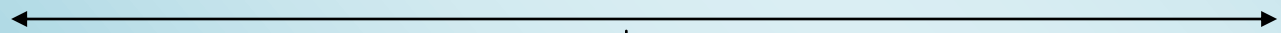


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## LEGAL PROFESSION PRACTITIONERS: A SOCIOLOGICAL STUDY

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### INTRODUCTION:

The most noteworthy and distinct development during the twentieth century that continuous to be basic feature twenty first century is the emergence of civil society. the ethos of civil liberties has come to be the edifice of modern society on which all the civilized societies have come to the founded as against feudalism monarchy and theocracies where in civil rights were conspicuously absent the development of civil society as placed individual rights and liberties equality and justice at the center stage emphasizing them as inherent and inalienable ingredients and essence of contemporary social order and women existence.

As rightly envisaged by the pioneers of sociology who foresaw evolution bringing about and functional complexity manifested in more refined and intricate division of labor contemporary society is marked by the complex occupational structure with great deal of inter and intra occupational divisions and specialization the scientific empirical and objective study of this occupational structures as inevitably given rise to an exclusive area specialization and an independent branch of sociology as sociology of professions however the universal trends toward globalization commercialization, liberalization with phenomena increase in the scale of economy coupled with emphasis on information and communication technology business trade commerce and industry as well related operations due attention as not been paid to the scientific study of legal profession personal and functionaries. As stated earlier this profession as pivotal role in civil societies in safeguarding the rights liberties and dignity of citizens and civilians. But in the context of a society characterized by the traits described above this section of society as added responsibilities of ensuring justice and rights even in business trade commercial and industrial operations.

The sphere of operations and applications of this profession as transcended the domestic criminal and civil aspects of social existence adding immensely to the functional significations of this profession and the section of society representing it. Indian social scientists have taken to the systematic study of professions quite recently. Obviously the development of well defined and streamlined profession as in the west is a recent phenomenon in India as occupational and professional specialization are the functions of large scale industrialization and organization and real breakthrough in this sphere came about in India only after independence. As such the emergence this new occupational groups and there implications for social structure have come under sociological scrutiny during the last two decades leading to the creation of some integrated body of knowledge about occupation and professions in Indian social setting.

Furthermore Indian being in catching up with trends world over toward professionalization, with streamlined and well developed professions coming into being research in this areas is lagging far behind that in the west. As a predominantly agrarian society having colonial part with traditional social structure development of fully fledged professions with their own exclusive identity, jurisdiction and their own regulatory bodies in India was far behind its western counterparts. This called be the reason for sociology of professions still being in its vacant forum. However, the universal trends toward globalization and liberalization have far reaching implication with India emerging as a developing economy to reek on with and owing to the size of us population and changing and cultural values have emerged as potential market. These developments have commensuration implications on other domestic, social, cultural and political aspects of existence of Indian masses. In the resultant model, secular and rational civil society, professions of varied kinds have emerged with complex skills, roles and ethics. As stated earlier legal profession as evolved over short period of time into a profession of high functional significations, having a role to play almost every to social existence.

It called be stated that, it is one of the earliest professions to emerge on scene in India, called be owing to British influence which letter had a very significant role to play in the national movement. Before independence and consequently in politics after independence. Almost every nationalist leader and person who come to power after independence. Lawyer at list by qualification, if not by profession and that legacy continues to exist to even today. However, what is less known and investigated about is the composition, competence commitment and culture of those who represent law as a profession. In the sociological literature on professions and professional in India, physicians, nurses less visible and less known, despite the role of per mount significance they are called upon to play in the context of the contemporary civil society in India.

### **PROBLEMS OF STATEMENTS:**

In consonance with the issues thrashed out in the foregoing discussion, the present study addressing itself to probing into the interact realities pertaining to the legal profession in the society. In doing so it focuses on professional practice of lawyers with a view to ascertain the lawyers in the society.

