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### ANALYSING LEGAL RIGHTS AWARENESS OF ADVOCATES

*Sanjana Singh<sup>1</sup>*

*Piyush Kumar Mishra<sup>2</sup>,*

Sanjana Singh is working as TRIP fellow and Academic Tutor at Jindal Global Law School, Sonapat-131001.

Piyush Kumar Mishra is working as TRIP fellow and Academic Tutor at Jindal Global Law School, Sonapat-131001

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#### **ABSTRACT**

Lawyers can provide noteworthy contribution in shaping destiny of the country. They can make ample efforts in the empowerment of individual. Keeping in view, the present study was intended to investigate the legal rights awareness of advocates. The study was carried in descriptive context. Keeping in view, the investigator found that the role of advocates is important in delivering justice to people. It is legal awareness which helps an advocate in gaining the professional excellence. In their professional conduct an advocate should deliver in legal awareness as they have fight for the righty of people. Besides, it was inferred that in order to meet the expectations of the people it was found that legal awareness of advocates is imperative. Further, in this study it was found that there is huge percentage of advocates who hold moderate to low level of legal awareness so they should made efforts to enhance their professional excellence by gaining more grip of legal awareness.

#### Introduction

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, and safeguard for victimised section of society. In comparison to world, the judiciary in India provide ample opportunity for all stakeholders to achieve democratic practice. While democratic institutions provide opportunities for achieving democratic

ideals, how these opportunities are realized is a matter of democratic practice. Therefore, from the above discussion it is evident that the role of judiciary is to protect rule of law by ensuring the supremacy of the law. It uproots the vested interest by providing no any chance to individual and group dictatorship. While highlighting the importance of judiciary, Bansal, R. (2019)<sup>1</sup> argued that;

*“Judiciary is the third very important organ of Indian Government. Other two organs are Legislature and Executive. Their functions are making of laws and execution of laws respectively. Besides, It check and balance the legislative or executive actions of the Government”.*

However, the above mentioned role is not limited to single individual, institution of agency, rather all the stakeholders of the judiciary has to play their unique role for shaping the development, peace, prosperity and justice system. However, among all stakeholders of the judiciary, active participants have to play a vital role. For instance judges and lawyers have to hold important role in making it effective and fruitful.

### Legal Awareness

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. According to the American Bar Association( 2010)<sup>2</sup>, Commission on Public Understand, legal awareness is, *“the ability to make critical judgments about the substance of the law, the legal process, and available legal resources and to effectively utilize the legal system and articulate strategies to improve it is legal literacy”.* In context to same, the Canadian Bar Association (1992)<sup>3</sup> defines legal literacy as. *“The ability to understand words used in a legal context, to draw conclusions from them, and them to use those conclusions to take action”.* Further, the law expert, Kim, Y. A. (2010)<sup>4</sup> remarked that *“legal awareness can be defined as, “critical knowledge of legal provisions and processes, coupled with the skills to use this knowledge to respect and realize rights and entitlements”.* Infact 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.

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<sup>1</sup> Bansal, R. (2019). The Role of Judiciary in India: If Balancing Activism or Working Under the Influence of Politics. *Journal of Federalism and democracy*. Vol. 10 (12) Pp-22-24.

<sup>2</sup> American Bar Association (2010). Commission on Public Understand. *Legal Awareness Document*. Vol. 10 Pp-22-21.

<sup>3</sup> Canadian Bar Association (1992). Report on Legal awareness. A trend analysis of Candia. Pp-22-28.

<sup>4</sup> Kim, Y. A. (2010). Conceptualising legal awareness. *Journal of legal studies*. Vol. 12 (10) Pp-22-24.

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 decide what is good and what is bad through the eyes of law and subsequently one can do only good. The advocacy plays a vital role in shaping the legal awareness. Therefore, from the above discussion, it is evident that legal awareness, also known as legal consciousness of an individual, is the intellectual and ethical empowerment of individuals regarding problems in context of the law. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law. Ewick and Silbey (2014)<sup>5</sup> explore that “*legal awareness is the process by which people make sense of their experiences by relying on legal categories and concepts. People do this even when they are not familiar with the details and minutia of law or the legal system*”. They explain that there are cultural schemas provided by the law that people use to make sense of their experiences. They refer to this as legality. The concept of legality includes “the meanings, source, authority and cultural practices that are commonly recognized as legal, regardless of who employs them or for that ends. These meanings and sources and different ways of knowing and understanding enable people to make sense of what happens to them and what that might mean in terms of their rights and options. This process of understanding legal experiences occurs within a larger ecosystem in which there are disputes over meaning and values. Seron and Muger (2015)<sup>6</sup> explain that in addition, class may affect legal consciousness: Law may mean different things depending on an individual’s location in the various hierarchies of status, prestige, and knowledge associated with membership in a social class.

