



ROLE OF JUDICIARY IN STRENGTHENING LAW, LEGAL EDUCATION AND LEGAL PROFESSION

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Abstract: "The law is the public conscience" _ said by the Thomas Hobbes. A law is valuable, not because it is a law, but because there is right in it. The law was made for one thing alone for the exploitation of those who don't understand it Lawyers are the only persons, where ignorance of the law is not punished. Law without justice is a wound without a cure. Because the judiciary is a supreme body to strengthening law, legal education and legal profession.

In the common law system judiciary plays a creative role by formulating, developing, remodeling¹ and at times breaking down legal concept to the changing times. Thus we find the emergence, through judicial person, of different principles, concepts, rules of standards in various branches of law, role of judiciary in a social welfare liberal democratic state is not an easy task, which obligates a sense of social responsibility and expects towards social development not only filling judgments but shouldering a joint or collective obligation to do justice is a society.

Legal education is the basic, which only would create such responsible and responsive social layering. Every society has its contingent demands now need to be fulfilled by an instrument of law, which is purposive human enterprise. Therefore quality of legal education is to be imported to 'Judiciary' taking into account needs of society with the changing times to be utilized at optimum level. Effective reform in Indian legal education will not require energy, imagination, and devotion; nor can such reform alone resolve the dilemma in which the Indian legal order finds itself. For the reason discussed above, however, education seems the most favorable point of entry and offers greater leverage for productive change than reform at any other point in the legal order. But reform in legal education can succeed ultimately.

Judiciary in India also played a significant role to attract the people to get into the legal profession. Legal profession has been regarded from times information and all over the world as a very honorable, prestigious and proud profession. A lawyer has an important and dignified place in the society and he is respected by one and all because of the fact that he carried on a most intellectual profession and what is mote because he fight for the justice, lawyers have been in the forefront generations, in every aspect of social and political development in every country, lawyers can truly be regarded as a maker of history. It is not merely their role is the courts for the case of justice to their respective parties that enable them to win an envious place in the society but also the multi- pronged attack on the evils that decrease the several aspects of the society and for the winning a just place even for the under-dog is society.

1. Henry J. Abraham: The Judicial Process(1962)p.13

Judiciary is promoting 'Justice' rather than just resolve disputes and improving relationship. So that the judiciary only strengthens the legal education and legal



profession. The study of law in order to be meaningful has to be contest of social realities. Law professional are characterized as “social engineers” law as a profession and legal education at a discipline was a popular choice only because of the attraction of the judiciary. When we noticed that supremacy of the supreme court of India, we always think that what a supreme body, can control each and everything, not only a supreme court in lower courts also. These all attentions are grabbed by the judiciary because of the independence that is given by our constitution. So that it is the key point that the judiciary itself should strengthening law, legal education and legal profession in India. The legal education and profession have to case for the “invisible man” the advocate has to because socially more relevant and technically very sound if he has to survive and serve the needs of the society in the 21st century.

Introduction: One of the important ways to keep human rights safe is by presenting the prevailing role of the judiciary. The greatest value of human life is best represented in the society or in a country as a most supreme body. Because it ensures justice by combing public interest on the one hand and the protection of fundamental rights on the other, as guaranteed by the Indian constitution. All citizens of India must obey the judgements given by the judiciary, that much of powerful body it is, so that every law student has to inspired a lot, not only this, each and every independence qualities of judiciary, so judiciary has only built the strenghtening the law, legal education in India.

Role of Judiciary: Law is an instrument of change to realize its vision the focus of the ideals set out in the preamble of the constitutional mandate for governance in the Directive Priciples (Part IV) have been realized by reading than in the meaning of fundamental rights to make then enforceable. The dream of welfare State and the true concept of equality, liberty and justice for all are becoming real through the medium of law enforcement. Probity is public life and accountability of holders of public offices to promote the concept of equality has become possible through the instrument of law the principle of sustainable development

based on the doctrine of trust for a better and healthy world is being by means of law ,the last expanse of the field of law and the promise it holds to improve the world order is the challenge before us.

An independent judicially is one of the pillars of the constitutional edifice and is indispensable to democracy. It is a constitutional and moral imparitive for the protection of the human rights of the citizens, for maintainance of the rule of law and preservation of democratic values. The essence of independence of judges is that is adjudication of disputes between citizens, and between citizens and state, judges must act impartially and be free from pressure or influence of any kind and emanating from any source 2 .

2 . Keel robert G.rosta Abthony G, cottrelle keel, law and computers in civil proceedings may 1988, pp sess 3, no 39.138.

Functions of Law:

The law in its various from is as old as humanity and constitutes a system of norms of behaviour which regulates relations between individuals as well as between individuals and the collective. There are , however ,examples of absolutist leaders and military dictators who did not consider themselves bound by establishing norms. In communist system as illustrated in the report of German democratic republic, the law reflects the



will of the ruling class and serves primarily to organize life rather than settle conflicts, it is used by the working class and its allies... for the shaping safeguarding and perfecting ... the socialist social system ...” with the use of force, if necessary. In general, periods of lawlessness in history were considered to be abnormal and transitory. Thus members of the legal profession have typically held the role of promoting the application of legal rules in society.

