

- iii. For starting of the SEZs the Government has time and again acquiring arable lands from the farmers under the Land Acquisition Act 1894 and after payment of the compensation to such farmers they have not receiving of any kind of further benefits from the companies. Instead the companies or entrepreneurs are getting huge amount of profits for years together if the SEZs have come up. The SEZ Act should be amended by incorporating that the farmers who have lost their lands should be paid of minimum profits for the period of 10 years and this would considerably lowers dissatisfaction of farmers who are affected by the starting of SEZs in their lands and the farmers who lost the land in development of the SEZs, if they desires he or their dependents must be given of some sort of employment opportunity in the SEZs, this method may lead to considerable opposition in minds of farmers who are vehemently opposing the development of SEZs in their lands.
- iv. The SEZ Act permits only 25% of land should be availed for industrial or other services in the SEZ areas the 75% of SEZ land can be utilized for non industrial activities and this is the major reason for entry of middle players in the picture and increase of land rates due to real estate activities in the SEZ lands. The Act should be amended that the half of the land should be strictly earmarked for industrial purposes in the SEZ areas and other half should be utilized for other activities.
- v. The Government to lessen the burden on urban migration and urban planning should establish the SEZs in different part of the India and much focuses should be paid to starting of these in backward areas so that it would result in less burden on metropolitan cities, considerably lessen the sky rocketing of land prices, equitable development of all areas in India.

If the suitable amendments are not carried out to the SEZ Act of 2005 in years to come we could see much more mushrooming of SEZs in guise of development. The father of nation Mahatma Gandhi once remarked that India lives in villages and if you want to see India and you see its villages, if they are better then only the country will be in better. The purpose of the SEZ Act is to rapid development of the country without causing any harm to tillers of the soil, we have to achieve the sustainable development by respecting rights of agrarian people. It is high time that the Government must see that the Special Economic zones would not become Special Exploitive Zones or Special Entertainment Zones.

## THE ROLE OF ADVOCATES IN ADMINISTRATION OF JUSTICE

By

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The role of advocates constant purpose must be to keep in mind the duty of the lawyers and function of judges is to deliver the *best quality of justice at the least cost in the shortest time.*

Advocates role is multi dimensional in character. Advocates who were an integral part of the administration of the justice. Every advocate is an officer of the Court to

assist as a friend of the Court to place the latest legal position before the Court on the other hand guardians of the rights of the individual parties and advise their clients' to explain and enlighten about their rights and duties and especially remedies which are available under the law in the different forums to choose correct platform at the first instance.

Basic principle of advocates shall at all times maintain the honour and dignity of profession upholding professional standards and ethics duty to conduct himself with dignity and self respect not commit contempt of Court. The object of the advocates role to enlighten rights and duties to the clients whereas judges role adjudicating conclusively rights of the parties in respect of the claim involved it is the final decision to dispose of a case. Advocates and Courts operate together both under the rule of the law and as the principal means of maintaining the rule of law within society. Advocates are divided broadly as Designated Senior Advocates and other Advocates, based on merits standing at the bar, or special knowledge or experienced in law. Senior Counsels not only carry greater responsibility but also they assist to the Court and also act as a Model to juniors and members of the association.

The role of lawyers is great importance in the administration of justice. Legal obligation and social responsibility to conduct the cases of poor litigant without fees free legal assistant to the indigent and other disadvantaged persons so as to enable them to assert there rights. It is one of the highest obligations an advocate owes to society. The role of legal profession must ensure equal opportunity to all litigants in search of justice. Under lying under Article 39A of the Constitution provides fundamental rights to equal justice and free legal aid services to the poor persons, advocates volunteer to defend such indigent persons, on behalf of accused as a part of their professional duty.

Duty of every advocate must, to render legal aid to persons in need, even though he cannot pay for towards fees. It is the duty of Counsel to safeguard the interest of his clients. Free legal assistance to the weaker section of the society so as to ensure that justice is not denied to any citizen merely because of his or her economic her social disability. Legal Service Authorities Act 1987 the object of the act is to provide social justice to poor persons. Co-operating with governmental and other institutions in furthering the ends of justice and public interest.

The relationship between advocate and client is based only on confidence and trust. Advocate owes a number of duties to a client who comes to him with all confidence and sincerity. The relation between a lawyer and a client is highly fiduciary in its nature and of a very delicate and confidential. Advocate not to be mere mouth peace of client. An advocate must refuse to represent a client who persists in such improper conduct and should exercise fairly, honestly in pleadings, and using correct simple language during arguments in Courts. *Advocates role be ensure it is the cause of truth and justice.* An advocate must appear in Court at all time only in prescribed dress, and his appearance must always presentable.

Advocate one who to act, to plead the cause of another in a Court of law or another judicial tribunal. *While conducting a case, a lawyer has a duty to be fair not only to his client but also to Court and also to the opposite party.* Special attention should be given to assisting the under privileged poor persons under such circumstances no fault of his/her own, such as a victim of caste atrocity, a mass disaster, a victim of woman trafficking, a woman or child, advocate must do render services to those persons as part of their professional and social obligation.