The present study seeks to provide a social profile of the Lawyers and relate this with their professional practice. Full the study furthered seeks to ascertain their professional alliances and affiliations and also be the process professionalization and level of professionalism. The present investigation also seeks to study the attitudinal aspect of the legal profession as such focuses on the attitudes and orientation, on the one hand and level of commitment and degree of Job-Satisfaction on the other. As such, and attempt is made in the present study to ascertain the implication of such context on the professional practice of the lawyers.

### **OBJECTIVES:**

- 1) To ascertain empirically the level of commitment of types of professional orientation among the lawyers.
- 2) To investigate into the implications of structural and contextual variable for the professional practice of lawyers.

- 3) To investigate in to the role content, and to throw light on role philosophy with view to understand the lawyers practice in all their ramifications.
- 4) Finally, the study seeks formulate generalizations pertaining to lawyers, lawyers, functions commitment, competence and their determinates that have predictive value.

### **RESEARCH METHODS:**

The findings of the present study are based on relevant data gathered through the administration of an interview schedules. Keeping in view the limitations of time and resources under which the researches had to undertake the field work suitable modifications were made to suit the resource available for the study. The instrument was so designed as to elicit the relevant data from the respondents.

The instrument as been pre-tested in a pilot study to enhance their validity and reliability. The schedule so pre-tested revealed that many of the questions required streamlining and refining so has to make them more valid and less ambiguous. The pilot study also provided the researches with much needed field exposure which could be immense help in carrying out the main field work. The interview schedule was primarily structured so as to render emendable statistical analysis. it also consisted of different section in logical sequence to guaranty fluency in collection of relevant data and each section of the schedule focused on one important dimension of the study.

### **LEGAL PROFESSION IN INDIA:**

Uring the earlier times the judicial administration was a fundamental and essential educative part of the kind. Punishing the wicked, protecting the innocent, and augmentation of resources by just means, providing impartial just to the silence and protection of the state where five- fold duties of the king. The writers of the smrithis-manu yognavakya, parashara, narada, Brihaspati, Kathyayana and koutilya have elicited in their writings, the impotents of the apex courts in the capital in the lower courts established as per the orders of the king. The smithies contain elaborate roles to be followed be officers in the system. These roles also contain varies states to be followed in the peoples courts.

According to Derrett, the Indian legal system did not provide for general legislation by the king. The king was often a source of law in the sense that his verdict world determines many disputed matters.

Lodo Richer observes that, “ the ancient Hindu legal system was such that a legal profession not only did not exist, but that it was not called for and hardly could have existed” .There was no uniform terminology for professional lawyers. They were not allowed to practice in major criminal cases. In Hindu law there was no any provision for professional representatives. Administration of justice was the concern of the king it was part of Raja dharma. However in course of time experts in dharma and law emerged in the society at this stage nature of legal representation under gone certain changes. Legal experts worked as personal friends but not as pleaders.

The legal system in medieval India, as compare to the ancient period, was less elaborate confined mainly to the towns. Philips be catkins observes that “most disputes were settled outside of the courts” the governments was highly centralized and the moghal enforcement seldom reached the village level. Only certain exceptional

situation caused village people to come into contact with moghal law. Enforcement officials. Village Panchayat, Caste Councils, Head of the lineages and clans and the Zamindars performed Judicial functions at varies levels from village level to sub division level. The formal courts were in towns.

## RESULTS AND DISCUSSION:

Based on socio-economic personal background, the integrated personality of an individual can be drawn, which presents social profile of that personality. Social profile is considered as an important and significant variable in social science research. As such, scientific attempt is made in this section to provide a social profile of legal practitioners which is used as an explanatory variable in the analysis of other findings of the study. The present part provides legal practitioners personal background, family background, educational achievements and so forth.

### AGE:

The relation between age and work appears to be positive and oblivious. Age stratification is heavily staffed at all levels in industries as micro computers. Industries where change is very less appear more likely staffed by older personal (Richard Hall, 1986, 234) data pertaining to the age of the respondents are presented in the following tale.

**Table.1 Age distribution of the respondents**

Age	No. of Respondents	Percentage
Young	94	56.6
Middle Aged	65	39.20
Old	07	4.20
Total	166	100.00

The about table indicates that majority of the respondents are young that is, 56.6 present of the respondents are young, about 40 (39.20) percent of the respondents are middle aged and only remaining 4 (4.20) percent of the respondents are old.

