THEORETICAL FRAMEWORK OF THE STUDY

Stress is an inherent characteristic of human life. Stress indicates the pressures people feel while at work and in private life. Stress at work is inevitable because of the thought process required in the job performance. Present day stress is not a unique problem because human kind has suffered stress since the dawn of human evolution. However, modern society has undergone more complex and radical changes in the span of a few years than in the whole of human evolution. Everyone needs a certain amount of stimulus to make life interesting or most efficient. But this stimulation called pressure is a little different from stress. If pressure is excessive or far too long, it can become stress. Stress can vary depending upon the people. If pressure is mild it improves employee performance. But excess pressure reduces performance and efficiency. Only people need to learn how to deal with stress in a more positive way and less destructive manner using skills and knowledge. It is impossible to remove all the stress from life but people can learn strategies to eliminate excessive stress. People are less physically active and eat poorer diets. Over population, higher level of crime rates, increasing drug and alcohol misuse, many worldwide tragedies of famine, flood and war steep levels of debt and greater urbanization all lead to higher incidence of stress-related problems like anxiety and depression. Stress is the "wear and tear" of human bodies caused by frequently changing environment. Stress can manifest itself in both a positive and negative way. Positive influence of stress can help and compel us to action; it can result in a new awareness and an exciting new perspective.
Negative influence can result in feelings of distrust, rejection, anger, depression, emotional problems and lead to health problems such as headaches, stomach ulcer, skin rashes, insomnia, high blood pressure, heart disease and stroke. Stress can help or hinder us depending on how we react to it.

According to Swami Nikhilananda, the answer to stress can be found in every letter of the word “stress”, which is given as under

**STRESS**

**S - Strength, Physical and Mental**

**T - Traffic Control in Mind (Thoughts)**

**R - Re-Design Lifestyle**

**E - Erase Anger Fear, and Ego**

**S - Sharing Knowledge, Workload, Experience and Sorrow.**

**S - Surrender to the Lord**

### 3.1 Concept of Stress

Stress is somewhat a difficult concept to define largely because it is such a unique, individual and subjective experience. The concept of stress is borrowed from the natural sciences. It was first introduced in the life sciences by Hans Selye in 1936. It is derived from the Latin word “Stringere”. It was popularly used in the seventeenth century to mean hardship, strain, adversity or affliction. It was used in the eighteenth and nineteenth centuries to denote force, pressure, strain, or strong efforts with reference to an object or person. In Physics, stress is a force which acts on a body to
produce strain. In Psychology, stress refers to a particular kind of state of the organization resulting from some interaction between him/her and the environment.

3.1.1 Definitions of Stress

A few definitions of stress are given below:

According to Selye (1956) stress is “any external event or internal drive which threatens to upset the organism of equilibrium”.

Lazarus (1966) referred stress as a state of imbalance with in an organism that is elicited by an actual/perceived disparity between environmental demands and the organism’s capacity to cope with these demands; and is manifested through variety of physiological, emotional and behavioural responses.

Fred Luthans (1989) “Stress is defined as an adaptive response to an external situation that results in physical, psychological, and /or behavioural deviations for organizational participants.”

J.C. Quick and J.D. Quick (1984) “Stress, or the stress response, is the unconscious preparation to fight or flee a person experiences when faced with any demand”.

Aswathappa. K (2007) defines, “Stress is an adaptive response to an external situation that results in physical, psychological and / or behavioural deviations for organization participations.”

Stephen P. Robbins et al (2007) has defined “Stress is a dynamic condition in which an individual is confronted with an opportunity, demand, or resource
related to what the individual desires and for which the outcome is perceived to be both uncertain and important.”

Spielberger (1979) defined stress in two different ways. According to him, it is a dangerous potentiality, harmful/unpleasant external situation/conditions (stressors) that produce stress reaction; and secondly to the internal thought, judgement, emotional state and physiological process that are evoked by stressful stimuli.

3.1.2 Types of Stress

A stressor is any event or situation that is perceived by an individual as a threat causing the individual to either adapt or initiate the stress response. Therefore, a stressor is a stimulus and stress is a response. Stressor is the cause and stress is the effect. The effects of stress upon a person are cumulative and can cause serious harm if experienced over a long time.

Dr. Selye Hans (1979b) was the first to study the effects of stress. He suggested that stress had four basic variations

1. Good Stress – Eustress
2. Bad Stress – Distress
3. Overstress – Hyper stress
4. Under stress – Hypo stress

3.1.2.a Good Stress – Eustress

It is the positive, desirable stress that keeps life interesting and helps to motivate and inspire people. Eustress involves successfully managing stress even
if the individual is dealing with a negative stressor. It implies that a certain amount of stress is useful, beneficial and even good for health. There is an increased energy, high levels of motivation, shared perceptions and the performance improves quantitatively as well as qualitatively. Moderate doses of eustress help to improve an individual’s performance.

3.1.2.b Bad Stress - Distress

Distress is a negative stress. It is brought out by constant readjustments or routine alterations. Distress creates feelings of discomfort and unfamiliarity. This stress affects job performance adversely and creates many types of physical, psychological and behavioural problems.

3.1.2.c Over Stress – Hyper stress

It means too much levels of stress. It can lead to physical and emotional breakdowns. Work overload can be a common source of over stress.

3.1.2.d Under Stress – Hypo stress

Under stress refers to too little stress leading to boredom, lethargy and frustration. Work under load and no work at all may lead to hypo stress in some situations.

