
THE HUMAN BEHIND THE ROBE: ETHICS AND PROFESSIONAL EXPRESSION

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ABSTRACT

The courtroom is generally considered a place of discipline, restraint and professional decorum. But judges, advocates and litigants are still human beings with their own beliefs, feelings, frustrations and conscience. The two incidents discussed below illustrate the complex moral question of the division between professional duty and personal expression in the justice system and the different institutional reactions to these incidents. The analysis considers attorneys' professional responsibility, the role of litigants who represent themselves, and a judge's duty to ensure justice and ethical conduct. It also explores the interconnection between the decorum in the courtroom and freedom of expression, personal conscience and access to justice. The article examines the boundaries of contempt and disciplinary jurisdiction in light of the principles that were laid down in cases like *In Re: Vinay Chandra Mishra*, *R.K. Anand v Registrar, Delhi High Court* and *Supreme Court Bar Association v Union of India*. It also sets apart true civil disobedience from the sort of disorder that may happen in court and how extended waiting in a court may lead to frustration for the litigants. It is believed that professional ethics have to be considered from a two-sided perspective: not only the one of the people in front of the court, but also that of the people who are not. Rather, mutual accountability is necessary for judicial honour and professionalism. Rigorous and proportional adoption of ethical norms is crucial to maintain the public trust, fairness and the legality of the justice system.

Keywords: Professional Duty; Personal Conscience; Access to Justice; Contempt; Disciplinary Jurisdiction.

INTRODUCTION

The courtroom tends to showcase a fully formal environment, leaving no room for the emotional side of a human being. Nevertheless, judges, advocates and litigants are all human beings, and the institution of justice requires their willing obedience to a common discipline. Two incidents, nine months apart but with a common question, have set the table yet again for an issue that legal systems have long wrestled with: What is the line between professional discipline and personal conscience, and does the law treat everyone equally who appears before it?

Both individuals were denounced on the spot as being in the wrong. Both were denounced as being in the wrong on the spot when they tried, in an open court hearing on 6 October 2025, to throw a shoe at then Chief Justice of India, B.R. Gavai, and, on 10 July 2026¹, a law student and petitioner-in-person, Prabal Pratap Singh, disrupted the proceedings before a Bench of Justices K.V. Viswanathan and Alok Aradhe by declaring himself "the sovereign", addressing the judges as "judicial servants," throwing case papers into the air and directing abusive language at the Chief Justice². The two occurrences had two different consequences. The exploration of these two authenticated events will be seen (and no more embellished than they have been reported and documented) to see the ethical obligations that each party the judge, the advocate, and the litigant has to each other, and to ask when, if ever, personal conviction can be stronger than the professional obligation of restraint.³

ANALYSIS

I. THE TWO INCIDENTS: A FACTUAL ACCOUNT

A. The Kishore Incident

Rakesh Kishore, a 71-year-old advocate, went on to approach the dais during a hearing

¹ Aaratrika Bhaumik, Attack on CJI Gavai: Supreme Court Cautions Against 'Raking Up' Incident, to Hear Contempt Plea After Diwali Break, *The Hindu* (Oct. 16, 2025), <https://www.thehindu.com/news/national/attack-cji-gavai-supreme-court-cautions-against-raking-up-incident-to-hear-contempt-plea-after-diwali-break/article70170217.ece>.

² HT Correspondent, Delhi Police Arrests Two Law Students for Disrupting Supreme Court Proceedings, *Hindustan Times* (July 15, 2026), <https://www.hindustantimes.com/cities/delhi-news/delhi-police-arrests-two-law-students-for-disrupting-supreme-court-proceedings-101784091180539.html>.

³ Bar Council of India Rules, pt. VI, ch. II, §§ I–VII (Standards of Professional Conduct and Etiquette), framed under the Advocates Act, No. 25 of 1961.

before Chief Justice Gavai, and tried to throw a shoe towards the Bench, shouting that he would not tolerate any insult to Sanatan Dharma. Security personnel intervened before the shoe reached the Bench. Significantly, Indian authorities later said that they would not take any steps to file a criminal case against him; and the Supreme Court itself did not initiate any contempt proceedings, reporting that the Supreme Court's institutional stance was that the matter would “die a natural death.”

