

DR. SUBHASHRAO DHAKNE LAW COLLEGE
ROHANWADI TQ. DIST. JALNA

Academic Year 2025-26

Class: BA LLB – 4th Year Subject: Professional Ethics Sem: VII

Asst Prof: Zanwar S. K.

A) Write any three questions out of five.

- 01) Discuss the provision's regarding enrolment of advocate as provided under Advocates Act. 1961.
- 02) What are the Functions, Power's and Duties of Bar Council?
- 03) What is meant by contempt of Court? Discuss its punishment.
- 04) What do you understand by Professional Ethics? What is its importance in the field of Law.
- 05) Explain the procedure for enquiry in respect of Professional Misconduct of Advocate.

Seminar

B) Write and present any 1 out of 5.

- 01) Disqualification for enrolment of an Advocate?
- 02) Duty towards client.
- 03) 7 Lamps of advocacy
- 04) Role of an Advocate in the legal profession.
- 05) Salient features of the Advocates Act 1961.

C) Select and rewrite the correct answer. (All multiple-choice questions are compulsory)

- 01) Which Act is primarily responsible for regulating the legal profession in Indian?
a) Indian Penal Code, 1860 c) Code of Criminal Procedure, 1973 b) Advocates Act, 1961
d) Legal Service Authority Act, 1987
Correct Ans: _____
- 02) The Bar Council of India was constituted under which section of the Advocates Act, 1961
a) Section 3 c) Section 12 b) Section 7
d) Section 28
Correct Ans: _____
- 03) The Advocates Act, 1961 seek to standardize:
a) J Courtroom decorum c) The training, registration and conduct of advocates.

- b) Fees for legal services
- d) Procedures for drafting legislation.

Correct Ans: _____

04) The Advocates Act, 1961 was enacted in which year?

- a) 1947 b) 1961
- c) 1973 d) 1985

Correct Ans: _____

05) Enrolment as an advocate in managed by:

- a) The Bar Council of India only c) The Supreme Court of India b) The respective state or Provincial Bar council
- d) The District Legal Committee

Correct Ans: _____

06) The Code of Conduct for advocates emphasizes the duty to _____.

- a) Promote public interest and justice b) By Prioritize Personal Profile
- c) Align with political parties d) Avoid interactions with judges

Correct Ans: _____

07) An Advocates duty to maintain client confidentiality continues even after:

- a) The Case is resolved. c) The Client moves to another state b) The client become a judge
- c) The Adv. Retires

Correct Ans: _____

08) Which of the following is not a potential penalty for professional misconduct?

- a) Reprimand b) Suspension
- c) Disbarment

Correct Ans: _____

d) Criminal Imprisonment as per the Act.

09) An Advocates conduct in court is expected to be:

- a) Informal and relaxed c) Aggressive irrespective of circumstances

Correct Ans: _____

b) Marked by Decorum, Courtesy and Respect.

d) Subservient to opposing counsel

10) The Main objective of the Advocates Act, 1961 is to:

- a) Define court procedures b) Regulate the legal profession and maintain professional Standards

c) Provide guidelines for legal education. d) Establish Legal Aid Committees.

Correct Ans: _____

Question 1

Discuss the provisions regarding enrolment of advocates as provided under the Advocates Act, 1961.

Answer

The Advocates Act, 1961 is a landmark legislation enacted to reform and regulate the legal profession in India. One of its main objectives is to create a **single class of legal practitioners** called *Advocates* and to provide a uniform and centralized process for their enrolment. Prior to the Act, there existed various classes such as pleaders, vakils and attorneys. The Act brought uniformity by conferring the right to practice law exclusively upon those enrolled as advocates.

Object of Enrolment System

The object of the enrolment provisions is to ensure that only qualified, competent, and ethically suitable persons are admitted to the bar so that the **dignity, integrity, and efficiency** of the legal profession may be preserved.

Legal Framework for Enrolment

The enrolment of advocates is provided mainly under **Sections 17 to 28 of the Advocates Act, 1961** and the rules made by the **Bar Council of India (BCI)** and **State Bar Councils**.

1. State Roll of Advocates – Section 17

Every State Bar Council shall:

- Prepare and maintain a roll of advocates
- Include names, addresses, and enrolment details
- Forward copies to Bar Council of India (BCI)

An advocate's name can appear **only on one State roll**, ensuring single registration throughout India.