The “continuum approach” considers legal literacy as, “*a capacity spread along a continuum, with lawyers and judges at one end and relatively incapable laypersons at the other*”. This approach was adopted by the legal scholar White who considered legal literacy to mean, that degree of competence in legal literacy to mean, “*That degree of competence in legal discourse required for meaningful and active life in our increasingly legalistic and litigious culture*”.

The influence of legal awareness, 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

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<sup>5</sup> Ewick and Silbey (2014) . Legal awareness in context of Indian judiciary. *Journal of legal ethics*. Vol. 12 (10) Pp-22-24.

<sup>6</sup> Seron and Muger (2015). Legal Advocacy and democracy. *Journal of comparative politics*. Vol. 10 (12) Pp-14-28.

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. The concept of legal awareness (both individual and collective) is a complex structural formation, in which it is possible to identify rational components usually being called a legal ideology. Within this concept, one can also distinguish the emotional and sensual structural elements that are embraced by legal psychology. Therefore, legal education includes knowledge of legal awareness as a complex structured phenomenon. Any trainee should receive not only theoretical knowledge, but also necessary skills in order to be able to apply this knowledge in practice. In real life, legal awareness manifests itself as a whole, unstructured. The isolation of structural elements in legal awareness contributes only to an understanding of its role and place in the life of an individual and society as a whole. As you know, 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 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." Certain legal views of nations and nationalities can also be assigned to this category.

#### 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>7</sup> argued that “*advocates are the backbone for delivering justice system in Indian democracy. The above mentioned situation in the judiciary is occurring due 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. While discussing about the role of lawyers in building of a nation, it would be highly inappropriate to ignore the historical contribution of the lawyers as a class. For that it is necessary to understand the essential nobility of the profession and to get support from the past, to discern and analyse how the predecessors in interest of the profession conducted themselves in the field of law, literature and culture and greatly played the pivotal and seminal role in the freedom movement. Speaking about the role of lawyers, Lord Denning had expressed the view in the following words: “*As an advocate he (a barrister) is a minister of justice equally with the judge.*” The lawyer, as a class, has an obligation to see that the rule of law is maintained. 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

In order to meet the expectations of the applicants and fighting for justice in an appropriate way, legal awareness of an advocate is imperative. It is legal awareness which helps an advocate in gaining the professional excellence. In their professional conduct an advocate should deliver in legal awareness as they have fight for the righty of people. Pathek, A. S. (2012)<sup>8</sup> analysed that “*An advocates is the bride between victimised people and law, so he/she should show ethical orientation while fighting for justice*”. In context to same, the investigator considers it vital to explore the study which reads as:

#### Location of Research Gap

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<sup>7</sup> Maden, A. S. (2014). Searching and Seeking Justice in judiciary. *Journal of legal Judgements*. Vol. 12 (10) Pp-22-24.

<sup>8</sup> Pathek, A. S. (2012). Role of advocacy in judiciary. *International Journal of ethics*. Vol. 12. (14) Pp-27-31.

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; **Mishra, A. K. (2012)<sup>9</sup>, Shipra, R. (2013)<sup>10</sup>, Dilpin, K. (2004)<sup>11</sup>, Adam, P. (2008)<sup>12</sup>, Ben W. H. and William F. L. (2010)<sup>13</sup>, Ben W. H. and William F. L. (2010)<sup>14</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. The detailed analysis and interpretation is reported as under:

**Table: 1.1:** Showing the legal awareness as reported in previous studies on numerical analysis.

Previous studies	Legal awareness of advocates
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<sup>9</sup> Mishra, A. K. (2012). Analysing legal awareness of the barristers in context of judiciary. *International Journal of Human Rights*. Vol. 12 (09) Pp-22-28.