B. The Prabal Pratap Incident

In the hearing, Prabal Pratap Singh, who was studying 3rd year LLB at Lucknow University, addressed the Supreme Court as 'Judicial Servant' and said, "I order you to order the registration of an FIR. Justice Viswanathan said, "Are you giving any directions to us?" Then Singh hurled a stack of papers into the air and hurled abuse at the Chief Justice of India. Singh was escorted out of the court by security. The Bench, in its order, got the Special Leave Petition disposed of on its merits and did not initiate contempt proceedings against the petitioner, saying, "Considering the condition of the petitioner," it was not taking any action against him.⁴

C. The Asymmetry

The comparison is beneficial just because both men engaged in actions that interfere with the functions of the judicial system and actions which no profession of law permits. Rather, the consequences were shocking. Kishore, a senior member of the Bar, faced disciplinary action, but no criminal charges; the Court he attacked preferred silence. Singh and Bhan, who were comparatively minor players, seen not directly to be registered advocates, were dealt the full panoply of criminal process – arrest, custodial interrogation, and continued judicial custody – despite the Bench they had disrupted itself not having moved for contempt. This is not, on the evidence available, proof of bad faith on the part of any individual judge; the criminal case against Singh and Bhan is for assault on a police officer and obstruction, rather than for the disruption of the courtroom. But the disparity of punishment (professional censure for the lawyer, continuation of criminal detention for the student petitioners) is a fair matter for

⁴ Two Law Students Arrested for Hurling Abuses in Supreme Court, Disrupting Proceedings, The Hindu (July 11, 2026), <https://www.thehindu.com/news/national/two-law-students-arrested-for-hurling-abuses-in-supreme-court-disrupting-proceedings/article71224251.ece>.

institutional investigation and the ethical issues that arise are related to this disparity.

II. JUDICIAL DECORUM AS A RECIPROCAL CONSTITUTIONAL VALUE

A. Advocate's Duty of Restraint

India's rules of advocacy make it clear that there is a duty on the advocate to conduct themselves respectfully. In *Re: Vinay Chandra Mishra*⁵ the Supreme Court reiterated that the right of audience before a court is not an absolute right; it has to be exercised within the limits of professional zeal, which is restricted by rules of behaviour which maintain the possibility of a court functioning.⁶

B. The Judicial Reciprocal Duty

Less often commented on, but just as well known, is the fact that judicial power has an equal responsibility for restraint and respect for the Bar. The Supreme Court, in *R.K. Anand v. Registrar*⁷ Delhi High Court, upheld a finding of contempt against a senior counsel who had interfered with a witness, was mindful that the power of contempt is a power to be exercised sparingly and only when it is strictly necessary to preserve the probity and fairness of the court, and thus it was a case of judicial asperity rather than judicial misconduct.¹⁸ The Supreme Court, in other words, was careful to distinguish "propriety" and "equality" of judicial conduct, on one hand, and legitimate⁸ even forceful advocacy on the other; for, while judicial conduct is a one-way obligation cast on the Bar, it is a shared constitutional value that extends to the Bench as well.⁹

C. The Maintenance of Law and Order

The Supreme Court has limited the range of contempt powers on several occasions. Together, these decisions outline a jurisprudence that limits the scope of contempt: it is

⁵ In *Re: Vinay Chandra Mishra*, (1995) 2 S.C.C. 584.

⁶ LiveLaw, SC Asks Govt To Consider Bringing Regulatory Mechanism To Check Violation Of Ethics By Lawyers (Feb. 21, 2024), <https://www.livelaw.in/legal-ethics-sc-asks-govt-consider-bringing-regulatory-mechanism-check-violation-ethics-lawyers-read-judgment>.

⁷ *R.K. Anand v. Registrar, Delhi High Court*, (2009) 8 SCC 106.