The data indicate that, a majority of the respondents are young,. The large population of respondents being young could be attributed to the and development of legal education in the recent past in this region and consequently to the fact that government policy and efforts to spread higher education to all is giving its fruits recently. And the young generation of this region is getting benefits of such facilities.

**CASTE:**

In any sociological research caste has been considered as one of the significant explanatory variables. Caste of the respondents is also employed as one of the constituent traditional occupation and food habits of the respective caste of the respondents have been classified as high, intermediate and low.

**Table.2****Caste of the Respondents**

Age	No. of Respondents	Percentage
High	16	9.6
Intermediate	86	51.8
Low	64	38.6
Total	166	100.00

The findings seem to indicate the social change which is taking place in this religion. Legal profession is known not a prerogative of high caste as the profession of the respondents from high castes is has low as 9 (9.6) percent. This called reflect educational facilities provided to all and through them, by utilizing the educational opportunities provided to them the people belonging to low castes are coming to the jobs of high present is like legal practitioner profession. Further, it is logically assumed that give to the policy of free-ship, scholarship and reservation of caste in higher education to the low caste people and stipendiary specialties provided to the low caste people in the legal practice also might be the reasons for greater representation of lower and intermediate castes in the legal profession.

**CAREER PATTERN:**

An attempt is made under this chapter to analysis and present career pattern of the lowers with a view to provide a necessary back drop for the presentation of findings with regard to professional practice of the lowers in the coming chapters. It is necessary here that, studies conducted on professions, professional groups, should present the career pattern that is development professional being studied. The career aspects here throw light upon matters related to career of professionals such has, professional practice, dominate functions professional allegiance, competence and such other related aspects, which together could be considered as significant variables in determining the other important aspects of professional life respondent.



**Table-4 Expectations from the Profession**

Expectations	No. of Respondents	Percentage
Income	40	24.1
Recognition	25	15.1
Service	101	60.8
Total	166	100.00

The data expectations from the profession indicate that, service to the needy person is the consideration most frequently looked for by respondents. About 61 (60.8) percent of the respondents like most then they can render to the society. It is significant note to that, only 15 (15.1) percent of the respondents like most the recognition which they get through the profession. The study, disprove the generally held assumption that, people choose legal profession to achieve recognition in the society. Nearly one fourth of the respondents expect 24 percent income from the profession. This indicates the trend that, the legal profession is gradually becoming commercial practice or moving towards a commercial practice.

***SPAN OF CAREER:***

The span of career discussed here in the present section refers to the total length of experience as lawyers. It could be practiced as a junior apprentice. The findings with regard to span of career are presented in the following table.

**Table-5 Span of Career**

Span of Career	No. of Respondents	Percentage
Short	118	71.1
Moderate	36	21.7
Long	12	7.2
Total	166	100.00

Findings on span of career indicate that, 71.1 percent of thane respondents exhibit short span of career, about 22 (21.7) percent of them are with moderate span of career, and only 7.2 percent of the respondents are with long span of career.



The findings indicate the fact that, through the legal profession began in Indian society since the period of Britishers, it is becoming more popular among young people recently.

Data on span of career viewed in-terms of age of the respondents, it could be stated that, in the recent days, trend of taking to legal profession among youths is increasing.

**Table-6 Expectation from the Profession**

Span of career	Age of Respondents			Total
	Young Age 25-35	Middle Age 36-55	Old Age 56+	
Short	84 (89.36)	34 (52.31)	-	118
Moderate	10 (10.64)	25 (38.46)	1 (14.29)	36
Long	-	6 (9.23)	6 (85.71)	12
Total	94 (100.00)	64 (100.00)	7 (100.00)	166
				(100.00)

$\chi^2 = 18.32$        $df = 4$       Significant at 0.01 level.

It could be observed from the table that, through the lawyers take to their profession quite early in their lives, there is a very positive association between span of career and age. The data reveal that, nearly, 90 (85.71) percent of those in the age of 56 and more have a long span of career, whereas, almost same percent (89.36) of the respondents in the age group of 25-35 years short span of career varies significantly with age of the respondents. However, the span of career seems to very independent of caste, social origin, rural urban background and educational achievements of the respondents.

