



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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LECTURE: 27

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Lecture-27



Bench-Bar Relationship

LECU TE 27: **Bench-Bar Relationship**

(i) Bar :

Advocates are enrolled by the State Bar Council as such, on getting L.L.B degree from a University and getting a certain training under some advocate as prescribed by rules. The advocates are known as the 'Bar' as a whole body of advocates and an advocate represents the Bar. In short, Bar is a collective term for the attorneys who are licensed to practice in the Courts, or a particular court, of any state.

(ii) Bench :

Bench means all the judges taken together as distinguished from the 'Bar' the name for all the members of the legal profession-bench is that part of the court considered in its official capacity, while the judges are sitting. The earlier meaning of Bar contained the part of Bench also at the present term 'Bar' is applied for the attorneys part of the court and the term is used for the judicial officers part of the Court.

Role of Bar Bench in Administration of Justice

The Bar and Bench play important role in the administration of justice. According to Justice C.L. Anand, there is no office in the State of such power as that of the Judge. Judges hold power which is immensely greater than that of any other functionary. The common people's life, and liberty, personal domestic happiness, property, and reputation subject to the wisdom of the judges and hang citizens on their decisions. If Judicial power becomes corrupt no security is left of life, liberty expires, there no guarantee is left of personal or domestic happiness. A strong powerful, impartial active and the capable judiciary is the greatest need of a State. On the account of the importance of the judges in the maintenance of the orderly society, judges should perform their duties.

Duties of Judges

Judge is a public officer who hears and decides cases, settling the dispute in the court of law. There is no office in the State of such power as that of the Judge. Judges hold power which is immensely greater than that of any other functionary.

Duties of Judges

- 1) A person who is acting as a Judge in the Court of Law must discharge his duties without fear or favor, ill will or affection.
- 2) A Judge must be impartial and must do everything for justice and nothing for himself or his friends or relatives.

- 3) A Judge should have patience and gravity of hearing. He should allow the advocate or party fullest opportunity to present case.
- 4) A Judge should respect the Privilege of Bar.
- 5) A Judge should sit with a receptive mind. No Judge should form the opinion regarding the merit of the case till he heard the parties.
- 6) No Judge Should desire that the Bar Should be servile
- 7) A Judge must not allow himself to be subjected to any influence other than the influence of law and justice of the cause.
- 8) A Judge should avoid a controversial manner or tone in addressing controversial manner or tone in addressing counsel litigant or witness.
- 9) A Judge should avoid interruption in the Counsel in their argument and in the examination of the witness.
- 10) An important duty which the judge owes to the Bar is of consideration and courtesy. He should possess calm temper.

Duties of an Advocate in the Court while dealing with his case

Like Judges, Advocates also play an important role in the administration of Justice. Advocates are officers of the Court, they are expected to assist the Court in the Administration of Justice. Advocates collect materials relating to the case and thereby assist the Court in arriving at a (conclusion) correct judgment. An advocate is a partner with the judiciary in the administration of Justice.

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Duties of an Advocate in the Court while dealing with his case

- 1) As the advocate is an officer of the court, they are required to maintain towards the court a respectful attitude bringing in mind that the dignity of the judicial office is essential for the survival of the society.
- 2) an advocate should make his best effort to restrain and prevent his Client from resorting to unfair practices in relation to the court
- 3) an advocate should not influence the decision of the court by any illegal or improper means
- 4) an advocate should not communicate with a judge relating to a pending case

5) an advocate is required to conduct himself with dignity and self-respect during the presentation of the case

6) an advocate should not consider himself mere mouthpiece of the client and should exercise his own judgment in the use of restrained language in dealing with the court

7) an advocate should not use intemperate language during arguments in the court .he should avoid scurrilous attacks in pleadings

8) an advocate should make accurate statement of facts and should not twice them

9) an advocate should not misguide the court by citing knowingly an overruled decision or a repealed statute

10) an advocate should uphold the dignity and should not do anything which brings the court into disrepute.

Bar-Bench Relations:

Administration of Justice is not something which concerns Bench only. It concerns the Bar also. Mutual respect is necessary for the maintenance of the cordial relations between the Bar and Bench. Advocates and Judges are complementary to each other. Bar is the Principal ground for recruiting Judges. So they both belong to the same community. Bar and Bench should maintain cordial relations with each other. But on account of nature of duties to be discharged by advocates and judges, they may get into dialogues sometimes, humorous, sometimes heated and sometimes harsh.

Scandalising of the court by an advocate is really polluting the very foundation of justice and such conduct by an advocate brings disrepute to the whole administration of justice.

The attitude of an Advocate towards the Court should be one of the uniform respect, whatever the status of the Court. Advocate's Private opinion about the Presiding officer, he must not show in its behavior because he has to uphold the dignity of the judiciary as an institution. At the same, it is equally the duty of the judiciary not only to be polite towards the members of the Bar but to do everything possible to advance into high traditions.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	The advocates are known as the 'Bar' as a whole body of advocates and an advocate represents the Bar	True	False
2.	Bar is a collective term for the attorneys who are licensed to practice in the Courts, or a particular court, of any state.	True	False
3.	Bench means all the judges taken together as distinguished from the 'Bar' the name for all the members of the legal profession-bench is that part of the court considered in its official capacity, while the judges are sitting.	True	False
4.	The Bar and Bench play important role in the administration of justice. According to Justice C.L. Anand, there is no office in the State of such power as that of the Judge	True	False
5.	Judges hold power which is immensely greater than that of any other functionary.	True	False

Answers: 1-(a),2-(a), 3-(a),4-(a),5-(a)