NOBILITY OF LEGAL PROFESSION

By- Anushka Jain & Darshini Rathore

**Abstract**

‘Law is a noble profession’ as the purpose of law is to protect the moral values in the society. It is considered as a noble profession because it protects and upholds the law. The legal profession aims to serve the society. The practice of legal profession deals with morals and ideals that are present in the society and these ideals should not be shattered at any cost. Nobility of the profession lies in the noble efforts of the legal fraternity as they protect the moral values which are enshrined in the society. Legal fraternity should work together to protect the ideals of the profession and follow the principles of justice, equity and good conscience. They should perform their duty with utmost sincerity and honesty. This will help to impart justice in fair and reasonable manner.

*Keywords: legal fraternity, legal profession, nobility, society.*

# Introduction

*“It is the spirit and not the form of law that keeps justice alive”*

*-*Earl Warren

Law is considered as a noble and honourable profession by the world for several centuries. The most important thing about any profession is that it is practised in a spirit of public service. In a noble profession like a lawyer and a doctor, humanity is a pivotal element and it essentially has a code of conduct, whereas business has a commercial element and has no concern with nobility. The purpose of law is to serve the society and to preserve the moral sanctity that binds the society.

Nobility of legal profession lies in the selfless efforts of the members of legal fraternity and to protect the moral values which are enshrined in the society. The legal profession is considered to be a noble profession as it is the service-oriented profession which aims to serve the society. This is the reason that lawyers are considered as the guardians and vindicators of the justice and liberty. Roscoe Pound propagated essence of this sentiment when he wrote, “*Historically, there are three ideas involved in a profession: organisation, learning, and a spirit of public service.Lawyers are considered to bring social change and development in the society which is the reason they are called social engineers.*”[[1]](#footnote-2)

The legal profession is an important limb for the administration of justice. A well-organized profession of law is necessary for the courts to administer justice effectively. Nobility of legal profession is maintained by the adherence and observance of a set of professional norms by those who adopt this profession. The fundamental provision of the profession is to maintain the dignity of the law.

## Noble Endeavour of law

Law is considered as noble Endeavour as it touches every aspect of life. No other profession touches human life at so many points than law. It has been held in high esteem and its members have played an important role in public life. The preservation of human dignity is one of the important aspects of law. The law plays an integral role in defending the rights of citizens which can be seen in many judgments.

In *Indian Council of Legal Aid and Advice v. Bar Council of India*[[2]](#footnote-3)  the Apex Court said that it is the duty of a lawyer to assist the court in the administration of justice, the practice of law has a public utility flavor and, therefore, he must strictly and scrupulously abide by the code of conduct behaving the noble profession. The legal profession is nothing without its ideals and ethics.

Law has made a significant contribution to the preservation of rights and duties. It acts as moral teacher which encourage people to act virtuously. The law makes an individual a better human being who is concerned towards the needs of the society and provides justice in every possible manner.

The noble profession of law is of high expectation and they should set themselves as examples in the society.[[3]](#footnote-4)Members of legal fraternity should work together to protect the ideals of the justice and follow the principle of justice, equity and good conscience, so that they can perform their duty with utmost sincerity and honesty.

Some initiatives have been taken to maintain the noble Endeavour of law.

### Providing Legal Aid

The concept of free legal aid is provided under Article 39A of the Constitution of India. It provides mechanism for dispute resolution for the weaker sections of the society. National Legal Services Authority provides a network of legal aid at the village, district, and state levels. The lok Adalats are intended to avoid unforeseeable delays, prohibitive costs and uncertain results of litigation the courts.

If the poor lack faith in the legal system, access to free legal aid, a fundamental right under the Constitution of India, means nothing to him.

In *Hussainara Khatoon vs. State of Biha*r[[4]](#footnote-5) it was held that the state cannot avoid its constitutional obligation to provide speedy trial to the accused by pleading financial or administrative inability.

### Taking Pro Bono Cases

Pro bono derived from a latin phrase “*Pro bono public*”, that is shortened to “*pro bono*” which means “*for the good of the people*”, and it refers to legal services performed free of charge or at reduced fees for the public good. Pro bono cases and services leverage the skills of legal professionals to help those who are unable to afford lawyers. This service help marginalizedcommunities and underserved populations that are often denied access to justice due to lack of income.

## Noble contribution of legal fraternity

Legal fraternity consists of both, the judges and the lawyers. Both have the duties to protect the noble standards of law.

### Contribution of Judges

Judiciary is one of the important pillars of Democracy. The judges have accountability towards the society so they need to discharge their duties, keeping in mind the best interest of the society.A judge is foresighted enough to shape the body of law to the ever changing needs of the society.[[5]](#footnote-6)

*Public Morale*

A judge has a duty to act through nobility and carry out his profession to the utmost ethics to sustain the honour of his profession. Individuals bring their issues to court of law and have a faith that a judge will act nobly in the discharge of his duties. Discharge of duties by a judge with due diligence increases the faith of the public in the judiciary.

*Savoir-faire*

It means the ability to do and say the right thing in any situation.Judges have authority and accountability since they resolve matters that affect the parties in a case. Hence, a judge must keep an eye on the law and execute his obligations generously and correctly to make a true judgment. He has a duty to oppose external powers, or other pressures that might influence him to make an unethical judgment.

*Accountability*

Judicial accountability is an effect of the independence of the judiciary.Obedience to professional moral code stimulates judges to take accountability of their acts, which empowers them to be held responsible to their profession, government, and the society.

