

Judicial process as an instrument of social ordering

Everything done by judge in the process of delivery of justice is called Judicial Process. Judicial process is basically the path or the method of attaining "justice". Justice is the approximation of the 'is' to 'ought'. Judicial power is involved in the legal ordering of facts and is under the obligation to approximate 'is' with the 'ought'. This ordering is nothing but the performance of administrative duties. Supremacy of law implies that it is equally applied and nobody is above the law.

The objective nature of the judicial process in the words of Justice Cardozo is as follows:

"The chief lawmakers in our country may be, and often are, the judges, because they are the final seat of authority. Every time they interpret contract, property, vested rights, due process of law, liberty, they necessarily enact into law parts of a system of social philosophy; and as such interpretation is fundamental they give direction to all law-making. The decisions of the courts on economic and social questions depend upon their economic and social philosophy; and for the peaceful progress of our people during the twentieth century we shall owe most to those judges who hold to a twentieth century economic and social philosophy and not to a long outgrown philosophy, which was itself the product of primitive economic conditions."

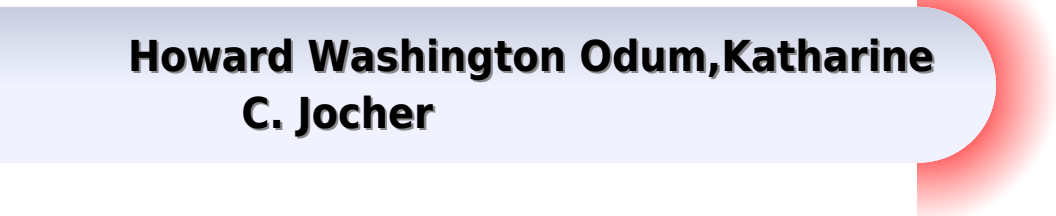
Judiciary is one pious system. The judiciary, the principal system present in all the societies created, mainly to fight injustice, lawlessness and uphold what is just, right and fair. The judicial process is very essential for the smooth running of country as well as the progress of country. Apart from the regular arbitrator, judges have to give decision on different issues touching the national importance. Hence the versatile role of the judges is important in the country and some time it is the supreme authority which looks for the welfare of the people and country.

Law cannot be efficient and useful without taking recourse of judicial process in maintaining social order. Justice P. N. Bhagwati and Justice V. R. Krishna Iyer, both were of the opinion that law is an instrument of social change, social justice and social ordering. Justice Rangnath Mishra, former C.J.I., has rightly observed that 'Law is a means to an end and justice is the end.' Therefore, undoubtedly we can say that Judicial Process, which operates laws, is an instrument of social ordering.

We always approach, the law, as the "object" of legal cognition and

Social Research In The Judicial Process

**Howard Washington Odum, Katharine
C. Jocher**



Social Research In The Judicial Process:

Social Research in the Judicial Process Wallace D. Loh, 1984-09-17 How to inform the judicial mind Justice Frankfurter remarked during the school desegregation cases is one of the most complicated problems Social research is a potential source of such information Indeed in the 1960s and 1970s with activist courts at the forefront of social reform the field of law and social science came of age But for all the recent activity and scholarship in this area few books have attempted to create an intellectual framework a systematic introduction to applied social legal research Social Research in the Judicial Process addresses this need for a broader picture Designed for use by both law students and social science students it constructs a conceptual bridge between social research the realm of social facts and judicial decision making the realm of social values Its unique casebook format weaves together judicial opinions empirical studies and original text It is a process oriented book that teaches skills and perspectives cultivating an informed sensitivity to the use and misuse of psychology social psychology and sociology in appellate and trial adjudication Among the social legal topics explored are school desegregation capital punishment jury impartiality and eyewitness identification This casebook is remarkable for its scope its accessibility and the intelligence of its conceptual integration It provides the kind of interdisciplinary teaching framework that should eventually help lawyers to make knowledgeable use of social research and social scientists to conduct useful research within a legally sophisticated context *Language in the Judicial Process* Judith N. Levi, Anne Graffam Walker, 2013-11-11 Legal realism is a powerful jurisprudential tradition which urges attention to social conditions and predicts their influence in the legal process The relatively recent social science in the law phenomenon in which social research is increasingly relied on to decide court cases is a direct result of realistic jurisprudence which accords much significance in law to empirical reports about social behavior The empirical research used by courts has not however commonly dealt with language as an influential variable This volume of essays coedited by Judith N. Levi and Anne Graffam Walker will likely change that situation *Language in the Judicial Process* is a superb collection of original work which fits well into the realist tradition and by focusing on language as a key variable it establishes a new and provocative perspective on the legal process The perspective it offers and the data it presents make this volume a valuable source of information both for judges and lawyers who may be chiefly concerned with practice and for legal scholars and social scientists who do basic research about law *The Judicial Process* Christopher P. Banks, David M. O'Brien, 2015-02-19 *The Judicial Process* Law Courts and Judicial Politics is an all new concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe It is social scientific in its approach situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship Authors Christopher P. Banks and David M. O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues In its distinctive boxes Contemporary

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An Introduction to Social Research Howard Washington Odum, Katharine C. Jocher, 1929

The Evolving Role of Statistical Assessments as Evidence in the Courts Stephen E. Fienberg, 2012-12-06 With increasing frequency the proof of facts in legal proceedings entails the use of quantitative methods Judges lawyers statisticians social scientists and many others involved in judicial processes must address issues such as the evaluation and interpretation of quantitative evidence the ethical and professional obligations of expert witnesses and the roles of court appointed witnesses The Panel on Statistical Assessments as Evidence in the Courts was convened to help clarify these issues and provide some guidance in addressing the difficulties encountered in the use of quantitative assessments in legal proceedings This report is the culmination of more than three years of research and deliberation In it we

address a variety of issues that arise in federal and state court proceedings when statistical assessments such as quantitative descriptions causal inferences and predictions of events based on earlier occurrences are presented as evidence We appraise the forms in which such assessments are presented aspects of their admission into evidence and the response to and evaluation of them by judges and juries

Modernisation of the Criminal Justice Chain and the Judicial System Annie Hondeghem,Xavier Rousseaux,Frédéric Schoenaers,2015-12-22 This book focuses on one part of the judicial system the criminal justice chain This involves all the activities and actors dealing with policing prosecution judgment and sanctioning of crimes In the last decades reforms have been implemented in several European countries In Belgium for example there was the so called Octopus reform in 1998 The police was restructured leading to an integration of the police forces on a national and local level New steering instruments were introduced such as regional security plans With regard to the sanctioning of crimes a new institution was installed called the sentence implementation court This book evaluates these reforms and discusses the current reform on the reorganization of the judicial landscape In addition it examines the relation between trust and distrust and the application to the judicial system It discusses the human capital aspect of the system by means of a study on the prosopography of the Belgian magistrates that analyses the Magistracy as socio professional group and focuses on situations of system building transformations under constraint occupations and transfers colonial experience Lastly the book presents a comparative study of Belgium and France regarding the new techniques and instruments that are needed to accelerate the judicial response time and to ensure that the judicial system delivers its services on time

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