2. Qualifications for Enrolment – Section 24

A person may be enrolled as an advocate if he:

1. **Is a citizen of India**
Foreign nationals can be enrolled only on the basis of **reciprocity**.
 2. **Is at least 21 years of age**
 3. **Holds a law degree (LL.B.)**
 - From a university recognized by the Bar Council of India
 - Foreign law degrees allowed only if recognized by BCI
 4. Has paid **prescribed enrolment fee**
 5. Meets other **BCI prescribed training and exam criteria**
-

3. Application for Enrolment – Section 25

A candidate must apply to the **State Bar Council** with:

- LL.B. degree
- Proof of age and citizenship
- Character certificate
- Prescribed fees and documentation
- Affidavit of good conduct

The application is examined by the Bar Council officials.

4. Enrolment Committee – Section 26

The State Bar Council refers applications to an **Enrolment Committee** which:

- Scrutinizes eligibility
- Can conduct background verification
- Can reject application for lack of good character or qualification

Appeal:

If rejected, the candidate may appeal to the **Bar Council of India**.

5. Certificate of Enrolment – Section 22

Upon approval, the advocate receives:

- **Certificate of enrolment**
- Entry into the **State Roll**

This certificate legally **authorizes the person to practice law**.

6. All India Bar Examination (AIBE)

Although not in the original Act, under BCI rules (2010):

- After enrolment, candidates must clear AIBE
- On passing, a **Certificate of Practice** is issued

Without passing AIBE, a person cannot appear in courts.

Disqualification for Enrolment

A person may be refused enrolment if:

- Convicted of an offence involving moral turpitude
- Adjudicated insolvent
- Dismissed from government service for misconduct
- Found guilty of unethical behavior or lack of character

Case Laws

Case	Principle
V. Sudeer v. Bar Council of India (1999)	BCI cannot impose training/apprenticeship without statutory backing; enrolment governed strictly by Act.
Bar Council of U.P. v. State of U.P. (1973)	Bar Councils are autonomous statutory bodies; enrolment is their independent power.
BCI v. Aparna Basu Mallick (1996)	BCI decides recognition of law degrees for enrolment.

Importance of Enrolment System

The enrolment structure ensures:

- Uniformity in legal profession
- Professional competence & ethical standards
- Control and discipline over advocates
- Public confidence in legal system

It also preserves **professional dignity**, ensures accountability, and protects litigants' rights.

The Advocates Act, 1961 provides a comprehensive and structured framework for enrolment of advocates in India. It entrusts the enrolment responsibility to **State Bar Councils under the supervision of BCI** and sets clear qualifications, eligibility criteria, and procedural safeguards. The system ensures that only deserving individuals enter the legal profession, thereby maintaining its honor, credibility, and excellence.

Question 2

What are the functions, powers, and duties of the Bar Council under the Advocates Act, 1961?

Answer

The Advocates Act, 1961 created two statutory bodies to regulate the legal profession in India:

1. **Bar Council of India (BCI)** – Section 4
2. **State Bar Councils** – Section 3

These councils are autonomous authorities responsible for regulating **legal education, enrolment, ethics, professional standards, and discipline** of advocates.

The Bar Councils function as guardians of professional conduct and protect the rights and privileges of advocates.

Objectives of Bar Councils

The main objectives are:

- To maintain the **dignity and honour** of the legal profession
- To ensure **high professional standards**

- To promote **legal education and reforms**
 - To **discipline advocates** and control misconduct
 - To protect the **rights, interests, and independence** of advocates
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Functions of State Bar Council — Section 6

A State Bar Council performs the following statutory functions:

- 1. Enrolment of Advocates**
 - Maintain the **State Roll of Advocates**
 - Process applications and verify eligibility
- 2. Safeguard Advocate Rights & Interests**
 - Protect privileges and welfare of lawyers
- 3. Legal Education**
 - Promote legal education in the State
 - Assist universities and law colleges
- 4. Conduct Elections**
 - Elect members to Bar Council
 - Maintain electoral roll
- 5. Provide Legal Aid**
 - Promote legal services and free legal aid
- 6. Disciplinary Functions**