<sup>10</sup> Shipra, R. (2013). Legal Awareness Among Advocates. *Journal Of Law And Rights*. Vol. 12 (10) Pp22-24.

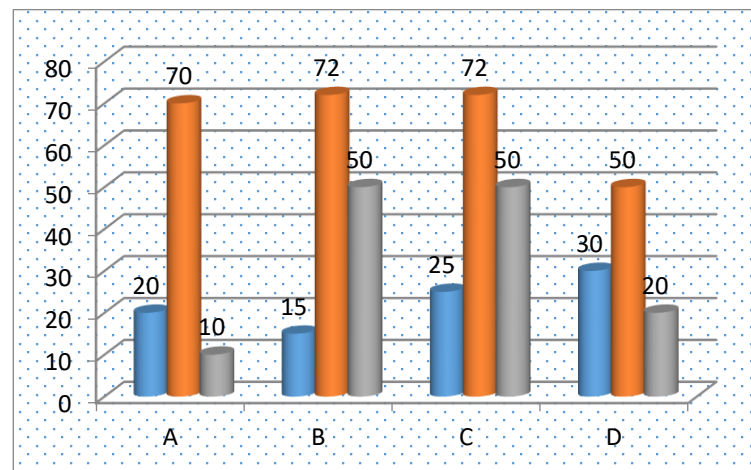
<sup>11</sup> Dilpin, K. (2004), The need of legalism in contemporary world. *International Journal Of Art, Polity And Social Science*. Vol. 12 )10) Pp-28.

<sup>12</sup> Adam, P. (2008). Awareness of Legal Rights, *Journal of Women Development*. Vol. 52(5), Pp-25-38.

<sup>13</sup> Ben W. H. and William F. L. (2010)<sup>13</sup>. Commentary: Law Firm Leaders Need to Re-emphasize Professional Values. *The American Lawyer*. Vol. 10 (14) Pp-22-26.

<sup>14</sup> Ben W. H. and William F. L. (2010)<sup>14</sup>. Commentary: Law Firm Leaders Need to Re-emphasize Professional Values. *The American Lawyer*. Vol. 10 (14) Pp-22-26.

	Low awareness	Moderate awareness	High awareness
Mishra, A. K. (2012) <sup>15</sup>	20%	70.00 %	10.00%
Shipra, R. (2013) <sup>16</sup>	15%	63.00%	22.00
Dilpin, K. (2004) <sup>17</sup>	25%	72.00%	3.00%
Pathek, A. S. (2012) <sup>18</sup>	30%	50%	20.00%



**Graph: 1.1: Showing the legal awareness as reported in previous studies.**

### 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

<sup>15</sup> Mishra, A. K. (2012). Analysing legal awareness of the barristers in context of judiciary. *International Journal of Human Rights*. Vol. 12 (09) Pp-22-28.

<sup>16</sup> Shipra, R. (2013). Legal Awareness Among Advocates. *Journal Of Law And Rights*. Vol. 12 (10) Pp22-24.

<sup>17</sup> Dilpin, K. (2004), The need of legalism in contemporary world. *International Journal Of Art, Polity And Social Science*. Vol. 12 )10) Pp-28.

<sup>18</sup> Pathek, A. S. (2012). Role of advocacy in judiciary. *International Journal of ethics*. Vol. 12. (14) Pp-27-31.

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. **Pathek, A. S. (2012)** inferred that 30% advocates were seen with low level of legal awareness, 50% advocates were seen with moderate level of ethics and 20% were seen with high legal ethics. Thus, Large efforts should be made to impact the legal rights awareness to advocate so that they play their role in delivering right kind of justice epically to victimised sections of the society.

### Conclusions of The Study

The present study was intended to explore the legal rights awareness of advocates. Keeping in view, the investigator found that the role of advocates is important in delivering justice to people. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law. The influence of legal awareness, 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. Besides, in order to meet the expectations of the people it was found that legal awareness of advocates is imperative. Further, in this study it was found that there is huge percentage of advocates who hold moderate to low level of legal awareness so they should made efforts to enhance their professional excellence by gaining more grip of legal awareness.

### Suggestions of the study

In the presents study it was observed that the role of advocates is vital in shaping the democratic setup of the nation. However, it is subjected to their legal awareness. 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. In pursuance to same below mentioned suggestions are recommended.