⁸ Judicial Group on Strengthening Judicial Integrity, *The Bangalore Principles of Judicial Conduct* (2002), endorsed by E.S.C. Res. 2006/23, U.N. Doc. E/RES/2006/23 (July 27, 2006).

⁹ Dhananjay Mahapatra, Who Can Judge a Judge's Courtroom Behaviour Towards Lawyers, Litigants?, *Times of India* (Dec. 19, 2017), <https://timesofindia.indiatimes.com/india/who-can-judge-a-judges-courtroom-behaviour-towards-lawyers-litigants/articleshow/62111385.cms>.

not a means to protect any judge's personal sensibilities or an end in itself, but rather exists in tension with the right of expression and grievance of the advocate and litigant. It is a power that must be exercised to uphold judicial facilitation of access to justice, and not to paralyse it. The act was not impulsive in nature.

Kishore's act, whatever the reason, was a physical act against a sitting judge in the court itself and the action, which reflects the judgment of the professional community, was a suspension. No religious or ideological belief or sentiment can justify intimidation of the Bench. Singh's outburst – which had already become a nuisance and a violation of the decorum of the court – stemmed from a different attitude: a self-represented litigant, not trained like a professional advocate, not as to what the court allows, who had been feeling frustrated about an unregistered FIR for a whole year and was only letting off steam in the court room, but not with violence.

D. Why the Distinction Matters?

This distinction is important for two reasons. The first reason is that the enrolled advocate has taken on the elevated responsibility, just because of the rights of the profession – presentation before the court, the status of 'Officer of the court' and the 'trust' that comes with that. While there must be basic order in the court, it is not justiciable to expect a litigant in person, who has not taken the oath, to exhibit the same degree of courtroom deportment. Second, and more troubling, however, if the consequences of the institution seem more severe to the student without institutional standing than to the senior professional, the legitimacy of the disciplinary system itself is brought into question. Ethical systems still have a hold on us as long as they are perceived as being applied equally. A structure that asks for steadfast restraint from litigants, and for forbearance from a senior practitioner whose behaviour, on any measure, was at least just as grave, is likely to be seen as not principled proportionality, but as deference proportional to status.

This jurisprudential restraint, in both the Kishore and Pratap cases, is reflected in the Supreme Court's own refusal to invoke its contempt power in either case. The more challenging question that arises from the Pratap matter is why a separate and stricter criminal process was initiated against a young petitioner despite the high level of his disrespect for the process of filing an FIR, having been set aside without being

investigated on its merits.

III. PROFESSIONAL ETHICS VS PERSONAL CONSCIENCE

A. The Boundary in Principle

Professional ethics have been developed because in an adversarial system, if everyone acted on his or her personal beliefs, there would be no system.¹⁰ This structural function is fulfilled by the advocate's oath, the Bar Council Rules and the doctrine of contempt. However, there has long existed a category of principled non-conformity, most commonly discussed in the context of civil disobedience, in which one agrees to pay the penalty for violating a law or practice as a price for raising dissent, but does not seek to be excused from accountability.¹¹

B. When the Times of Departure from Decorum May Be Understandable, Though Not Excusable?

None of it indicates that any kind of courtroom behaviour ought to be normal or that either of the guys behaved "correctly." The rule of professional ethics will not bend to serve all frustrated litigants, or otherwise the court would be unworkable. There is a real distinction, however, between moral and professional impropriety. A litigant who has been pressing for the registration of a single FIR for a year and keeps watching his complaint dismissed on a procedural point without it being dealt with on its merits is not thereby entitled to "throw a wrench" in proceedings, but the "explanatory" lens provided by the psychological wearing down caused by the prolonged, unresponsive process is indeed a documented illustration of the access to justice failure in India. The law has the authority to condemn the act; it doesn't have to pretend not to understand how frustrating it is.

IV. CONSEQUENCES OF CIVIL DISOBEDIENCE WITHIN THE COURTROOM.

The rhetoric of civil disorder is all too often used and misused to account for disruption in the courtroom. The reasoning is subject to questioning, not assumption. The three elements of classical civil disobedience, from Thoreau to the tradition of satyagraha of the Indian freedom

¹⁰ Richard O. Brooks, *Ethical Legal Identity and Professional Responsibility*, 317 (1990).