Legal Education and the Development of Legal Skills:

The law developed from the smallest from a small set of basic rules applied by the members of primitive tribes into a comprehensive and complex system of guidelines for societies in industrialized, modern countries. The mastery of law, even in part, requires a long period of time and considerable effort. Today no person can know all the legal rules in force in his legal system. Then specialization is progressing and the most important skill of a jurist is merely the ability to find and interpret the law when needed.

Career Choices in the Legal Profession:

Candidates in the legal profession may begin a career in one of the branches of law after completion of all requirements. Some are choosing to practice advocates, some are for judicial services like civil judges and other judges, and for legal advisors etc, lawyers may also seek administrative, government corporate or private employment. It is also possible for lawyers to engage in business or any other activity of their choice thereby treating their legal background as good foundation for the methods of complicated method society.

Role of Judges:

The most prestigious position in the legal profession is that of a judge. This is particularly true in the common law world

where judge is considered the “highest priest in the temple of law”, the application and interpretation by the judges of the written law is a powerful means of shaping and developing law itself. The most important reason for this phenomenon is the fact the role of the common law judge is much less active than that of his civil law colleagues. In a common law system, with some exceptions, judicial precedents have to be followed in accordance with the principle of the stare decisis which guarantees some degree of consistency, limits judicial arbitrariness and permits the courts to fill gaps found in statutory provisions⁴.

2. For The Concept Of Unauthorized Practise Of Law ,p.668.
3. Patak. Dr.G.S (1973).”Legal Education in India-Problems and Perspectives”p.2-3.

Role of Judiciary to Strengthening Legal Education and Legal Profession:

- A well organized and independent legal profession is an essential condition for proper administration of justice.
- India has a recorded legal history starting from the vedic ages and some sort of civil law system may have been in place during the bronze age and the Indus Valley Civilization
- Notwithstanding this, the development of law as a profession is only a recent phenomenon. The Indian legal profession is one of the largest in the world and plays a vital role in the World’s largest democracy. While the roots of their profession lie before independence, since then the profession has evolved immensely and currently faces various challenges, the most important being to provide access across the profession, ensure



ethical foundations and modernize the practice across the board.

- The changing demands of the legal market at the national and global level, in international level international court of justice plays a vital role to solve international disputes. Because of growth of international trade and prospects of trades in services.
- India has the world's second largest legal profession with more than 600,000 lawyers. The predominant service provides are individually lawyers ,small and family based firms. Most of the firms are involved in the issued of domestic law and majority work under country adversarial litigation system. The conception of legal services as a “nobel profession” rather than services resulted in formulation of stringent and restrictive regulatory machinery. These regulations have been justified on the grounds of public policy and “dignity of the profession” . The judiciary has reinforced these principles, law is not a trade not briefs , not merchandise, and so the heaven of commucational competition should not vulnarise the legal profession.
- However, over the years courts have recognized “legal service” as a “service” rendered to the consumers and have held that lawyers are accountable to the clients in the cases of deficiency of services.
- The legal professions position in the country was not always the way it is today. The history of legal profession in India is therefore a history of struggle, for recognition, characterized by prestige, power and income . The professional standing of the advocates act of 1961. This project traces this very evolution.

- The Indian bar councils act, 1926 was passed to varify the various grades of legal practice and to provide self-government to the bars attached to various courts. The act required that each high court must constitute a bar council were to decide all enrollment, discipline and control of the profession . It was favorable to the advocates as it give them authority provisionally held by the judicially to regulate the membership and discipline of their profession.

Conclusion: the legal profession in India has a proud heritage 5 . In the earlier days of the independence movement and during the creation of the Indian Constitution , judiciary played a prominent role among those seeking social progress. But in the recent years pride in the heritage has given way to concern about the present and alarm for the future by responsible officials. These has been a growing concern that Indian lawyers are not now playing a positive role in India's development .Rather,when in private practice, they are acting in the main as technical assistance to parties interested in manipulation or avoiding the impact of existing laws and legislation . In government service , they pore obstacles to change , create ambiguity in legislation , and are responsible for the growth of needles bureocratic interference with economic and social behaviour . Such a situation would constitute a serious problem in any society where new institutional arrangements are needed to facilitate orderly change. In India the problem is made even more serve because the law and the legal system have long served as a unifying factor in a society best by internal divisions between religious, caste, and linguistic groups. The leaders of the legal profession in India are aware of the need for change. At the same



time, they recognize that in order to change fundamentally the legal profession it will be necessary to revamp Indian legal education. (the sharpest criticism of Indian legal education in the 14th report national law commission of India, 1958) today Indian legal education is struggling in comparison to its counterparts across the world's which believes the tremendous potential that the Indian legal profession can unleash in the years to come while India continues down its path of growth, it is essential that Indian education is reformed so that ultimately the Indian legal profession is strengthened to the challenges of the 21st century. Further Indian legal education cannot be value creating only for "top of the pyramid" law graduates from. So that it is the main role played by the judiciary which strengthens legal education and legal profession in India with foremost pleasure.

4. The Development of Indian Legal Education, The Impact of the Language Problem. Julius G. Gettman
5. The Sharpest Criticism of Indian Legal Education in The 14th Report of The National Law Commission of India, 1958.

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