

## STATUS OF RESEARCH ON LEGAL PROFESSION IN INDIA\*

*S.L. Sharma\**

THIS ARTICLE proposes to accomplish two tasks : First, to outline the trends in the study of legal profession in India with a view to provide a glimpse of some of its distinctive features, and second, to attempt a critical appraisal of the theoretical and methodological status of research on legal profession.

It is essential to point out that the study of legal profession is not the same thing as sociology of law. Its study forms only a part of sociology of law. What, however, lends it distinction is the question of professional perspective. Central to the category of professional perspective is the concept of profession.

Broadly there are two conceptions of profession, which, for want of better terms, may be labelled idealistic and operational. The idealistic conception of profession views it as an occupation distinguished by intellectual training, altruistic orientation and a code of ethic for its practitioners. The operational conception, on the other hand, defines it as an occupation which is marked by features of monopoly, autonomy and authority. While the idealist conception lays stress on the ideals of profession, the operational conception brings into focus its organizational attributes. The two are not necessarily rival conceptions; they are only different, and in a sense even complementary.

In order to belong to the area professions, thus, a study must raise questions of professional perspective. Two such questions, that are of central importance for this purpose, are : One, the question of professional orientation and conduct of professionals; and two, the question of professional organization of an occupation. The question of professional orientation and conduct of professionals has to do with the professional ideals of public service and ethical standards. These can be studied at various levels, *i.e.*, at the level of motives for joining, work values, aspirations, professional role perception and performance. The question

---

\* This article is based in part on the material collected by the author with the grant of the Indian Council of Social Science Research (ICSSR) for its Trend Report on the Study of Professions in India. The author is grateful to the ICSSR for the assistance.

\*\* Former Professor & Chairman, Department of Sociology, Panjab University, Chandigarh.

of professional organization, on the other hand, lays emphasis on organizational mechanisms of recruitment of professional personnel, mechanisms of professional socialization, structure of professional association, and relations between professional association and wider social organization.

With this preliminary note about professional perspective it shall be in order to delineate the trends in the study of legal profession in India.

### Research trends and glimpses

Preliminary study of legal profession began in India in 1958 with the publication of a report of the Law Commission of India on reform of judicial administration.<sup>1</sup> This was followed by another study of the growth of Indian middle classes in modern times published by B. B. Misra in 1961.<sup>2</sup> This study contained some significant observations on the rise of legal profession in India.

A systematic study of legal profession in India appeared in the later half of the 1960s when a special number of *Law and Society Review*<sup>3</sup> featured a series of articles on legal profession. Just after three years, another journal *Comparative Studies in Society and History*<sup>4</sup> carried a few perceptive articles dealing with the same theme. Only in the beginning of 1980s appeared a first full-length book<sup>5</sup> on legal profession authored by J.S. Gandhi.

The limited number of publications notwithstanding, some serious beginnings have been made in the direction of empirical study of legal profession. Notable contributions have been made, among others, by Marc Galanter, Charles Morrison, R.S. Khare and J.S. Gandhi. In several of his perceptive articles Galanter has dealt with the development of modern legal profession in India with focus on the displacement of traditional law and advanced the hypothesis of contrasting styles of professional dualism with special reference to medical profession.<sup>6</sup> Morrison has made pioneering contribution to the study of structure of

---

1. Reform of *Judicial Administration* (14th Report, 1958).

2. *The Indian Middle Classes : Their Growth in Modern Times* (1961).

3. No. 2 of Vol. III (1968-69).

4. (1972).

5. *Lawyers and Touts : A Study in the Sociology of the Legal Profession* (1982).

