

# Human Resource Development: a Case Study of Legal Professionals

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## Abstract:

Marcia Anderson recognized Human Resource Development as a field with an identity that borrows from other fields such as psychology, education, sociology, organizational behavior, communication and other behavioral and social sciences. Human Resource is the productive capacity of human beings. It is the greatest renewable resource for a nation which does not depreciate with time, rather they can be renewed. Human resources are the most important assets of any organization instead of cost, opportunity and problem. If they are used efficiently they can create miracles. After the economic liberalization in 1991, managerial functions have gone through metamorphic changes. This paper discusses the process of human resource development in legal profession through a case study of legal professionals in Jodhpur – the heart of Legal professionals in Rajasthan. The present study aims at getting an initial insight on how the process of human resource development goes on in our socio-economic conditions in the legal profession and to get some ideas and hypothesis that may help in developing advanced research on its different aspects. Two questionnaires have been developed and canvassed for two categories viz exclusive independent advocates and active associate positions. A sample of 300 advocates, 150 belonging to each category is taken for the present study to explore the human resource development process inherent in the legal profession.

**Keywords:** Human Resource, Liberalization, legal profession.

## 1. Introduction

Human Resource is the greatest renewable resource for a nation which does not depreciate with time, rather they can be renewed. It is the productive capacity of human beings. Human resources are the most important assets of any organization instead of cost, opportunity and problem. If they are used efficiently they can create miracles. After the economic liberalization in 1991, managerial functions have gone through metamorphic changes.

Marcia Anderson (2009) recognized Human Resource Development as a field with an identity that borrows from other fields such as psychology, education, sociology, organizational behavior, communication and other behavioral and social sciences. "Human resources development is the process of increasing the knowledge, the skills, and the capacities of all the people in a society. In economic terms, it could be described as the accumulation of human capital and its effective investment in the development of an economy. In political terms, human resources development prepares people for adult participation in political processes, particularly as citizens in a democracy. From the social and cultural points of view, the development of human resources helps people to lead fuller and richer lives, less bound by tradition. In short, the processes of human resources development unlock the door to modernization." (Frederick Harbison and Charles A. Myers, 1964)

To make it clear how this effort is relevant to the theme and distinguishes itself from general studies either in Human Resource Management or Sociology of Professions. The process of professional practices in an ideal society is supposed to discharge certain roles, thereby the process of developing and passing on the baton to coming

generations is performed so well that both the profession and society gets benefitted. Thus a kind of auto process of human resource development must be self knitted in any profession. This study was conducted in the late 2012 to understand the human resource development process in advocates of Jodhpur-The heart of legal Professionals in Rajasthan (India).

## 2. Objectives of the Study

The present study aims at getting an initial insight on how the process of human resource development goes on in our socio-economic conditions in the legal profession and to get some ideas and hypothesis that may help in developing advanced research on its different aspects. In brief, the following aspects and variables have been concentrated:

1. How do seniors and young advocates enjoy their relationship, feel about the process of their development and the problems faced by them?
2. Is this process getting influenced by academic background, socio-economic background and other similar factors?
3. How human relation and behavioral aspect get interacted with the enhancement of professional competence

for the benefit of juniors as well as seniors?

4. A major emphasis is given on the professional dependency i.e. how juniors withdraw themselves from their seniors to acquire professional independence.

### **3. Methodology**

#### **3.1 Area of Study**

The area of study was Jodhpur, the second largest city of Rajasthan (India). Jodhpur is known as the heart of legal profession having 5000 registered advocates (having LL.B degree) some practising in High court, lower court

(Independently or associated with senior advocates) and also few as assistants to advocates known as Munshi, few have acquired the law degree but not practising legal profession.

#### **3.2 Population of study**

The universes of the study consist of 5000 advocates registered with Bar Council of Rajasthan. A 5 percent random sample from the directory of advocates was taken for the study. In this way, the corresponding sample size is 250. But due to non response from the respondents, 50 more contacted to seek the information. Thus, the sample consists of 300 registered advocates.

