

AN APPROACH TO PRINCIPLE OF ETHICS AND VALUE ON LEGAL PROFESSION

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ABSTRACT

Law is an action that has given birth to the concept of justice. Justice has been “the great interest of man on earth”. In course of time to promote the welfare of society to ensure justice by regulating conduct of litigants and judges, judicial processes were evolved. The professional ethic is defined as a code of conduct written or unwritten for regulating the behaviors or a practicing lawyer towards himself, the client, his adversary in law towards the court. A lawyer has no doubt adopted the calling of law for living and thus he has to charge a fee. But the fee should not be exorbitant, it should not extortiate. No doubt as the demand for his skill and attainments grow demand for his skill development, he has to make the price gifted by all rules of economics, but there should be room for charity, for chivalry and benevolence in the profession. Access to justice has to be sensitive for everyone in time, in a user friendly manner. To retain the moral status and to regain the losing confidence, it is of vital importance to the profession as well as the country that the legal ethics should emphasized in the thought and action of profession of law.. In short for a great and successful lawyer there has to be well proportioned combination of mind, heart and morals. It is no doubt that as long as lawyers allow themselves to be conducted by ethical principles without fear or favor and as long as they retain their independence and there, integrity, the root of democracy planted in our country will thrive and the country will grow from strength to strength bringing happiness and prosperity to the citizens of our dear nation.. The author tried his best to explore the moral and ethical values of professional activism in this present context to the meet the upcoming challenges in its every endeavor in the gracious interest of justice.

Key Words: Ethics and Morality, Administration of justice, Duty bound service, Purity of .professional activism

INTRODUCTION

Law is omnipotent, omnipresent, law is supreme in over all subject or call stream of education. The objectives thus include prevention of growth of deviant behavior in civilized society, detection of corrupt and corruptible behavioral pattern, valuation of extent of deviance and deviancy, etc. It is a matter of great displeasure that law could not endorsed its due recognition even if, its priests votaries are honest in the eye of common people. In our country the legal education is the only education, which transfigures the human personality in a manner that is not imaginable in any manner.

Law is complex but law is also such a device to show the light bacon of hope of cherish and survive. Learning gives creativity, creativity leads to thinking, thinking provide knowledge, knowledge make you grate, a lawyer is a manifold knowledge bearer have intensive study but never satisfied. Reason is the soul of law. Lawyer a man amongst man with ardent inveterate votary of truth and truth is the first article of his faith and last article of his creed. Equality is soul of liberty. It a noun which states the quality of being same in the quantity, especially in status,

rights or opportunities or correspondence in degree, value, rank and ability, law without force is impotent. Law is an order and a good law is in good order.

A lawyer aims to provide all superb service at a realistic effort. The profession itself a noble profession due to its continuity, protectiveness, correspondence, promotion and excellence performance, intelligible, talents or towering personalities are born with law but not created. Law is supervising and controlling every branch of living or dead creature and even his almightily is controlled by the Act of law by its sharp teeth decorated with letter and spirit, failing which uncalled situation may not be ruled out.

In this external world the rule of survival is every persons are self committed but lawyer are only exception to this rule as they are committed but lawyers are only exception to this rule as they are committed to the betterment or peoples, to emphasized the common saying, work like horse and live like hermit. A rich man run after money, power, fame to ascend his scale of social height but lawyer always run after knowledge to quest to thirsty of distorted of people of society to safeguard them from injustice. A politician in a democratic form of country think for next election , a states man think next generation but an advocate think proper implication of law and to maintain peace, tranquility upright situations books are considered to be third eyes of ignorantia. Law is indispensable for the governance of the country; it is the rule of law that reflects in essence and welfare of the human society.

LEGAL EDUCATION AND PROFESSION

Legal education plays a significant role in promoting social justice. It is the only enlightened path to improving access to justice. The legal mechanism envisions that the republic shall be a democracy in which fundamental human right and freedoms and respect for the dignity and worth of the human person shall be guaranteed as outline in the constitution of India. In our educational system, a general graduate, who is eligible for IAS,IPS etc. placed as collector, superintendent of police etc. a law graduate is such an graduate who is a person, learned in the eye of law. But now a day's law graduate without subsistence or well equipped law are entering into such profession to make it over crowded become liability for such communities stating law to be look and write. It is always borne in mind that he is good person in the profession in the eyes of law.

