

In Re: (Thirteen) Advocates

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SooperKanoon Citation : sooperkanoon.com/474297

Court : Allahabad

Decided On : Sep-03-1934

Reported in : AIR1934All1067; 153Ind.Cas.667

Appellant : In Re: (Thirteen) Advocates

Judgement :

ORDER

1. The Advocates' Association has brought to the notice of the High Court two election manifestos circulated by two advocates of this Court among their fellow practitioners as part of election campaigns in connexion with the last Bar Council elections. 'With respect to one of these, contempt proceedings are already pending in this Court and we therefore refrain from expressing any opinion as to it at this stage. We take up for consideration the second manifesto as well as three manifestos issued by three other advocates which also have been brought to our notice, and also letters published in the Leader by eight other advocates, because there can be no suggestion that any of them amounts to a contempt of Court. It is a well recognized rule of etiquette in the legal profession that no attempt should be made to advertise oneself directly, or indirectly. Such a course of action tends to lower the dignity of the honourable profession and is undoubtedly akin to touting. It is for this reason that in England no barrister is allowed to write to solicitors or even to brother practitioners on circuit, extolling his services, experience, ability or work. Advertisements of all forms are considered to be highly improper.

2. Now, there can be many ways which an advocate, intending to advertise himself may adopt and yet try to conceal the fact that he is so advertising. The issuing of circular letters or election manifestos by a lawyer with his name, profession and address printed thereon, appealing to the members of his profession practising in the lower Court, who are of course in a position to recommend clients to counsel practising in the High Court, is obviously an indirect way of advertisement. Similarly, a person canvassing for votes by touring in the Province or sending out his clerk or agents, to the various districts), which must necessarily mean approaching directly the advocates practising in the Subordinate Courts, would undoubtedly be advertising in an indirect manner and is certainly reprehensible. Another cheap way of advertisement, which has unfortunately been sometimes tolerated by oversight, is the writing of articles for publication in newspapers (as distinct from legal journals) under his signature, where the writer describes himself as an advocate practising in the Courts. In such articles while pretending to discuss some controversial question relating to the legal profession, the Courts or the Bar Council, the real intention of the writer is to bring himself to the notice of lawyers and litigants in the mofussil in the hope of attracting work. All such practices must be condemned as they amount to a flagrant breach of professional etiquette. But these are matters for the Bar Council to consider; and it is their function to frame rules to stop such practices. We can deal with such cases only where the act is not merely a breach of professional etiquette, but amounts to professional misconduct involving moral turpitude. As in our opinion the issuing of the manifestos under consideration did not amount to any professional misconduct, but only to a breach of professional etiquette, we propose to take no action except drawing the attention of the Bar Council to the matter.