According to Hans Selye, the classifications of different types of stress include:

i. Acute Stress

It is the result of short term stressors. It is usually quite intense initially and then disappears quickly. It can be exciting and stimulating in small doses, but too much of it leads to fatigue. People, who experience this stress, tend to be over
aroused, irritable, anxious and tense. Its symptoms include tension, headaches, migraines, digestive disorders, hypertension, chest pain and heart disease.

ii. **Chronic stress**

   It is a long term stress usually resulting from nagging issues. In case of chronic stress, a person’s physical and mental resources are largely depleted. Chronic stress can lead to suicide, heart attack and violence. Long term chronic stress results in stress related disease and reduces the quality of life.

iii. **Emotional Stress**

   When undergoing emotional stress, the hormones get out of balance. Cortisol levels go up and DHEA levels go down the coping hormones get depressed and the pleasure hormones don’t get released.

iv. **Dietary Stress**

   An unbalanced diet causes stress in the body. So does eating too little or too much, this can disrupt the digestive system and hinder the body’s ability to recover from physical exertion or even a day of overwork at the workplace.

v. **Physical Stress**

   This kind of stress typically occurs from exerting too much in a workout, but it also affects those who have the type of job that demands a lot physically, such as construction work.

vi. **Time and Anticipatory stress**

   Time stress is experienced when there is little or no time to meet the personal obligations or work deadlines. Anticipatory stress is concerning the
future. It can also be vague and undefined, like an overall sense of dread or worry about the future that something will go wrong.

vii. **Situational and Encounter stress**

Situational stress is experienced when there is no control over the situation. It includes situations involving conflict, or a loss of status or acceptance. Encounter stress is the most common type of stress which is encountered by the physicians and social workers. It occurs when the role of an individual involves a lot of personal interactions with those groups in distress.

### 3.2 Models of Stress

#### 3.2.1 Hans Selye Model

Models are validated theories. They present a holistic picture of the phenomenon under study. Thus a model of stress presents the image of stress phenomenon in totality, the casual factors, the symptoms, the process and the end result. A wide variety of models of stress have been presented over the years by scientists. Depending upon a particular focus on aspect / aspects of stress, the researchers adopt these models for analyzing the aspects of stress attempting to understand the stress phenomenon. A brief description of a few relevant models of stress is presented below.

**Hans Selye’s General Adaptation Syndrome (GAS)** has been widely held as a comprehensive model to explain the stress phenomenon. This three-stage model states
that when an organism is confronted with a threat, the general physiological response occurs in three stages.

**Alarm reaction:** In the alarm reaction stage, also called ‘initial /shock phase’, the perception of a threatening or challenging situation causes the brain to send a biochemical massage to various parts of the body that, in turn, make the defense mechanisms active. This stage is characterized by increased respiration rate, heartbeat, blood pressure, muscle tension, adrenalin discharge, and gastrointestinal ulceration. At first, the individual’s energy level/resistance capacity and coping effectiveness decrease in response to the initial shock. The extreme shock may result in incapacity of individual to cope with stress. In most situations, the alarm reaction alerts the person to the environmental condition and prepares the body for the resistance stage.

**Resistance:** The bodily signs characteristics of the alarm reaction disappear and the body has activated various biochemical, psychological, and behavioural mechanisms. As a result, the person’s resistance increases above the normal level during this stage. However if the stress persists, or the defensive mechanism proves ineffective, the person’s organism deteriorates to the next stage of exhaustion.

**Exhaustion:** People have a limited resistance capacity. When the resistance adaptation capacity is exhausted, the signs of alarm reaction reappear. Resistance level begins to decline abruptly. Finally, the organism gets collapsed. A diagrammatic view of these stages is shown in figure 3.1.
3.2.2 The Stress Model of Richard Lazarus

Richard Lazarus’s interpretation of stress responses had a significant impact on psychologists. Lazarus (in Brannon & Feist, 1997) emphasized that it is not the environment or the stressor that is so important, but the perception of the individual pertaining to the stressful situation that reveals how he or she will cope. Lazarus’s research (Brannon & Feist, 1997) revealed that the ability of people to think and evaluate future events makes them more vulnerable in ways that animals are not. Thus the effect that stress has on the individual is based on that individual’s feelings of vulnerability and ability to cope. Lazarus recognized that individuals use three kinds of appraisal to analyze situations namely: Primary appraisal, Secondary appraisal and Reappraisal. Primary Appraisal concerns the first encounter with the stressful event. At this point, the individual appraises the situation in respect of its effect on his/her well-being. The situation may be viewed as positive or negative or unimportant. A stressful appraisal would indicate the individual seeing the situation as harmful or threatening. This type of interpretation is likely to generate an emotion or what Lazarus refers to as “harm” which results in anger, sadness or disappointment. The
interpretation of “threat” is seen as an anticipation of harm and the interpretation of “challenge” as the individual’s confidence in overcoming the demands of the situation. After the individual’s appraisal of the event, he/she forms an impression of his or her ability to control or cope with the situation, be it ‘harm’ or ‘threat’ or ‘challenge’. This stage is referred to as a secondary appraisal. The third type of appraisal is reappraisal. This implies that the individual’s appraisals of the situation may change as new information becomes available. Reappraisal does not always reduce the stress; it can increase it since a previously non-threatening situation may be viewed as threatening since once more information has become available. Important in Lazarus’s theory is the ability to cope with a stressful situation. Lazarus and Folkman (1984) define coping as constantly changing cognitive and behavioral efforts to manage specific external and/or internal demands that are appraised as taxing or exceeding the resources of the person.