- Enquire into professional misconduct
- Refer cases to Disciplinary Committees

7. Law Reform

- Organize seminars and debates on legal issues

8. Welfare Activities

- Develop welfare schemes and insurance for advocates

Functions of Bar Council of India — Section 7

The BCI has larger national responsibilities, including:

1. Legal Education Regulation

- Set **standards of legal education**
- Approve and derecognize law colleges
- Prescribe curriculum and training rules

2. Professional Conduct

- Frame **rules of professional ethics**
- Maintain dignity of the Bar

3. Enrolment and Certificates

- Recognize universities for law degrees
- Conduct **All India Bar Examination (AIBE)**
- Issue **Certificate of Practice**

4. **Disciplinary Authority**

- Appellate authority over State Bar Council decisions
- Constitute disciplinary committees

5. **Welfare and Law Reforms**

- Promote law reforms, legal research, seminars, publications

6. **Legal Aid**

- Provide legal aid and promote social justice

Powers of Bar Councils

- **Rule-making power** for professional conduct and legal education
- **Power to suspend or remove advocates**
- **Power to inspect law colleges**
- **Power to maintain discipline and ethics**
- **Power to collect fees and manage funds**

Duties of Bar Councils

- Uphold **standards of professional conduct**
- Maintain **discipline among advocates**
- Protect **independence of the Bar**
- Provide **training and legal aid**

- Take action against **misconduct**
- Ensure **proper functioning of courts & advocates**

Important Case Laws

Case	Held
O.N. Mohindroo v. Bar Council of Delhi (1968)	Advocates Act is a complete code; Bar Councils control the profession.
Bar Council of U.P. v. State of U.P. (1973)	State cannot interfere in Bar Council functions; independence affirmed.
Pravin C. Shah v. K.A. Mohd. Ali (2001)	Bar Councils can discipline advocates; right to practice is regulated.
Ex-Capt. Harish Uppal v. Union of India (2003)	Advocates have no right to strike; Bar Council must maintain discipline.

The Bar Councils under the Advocates Act, 1961 serve as **watchdogs of the legal profession**. They control enrolment, regulate legal education, maintain professional ethics, and exercise disciplinary authority. Their role ensures an ethical, capable, and disciplined Bar, which is essential for **administration of justice and preservation of rule of law**.

Question 3

What is meant by Contempt of Court? Discuss its punishment.

Answer

Contempt of Court refers to any conduct that tends to undermine the authority, dignity, or functioning of the judiciary. It includes acts which **disrespect the court, interfere with the administration of justice, or obstruct judicial proceedings**. The purpose of contempt law is to preserve the **majesty of law, public confidence in the judicial system, and the orderly administration of justice**.

The power to punish for contempt is a **constitutional power** vested in:

- **Supreme Court** – Article 129
- **High Courts** – Article 215

The statutory basis is the **Contempt of Courts Act, 1971**.

Meaning and Definition

Section 2 of the Contempt of Courts Act, 1971 defines contempt as:

- **Civil Contempt**
Wilful disobedience of any judgment, decree, order, direction, writ, or undertaking given to a court.
- **Criminal Contempt**
Publication or act which scandalizes or lowers the authority of the court, prejudices judicial proceedings, or interferes with the administration of justice.

In simple words, **civil contempt protects the party**, while **criminal contempt protects the dignity of the court and society's faith in justice**.

Types of Contempt

1. Civil Contempt

- Wilful disobedience to court orders or breach of undertaking.
- Purpose: to **compel compliance** with court directions.

Example: Refusing to follow a High Court stay order.

2. Criminal Contempt

Includes:

1. Scandalizing the court (insulting judges)
2. Prejudicing court proceedings (threats to witnesses, media trial)
3. Obstructing justice (disrupting court, influencing judges)

Punishment for Contempt

Section 12 – Contempt of Courts Act, 1971

Punishment may include:

- **Simple imprisonment up to 6 months, OR**
- **Fine up to ₹2,000, OR**
- **Both**

However:

- Courts may accept an **unconditional apology**
- Punishment is avoided if apology is genuine & remorseful
- Advocates may face **suspension or debarment** from practice under Advocates Act

Defences Against Contempt

Under the Act, certain defences are allowed:

- Fair criticism of judicial acts (Sec. 5)
- Statement of truth made in public interest (Sec. 13A)
- Innocent publication & distribution (Sec. 3)

- Personal disputes between parties (no bearing on court dignity)
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Case Laws

Case	Principle
E.M.S. Namboodiripad v. T.N. Nambiar (1970)	Criticism of judges motivated by malice amounts to contempt.
P.N. Duda v. P. Shiv Shankar (1988)	Fair criticism allowed; not every criticism is contempt.
Arundhati Roy Case (2002)	Disrespectful remarks = contempt; symbolic punishment imposed.
Prashant Bhushan Case (2020)	Tweets scandalizing judiciary punished; fine imposed.
Supreme Court Bar Association v. Union of India (1998)	Judiciary can punish for contempt to preserve dignity.

