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## **An assessment of legal rights awareness of advocates**

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### **Abstract**

An advocate should wharf the conviction that nothing can lay a foundation stone for success other than hard work. Ample efforts should be made by him to get more and more knowledge and consciousness regarding legal rights awareness. Besides, an advocate must believe that he can succeed, and then alone he can pave the path of success. Legal awareness hold immense value in entire judiciary system. The present study was intended to explore the legal rights awareness of advocates. Keeping in view, the investigator found that maximum, advocates were found with moderate level of legal level awareness. In context to same, the researcher recommended that induction courses should be organise for advocates so that their legal awareness may get enhanced. Besides, in the present study it was observed that the role of advocates is vital in shaping the democratic setup of the nation. Keeping in view it was found that there is large number of the advocates who are still holding low are moderate level of legal awareness.

**Keywords:** legal rights awareness, advocates

### **Introduction**

In the entire world, judiciary is an impotent pillar of democracy. It acts as a backbone for Government, because whenever, there is any dispute people, state or centre, it provide the framework in dispute by giving judgements based on justice. Judiciary is considered the abode of human rights, garden of Indian constitution protector of constitution, safeguard for victimised section of society. Legal awareness refers the legal consciences in which individual are holding the empowerment of regarding all issues involving in law. Legal awareness enriches the legal culture and it indicates the participation in the formation of law and rule of law. In fact legal awareness is the inevitable acquaintance of law. This is due to the fact that law is the regulator of relations between people endowed with will and consciousness. It is quite obvious that the process of creating law (law-making) is connected with the conscious activity of people, and the law itself is the product of this activity. It is also clear that the process of the execution of law is usually an aware, volitional activity of people. Therefore, such phenomena as law, legal culture, legal consciousness, professional legal education, general legal education and education, legal behaviour of the population, and its individual citizens (professional lawyers and non-professionals) are inherently connected. More obviously, the legal awareness consists of the notions, ideas and feelings that express the inclination of the citizen towards law and legal phenomenon. Often, legal awareness is the concern of ethical sense in which one can decided what is good and what is bad through the eyes of law and subsequently one can do only good. The advocacy plays vital role in shaping the legal awareness.

The influence of legal awareness and with it of legal education, on the organization of public life is quite large. The most visible role is played by legal awareness in the process of the implementation of legal rights and obligations. Human life clearly demonstrates that consciousness, thought, image and volitional efforts really control the behaviour of people, initiate and regulate their actions and actions in all spheres of life, including legal. The level, quality, character, content of professional legal education, as well as general legal education and citizens' education determine what will be legal awareness and the behaviour of people in society. Legal awareness can be divided into three levels. The first level is everyday legal awareness. It is typical for wide strata of the population of a particular society. The general legal culture, social calmness, the way of creating social life largely depends on his condition. The second level is the professional legal awareness, which is formed in the

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process of legal education and practice. The subjects of this level have specialized, detailed knowledge of the current legislation and skills of its application. The formation of a professional legal awareness should be given special attention in modern conditions. The third level is scientific, theoretical legal awareness. It is characteristic for researchers engaged in issues of legal culture, the philosophy of law, rulemaking, and conceptual foundations of the legal regulation of social relations. Humanitarian researchers are working here. With respect to subjects, legal awareness can be divided into individual and collective. Group legal awareness is one of the types of collective legal awareness, which should be distinguished from the mass one (typical for unstable, temporary associations of people). To characterize macro-collectives (population of the country, continent, historical era), one uses the notion of "public sense of justice". The legal views of nations and nationalities can also be assigned to this category. To characterize a macro group of people (population of the country, continent, historical era), one uses the notion of "public legal awareness".