3.2.3. Warr’s Vitamin Model

Warr (1987), developed in the 1980s his framework of mental health, referred to as the Vitamin Model (VM). The central idea underlying the VM is that mental health is affected by environmental psychological features, such as job characteristics, in a way that is analogous to the effects that vitamins are supposed to have on our physical health. Warr’s framework has 3 principal parts: Job Characteristics are grouped into nine categories that relate differently to mental health outcomes, according to the type of ‘vitamin’ they represent. A three-axial model of affective well being, a core aspect of mental health, is postulated, and it is assumed that persons and situations interact in the prediction of mental health.
Warr, draws an analogy between the way in which vitamins act on the human body and the effects of job characteristics on mental health. Generally, the absence of certain job characteristics impairs mental health whereas their presence initially has a beneficial effect on employee mental health (segment A). Beyond a certain required level, vitamin intake no longer has any positive effects: a plateau has been reached and the level of mental health remains constant (segment B). The next segment shows that a further increase of job characteristics may either produce a “constant effect” or be harmful and impair mental health (denoted by “additional decrement”). According to Warr, which of the two effects will occur depends on the particular job characteristics. The following diagram 3.2 shows the Vitamin Model developed by Warr.

Fig. 3.b Warr’s Vitamin Model
Table No 3.1
The Nine job Characteristics of the Vitamin Model

<table>
<thead>
<tr>
<th>CE Job Characteristics</th>
<th>AD Job Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability of money</td>
<td>Opportunity for control</td>
</tr>
<tr>
<td>Physical security</td>
<td>Opportunity for skill use</td>
</tr>
<tr>
<td>Valued social Position</td>
<td>Externally generated goals</td>
</tr>
<tr>
<td></td>
<td>Variety</td>
</tr>
<tr>
<td></td>
<td>Environmental clarity</td>
</tr>
<tr>
<td></td>
<td>Opportunity for interpersonal contact</td>
</tr>
</tbody>
</table>

CE, Constant effect, AD, Additional decrement

Warr, identified 9 job features that may act as determinants of job related mental health. Warr assumes that six job characteristics (e.g, opportunities for control, opportunity for skill use, externally generated goals, variety, environmental clarity, opportunity for interpersonal contact), have Curvilinear effects (U-shaped). A lack of such features or an excess of such features will affect mental health negatively. The remaining three characteristics (physical security, availability of money and valued social position) are supposed to follow a linear pattern: the higher such a job characteristic, the higher the level of mental health will be. A principal indicator of job related mental health in psychological research is affective well-being. In order to measure affective well-being empirically, Warr (1998), proposed 3 dimensions: displeasure to pleasure, anxiety to comfort and depression to enthusiasm. Job related affective well-being has most commonly been studied by measures of job satisfaction, job related anxiety or tension and occupational burnout and depression.
Finally in terms of the interaction between persons and situations the VM is essentially situation centered, in that it focuses on the association between job characteristics and mental health. However there are undoubtedly differences between people in the nature of those associations. Therefore three categories of individual characteristics are viewed as possible moderators of the effects of job characteristics on mental health: values (e.g. performance and motives), abilities (like intellectual and psychometric skills) and baseline mental health (i.e.: dispositions like negative affectivity). The conclusion of this model is that the relationship between a certain job stressor and a certain job strain mainly, or even exclusively, occur in employees with particular dispositional characteristics.

3.2.4 Proposed Model of Managing Stress

The theoretical model proposed in the study for managing stress among practising lawyers in Kerala, the sources of stress are classified into four; they are work stress, group stress, individual stress and environmental stress. These four
sources of stress with its varying degree will determine the total stress level of the practicing lawyers. The effects of stress are classified into physical effect, psychological and behavioural effects. If the stress level is more, the physical, psychological and behavioural effects will be high and the vice-versa. Hence, the physical, psychological and behavioural effects can be managed by using coping strategies of stress such as yoga, meditation, physical exercise and breathing exercise. Creative techniques like social support and self adopting methods could also be made use of, and the resulting outcome of managing stress in an efficient way will help the practicing lawyers to perform efficiently. This model has been proved empirically by data obtained from the practicing lawyers and analysed in detail with interpretation and meaningful conclusion.

3.2.4.1 Potential Sources of Stress

There are four categories of potential sources of stressors such as work stress, group stress, individual stress, and environmental stress.

1. Work stress

Work related stress is thus understood to occur when there is a mismatch between the demand of the job and the resources and capabilities of the individual worker to meet those demands. This definition emphasizes the relationship between individuals and their working environment, and helps to explain why a situation that one person regards as a stimulating challenge causes another to experience a damaging degree of stress. The work stress constitutes thirteen variables viz., Hectic work, appreciation at work place, personal freedom, financial pressure, feels
constraints for career growth, time pressure, comparison of pay, strain, work ethics, leisure time, delivery of quality services, demanding work and compensation.

a) Hectic work- It refers to the amount of work pressures and the coil of unending work schedules of a typical lawyers day. Much of the lawyers have to undergo severe intellectual, emotional and psychological strains which add up to the pressures of hectic work.

b) Appreciation at work place- It refers to the social backup and relations existing among the colleagues, most lawyers need adequate levels of appreciation so as to gain confidence to overcome the hurdles in their profession.

c) Personal freedom - accounts to the freedom and liberty essential for a practising lawyer, so as to coexist and cross over tormenting boundaries to achieve adequate results.