6. "The Displacement of Traditional Law in Modern India", XXIV *Journal of Social Issues* (1968); "The Study of the Indian Legal Profession," III *Law & Soc. Rev.* 201 (1968-69); "The Aborted Restoration of Indigenous Law in India", *Comparative Studies in Society and History* (1972); "A Note on Contrasting Styles of Professional Dualism : Law and Medicine in India", in Milton Singer (Ed.), *Entrepreneurship and Modernisation of Occupational Cultures in South Asia* (Duke University : Program in Comparative Studies in Southern Asia, 1973).

professional relations, *i.e.*, between lawyers and litigants, between *munshis* (lawyers' clerks) and their masters, and colleague relationship, and contributed the analytical idea of the role of kinship in professional relations.<sup>7</sup> R.S. Khare advanced an insightful analysis of lawyer's law in India in the context of indigenous culture.<sup>8</sup> Gandhi has brought to bear the professional perspective in the study of lawyers at the level of a district court, the formation and development of their practice to procure business through touts and *munshis*, thus highlighting the seamy features of legal profession in India.<sup>9</sup>

Much of the existing research on legal profession is concerned with lawyers, although there are also a few isolated studies of law students by T.G. Bastedo<sup>10</sup>, of the Supreme Court judges by George H. Gadbois, Jr.<sup>11</sup>, and of paraprofessionals by Morrison.<sup>12</sup> Except for a study of lawyers in classical Hindu law by Ludo Roacher<sup>13</sup>, and another in Muslim India by Philip B. Calkins<sup>14</sup>, almost all other studies have focused on lawyers in modern India, especially in post-Independence era. Some of the prominent themes in the studies of lawyers are social composition of lawyers by Morrison<sup>15</sup>, Peter Rowe<sup>16</sup>, and Gandhi;<sup>17</sup> colleague relationship, stratification and specialization by Morrison<sup>18</sup> and Gandhi<sup>19</sup>; kinship in professional relations by Morrison<sup>20</sup> and Rowe<sup>21</sup>; relations of lawyers with litigants by

7. "Lawyers and Litigants in a North Indian District : Notes on Informal Aspects of the Legal System", III *Law & Soc. Rev.* 301 (1968-69); "Social Organization at the District Court : Colleague Relationships Among Indian Lawyers", III *Law & Soc. Rev.* 251 (1968-69); "Kinship in Professional Relations : A Study of North Indian District Lawyers," *Comparative Studies in Society and History* (1972); "Munshis and Their Masters : The Organization of Occupational Relationship in the Indian Legal System", 31 *Journal of Asian Studies* (1972); "Indian Lawyers and Their Relatives", in Milton Singer, *Supra* note 6.

8. "Indigenous Culture and Lawyers' Law in India," 14 *Comparative Studies in Society and History* (1972).

9. *Supra* note 5.

10. "Law Colleges and Law Students in Bihar", III *Law & Soc. Rev.* 269 (1968-69).

11. "Indian Supreme Court Judges: A Portrait," III *Law & Soc. Rev.* 317 (1968-69).

12. "Kinship in Professional Relations ....", *supra* note 7 . . .

13. "'Lawyers' in Classical Hindu Law," III *Law & Soc. Rev.* 383 (1968-69).

14. "A Note on Lawyers in Muslim India," III *Law & Soc. Rev.* 403 (1968-69).

15. "Lawyers and Litigants in a North Indian District.," and "Social Organization at the District Courts.," *supra* note 7.

16. "Indian Lawyers and Political Modernization : Observations in Four District Towns", III *Law & Soc. Rev.* 219 (1968-69).

17. *Supra* note 5.

18. *Supra* note 15.

19. *Supra* note 5.

20. "Kinship in Professional Relations..." *supra* note 7.

21. *Supra* note 16.

Morrison<sup>22</sup> and Gandhi<sup>23</sup> and occupational roles of lawyers by Morrison<sup>24</sup>, Galanter<sup>25</sup> and G. Oliver Koppell<sup>26</sup>.

Relatively little empirical work has been done on the organizational aspects of legal profession, though there is no dearth of non-empirical literature. Analytically, it is possible to distinguish three themes : First, structure and matrix of legal profession by the Law Commission of India,<sup>27</sup> Morrison<sup>28</sup>, Rowe<sup>29</sup>, Galanter<sup>30</sup> and Gandhi<sup>31</sup>. Second, the public role of legal profession, particularly its role in socio-political modernization by Misra<sup>32</sup>, Harold Lewis Levy<sup>33</sup>, Rowe<sup>34</sup>, Samuel Schmitthener<sup>35</sup>, Gandhi<sup>36</sup>, P.B. Gajendragadkar<sup>37</sup>, and Yogendra Singh<sup>38</sup>. Third, a critical appraisal of the existing system of legal education by Bastedo<sup>39</sup>, Upendra Baxi<sup>40</sup>, and S. Dayal<sup>41</sup>.