For getting the information two different questionnaires have been developed and canvassed for two categories viz exclusive independent advocates and active associate positions. A sample of 300 advocates, 150 belonging to each category is taken for the present study to explore the human resource development process in the legal profession.

#### **3.3 Method of Data Collection**

Data were collected from primary and secondary sources. Primary data were obtained from advocates practicing independently and others working as active associate positions. They responded to a structured questionnaire administered to elicit information for the study.

### **4. Results and Discussion**

#### **4.1 Sample Profile and Academic Background**

##### **(A) Exclusive independent advocates:**

This category includes 150 advocates who are practicing independently as at present; however they have experiences in the past about keeping juniors with them or themselves worked as juniors with other. Some of them have inherited the profession and earned second division at their law degree.

##### **(B) Active associate Positions:**

This category consist of 150 advocates who are by and large practicing in dual position i.e. have either engaged as associates or themselves associates with others, of them 148 got second division and 2 got first division at their degree .

The profile data reveals that instead of the quality of legal qualifications, the factor of inheritance more influencing the degree of professional independence. Another interesting point is that about half of the independent advocates had priority for the legal profession since their childhood whereas it was the second choice commonly in the category (B). It indicates that a firm mind makeup for the profession in the early young hood adds to the professional enthusiasm and they become independent relatively earlier.

#### **4.2. Acquiring professional competence and independence**

In Category (A) about 60% became independent within five years and remaining within next 5 years. While in category (B) this duration is quite longer on an average. The interesting fact is that many of the advocates belonging to the category (B) have to stay for long in a transitory position when they are only partly independent. The academic anxiety here is to know the factors responsible for this. Generally the advocates of category (B) have been working with the seniors with stability and few have changed their association in first 10 years due to unconducive environment and related human resource problems.

A review of the responses in general reveals that irrespective of the difference in the quality of legal education and career during their studentship the young advocates are asked to pass through a similar process and stages of professional development with almost the same duration of different stages. Here an academic anxiety must appear to the planners and policymakers of the legal education to know – how the quality of education imparted and divisions awarded them be evaluated in terms of the value addition to the professional competence? The author does not know how far this hypothesis is examined empirically by the department of law in different universities.

#### **4.3 Grounds of Association**

The surprising finding is that despite known as the noble and matures profession where the success depends on the professional virtues and a background, no consistent, well organized and criteria based procedure is found in practice for picking up the associates. In general the new entrants have to approach the established

advocates themselves. The factor of acquaintance and references supersedes the other factors like the academic career. Of course, few established advocates prefer the factor of the interest of the entrants in the profession to any other factor as they feel, "If the interest is there, the rest deficiencies will go soon and qualities would come".

#### **4.4. Field of Professional Specialization**

An attempt was made to know how and why the advocates get stuck into a particular line of professional specialization. Very few (5 %) seemed to express and admit the pecuniary prospect being the factor of motivation. However, the factors taking the advocates into specialized branches may be put as below in the order of overall preferences shown by them:

(i) Interest

(ii) Professional Combination and Convenience (iii) Availability of equipped specialized office (iv) Attractive pecuniary returns

The interesting point as revealed by the interviewees is that they were not given the right opportunity of doing a specialization of their choice during their studentship. This was a common concern expressed about the process of imparting legal opportunities at the universities. Most of them do not have the same field of specialization practice as was offered by them during legal education. Another interesting observation is that in certain cases the major field of professional activity after becoming independent is not the same in which seniors used to work prominently.

#### **4.5 Opinion on the determinants of success in the profession**

An attempt made to know how the advocates feel about the dominating factors for the success in the profession. A major of legal professionals (85 %) felt that diligence matter much more than the intelligence followed by the quality and habit of wide reading (10%) beyond the areas of legal knowledge. Some professional (5%) gave credit to the fate. Although advocates feel about the importance and benefit of professional inheritance which is found true also in certain cases but the influence of initial association with prominent advocates on the success is not very much credited or considered significant. Many advocates have to depend on professional tours and keep on visiting their native places to acquire the clientage and this is more effective in the early years of the career.