d) Financial pressure- refers to the financial strain faced by a lawyer on positive go of their work. Some of the lawyers face a dearth in sufficient pay which makes it difficult to meet even their office expenses.

e) Career growth- refers to the impediments faced by lawyers in the avenues of higher studies and as well as moving high up the ladder of judiciary.

f) Time pressure- The time pressure felt by the practising lawyers, for many of them are bound to complete assignments and pronounce of adequate results within a stipulated time.

g) Poorly paid in comparison-Much of the lawyers are strained out of thoughts for they believe that they are poorly paid in comparison to other professions which involves consultancy like a practising Doctor.
h) Strain-Much of the lawyers feel that they are strained professionals out of no reasons; such work pressure arises out of mild depressions, slight tremors of anxiety etc.

i) Work ethics- Much of the lawyers feel stressed and constraint out of the fact that they are compelled to run contrary to their learned ethics.

j) Leisure time for the practising lawyers refers to meaningful gaps existing in their days’ tight schedule.

k) Deliver quality services -This variable refers to the stress associated with a practising lawyer who feels it a benchmark to deliver quality services in their day to day professional enterprise.

l) Demanding work- Many of the lawyers are believed to live in a dilemma of whether they will be able to combat intellectually as well as emotionally with that of the demands of their work.

m) Compensation-refers to the amount of monetary benefits received at the end of the month by a practising lawyer. Owing to the work nature of the lawyer, they are not compensated with a ‘salary’, for those payments are largely done by their clients who complement them with fees.

2. Group Stress

At work place human beings engage in cobwebs of work. Human beings are social animals they live in groups. This group ideology holds good at work place too. Employees have to work in groups. Certain jobs demand team work. Employee’s behavior is influenced by groups. The group is also a potential cause of stress.
Working together in groups, help to develop social relationships at the work place, as they try to get support from each other. A work place lacking in support becomes a cause of stress. The group stress constitutes eight variables such as strained relations with peers, attitude of opposition, mutual support, protective colleagues, presence of adequate staff, role and expectation conflict, team spirit among members and loyal office staff. The variables are explained below.

a) Strained relations with peers- Much of the lawyers live in a fear of strained relationships arising from the work place. Lawyering is a profession where, the individualism has to be sacrificed to cooperate with peers so as to create a network of the system of judiciary.

b) Attitude of opposition’s- means many a times lawyers experienced stress thinking of the attitude of their colleagues.

c) Mutual support-This variable refers to the cooperation and mutual support extended from the part of the co-workers creating an atmosphere of inner peace and good work atmosphere.

d) Protective colleagues- mean many of the practising lawyers might have bouts of stress and strain, owing to the fact that they may be excluded out from the circle of safety and protection offered by their colleagues in situations of need.

e) Adequate staff- The presence of adequate staff refers to the strains that are felt by the practising lawyers who feel it essential to maintain an adequate rapport among his office staff. Moreover, the lawyer can be pressurized.

f) Role and expectation conflict- refers to the wisdom and the poise that a practising lawyers is expected to present on situations of demand.
g) Team spirit- Levels of stress can also arise out of the fact that, whether the practising lawyers can boost up the team spirit both among the members of his office and as well as among his colleagues practising in the court.

h) Loyal staff- refers to the strain associated with the practising lawyers who feel whether the office staff is loyal enough so as to raise up to his/her expectation.

3. Individual Stress

Some people thrive on stressful situations, while others are overwhelmed by them. People’s ability differs in handling stress. Individual factors contributing to stress are personality, life and career changes, role perceptions create stress in different forms at different levels. There are many reasons for causing stress to an individual. At the work place when two superiors have assigned the work to the same individual simultaneously put him under stress. The person will be under tension as to whose work is to be finished first. When the job responsibilities are not clearly defined individual stress occurs. The variables identified are Restless at home, irritated behavior of clients, telephonic interruption, presence of difficult clients, worry about profession, attitude towards beverage, fearful and worried, thought of quitting the profession, withdrawn from being sociable are also the causes of stress to an individual. The variables are explained below.

a) Restless at home-refers the possibility of work stress carried over to the private spaces as homes.

b) Irritated behavior of clients-refers to the strain felt by the practising lawyers, in pacifying an answering to anxious clients, who pester them with uneasy questions.
c) Telephonic interruption- refers to telephonic calls invading into private spaces including times of leisure, privacy etc.

d) Presence of difficult clients-refers to the knowledge of social compatibility required by a lawyer so as to interact with clients ranging from different sections of society-polished, crooked, cringy, antisocial etc.

e) Worry about the profession-refers to the worries experienced or felt by a practising lawyer with regard to the running of a sustainable professional life.

f) Attitude towards beverage- refers to the resort of consuming liquor, which are supposedly said to alleviate professional stress.

g) Thought of quitting the profession- refers to going out of the sphere of the current profession due to the strain associated with it.

h) Withdrawn from social support- refers to the extremes of intellectual and psychological dedication to account for stress among lawyers, since such extreme levels of dedication prevent them from being sociable or socially aloof.

