

# Principles and Standards of Professional Conduct of Lawyers

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**Abstract – This paper talks about the importance of ethics in the legal profession, especially in India. Lawyers play a big role in helping people get justice, so they must follow certain rules to stay honest, fair, and responsible. These rules are called professional ethics. The paper explains how legal ethics have changed over time and how the Advocates Act, 1961 gave power to the Bar Council of India (BCI) to make and enforce rules for lawyers. It also explains the main duties of lawyers, such as keeping client information private, being honest, working hard, avoiding conflicts of interest, and helping the poor with free legal services. The BCI also tells lawyers what not to do, like advertising their services, doing business, or taking money in unfair ways. The paper includes real case examples where lawyers broke these rules and were punished. These examples show how serious it is when lawyers behave wrongly. In the end, the paper says that lawyers must always follow these ethical rules to keep the trust of people and protect the legal system.**

***Index Terms—* Advocates Act, 1961, Bar Council of India, Code of Conduct, Legal Ethics, Professional Misconduct, Roles and Duties of Lawyers, Rule of Law.**

## INTRODUCTION

The legal profession is a focus point of the pursuit of justice and an essential component in the maintaining of the rule of law and the protection of the rights of the people of society. At its very core is the strict adherence to a code of ethics and pro legal practice that binds lawyers to uphold the highest standards of integrity, competence, and a riding commitment to the respect of the legal system. This introduction is an attempt to delve deeply into the prescriptive rules and norms of professional practice binding to lawyers and with special reference to the Indian context and drawing comparative insight from experience gained in foreign shores.

## HISTORICAL EVOLUTION OF LEGAL ETHICS

Legal ethics has evolved over a couple of centuries progressively, and to a large extent, this has been

influenced by the interactions of social morality, modern legal culture, and the very evolutionary character of the legal profession itself. Throughout history, individuals working within the legal sector were guided by a collection of non-codified codes that reflected honour as well as moral behaviour. Though, there arrived a time where there was a requirement to officially introduce standards of ethics progressively owing to the increasing complexity and sophistication of various legal systems worldwide. In the case of India, the codification of legal ethics actually sped up with the introduction of the Adv. Act 1961, which legally entrusted the BCI with the authority to enact and publish rules pertaining to the professional conduct of advocates practising in the country.

## THE ADV. ACT, 1961, AND THE ROLE OF THE BAR COUNCIL OF INDIA

The Advocates Act of 1961 is the law on which the Indian legal profession is based. It established the BCI as the final controlling body that lays down the standards of professional decorum and behaviour of advocates. The BCI is given powers under Section 49 of the Act to formulate rules for the maintenance of professional standards and promotion of legal education. These rules are set out in Part IV of the BCI Rules. They specify the steps advocates have to take for the court, clients, adversaries, and other lawyers.

## KEY PRINCIPLES OF PROFESSIONAL ETHICS

### 1. Confidentiality

Confidentiality is the strongest component of the relationship between the advocate and the client. The advocates are bound to follow confidentiality over all the communications and information revealed by the clients to them. This rule leads to trust and induces the clients to reveal information without fear of disclosure. Under Indian law, confidentiality is mentioned under the BCI Rules,

which disapproves the advocates from disclosing any communication made in behalf of the clients without informed consent

## 2. Integrity and Honesty

It is the duty of lawyers to maintain the highest degree of honesty and integrity. This includes honest representation to courts, third parties, and clients and avoiding any act of dishonesty or misrepresentation. Integrity allows the law as a profession to gain the trust of the people and to be able to hand out justice.

## 3. Competence and Diligence

Competence means having the needed knowledge of law and skills to handle clients in the right way. Diligence means lawyers carrying out their duties in an adequate and diligent way in handling the cases. The BCI Rules direct advocates to take only cases which they can handle and prepare well enough to present effective advocacy.

## 4. Conflict of Interest

The advocates are also needed to ensure their own interests never conflict with their clients' interests. This means not representing two or more parties whose interests conflict and where they reveal to clients any potential conflict. The BCI Rules also disallows advocates from being heard in matters where they have a direct interest or in which their no interest ability to represent the client will be undermined.

## 5. Respect for the Judiciary

Respect for the judiciary needs to be maintained for the smooth working of the judicial system. Lawyers are needed to act with full dignity in court, avoiding anything that can violate the rules and regulations of judicial authority, and also obey the court procedure and orders. The BCI Rules specifically says on the responsibility of the advocates to behave with dignity in the presence of the court and to show respect to the authority of the court.

