

Decorum of the Court: Relationship with lawyers and litigant parties

By

Dr. Adnan Khan, Barrister at Law,

Director Research

Relationship with Litigant Parties

Constitutional obligations

- **10A. Right to fair trial.-** For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process
- **14. Inviolability of dignity of man, etc.-** (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable
- **25. Equality of citizens.-** (1) All citizens are equal before law and are entitled to equal protection of law

Lawyers' Duties Toward Courts

Expediting Litigation

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Candor (truthfulness) Toward The Court

A lawyer shall not knowingly:

- Make a false statement of fact or law to a court or fail to correct a false statement of material fact or law previously made to the court by the lawyer;
- A lawyer who represents a client in proceedings knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the court.
- In an ex parte proceeding, a lawyer shall inform the court of all material facts known to the lawyer that will enable the court to make an informed decision, whether or not the facts are adverse.

Impartiality And Decorum Of The Tribunal

It is the duty of an advocate to maintain towards the Court a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance, judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism. (Section 159 Bar council Act)

A lawyer shall not:

- Seek to influence a judge or other official by means prohibited by law
- Communicate ex parte with a judge during the proceeding unless authorized to do so by law or court order;
- Engage in conduct intended to disrupt a court.

Compelling Remedies

- Adjourning proceedings
- Counseling
- Taking up the matter with the local body of lawyers
- Reference to the Bar Council for taking disciplinary action
- Reference to the High Court for initiating proceedings under the Contempt of Court Ordinance
- Initiating contempt of court proceedings under PPC
- Seeking police assistance

Section 228 PPC

Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceedings, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to three thousand rupees, or with both.