It is the duty of the Advocates to protect the dignity and decorum among the members

of the bar association and judiciary. *It is said that lawyers are custodians of civilization.* If always fail in their duty, the faith of the people in the judiciary will be undermined to a large extent. *The role of advocates must, in implementation of legal aid schemes.* Advocates should enlighten the rights and duties of the parties to ensure that access to the Courts is open to the all members of the community. The role of the legal profession is to resolve disputes and only in the last resort the matter should be permitted to go to Court.

Advocate must, "Discourage litigation" prevent malpractice and professional misconduct and also to arrange in mediation and other methods of alternative dispute resolution (ADR) persuade your neighbours to compromise whenever you can. Impress upon on the parties how futile is the litigation. "*Advocate role should be arbitrate, do not litigate*" advocate shall advice and guide the parties through Lok Adalat and A.D.R. both statutory and professional obligation before the Courts to resolve the disputes and there by to eliminate litigation.

The role of lawyers is a great importance in out democracy system. The similar role was played by lawyers in our freedom movement as well as the framing of our constitution. In order to, sustain and deepen the healthy democratic system. Advocates role nothing but social engineers by and large to protect the society and also watch dog of the society. All advocates must makeup their mind to conduct the cases/ business as an advocate and nothing else. Advocate is prohibited from engaging in any business, provided the state bar Council is satisfied that the nature of business is not in consistent with the dignity of the profession.

An advocate must, at the commencement of his engagement and during its continuation, make all full and frank disclosures to his clients relating to his connection with the parties, and of any interest, as is likely to affect his client's judgment in engaging him

on continuing the engagement. An advocate was guilty of serious professional misconduct as they had colluded with opposite party. *Advocates role individual, a common voice on behalf of the bar association to assist in the administration of justice and maintain rule of law.* Advocates to speak on behalf the state and national issues with regard to access to justice for all and also discussion about causing delay in the administration of justice.

An unfortunate trend we see nowadays is that advocates indiscriminately indulging in boycotting Courts on various grounds causing disruption in Court work and difficulties to the clients. In most cases the reason for such boycott are flimsy like an advocate being beaten by police, there are several other methods to achieve the purpose instead of boycotting Courts. I further added that the client who suffers entirely on account of his advocate's non appearance in Court, but the advocate cannot take the ground that he did not attend the Court as he or his association was on strike.

The members of the bar had its own tradition, in the part and it was respected not only for its professional excellence, but also for its participation in all public activity intended for the welfare of the community. Advocates to answerable not only for Courts, clients but also who seek justice from Courts belong to variety of professionals. It may be right of any member of the bar, in his personal life, to have his own political affiliation, but when it comes to Court proceedings politics cannot be introduced in it the role of legal profession may be may be examined with view to making its role justice and people oriented.

There is wide spread false propaganda among the public, that intervention of lawyers in Court proceedings have to delay the disposal of cases. This is absolutely wrong notion. The advocates shall advice, guided to the parties properly to put the end of litigation at the root cause level by application

of law. *Advocate role is inevitable in the administration of justice.* For classic example in absence of the advocate the parties themselves pleading of their own, recording of oral evidence, LW1 to 15 no of witnesses are examined on the same point, parties place irrelevant pleadings and evidence which will disturb everyday Court proceedings and also consumes too much time of the Court.

Our system of administration of justice is unthinkable without *the role of advocates being integral part of the same.* Advocate can identify importance of witnesses' relevancy of evidence and helping the judge to understand the facts, the advocates must convert the facts within the parameters of law to save the precious time of the Court. Advocates role not only advise to the parties but also to assist the Court in placing the pleadings relevancy of evidence within a minimum possible time to save the valuable Court time. Both the parties Counsels must required co-ordination no such adjournment shall seek during hearing of the suit so that the Court shall to quick disposal of the case.

Advocates must, defend a person accused of a crime, regardless of his personal opinion as to the guilt of the accused. Loyalty is to the law which requires that no person should be convicted without adequate evidence. If the prosecution cannot create a common perception in the mind of judge then it is so much easier for the defence to create a reasonable doubt in the mind of

judge. Similarly, plaintiff in civil cases must create a story that persuades the Court on the balance of probabilities.

The role of legal profession in strengthening and also promoting quality in the administration of justice. The advocates role must, keep himself equip thorough and update latest position and knowledge of law making serious efforts and should exercise his pleadings must be specific, relevancy of evidence, once ignore the facts in the pleadings in the institution of the suit the advocate/ parties cannot travel beyond those pleadings. So that be ensure that all the material evidence that needs to be placed before the Courts at the first instance. To be honestly and fairly during the arguments before the Court as result of which, the Court shall deliver right decision conclusively determine the rights of parties by way of quality judgments and precedent by and large for the welfare of society and also to protect the society. Judges impartially has been regarded as the essence of the administration of justice. The Supreme Court in the decision *All India Judges Association v. Union of India*, AIR 1992 SC 164, had observed that Advocate being a integral part of the in the Administration of justice.

It is therefore, for consideration the advocates role must, individually and collectively in strengthening and promoting and also best quality of justice in less expensive and within a shortest time in the administration of justice.

## HUMAN RIGHTS VIOLATIONS : JUDICIAL INTERVENTION

By

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Protection and respect for human rights democratic society, it is the responsibility of lies at the heart of the good governance. In a the State to protect and promote human

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