



NOT JUST BLACK AND WHITE: LAW AS A CAREER OPTION

Manjunatha N.G¹

“Our colleges of law do not hold a place of high esteem either at home or abroad, nor has law become an era of profound scholarship and enlightened research”- Dr. Radhakrishnan

Abstract

There is no specific entry in schedule VII to the Constitution of India that deals with legal education and regulation of standards of legal education. Legal education is the life line for a lawyer and throughout his life he has to search through the pages of books and journals. The study of law therefore must be of that quality and standard as one would justify it to the legal profession. In a democratic country like India, where rule of law is the driving force of the government. Legal education assumes great significance; legal education not only creates law abiding citizens but also produces brilliant academicians, visionary judges, astounding lawyers, and awe-inspiring jurists, these four classes of men acts as catalyst for the growth of the society. The creation of these four groups of men should be the aim of the legal education.

Key words: Law, Lawyer, legal education, Constitution

Introduction

With the rapid growth of trade and industry in the era of globalised liberalization. Increasing use of internet, e-commerce and convergence of technologies in the near future. New vistas of opportunities in all professional fields including law have been heralded.

Legal profession is a fast growing profession. In these days of globalization and liberalization. It is likely to get further momentum as more lawyers would be required to handle cases arising out of international trade and as a result of growing importance of WTO. The black robe donning litigator, who argues in a court-room is just one type of a lawyer. Law as a career option offers much more than what has been popularly known.

Major Career Options in Law:

1).Legal Profession in India (Litigation): Lawyers in private practice on either civil side or criminal side or both advise clients on their legal rights and legal issues affecting their personal and professional interests and also represent them in the courts of law. Some also appear on behalf of the government public bodies, local authorities, lawyers are also retained as legal advisors by corporate houses to aid, advise and represent their legal interests in the courts of law.

Litigation according to some, is the representing a client, fight it out in a court of law before a judge it is the representation of the practice of law as you see it in the movies.

¹ M.A., LL.M., M.PHIL.(Ph.D), UGC-NET/JRF LAW, KSET-LAW, KSET-Pol.SC, & Assistant Professor in law Vidyodaya Law College, B H Road, Tumakuru-572102.& Research scholar in law Gulbarga university.

2) Indian Legal Service (ILS): The dept.of legal affairs under the Union ministry of law and justice provides for Indian Legal Service for its internal convenience. It being an All India Service. Its officers are recruited through the UPSC on the basis of their experience and seniority in legal practice, the posts covered under ILS are law officers, Superintendent (legal), Assistant(legal), Legal advisers, Assistant legislative counsel, Additional legal advisers, Assistant legal advisers, Central government advocates, Deputy legislative counsel's, Deputy legal advisers, and Joint secretary and legal advisors.

3). Judicial Members of Courts and Tribunals: Judicial members of courts and tribunals are appointed from the legal profession or Indian Legal Service.

a. **Magistrate:** magistrate presides over criminal court, decides cases and delivers judgement an judicial matters field in or transferred to his court.

b. **Munisif / Sub-Magistrate:** Delivers judgement on civil cases of sub-division field in his court. He studies preliminary arguments and examines documents in support of compliant. He issues notices to other parties for filing written statement support of complaint. He issues notices to other parties for filing written statement supported by affidavits. He frames issues records evidence and admits relevant documents as exhibits.

c). **Public Prosecutor/ Government pleader/ government counsel:** Represents state in sessions courts and lends advice to officers in districts in all legal matters when called for he studies records of cases sent to sessions courts by trial magistrate and ensures against omissions and commissions and irregularities which might vitiate proceedings in court.

d). **Attorney- General:** Attorney-General for India is appointed by the President. He holds office during the pleasure of the president. He must be qualified to be appointed as a judge of the Supreme Court. His duties include advising the government of India on such legal matters as may be assigned to him by the president. He can also participate in the proceedings of parliament without the right to vote. Attorney-General is assisted by a solicitor-general and additional solicitor-general.

e). **Solicitor general:** Generally advises the government on legal matters and submits statement of important cases opinion or appearance in the Supreme Court as and when necessary.

f). **Advocate General:** Similar to the post of Attorney-General at centre, each state has an Advocate-general appointed by respective state governors. He performs the same duties in the state which his senior counterpart performs at the centre.

g). **Notary/Oath Commissioner:** A Notary is a legal practioner of at least 10 years standing in the profession. He is appointed by central/state government to draw verify authenticate, certify and attest the execution of any deed by virtue of his office. Similar to the Notary established authority called the 'Oath Commissioner' an oath commissioner is also authorised to attest various kinds of documents by charging some fee duly permitted by law.