Importance of Contempt Power

- Preserves **public trust** in judiciary
- Ensures **obedience to court orders**
- Protects the **administration of justice**
- Maintains **judicial independence and authority**

Without contempt powers, courts could become ineffective and justice delivery would collapse.

Contempt law is an essential weapon for safeguarding the **authority, independence, and dignity** of the judiciary. However, the power must be exercised **cautiously and**

fairly, balancing respect for courts with **freedom of speech** and **legitimate criticism** in a democracy.

Question 4

What do you understand by Professional Ethics? What is its importance in the field of Law?

Answer

Professional ethics refers to the code of conduct, moral principles, and standards that guide the behaviour of members of a profession. In the legal field, professional ethics means the duties and responsibilities that an advocate must follow towards the court, client, opponent, colleagues, and society. Lawyers are considered officers of the court and play a vital role in the administration of justice. Therefore, they must maintain honesty, integrity, dignity, and professional responsibility.

Professional ethics for advocates in India arise from the Advocates Act, 1961, Bar Council of India Rules, court decisions, and general moral values. These ethics ensure that advocates perform their duties in a fair and just manner.

Meaning and Scope

Professional ethics includes:

- Honesty and integrity in legal practice
- Duty to uphold the constitution and rule of law
- Duty to maintain confidentiality and loyalty
- Duty to avoid conflicts of interest
- Respect for the court, judges, and judicial process
- Dignified conduct with colleagues and opponents

Importance of Professional Ethics in Law

1. Ensures administration of justice

Ethical conduct ensures fairness, impartiality, and truth in court proceedings. This helps courts deliver justice effectively.

2. Maintains dignity of the legal profession

The legal profession has a noble and dignified status. Ethics protect its honour and reputation.

3. Builds public trust

People have faith in the legal system when lawyers act ethically. It prevents corruption and misuse of law.

4. Protects client interests

Ethics require advocates to maintain confidentiality, avoid cheating clients, and provide competent legal service.

5. Prevents misuse of legal knowledge

Advocates are legally trained; ethics ensure that their knowledge is used to serve justice, not to harm society.

6. Promotes discipline and cooperation

Ethical rules maintain discipline in the profession and promote respectful relations among lawyers and with the court.

Duties Under Professional Ethics

- Duty to court: Maintain respect, honesty, and assist in justice delivery
- Duty to client: Loyalty, confidentiality, sincerity, and competence
- Duty to opponent: Courtesy and fairness
- Duty to colleagues: Respect, cooperation, and no unfair competition

- Duty to society: Promote justice, legal awareness, and legal aid
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Important Case Laws

1. *P.D. Khandekar v. Bar Council of Maharashtra* (1984) – Advocates must maintain honesty and integrity; dishonest acts amount to misconduct.
 2. *Ex-Capt. Harish Uppal v. Union of India* (2003) – Advocates have no right to strike or boycott courts; such actions violate duty to court and clients.
 3. *Supreme Court Bar Association v. Union of India* (1998) – Lawyers are officers of the court and must maintain dignity and ethical standards.
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Professional ethics form the foundation of the legal profession. Lawyers have a duty not only to their clients but also to the court and society. By maintaining ethical behaviour, lawyers help uphold the rule of law, strengthen the justice system, and ensure public trust in the judiciary. Therefore, professional ethics is essential for maintaining the dignity and honour of the legal profession as well as protecting the quality and integrity of justice.

Below is the **fifth long answer** written in a **clean and proper format (no symbols/emojis)** for Professional Ethics LLB exams.

Question 5

Explain the procedure for enquiry in respect of professional misconduct of an advocate.