Studies on the social composition of lawyers reveal that the majority of lawyers at district courts are drawn from middle class families and from middle and higher castes such as Brahmins, *Kayasthas*, *Agrawalas* and *Khatri*s with a tradition of literacy, trading and public service respectively.<sup>42</sup> On the other hand, the studies of social backgrounds of law students reflect a widening social base of recruitment into the legal

22. *Supra* note 15.

23. *Supra* note 5.

24. *Supra* note 15.

25. "The Study of the Indian Legal Profession," *supra* note 6.

26. "The Indian Lawyers as Social Innovator : Legal Aid in India", III *Law & Soc. Rev.* 299 (1968-69).

27. *Supra* note 1, chs. 1-29.

28. *Supra* note 15.

29. *Supra* note 16.

30. *Supra* note 25.

31. *Supra* note 5.

32. *Supra* note 2.

33. "Lawyer-Scholars, Lawyer-Politicians and the Hindu Code Bill, 1921-1956", III *Law & Soc. Rev.* 303 (1968-69).

34. *Supra* note 16.

35. "A Sketch of the Development of the Legal Profession in India," III *Law & Soc. Rev.* 337 (1968-69).

36. "Lawyers and Social Change : A Test Case", *P. U. Law Rev.* (1974-75).

37. *Law, Lawyers and Social Change* (National Forum of Lawyers and Legal Aid, New Delhi, 1976).

38. *Legal System, Legislation and Social Change in India* (mimeographed) (Centre for the Study of Social Systems, Jawaharlal Nehru University, New Delhi, 1973).

39. *Supra* note 10.

40. "Working Paper for the UGC Regional Workshop in Law, (1975-1976) (Notes Towards a Socially Relevant Legal Education)", in *Second Regional University Grants Commission Workshop on Legal Education* (Department of Laws, Panjab University, Chandigarh, 1976).

41. *Workshop on Legal Education*, *supra* note 40.

42. Rowe, *supra* note 16; Morrison, *Supra* note 15; Gandhi *Supra* note 5.

profession as compared with the older generation of legal practitioners.<sup>43</sup> Noting the changing social base of legal profession from the preponderance of higher castes, better educated families and professional groups to lower castes, less educated families and non-professional groups, Bastedo analyzes its academic and ideological implications for the future of legal profession.<sup>44</sup> However, he fails to note that not all those who study law, practise it ; indeed only those are likely to go in for legal practice who have an extensive social base and economic resources at their command. As such, it makes little sense to prognosticate the future of legal profession on the basis of social composition of law students.

The judges are generally found to hail from elitist and a political backgrounds. Examining the background characteristics and career patterns of 36 judges of the Supreme Court from its inception in 1950 through 1967, Gadbois observes that "the prototype judge was the product of a socially prestigious and economically advantaged family ... [and] refrained from participation in the nationalist movement before 1947 and in postindependence politics thereafter".<sup>45</sup> Coming to recent years, Gadbois observes that political patronage, communal and caste factors have become increasingly important selection criteria for judicial positions.<sup>46</sup>

As to the roles of the lawyer, it is his role as the courtroom advocate that has received maximum attention, presumably because he is pre-occupied with that role in actual practice. Not only do the clients harbour such an image of lawyers but even the lawyers see themselves this way. As such, the Indian lawyer seems to have a rather limited self definition of his role, unlike his counterpart in America, who assumes multifarious roles such as business advisor or negotiator and social planner.<sup>47</sup>

Attempts have been made to explain variously the strong orientation of Indian lawyers as well as of their clients to litigation. Jerome A. Cohen has explained it in terms of the idea of a "rights consciousness" as a reaction to British domination,<sup>48</sup> while L. Rocher has attributed it to a "traditional love of argument",<sup>49</sup> and Bernard S. Cohn to a "love of putting others down".<sup>50</sup> On the other hand, the relative insignificance of

43. *Supra* note 10.

