

Social Background of Lawyers in an Indian City

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Caste constitutes the core of social stratification in India. The traditional Indian society was viewed as an ascriptive one where the traditional social stratification system was based on caste system and the mobility between different caste-based occupational strata was very nominal. The growth of modern education and advancement of technology during the British rule and later after independence accelerated the process of social mobility in Indian social stratification system. The traditional caste based occupational structure is passing away and new urban-based occupational groups are emerging on the scene. The study of mobility of the members of the different castes into urban-based professions is an area of sociological interest.

The present study is located on the lawyers of Meerut City. The city of Meerut is the seat of administrative division comprising of the five districts of the region, namely, Meerut, Muzaffarnagar, Ghaziabad, Saharanpur and Bulandshahr. In that sense, Meerut is a regional city with nearly five lakh population. It is the seat of the University which regulates the examination in sixty college spread over the five districts. It has the only medical college in the region and provides the best of the marketing facilities in the region. It is linked with national capital, Delhi (70 kms) along a national highway which links Delhi to Dehradun. The city arranges at its outskirts one of the famous fairs Nauchandi in Northern India. It has vigorous peasantry spread over the surrounding rural area (Chauhan 1990: 24). Green revolution has entered in the region in a big way with modern equipments of agriculture like tractors, pumping sets, fertilizers and new variety of seeds being widely spread in the whole region (Chauhan 1990: 26). In the ancient and middle ages Meerut had a fort and township grew around it. The most recent history of the Meerut and its surrounding region is centred around the year 1857 when the Indian army revolted against the British. Meerut was the starting point of revolt and the region around it became a scene of battle and reprisals. The rule of the British East India Company was brought to an end as the British crown took over the administration of the country directly. Persons who were loyal to the British were rewarded with land grants and the revolt was run down through armed action to ensure its non-occurrence (Chauhan 1990: 28). The period from 1860 to 1890 can be said a dark period in the history of Meerut in the sense that the people of the region were oppressed by the British rulers.

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In the last quarter of nineteenth century, Meerut was visited by Swami Dayanand Saraswati, the founder of Arya Samaj movement in India. It created a great impact not only awakening of the consciousness of the people but also halted the process of conversion of Hindus by Christian missionaries and introduced a reformist approach within it. The movement appeared to a section of urban intelligentsia as well as the rural peasantry (Chauhan 1990: 28). One of the salient feature of the caste structure in Meerut and its surrounding region is that the degree of sanctity developed in daily life and situats in classical Hinduism has some how not been fully practised in this part of the country. Mere the Brahman and Kshatriya plough the field and perform all the agricultural activities that their that their counterparts among the peasant castes undertake. The Jat constitute the most hard working sections of the peasantry in the Meerut region and their ways of life appears to have become a model for the rest. The distance between upper castes and the lower castes has not appeared sharply even as one between the workers and owners. Since the owners themselves have been workers of some consequence (Chauhan 1990: 30). The present paper deals with the salient features of the legal profession in Meerut in historical perspective and social background of the lawyers in terms of their age group, place of origin, religion, type of family, caste, father's occupation and type of schooling.

Historical Background

The legal profession in Meerut is about one hundred years old. At the time of mutiny of 1857 there is nothing on record of existence of regular law courts or of lawyers. It was only in 1860 when courts of magistrates and judge were established in Meerut. A perusal of the files of District Judge's record room shows that district judge, at that time, was called 'Sadar Us Sadar', District Meerut (Jain, 1983 : 1). At that time executive and 1860 show that about seven lawyers were practicing in the then existing courts. The castes of these lawyers can be identified from their titles. Out of seven, five lawyers were from Brahmin castes and remaining two were Muslims. It indicates that at that time the legal profession was dominated by the upper castes Brahmins. The Muslims who constitute about half of the population of the Meerut city were also had their representation in the profession.

During the period from 1861 to 1875, courts were functioning under Anglo Saxon system and jurisprudence and the lawyers were duly appearing and conducting cases on behalf of their clients. In the year 1881-82, Meerut Bar Association was formed by the lawyers. From the existing record, it appears that some Englishmen were also practicing in Meerut Courts as lawyers. At that time, there were about 17 lawyers practicing in Meerut District Courts. Except two Englishmen, all the lawyers were from upper castes and Muslim community.

In the national struggle for freedom, the lawyers of Meerut played a significant role. In 1880, the atmosphere of Meerut was surcharged with national awakening and urge in the people for socio-religious reforms. In the year 1885, the Indian National Congress was founded and the second All India Conference of Indian National Congress met at Calcutta. This conference was attended by Advocates and Vakils from Meerut as delegates. Out of five delegates four were pleaders from Meerut. In 1888, Congress Session was held at Allahabad and in this session as many as 28 delegates attended the session, out of whom 10 were pleaders, Vakils of Baristers at law. They represent a galaxy of eminent lawyers of that time in Meerut.