**PROFESSIONAL PRACTICE:**

To study the professional practice and its deterrents as stated in the objectives are one of the main thrust of the percent investigation. An attempt so far as been made to focus on the limitations of legal education, deficiencies in the professional practice and so forth. Now attempt is to see the actual professional practice, their professional position, sources of clients, type of client preferred, how they determine their fees, working education, so on and so forth.

In practice, a law graduate, after completion of law course and registration, he/she may actually go to the court and practice the legal profession. Apart from this, without wearing the traditional uniform of a lawyer, he/she can be a consultant, advisor, negotiator and may participate in other legal aid function.

**Table-7 Position Based on Practice**

Position Based on Practice	No. of Respondents	Practice
Court room advocate	126	75.90
Consultant/ advisor	28	16.90
Negotiator	02	1.20
Others	10	6.00
<b>Total</b>	<b>166</b>	<b>100.00</b>

The table above reveals that, the court room advocate represents the predominant position of 75 (75.90) percent of legal practitioners, indicating that, the Indian legal practitioners spend much of their time in court proceeding. If we look at the traditional significance of the functioning of legal profession, it is in court room advocacy practice which is considered a predominant function of the lawyers. It is the court room advocacy requires greater skill and call for mental facilities than it is required for other function. It is also important that counseling is also considered one of the important functions. It is evidence from the table that, counseling is the important function of only less than one fifth (16.90) percent of the legal practitioners studied. Legible proportion of the respondents functions as negotiators and other related activities.

**Table-8 Rural Urban Background and Position Based on Practice**

Position	Rural Urban Background		Total
	Rural	Urban	
Court Proceedings	49 (80.3)	77 (73.3)	126
Counseling	5 (8.2)	23 (21.9)	28
Negotiation	-	2 (1.9)	2
Others	7 (11.5)	3 (2.9)	10
<b>Total</b>	<b>61 (100.00)</b>	<b>105 (100.00)</b>	<b>166</b>

$\chi^2 = 10.47$  df=3 Significant at 0.05 level

**Note: Figures in brackets percentage to total**

The data indicate that, the proportion of respondent’s position based on court proceeding practitioner is high among both respondents with rural and urban background respondents and it is 80.3 percent and 73.3 percent respectively. If you club the counseling, negotiating and other function together it is significance to note that, more than one fourth of the respondents (26.7) percent with urban background practice outside the court hall, whereas it is about 20 (19.7) percent among respondents with rural background. It could be stated here that, respondents with urban background or in other words urban legal practitioners are more inclined outside court practice. However, relationship is significant at 0.05 level.

The analyse of the data on source of clients indicates that , village background and family background are the most preferred sources of clients to the legal practitioners .about 45(45.2)percent of the legale3 practitioners source of clients is village background .whereas ,only about 1.2 percent of them get clients from caste background ,about 8.4 percent of them get clients from influential friends and political leaders ,about 13 (13.3)percent of them get cline through their seniors and only about 9 percent of them clients from other source.

Further, significant variations could be found in the sources of clients with regard to other subjective and professional variables. One o the significant associations are found between the sources of clients and sex of the respondents. The association is significant at 0.01 levels. On the other rural-urban background of the legal practitioners appears to have significant implications for their sources of clients.

**Table-9 Rural Urban Background and Source of Clients**

Sources of Clients	Rural Urban Background		Total
	Rural	Urban	
Family Background	8 (13.11)	30 (28.57)	38
Village Background	40 (65.57)	35 (33.33)	75
Caste Background	1 (1.64)	1 (0.95)	02
Influential Friends	1 (1.64)	12 (11.43)	13
Leaders	-	1 (0.65)	01
Seniors	7 (11.47)	15 (14.29)	22
Others	4 (6.56)	11 (10.48)	15
<b>Total</b>	<b>61 (100.00)</b>	<b>105 (100.00)</b>	<b>166</b>

