CHAPTER - VI

FINDINGS OF THE STUDY
sentation of castes of lower order was relatively low as entry in the legal profession of Meerut required solid socio-economic background. The representation of Muslim castes is also low in comparison to their counterpart Hindu community. Historically, the representation of Muslim castes was relatively fair in the past but as a result of out migration of upper castes Muslim population from Meerut to West Pakistan at the time of partition of the country, the representation of Muslims decreased in the legal profession.

(vi) that at the secondary level of education majority of lawyers had got educated in Hindi medium schools. When one moves from old generation of lawyers towards the young generation of lawyers one found a decrease in the number of English-medium educated lawyers which reflects the impact of growing number of Hindi medium school in the region after independence. But in study of degree course in law half of the subjects offered English medium.

2. The rate of intergenerational occupational mobility was high from agriculture, white collar and business occupations;

3. A significant amount of rural lawyers was intergenerationally mobile from the non-agricultural occupations;

4. The upper castes lawyers were drawn mainly from professions, white collar occupations and agriculture. The middle order castes lawyers were from mainly agriculture. The lower castes lawyers were moved from the skilled and unskilled occupations. The muslims were predominantly drawn from agriculture and skilled and unskilled occupations.
5. The intragenerational mobility has taken place only in one third of cases. It was found selective in nature mainly from white collar occupations and business occupations.

6. The rate of intragenerational mobility was higher in case of rural lawyers rather than urban lawyers.

7. In the process of education a number of rural lawyers were found depend on structural ties of extended family for financial as well as for logistic support during their stay in the town or city. On the other hand in process of searching accommodation in a town or city the ties of social network were activised.

8. The ties of social structure were found more significant rather than ties of social network in motivating the subjects for getting education and further in legal education.

9. In order to contact a senior lawyer for professional training the ties of social network were found more significant in addition to structural relations such as family members, kinsman lawyer and teacher to whom the subject was knowing directly. The weak ties of acquaintance were found relevant in this context in addition to kinship, friendship, neighbourhood sectors of lawyer's social network.

10. In initial years of legal practice, the dependency of lawyers on kinship, friendship, neighbourhood, workmate ties was more. But over a period of five years of regular legal practice, a shift was observed in the social network of the lawyers i.e.
the sector of neighbourhood disappeared and a new sector composed of old clients of the lawyer emerged and contributed a significant part in occupational role performance of the lawyer. In the later years the dependency of the lawyer on this sector was increased relatively. The performance of a lawyer was assessed by his clients and they communicated about the competency and efficiency of the lawyer to members of their social network which in many cases promoted the case work of the lawyer.