Answer

The legal profession is a noble profession and advocates are expected to maintain high standards of conduct and dignity. When an advocate violates professional ethics or behaves in a manner unbecoming of a legal practitioner, it is called professional misconduct. The Advocates Act, 1961, provides a detailed procedure for dealing with such misconduct to maintain discipline and trust in the legal system.

Section 35 of the Advocates Act, 1961 deals with the procedure for enquiry into professional misconduct of an advocate. It empowers State Bar Councils and the Bar Council of India to conduct disciplinary proceedings.

Meaning of Professional Misconduct

Professional misconduct refers to wrongful conduct by an advocate that violates the ethical and professional standards expected of him. Examples include fraud, cheating clients, misappropriation of funds, misleading the court, or behaviour that lowers the dignity of the legal profession.

Procedure for Enquiry Under Section 35

1. Filing of Complaint

A complaint against an advocate may be filed by a client, another advocate, a court, or any aggrieved person before the State Bar Council.

2. Preliminary Scrutiny

The State Bar Council examines whether there is a prima facie case of misconduct. If no case exists, the complaint may be dismissed at this stage.

3. Reference to Disciplinary Committee

If a prima facie case exists, the matter is referred to the Disciplinary Committee of the State Bar Council for further enquiry.

4. Issuance of Notice

The Disciplinary Committee issues a notice to the advocate concerned, informing him about the allegations and asking him to submit his explanation or defence.

5. **Conduct of Enquiry and Hearing**

The Committee hears both parties, examines witnesses, and reviews evidence. The advocate is given full opportunity to defend himself, ensuring principles of natural justice.

6. **Order and Punishment**

After enquiry, the Disciplinary Committee may

- Dismiss the complaint, or
- Reprimand the advocate, or
- Suspend the advocate from practice for a specified period, or
- Remove the advocate's name from the State Roll (permanent disbarment)

7. These actions depend on the seriousness of the misconduct.

Appeal Against Decision

- Appeal from State Bar Council decision lies to the **Bar Council of India** (Section 37).
- Appeal from decision of the Bar Council of India lies to the **Supreme Court of India** (Section 38).

This appellate mechanism ensures fairness and judicial review of disciplinary actions.

Case Laws

1. **Bar Council of Maharashtra v. M.V. Dabholkar** (1976)
The Supreme Court held that disciplinary proceedings are meant to maintain the purity and dignity of the profession.
2. **P.D. Khandekar v. Bar Council of Maharashtra** (1984)
Honesty and integrity are essential qualities for a lawyer; misconduct must be

dealt with strictly.

3. **V.C. Rangadurai v. D. Gopalan** (1979)

The Supreme Court emphasized that punishment should maintain professional discipline but may consider reformative aspects when appropriate.

4. **Dhanraj Singh Choudhary v. Nathulal Vishwakarma** (2019)

The Court held that filing false cases and misleading the court amounts to serious professional misconduct.

The Advocates Act, 1961 establishes a clear and fair mechanism to deal with professional misconduct. The enquiry ensures that advocates who violate professional standards are punished appropriately, while protecting the rights of innocent advocates. This system maintains discipline, preserves public trust in the legal profession, and upholds the dignity and integrity of the justice system.

Seminar

1. Disqualification for Enrolment of an Advocate

Introduction

The legal profession plays a vital role in the administration of justice. Advocates uphold the rule of law and maintain the dignity of courts. Therefore, only those persons who are morally upright, competent, and ethically sound are allowed to practice law. The Advocates Act, 1961 lays down not only the qualifications but also the **disqualifications** for enrolment. This ensures that unfit persons do not enter the legal profession. Section 24A of the Act specifically deals with the disqualifications for enrolment as an advocate.

Main Discussion

According to **Section 24A of the Advocates Act, 1961**, a person shall not be enrolled as an advocate if they fall under any of the following categories:

1. Conviction Involving Moral Turpitude

If a person is convicted of an offence that involves moral turpitude, he or she is disqualified from becoming an advocate.

Moral turpitude means conduct that is dishonest, fraudulent, or immoral. Examples include forgery, cheating, misappropriation, and serious criminal offences.

However, such a person may apply again after **two years** from the expiry of their sentence.

2. Conviction under the NDPS Act

Any person convicted for offences involving narcotic drugs or psychotropic substances under the NDPS Act is disqualified from enrolment as an advocate. This ensures that persons associated with illegal drug activities do not enter the legal profession.