X<sup>2</sup>= 19.243 df=6 Significant at 0.01 level

**Note: Figures in brackets indicates percentage to total**

It could be observed from the table that, the source of client nearly two third (65.57 percent) respondents with rural backgrounds, is their village background, whereas the source of client of about one third (33.33) percent respondents with urban backgrounds, is village background and the source of client of nearly 30 (28.57) percent respondents with urban background is family background. If we club the category of influentially friends, seniors and other sources of respondents with urban background it comes 36 (36.20) percent. It could indicate that, respondents with urban background tend to get clients all most equally from all the three categories. Whereas an overall majority of the respondents with rural background get clients from village background only. It could be attributed to the fact that, respondents with urban background due to communication skill so characteristics of urbanism gets clients from all sources. However, the relationship is significant at 0.01 levels.

It is significant to note that, the sources of clients vary independent of other personal and professional variables.

Nearly two third of the respondents (62.7) percent never give up and refer the cases to other lawyers when they think they are not competent in dealing with that case, whereas, about one third of them (33.1) percent sometimes give up such case to other lawyers. Only about 4 (4.2) percent of them quite often give up such cases to other lawyers. This could indicate that the legal practitioners exhibit low commitment to their professional ethics.

Further, it is significant to note that, nearly, 40 (39.8) percent of the respondents and almost same proportionate (38.6) of the respondents prefer clients from poor background and any other category respectively. About 16 (16.3) percent of them prefer clients from their own villages. Preferring clients from their own caste, from a particular political party, from rich people and from particular business community is negligible. All these categories in combination come to 5.4 percent. Findings on preference of clients could indicate toe situation wherein, it could be observed that, the secular character, and protective policy for weaker section so characteristic of Indian Constitution is upheld by the legal practitioners of this part of the country.

## CONCLUSION:

The present is significant, due the fact that, the study based on, scientific investigation and could arrive at some generations which are of applied value and suggestive in nature. The generations and conclusions arrived in the are not predictive value but as more focused research in this area and help to state clearly the hypothesis that can be the basis for more applied research in sociology and more particularly in sociology in professions.

As such, an attempt is made in the present chapter to give a brief account of the major findings of the present study. Further, based on this, an is made to provide recommendation and suggestions, which brief applied, wharves they are required, might bring about desired results through a modest way.

Coming to the career dimension it could be stated here that, they choose legal profession to serve the needy person in the society they joined the profession on their own. The respondents exhibit short span of career. Majority of them have started their career from legal profession, indicating no occupational upward mobility. Coming to the status of professional practice very independent of caste, social origin, educational achievements and rural urban background of the respondents.

Legal practitioners of this part of the country are highly active so far as their professional allegiance is concerned. Through there is a significant association between professional allegiance And age, educational grades, span of professional practice, no definite trend could be observed.

Further, Indian legal practitioners represent a group note committed professionals. Level of professional commitment is significantly high. It is significant to note that, the age has negative implications for professional commitment. It could indicate that, as one spends more and more years of service in particular kind of a job, may experience slackness and due to that, the commitment one has for profession decreases. Further, the professional commitment various independent of other personal traits and professional variables.

Coming to the main thrust of the present study. It could be stated that, through it is not compulsory, the Indian legal practitioners prefer apprenticeship. With regard to adequacy of legal education, the study suggested that, along with theoretical knowledge the law students should be provided with some practical knowledge. Study identifies lack of skill and lack of reference material as the major profession, with regard to work schedule of Indian legal practitioners.

As a concluding statement it may be stated that, the present investigation in sociology of professional in general and legal profession in particular has sought to empirically identify the profile, attitudes and orientations, the professional practice and its determinants in the context of Indian situation. In few of the arguments made in the findings of the study require further research. In view of the limitations of research investigation like present study on legal profession , there are certain areas are sparingly touched upon need to be taken up for further research.

Keeping in mind the limitations of time and resources of individual doctoral research like the present one, and in the face of constrains mentioned above, the researcher feels gratitude for having reached certain conclusions and made few important suggestions that are valid and verifiable, at least in the context of research conducted. Through the pursuit of social research is never ending one, the researcher express a feeling of accomplishment for successful scientific task.

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