44. *Ibid.*

45. *Supra* note 11.

46. *Ibid.*

47. R.D. Schwartz, "Reflections on the Role of the Indian Lawyer", in C.K. Jayasimha Rao, *Impact of Social Legislation*, preface. (Bharadwaja Publications, Bangalore, 1965); Morrison, *supra* note 15; Galanter, *supra* note 25.

48. In Robert Kidder, "Report of the Conference on the Comparative Study of the Legal Profession with Special Reference to India", III *Law & Soc. Rev.* 415 (1968-69).

49. *Supra* note 13.

50. *Supra* note 48.

roles of lawyers in commercial and social transactions has been attributed to weak institutionalization of risk-taking in the Indian business organization, the paucity of large commercial enterprises, the prevalence of the joint family framework in private sector undertakings (with concomitant reluctance to admit outsiders to family matters), and the predominantly agrarian nature of the society.<sup>51</sup> Whatever the validity of these explanations, these certainly are quite interesting.

Some observations have as well been made on lawyer-client relationship. According to Morrison, the nature of lawyer-client relationship is generally asymmetrical, the lawyer asserting his superiority and the client showing his respect.<sup>52</sup> Rowe adds that in the perception of the lawyers the peasant-client has great faith in his lawyer's professional competence and only seldom questions the outcome of the trial.<sup>53</sup> Most important of all, Galanter contends that lawyer's ties with clients tend to be episodic not enduring.<sup>54</sup> K.L. Sharma questions this view and treats it as oversimplistic. Pointing out that so far the legal practitioners have been studied in isolation from clients, he underlines the need to study lawyers together with their clients. Such a study, he thinks, will throw new light on the nature of ties between the lawyers and their clients as also on the networks through which they approach each other.<sup>55</sup> Indeed, he himself is carrying out such a study.

How do lawyers get their clients? The role of kinship-connections and touting has been noted as crucial in the establishment of a district lawyers's clientele. Discussing the role of kinship in professional relations, Morrison observes that "the initial nucleus of the clientele comes from an area (*ilaqa*) in which the practitioner has affinal or matrilineal links."<sup>56</sup> This is so because, unlike agnatic ties, matrilineal and affinal ties are characteristically informal, friendly and marked by positive expectations about co-operation. The greater geographical spread of his affines is also a helping factor. Similarly, Rowe has underlined the importance of family connections for city lawyers in procuring their clients.<sup>57</sup> All this points to particularism as a distinguishing feature of the Indian legal profession, though Cohen and Cohn do not seem to agree with it for they feel that such practices are found among the lawyers in American lower courts also.<sup>58</sup>

---

51. *Supra* note 15.

52. *Ibid.*

53. *Supra* note 16.

54. *Supra* note 25.

55. *Relations Between Lawyers and Their Clients* (1978).

56. "Indian Lawyers and Their Relatives", *supra* note 7.

57. *Supra* note 16.

58. Cohen, *supra* note 48; Cohn, *supra* note 50.

The practice of touting, *i.e.*, mercenary procurement of clients for the lawyers, has been discovered by several researchers in India.<sup>59</sup> Only Morrison failed to find any evidence of it in his study in the undivided Punjab and as such cautioned against imposing Western categories on the Indian system.<sup>60</sup> Gandhi, however, has reported significant evidence of it in the present-day Punjab. Just how widespread it is remains yet to be gauged.<sup>61</sup>

Whatever the ways in which lawyers get their clientele, important it is to note that lawyers are not so much interested in serving the interests of their clients as in serving their own pecuniary interests for which they increasingly fleece the clients. Lawyers as well as *munshis* interviewed by Gandhi admitted that lawyers at Gobindgarh, as anywhere in the country, treated their clients as mere sources of earnings and sought to extort from them whatever they could. Gandhi derides this tendency as unprofessional and calls into question the professional status of legal practice in India.<sup>62</sup>