In 1929, Meerut was destined to be the venue of an internationally known trial of Meerut Conspiracy case (1929-33). In all 32 persons were arrested from different corners of India, on charge of conspiracy to over-throw the British Government in India and were brought to Meerut and were sent to its District jail. From Meerut two persons were arrested. In the defence of the accused most of the eminent lawyers of the country who led the national struggle of freedom appeared in the Meerut Courts (Singh, Devendra, 1983 : 40-44). Their presence in Meerut provided an opportunity to the lawyers of Meerut to come closer with the leaders of national struggle for freedom and till the independence the lawyers of this region regularly attended the congress-meetings, conferences and participated actively in the activities of national movement.

In the last three decades the number of lawyers is increased tremendously. During 1956 to 1965, 405 lawyers were registered by Bar Council of Uttar Pradesh to practice in Meerut District Courts. In the decades of 1966-76, there was a little increase in the number of practicing lawyers i.e., 644 lawyers had joined the legal profession of Meerut. But, in the decade of 1976-85, as many as 1459 lawyers got registration for legal practice in the courts of Meerut. Thus, as per list of Uttar Pradesh Bar Council, Allahabad, 2508 persons were registered practitioner in Meerut on 31-12-1985. But about 500 of them are not practicing lawyers. Thus, at present about 2000 lawyers are actually practicing. As a result of sudden increase in number of lawyers in Meerut the competition among the lawyers has been increased, and the lawyers of younger generation have to struggle for their existence in the profession. In our study 13 percent of the lawyers were not having a single case with them. It is an indication of the level of competition for the younger generation of the lawyers.

Social Background

The social background of a lawyer is closely related to his value orientation, role perception and role performance. It involves an analysis of his place of origin, family type, age-group, caste and class background, educational background, membership of formal and informal groups and associations of the legal professionals. Further, it also warrants an inquiry into the reasons for his preference to choose the legal profession as it may enable us in seeking the answer of two major questions : (1) Why do people enter into legal profession ? and (2) How far the profession serves as an avenue of social mobility ?

In the present paper an attempt is made to analyse the social background of the lawyers under study in terms of their age-group, place of origin, family type, caste and class background, educational background, membership of professional associations, and the reasons for entering into the legal profession.

Age Group

The subjects can be *classified* into three age groups (i) Youth (21-35 years); (ii) middle aged (36 – 50 years) and old aged (above 50 years). The distribution of the subjects according to their age group indicates that there is a high representation (52 percent) of the youth in the legal profession of Meerut while reflects the growing impact of university education in the Meerut region in post Independence era.

Place of Origin

Place of origin refers to the place of birth of the subject. It may be a village, a small town or a city. In order to find out patterns of migration the lawyers were asked to mention about their place of birth, district and length of their stay in Meerut City. the distribution of the subjects according to their place of birth and district of place of birth reveals that the representation of rural lawyers (those born in a village) was high (56.5 percent) in the legal profession in Meerut. As many as 74 percent of the total subjects were drawn from both the rural and the urban areas of Meerut district. A number of lawyers (15.5 percent) migrated from the villages, towns and cities of neighbouring districts of Meerut region; namely, Ghaziabad, Muzaffarnagar, Bulandshahr, Bijnor and Saharanpur for joining legal profession in Meerut. The lawyers who had migrated from other districts of U.P. and West Pakistan (at the time of partition of the country) were predominantly (13 out of 21) urban based.

The distribution of the subjects in relation to their place of birth and length of residence in Meerut city reveals that nearly one-third (34.5 percent) of the subjects are local, in the sense, that they are living in Meerut city either since birth or in a neighbouring village, town or city from where they can commute. The trend of immigration in last four decades indicates that during the last one decade the migration from rural areas was relatively high (56.5 percent). During the last third and fourth decade the migration from urban areas was relatively high (33.5 percent) in comparison to last two decades. It was perhaps due to the partition of the country when a number of families from West Pakistan settled down in Meerut city.

Religion

Religion-wise the representation of Hindu lawyers was very high (90.5 percent) in the legal profession of Meerut. The Muslim who constitute about half of the total population of the city have a low ratio (7.0 percent) of representation. Other minority religious groups namely, Jains and Sikhs have a negligible presence (2.0 percent and 0.5 percent respectively) in the legal profession of Meerut. The distribution of the subjects in relation to their religion and place of birth (for analytical purpose all the lawyers born in a town or city are put under the category of urban) reveals that among the Hindu lawyers a majority of lawyers (59.7 percent) were drawn from the rural areas in contrast to 71.4 percent of the Muslims who were drawn from the urban areas. It is in accordance to the fact that in comparison to rural areas the muslim population is highly concentrated in urban areas of Meerut region. Among the two other religions groups (Jains and Sikhs) as many as 80 percent are from the urban background.