The sole aim is to provide, complete, unbiased and accurate justice simultaneously client be restored to his early person compensating the loss, rightly, judiciously, fairly, timely to ensure in the mind of a litigant. Who will impressed that law is supreme and can unravel the truth so also assume that law is the last resort of all hurdles to get rid of as lawyers are envision aeries and votaries can enable to provide such precious gift by the aid of justice. A pure gold ornaments are not made out by pure gold unless extra elements to be added therein because pure gold (24 carat) is characterized by its properties of hell ability. Alike a lawyer during engagement in prosecution or defense side takes shelter or life mixed with truth enable to achieve justice or to arrive at a conclusion by way of giving justice to his client. In this way lawyers are not liar but to safe-guard, protect welfare, interest of client if lie could have saved from one's interest, it cannot be sin, so lawyers are liar is a wrong notion, which is not acceptable but also fallible.

Lawyers are keepers of the spring of democracy foot soldiers of constitution. Architect or carpenter of commerce, impairs or feet leveler of nation builder, watch dog of judiciary, healer & thriller of political peoples organizations.. The advocates are conscious, constant and voracious readers, working long hard hours, family life sharing and caring hard social life also hard; endure tedious tasks high stress client pressure.

LAW AND MORALITY

Law is a device to show the light beacon of hope of cherishes and survive. Learning gives creativity, creativity leads to thinking, thinking provide knowledge, knowledge make you grate, and Legislation stands in a superior position in the administration of justice. But no legislation will dare make a law which is opposed to the moral of the society. All human conduct and social relations cannot be regulated and governed by the law alone. Morals also regulate the conduct of men with their sensitive teachings, both of them are inter-circled and overlap each other, but still some difference are there come to limelight from time to time. India is the second largest number of lawyers after the united states of America and as per the Bar council of India there are about 15 Lakh registered advocates, around 1500 law colleges and universities, where six to seven lakh law students prosecuting their studies. Every year about one Lakh law graduates join the profession. With the growth is an importance of international trade and commerce.

There is also presence of multinational corporate sector, international commercial arbitration, business outsourcing, foreign direct investment in corporate and insurance sector etc. the roll of lawyers is further undergoing a significant need of knowledge in the field of the principles of international law, international Economic law, environmental law, intellectual property law, consumer product packing marketing and protection of consumer interest etc. most of the cases are being dealt in high courts or supreme court under writ jurisdiction, the advocates dealing with cases referred above all well paid. There is a thought is called royal legal profession placing themselves in a comfortable position of the society. In reality the law graduated which hails from a common man's family join the profession at the cutting edge of judiciary without any knowledge of grass root law court practice face a lot of hurdles. The stalwarts in the profession advice the young starts to follow the legal ethics and work hard to stand on their own leg. Access to justice another principle is for ensuring this is through economic justice and employment oriented assistance. Legal literacy and legal awareness is the only way, which can lead the suffering majority to distributive equivalent of social, economic and political justice.

The new recruiters to the profession are over ambitious and they do not know that the distance below reading law and practicing as a lawyer in the lower judiciary are hell and heaven difference. A good platform for a young lawyer is the chamber of his senior. The liberty of the bar is where he joined as a member and browsing the internet for prosecuting the latest knowledge in different laws court judgments. The learners in the profession are duty bound to read law, make drafting's, take out related decisions are referring law journals, seek chance to make appearance in courts, examine the witnesses or cross-examine witnesses in line with the case on hand and present the argument politely convincing the judge/magistrate on the merit of the case in hand. That the constitution of India is all an authorized to parliament for legislation to make law. The executive draft the law and execute the same. The citizens who are deprived of the right assured under act or Rule redress through law courts across the country.

The bar is not a business house or club and the lawyers are not bargaining with the customers. Ours is a noble profession. An advocate serves the society at large to promote the administration of justice and truth. The success of justice delivery system in India as has been assured to people under the constitution cannot be spelled success without lawyers. A strong composition of bar with dynamic and technically string members is the call of the day and we the advocates practicing at judiciary must go with the flow.

It is time that the bar must prepare their legal member structure as legal experts, good politicians, legislators and like parliamentarians. A role that is cosmopolitan in this way cannot sustain distinctive first-personal ideals and ambitions in its occupants and therefore cannot underwrite its occupants' integrity. Taken together, these developments entail that even as modern society depends on its lawyers to mimic negative capability and procedurals', it denies modern lawyers the cultural resources that they would need in order to fashion these practices into their own, distinctively lawyerly, first personal ethical ideals. Instead, modern society leaves its lawyers to defend their professional lives through the third-personal impartial adversary system defense, all the while remaining in the grip of anxiously cosmopolitan first-personal ethical ideals for the welfare of mankind, service to nation.

