



# Advocacy As Profession and Social Welfare

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## **Abstract:**

*After attaining sufficient legal knowledge the law graduates becomeable to know about the rights and duties as given under different spheres of legal nature. Hence it can be said that this class of the society has an edge over the other classes of society with respect to understanding about the formulation of laws, bye laws, rules ,regulations ,policies etc . or in broader aspect we may say that it will be better for a person if he wants to know about the real operation of the administrative bodies and their composition he or she may do law graduation. On other side ,rights if detected then the person will be able to achieve those. If rights belong to other then there are many things that an advocate may assist for the needful persons fighting for in order to provide justice to them by way of his profession which in turn is a social welfare job.*

**Keywords :** Legal ,advocate social lawyers ,services.

## **Objectives :**

The objectives of the present study is two folds as:

To understand the duties of an advocacy vis- a- vis social set up.

To correlate advocacy with welfare of society and its inhabitants.

## **Methodology:**

The tools used for the conduct of present study in hand is the in-depth knowledge gather from the sources of information of primary nature. The information is collected after going through various research studies conducted, legal magazines ,law references books, electronic sources by visiting online websites and the study of legislation by the use of textbooks.

## **Introduction:**

An advocate has to follow certain ethical behavior in his or her profession .No doubt society is protected by making laws as per the need of time and circumstances of the society. The laws so formulated in such way are

executed efficiently by the lawyers. Therefore we may say that is pertinent to mention here that it is a profession which makes the law into motion and also corrects and improve the errors in it.

### **Discussion:**

The legal profession is monopolistic in character, and this monopoly itself is inherent in certain high traditions to be upheld and respected by its members. The legal profession is a profession of honour and a lawyer is an officer of the law and a friend of the court.

It is an integral part of the administration of justice. From time immemorial, the legal obligation on lawyers to take up the case of a poor litigant without compensation, if required by the court, has been recognized not only in our country and in England, but also in the United States and other countries.

In practice, however, lawyers were used only in serious criminal cases and some civil cases. An attorney's important position in bankruptcy administration even makes him or her responsible for making sure the law is available to all. Rule 46 of the *Indian Bar Association* in Part VI relating to professional conduct and etiquette recalls the obligations lawyers have to society.

### **Arbitrator**

Fundamentally, a lawyer who has worked experience in litigation, on civil, commercial and contractual matters and representing parties in arbitrations, and someone who has an idea of both trial and appellate court work (with more focus on trial court work), is ideally suited to be appointed as an arbitrator.

Arbitration lawyers help their clients to secure competent experts and relevant witnesses; They assist the experts and respond to factual questions the experts may have about the case in order to prepare their expert reports; They assist witnesses with the preparation of their witness statements. Arbitration is an alternative mode of dispute resolution, which usually formed outside the court. Under such arrangement, parties (in dispute) at their will and convenience choose the arbitrator/s and collectively decide the place and date of arbitration to resolve their dispute. The arbitration and conciliation act provides some powers to the arbitrator equal to the power of the court, like - "the power to grant interim relief under section 17". However, the arbitration and conciliation act bestows arbitrator with an adjudicating authority and therefore the arbitrator has to act judicially. Unlike a trial, arbitration leads to a private resolution, so the information brought up in the dispute and resolution can be kept confidential. This could be enticing for well-known public figures or clients in business disputes because all evidence, statements, and arguments will be completely confidential.

### **Legal Aid**

When exercising the legal profession, every lawyer must take into account that everyone who needs a lawyer is entitled to legal aid, even if they cannot pay it in full or sufficiently, namely within the framework of the economic circumstances a lawyer, free legal aid for the needy and oppressed is one of the highest obligations an advocate has to society.

To guarantee justice to the poor and marginalized sections of society, an advocate must provide legal assistance even when they are unable to serve you to pay at all or fairly for their services.

In fact, the minimum duty expected of a lawyer is to play their part sincerely in the implementation of the various legal aid regimes available in the *Legal Services Authorities Act 1*, whether it be providing legal aid to the poor and marginalized sections of the population or promoting ion legal competence , or facilitating the Dispute resolution by Lok Adalats.

The role of lawyers in the implementation of these systems becomes essential since the legal profession is a monopoly and the various legal aid systems within the law can only be put into operation by the lawyers.

Advocates Act in context of free legal aid

Legal Aid is a concept in India that provides legal aid to people who are economically disadvantaged in society or live in rural areas where they have no access to courts.

This concept corresponds to Article 14 of the Indian Constitution which guarantees all citizens of India equality before the law. In addition, Article 39A of the Indian Constitution guarantees free legal aid to those in need.