1. BEARING OF THE STUDY ON THE OCCUPATIONAL MOBILITY RESEARCH:

Traditional Indian society has been viewed as an ascriptive one where status of an individual was determined by his birth and heredity. Traditional Indian stratification was, therefore, considered as an example of closed system by early western and Indian sociologists. It led to a misconception that mobility was absent in the traditional Indian society. Srinivas (1968:169) corrects this perspective by saying that "while traditional, that is pre-British, Indian society was stationary in character, it did not preclude the mobility, upward as well as downward, of individual castes in local hierarchy". Much evidence has been adduced in this direction both by historians and sociologists (Barber 1968:18-35; Stein 1968:78-94; Cohen 1962; Habib 1963; Panikkar 1955; Shah 1964; Damle 1968; Ghurye 1979:15-16). Srinivas identifies two major process of mobility in form of 'Sanskritization' and 'Westernization'. Sanskritization is a process
through which "lower castes claimed higher caste status by changing their rituals, ideologies, food habits and style of life. They would assume the name of high caste especially of those dominant castes, in the region" (Srinivas 1966: 96). But amongst upper castes, on the other hand, the process of mobility took place in the form of 'westernization' that is, "the acceptance of cultural, scientific and technological values and roles innovated in India, by the British regime" (Srinivas 1966: 98). As a result of progress of education and advancement of technology a new social order emerged in form of educated urban middle class constituted by the lawyers, public servants, doctors, teachers, writers, scholars and body of clerks, assistants and other non-manual workers (Misra 1961: 12-13). The professionalization in India was not so much caused by industrial growth but was mere a product of modern university education and British system of justice and administration (Dubey 1975:27). The emergence of professions and white collar occupations indicate towards the accelerated rate of vertical mobility in occupational hierarchy. But the mobility was, however, confined to upper ladder of the caste system because "by virtue of their traditional superiority of caste, intellectual pursuits and political influence" (Misra, 1961: 11). After independence educational facilities and job opportunities have been increased for the members of lower castes protected under constitution of India and generally termed as scheduled castes. The openness of the system can be
examined in terms of representation of different castes as well as from different occupational categories into professions. Dubey (1975) in his study analysed the patterns of occupational mobility into six professions namely, civil and railway officials, University teachers, engineers, lawyers, medical doctors and College teachers in Gorakhpur city of India, found that the number of white collars has continued to rise intergenerationally; the upper castes are still very much dominant; in spite of democratization and the rise of secular trends, the position of lower castes has not much improved (Dubey 1975: 180-183). Similarly, Yogendra Singh (1974: 365) observed that the recruitment (of professional elites) is heavily biased in favour of the upper castes, urban dwelling groups.

The field evidence of our study suggests that the stratification system is open to an extent as it allows the members of different castes to choose their occupations irrespective of their caste. The upper castes are still in a dominant position in legal profession. But in a region where the castes of middle order constitute a major proportion of the peasantry population and dominate the rural scene, the access of these castes in the legal profession was significant. As more than half of the lawyers were drawn from rural areas and among them a good percentage was of middle order castes, lawyers, the finding goes in contrary to the observation of the sociologists who state that "the recruitment of the professionals is highly biased in favour of upper castes and urban dwellings" (Singh Y. 1974:365). But the castes of lower
rank still have limited access into the legal profession. The mobility into the legal profession of Meerut was selective in nature as it was mainly from agriculture, white collar occupations and business occupations both in case of intergenerational as well as intragenerational mobility. It suggest to study the process of mobility into professions in a much wider study.

The main objective of the study has been to find out how do social networks play a part in the occupational mobility of a lawyer on the one hand and in education process on the other. The occupational mobility is analysed at two points, first at the point of entry into the profession and secondly during establishment into the legal profession. The study throws some light on these processes which has not been focussed in earlier study of occupational mobility. The findings of our study confirms the observations of Mayer and Mullar (1971) and Boudon (1973) who emphasized that middle class child used the networks in his career mobility.

2. **BEARINGS OF THE STUDY ON CONCEPT OF SOCIAL NETWORK**

The main bearings of the study on concept of social network are; firstly, in his study of Bremnes Island, Barnes (1954) identified three fields of interaction, namely, Stationary fluid and 'third field. The stationary field was denoted by the domestic agriculture and administrative areas; the fluid field by industrial area, consisting of fishing vessels, marketing, co-operatives and herring oil factories.
The 'third field' which links the other two: stationary and fluid fields of interaction was termed as social network; it had no units or boundaries; it had no co-ordinating organization" (Barnes 1954: 237). It was made up of the ties of friendship and acquaintance which every one growing up in the Bremses, partly inherits and largely build up for himself. The elements of this social network were not fixed, for new ties were continually being formed and old links were broken or put into indefinite cold storage (Barnes 1954: 238).

But in context of this study we found that the second field was not so fluid as it was in the Bremses. The interactions beyond the boundary of the community like Bremses may be very fluid in nature but in a situation where the members of village unit have a regular visit to the urban centres. The fluidness of second field decreases to certain extent. In such a situation, the social networks becomes complementary unit of the social structure. In context of present study, the lawyer's social network in initial stage of practice is linked with the ties of structural ties of family and kinship. But over a period of time the formation of 'Stars' in form of the old clients starts. Each 'Star client' has his own set of linkages and the information flows through these ties about the efficiency and competence of the lawyer in the society.

