

Social Responsibilities and Need of Legal Profession

Barkha Dwivedi* Dr. Charu Chandra Vyas**

*Research Scholar (Law) School of Legal Studies LNCT University, Bhopal (M.P.) INDIA
**Assistant Professor (Law) School of Legal Studies LNCT University, Bhopal (M.P.) INDIA

Abstract: The legal profession in India holds a distinctive position as both a key pillar of the justice delivery system and a catalyst for social transformation. Beyond representing clients in courts, lawyers are entrusted with the responsibility to uphold constitutional values, safeguard fundamental rights, and promote access to justice for all sections of society. This research paper examines the evolving social responsibilities of legal professionals in India, focusing on their role in ensuring legal awareness, providing pro bono services, and advocating for the marginalized. It further analyzes the ethical duties outlined by the Bar Council of India and evaluates the extent to which legal practitioners contribute to public interest litigation, legal aid mechanisms, and democratic governance. The study highlights the growing need for professional accountability and reforms to strengthen the credibility, integrity, and service-orientation of the legal community. Ultimately, the paper emphasizes that the legal profession must continuously align its practices with the broader goals of social justice and nation-building for a more equitable legal system in India.

Keywords: Legal profession in India, Social responsibility, Access to justice, Professional ethics, Bar Council of India, Legal aid, Public interest litigation, Rule of law, Justice delivery system, Constitutional values.

Introduction - The American Bar Association has well explained the need of the Code of the Legal Ethics. Justice SundramAiyer in his book 'Professional Ethics'¹ has asserted the need of legal ethics. He observed that rules are necessary even for the best self-interest is a misleading factor when you have to decide on the spur of the moment what is best to be done in the circumstances. The fact that these are definite rules and that much discretion is given to the individual will itself be an additional factor source of temptation. Never adopt the standards of a business profession. But after all whatever light we may seek to get from rules of conduct which have been prescribed in England or other countries, a great deal will have to be left to individual conscience. Nothing but a determination to err always on the safe side in cases of doubt will enable you to do your duty consciously. In this country it must be confessed that very often petitioners are guilty of questionable conduct owing to ignorance. They do not really know what is proper to be done in any particular case as there are no rules to guide them, no settled traditions to serve as an inspiration; each one is a law unto himself. He has further observed that it is not desirable that the lawyer's guidance should be altogether under the judicial control. It would be impossible for judges to control the bar satisfactorily. Too strict a discipline on the part of the courts is likely to be unfair to the independence and self-reliance of the members of the Bar. It is all the more necessary,

therefore, that there should be disciplinary bodies and that the profession itself should try and frame rules for its guidance. Explaining the advantages of the legal ethics, learned C.L. Anand has stated that an advocate being a public functionary, anyone taking to practice at the bar should have correct knowledge of privileges as well as the ethical obligations of the members of his professional conduct without difficulty or hesitation. This is necessary for the satisfaction of his own conscience, for the honour and good name of the profession, for the protection of the client and other concerned in litigation and for the welfare of the general public. It is the duty of the State to protect persons not only from incompetent lawyers but also from those who will disregard the obligations of professional service.

Even prior to the Advocates Act, 1961 the provisions for punishment for misconduct were provided. Section 10 of the Indian Bar Council Act, 1926. Provided for the punishment of misconduct which is quoted as below:

Prohibition as to appearance for opposite party and use of information to the detriment of client

The relation between the advocate and his client is of trust and confidence.

It is the duty of an advocate not to use the information obtained by him as advocate to the detriment of his client. The duty continues even after the relation of advocate and client has ceased. It is the duty of an advocate not to

disclose information communicated to him by his client. If the disclosure of such information is allowed, the clients would not disclose their secrets to their advocates and the advocates would not be able to discharge their functions properly.

It is evident from the explanation to section 126 of the said Act that the obligation stated in this section continues after the employment is ceased. The object of this provision is that there should be absolute confidence between the client and his advocate and this should be protected legally.

Respect and Courtesy to Court

Learned C.L. Anand has observed that the advocate owes respect and courtesy to the court for the reasons stated below:

(a) An advocate is like the Judge, himself, an officer of the court and an integral part of the judicial machine. The legal profession consists of the Bar as well as the Bench and both have common aims and ideals.

(b) In theory it is the King or Sovereign who presides in the court of justice and the judge is merely the mouthpiece representative of the sovereign. Respect shown to the court is, therefore, respect shown to the Sovereign whose representative the judge is.