About colleague relationship among Indian lawyers, the studies reveal that it is marked by competition for clients, since the lawyers work in India under "conditions of chronic oversupply"<sup>63</sup>, so much so that the professional relations even between fathers and sons in practice tend to be stressful.<sup>64</sup> More than competitiveness, Gandhi reports evidence of intense hostility and loathing for each other among bar members who usually commit a variety of professional improprieties such as using touts, bribing judges and indulging in mutual mud slinging. These practices offer a sad commentary on the professional status of legal practice in India.<sup>65</sup>

Studying lawyers' relations with paraprofessionals, Morrison has shown how important a role *munshis* play between lawyers and clients.<sup>66</sup> Treating *munshis* as role subordinates of lawyers, Gandhi has emphasized their instrumental role in relation to their masters in routine-maintenance and business-promotion as well as in lawyers' career-rise. In particular, he has underlined the phenomenon of "contact summation" which implies that *munshis* with greater contact-resource-potential tend to stay with lawyers who are better off in the professional or practice-hierarchy. His data also shows that *munshis* in many cases act as touts for their

59. N.N. Chaturvedi, in Robert Kidder's Report, *supra* note 48; Rowe, *Supra* note 16; Gandhi, *supra* note 5.

60. *Supra* note 15.

61. *Supra* note 5.

62. *Ibid.*

63. *Supra* note 25.

64. *Supra* note 56.

65. *Supra* note 5.

66. "Munshis and Their Masters. . .", *supra* note 7.

masters. Among others, the vendors of court fee stamps and experienced litigants also tend to take on the role of touts. Reliance upon touts is found more in criminal and revenue practice than in civil practice.<sup>67</sup>

Turning to organizational aspects of legal profession, some scholars have commented on its structure and matrix. Three features have been particularly highlighted : First, legal practice is highly individualistic with negligible evidence of teamwork in the form of partnerships and firms.<sup>68</sup> This is as true of even leading lawyers of the metropolitan bar<sup>69</sup> as of the district bar<sup>70</sup>. Second, almost all the foreign scholars have unanimously noted the lack of specialization especially at the level of district courts;<sup>71</sup> though Gandhi presents evidence to the contrary which suggests a "significant degree of specialization".<sup>72</sup> Third, it has been emphasized that while the legal profession is stratified, it is relatively undifferentiated.<sup>73</sup> The bar is stratified not only by hierarchy of courts, but within each level again by skill, influence, prestige and wealth. However, the profession is viewed as undifferentiated, as lawyers at each level do much the same sort of thing. Aside from these formal aspects, Morrison has analyzed its informal aspects and discerned three kinds of informal groupings in the bar : friendship sets, ethnic sections and political alliances. School ties, caste and kinship are identified as the bases on which friendship-sets are formed, while ethnic sections are based on the distinction between refugees and locals, and political alliances play an important part in the bar elections.<sup>74</sup>

The social role of the bar is another area which has fascinated social scientists. Several scholars have analyzed the prominent role of bar in the national struggle movement, as most of the leaders of the movement were drawn from the bar.<sup>75</sup> In addition, the role of the bar in generating social reform through legislation has also been recognized. Levy, for example, has discussed the profound influence of lawyers in giving the Hindu Code Bill its major direction.<sup>76</sup> Tracing the changing role of lawyers in this regard, Levy observes that "Lawyers were influential more as lawyer-scholars under the British and more as lawyer-politicians after independence, particularly after 1952."<sup>77</sup> Having a substantial

67. *Supra* note 5.

68. Morrison, *supra* note 15; Rowe, *supra* note 16; Galanter, *supra* note 25.

69. *Supra* note 26.

70. *Supra* note 15.

71. Rowe, *supra* note 16; Morrison, *supra* note 15; Galanter, *supra* note 25.

72. *Supra* note 5.

73. Morrison, *supra* note 15; Galanter, *supra* note 25.

74. *Ibid.*

75. Misra, *supra* note 2; Schmitthener, *supra* note 35; Gandhi, *supra* note 5.

76. *Supra* note 33.

