
CHALLENGES FACED BY PUBLIC SECTOR LAWYERS

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ABSTRACT

Government and public sector lawyers face major professional challenges and hold many responsibilities in the awareness of public service.

The subjects in the Public Sector Law major will address the moral issues lawyers come upon in their perform, and how to classify a constitutional issue or red flag so as to best serve the public interest.

With an rising economy aiming to step higher in the ease of doing business scale worldwide, the Indian commercial and judicial landscape has seen a major repair in the past three year. The rate of legal reform in India has picked up in the previous three years as is evident since the enactment of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (Commercial Courts Act) and the Arbitration and Conciliation (Amendment) Act,

2015 (“Arbitration Amendment Act”), followed by further attempts to amend these legislations during 2018. While the Commercial Courts Act, 2018 established Presidential assent in August 2018, it is deem to have come into force from May 2018. The Arbitration & Conciliation Bill, 2018 is pending consideration by the Rajya Sabha.

It is estimated that the enactment of these legislations governing the civil law landscape will substantially decrease the backlog of cases in courts, undertake the inefficiencies in the legal case-disposal system and turn the commercial legal community towards increased acceptance of alternate dispute declaration.

Introduction

The role of public sector lawyers is unique. In order to provide legal services in a public sector setting, you will you are dealing with a purely administrative law problem, or an question connecting to public sector service delivery, or a commercial, or quasi-commercial, transaction involving a public sector agency, there will almost always be some matchless public sector-related issues that will require your consideration, advice and action. The idea of this subject is to ensure that you are able, in any given situation, to identify relevant public sector issues and that you are able to deal with them or, where necessary, submit them to the suitable expert.

History

On June 1, 1995, Attorney General Janet Reno issued the Department of Justice "Policy on Indian Sovereignty and Government to Government affairs with Indian Tribe." It endorse the sovereign status of federally attributed Indian Tribes as domestic dependent nations, support for Tribal self government, and the Department's commitment to upholding the United States' trust responsibility and maintaining government to-government relations with Indian Nation. One arm of the Department of Justice, the Community Relations Service (CRS), carry out this policy by the use of mediation, slightly than through enforcement or litigation.

CRS provide arbitration and conflict resolution services to Tribal governments, law enforcement, and community on and off the reservation, when community tensions arise over tribal or ethnic problem. CRS assists Tribal Governments in resolving disputes by discussion and joint problem-solving.

CRS can help resolve issues connecting law enforcement and land jurisdiction; environment and religious sites; gaming and state enforcement; religious right within schools and prison; hunting, gathering, and fishing rights; hate crimes; and conflicts with non-Indian communities.

CRS does not encourage or represent the interests of any organization or government entity. Instead, CRS is available as an neutral service to mediate disagreements and conflicts between Indian communities, other governmental and private entities.

What is a Law Officer?

Law Officers are responsible for monitoring all legal affairs within their organization. They handle both internal and external legal concerns and are tasked with doing everything in their

power to keep their organization out of legal trouble.

Law Officers can be employed by corporations, agencies and other types of organizations. They typically report to upper-level members of staff, such as the Chief Legal Officer, while simultaneously leading and supervising a team of lower-level legal staff. According to Bureau of Labor Statistics, the generally demand for Lawyers, which includes Legal Officers, is rising by 6 percent. This is predictable to result in the chance of 43,800 positions through 2024.

Legal Officer Duties and Responsibilities

In sort to make sure that the legal action is taken for his or her association, Legal Officers perform a multiplicity of important tasks. We analyze a amount of online job postings to decide these core Legal Officer duties and responsibilities.

Provide Legal Advice

Using oral or written platforms, Legal Officers will be expected to short team of staff members on legal issues, possible liabilities and possible courses of actions. This involve translating difficult legal jargon into language which everyone can understand, in addition to taking all possible legal problems into deliberation before making any suggestion. All recommendation which the Legal Officer makes must be in complete fulfillment with the law, and must also strive to minimize risk for their organization.

Process Documents

Any kind of legal work involves a great deal of paperwork, and the job of a Legal Officer is no omission. Legal Officers will frequently need to write and review settlement documents, contracts, agreements, stock certificates and more. This duty makes up of a significant bit of the day-to-day work of Legal Officers, and requires both focus and precision.

