

**PROFESSIONAL ETHICS AND ADVOCACY (1987).** By C. Rama Rao, Y Nageswara Rao and Y Vijayalakshmi Tayaru. Gayatri Books, Visakhapatnam. pp. 132 + XXXI. Price Rs. 25.

THE BOOK under review<sup>1</sup> is really praiseworthy in the sense that it is nicely elaborated on the basis of the various Acts like Legal Practitioners Act 1879, Advocates Act 1961, Bar Councils Act 1926 and the Rules framed by the disciplinary committees constituted under the auspices of State Bar Councils and Bar Council of India. The book gives complete information in regard to the members of the Bar who are authorised to appear before the court of law as an advocate on behalf of their clients as well as other legal practitioners who are entitled to practice in the court but not enrolled under the Advocates Act as an advocate.

The authors deal with the autonomous character of the Bar. The members of the Bar should observe the code of conduct established by the Bar Council of India from time to time and it is expected from the advocates that they should understand the advocacy as a noble profession. The advocates should maintain their integrity, honesty and prestige towards their clients, courts and in relation to other members of the Bar. The authors have given a very clear idea regarding the professional ethics in relation to the professional conduct of advocates. The authors' viewpoint is that professional ethics could encourage moral responsibility amongst advocates towards their clients, colleagues and courts. They should understand the responsibility of their legal profession in the various ways of their life. Hence they have traced the history of ethics from the Greek society to the modern age of science and technology which is in fact to be adopted by new entrants in the profession.

In this book, the authors are of the view that [a]n advocate is bound to do the case even if he has not received his fee wholly or in part unless the client terminates his appointment...."<sup>2</sup> In the light of professional ethics responsibilities of senior advocates towards junior advocates have also been discussed. The seniors should help the juniors to come up in the profession.

Comparing professional ethics of legal profession with other professions the authors are of the opinion that advocacy is a profession but not a trade. Actually this point has also been emphatically explained in the book with special reference to the opinion of Chief Justice Hughes of the Supreme Court of the U.S.A.<sup>3</sup> The advocate should not encourage solicitation or touting for their work.

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1. C. Rama Rao, Y. Nageswara Rao and Y. Vijayalakshmi Tayaru, *Professional Ethics and Advocacy* (1987).

2. *Id.* at 29.

3. *Id.* at 35.

The authors describe etiquette to mean the general way of behaviour which constitutes elegance, dignity, decency, decorum, pleasantness and friendliness. This point has also been critically evaluated by the authors with a view to highlight the significance of the role of advocates in society. They are of the view that the advocates should not carry on any other business or profession or be active partners or salaried servants in other departments.

The chapter on "Disciplinary Jurisdiction of Bar Councils" mainly concentrates on the jurisdiction of the bar councils in regard to disciplinary matters against the advocates. Undoubtedly, prior to the Advocates Act this jurisdiction was vested in the High Courts; but after the enactment of this Act, jurisdiction vests in the different Bar Councils of the states. Section 2 of the Act describes the function of the Bar Council of India. Under section 9 the State Bar Council and Bar Council of India have power to establish disciplinary committees against any advocate for enquiry of misconduct. Under Section 3 second appeal may be filed against the order of the disciplinary committee. Hence the Supreme Court is the final authority over the Bar Council of India. All these points are discussed by the authors.

Lastly, the authors have discussed professional misconduct which is one of the vital questions in the field of advocacy. Prior to the Legal Practitioners Act the courts were empowered to take disciplinary action against the advocates in the event of misconduct and there was no statute to govern them in this regard. The term "misconduct" was undefined, but from time to time it had been judicially interpreted by the High Court and the Privy Council. The Bar Councils Act and the Advocates Act also did not define this term. The Legal Practitioners Act used the word "unprofessional conduct" which is also not defined.

The book has two appendices containing the Bar Council of India Rules under the Advocates Act and Disciplinary Proceedings and Review which give detailed information regarding rules of the Bar Council of India, on enrolment as advocate to Bar Council, restrictions on senior advocates, duty to courts, clients and opponents, colleagues *etc.*

*A. P. Nagore\**

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\*Lecturer in Law, University of Lucknow, Lucknow.