

# CULTURE OF THE LEGAL PROFESSION IN PAKISTAN AND THE BAR'S ROLE IN PROTECTING THE INDEPENDENCE OF THE JUDICIARY

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## ABSTRACT

In this paper culture of the legal profession in Pakistan and the bar's role in protecting the independence of the judiciary are discussed and examined. This study includes the general relation between bench and bar, importance of bar for judicial independence, Pakistani bar's role in protecting and preserving independence of judiciary in Pakistan. The various categories of advocates, the bar councils and bar associations are very briefly discussed. Lawyers can protect and strengthen independence of judiciary by performing three types of functions: to provide legal assistance to the court whenever it is asked for; to be vigilant and prepared to resist any external pressure and interference in the judiciary; and to constantly watch with high sense of responsibility the performance and conduct of all judicial officers. These functions of the lawyers are discussed and examined.

## INTRODUCTION

Justice Verma holds that the word "Bar" in the context means not merely the lawyers but also the judges. Administration of justice is a joint venture in which the lawyers and judges are equal participants. It is for this reason that not merely judges but lawyers are as well called "officers of the court" (Verma, 2000).

Bench and bar are so closely attached with and interdependent on each other, that one cannot survive without the entity of the other. The strength of the bench is the ultimate success of the bar and vice versa. Similarly the degeneration of one will surely cause the down fall of the other. The bench and bar have been described by a former Chief Justice of India as 'two sides of the same coin and even if one of it gets defaced, the coin goes out of circulation' (Verma, 2000). It indicates that like the two sides of the coin, the proper utility of bench and bar depends upon co-existence and usefulness to each other. According to a former Chief Justice of Pakistan, bench and bar are equal partners as two wheels of a chariot. In order to provide smooth running, both wheel must run in coordination (Shah, 2001).

It is only from the bar that members of the bench are drawn. As a matter of fact the upbringing of both is the same. They pass through the same route of legal education,

entry into the bar and then onwards to the bench. Therefore the requirements are common; rather the requirements of both are the same. Unless one is a good, honest, industrious and conscientious lawyer, he cannot be a competent judge of integrity, that is why, each one of them is equally important for proper administration of justice.

The quality of a product depends upon the raw material, used for its preparation. The human resources are the raw material for the institutions. So the success of an institution depends upon the competent human resources and the competency of human resources depends upon their knowledge and training. Bar is the main recruiting ground of the judiciary. So it has to provide the competent human resources, having knowledge and training, to the judicial institutions. It is from amongst the lawyers that judges are chosen; and ultimately it is the quality of lawyers which determines the quality of judges who adorn the bench. Justice (Retd) Krishna, after all, was not wrong when he said, "the Bar first lost its finer values and the Bench slowly surrendered. For a competent, honest, hard working and bold judge, you must have first responsible, professional, hard working and noble lawyers. The judiciary reflects the contemporary standard of the bar.