

**LEGAL PROFESSION IN THE CHANGING SCENARIO SPEECH DELIVERED
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By

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1. To day's symposium projected by the All India Lawyers Union District wing is of importance to the Legal fraternity.
2. Legal profession which we are all pursuing today is a legacy of the British to this country. There is a lot of difference in the profession of the present day as compared to that of the 19th century. This is because of the rapid changes in the political systems and the struggle for existence due to various reasons.
3. In the olden days the profession was not fully treated as a commercial career or trade and it was treated as a service to the people for the cause of justice.
4. In 1960, Lord *Ersbad* of the Privy Council described this profession as : "Legal profession is a group of men and women pursuing a learned art as a common calling in a spirit of public service."
5. Legal practitioners are indispensable and inseparable from democracy and the functioning of the judiciary. Today there are about 10 lakhs of legal practitioners in India and it is said that the Indian Legal System has almost became the largest in the world. Out of this million, about 6 or 7 lakhs are in the profession and the others are in services as Law officers are in various fields or as academicians. There is no protocol for the legal profession in the society. Rule of Law governs and controls the democracy. Rule of Law is a combination of the Judiciary and the Legal profession and they are dependent upon the each other. Judiciary is like a gun without bullet in the absence of an efficient Bar. A strong Bar and Bench react on each other. A strong Bench corrects the vagaries of the Bar and a strong Bar checks the idiosyncrasies of the judiciary. Quality of justice largely depends on the ability of the judges and efficiency of the judges is gained from the Bar.
6. This is what was considered of the legal profession in the past. But what is it that we are seeing from about three decades and are we able to find the same efficiency and caliber in the field ? The main reasons for this down fall are two in my humble opinion, firstly, the growth of ill equipped Law colleges at the rate of 4 to 5 in each town, and the removal of the compulsory apprenticeship before enrollment.
7. The organisers employed the words "*in the changing scenario*", in today's topic. I feel from the last about 20 years the change has come in two ways. One is towards a far betterment and the other is towards a crash in standards. You take the students coming from the National Law Colleges at Bangalore, Hyderabad, Bhopal, Jodhpur and Calcutta. With the mastery of the subject they are proving themselves to be gems. One will be surprised at their standard and approach to the subject. By the time they are coming from the school they

already in touch with the profession itself because of their frequent participants in moot Courts and seminars which are compulsory. Articles written by these students are regularly published in *All India Reporter* and if you read then, you can assess what they are. These candidates are recruited by campus selections by big Law firms companies and lawyer based organizations. These students are specializing in the colleges itself in the present day required cyber Laws, Environmental Laws, protection of Human rights, Intellectual propriety Law, Labour Laws, Consumer Protection Law, Medico-legal field and Arbitration Laws *etc.*

8. As against the above, are we able to see the same standard and approach in the students coming out of these local Law colleges. The reason, I already said is, they are ill-equipped institutions. Even without actually attending the college, one can get full attendance by a magic and the basis of their study is the 30 questions guide.
9. It is due to this failing system the products of these local colleges are found to be without standard. The moment he is coming out, is getting enrolled as an advocate and starting his practice. And surprisingly they are given eligibility to apply for the posts of Judicial officers. From this are we not able to attach importance to my earlier statement that efficiency of the Judiciary depends on the efficiency of the Bar ?
10. I suggest to you to read the articles of Justice *Markandeya Katju* in AIR 2002 Journal Section, and the excellent article "Legal Education in the present scenario. The emerging challenges; by *Si T. Venkateswara Rao*, Advocate, Warangal, published at Page 23 of the journal section of All India Law

Digest, 2006, published by Andhra Legal Decisions.

11. Therefore the changing times are in two ways as indicated by me. As such thorough reformation of the system from the education level is required and this would help to greatly improve the system and also prevent over crowding of the profession. This over crowding is the main reason for the fall of the glory of the profession.
12. In my view, the following changes may help to restore the quality in the profession.
 - (a) The legal Education system should be thoroughly reformed and for this the Supreme Court, the All India Bar Council, and an Expert Committee drafted from distinguished Academicians and the National Knowledge Commission have to deliberate from time to time;
 - (b) There should be compulsory participation of the students in Moot Courts and Court observation and compulsory apprenticeship after taking the degree;
 - (c) Appointing more number of Government Pleaders and Public Prosecutors of various grades to absorb more number of young advocates and make provision for them;
 - (d) Removing restrictions in some Act for appearance of Lawyers in some Tribunals;
 - (e) Appointing advocates with standard and after training for the Grama Nyayalayas regarding which the parliament passed a bill only two days back;
 - (f) Providing monetary assistance to all lawyers for acquiring library for a limited period;

- (g) Providing group insurance at a nominal premium;
 - (h) Making the Advocate's Welfare Fund Act more effective and useful
13. Whatever may be the participation of the State, the ultimate goal for achievement lies in the hands of the Lawyer himself irrespective of changing times. As long as a lawyer conducts

himself in an honourable and truthful manner maintaining honesty and integrity, he will have great advantages leading to success, and nothing succeeds like success. Justice is always the same though it gets changed with the growth of the society to suit its needs and these changes for the upliftment of the society shall be adapted by the Legal Profession from time to time.

JUDICIAL REVIEW – ITS AMBIENT REACH UNDER THE CONSTITUTION OF INDIA – A CRITICAL STUDY

By

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(a) *Introduction:*

The concept of judicial review is considered as a basic feature of the Constitution. A FIVE - JUDGE Bench of the Supreme Court in the *Sankari Prasad* case,¹ unanimously held within a year of the commencement of the Constitution that Parliament had unfettered power to amend the Constitution. This position was reiterated by majority in the *Sajjan Singh* case,² 15 years later though a minority view doubted the amenability of Fundamental Rights.

The settled law on Parliament's power to amend any part of the Constitution was reversed in the 11 - Judge Bench decision in the *Golaknath* case,³ by a narrow majority of 6 to 5, Chief Justice *Subba Rao* in effect ruled that Fundamental Rights cannot be abrogated even by an amendment of the Constitution because amendments are also laws within the meaning of Article 13. The shift in the Court's

perception can be understood only in terms of the socio-political developments of the times.

The repeated judicial interventions against abolition of Zamindari and Land Reform Laws based on inadequacy of compensation under the right to property guarantee did create distrust between Parliament and Judiciary, each claiming to interpret Constitutional intent in opposing fashion. Parliament ultimately won, though in the process people lost a valuable right originally guaranteed as a fundamental right under the Constitution. (Right to Property (Article 31) deleted from Part III by Constitution (Forty Fourth Amendment) Act, 1978).

Cannot be altered:

The birth of the basic feature doctrine happened in the *Keshavananda Bharati* case⁴. Thirteen Judges by a majority of 7 to 6 overruled the decision in the *Golaknath* case to declare that the Constitution has certain

1. AIR 1951 SC 458

2. AIR 1965 SC 845

3. AIR 1967 SC 1643

4. AIR 1973 SC 1461