4. Environmental Stress:

Environmental factors also contribute to job stress. The environmental factors to which an employee responds mainly include family and professional life, work environment, stress arising out of gender/age/race, coping with changing technology, involvement with the family, work life balance and supportive spouse. The variables are explained below.

a) Family and professional life- Many of the lawyers are strained owing to the fact that they are caught in between the demands put forth by their profession
and as well as from their family. Moreover, they constantly fear that they do not satisfy either of the above mentioned entities.

b) Work Environment- refers to the strains felt by the practising lawyers, while having too sustained and struggle themselves in an unpleasant work space.

c) Gender/age/race factors- These factors have always led to unresolved questions universally. In this sense lawyers too find no escape from such questions.

d) Coping with changing technology- In the post modern network society, technology and its adaptation require utmost attention so as to cope up with the present clime. In the sense lawyers especially senior lawyers might find it difficult to update themselves to newer technology.

e) Involvement with the family- Many of the lawyers feels strained out of the fact that they are not sufficiently involving out of the family due to their extremes of commitment to lawyering.

f) Work life balance- Many of the lawyers are strained owing to the thought of balancing the work life and private life.

g) Supportive spouse: This variable refers to the presence of a supportive spouse who provides the best of the homely care and affection there by alleviating any work stress, if any.

3.2.5 Effects of Stress

These can be subsumed under two general categories such as physical effects, psychological and behavioural effects.
1. Physical Effects

Every era in history has been characterized by some debilitating disease. For instance, in the northern hemisphere, there were the plagues of the Middle Ages, the ‘consumption’ of the Romantic period, and the ravages of polio and pneumonia in the early 1900’s. However, these diseases were eliminated once the environmental conditions improved or when their carriers were destroyed through drugs. Our society today also has a disease characteristic of it, but one that is not so easy to eliminate. It underlies such diverse conditions as psychosomatic diseases, heart diseases and can be a major contributor to disturbances in one’s emotional, social and family life. It inhibits creativity and personal effectiveness and exhibits itself in a general dissatisfaction, so obvious in our day-day to lives. The name of this condition is ‘stress’ and it has been called ‘the most debilitating medical and social problem of the present century’. (Nuernberger, 1990). The symptoms identified the physical effects of stress viz., Headache, Back/neck/shoulder pain, Chest pain or physical discomfort, Sleeping difficulties, Gastro intestinal problems, Breathing difficulties, Tiredness or fatigue, Skin problems, Eye strain, Cold/virus/fever, Feeling dizzy, Ulcers/constipation, Elevated blood pressure, Elevated serum cholesterol.

2. Psychological and Behavioural Effects

Apart from physical consequences, stress produces psychological consequences also. Job dissatisfaction, moodiness, depression, anxiety, tension, boredom, irritability are the manifestations of the psychological
consequences of stress. Emotional fatigue is another psychological consequence of stress. When stress becomes distress, it adversely affects the employee’s behaviour. The consequences of high level of stress are sleeplessness, changes in productivity, absence and turnover, as well as changes in eating habits, increased smoking or consumption of alcohol. The most serious consequence of stress relates to performance. It is said that the low and moderate levels of stress stimulate the body and increase ability to react. They are those who often perform their tasks better, more intensely, or more rapidly. But too much stress places unattainable demands on a person which result in lower performance. Even moderate levels of stress can have a negative influence on performance over the long term as the continued intensity of the stress wears down the individual and saps energy resources. The variables identified are level of exhaustion, tired during work, work pressure ruptures efficiency, work frustration, level of relaxation, timely completion, miss out the family get together, unable to meet clients expectation, social relations and work, extent of attention to family, emotional exhaustion, satisfied with the job, confident to recommend the job, socio cultural/ spiritual inclinations and degree of good sleep. The variables are explained below.

a) Level of exhaustion- This variable refers to the physical and mental exhaustion experienced by a practising lawyers due to the constraints he/she feels in the field of practicing law.
b) Tired during work- refers to the tiredness-both physical and psychologically experienced stress after a day’s work.

c) Work pressure ruptures efficiency-means the work pressure persist for long, it will damage the lawyer’s efficiency.

d) Work frustration-refers to the frustration and agony experienced by the practising lawyers while carrying out simple as well as heavy tasks.

e) Level of relaxation-This variable refers to the frenzy experienced during the work hours which prevents the practising lawyers to be at mental peace during working hours.

f) Timely completion-This variable refers to the constraints of a practising lawyer in completing an assignment within a stipulated time period.

g) Miss out the family get together-refers to the lack of time and space preventing the practising lawyer from getting engaged with social activities like family get together, friendship meeting etc.

h) Unable to meet client’s expectation-refers to the social quotient which restrains a practising lawyer from getting acquainted and engaging in a sufficient rapport with the clients.

i) Social relations and work- refers to the extent to which social relationships with practising lawyers are put to suffocation due to the excessive time spend at work.

j) Extent of attention to family-refers that due to the hectic work schedule practising lawyers can give only a little attention to the family.
k) Emotional exhaustion-this variable refers to the emotional exhaustion experienced by a practising lawyer, which drains of the vital energy which ought to have been characterized to family and friends after work.

l) Satisfied with the job-It refers to the quotient of satisfaction associated with the profession.

m) Confident to recommend the job-refers to the extent to which a practising lawyer would suggest the profession of lawyering to future generations or other people in the society.

n) Socio/cultural/spiritual inclinations refers to the varied interest like cultural, social, spiritual etc which remain neglected due to work load.

o) Degree of good sleep-This variable refers to a healthy and nourishing sleep underwent by a practising lawyer without any thoughts or worries with regard to their work.

3.2.6 Stress Management and Coping Strategies

“Outer Circumstances and events don’t create stress. It is our response to them which creates stress.” Nuernberger P (1990).