¹¹ *Supra* Pt. 1.

movement, are: public, non-violent, and the civil disobedient is aware that he will be subject to legal penalties as the cost of being disobedient, and he is willing to incur the cost precisely to be disobedient.¹² In the strict sense of civil disobedience, neither of the incidents mentioned above is defined as civil disobedience. Kishore's act was the use of physical force against a sitting judge, which is not compatible with the principle of non-violence as is understood in its physical sense in any sense. Singh, though not violent against the Bench, was not a deliberate protest against a recognised rule, rather, it was an uncontrolled outburst of frustration during normal proceedings, followed by opposition to being physically restrained, according to the police.¹³

This is important because it prevents an alluring but misleading defence. The protective logic of the doctrine requires some degree of discipline, foresight, and the actor's own consent to the consequences of his actions, as well as an underlying grievance. A theory of permissible protest is not consistent with a system that would tolerate a lawyer's black armband expression of protest, but not one of a frustrated student.¹⁴

A. The Transformation in Psychology due to Institutional Failure

A less doctrinal but no less important line of inquiry focuses on the effect of long periods of institutional delay and unresponsiveness on the persons who have to traverse it. The reports of the Pratap case tell of a petitioner who had been filing the same grievance — the registration of one FIR for almost one year, and the actual complaints were never investigated. It is not a peculiar pattern in the Indian judiciary, but rather its commonness that gives the psychological element its significance rather than being labelled as a unique aberration of the character of the judge.¹⁵

The following responses are not recommended here as suitable, but are offered as a diagnostic one. If everyone's courtroom explosion is a single offence of bad behaviour, and it isn't reasonably predictable by structural elements, then the

¹² Shimon Shetreet, *Judicial Independence: New Conceptual Dimensions and Contemporary Challenges*, in *Judicial Independence* 590.

¹³ Geoffrey C. Hazard Jr., *Personal Values and Professional Ethics*, 40 CLEV. ST. L. REV. 133 (1992).

¹⁴ Allan C. Hutchinson, *Taking It Personally: Legal Ethics and Client Selection*, 1 168 (1998).

¹⁵ Gerald J. Postema, *Moral Responsibility in Professional Ethics*, 55 N.Y.U. L. REV. 63 (1980).

symptom will continue to be punished without addressing the condition.

B. Toward Reciprocal Accountability

The more profound argument this comparison makes is one of the mutually reinforcing natures of the obligations of judicial dignity and advocates' — and litigants' — dignity. A judiciary which expects people to behave well before it must be equally strict upon itself as well as upon its opponents in ways of maintaining decorum before it, and equally mindful of not creating the very frustration which it is sent to correct. The Bangalore Principles' requirement of "competence and diligence", in addition to the requirement of propriety, remind us that judicial accountability extends to effective and humane resolution of the grievances that are brought before us. Properly, though, as R.K. Anand and the Supreme Court Bar Association¹⁶ noted, contempt jurisdiction should not be exercised selectively against the less powerful and institutional restraint exercised against the more powerful.¹⁷

CONCLUSION

The two incidents of Kishore and Pratap cannot be read separately without being read together and strictly based on the facts that have been established, nor can either be judged as acting rightfully. Both violated courtroom-established norms of behaviour, which have good and longstanding reasons. But the difference in institutional response (professional suspension vs. criminal detention) is a valid reason to question whether the ethical demands of the system are applied evenly, which is the only way they can be legitimate. Professional ethics and personal conscience, which are but one, cannot be transferred by any single individual, at his own will, from one place to another; but the integrity of the line depends upon judges, advocates and litigants all equally bound, and all equally bound, to it. A courtroom is not only the property of the Bench. It is common property and everybody's task to preserve it.

¹⁶ Supreme Court Bar Assn. v. Union of India, (1998) 4 SCC 409

¹⁷ Carrie Menkel-Meadow, Can They Do That - Legal Ethics in Popular Culture: Of Characters and Acts, 48 UCLA L. REV. 1305 (2001).