77. *Id.* at 315.



representation in Parliament and state legislatures in the 1950s, the lawyers' proportion in them considerably declined in the 1960s with further fall in the 1970s.<sup>78</sup>

Regarding the role of lawyers in social change and political modernization in free India, the studies generally strike a disappointing note. Evaluating the role of lawyer at the district level in political modernization, Rowe, for example, finds that they are not likely to be active agents of social and political change, the reason being that as members of middle class they are the beneficiaries of the present social and economic order.<sup>79</sup> This is not to deny their role in the formation of "modern" groups like labour unions and the reorganization of traditional groups along modern lines, as in the formation of caste-associations. The point rather is that they have become too self centred to spread values of modernism, so much so that they do not shy away from resisting and even subverting government policies of change, as is shown by H.C.L. Merillat in the matter of land reforms.<sup>80</sup> Despite this, several scholars have expressed hope and indicated ways in which lawyers can play a meaningful role as agents of social change.<sup>81</sup>

If the legal profession is failing to measure up to its role as a catalyst of change, this is for most part attributable to the existing system of legal education, which according to many, including Gandhi<sup>82</sup>, continues to pay obeisance to colonial inheritance. While Bastedo provided a descriptive account of law colleges in the later half of the sixties,<sup>83</sup> more recently considerable critical thinking has been done on legal education in some of the regional workshops sponsored by the University Grants Commission (UGC) to modernize the syllabi and teaching methods of law. One point that has emerged as of utmost importance is the need for making legal education socially relevant<sup>84</sup> which at present it is not. Not only is there an overemphasis on procedural aspects, as against substantive law<sup>85</sup> in the existing legal education, it also lacks a concern for the poor, underprivileged and the oppressed. That is the reason why the experiments of legal aid clinics have flopped, as is amply shown by Koppell.<sup>86</sup> Many commentators have stressed the need to deflate its overly legalistic

78. *Supra* note 5.

79. *Supra* note 16.

80. "Law and Law Reform in India", III *Law & Soc. Rev.* 295 (1968-69).

81. Gandhi, *supra* note 36; Gajendragadkar, *supra* note 37; Singh, *supra* note 38.

82. *Supra* note 5.

83. *Supra* note 10.

84. Baxi, *supra* note 40; J K. Mittal, *Workshop on Legal Education* 110-11.

85. *Supra* note 5.

86. *Supra* note 26.

orientation and build into it instead an integrated social science orientation.<sup>87</sup>

### Critical appraisal

From the above it is clear that precious little research has been done on legal profession in India. Just a counted few papers and only one major book—that is about all we have. Much of it is contributed by foreigners, particularly American scholars. Except for a book by Gandhi and one or two papers by others, the contribution of Indian scholars is almost negligible. This speaks volumes of the indifference of sociologists to the study of legal profession and also of the apathy of law scholars in India towards empirical research.

The existing literature, understandably, leaves much to be desired on all fronts—substantive, theoretical and methodological. To begin with the substantive part, the study of legal practitioners has received more attention than that of organizational aspects of legal profession, that is to say, the professionals have been studied more than professional organizations. Among the professionals, again, lawyers in private practice have received maximum attention to the neglect of lawyers in government and other organizations. Further, virtually all the studies have addressed themselves to lawyers at district courts, leaving out those at the High Courts and Supreme Court. Moreover, these studies of lawyers abound in materials regarding their background characteristics and social networks showing little concern with their professional career.

Apart from these limitations, a major drawback of the existing studies is that they do not focus on lawyers as professionals. They have systematically neglected such aspects of the professional career of lawyers as their professional socialization including internship, their relations with their juniors and seniors, their relations with judges, their thinkways and workways, and most important of all, their professional orientation and conduct. There is not a single study dealing with the professional orientation of lawyers, which is what constitutes the hub of research on professions.

Another shortcoming of these studies is that they treat background attributes and occupational roles of lawyers as separate objects of investigation, ignoring their interconnections. Not a single study attempts to relate background characteristics of lawyers to their role perception and role performance.

---

87. H.R. Khanna, "Social Relevance of Legal Education", *Law & Soc. Rev.* (1971); T.K. Tukol, "Law and Social Sciences", *Law and Society Newsletter* (July-September 1971); Baxi, *supra* note 40; Dayal, *supra* note 41.