3. Dismissal from Government Service

If a person has been dismissed or removed from government or public service on grounds of misconduct or moral delinquency, they are disqualified from enrolment.

This is because a person dismissed for dishonesty or misconduct is not considered to possess the integrity required in the legal field.

4. Unsoundness of Mind

A person declared by a competent court to be of unsound mind is not eligible to practice law. Such a person is legally incapable of performing the duties of an advocate.

5. Insolvency

A person who is undischarged insolvent is disqualified from enrolment. Insolvency indicates financial irresponsibility and such a person may not be trusted with clients' funds and responsibilities.

6. Lack of Good Character

Even in the absence of conviction or dismissal, if the Bar Council believes that a candidate lacks good moral character or reputation, enrolment may be refused.

The legal profession demands high ethical standards, and any person of doubtful integrity may be rejected.

Case Reference

In **V. Sudeer v. Bar Council of India (1999)**, the Supreme Court emphasized that Bar Councils have the authority to ensure only qualified and morally fit candidates are enrolled as advocates.

Conclusion

The disqualification provisions play a crucial role in maintaining the purity and dignity of the legal profession. Advocacy is not merely a career; it is a public duty and a noble profession. Allowing persons with criminal backgrounds, moral defects, or questionable character to practice law would undermine public confidence in the justice system. Therefore, Section 24A of the Advocates Act acts as a filter to ensure that only deserving, ethical, and competent individuals enter the Bar and serve society with honesty and dedication.

2. Duty Towards Client

Introduction

The relationship between an advocate and a client is based upon trust, confidence, and loyalty. A client depends on the advocate to protect his rights, represent his interests, and secure justice. Therefore, the duty towards clients forms the foundation of professional ethics in the legal field. The Advocates Act, 1961 and the Bar Council of India Rules lay down detailed responsibilities that an advocate must fulfil while dealing with clients. A lawyer must act with honesty, integrity, fairness, and due skill to maintain public trust in the legal system.

Main Discussion

The duties of an advocate towards his client include the following:

1. Duty of Loyalty

An advocate must always put the client's interest first and act in good faith. He should not represent clients whose interests conflict with each other. Loyalty is essential for the preservation of trust.

2. Duty of Confidentiality

All communications between an advocate and his client must remain confidential. This duty continues even after the case is over. Disclosure of client information without consent is unethical and punishable.

3. Duty of Competence and Diligence

An advocate must provide competent legal service and take adequate care, prepare the case properly, and represent the client's matter diligently. He must keep himself updated with legal developments and act responsibly.

4. Duty to Communicate Honestly

A lawyer must give truthful advice and clearly inform the client about the strengths and weaknesses of the case. Misleading a client or creating false hopes is unethical.

5. Duty to Avoid Misrepresentation

An advocate must not fabricate evidence, file false documents, or make false statements on behalf of the client. The lawyer must maintain the dignity of the court while protecting the client's interests.

6. Duty to Charge Fair Fees

Fees charged should be reasonable and transparent. Contingency fee agreements like “no win, no fee” are prohibited in India. The advocate should not claim excessive or illegal charges.

7. Duty to Maintain Client’s Property

If a client entrusts any money or documents, the advocate must handle them carefully, maintain records, and return unused money. Misappropriation of client funds is a serious misconduct.

8. Duty Not to Withdraw Without Reason

Once an advocate accepts a case, he should not withdraw from it without valid grounds or without giving reasonable notice. Sudden withdrawal may harm the client’s interest.

Case Reference

In *P.D. Khandekar v. Bar Council of Maharashtra (1984)*, the Supreme Court held that advocates must act with honesty and loyalty. Failure to maintain professional conduct towards the client amounts to misconduct.

Conclusion

The duty towards the client is the backbone of the legal profession. Advocates must act as loyal advisors, sincere defenders, and honest representatives. Upholding client trust protects the dignity of the legal profession and promotes the ends of justice. The advocate-client relationship is sacred and demands the highest ethical standards. A lawyer who respects these duties not only succeeds in his profession but also strengthens the justice system and society.

3. Seven Lamps of Advocacy

Introduction

Advocacy is not merely the art of arguing cases in court; it is a noble profession that demands integrity, intelligence, and public responsibility. A successful advocate must possess certain virtues that guide his professional conduct and personal character.