(c) Not only litigants and witnesses but the general public will get their inspiration, and in time respect judges from the example of advocates. It is necessary for the administration of justice that judges should have esteem of the people. If judges are not respected, it tends to impair public confidence in the administration of justice.

(d) It is good manners and advocates before anything else are "gentlemen of the Bar".

(e) Even from a purely practical standpoint, there is nothing to be gained but there is much to lose by antagonizing the Court. Conflict with the judge renders the trial disagreeable to all and has generally an injurious effect upon the interests of the client.

(f) The usual practice in modern times is to appoint judges from among the members of the bar and even where this rule is not strictly observed, the Bench is fairly representative of the bar.

(g) It is necessary for dignified and honourable administration of justice that the court should be regarded with respect by the suitors and people.

In Hoffman's third resolution²:-

To all judges, when in court, I will ever be respectful, they are the law's vice regents; and whatever may be their character and department, the individual should be lost in the majesty of the office.

Resolution Forty one of Hoffman is also notable. In this Resolution he has stated³:-

In reading to the court or to the jury, authorities, records, documents or other papers, I shall always consider myself as executing a trust and as such, bound to execute it faithfully and honourably. I am resolved, therefore, carefully to abstain from all false or deception readings and from all

uncandid omissions of any qualification of the notes; and I shall ever hold that the obligation extends not only to words, syllables and letters but also to the modus legend. All intentional false emphasis and even into nations to mislead, are petty impositions on the confidence reposed and whilst avoided by self, shall ever be regarded by me in others as feeble devices of an impoverished mind or as pregnant evidences of a disregard for truth while justly subjects them to be watched in more important matters.

Legal profession unlike other professions, which are generally taken up with the sole object of earning money, is a profession of high dignity. An advocate has got some moral obligation towards his clients, court and at the same time towards the society in general. The foremost of all such obligations is that he should never act contrary to the basic principles of morality and should always act honestly. He should not do any act or advise his client to do any act which would disrespect the established judiciary in the country. He shall always strive to assist the Bench in the enforcement of law of the land. He should conduct himself with utmost dignity and self-respect in the court. All these are the self-imposed restrictions which the member of the legal fraternity have put on themselves. There was no mechanism prior to the commencement of this Act which would have a check upon the conduct of an advocate. But realizing the need to have some check upon the profession so that the standards that are laid down in the field should not go down, the Parliament on the recommendation of the Law Commission enacted the Advocates Act, 1961⁴.

In Re: Mohit Chaudhary, Advocate⁵, Supreme Court consider it appropriate to review some of the judicial precedents and texts in respect of the conduct of an advocate. We recognize the duty of an advocate to put his best case for the litigant before the Court. This, however, does not absolve him of the responsibility as an officer of the Court. It is a dual responsibility. The right of an Advocate-on-Record in the Supreme Court, is not an automatic right coming from the enrollment at the Bar. Something more has to be done. The rigors of an examination have to be gone through, which tests the advocate, not only on his legal ability of drafting and knowledge of law, but on ethical practices. It is only after going through the rigorous exercise that an advocate is enlisted as an Advocate-on-Record, giving him the right to act and file pleadings before this Court, in accordance with the Supreme Court Rules, 2013. A perusal of the relevant Rule contained in order IV, rule 5 requires, inter alia, even training for one year with an Advocate-on-Record, who has been approved by the Court, prior to the appearance in the test, so that the prospective Advocate-on-Record is well grounded in the various professional aspects. The requirements regarding the Advocate-on-Record examination, held under the general policy of the Committee of Judges appointed by the Chief Justice, requires testing in the practice and procedure of Supreme Court drafting, advocacy and professional ethics

and leading cases. The contemner has been an Advocate-on-Record for 8 years.

In **Preeti Gupta and another v/s state of Jharkhand and another case**⁶ the Supreme Court observed that learned members of the Bar have enormous social responsibilities and obligation to ensure that social fiber family life is not ruined or demolished. The member of Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498 A as a basic human problem and must make serious endeavor to help the parties arriving amicable resolution of that human problem. Advocates must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remain intact.

Lawyer allows our professional not only to grow has individuals and collectively but also the change to take an active role in the advancement of society. Social responsibilities is an essentially an argument about the limits that apply to the fundamental moral obligation that lawyers have to faithfully play their role in larger legal system. That the practice of law is not akin, to any other businesses for professional as it involves a dual duty may a primary duty to the Court and then a duty to the litigant with the privilege to address the Court for the client is best enunciated in the words of justice Mookerjee in Emperor V/s Rajanikantha Bose⁷.

