

QUARANTINE OF A PRIVATE PRACTISING ADVOCATE

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The purpose of writing this article is to highlight the practical problems which private practising advocate is facing in the real time scenario by the constraints influenced by dependent systems and being a social engineer as a primary interface to the common man. Examples had been taken just to analyze the practical problems and definitely NOT to criticize any other systems in society.

The individual who had done his LLB degree starts his career as a private practising advocate by joining as a junior advocate with any of the senior advocate's office or he / she starts his own practice. After gaining experience few of them will move as the judicial officers by clearing the exams conducted by the Government and few may join in Corporate as legal advisors or in other roles. Majority of practising advocates will continue as private advocates in their career.

Once the Advocate start practicing as a private advocate, he needs to take care of his own earnings and no financial support provided from the Local / State Bar Council or All India Bar Council. Even for the welfare fund of Advocates, it will be from the petition's which the advocate will contribute in the form of "WELFARE STAMPS". Even in the case of medical emergencies for an advocate and his family, he needs to bear from his own pocket. On the other hand, the advocacy is not a full time Job, where the presence of advocate is needed in the court based on the case dairy he has.

As a junior advocate majority of the time the practical knowledge had been gained from the senior advocates, which is sometimes mercy of the senior advocates. There are few senior advocates who can encourage junior advocates for their growth and other few may or may not.

No regular trainings provided by the Bar Council / government to upgrade the knowledge base of the advocate on the latest proceedings. In the case of Judicial officers' government is providing regular trainings to them as they are judicial officers from government. Does that

mean the system is under impression all private advocates are successors of Eka Lavya to learn on their own or born billionaires to set up their own library either Digital or Physical is the point to be considered?

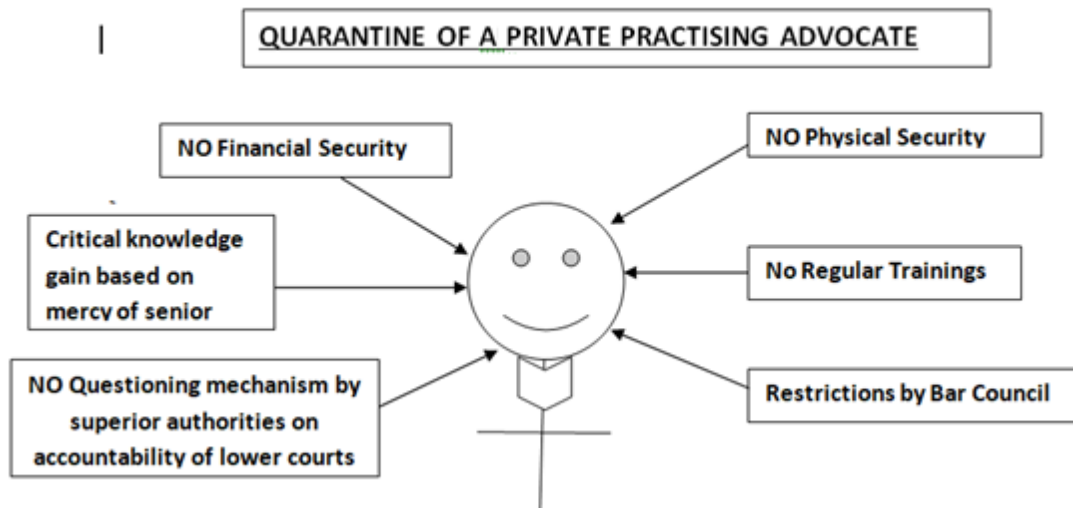
Despite of having no support from government, there is every restriction imposed on advocate that is not there in any other profession / business / government representatives etc. A doctor is allowed to do advertisement about his hospital and specialization anywhere. Similarly being elected by the people and getting benefits from government, the politician has a freedom to act in movies / TV shows and get involved in business etc. Why so many restrictions on advocate by Bar Council and other as no one can provide financial support or guidance?

Every government servant has a security provided u/s 353 IPC. Even government / private hospitals and their employees also covered under special provisions of IPC in terms of their security. Being the individual having wide knowledge on judicial processes and fight for social justice in the court of law didn't cover under any special provisions of IPC. Why this disparity on advocates is is the point to be brainstormed?

AS PER DISCRETION OF COURT, really pushing the private council into tough situation while answering the very realistic questions of common man. As an example, for a common man in the case of Anticipatory bail appeal, NOT much of time allowed for bail hearing saying IT'S a Bail stage NOT a trial stage. Same in case of celebrities or politicians, courts are listening the hearing more than 3 hours based on recent scenarios. If the same had been questioned by common man to the legal officer, except discretion of court NO answer, which is annoying the intellectual.

When a private council violate bench / bar relations or any mistake by him Bar council is ready to ask explanation and to take action on him / her. It had been observed that in many scenarios, Apex court had commented that, lower courts are discharging their duties mechanically. At the same time, there are multiple cases where the Supreme Court had set aside the High court decision and High court had set aside the decision of lower-level court and so on. Strongly agree, it's a judicial process, why there is no questioning mechanism on at least exceptional cases where the lower court deviated from the basics of law to adhere. As an example, even though there are clear instructions by Apex court on allowing the private complaint adhering to Priyanka Srivastava's case, there are many scenarios which officers had just forwarded the

private complaints in mechanical manner to respective SHO ignoring Apex court directions. Where is the accountability questioning mechanism by judicial higher authorities to their representatives in lower court for not delivering their duties as per law? Why the common man needs to suffer by wasting his time and money going for appeal, which is again a billion dollar question to be answered by private advocate to his clients.



To conclude, advocacy is such a challenging profession which advocate always try his best to address the problems of individuals and the society in the court of law despite of the quarantine he is into. Such a noble profession should be supported by concern authorities providing minimal financial support and security provisions. The accountability of judicial process should be closely monitored and questioning mechanism by superior authorities should be introduced will make feel of common man as COURTS ARE THE TEMPLE OF JUSTICE and also motivate an advocate to do his best in the court of law for the Justice.