Anyone who enters into the profession must have the sacrosanct feeling that he has entered inside a temple, and the purpose is to serve the cause of justice.

Legal awareness programme should be reorganised at national level and the participation of active stakeholders of justice should be made pre-request.

Seminars and conferences should be organised at national and state level and in these seminars and conference, legal rights awareness should be imparted.

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.

An advocate He must not be worried of losing battles, but must prepare himself to fight the war as winning the war is the embodiment of greatness. Small battles do not matter in life.



An advocate must develop the sense of introspection to analyse and find out his weaknesses.

An advocate must interpret what troubles him, and would train him to be adept and competent, not to run away from any difficult situation; and embolden him to face the problem with an immense sense of responsibility and rationality.

The professional of advocacy must be an inspired being and inspiration must come from research.

An advocate must remember life kicks every moment, and asks one to live. However to live does not mean to exist, but to live with a purpose, and the purpose here is to learn and only learn.

An advocate must thrive for rule of law and have compassion for the poor so that liberty lives in human souls, and does not become a mere part of a statue.

An advocate should abandon fixity of notion, and be progressive in outlook. 18. He should sanguinely believe that judiciary is an institution of serviceability, and he, being an officer of the court is an unshakeable pillar of it.

An advocate must develop a sense of humour so that he can accept things of life as the life of a lawyer is full of events.

A lawyer must get the idea embedded in his heart that 'one may be destroyed but can never be defeated. For gaining such competence he must get induction regarding law continuously.

A lawyer must have patience, perseverance, politeness, punctuality, passion for knowledge, and must develop the Newtonian Complex every moment.

### **Competing interest**

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

### **Bibliography**

- Adam, P. (2008). Awareness of Legal Rights, *Journal of Women Development*. Vol. 52(5), Pp-25-38.
- American Bar Association (2010). Commission on Public Understand. *Legal Awareness Document*. Vol. 10 Pp-22-21.
- Bansal, R. (2019). The Role of Judiciary in India: If Balancing Activism or Working Under the Influence of Politics. *Journal of Federalism and democracy*. Vol. 10 (12) Pp-22-24.
- Ben W. H. and William F. L. (2010). Commentary: Law Firm Leaders Need to Re-emphasize Professional Values. *The American Lawyer*. Vol. 10 (14) Pp-22-26.
- Canadian Bar Association (1992). Report on Legal awareness. A trend analysis of Candia. Pp-22-28.

- Dilpin, K. (2004), The need of legalism in contemporary world. *International Journal Of Art, Polity And Social Science*. Vol. 12 (10) Pp-28.
- Dilpin, K. (2004), The need of legalism in contemporary world. *International Journal Of Art, Polity And Social Science*. Vol. 12 (10) Pp-28.
- Ewick and Silbey (2014) . Legal awareness in context of Indian judiciary. *Journal of legal ethics*. Vol. 12 (10) Pp-22-24.
- Kim, Y. A. (2010). Conceptualising legal awareness. *Journal of legal studies*. Vol. 12 (10) Pp-22-24.
- Maden, A. S. (2014). Searching and Seeking Justice in judiciary. *Journal of legal Judgements*. Vol. 12 (10) Pp-22-24.
- Mishra, A. K. (2012). Analysing legal awareness of the barristers in context of judiciary. *International Journal of Human Rights*. Vol. 12 (09) Pp-22-28.
- Mishra, A. K. (2012). Analysing legal awareness of the barristers in context of judiciary. *International Journal of Human Rights*. Vol. 12 (09) Pp-22-28.
- Pathek, A. S. (2012). Role of advocacy in judiciary. *International Journal of ethics*. Vol. 12. (14) Pp-27-31.
- Pathek, A. S. (2012). Role of advocacy in judiciary. *International Journal of ethics*. Vol. 12. (14) Pp-27-31.
- Seron and Muger (2015). Legal Advocacy and democracy. *Journal of comparative politics*. Vol. 10 (12) Pp-14-28.
- Shipra, R. (2013). Legal Awareness Among Advocates. *Journal Of Law And Rights*. Vol. 12 (10) Pp22-24.
- Shipra, R. (2013). Legal Awareness Among Advocates. *Journal Of Law And Rights*. Vol. 12 (10) Pp22-24.