanced the period of suspension to 10 years. Supreme Court set aside the order.
- Enhanced punishment – In *M. Veerabhadra Rao V. Tek Chand*⁵², the advocate supported the fraud of the client by being party to the forged document, to get income tax clearance certificate, to register a sale deed. Supreme Court on hearing the case enhanced the punishment decided by the Bar Council of India as the act of the advocate would reduce the nobility of the profession.

- Decision is disregard to natural justice – In *Markand Gandhi V. Rohini Dandeka*⁵³, the Bar Council of India has decided to debar the advocate from practice for 5 years on the ground of retaining the documents. The Court found that the advocate had not given a chance to be heard to decide the case. Supreme Court set aside the order of the Bar Council.
- Improper finding
- Error on the face
- Reduction in punishment in view of inexperience of advocate
- Unsatisfactory approach etc.

Conclusion

The lawyers have a significant role in the society. They are part of justice system and hold great respect in the society. A lawyer in discharging of his professional duties needs a high degree of caution to keep the balance between what is right and what is wrong. Lawyers cannot be a party to any unethical, unlawful activities. Advocates have the responsibilities to render just service to the court. Lawyers, as the officers of the court, are required to uphold the dignity of the judicial system. It is the duty of an advocate to maintain the decorum of the Court and must not do anything to bring the Court itself into disrepute. The Advocates Act, 1961, checks the professional and other misconduct of the advocates to sustain the legal ethics and dignity of the legal system.

Reference

1. (1999)1 S.C.C.37.
2. (2000) 7 S.C.C. 264; see also In re M. an Advocate, A.I.R. 1957 S.C. 149.
3. (2001) 6 S.C.C. 135.
4. (2001)2 S.C.0 221,237.
5. (2004) 5 S. C. C. 689.
6. (2008) 10 S. C. C 792.
7. 1 LR 1941 Bom. 548.
8. 29 Cal 890.
9. 4 CWN 242.
10. A. I. R. 1936 Cal 867.
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⁴⁹ supra Note 14 at 5.

⁵⁰ supra Note 31 at 8.

⁵¹ A. I. R. 2001 S. C. 457.

⁵² A. I. R. 1985 S. C. 28.

⁵³ (2008) 10 S. C. C 792.



20. A.I.R. 1956 Bom. 739; See also In re. K.L. Gauba, A.I.R. 1954 Bom. 478, R. B. Basu v. P.K. Mukherjee A.I.R. 1957 Cal. 449.
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42. S. 35(1) of the Advocates Act, 1961 reads, "where on receipt of a complaint or otherwise a State Bar Council has reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for its disciplinary committee.
43. S.T.K.S. Chettiar v. V.K.M. Kodhandarama, A.I.R. (1958) Mad. 122.
44. Section 13 of the Legal Practitioners Act, 1879 - suspension and dismissal of pleader guilty of unprofessional conduct and 13(f) of the same Act says for any other reasonable cause the pleader can be held responsible for misconduct.
45. Supra Note 14.
46. Supra note 3.
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