It states that the legal system promotes justice based on equal opportunities and must offer free legal aid in all forms to ensure equal opportunities for all citizens.

Rule 46, Section 6 of the Indian Bar Association states that in exercising the right, every lawyer must bear in mind that any person may need a lawyer and it is the duty of the lawyer to give legal assistance without seeking any type of legal advice from a lawyer

### CRITERIA FOR GIVING LEGAL SERVICES

As per section 12 of the Act of 1987 read with Rule 19 of the HALSA Rules of 1996, the following categories of persons are entitled to free legal services:

1. Any citizen of India belonging to general category whose annual income from all sources does not exceed Rs. 3,00,000/- (if the matter is at the Sub-Divisional level, District level or in High Court) and does not exceed Rs. 3,00,000/- (if the matter is in the Supreme Court of India).
2. Members of the Scheduled Castes, Scheduled Tribes or Backward Classes\*.
3. Victims of trafficking in human beings, or 'begar' (forced labour) as is referred to in Article 23 of the Constitution.
4. Women
5. To a child, i.e. person who has not attained the age of 18 years or if he is under the guardianship under the Guardians and Wards Act, 1890 the age of 21 years
6. To a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1) of 1996)
7. To a person, under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster
8. To an industrial workman
9. To a person in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a "children's home, observation home, shelter home and special home within the meaning of clauses (e), (o), (u) and (v) respectively of section 2 of Juvenile Justice (Care and Protection of Children) Act, 2000.
10. To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987
11. In a test case, the decision of which is likely to effect cases of numerous other persons belonging to the poor and weaker sections of the society
12. To a person, in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied

13. To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule

14. To a person in case of public interest litigation

15. To an ex-serviceman, and the families of such persons who have died in action

16. To riot victims, and the families of such persons as well as terrorist victims and families of such persons

17. To freedom fighters

18. Transgender people

19. Senior Citizen that is person who is citizen of India and has attained the age of 60 years or above

BESIDES THE ABOVE CATEGORIES, free legal services can also be provided in the under mentioned situations:-

- In a test case, the decision of which is likely to effect cases numerous other persons belonging to the poor and weaker sections of the society
- To a person in a special case, who, for reasons to be recorded in writing, is considered otherwise deserving of legal service where the means test is not satisfied
- Persons in favour of whom our High Court or the Supreme Court directs grant of legal service
- To a person in case of genuine public interest litigation

Politics

"There are several prominent politicians who have been eminent lawyers before entering the domain of politics. Arun Jaitley, Ravi Shankar Prasad, P Chidambaram, Kapil Sibal, Salman Khurshid, and Abhishek Manu Singhvi have been reputed lawyers before they took a plunge into politics. Even before the Independence, prominent figures such as Gandhi, Nehru, Sardar Vallabhai Patel and Jinnah were also lawyers. Lawyers have in depth knowledge about the law and are supposed to have better writing skills than people from other professions. By becoming politicians, lawyers can put their knowledge of laws to frame legislation that would greatly benefit the society. Here is a list of the prominent lawyer politicians in the country. "

From Gandhi to Arun Jaitley, all good politicians were once a really efficient lawyer. So, what is it about lawyers that make them such good politicians. The top qualities are –

- Lawyers spend a lot of time with one problem and analyse it with every angle. Lawyers have the ability to analyse and come with unique solutions to a problem. That is very much required in the field of politics.
- Politicians have to be good and commanding speakers. When they speak, the entire world listens to them be it through Lok Sabha meetings or press conferences. Effective public speaking is required in law too. Lawyers who become advocates have the ability to persuade their points to others while speaking.
- Lawyers are used to working with people from all the classes of society. That is required when they become politicians. So the lawyer phase acts as a training period for them. The ability leads to political success.
- Lawyers have an understanding of how laws are made, so when they get to work with legislation, it is quite a cake walk for them.

Thus, lawyers have the knack of laws which helps them to become better politicians.

During India's Independence

- During India's independence, there were many legal professionals that helped India to gain freedom. Without them, India would not have had the sweet taste of independence.

- In the year 1958, there were around 75,000 lawyers and 183 lawyers per million population in India. The legal professionals have contributed to the field of Indian Politics. Had they been not there, India's independence would have been difficult.

### **Conclusions :**

The lawyers profession is a tool to protect the rights given by any law in force and it can be used as a tool for social welfare .Many things can be achieved through providing services to the needful class of society who do not affords heavy expenses and fees for legal remedy .The procedures are complex and the aggrieved persons are not aware of the facts and how and in which manner it is to be followed. There are several legal services authority under which certain empanelled advocates are listed and given the task to help assist the needful in achieving the justice by appropriate pleadings by them in their suits/cases.

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