

Duties of the Advocates in the Administration of Justice

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Abstract

Advocates prime duty is to work for the best interest of their clients. They must not prioritize their client's rights, interests, and instructions, for their personal interest. Advocates must act with reliability, honesty, and professionalism in advancing their client's case. It is the duty of the Advocates to access justice to all.

They have a duty to promote legal education and awareness among the common public. They must do their effort to educate the public about their legal rights, obligations, and remedies. Advocates must also contribute to legal research, writing, and publications to enhance the knowledge and understanding of the law in society.

Keywords: Advocates duty-clients interest-justice-speedy trial-Adjournment-.

1. Introduction:

Advocates play an important role in the administration of legal justice. They are guided and governed by the Advocates Act 1961. To protect the rights and interests of the clients is the first priority of the advocates. Duty of the advocate is mainly towards the clients. They represent their clients in all respects in the court proceedings, so that they must be loyal, trust worthy towards their clients

Advocates play a decisive role in maintaining social order by acting as voices for individuals or groups, preserving social justice, and running towards affirmative change. Their roles are various and can include a wide range of duties and responsibilities

2. Role of Advocates in protecting the rights of the people (clients).

The primary function of an Advocate is to provide effective service to the people who are not being heard and whose rights are not respected. He is not a mere legal adviser but also a person to provide support to people wherever essential in the administration of justice. The legal profession is referred to as a noble profession because lawyers are tasked with the role of protecting and safeguarding the justice. Lawyers are qualified to interpret and apply the law, advocate for their parties, and maintain moral standards.

The advocates' acts in the society in different roles:

- Like a security in providing help whenever people are in threat of injustice.
- Legal advisor for their clients in all civil and criminal matters.
- Bond between clients and judges in the discovery of truth.
- Advocates are more responsible in upholding the interests of the client courageously at the time of court proceedings.

- An advocate's behavior must replicate their advantaged place in society, which derives from the nobility of this profession. In brief as an advocate, our service to the common individual should be **empathetic, honest, and officially recognized**.
- There are certain advocate's duties to their clients as given in a case namely. State vs. Lalit Mohan Nanda the Supreme Court held that some of the duties of an advocate to their client include:
- To accept the case of the clients: it is the duty of the Advocate to accept the cases of the clients approaching unless under certain exceptional situations to reject.
- An advocate once accepted the case must proceed and complete the case fulfilledly and not to withdraw the case in the middle of the case more specifically for nonpayment of fees. An advocate shall be loyal to his own client. He shall not have any indirect contact with the opposite parties.
- He is supposed to treat the client with due respect and also should act as per the interest of the client, not to behave as opposite to his interest.
- An advocate must keep the information given by the client safe and confidential.

3. Speedy trial is the constitutional right.

“Justice delayed is justice denied.” Justice means it is the fair treatment of people. Judiciary is the most important organ of the government which acts as the protector and guarantor of fundamental rights. It is the role of judiciary to provide timely justice. Mere disposal of a case is of no use to the clients but it must be disposed promptly and timely. Justice was served in Nirbhaya's case only after a period of seven years. During the period of these seven years what would have been the mental status of the victim's family.

When people are not provided with timely justice, they may frame the opinion that the system of judiciary is not properly functioning. Delayed justice can make the clients more frustrated sometimes it may lead to violent activities also.

The “Right to a Speedy Trial” is a fundamental right guaranteed under Article 21 of the Indian Constitution. The period of delay truly implies that the actual time to get relief. It is not that the actual time to pass judgement. When a case is decreed after five years, we may say that after a period of five years only the case was decided. But that is not correct because even after the judgement it takes time to execute the judgement. Sometimes the party may go for appeal. Then further delay. So the parties may not be in a position to enjoy, the benefits of the judgement due to long delay in execution proceedings.

In India numbers of cases pending in the court are more. According to The National Judicial Data Grid (NJDG) more than 4 lakhs cases are pending before the courts in India. There may be several reasons for the pendency of cases. some are in adequate number of judges in the courts, delay caused by advocates absence of office staffs, complicated facts, acts of the witnesses and litigants etc, plays a major role.

4. Reasons for the pendency of cases in courts:

Pendency of cases in courts may be due to many reasons. Like non-availability of required number of judges, in adequate court staff and other factors that lead to delay in the disposal of cases include lack of prescribed time limit by respective courts for disposal of different cases, consistent postponements, other than these reasons Advocate also delay the case. if they haven't prepared well for the case, they may frequently adjourn the matter.

Advocates are considered as the important connectors between the litigant and the judiciary. They are officers of the court, their behaviour toward the court, associated lawyers and the clients should be

respectful, friendly, humble and well-organized. That intern reflects the professional and personal truthfulness and capability of the Advocates. Advocates duties are not only to support the clients but also to assist the court to reach a suitable decision.

5. Effects of delayed justice.

People approach the court only for want of justice, in case of violation of their rights for the sake of remedy. If the same is denied due to delay then they may develop a negative image about the judiciary. Delay in justice May leads to mental tension, stress, sometimes leads to frustration in life. On the other hand, a common person may not be in a position to afford more money for those years of delay towards the advocate fee and also for other expenses.

Moreover, people who have faith and trust upon judiciary may lose their hope against the judicial system.

6. Present statistics - pendency of cases in Indian courts.

As per data recovered from the Integrated Case Management System (ICMIS) by the Supreme Court of India, as on July 1,2023 there are 69,766 cases pending in the Supreme Court.

As per the data received from the National Judicial Data Grid (NJDG)," there are almost 60, 62,953 and 4,41,35,357 cases are pending before the high courts, district and subordinate courts as of July 14, 2023.

7. Conclusion and Suggestion.

- Advocates are under the duty not to adjourn the matters without any proper reason.
- Judiciary is under the responsibility not to adjourn the matters without any reasonable cause. Advocacy is being a noble profession; it should not be misused for earning money or used as a business for income.
- The advocate must be loyal to client, should conduct the case with at most care and concern.
- System of Lok Adalat can be adopted by the government in case of speedy trial as an alternative mechanism. If an advocate misleads or does not conduct the case properly in support of the clients then action for professional misconduct can also be initiated against the advocate before the state Bar council.
- A client can make a complaint against an advocate before the concerned Bar council, then disciplinary committee of the Bar council will conduct an inquiry about the matter and it will take action against the advocate. Even the Bar can suspend the Advocate from practising, removal of his name from the state roll, and also warn the Advocate.
- If the client is not satisfied with the action of the state Bar council, then for appeal against the order they can approach the Supreme Court of India within sixty days from the date of order.

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