## 6. Professional Independence

Advocates have to remain professional and not allow irrelevant things like political or economic interests to affect their professional judgment. This is in place so that legal counsel and advocacy is done based on merit of the law and the interests of the client.

## 7. Pro Bono Services

Advocates have role as agent of the court and preserver of justice, this why they are encouraged to provide pro bono legal service to poor people who cannot afford the services of an advocate on their own. This guarantee access to justice to the poor and upholds the principle of equal justice before the law.

## 8. Advocacy and Fairness

Counsel is need to represent his client with all the vigour but within the limits of the law. This imposes the sense of pursuit of evidence in good faith, avoiding adverse litigation, and ensuring fair administration of legal process.

## DUTIES AS PER THE BCI RULES

Rules of BCI provide a thorough framework emphasising on the duties of advocates towards various stakeholders of the justice system:

### 1. Duty to the Court

- Noble Conduct: All the advocates must act in a dignified manner in the court and respect all the stakeholders.
- No Private Communications: There should be no private communication from the advocate's side towards judges regarding any pending matter and refrain from influencing court decisions by various improper actions.
- Fairness to Opposing Parties: Advocates should not act illegally towards the opposition and must represent clients who insist on using improper means.
- Maintaining Proper Dress Code: it is mandatory for the advocates to appear presentable in court, following the prescribed dress code.
- Avoiding Conflicts: Advocates must refuse to appear or should not act in matters where they have a pecuniary interest or indirect profit.

### 2. Duty to Clients

- Acceptance of Briefs: Advocates are bound to accept briefs in the courts where they practice, ensuring access to legal representation.
- Non-Withdrawal: Once engaged, they should not withdraw from services without sufficient cause and reasonable notice.

- Full Disclosure: Advocates must make full and frank disclosures to clients regarding their connections and interests in the matter.

### 3. Prohibition on Advertising and Solicitation

The advocates are strictly prohibited from canvassing their services or soliciting briefs, either directly or indirectly. This means all advertisement, circulars, personal contact, or interviews for advertising their professional skills. The reason for this is to uphold the professional dignity and not succumb to commercialization.

### 4. Restriction on Engaging in Business Activities

A lawyer cannot be active or have a participation in any form business. But they have right to be a sleeping partner in a business if the principle of the business is not contrary to the dignity of law as profession. This enables the central focus of an advocate to be on their practice of law and maintenance of justice.

### 5. Prohibition on Participating in Purchase of Property in Legal Proceedings

The professionals are not allowed to bid for or purchase, directly or indirectly, any of the property so put up for sale in the enforcement of an order in a case or proceedings in which they are/were engaged. The provision prevents conflict of interest and maintains the impartiality of legal professionals.

### 6. Avoidance of deals regarding finance with clients

A representative should not conduct money transactions with clients, for instance, lending money to clients, which may interfere with their professional independence. This includes charging a fee on the success of the law process or splitting the proceedings of it.

### 7. Duty to Opposite side

The advocates must be fair to the opposing advocate and counsel. They must not be party to malpractices and must always act in good faith. This involves avoiding any tactic which is intended to deceive or mislead the court or opposing counsel.

### 8. Restriction on Representing Establishments Where Advocate Holds an Interest

A lawyer should not act or appear in any case in which he or she has an interest. For instance, they should not represent a company in which he or she

is a director as this will generate a clash of personal and business interests.

### 9. Prohibition on Accepting Fees Contingent on Litigation Outcome

Representatives must not agree or agree to accept a fee based upon success in litigation or agree to accept a percentage of the proceeds thereof. This keeps legal representation separate from profit motive on case outcomes.

## CASE STUDIES ILLUSTRATING PROFESSIONAL MISCONDUCT

Examining instances of professional misconduct provides valuable insights into the practical application of these ethical standards and the consequences of violations.

### 1. P. Vignesh VS. Chairman and Members of The Bar Council, 2024

*Background:* In the case that is being referred to in the present case, the petitioner, one P.N. Vignesh by name, had filed a complaint that several online service providers were indulging in the provision of legal services in a way that is contrary to the professional standards that have been set and established by the BCI. To be specific, websites such as quikr.in, sulekha.com, and justdial.com were found to be offering lawyer services as part of their other miscellaneous services, thus offering users the facility to choose legal services based on a huge number of parameters. In addition to this, these websites were offering discounts on legal work, further making it difficult to follow professional standards in the legal profession.

*Legal Issue:* The primary issue was whether these online platforms violated the Bar Council of India's rules prohibiting lawyers from advertising or soliciting work under Rule 36 of the BCI Rules.