**Location of research gap:** While surveying the related literature the investigation found that there are large studies conducted in the same domain which is under investigation. The notable research studies are conducted by; Maden, A.S. (2014) <sup>[17]</sup>, Ben W.H. and William F.L. (2010) <sup>[8]</sup>, Ben W. Hein, J. and William F.L. (2012) <sup>[9]</sup>, Hate, C. (1969) <sup>[11]</sup>, James, E.M. (2013) <sup>[12]</sup>, Karl, B. (2000) <sup>[13]</sup>, Kaufman, Andrew L. and David B. Wilkins. (2009) <sup>[14]</sup>, Kaushik, S. (1993) <sup>[15]</sup>, Linowitz, S. and Martin M. (1994) <sup>[16]</sup>, Maden, A. S. (2014) <sup>[17]</sup>, Milton C.R. (2012) <sup>[18]</sup>, Murray L. S. (1978) <sup>[20]</sup> and Navjot, S. & Altaf, R. (1998) <sup>[21]</sup>. However, maximum of the research studies are conducted at international level. Further, the investigator found that there seems hardly any research study which has been analysed in the same study area. Keeping in view, the investigator found wide range of opportunity to 'Analyse Legal Rights Awareness of Advocates'. Further, the investigator carried this study to explore the level of legal rights awareness of advocates. There explore legal rights awareness among supreme Court advocates and high court advocates of Delhi.

**Methodology and procedure:** Keeping the nature of the study under consideration, the descriptive method will be used by the researcher for the present study. Both primary and secondary data has been conducted by the investigator ex explore the results of the study.

### Rationale of the study

The data has been analysed with the help of descriptive and comparative analysis.

### Role of advocates in delivering justice

An advocate being the active stakeholder of court has to play an ethical role in realising the smooth functions of the court. He has to shoulder the responsibility of demanding and delivering the justice of victimised sections of society in an appropriate role. He has to deal with distressed persons and to intervene their matters in legal ways. Infact the role of advocate is convert illegal into legal context. The concert of the lawyer is overwhelmingly oral rather than written. With occasional exceptions, advocates focus on courtroom advocacy rather than advising, negotiating or planning. That

is, they are de facto defenders who operate in a setting in which the 'solicitor' functions of advising are far less developed. Maden, A.S. (2014) <sup>[17]</sup> argued that advocates are the backbone for delivering justice system in Indian democracy. The above mentioned situation in the judiciary is occurring die to having less hold on legal rights.

### Role of advocates in building nation

Building of a nation is fundamentally dependent on the foundation of good governance that is controlled by rule of law. In a State that treats rule of law as sovereign, anarchy gets no room to stay. In a developing nation, learning of law to practice as a principle of morality, in the ultimate eventuality, converts the nation to a developed one lawyers, from time immemorial, with the accuracy and diligence, have splendidly carved out a separate place for themselves. They constitute the subtle nerves of the spine of the nation, because their role is not only vital but also sacrosanct. A lawyer is a better upholder of law on all occasions, in all circumstances and at all times. It would not be out of place to state that a lawyer is a 'man for all seasons'. The Bar is a public institution, and is under the legal obligation to impart wholehearted co-operation for the development of law. Some eminent lawyers, immediately after coming into force of the Constitution, become jurist consultants as some of them authored books trying to make law a legal science. The lawyers endeavoured the raise the head of philosophy of legalism in addition to making it a science. Thus, they played a coveted role in converting the law.

### Need of legal awareness of advocates

An advocate becomes entitled as of right to appear and plead as well as to act in all the High Court in which he was already enrolled, without any differentiation being made for this purpose between the various jurisdictions exercised by those courts. But despite that in Indian judiciary we has observed that the petitioner after remaining dissatisfied in high court moves towards supreme court. Thus, it is evident in order to meet the expectations of the applicants, the legal rights efficiency of advocates must be more proficient and professional and high. The practising of Supreme Court and high court advocates has created a dichotomy in the mentioned of applicants. The detailed analysis and interpretation is reported as under:

**Table 1.1:** Showing frequency and percent wise distribution of Supreme Court advocates and high court advocates of Delhi on their level of legal rights awareness

Previous studies	Legal awareness of advocates		
	Low awareness	Moderate awareness	High awareness
Mishra, A.K. (2012)	20%	70.00%	10.00%
Shipra, R. (2013)	15%	63.00%	22.00%
Dilpin, K. (2004)	25%	72.00%	3.00%

### Discussion

The results observed in in above mentioned table (Please refer table 1.1, gives information about the percentage wise distribution advocates on their level of legal rights awareness, conducted by different researcher. The results reveal that the study conducted by Mishra, A.K. (2012) revealed that 20% advocates were seen with low level of legal awareness, 70.00% with moderate and 10.00% were found with high level of legal awareness. Besides, the

perusal of the same table indicate that research study conducted by Shipra, R. (2013) found that 15% advocates were seen with low level of legal awareness, 63.00% with moderate and 22.00% were seen with high level of legal awareness. In addition to this, the study carried by Dilpin K. (2004) inferred that 25% advocates were seen with low level of legal awareness, 72.00% with moderate and 3.00% were found with high level of legal awareness. Thus from the above discussion it is evident that large number of the advocates are still existing in the domain of moderate of low level of legal awareness.

