



The Judiciary And The Legal Profession In India : Yesterday, Today And Tomorrow An Expert Doctrinal And Judicial Analysis

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Abstract

The judiciary and the legal profession together constitute the foundation of constitutional governance and the rule of law. Their credibility determines not only the effectiveness of justice delivery but also the moral authority of the State. While historically both institutions were regarded as noble and service-oriented, contemporary realities reveal challenges such as delay, commercialization, ethical decline, and institutional overload. This research article critically examines the evolution of the judiciary and the legal profession in India across three temporal dimensions—past, present, and future. Through doctrinal analysis, judicial observations, comparative perspectives, and reform-oriented critique, the paper argues that the crisis facing the justice system is not merely procedural but ethical and cultural. The study concludes that meaningful reform requires ethical revitalization of the legal profession, structural judicial reforms, quality legal education, and enhanced civic responsibility.

Keywords: Judiciary, Legal Profession, Judicial Ethics, Rule of Law, Delay in Justice, Legal Reforms, Access to Justice

1. Introduction

The judiciary and the legal profession are indispensable to the functioning of any democratic society governed by constitutional supremacy. Courts interpret laws, protect fundamental rights, and act as guardians of constitutional morality, while legal professionals serve as the bridge between citizens and the justice system. In India, these institutions have historically been vested with immense respect and moral authority.

However, in recent decades, growing public dissatisfaction with delays, high costs, declining ethical standards, and procedural complexity has raised serious concerns about the credibility of the justice delivery system. These concerns necessitate a comprehensive examination of how the judiciary and legal profession have evolved, where they stand today, and what direction they must take in the future.

This article adopts a tripartite analytical framework—**Yesterday, Today, and Tomorrow**—to understand institutional continuity, transformation, and reform imperatives.

2. Conceptual Foundations of Judiciary and Legal Profession

2.1 Meaning and Scope of Judiciary

The judiciary refers to the institutional mechanism empowered to interpret laws, resolve disputes, and administer justice. Its legitimacy flows from constitutional provisions, judicial independence, impartiality, competence, and public trust.

Judicial authority is not merely coercive; it is moral and normative. Courts command obedience because society believes in their fairness and integrity.

2.2 Nature of the Legal Profession

The legal profession comprises advocates, judges, academicians, and legal researchers who collectively sustain the justice system. Advocacy has traditionally been viewed as a **profession of service**, not a trade or business.

Professional ethics, honesty to the court, and responsibility towards society form the backbone of legal practice.

3. Judiciary and Legal Profession: Yesterday (Historical Perspective)

3.1 Judicial Ideals in Ancient and Early Modern India

Historically, justice was perceived as a moral pursuit rather than a mechanical process. Ancient Indian jurisprudence emphasized *dharma*, fairness, and restraint. Judges were expected to be persons of integrity, wisdom, and ethical discipline.

In the early decades after independence, Indian courts enjoyed unparalleled respect. Judicial pronouncements were characterized by constitutional vision, restraint, and clarity. The judiciary was widely regarded as the sentinel of liberty.

3.2 The Legal Profession as a Noble Calling

Advocacy was once considered a vocation dedicated to public good. Lawyers were officers of the court whose primary duty was to assist in the administration of justice. Truthfulness at the Bar was rarely questioned, and professional misconduct was socially unacceptable.

Limited numbers of lawyers and cases ensured accountability, efficiency, and dignity within the profession.

4. Transition from Idealism to Institutional Stress

With the expansion of the welfare state, constitutional remedies, and socio-economic rights, courts became more accessible to the masses. Innovations such as Public Interest Litigation significantly democratized access to justice.

However, this expansion also resulted in:

- Exponential growth in litigation
- Overburdened courts
- Increased dependence on legal professionals

The transition from a limited justice system to a mass justice system exposed structural weaknesses.

5. Judiciary and Legal Profession: Today (Contemporary Challenges)

5.1 Delay and Pendency of Cases

Delay is the most visible and damaging challenge confronting the Indian judiciary. Millions of cases remain pending at various levels, eroding public confidence. Justice delayed often becomes justice denied, particularly for marginalized sections.