ETHICAL VALUES OF PROFESSIONALISM

The ethical outlines is the purpose, as people using the legal system must be able to guide themselves through a process that they understand and at appropriate place along the way, recognize legal right or responsibility. In order to exercise and assume it, recognize a problem or conflict and legal solution that is available the know how take necessary action to avoid problems and where is not possible, how to help themselves appropriately, the knowhow and origin of information on the law, and be able to find information that is accessible to them, know when and how to obtain suitable legal assistance, have the confidence that the legal system will provide a remedy.

There is need to understand the process clearly enough to perceive that justice has been done. It also strives to translate the information and meanings of the legal system to learner's people with limited literacy skills. It requires that lawyers and other clearly understand the dual nature of legal literacy, the ability to read and familiarize with the legal context. A professional lawyer is the first person who reaches common men of the society at the time of need advising him the rule of law prevailing in the country. All are advised to the rule of law prevailing in the country and advise to fight against injustice a practicing lawyers many not have income but is answerable to his client, the bar council of India which has authorized him to practice and as well as serve the society at large. A lawyer should know something about everything & everything about something. Every professional has its future but legal profession has only span of experience. A lawyer devotes or spares all his valuable time, money, power for up-liftment , development, welfare or society to make it more meaningful. The Intuitiveness is towards law or approach of law towards welfare of the society.

A good lawyer is one who can take an absolute grip over the case and can offer true justice in the best possible way. Advocates are the officers of court paly a vital role in the administration of justice.

The galaxies of lawyers are at the cutting edge of the judiciary. Revenue or any such other law courts are not properly paid and most of them struggle in the profession. The lawyers at all such cutting of the courts need to be protected by the society at large and at the same time the dignity of the legal profession depends upon the

conduct, morality, sincerity, efficiency talents of the law graduates, who preferred to join the bar for learning, earning and serve the society. A lawyer who listens patiently to the litigants verify the documents and deeds and there after draft the plaint, petition or statement is a technically string person who will also be sell submissive to the bench. The lawyers are the promoter of legal literacy mission, the empowerment members of judiciary and lawyers community resulting in a holistic legal empowerment of communities and individuals. The process of justice is to eliminate stigma, discrimination and inequality from larger interest of justice.

CONCLUSION

Legal education raised consciousness of all citizens. A social political necessity, legal rights education is also a preparation for living and life. The institutional study encourages the legal learning have been primarily concerned with imparting formal education, the legal clinical education introduced in the five years integrated course and semester mode but it is not achieve the goal, this is also unethical and immoral for the professional backdrop. Human dignity and social security, secure identity, community and freedom of existence, promote cultural identity by recognizing differences in identity, redressal of socio-economic exclusion, envision policies on customary law and legal pluralism, defining of cultural, civil, political, economic and social rights, measurement of human development index, capture inequalities across groups, access justice, land rights, intellectual property rights, rights based representation of minorities and tribal groups, integrated legal education system to human development. Article 39A of the constitution of India provides for equal justice and free legal aid. The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity for all among the nation. It is a statutorily recognized public duty of each great branch of government to obey the rule of law and uphold the trust with the constitution by making rules to effectuate legislation to mean to help the poor. Thus the need of the hour is that one should need to focus of effective proper implementation of the laws, which are already in place instead of passing new legislations to make success in every endeavor. The service of lawyer is an obligation and duty for the proper administration of justice. The Bar is a public institution and is under legal obligation to impart wholehearted cooperation for the development of law.

The member of the bar as individuals may have varied reputations unprofessional or professional but the standing of bar and its reputation is above everything. The bar's choice to take leadership to eradicate multiple legal, political and social problem of the civil society depends on the collective and strong decisions of bar. Professional Ethics may be defined as a code of conduct written or unwritten for regulating the behavior of a practicing lawyer towards himself, his client, his adversary in law and towards the court. Thus, ethics of legal profession means the body of rules and practice which determine the professional conduct of the same. There is a need to protect defend the image before the public for upholding the rule of law that guards the democratic policy. The greatest strength of the judiciary is the faith, faith has its own beauty, and the beauty is eternal, which has its own significance. That can be done only be developing the inner strength of morality and ethics. There is a need to rededicate the cardinal principles, which formed the foundation on which the constitutional edifice is erected. The professionals are the keepers of the spring of democracy foot soldiers of constitution, architect or carpenter of commerce, unfair or feet leveler of nation builder, watch dog of judiciary, healer and thriller of political leaders. Vision without action is a day dream; action without vision is nightmare, learned is only used to the class of lawyers for their dignity, responsibility and prestige, inside the society to do best for the next.

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