#### **4.6 Income satisfaction**

There are few seniors advocates who start paying their associates to their satisfaction relatively early although they pay very nominal amount initially. But the survey reveals that the associate in general and the fresher in particular, are not happy with the kind of trend prevailing in the profession. Another fact of interest is that it takes about 8-10 years to an advocate to earn from the professional practice exclusively to be taxable income.

### **5. Conclusion**

Legal profession known as a noble profession having high traditions has been catering to the needs to the society for a long time. Thus the members of this profession are expected to uphold those traditions and serve the society with sincerity and honesty. This survey revealed that there is no significant contribution of academic profile of the advocates in his success and income level. Also it was observed that in general, freshers and associates feel that seniors do not contribute significantly in the process of human resource development. Of course, they do provide the required infrastructure like library and initial practical knowledge which they do not gain in legal education but it is the intrinsic capability of the candidate which makes him successful in this profession. A study by the present author on Returns to technical and professional education ( Saruparia C, Lodha S.L, 2013) reveals that the returns to investment in Law education is positive but low. They calculated private rate of return (PRR) and social rate of returns (SRR) which was low to the investment in legal education as compared to other higher education like MBA and engineering. The PRR came out to be 15.40 and SRR came out to be 14.82 for legal education which was low but positive.

### **6. Recommendations**

This study recommends the following:

As a matter of policy Bar council, legal educationist and Universities imparting legal education should create a continuous process of human resource development. Also they should come forward to find out the reasons why a candidate is not ambitious enough to become a leading advocate similar to other professions like Chartered Accountants (C.A), Company Secretary (C.S), Master of Business Administration (MBA) and Doctors (MBBS). Of course, in this survey all advocates have graduated from the traditional universities but now the trend has changed among the students and legal education is becoming popular after completing 10+2 education and pursuing integrated courses in the law schools and now the individuals are ambitious to take this profession as the first choice. The returns of the graduates of the five year law programme are handsome as their employers

are law firms, corporate sector, universities and very few are practising. So the traditional universities should upgrade their courses and also make the courses market centric so that the legal education in the three year course can also generate good returns to these graduates.

Senior advocates must give sufficient salary to the fresher advocates, to junior advocates who have completed 5 years and above so and Munshi too so that the pain of their initial struggle period can be minimized to some extent.

The state should make their lives better by providing them housing, and medical facilities. Recently Government of Rajasthan agreed to provide residential plots to the advocates at subsidized rates. Recently advocates demanded monthly stipend of Rs 3000 to all those advocates who are working for less than five year, formation of welfare fund in which an equal amount of money be deposited by the government as deducted from the salary of the

advocates. They went on strike under the banner of Bar Council of Rajasthan for these reasons. In the memorandum to the state they said that they are an important part of the society but still are neglected by the government,

'although there are so many welfare schemes made by the government but still we can not avail the benefits from them.' So the state should aim to provide maximum social advantage to them also.

Individuals who pursue legal education should have zeal to reach at the top level as they wish to be in other profession.

Last but not the least; advocates at Jodhpur observe strike on the last working day of every month for the last 36 years in against off the Bench formed at Jaipur (capital of Rajasthan) in 1977. This is enormous cost to the society and nation which is reflected in pendency of cases. It is truly said, **Justice delayed is justice denied**. Also in economic terms, strike leads to under utilization and inefficient utilization of human resources which obstructs in achieving the productive efficiency on the production possibility frontier. An outcome is said be efficient if the economy is getting all it can from the scarce resources it has available (Mankiw 2005:25). In this way a holistic approach is required to set a continuous process of human resource development in this profession.

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