

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

Camilla Rothe



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 Controversies over Courts and In Comparative Perspective the

text examines topics such as the dispute pyramid the law and morality of same sex marriages the hardball politics of judicial selection plea bargaining trends the right to counsel and pay as you go justice judicial decisions limiting the availability of class actions constitutional courts in Europe the judicial role in creating major social change and the role lawyers juries and alternative dispute resolution techniques play in the U S and throughout the world Photos cartoons charts and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process

Social Science Methods in the Legal Process Noreen L. Channels,1985 This volume is the first to provide a systematic introduction to the methods of social science for the legal professions and decision makers in public policy fields Designed as both a text and a convenient reference the book provides an understanding of all the elements in the research process and acquaints the reader with the choices that are available in designing and conducting research A particularly useful feature is each chapter s examination of research cited in specific court or public policy decisions together with discussion of possible legal applications of various research approaches

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

The Oxford Handbook of Justice in the Workplace Russell Cropanzano, Maureen L. Ambrose,2015-06-18 Justice is everyone s concern It plays a critical role in organizational success and promotes the quality of employees working lives For these reasons understanding the nature of justice has become a prominent goal among scholars of organizational behavior As research in organizational justice has proliferated a need has emerged for scholars to integrate literature across disciplines Offering the most thorough discussion of organizational justice currently available The Oxford Handbook of Justice in the Workplace provides a comprehensive review of empirical and conceptual research addressing this vital topic Reflecting this dynamic and expanding area of research chapters provide cutting edge reviews of selection performance management conflict resolution diversity management organizational climate and other topics integral for promoting organizational success Additionally the book explores major conceptual issues such as interpersonal interaction emotion the structure of justice the motivation for fairness and cross cultural considerations in fairness perceptions The reader will find thorough discussions of legal issues philosophical concerns and human decision making all of which make this the standard reference book for both established scholars and emerging researchers

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 *Report of the District of Columbia Court System Study Committee of the District of Columbia Bar* District of Columbia Bar. District of Columbia Court System Study Committee,1983 **The System in Black and White** Michael W. Markowitz,Delores D. Jones-Brown,2000-04-30 In a collection of compelling contributions to the study of the nexus between race crime and justice noted scholars in the field critique many long held assumptions and myths about race challenging criminal justice policymakers to develop new and effective strategies for dealing with the social problems such misunderstandings create In sections devoted to criminological theory law enforcement courts and the law juvenile delinquency and gender contributors endeavor to dispel myths about African American involvement in the criminal justice system In so doing a number of important facts are established about the race crime nexus For example in an analysis of criminological theory it is concluded that race as a singular social factor has not been adequately represented in existing paradigms The subject of police profiling of African Americans reveals an evolution of court decisions that have marginalized rather than liberated African Americans since slavery Each contributor challenges both the reader and the criminal justice system to develop meaningful strategies for addressing the racism that still pervades our system of justice A chapter on women of color in prison makes a compelling argument that such institutions often represent safer environments than the life on the streets women leave behind This persuasive volume will be of interest to undergraduate and graduate students as well as faculty in Sociology Criminal Justice policy development African American and Women s Studies *Unlocking the English Legal System* ,

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Table of Contents Social Research In The Judicial Process

1. Understanding the eBook Social Research In The Judicial Process
 - The Rise of Digital Reading Social Research In The Judicial Process
 - Advantages of eBooks Over Traditional Books
2. Identifying Social Research In The Judicial Process
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Social Research In The Judicial Process
 - User-Friendly Interface
4. Exploring eBook Recommendations from Social Research In The Judicial Process
 - Personalized Recommendations
 - Social Research In The Judicial Process User Reviews and Ratings
 - Social Research In The Judicial Process and Bestseller Lists
5. Accessing Social Research In The Judicial Process Free and Paid eBooks

- Social Research In The Judicial Process Public Domain eBooks
 - Social Research In The Judicial Process eBook Subscription Services
 - Social Research In The Judicial Process Budget-Friendly Options
6. Navigating Social Research In The Judicial Process eBook Formats
 - ePub, PDF, MOBI, and More
 - Social Research In The Judicial Process Compatibility with Devices
 - Social Research In The Judicial Process Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Social Research In The Judicial Process
 - Highlighting and Note-Taking Social Research In The Judicial Process
 - Interactive Elements Social Research In The Judicial Process
 8. Staying Engaged with Social Research In The Judicial Process
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Social Research In The Judicial Process
 9. Balancing eBooks and Physical Books Social Research In The Judicial Process
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Social Research In The Judicial Process
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Social Research In The Judicial Process
 - Setting Reading Goals Social Research In The Judicial Process
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Social Research In The Judicial Process
 - Fact-Checking eBook Content of Social Research In The Judicial Process
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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