*Court's Observations and Decision:* The Madras High Court reaffirmed the fact that law is a noble profession and not trade or business. The court pointed out that if advocates are permitted to advertise or solicit cases, the profession would be a commercial activity and would destroy the dignity and ethics of the profession. The court held that the conduct of the platforms and the lawyers is immoral and instructed the Bar Council of India to issue

directions to all State Bar Councils to act against lawyers who are taking part in such activities.

2. P.S. Gupta v. BCI

*Background:* The person appealing in this case, Prahlad Saran Gupta, was seriously accused of professional misconduct. He withheld a giant sum of Rs. 15000 from one of his clients for eight long months. Throughout this period, he did not pay the money to the client, even though many requests were made. It was also claimed that he cheated the client over the appointment of another lawyer, which was an issue of his professional integrity. To add to that, he apparently filed in a court that was not the proper court for this case, which made things even worse for the client.

*Legal Issue:* Whether the appellant's actions constituted gross professional misconduct warranting disciplinary action.

*Court's Observations and Decision:* BCI's disciplinary committee held the appellant guilty of gross professional misconduct and suspended him from practice for one year. The Supreme Court confirmed this order, highlighting the fact that such behaviour erodes the confidence and trust placed by clients and society in advocates.

3. P.D. Gupta v. Ram Murti and Another

*Background:* In this specific instance, the attorney P.D. Gupta had been involved in purchasing properties in dispute that is where he was acting on behalf of one of his clients. Subsequently, he proceeded to sell these same properties to a third party and in doing so, he managed to make a profit out of the transactions.

*Legal Issue:* Whether the advocate's purchase of disputed properties amounted to professional misconduct.

*Court's Observations and Decision:* The disciplinary committee of the BCI ia carried out a thorough investigation and then found the advocate guilty of professional misconduct for being a party to transactions that were in violation of his professional obligations and responsibilities. For this misconduct, he was suspended from the practice for one year. Later, the case was heard by the

Supreme Court and the order was upheld, making a very important point that such conduct not only tarnishes his personal integrity but also the overall integrity of the law profession as a whole.

4. Allahabad Bank v. G. Prasad Verma

*Background:* The complainant Allahabad Bank alleged that the advocate Girish Chandra Verma had misappropriated a sum of money by failing to file suits though he had collected court fees on the bank's behalf for 52 cases. He filed suits on token court fees in 50 cases, and two cases were not filed at al l.

*Legal Issue:* Whether the advocate's failure to file suits and misappropriation of court fees constituted professional misconduct.

*Court's Observations and Decision:* The U.P.'s Bar Council disciplinary committee held the advocates for misconduct of misappropriating court fees and directed the strike his name from the Bar Council roll. The committee noted that the lawyer's profession is noble, and members of such a profession should be an example to be imitated.

5. M. Lal vs. Dr. P. Chand on 6 February, 1957

*Background:* An advocate obtained a false order by unfair means.

*Legal Issue:* Whether obtaining a false order constitutes professional misconduct.

*Court's Observations and Decision:* The Supreme Court held that such conduct is a breach of professional duty and amounts to professional misconduct.

CONCLUSION

Law as a profession is important and vital to the overall management of justice and to the further enhancement of primary facts of the rule of law. The different principles, as well as the codified professional codes of ethics, form the very basis that guarantees the integrity, dignity, and overall efficacy of legal practitioners practicing under it. Through the imposition of an integrated and unifying system of obligations, as well as a system of ethical principles, advocates are carefully led to behave in such a way that will advance the best interests of their clients, the courts, and society in general.

The above case studies are helpful in bringing into sharp focus the utmost and grave importance of conforming to and maintaining these professional norms that have been set out. Cases of misconduct, as illustrated, not only cause great discredit and harm to the personal reputation of individual lawyers but also gravely deplete and dent public confidence in the integrity of the justice system in general. Additionally, the disciplinary measures followed in the above cases clearly show the firm determination and commitment of both the judiciary and the various regulatory authorities to uphold ethical norms sternly and bring about accountability in the legal profession itself.

Amidst the ever-changing and dynamic legal landscape, it is necessary that legal professionals be on their toes and dedicated to the observance of the ethical principles that constitute the very fabric of their noble profession. Ongoing education, strict self-control, and an adamant, unshakable dedication to the ideals of justice are perhaps the most crucial ingredients that guarantee that the noble precepts that are inherent in the legal profession are not only maintained but left behind for generations to come.

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