It is better to bend than to break. Hence, the need for coping with stress. Tough stress is helpful, but is usually harmful as it impinges on employee’s health and his/her performance. Therefore, stress needs to be managed or coped with to minimize its debilitating effects. The word ‘managing’ or ‘coping’ bears two connotations in stress literature. It has been used to denote the way of dealing with stress, or the response effort to master conditions of harm, threat, or challenge when
routine or automatic response is not readily available. Some individuals deal with stressors in a positive way with a proper understanding of the phenomenon and its effect. Coping can have an effect on three kinds of outcomes—psychological, social and physiological. From a psychological perspective, coping can have an effect to the person’s morale (that is, the way one feels about oneself and one’s life), emotional reaction, e.g., level of depression or anxiety, or the balance between positive trend and negative feelings. (Bradburn, 1969), the incidence of psychiatric disorders and even performance. From a social perspective, one can measure its impact on functional effectiveness, such as employability, community involvement, and sociability (Renne, 1974) the effectiveness of interpersonal relationships, or the degree to which useful social roles are filled (and acting out anti-social behavior, etc; are avoided). From a physiological perspective, outcome includes short term consequences, such as the development and progression of a particular disease.

The term ‘Coping’ is used to denote the way of dealing with Stress, or the effort to master the conditions of harm, threat, challenges when a routine or automatic response is not readily available (Lazarus 1974a) These are the two approaches by which people cope with stress.

a) **Passive approach:** When people either suffer or deny the experienced stress or put the blame on others it is called passive approach. It is the reactive strategy or dysfunctional style of coping.

b) **Active approach:** It occurs when people face the experienced realities of stress and clarify the problems through negotiations and discussions with other members. This is proactive strategy or functional style of coping.
The active approaches are more approved by Social Scientists as they are supposed to be more effective and healthy when compared to passive approaches or dysfunctional styles (Pareek, 1983b).

1. Coping strategies

a. Physical Exercise: Physical exercise is necessary to keep the body healthy both physically and mentally and is the best antidote for stress. Emotional strength is a by-product of regular exercise, and self confidence is a natural consequence. Regular and regulated physical exercise includes walking, jogging, swimming, aerobics, riding bicycle, playing outdoor games etc. Physical fitness helps the body to cope better with stress, whereas relaxation techniques are useful for the mind. Physical exercise is said to offer the best cure to work related stress. In Japan, provisions for physical exercises at the workplace are made compulsory with every break, in tune with biological rhythms, whereas in India, natural cycles of activity that is work and rest are completely ignored.

b. Yoga: Yoga is a holistic science concerned with all aspects of human functioning. It involves various body postures and breathing exercises.

c. Meditation: “Meditation is of far greater importance than medication for whatever afflicts mankind today.” (Bhamgara, 1997). It is a mental relaxation technique which has proved to be of immense value to relieve stress and re-energize the body, reduce psychological problems such as anxiety and depression and lead to better emotional and physical health. Practicing meditation results in tranquility and peace of mind. It helps in lowering the pulse and heart rate, induces a more objective thinking process with an unbroken and maintained concentration.
d. **Proper Diet:** These days’ dietary practices are being used to improve a person’s overall health making him/her less vulnerable to stress. One’s lifestyle, occupation, climatic conditions and body constitution should determine both the quantity and quality of one’s diet. A proper diet can prevent stress caused by unhealthy dietary habits.

e. **Adequate Sleep:** Human errors caused by drowsiness and sleepiness may lead to accidents and tragedies. “Drowsiness is an urgent warning that should not be ignored” (Castleman, 1997). A good night sleep helps to restore physical resources and increases the stress tolerance level. A person with large sleep debt is more vulnerable to infections and other illnesses. An increased need for sleep is the body’s mechanism for producing the desired recovery. Adults require at least 7 to 8 hours of sleep daily even though individual differences in sleep patterns and sleep needs vary.

f. **Recreation and Leisure time activities:** Recreation provides an opportunity to let oneself go, become inhibited thus reducing tension and stress. There are various forms of recreation like music, entertainment, painting, movies, parties, gardening, dancing etc. “Recreational pursuits are important to the prevention of the damaging effects of stress” (Husain, 1998). Leisure time can be used for doing some activities which give pleasure and help in building connections with others. Hobbies can easily be pursued in leisure time.

g. **Time management:** Most of us are poor in time management. Time management is important for people who maintain a busy schedule. They need to prioritize their activities to avoid stress from time pressure and overtime work. Time management helps to balance work and leisure time activities. Working late may also alleviate
stress. Working professionals who are dedicated to work are often “overworked” which has an adverse impact on their mental and physical wellbeing. Premature ageing is also seen as a consequence of overwork.

Beyond all these measures an individual is required to develop a stress management philosophy for his/her own self through a mental approach which includes positive attitude and optimistic outlook. Developing a sense of humour is an excellent means of effective stress management. “Maddi and Kobasa (1984) talked about two forms of coping- Transformational and Regressive. Transformational coping involves altering the events so that they are less stressful. This can be done through interaction with events, optimistic thinking and acting towards them decisively and change them in a less stressful direction. Regressive approach includes a strategy where one thinks about the events pessimistically and acts evasively to avoid contact with them. Social and emotional support available to the person helps him/her to effectively cope with stress. The most functional style of coping with stress is one in which the individual shares stress with another person and jointly finds ways of managing it.