The second issue which we raised in the review of literature on social network was that in the study of Granovetter (1973) the weak ties of acquaintance had acted as a bridge in the corresponding networks of two individuals and this bridge
plays an important part in the flow of information about job situations. Secondly, the information about job situations follow short path rather than long path i.e. the number of intermediaries was not more than two in most of cases. In that discussion we had assumed that in case of intragenerational mobility, where most of the respondents were employed in a job situation and were seeking further job opportunity the weak ties may be important but in case of intergenerational mobility strong ties of social structure may be more relevant. The present study takes into notice that although the strong ties of kinship, friendship and neighbourhood were found relevant in extending network of a lawyer in context of contacting a senior lawyer for professional training as well as in getting the first case of his career but simultaneously weak ties of acquaintance were also significant to a certain extent. Further more, the number of ties between the lawyer and client follow short path rather than long path.

Although, the present study analyse the process of occupational mobility into the legal profession but it is not a study of legal profession. As it is related to the legal profession it may throw some marginal light on the issues raised to in study of the legal profession in India. (Gandhi, 1982: Sharma, 1984). In a recent work on legal profession the lawyers are classified into three major categories – exclusive, semi-exclusive and non-exclusive. These categories are supposed to be in descending order of
their practice specialization and professional achievement. (Gandhi, 1972: 76). But the evidence of the present study does not confirm this formulation as a number of the lawyers engaged in exclusive practice had a low level of professional achievement, in contrast to a good number of lawyers who had a mixed type of practice but their professional achievements were comparatively better than many of the exclusive lawyers. Secondly, the issue related to the touting or trading of the clients, Gandhi emphasized that touting or trading of clients is deeply rooted in Govindgarh district courts even munshis of the lawyers works as touts who donot constitute a form role category because their status and role lie beyond the pale of primary role actors of the institution of law. In this connection we found that touting was not so deeply rooted in case of legal profession of Meerut as it was in Govindgarh courts. The main reasons for this are; firstly, that the majority of the lawyers in legal profession of Meerut is drawn from the rural areas in contrast to the Govindgarh Bar which was predominantly urban in character. In a situation where majority of the lawyers is from urban setting the social network of the lawyer would be composed of predominantly of urban ties and it creates a wide gap between the lawyer and his rural clientele. But in a situation where the majority of the lawyers is itself drawn from the rural areas the existence of the touts between client and the lawyer is not warranted. Secondly, in rural areas of Meerut region in each village there are a number of knowledgeable persons who
are considered as experts on law and lawyers. The readymade
dvice of these persons to a rural client is available.
Therefore, his chances of going in the clutches of a tout
are very rare.

As far as the issue about the role of munshi as a
formal role category is concerned, in district courts of
Meerut, the munshi is a recognised category as clerks of
lawyers and he has to get registered in the office of district
judge before he is employed by a lawyer. The General rules
(Civil) 1957, define under section 657 (Chapter 25) a number
of roles of the clerk (munshi) of a lawyer. In district
courts of Meerut there are a number of clerks of the lawyers
who had a very good reputation in the profession as well as
in the eyes of courts. They are well known for their profes-
sional conduct and have set down an example for the new
entrants in this field. Thus, the issue of the unprofessio-
nality among the munshi cannot be generalized. Similarly, the
unprofessionality on the part of the lawyer is also seems to be
over-emphasized. The legal profession in Meerut has its own
tradition and there had been a number of occasions where the
whole bar stooded as a collective entity and strictly control
the conduct of the lawyers practicing in the district courts.
The exploitation of the clients in Govindgarh courts was
obviously due to a wide gap between the lawyers and their
clients whose background was totally different from each
other. But in legal profession of Meerut, the clients, the
munshi and the lawyer are from the same setting i.e. rural.
This structural difference in the structure of legal profession of Meerut and Govindgarh explains the difference of professional conduct of its practitioners. It requires a full fledged study on this aspect of the legal profession.