Perform Research

Laws and rules are always changing and being adapted, it's up to the Legal Officer to constantly research legal resources such as articles, codes, statutes, judicial decisions and more. Doing so will permit the Legal Officer to stay up to date on all recent laws and make well-educated legal recommendations.

Identify Risks

Legal issues should be nip in the bud before they even begin. This is why it's necessary for Legal Officers on a regular basis analyze the actions and decision of their companies in order to identify problem areas, advise alternative courses of action and diminish risk as much as possible.

Direct Staff

When a legal matter is in progress, it's up to the Legal Officer to direct all maintain adjusters, liability attorneys and other members of the legal staff. With appropriate leadership, the legal staff can continue with clarity, efficiency and confidence and hopefully resolve the matter rapidly.

Legal Officer Skills

Successful Legal Officers are multitaskers, logical thinkers and passionate leaders. They don't shy from set aside their administrative duties to perform clerical tasks, and always have their organization's best interests in mind. In adding up to these general skills and personality traits, employers are looking for Legal Officers with the subsequent skills.

Core skills Based on our analysis of various online job postings, employers are seeking Legal Officers with the following core skills. If you'd like to practice a career as a Legal Officer, sharpen on these.

- brilliant written and verbal communication
- excellent leadership skills
- Knowledge of all applicable laws, rules and regulations
- High attention to detail
- Strong negotiation skills
- Ability to prepare complex legal documents

Advanced skills While most employers do not strictly require the following skills, many list them as being preferred. If you want to enlarge your career opportunities, focus on these.

- practice in the specific industry to which an employer belongs

- capability to speak more than one language

Conflict of interest

In most countries there are increasing expectations from ordinary citizens, business leaders and civil society that governments should deliver higher standards of honesty in the civil service, public institutions, public services, government-controlled corporations, and government itself. Conflict of interest is a range that should become a significant consideration in the day to day work of those who occupy any position of trust.

This Toolkit is planned to help to make those hope a practical reality. Conflicts of interest in the public sector are mostly important because, if they are not predictable and controlled suitably, they can undermine the fundamental integrity of officials, decisions, agencies, and governments. “Integrity” is used in the public sector to submit to the appropriate use of funds, assets, and powers, for the official purpose for which they are intended to be used.

In this sense the quash of “honesty” “corruption”, or “abuse”. Conflict of interest is both a uncomplicated and a multifarious matter. Establishing successful policy frameworks to control conflicts can be a complex task. To decide a specific conflict, it is necessary to set up relevant facts, apply the appropriate law and policy, and distinguish between “actual”, “clear”, “real”, and “potential” conflict situations. This requires scientific skill and an sympathetic of the many issues which are usually involved.

Most people are unsure about this area of public sector ethics, partly because the language itself can be confuse. Have an interest in the outcome of a decision is not the same as being interested in the outcome, i.e. interested. If officials could accomplish something personally from their ending they can be said to “have an interest” in it.

Move up awareness of the conflict-of-interest policy when dealing with other sectors, and include safeguard against potential conflict-of-interest situation when cooperate with the business and non-profit sectors.

- a) Provide information – Make other organisations aware of the potential consequences of non-compliance (which can include the termination or exposition of a contract, recording and printing a proven breach in a register, or prosecution for criminal offences such as corruption. Assist partner

organisations, for example through providing contractors with training in compliance with and enforcement of the stated requirements. b) Review together high-risk areas – Potential conflict-of-interest areas should be identified, and appropriate preventive mechanisms developed, to protect both sides in a potential conflict situation. Ensure, for example, that partner organisations and the business sector accept that relevant private interests are to be disclosed transparently in the process of lobbying, and that breaches or attempted breaches of policy are to be brought to light so that they can be dealt with firmly and constructively. Similarly, ensure that partner organisations and the business sector are aware of the public organisation's requirements regarding the behavior of privileged "inside" in order that is not available in the public province, ensure that "commercial-in-confidence" information is adequately protected by verifiable processes, and ensure that decision-making procedures at all stages can be audited for integrity and justified.

Conclusion

The role of public sector lawyers is unique. The Government and public sector lawyers face major professional challenges and hold many responsibilities in the awareness of public service.

The subjects in the Government and Public Sector Law major will address the ethical issues lawyers come upon in their practice, and how to identify a constitutional issue or red flag so as to best serve the public interest.