Sir Edward Abbott Parry, a famous English jurist, described **Seven Lamps of Advocacy**, which serve as moral and professional guiding lights for lawyers. These seven lamps are essential qualities that every advocate must cultivate to excel and uphold the dignity of the legal profession.

Main Discussion

The Seven Lamps of Advocacy are as follows:

1. Honesty

Honesty is the foundation of advocacy. An advocate must be truthful in presentations before the court and must not mislead judges or clients. Honesty builds trust and strengthens the credibility of the legal profession. A dishonest lawyer not only loses respect but also harms the justice system.

2. Courage

Courage refers to moral strength and fearlessness in pursuing justice. An advocate must stand firm even in difficult situations, defend the truth boldly, and not be afraid of public pressure, powerful opponents, or consequences. True advocacy requires bravery in protecting clients' rights and upholding the law.

3. Industry

Industry means hard work and diligence. A good advocate must thoroughly study case laws, facts, evidence, and legal principles. Proper preparation, research, and dedication are the keys to successful advocacy. Hard work enhances skill and ensures justice is served effectively.

4. Wit

Wit refers to mental alertness, intelligence, and the ability to handle situations wisely. An advocate should be sharp-minded, possess presence of mind, and respond quickly and appropriately in court. Wit helps lawyers understand legal complexities, counter arguments, and persuade the court effectively.

5. Eloquence

Eloquence means the power of clear and effective communication. An advocate must speak confidently, persuasively, and respectfully. Good command of language, proper

voice modulation, and convincing presentation help convey arguments effectively and influence judicial decisions.

6. Judgment

Judgment refers to the ability to make wise decisions. An advocate must analyse facts carefully, choose the right strategy, and evaluate the strengths and weaknesses of a case. Sound judgment helps in counselling clients properly and presenting cases efficiently.

7. Fellowship

Fellowship means maintaining respectful and friendly relations with colleagues, judges, and all court officials. Professional courtesy creates a healthy environment in the legal fraternity. Cooperation, respect, and good behaviour reflect the dignity of the legal profession.

Conclusion

The Seven Lamps of Advocacy are timeless principles that shape a lawyer into an ethical, skilful, and respected legal professional. By practising honesty, courage, industry, wit, eloquence, judgment, and fellowship, an advocate contributes to justice, strengthens the legal system, and earns public trust. These lamps are not only qualities but guiding lights for a noble and disciplined legal career.

4. Role of an Advocate in the Legal Profession

Introduction

The legal profession plays a crucial role in maintaining the rule of law and protecting fundamental rights. An advocate is an essential part of this system. As an officer of the court and as a representative of the client, an advocate performs multiple functions. The role of an advocate is not limited to arguing cases; advocates are guardians of justice, social reformers, legal advisors, and protectors of constitutional values. The dignity and efficiency of the entire legal system depend greatly on the conduct and competence of advocates.

Main Discussion

1. Officer of the Court

An advocate assists the court in the administration of justice. He must uphold the dignity of the court, respect judges, and present facts truthfully. He must never mislead the court or use unethical tactics.

2. Representative of Clients

The primary duty of an advocate is to represent the client's interests sincerely and faithfully. He must protect the legal rights of clients, advise them correctly, argue effectively, and ensure that justice is served.

3. Legal Advisor

Advocates guide individuals, businesses, and institutions on legal matters. They help clients understand their rights, duties, and legal consequences before taking action.

4. Protector of Rights and Liberties

Advocates play a critical role in safeguarding fundamental rights guaranteed under the Constitution. They fight against injustice, protect liberties, and take up cases of public importance, especially in matters concerning human rights and social justice.

5. Negotiator and Mediator

Modern legal practice also includes dispute resolution outside the court. Advocates assist in negotiation, mediation, and arbitration to resolve disputes peacefully and efficiently.

6. Social Reformer

Lawyers contribute to society by raising legal awareness, promoting legal literacy, supporting legal aid programs, and fighting for the underprivileged and oppressed. Prominent leaders like Mahatma Gandhi and Dr. B.R. Ambedkar were lawyers who contributed to social change.

7. Ethical Role Model

Advocates are expected to maintain high ethical standards, integrity, and discipline. Their conduct sets an example for society and helps maintain public trust in the legal system.