2. Creative Techniques

a) Behavioural Self Control: Individuals can manage their own behaviour to reduce stress and can avoid people and situations that they know will put them under stress. It is a type of self-cure technique. Even “Cognitive therapy” may be used to alter an individual’s self-defeating thoughts that unnecessarily cause a strain by making him conscious of the effects of his thoughts on his physiological and emotional response. The aim here is usually to get people to
analyse and take control of their own actions. In this case it is to identify ways in which their behaviour gives rise to stress. One technique is for people to learn how to manage their time more effectively and prioritise work tasks. Another is for people to learn to recognize situations that put them under stress and make plans for handling them so that the situations are less stressful.

b) **Networking or Social Support:** Social support is one of the best moderators of stress. It is used as a way of coping with stress by discussing stressful situations with colleagues, peers, family members and friends. Networking requires forming associations with trusted, empathetic people who may be family members, neighbours or coworkers and colleagues who are good listeners and confidence builders. These people provide support whenever needed and help an individual overcome stressful situation. This kind of socio-emotional support received from personal relationships is necessary not only outside the work place but also within the workplace. There might be many other coping strategies which individuals may be using to deal with their job stress in accordance with nature of stress situation, available physical resources, and their own personal resources and characteristics. But generalization cannot be made about the extent of effectiveness of various coping strategies. The effectiveness of the coping strategy depends upon the nature of the stress situation and several other co-existing situational variables. Folkman and Lazarus (1980), concluded that effectiveness of coping strategies depends upon controllability of the situation. More than one mode of coping can be adopted to deal with a situation of stress at work.
CONCLUSION

Stress arises from an interaction between people and their work milieu. Stress is an individually experienced phenomenon and it is unlikely that two persons will react to the same set of stressors in exactly the same way because of different perception and experience among the people. To put it simply, a stress-free life is not possible in today’s environment. All that one can manage is to reduce it to a reasonable level, even to the level where it can play a positive role rather than adversely affecting the health and well-being of the individuals in an organization.

3.3 HISTORY OF LEGAL PROFESSION

Law is the set of rules which governs the behaviour of person, company the government at the centre and states and any other entity. The offending party can be punished under the rule of law. Unlike modern careers such as those related to management, computers, biotechnology, call centre, law in India has a glorious history. The legal profession as it exists today has its roots in the initial years of British rule. The Hindu *pundits*, Muslim *muftis* and Portuguese lawyers who served under earlier regimes had little effect upon the system of law and legal practice that developed under British administration. At first, the prestige of the legal profession was very low. From this low state of disrepute the profession developed into the highly respected and influential profession in Indian society. The most talented Indians were attracted to the study and practice of law. Almost all the leadership of pre-independence India comprised lawyers. Mahatma Gandhi, Jawaharlal Nehru, Jinnah were all lawyers. Lawyers had a significant impact on the destiny of this
nation. The profession dominated the public life of the country and number of lawyers played a prominent role in the national struggle for freedom. However, after independence the relative prestige and public influence of the profession declined.

Earl Warren once said, “It is the spirit and not the form of law that keeps justice alive.” In India, like all other countries, the legal system keeps this very spirit of justice alive for a balanced, harmonious existence for all its citizens. A lawyer is a person learned in the law; as an attorney, counsel or solicitor; a person licensed to practice law”. In India the term ‘lawyer’ is often colloquially used, but the official term is ‘advocate’ as prescribed under the Advocates Act, 1961. India has the world’s second largest legal profession with more than 600,000 lawyers. The predominant service providers are individual lawyers, small or family based firms. Most of the firms are involved in the issue of domestic law and majority work under country’s adversarial litigation system. The conception of legal services as a 'noble profession’ rather than services resulted in formulation of stringent and restrictive regulatory machinery. These regulations have been justified on the grounds of public policy and ‘dignity of profession’. The judiciary has reinforced these principles; law is not a trade, not briefs, not merchandise and so the heaven of commercial competition should not vulgarize the legal profession. The Legal Profession is an important limb of the machinery for administration of justice. Without a well-organised profession of law, the courts would not be in a position to administer justice effectively as the evidence in favors’ or against the parties to a suit cannot be properly marshaled, facts cannot be properly articulated and the best legal arguments in support or against the case of the parties cannot be put forth before the court. “A well organized system of judicial
administration postulates a properly equipped and efficient bar” and a well regulated profession for pleading causes is a great desideratum to tone up the quality of justice. The Indian Bar Council Act, 1926 was passed to unify the various grades of legal practice and to provide self-government to the Bars attached to various Courts. The Act required that each High Court must constitute a Bar Council. The duties of the Bar Council were to decide all matters concerning legal education, qualification for enrolment, discipline and control of the profession. It was favourable to the advocates as it gave them authority previously held by the judiciary to regulate the membership and discipline of their profession. Thus, admission, practice, ethics, privileges, regulation, discipline and improvement of the profession are now all in the hands of the profession itself. The legal profession has achieved its long cherished object of having a unified Bar on an All India basis.

3.3.1 Modern Judiciary

The contemporary judicial system in India is quite complicated hence; a brief introduction would enrich to understand its structure to some extent. A concise introduction or an outline of the present judicial system is discussed below which is worth taking into account. The constitution of India, which is the basis of all governmental organs and institutions, establishes a federal fond of government. A federal government requires double sets of executive, legislature and judiciary—one each for the centre and the states. But our constitution makes an exception to this general rule in so far as it establishes single set of judiciary which administers both central as well as state laws. In other words, our judiciary consists of a Supreme Court
at its top, High Courts in the middle and the Lower or District Courts at the bottom. The Supreme Court is the creation of the Constitution, therefore, its composition, powers, jurisdiction etc; all are given exhaustively in the Constitution itself. But that is not the case with the High Courts and with the Lower Courts and with the exception of few basic matters the Constitution leaves them to be governed by the existing laws or the laws, which may be passed in future.