### Conclusions of the study

The present study was intended to explore the legal rights awareness of advocates. Keeping in view, the investigator found that maximum, advocates were found with moderate level of legal level awareness. In context to same, the researcher recommended that induction courses should be organise for advocates so that their legal awareness may get enhanced. Besides, in the present study it was observed that the role of advocates is vital in shaping the democratic setup of the nation. Keeping in view it was found that there is large number of the advocates who are still holding low are moderate level of legal awareness.

### Competing interest

The research declared that no potential if interest with respect to authorship, research and publication of this article.

### References

1. Adam P. Awareness of Legal Rights, *Journal of Women Development* 2008;52(5):25-38.
2. Adam P. Awareness of Legal Rights, *Journal of Women Development* 2008;52(5):25-38, 38-32.
3. Aggarwal S. Who sows? Who reaps? Women and Land Rights in India. *Journal of Peasant Studies* (4) 1988, 531-581.
4. Ahmad D, Asmat A. Women Workers in Changing Economy. *Journal of International Development* 1991;5(2):244-248.
5. Baboo B. Status of Women and Children in Boden Block. Bangkok: University Press 2000.
6. Bandyopadhyay G, Mridula H. Women and Health: Tradition and Rural Culture in India. UK: Ashgata Publishing Ltd. 1988.
7. Baug A, Tara J. Woman's Rights; Women's Status and Religious Fundamentalism. *Journal of Social Action* 1999;38(30):78-83.
8. Ben WH, William FL. Commentary: Law Firm Leaders Need to Re-emphasize Professional Values. *The American Lawyer* 2010;10(14):22-26.
9. Ben W, Hein J, William FL. Getting Your Fix, Two Veteran Lawyers Say That Now is the Time for Fixed Fees. *New Jersey Law Journal* 2012;10(12):23-28.
10. Burnele P. Lawyer Professionalism as Ordinary Morality, *South Texas Law Review* 1994;35:275-88.
11. Hate C. The Changing Status of Women. Allied Publishers Pvt. Ltd. Bombay 1969.
12. James EM. The American Legal Profession in Crisis: Resistance and Response to Change. Oxford: Oxford Universal Press 2013, 45-50.
13. Karl B. Status of Women and Social Change. *Journal of Indian Law Institute* 2000;25(27):9-12.
14. Kaufman Andrew L, David B Wilkins. Problems in Professional Responsibility for a Changing Profession, 5th ed. Durham: Carolina Academic Press 2009, 22-24.
15. Kaushik S. Politics of Islamization in Pakistan. New Delhi: South Asian Publications 1993, 34-38.
16. Linowitz S, Martin M. The Betrayed Profession: Lawyering at the End of the Twentieth Century. New York: Charles Scribner & Sons, 1994, 12-34.
17. Maden AS. Role of advocates in delivering justice system in Indian democracy. *Journal of Legal Studies* 2014;15(10):10-24.
18. Milton CR. Law Firms Competition Penalties, and the Values of Professionalism, Georgetown. *Journal of Legal Ethics* 2012;13(12):1-74.
19. Mojumal M. September 6). Sectorial Plan for Rural Women for a Place in the Sun. *Indian Express* 1988, 22-24.
20. Murray LS. The Professionalism and Accountability of Lawyers. *California Law Review* 1978;66(10):669-98.
21. Navjot S, Altaf R. Women's Employment and Economic Development. *Journal of Annals of the American Academy of Political and Social Science*. 1998;10(55):136-149.
22. Rhode DL, David L. Scott Cummings, *Legal Ethics*, 6th ed. New York: Foundation Press 2012.
23. Sarkar L. Human Rights versus a Patriarchal Interpretation. *Indian Journal of Gender Studies* 1994;69(1):22-24.
24. Sharma N. Women and Education Issue and Approaches. New Delhi: Alt publication 2006.
25. Shukla K. Problems of Women Education and Employment in India. *Institute of Social Science* 2003, 70-75.