8. Contributor to Law Development

Advocates help courts in developing legal principles through arguments and interpretation of laws. Their participation shapes judicial precedents and legal reforms.

Conclusion

The role of an advocate in the legal profession is both powerful and responsible. Advocates stand as protectors of justice, truth, and constitutional values. Their duty goes beyond personal gain; they serve society, defend rights, promote justice, and uphold the dignity of law. A dedicated and ethical advocate strengthens democracy and ensures that justice prevails in the society.

5. Salient Features of the Advocates Act, 1961

Introduction

The Advocates Act, 1961 is a landmark legislation that governs the legal profession in India. It was enacted to reform and regulate the working of advocates, legal practice, and legal education. The Act aimed to create a unified and professional legal system by replacing older laws such as the Indian Bar Councils Act, 1926. It provides a comprehensive framework for the enrolment, practice, ethics, and disciplinary control of advocates. Through this Act, the legal profession became more organized, ethical, and efficient.

Main Discussion

1. Establishment of Bar Councils

The Act provides for the establishment of:

- Bar Council of India (BCI)
- State Bar Councils

These councils are statutory bodies responsible for regulation, administration, and development of the legal profession.

2. Single Class of Legal Practitioners

Before this Act, there were different categories like pleaders, vakils, and advocates. The Act introduced a single, unified class known as **Advocates**, giving them the exclusive right to practice law in India.

3. Right to Practice

Section 30 grants advocates the right to practice:

- In all courts of India
- Before tribunals and authorities
- In any other forum where law permits

This ensures uniformity and freedom in professional practice.

4. Enrolment of Advocates

The Act lays down qualifications and procedures for the enrolment of advocates under Section 24. State Bar Councils enrol eligible candidates and maintain State Rolls.

5. Disciplinary Mechanism

To maintain professional ethics and discipline, the Act provides for disciplinary committees at:

- State Bar Councils, and
- Bar Council of India

They inquire into complaints of professional misconduct and impose punishments such as reprimand, suspension, or removal from the roll of advocates.

6. Regulation of Legal Education

The Bar Council of India has the power to:

- Set standards of legal education

- Recognize or derecognize law colleges
- Lay curriculum and training rules

This ensures quality and uniformity in legal education.

7. All India Bar Examination (AIBE)

Although introduced later through BCI rules, the Act supports examination requirements. Advocates must pass AIBE to obtain a **Certificate of Practice**, ensuring competence.

8. Autonomy of the Legal Profession

The Act provides independence to the Bar Councils, ensuring that the legal profession remains free from external interference and maintains professional self-regulation.

9. Code of Conduct and Ethics

The Act, along with Bar Council Rules, prescribes ethical duties and responsibilities for advocates to ensure professional integrity and public trust.

Conclusion

The Advocates Act, 1961 is a foundational law for the legal profession in India. It establishes the structure, rights, and responsibilities of advocates and ensures ethical, competent, and organized legal practice. By creating unified Bar Councils, regulating legal education, and enforcing professional discipline, the Act safeguards the dignity of the legal profession and strengthens the justice delivery system. It continues to guide and shape the legal profession with the aim of achieving fairness, justice, and rule of law in society.

C) Select and rewrite the correct answer

01) Which Act is primarily responsible for regulating the legal profession in India?

Correct Ans: **b) Advocates Act, 1961**

02) The Bar Council of India was constituted under which section of the Advocates Act, 1961?

Correct Ans: **a) Section 3**

03) The Advocates Act, 1961 seeks to standardize:

Correct Ans: **c) The training, registration and conduct of advocates**

04) The Advocates Act, 1961 was enacted in which year?

Correct Ans: **b) 1961**

05) Enrolment as an advocate is managed by:

Correct Ans: **b) The respective State or Provincial Bar Council**

06) The Code of Conduct for advocates emphasizes the duty to:

Correct Ans: **a) Promote public interest and justice**

07) An Advocate's duty to maintain client confidentiality continues even after:

Correct Ans: **d) The Advocate retires**

08) Which of the following is not a penalty for professional misconduct under the Act?

Correct Ans: **d) Criminal Imprisonment as per the Act**

09) An Advocate's conduct in court is expected to be:

Correct Ans: **b) Marked by decorum, courtesy and respect**

10) The main objective of the Advocates Act, 1961 is to:

Correct Ans: **b) Regulate the legal profession and maintain professional standards**