An Oath Commissioner has to certify that an oath has been administered according to the set legal procedures and under his/her presence. Before an Oath Commissioner signs the documents he/she checks the deponent's identity, signature and original documents.

Before attesting an affidavit, an Oath Commissioner also has to ensure that the deponent knows the contents of the affidavit. For this an Oath Commissioner might have to translate an affidavit, or in case the deponent is illiterate, read out the same. Oath Commissioner are also authorised to witness any declaration as required under law.

4). **Labour Officers/ Assistant Labour Commissioner/ Deputy Labour Commissioner and Other Law Officers:** Those who possess law degree and have specialised in labour laws in one way or the other, are eligible for these posts.

Besides the above there are other positions existing in the judicial system of Central and state judiciary and other which are enumerated as follows-

- a. Legal Secretaries in the Legislative Assemblies.
- b. Legal assistants in Railways
- c. Officers in the registrar of Companies
- d. Legal Assistants/Law Officers and Legal Advisors (RBI) IN Banking Institutions.
- e. Law Inspectors
- f. Judicial members of Income tax, Sales tax, and Excise departments.
- g. Examiners, Senior examiners, Assistant registrar, Deputy registrars
- h. Registrars, Dy. Registrars, etc in High Courts

5). **Corporate Lawyer:** Most large companies need in house legal counsels, and require professionals to advise on important decisions, besides the drafting of agreements and undertakings, the eligibility criteria, working conditions and pay scales vary from company to company but most do require a fair degree of experience in this profession.

6). **Company Secretary legal:** In addition to basic qualifications a company secretary might ordinarily possess a law degree, companies do prefer law graduated.

7). **PSU Officer:** The Public sector undertaking or state owned corporations very dynamic legal professionals to handle their day to day legal matters including tackling of the in house affairs and court cases.

8). **Teaching/ Law Teacher:** Those with good academic record, particularly holding LL.M, Ph.D UGC/CBSE-NET/KSET qualifications or published work of a high standard can take up jobs in any university or institute offering law courses to students. There is wide scope for visiting professors as private universities are coming up in large number and they prefer such persons because of their eminence and acumen.

If you are an intellectual type who loves to read, think, reflect, analyse and write a career in legal academia (teaching law).

9). **Legal Journalist/Writing/Editing Law books/ Journals/Reports:** With a fair for writing could well think of becoming legal correspondents. This writing could well mature into writing legal texts and research articles alternatively. It could mean a career in creative writing.

10) **Legal Consultant:** The public sector undertakings and private sector undertakings and multinationals seek the experts who are qualified from IIM's legal management group. They help in various ways of legal matters of these organisations.

11). **Legal Editors:** The law books publishing companies the publishers of law journals and law magazines require the legal editors for editorial works etc.

12). **Law Firm:** Law firm is western concept now storming Indian legal arena. Numerous law firms have been established in India employing lawyers from different specialisations to cater the needs of corporate world.

A law firm is group of lawyers that work for varies clients. A lawyer working in a law firm serves a variety of clients as compared to a lawyer working for a company (like tata steel, wipro,coal India ltd etc) who handles legal issues related to his/her company alone.

IP law firms- The downside of pursuing a career in IP law is that your association with and hence your knowledge about other areas of law is limited. This is because to excel in a field as broad as IP law, you need to dedicate significant amount of time and effort to it.

13). **Legal process Outsourcing:** LPO in the new concept on the lines of BPO, LPO engages young lawyers to work on computers to draft agreements, research etc for their foreign counterparts.

India has emerged as a top destination for setting up LPO companies. This is largely because of 3 reasons; firstly India follows the 'common law' practiced both in the UK & USA. Secondly Indian lawyers speak and write very good English and thirdly labour including legal labour in India is cheap.

Legal Outsourcing refers to the practice of a law firm obtaining legal services from an outside law firm. This practice is however known as off shoring when the outsourced entity is based in another country. According to a report India has huge potential in legal outsourcing.