3.3.2 The Supreme Court

The Supreme Court, located in New Delhi, is the highest Court of India. It consists of one Chief Justice and 25 other judges to be appointed by the President of India from amongst the Indian citizens who have been in one or more High Courts as judges for five years or advocates for ten years in a High court or a distinguished jurist in the opinion of the President. A judge holds his office up to the age of 65 years unless he resigns earlier or is removed through impeachment.

3.3.3 High Courts

According to the provisions of the Constitution there must be a High Court for each state but a common High Court may also be established for two or more states and also the jurisdiction of any High Court may be extended to any Union territory. Every High Court consists of a chief justice and such other judges, as the President may from time to time deem necessary to appoint. An Indian citizen who has been for ten years either in the judicial service or an advocate in any High Court can be appointed as a judge and holds this office till the age of sixty-two years unless he resigns or is removed. Apart from protecting the existing jurisdiction of the High
Court’s the Constitution removes all the restrictions on certain High Courts relating to revenue matter, which were in existence as a result of the Act of Settlement. It also confers on all High Courts the power of issuing the five prerogative writs for the enforcement of fundamental rights or even for redressal of substantial injury or injustice. Every High Court is a Court of record and can punish for its contempt. It has the power of superintendence over all Courts within its territorial jurisdiction. The decisions of a high Court and the laws laid down by it are binding upon all Courts subordinate to that High Court; although for other High Courts and Courts subordinate to such other High Courts these decisions or laws have only persuasive value.

3.3.4 Subordinate Courts

With respect to the lower Courts the Constitution only mentions that the District judges in the state shall be appointed by the Governor in consultation with the High Court of the state and the judicial servants below the rank of the District judge shall be appointed by the governor in accordance with the rules made in consultation with the public service commission and the High Court of that state. The High Court has been given full control over the District Courts and the Courts subordinate thereto. Beyond this the constitution and organization of the large number of Courts spread over the country has been left as it existed at the time of the commencement of the constitution and it may be modified or formulated by tile various state legislatures within their own territories. Because of the various laws on this aspect and the power of the state to make their own laws the nomenclature and the jurisdiction, etc. of these
Courts differ from state to state. Apart from the High Court, the Parliament has full power with respect to the subordinate Courts within the Union territories.

3.3.5 State Bar Councils

The State Bar Councils are named after their states though there are few bar councils common to two or more states and in some cases union territories have also been covered by a state Council. National Capital territory of Delhi has separate Bar Council. Every state Bar Council has a chairman and a vice-chairman elected by the Bar Council. The term of the elected members of the state Bar Council is five years. Every state Bar Council has an executive committee consisting of five members, an enrolment committee consisting of three members and one or more disciplinary committees consisting of three persons (two of whom must be members and the third is a co-opted advocate of ten years of standing). Bar Council may also constitute one or more legal aid committees and such other committees, as it may deem necessary for the purpose of carrying out the provisions of the Act. The function of a state Bar Council is

1. To admit advocates on its roll.
2. To prepare and maintain such roll.
3. To entertain and determine cases of misconduct against advocates on its roll.
4. To safeguard the rights, privileges, interests of advocates on its roll.
5. To promote and support law reforms.
6. To conduct seminars, organize talks and publish legal periodicals.
7. To manage and invest the funds of the Bar Council.
8. To provide for election of its members.
9. To perform any other function conferred on it under the Act.

10. To organize legal facility for the poor.

11. To do all other things necessary for discharging the foresaid functions.

3.3.6 Kerala Scenario

Kerala is a small state on the south west corner of the Indian Union with a total area of 38,863 Sq.Kms. It was under the two Princely States Travancore and Cochin, and Malabar, which was under the direct administration of the British. The princely states of Travancore and Cochin were integrated into the United States of Travancore Cochin on 1 July 1949. Malabar remained part of Madras province. Under the States Re-organisation Act, 1956 Travancore Cochin State and Malabar were integrated to form the State of Kerala on 1 November 1956. High Court of Kerala came into being from 1 November 1956, with its seat at Ernakulum. Its territorial jurisdiction extends to the entire state of Kerala and the Union Territory of Lakshadweep. Kerala High Court is widely acknowledged to have made immense contributions towards strengthening the constitutional fabric of India. There are 14 Principal District courts and 80 additional District and sessions courts. There are 54 Sub Courts (16 additional) and 82 Munsiff Courts (24 additional) in the State. There are 16 Munsiff Magistrate Courts, 28 Family Courts, and 2 Special Courts exclusively for the trial of Narcotic Drugs and Psychotropic Substances (NDPS) cases, 4 Special Courts for the trial of SPE/CBI cases and 1 Special Court for the trial of cases relating to Idamalayar investigations. Two special courts for the trial of Abkari Act cases and four special courts for SC/ST Prevention of Atrocities (POA) Act cases. There are 23
Motor Accidents Claims Tribunal and 3 Wakf Tribunal in the State. As in the case of subordinate civil judiciary, there are 14 Chief Judicial Magistrates, 4 Additional Chief Judicial Magistrates and 127 Courts of the Judicial Magistrates of First Class. Around 40,000 lawyers are practising all over Kerala.

REFERENCES

THEORETICAL FRAMEWORK OF THE STUDY & A BRIEF HISTORY OF LEGAL PROFESSION


21. Mittal, J.K (19-), ‘Introduction to Indian Legal History’, Chapter XIX to XXI.