The practice of law is not a business open to all who wish to engage in it. It is a personal right or privilege... It is in the nature of a franchise from the State That you are a member of the legal profession is your privilege; that you can represent your client is your privilege; that you can in that capacity claim audience in Court is your privilege. Yours is an exalted profession in which your privilege is your duty and your duty is your privilege. They both coincide.

The contempt jurisdiction is not only to protect the reputation of the concerned Judge so that he can administer justice fearlessly and fairly, but also to protect "the fair name of the judiciary". The protection in a manner of speaking extends even to the Registry in the performance of its task and false and unfair allegations which seek to impede the work working of the Registry and thus the administration of justice, made with oblique motives cannot be tolerated. In such a situation in order to uphold the honor and dignity of the institution, the Court has to perform the painful duties which we are faced with in the present proceedings. Not to do so in the words of P.B. Sawant, J. in Sanjiv Dutta, Dy. Secy., Ministry of Information & Broadcasting, In re, would⁸. The present trend unless checked is likely to lead to a stage when the system will be found wrecked from within before it is a wrecked from outside it is for the member of the profession to introspect and take the corrective steps in the time and also spare the court the unpleasant duty. We say no more.

In the aforesaid context the aforesaid principle in different words was set out by justice Crampton in R.v O

Connell⁹ as under

The advocate is a representative but not a delegate. He gives to his client the benefit of his learning, his talents and his judgment; but all through he never forgets what he owes to himself and to others. He will not knowingly misstate the law; he will not willfully misstate the facts, though it be to gain the case for his client. He will ever bear in mind that if he be an advocate of an individual and retained and remunerated often inadequately, for valuable services, yet he has a prior and perpetual retainer on behalf of truth and justice and there is no crown or other license which in any case or for any party or purpose can discharge him from that primary and paramount retainer.

Thus a lawyer as a part of a learned profession has many obligation and duties of an honourable nature. Legal Profession owes a moral and social obligation to the poor members of our society

Conclusion: The legal profession in India plays a vital role not only in the administration of justice but also in shaping a socially responsible, democratic, and equitable society. Lawyers serve as defenders of constitutional rights, guardians of the rule of law, and advocates for the voiceless. In the contemporary era, societal challenges such as rising inequality, lack of legal awareness, and delays in justice demand that legal professionals expand their role beyond courtrooms. While professional ethics and accountability frameworks exist under the Bar Council of India, their implementation needs constant reinforcement. The future of the legal system depends on the commitment of legal practitioners to transparency, integrity, social service, and continuous professional development. Thus, an efficient, ethical, and socially sensitive legal community is indispensable for achieving true justice and strengthening the foundations of India's democracy.

Suggestions:

(i) Strengthening Legal Education: Law schools should incorporate practical training and social responsibility components such as clinical legal education, fieldwork, and community engagements.

(ii) Enhanced Ethical Standards: Strict monitoring and enforcement of professional conduct rules are necessary to curb unethical practices and improve public trust.

(iii) Promotion of Legal Aid Services: Lawyers should actively participate in legal aid programs and pro bono services to ensure access to justice for marginalized communities.

(iv) Increased Public Legal Awareness: Regular awareness campaigns, workshops, and legal literacy drives should be conducted in rural and underprivileged areas.

(v) Technological Integration: Adoption of digital tools for case management, online dispute resolution, and e-courts can reduce delays and improve efficiency.

(vi) Support for Public Interest Litigation: Encouraging lawyers to take up matters of social significance to ensure protection of rights and social justice.

(vii) Continuing Professional Development: Mandatory training and skill enhancement programmes should be introduced to keep legal professionals updated with evolving laws and global practices.

(viii) Strengthening Accountability Mechanisms:

Establishing transparent disciplinary procedures and grievance redressal systems to ensure ethical compliance.

References:-

1. General Principles of Legal Ethics.

2. Hoffman, fifty resolutions, Resolution III
3. Ibid., Resolution XLI
4. K PushpaLeela V. Bar Council of State of A.P., AIR 1999 A.P. 88
5. A.L.R 2017 S.C. at 3842.
6. PreetiGupta and another V/s State of Jharkhand and another AIR 2010 SC 3363
7. ILR 49, Cal. 732, 71 Ind. Cas. 81: AIR 1992 Cal. 515
8. (AIR 1995) 3 S.C.C. 619 (AIR 1995 SCW 2203)
9. 7 Irish Law Report 313
