

LAWYERS MEDIA AND CIVIL SOCIETY

As a whole, lawyers, media, press and civil society have one common feature, i.e. they are the champion and sentinel of fundamental and other civil rights of people. Lawyers advance this cause through judicial methods, media through newspapers and television programmes, holding debates through television and the civil society through peaceful and democratic movements. Our national history bears ample testimony to the fact that members of legal profession, media and civil society have played significant role not only in the nation building process but also in securing good governance for the country.

LAWYERS

A lawyer is a privileged class not only in India but in other countries as well. Their profession is a noble calling. There is no match to the status of lawyers from other professionals like doctors, engineers, architects, chartered accountants etc. Lawyers' role is not limited to represent their clients in the Court. This class of people in statutory robe plays a greater role in the society. Outside the Court premises the lawyers play a leadership role in the civil society. A large number of lawyers also represent their villages and towns by way of elected members in the State Assemblies, Lok Sabha and Rajya Sabha. While sitting in Assemblies and Parliamentary Houses, the lawyers can well be termed as Ambassadors of the respective Constituencies. In this backdrop the importance of the legal fraternity in the good governance of the country cannot be over-emphasized. Gracefully and proudly it can be noted that in the first Lok Sabha after independence nearly 35% Members of Parliament were having legal background. Though the percentage of representation of lawyers in Parliament has gone down over the years still members, having legal background, dominate the ministry and play a significant role in the political field.

Of the three groups mentioned above, it is only the lawyers who are governed by a statutory law, namely the Advocates Act 1961. Under this Act Bar Council of India is constituted at national level and similar statutory Bar councils at State level are constituted in each and every State. Bar councils role and functions are, *inter-alia*, to lay down standards of professional conduct, etiquette

etc. For this purpose, the Bar Council of India has enacted Rules known as Bar Council of India Rules. These Rules can be considered as a complete Code in itself. Chapter-II of Part-IV of the aforesaid Rules is completely devoted to lay down the standard of professional conduct and etiquette. The Chapter outlines the duty of the lawyers to the Court; to the client; to the opponent; to their colleagues etc. The Preamble of Chapter-II eloquently narrates the standard of professional conduct, which is extracted below:

“An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an advocate shall fearlessly uphold the interests of his client and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.”

The Rules also provide that the lawyers shall accept the verdict of the Court by bowing down their heads, be it in their favour or against them. If a lawyer or a party to the litigation is not satisfied by a judgment it may challenge the judgment before a superior court, as may be permitted under the procedural law or under the Constitution of India.

India saw two big civil movements in the year 2012. One under the umbrella of ‘India Against Corruption’ to bring probity in public life and the other one by general mass to protest murder of a young woman after sexual assault and raised a demand for stringent laws to contain such offences. To show its solidarity with media and civil society, lawyers in different corners of the country also came out on the streets. As members of society and having to play an effective role in the battle for protection of life, liberty and dignity of women in India the lawyers had genuinely showed their concern on the issue. However, one can not help taking note of the fact that a group of lawyers of the Supreme Court held a demonstration

in the lawns of Supreme Court before submitting a memorandum to the Chief Justice of India.

In my opinion, lawyers holding demonstration in the court campus does not speak well of the legal profession as it mildly breaches the conduct Rules, applicable to lawyers. Over and above, there are instances where groups of people held protest against certain judicial pronouncements out-side courts. To me, such course of action should not be resorted just because a judicial verdict is not in favour of a particular litigant. There are laid down procedure to challenge judicial decisions before higher forums, if one is not satisfied. Even though the agitation of lawyers in court campus may be justified in public arena on a genuine cause and might be approved, even tacitly, question arises as to whether it would not encourage the common people to barge into court campuses to oppose judicial or administrative decisions. Therefore, should the Bar Council of India and the lawyers body, which took part in the particular demonstration, introspect and think over the propriety of holding similar protest in the court campuses in future.

MEDIA

Media includes print media, visual media and mass communication. Though the conduct and misconduct of print media is under the control of Press Council of India there is no such separate statutory body to look at the ethics and misdemeanor of visual media and mass communication, as in the case of legal profession. With the advent of social sites in the internet the television networking has virtually brought the entire world on finger tips and the world can now be known as a big village. Media plays a multifarious and divergent role in the society. Media asserts itself to be the fourth pillar of Indian democracy, deriving its root from Article-19 of the Constitution of India, which provides protection of certain rights under the umbrella of “freedom of speech and expression”.

Though the media claims to be a platform for educating people and guiding the citizens to fight for their legal rights, for exposing the arbitrary and undemocratic decisions of the government and also for revealing the loopholes and

loose ends in the governing policies of the country it is yet to get statutory recognition in the Constitution.

Even if we have completed 66 years of independence the media, particularly television networking, is yet to get a solid base and a position in the society. Media has not yet acquired the status of an independent institution. People are yet to reconcile with yellow journalism, airing of paid news, unregulated exhibition of serials, shows, advertisements etc. Some of the television channels are either owned by political personalities or business houses. There is also no bar for the TV channels to propagate their own ideologies. In an editorial in London Times, on the importance of public faith in the press as being more fundamental than any other constitutional guarantee, it was observed that only a fair press will retain public confidence that is needed by a press. Similarly, in one of the Commonwealth Law Conferences a Malaysian Judge observed that “Freedom after speech is more important than Constitutional guarantee of freedom of speech”.

‘Trial by media’ is now a globally accepted phrase. At times, media has been applauded by people for exposing corruption in high places or for exposing the culprits, who are not properly punished by the police agency or the judiciary. There is a long list of cases where investigation, enquiry or trial would not have reached to a logical conclusion or the victims could not have seen the light of justice had there been no media intervention.

CIVIL SOCIETY

The words ‘Civil Society’ have been coined to indicate informal unification of smaller societies, which raises voice for protection of civil, fundamental and human rights of people. India won the battle of freedom from British primarily due to sustained civil movement under the leadership of Mahatma Gandhi. Though there were other leaders also in the movement I am not naming them as most of the freedom movement leaders later became political leaders. However, in the post independence, I will name Jai Prakash Narain and Shri Anna Hazare as most popular leaders of civil society.

The civil society champions the cause of nation on a broader perspective and under a big platform in various democratic forms. Taking out processions with placards, banners, holding 'dharnas' and meetings are well recognized methods of civil movements. However, the moment a civil movement becomes violent or adopts un-democratic methods it loses the force and support of people, for whom the movement is taken up. The latest example is that of the civil society fighting against corruption under the banner of 'India Against Corruption' under the leadership of Anna Hazare. So long it was apolitical the Govt and all political parties had bowed down before it. However, once it took a political colour it fragmented and lost the grip over the civil society. Resultantly, the movement not only lost its momentum but also came very close to end at half-way.

Now to draw a conclusion from all that I have narrated above it can be stated that only such movements, by whomsoever it may be, which confines itself within the boundaries set by well re-cognized norms and principles, can gain the support and sympathy of the mass and achieve the desired result in the long run.



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