Finally, the professional roles of lawyers in relation to wider society, that is, their role as a conscience keeper of society, their role as a protector of the interests of weaker sections, their role as a change agent in a developing society, have not been seriously investigated. What kinds of role conflicts they experience as professionals is something which has escaped the attention of most researchers.

Only little work has been done on the organizational aspects of legal profession. It seems there are more gaps than trends on this dimension. Like the studies of lawyers, the studies of organizational aspect have also been confined to the district bar alone, leaving out the High Courts and Supreme Court bars. Drawing attention to several gaps in the study of the Indian legal profession, Galanter has, therefore, rightly underlined the need for comparisons of levels, regions and times.<sup>88</sup> It may be pointed out that the existing studies have been largely confined to district courts in Punjab. This may be a matter of sheer chance, and for the same reason comparative studies in other regions are warranted.

A more conspicuous omission is the study of bar as a professional organization. There is hardly any systematic sociological study of the Indian Bar Council, the apex professional organization. What kind of people dominate the bar and how decisions are made, remain yet to be investigated. The relationship of bar with the state power, the efforts made by the bar to secure and maintain autonomy, the attempts made by state structure to erode the autonomy of bar are the matters of crucial professional importance which have escaped the attention of researchers. A related problem is of the politicization of bar and judiciary, the division of bar along party lines, and the question of "committed judiciary"—all this is of central importance to the professional studies of bar and judiciary, but has not so far become object of sociological investigation.

Similarly, scant research attention has been accorded to the question whether bar tends to act as a service organization or as an interest group, as a professional association or as a trade union. The role of bar in regulating professional activities and in maintaining professional standards is still a blind research spot. There are any number of other facets of the organizational aspects of legal profession that await serious sociological investigation.

Thus far some critical observations on the substantive side. A word about theoretical status of research on legal profession now. Much of the existing literature is in the nature of descriptive account, with little attempt to generate theoretical insights. Only one or two studies have sought to project part of their data in a theoretical perspective. Both functional and marxist orientations have been used here and there, but not in an articulate manner.

---

88. *Law & Soc. Rev.*, *supra* note 6.

There is very little evidence of the use of professional point of view in the existing studies. Hardly any study has sought to relate its material to the question of professional ideals. Most studies have not so much as made a passing reference to the doctrine of professions in presenting their data. They have at best advanced raw data on some aspects of the occupational roles of lawyers without spelling out their implications in terms of professional perspective. The Gandhi's work seems to be the only exception to it, though Galanter and Morrison have also shown a little theoretical sensibility in their works. Similarly, little attempt is made in the studies of organizational aspects of legal profession to relate their material to the question of professional standards.

Finally, a few comments on the methodological aspects of the existing studies. Speculative works apart, the empirical studies are in the nature of exploratory surveys. On the conceptual front, they are marked by poor operationalization. While they make a liberal use of such concepts as profession, professional role, professional commitment etc., hardly they care, if ever, to determine their conceptual content, let alone their precise measures or indices. In respect of research design, many of them lack logical rigour and scientific rationale. As for sampling, some are based on samples too small in size to constitute a sound base for any generalization, while some others are based on *ad hoc* respondent groups. No less problematic are the research tools and techniques used in some of the studies. In fact, the research tools used in some of them are no different from the sort of a set of questions used in journalistic inquiries. No wonder, not a single study has cared to use, let alone devise, a scale of professional orientation in the absence of which much that has been said about the professionalism or unprofessionalism of the practitioners remains at best an exercise in loose thinking. In respect of data analysis they make no attempt at quantitative analysis, nothing to speak of statistical reasoning. Rarely, if ever, does the statistical treatment go beyond calculation of percentages. On the whole, they bear greater resemblance with anthropological mode of inquiry than with sociological.

The above methodological limitations of the existing studies are only understandable in view of the fact that most of them have been conducted by scholars of law who are latecomers in empirical research. That also explains why Gandhi's study is an exception to the above description, because Gandhi is a trained sociologist.

Their preliminary nature notwithstanding, the existing studies may be regarded as pioneering in that they have yielded significant insights and opened new vistas of research. Hopefully, they will pave the way to more imaginative and systematic studies in future.