Advantages of Codification of Legal ethics:-

following are some of the advantages of Legal Ethics:

1. The main reason for Lawyer's deviant behaviour from the honourable and accepted standard of conduct is not intentional delinquencies. It is rather as a result of ignorance of the ethical requirement of the situation. The existence of a code of profess-ional ethics will furnish an authoritative state-ment of ideals by which every Lawyer, when in doubt, may be guided.

2. Codification will tend to raise and strengthen the standard of professional honour. Any departure from the standards prescribed by the organised Bar will lead to a loss of professional reputation and no Lawyer in the ordinary circumstances is likely to risk it.

professional character cannot be built in a day. So in order to form a good character, it is necessary that a young Lawyer should have correct standards of conduct held up before him. These rules should exist in a simple and readily accessible form, to influence his conduct from the commencement of his career.

A code of this kind will be helpful to the Bar Councils and Courts in judging and regulating acts of the Lawyer.

Existence of a code, based on ancient traditions, for the guidance of Lawyers will be of great help in checking the growing tendency in the direction of commercialising the vocation of the Bar.

The advantage of a disciplinary code is its ability to sanction delinquent Lawyers while

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not intruding on the individual's moral space. It addresses the commonly expressed concern that we should not police what people think, but what they do. The idea is to provide clear rules with sanctions for unacceptable behaviour, but beyond that to leave Lawyers free to do so as they (or their clients) please. But to a large extent this turns ethics into a merely form of legal regulation where the rules are made by Law Societies. Even then, this makes it possible for the regulators to know the subject better and for those regulated to make a greater commitment to the standards of the profession.

One of the objections to a code is the danger of it being regarded as exhaustive and anything not coming within its express prohibition is allowable. It is not possible to formulate a code of Legal ethics, which will provide the Lawyer with a specific rule to be followed in all the varied relations of his professional life. The maximum that can be done is to state with as much particularity as possible and with due regard to custom and tradition those general principles which experience has taught us to be observed, so that the profession occupies its high place in the social structure. This makes it possible to fulfil the important and responsible duties, which fall to its lot.

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It would be a folly to assume that these canons of ethics are sufficient enough in laying down rules of conduct, which will be sufficient for all purposes and under all circumstances. This is because many duties quite as important and equally imperative though not specified will arise in the course of almost every Lawyer's practice. According to P. Ramanatha Iyer, two cardinal rules may be Laid down as to professional ethics:

1. Nothing which politeness and right feeling demand of a Lawyer in his dealings with others can properly be withheld by him.
2. Nothing which is morally wrong can be professionally right.

All the other rules and code provisions which may be Laid down are simply applications of these two rules to special situations. In regard to these applications each Lawyer must make his own conscience his guide, no matter if he differs as far as may be from the general professional opinion.

Unlike United States, India does not have a separate code of conduct, to regulate the conduct of Lawyers. The Bar Council of India Rules by virtue of Section 49(1)(c) of the Advocates Act, 1961 prescribes the canons of conduct and etiquette for Advocates. But it seems that these rules are inadequate to meet the present situations.

The Supreme Court of India has recognised the importance of a code of conduct in In re M. an Advocate, AIR 1957 SC 149 and opined:

"It is high time for the Legal profession

1. (2000) 7 SCC 264

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to join hands and evolve a DATE ____/____/____
Code for themselves in addition to the mandate of the Advocates Act, Rules made thereunder and the Rules made by various High Courts and this Court, for strengthening the belief of the common man in the institution of the judiciary in general and in their profession in particular. Creation of such a faith and confidence would not only strengthen the rule of Law but also result in reaching excellence in the profession.

No attempt has yet been made in India to codify the rules in an authoritative form. It is not disputable that codification of professional ethics is a difficult task. At the same time, it is not impracticable. This is evident from the successful attempts made by the American Bar Association and the Bar Associations of other nations. However, it is not possible to formulate an exhaustive code of Legal ethics, which will provide a Lawyer with specific rules to be followed in all the varied relations of his professional life. The utmost that can be done is to state only the general principles.

It is clear that there is need for a Code of ethics for Lawyers. But rules of professional conduct that invite inconsistent interpretation and application will not be beneficial. Lawyers should be afforded as much certainty as possible about whether their proposed conduct is proper. Such ethical propositions stated should be readily understandable by every member of the Bar. Also it should be

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in a practical form and should be sufficiently general to cover the Lawyers' responsibilities in the great variety of cases with which he will have to deal.

Need for an Enforcement Machinery - Court or self-regulation?

It is not doubtful that unless and until there is enforcement machinery, the canons of conduct for disciplining Lawyers are fruitless. Now the question that remains is, 'what form of regulation will best advance the availability, competence, integrity and independence of Lawyers which the public needs?' The profession confronts an insoluble dilemma. If it is insufficiently solicitous of client's complaints, the public will lose confidence in the disciplinary proceedings and demand more external controls. If it is too responsive the public will gain confidence and flood it with grievances. In the later event, the profession may have difficulty in financing and staffing the disciplinary system and may be condemned as a traitor by its own members.

The enforcement of regulatory controls for the Legal profession may be divided into many categories:

i, Disciplinary controls (traditional self-regulation);
ii, Liability controls (negligence etc.);
iii, Institutional controls (enforced by Courts and state administrative agencies on Lawyers who practice before them); and,
iv, Legislative controls (enforced by a special independent regulator or commission or even

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by the Government).
This study concentrates on the question whether self-regulation through the Disciplinary committees of the Bar Councils is sufficient to meet the public policy goals.

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