*Egalitarian Demeanour[[6]](#footnote-7)*

Judges have a duty to ensure fairness and refrain from immodesty in the award of justice. Every single individual is entitled to equal conduct before the law. If a judge has a relation to any of the parties or an interest in the case, he has a duty to abstain from deciding such matters.This is in furtherance of the principle of natural justice*(Nemo judex in quasasua)*.

## Contribution of Lawyers

Lawyers are considered as officers of the court because they are responsible not just for the case for which they are appearing but also for maintaining the moral standards of the society.They stand as a shield in the defence of rights and to ward off the wrong. As the guardians of law, lawyers play a vital role in preservation of the society.

*Honesty*

*“A lawyer’s dealing should be just and fair, honesty shines with great advantage there”[[7]](#footnote-8)*

* William Cowper

The nobleness of legal profession lies in honesty. It includes the quality of straightforwardness and freedom to stand against the wrong which a lawyer must possess. The lawyers have been devotees of honesty. Lawyers are bound by oath that they will not knowingly maintain or defend wrong. Honesty and freedom help lawyerpart justice in fair and reasonable manner.

*Courage*

To maintain nobility of the profession, courage is an important quality. A lawyer should have the spirit to encounter difficulties with boldness and firmness. In fulfilling the professional responsibilities, a lawyer necessarily assumes various roles that require the performance of any difficult task.

Such incidents of courage can be seen from the famous Kathua rape case, *Mohd. Akhtar v. State of Jammu and Kashmir*[[8]](#footnote-9) in which the lawyer of victim, Deepika S Rajawat, despite of being threatened, didn’t give up from the case.

*Conduct*

A lawyer should always conduct himself ethically and morally. He should always uphold the integrity and dignity of the legal profession and should not engage in any scandalous activity that discredits the profession.He should conduct himself at all times in such a way to give credit to the legal profession and to develop confidence, respect and trust of his clients and the society.

In an interviewF.S Nariman, the senior counsel and constitutionalist once expressed in media that his appearance for *Union Carbide Corporation v. Union of India*[[9]](#footnote-10) was the greatest mistake of his life because he appeared against the people who needed real help and justice in such disaster.

## Death of the noble profession

*“The poor man looks upon the law as an enemy, not as a friend. For him the law is always taking something away.”*

* Robert Kennedy

The legal profession is dying.It is rotting away into a business. “The law has become a business like any other”[[10]](#footnote-11)

1. To bribe the judge is not only unethical but also against the code of conduct described for a lawyer.
2. Sometimes it is found that lawyer manipulate the client and try to create multiple litigation out of one dispute for their own benefit. This leads to the prolonged litigation and the problems of the sufferer only increases.
3. There is no such thing as a lawyer strike as held in various Supreme Court judgements.[[11]](#footnote-12)In the case of *Common Cause, A Regd. Society v. Union of India and Others.[[12]](#footnote-13)*It was held that cases must proceed when they appear on board and should not ordinarily be adjourned on account of the absence of the lawyers unless there are cogent reasons to do so. If cases get adjourned again and again due to cessation of work by lawyers, it will in the end result in erosion of faith in the justice delivery system which will harm the dignity of court*.*

The lawyer has no right to strike but they don’t hesitate on going to strikes even if their client suffers. In this way, they disregard the nobility of their profession.

# 

# Conclusion

“*Law’s nobility as a profession lasts only so long as the members maintain their commitment to integrity and service to the community”*.[[13]](#footnote-14)The lacunas present in law should be removed with the changing needs of the society. So the legal profession is nothing without its ethics as the purpose of legal profession is to serve the society. The judiciary has reinforced these principles:Law is not a trade, not briefs, not merchandise, and so the heaven of commercial competition should not vulgarize the legal profession.

1. Roscoe Pound, What is a Profession - the Rise of the Legal Profession in Antiquity, Vol. 19, NDLR, 204 1944 [↑](#footnote-ref-2)
2. AIR 1995 1 SCC 732 [↑](#footnote-ref-3)
3. Mihaela Papa& David B. Wilkins, Globalization, Lawyers and India:towards a theoretical synthesis of globalization studies and the sociology of the legal profession, IJLR, Vol. 18, 209 Issue 3, 24 May 2012. [↑](#footnote-ref-4)
4. AIR 1980 1 SCC 98 [↑](#footnote-ref-5)
5. Upendra Baxi, The Crisis of the Indian Legal System. Alternatives in Development, Vikas Publishing House Pvt. Ltd. [↑](#footnote-ref-6)
6. Meaning:anattitude that all people are equal and have same rights and opportunities. [↑](#footnote-ref-7)
7. William Cowper, The Poetical Works of William Cowper, Vol.1, Bradbury and Evans [↑](#footnote-ref-8)
8. WP(Crl.) 85/2018. [↑](#footnote-ref-9)
9. 1989 SCC (2) 540. [↑](#footnote-ref-10)
10. Anthony T. Kronman, The Lost Lawyer: Failing Idealsof the Legal Profession, 370 (1993). [↑](#footnote-ref-11)
11. Harish Uppal v. Union of India, AIR (2003) 2 SCC 45. [↑](#footnote-ref-12)
12. 1994 (5) SCC 557. [↑](#footnote-ref-13)
13. V.C. Rangadurai v. D. Gopalan and others,AIR 1979 SC 281. [↑](#footnote-ref-14)