Courts themselves have acknowledged that delay undermines the credibility of the rule of law.

5.2 Procedural Complexity and Cost of Litigation

Modern litigation is highly technical, time-consuming, and expensive. Procedural formalism often overshadows substantive justice. For ordinary citizens, accessing courts has become a daunting task.

Despite constitutional guarantees, access to justice remains unequal.

5.3 Commercialization of the Legal Profession

One of the gravest contemporary concerns is the transformation of advocacy into a profit-driven enterprise. Excessive fees, unnecessary adjournments, and strategic delays have diluted the ethical foundation of the profession.

The perception of lawyers as service providers rather than justice facilitators has damaged public trust.

5.4 Ethical Decline and Professional Misconduct

Ethical lapses such as misrepresentation, lack of preparation, and casual attitude towards truth have been frequently criticized by courts. Even affidavits filed by public authorities are sometimes unreliable.

The normalization of perjury and public indifference towards it reflects a deeper moral crisis.

6. Judicial Reflections on Systemic Failures

Indian courts have repeatedly emphasized that institutional reform is essential for survival of the justice system. Judicial pronouncements have highlighted:

- The duty of lawyers to cooperate with courts
- The obligation of judges to ensure speedy justice
- The need for discipline and accountability

Courts have stressed that judicial independence cannot be an excuse for inefficiency or opacity.

7. Landmark Judicial Pronouncements

7.1 Speedy Trial and Human Rights

The judiciary has recognized speedy trial as an essential component of the right to life and personal liberty. Delay is not merely administrative inefficiency but a constitutional violation.

7.2 Regulation of the Legal Profession

Judicial decisions have clarified the relationship between judicial authority and Bar autonomy, emphasizing that professional independence must coexist with discipline.

7.3 Judicial Service Reforms

Courts have addressed issues relating to judicial infrastructure, service conditions, and training, recognizing that institutional efficiency depends on systemic support.

8. Comparative Perspectives: Lessons from Other Jurisdictions

8.1 United Kingdom

Criticism of delay, adversarial excesses, and judicial elitism has prompted reforms such as case management, judicial training, and procedural simplification.

8.2 United States

The American legal system illustrates the dangers of excessive commercialization, contingency fees, and over-lawyering. Judicial leaders have warned that unchecked legal expansion threatens democracy itself.

These experiences demonstrate that institutional crisis is not unique to India but also show that reform is possible.

9. Role of Legal Education and Training

Legal education shapes the ethical and professional character of future lawyers and judges. However, declining academic standards, inadequate training, and insufficient emphasis on ethics have weakened the profession.

There is a pressing need for:

- Rigorous admission standards
- Ethics-oriented curricula
- Continuing legal education
- Practical and clinical training

Quality, not quantity, must define legal education.

10. Judiciary and Legal Profession: Tomorrow (Future Vision)

10.1 Technology and Judicial Innovation

Digital courts, e-filing, virtual hearings, and AI-based case management offer unprecedented opportunities to reduce delay and enhance transparency. Technology, however, must support—not replace—human judgment.

10.2 Ethical Revival and Accountability

The future of justice depends on ethical renewal. Strong disciplinary mechanisms, transparent appointments, and peer accountability are essential.

Professional autonomy must be balanced with public responsibility.

10.3 Citizen Participation and Legal Awareness

Courts alone cannot reform the system. An informed and responsible citizenry is crucial. Legal awareness, civic education, and respect for fundamental duties can reduce unnecessary litigation.

11. Critical Evaluation

Judicial activism has expanded access to justice, but excessive intervention risks institutional imbalance. Similarly, unchecked professional autonomy can shield misconduct.

Reform must be holistic, cooperative, and value-driven.

12. Conclusion

The judiciary and the legal profession have travelled a long distance from their idealized past to a complex present marked by institutional stress. Yet, the foundational values of justice, fairness, and integrity remain relevant and achievable.

Restoring public faith in the justice system requires:

- Ethical revitalization of the legal profession
- Structural and procedural judicial reforms
- High-quality legal education
- Active civic responsibility

Ultimately, the strength of the judiciary and the legal profession reflects the moral commitment of society itself. Without ethical consciousness, no reform can succeed.

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