14) **Defence Services:** The military departments appoint the judge-advocate generals they deal with the cases within these departments. Law graduates need not give up on their dream of joining the Indian Army. The Judge Advocate General (JAG) department of the Indian army consists of any officers who are qualified in law.

15).**Corporate Administration:** The government departments, corporate bodies etc have their in-house legal sections, the law officers, law assistants in these departments or institutions perform the duty of drafting, representing in courts.

16). **Judicial Clerkship:** A law clerk is a law graduate (18-27) years of age who's required to assist the judge in a variety of matters. Despite its nomenclature a 'law clerk' is not a 'clerk' being a law clerk is an extremely prestigious position in the west.

The judge of the Supreme Court can have a maximum of two law clerks, one of whom must be 'selected' as per the set procedure, while one can be a candidate of the judge's choice.

17) **Cyber law:** A cyber lawyer deals with a variety of issues. This may include working which cases of defamation, stalking or nuisance on social media, dealing with domain name disputes, e-commerce disputes and data thefts. If you are a technology enthusiast interested in computers, code, social media, apps and the like, you might want to pursue a career in cyber law.

18. **ADR as a Career Option:** Alternative methods to resolve disputes are gaining currency. These methods include Arbitration, Mediation, and Conciliation.

'Mediation' is a process of dispute resolution where a mediator helps to resolve disputes b/w two or more parties through negotiations. A mediator cannot impose his/her decision on the parties. Mediation helps the parties reach a mutually acceptable win-win solution.

In 'Arbitration' one or more arbitrators become the 'judge' in a dispute. The dispute is submitted to the arbitrator by an agreement between the parties. Arbitration is less procedurally cumbersome than litigation and makes for quick resolution of disputes.

19). **Tax Law:** If you are among the few blessed with a 'commercial sense' being a 'tax Lawyer' could be an ideal profession for you. Not many lawyers have this commercial understanding, which shifts the demand-supply balance in favour of tax lawyers. Tax law also tends to be an area where a lot of litigation happens.

20). **Patent Agent:** A person who is qualified to prosecute patents (i.e. drafting and filling a patent application) is known as a patent agent. Given the fact the drafting a patent requires specific technical as well as legal knowledge. Only a person qualified in both domains will be able to fulfil the obligations of patent prosecution in India, a patent can be prosecuted through a registered Indian patent agent.

21) **Trademark Analyst/ Trademark Researcher:** Who are passionate/ interested in trademarks law with good drafting skills, drafting opposition related documents such as notice of opposition, counter statements, affidavits etc they appointed as trademark analyst.

Conclusion: The Bar Council of India (BCI) regulates legal education in India. To be eligible to practice law in India one needs to be a law graduate from colleges recognised by the Bar council of India. After getting the degree a student has to take the All India Bar exam (AIBE) to be eligible to practice as an Advocate in India.

It is observed by the Hon'ble Supreme Court in *Keshavanand Bharati v/s State of Kerala*, that rule of law is the basic foundation of our democracy. Rule of law says that "Be you ever so high, the law is above you". In *Manubhai Vashi v/s State of Maharashtra* Hon'ble Supreme Court held that "the

legal education should be able to meet the ever growing demands of the society and should be thoroughly equipped to cater to the complexities of different situations”. It is rightly addressed by the Justice A.M.Ahmadi that “we have waited long enough to repair the cracks in the legal education of this country and it is high time that we rise from arm chairs and start the repair work in right earnest”. Chief Justice Black Stone has commented on the quality of legal education which reflects in the quality of the Bar by stating “the character of law schools determines the character of the Bar”.

References:

1. V.R Krishna Iyer, “ The social dimensions of law and justice in contemporary India-The dynamics of a New Jurisprudence.
2. Report of the Committee on Law Reform in Legal education in 1980s.
3. Paras Diwan, ‘Legal education in India-Status and problems, BCI Trust 1983 pp 54-74.
4. Sushma Gupta, History of legal education. Deep & Deep Publications (p) ltd New Delhi.
5. 14th Report law commission of India 1958, p.520
6. Madhava Menon, Legal education for professional responsibility-An appraisal of the New pattern.
7. K. C Jena, ‘ Role of Bar Councils and Universities for promoting legal education in India’- Journal of Indian law institute 44(4), 2002, p 565.

