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LAW: A PROFESSION OR A MORAL DILEMMA? THE ETHICAL CONFLICT BETWEEN PROFESSIONAL DUTY AND PERSONAL CONSCIENCE

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Introduction

My name is Tanmay, and I am a fourth-year law student. Ever since I entered law school, I have always pondered one question: What if I were ever forced to choose between my personal morals and my professional ethics? What would I do in that situation?

Imagine a criminal lawyer whose client privately confesses to committing an offence. The lawyer now faces a difficult question: should they continue to defend the client?

While many view defending a guilty person as morally wrong, the legal profession is governed by constitutional principles and professional ethics. An advocate's duty is not to decide guilt, but to ensure that justice is delivered according to law.

The Moral Conflict

Personal conscience demanding justice.

Professional duty requiring loyal representation.

Constitutional Perspective

Article 21: Fair trial is an essential part of the guarantee of life and personal liberty. Article 22(1): Every arrested person has the right to consult and be defended by a legal practitioner of their choice.

Article 20: Protects against ex post facto laws, double jeopardy, and self-incrimination.

Together, these provisions ensure that every accused receives a fair trial, regardless of the allegation.

Advocate-Client Confidentiality

Confidential communication between an advocate and client is a fundamental principle of legal practice. Even if a client privately admits guilt, the advocate generally cannot disclose that confession. Confidentiality promotes honest communication and protects the fairness of the legal process.

Professional Ethics

Duty Towards the Court: Never mislead the court; never fabricate evidence; maintain honesty and dignity.

Duty Towards the Client: Represent the client fearlessly within the law; maintain confidentiality; act with loyalty and competence.

Is There Really a Conflict?

The advocate is neither the judge nor the investigator. If a client admits guilt privately, the advocate cannot reveal the confession, cannot present false evidence or encourage perjury, and may challenge the prosecution's evidence to ensure guilt is proved beyond reasonable doubt.

Philosophical Perspective

Deontology (Kant): A lawyer must perform their professional duty regardless of personal beliefs.

Utilitarianism: Fair legal representation protects society from wrongful convictions and misuse of State power.

Conclusion

Law is more than a profession. It is a balance between personal morality and constitutional duty. An advocate who ethically defends an accused is not opposing justice but ensuring that justice is achieved through evidence, due process, and the rule of law. This balance makes advocacy both a noble profession and a lasting moral dilemma.