Family Type

Two types of the family units were identified among the subjects of this study; viz., nuclear-consists of husband, wife and their children and joint family-unit of the members living either with their parental family or with their brother (s) families. Out of 200 subjects as many as 110 were living in joint families. The distribution of subjects in relation to their family type and age group as indicates that among the youth the tendency of joint family was very high with 70.2 percent. In contrast, among the middle aged and old-aged lawyers the tendency of living in nuclear unit was relatively high (59.6 percent and 63.6 percent respectively).

Caste Structure

The thirteen Hindu Castes were put into four categories – upper castes, middle-order castes, lower castes and ex-untouchable castes. The muslim castes were put separately and their position in the table 7 does not represent their status position in the hierarchy. Non-castes groups; namely Jains, Ahluwalia and Bedi are put separately at the bottom of the table 7. Among the upper castes are included four major castes; namely, Brahmin, Rajput, Vaishya Aggarwal and Kayastha. In middle order castes, Jat, Tyagi, Gurjar, Ahir and Sunar are included. The relative position of these caste groups in the local hierarchy is very inconsistent. For example, the Tyagi claim that they were upper caste Brahmins but their claim is not acceptable to the Brahmins. Similarly, Jats, numerically constitute the dominant land holding caste of the region and claim the status equal to upper caste Rajputs but their claim is not acceptable to the Rajputs of the region. In the same way, the position of Gurjar, Ahir and Sunar castes is not clear in the caste hierarchy of Meerut Region. For analytical purpose all these castes are put in one stratum of middle order castes. Among the lower castes, Kurmi and Dhinwar are put. Their position in the hierarchy is not much disputable. In the fourth category, ex-untouchable castes, namely, Jatav and Balmiki are put. All the Muslim castes are put together separately. The main Muslim castes in the sample are Quazi, Saiyyad, Pathan, Rajput, Ansari, Gaddi and Qureshi. In category of other castes and Non-castes group, Jains, Khatri, Arora, Ahluwalia and Bedi are included. Except Jains who are non-caste group, the members of all other castes in this category immigrated from West Pakistan after partition. These castes do not fit in the regional caste hierarchy and therefore are put separately. The castewise distribution of the subjects indicates that caste is still powerful in legal profession. The upper castes are in a dominant position with 52 percent followed by the middle order castes (28 percent). The Brahmin castes come at first with 19.5 percent. The Jat caste of middle order comes at second place with 18 percent followed by the Vaishya Agarwal and Rajput with 16.5 percent and 15 percent respectively. Muslim castes altogether constitute 6.5 percent of the sample. The castes of lower rank have a little representation (6 percent) in the legal profession. It is clear that the legal profession is dominated by the upper castes lawyers and the dominant castes of the middle order. The age data for lawyers of different caste groups reveals that the representation of lower castes and ex-untouchable castes has been low (1.92 percent, 3.85 percent and 4.55 percent respectively) over the three generations of the lawyers. The entry of middle order castes in the legal profession has gained momentum in recent years as the young generation of middle order castes has a good representation (33.65 percent) among the youth.

The distribution of the subjects in relation to their caste and place of birth indicate that among the upper castes lawyers the representation of urban area was relatively high (54.8 percent). In contrast, among the middle order castes, the representation of rural areas was high with 87.7 percent. The members of lower castes are also mainly drawn from rural area (66.6 percent). The member of ex-untouchable castes are exclusively drawn from the rural area. The Muslim lawyers are predominantly from the urban areas (78.6 percent). It suggests that the legal profession in Meerut is quite open for the members of rural community irrespective to their caste. But it has attracted especially the castes of middle order which represents the dominant peasant castes of the region. The entry of the members of lower castes as well as of ex-untouchable castes is, however, limited to the urban areas.

Type of Schooling

The type of schooling is analysed in terms of the medium of instruction in the school where the subject has received education. At the secondary level, (12 years of schooling) out of 200 subjects as many as 180 (90 percent) has received education in a Hindi-medium school. It is in agreement with the fact that after independence the number of Hindi medium schools at secondary level has been increased in the Meerut region. The distribution of the subjects in relation to their age group and type of schooling indicates that the percentage of English medium educated lawyers has decreased from 29.5 percent of the old generation to 3.8 percent of the young generation, which is an indication of the growth of Hindi language as medium of instruction at the secondary level of education. The distribution of the subjects in relation to their place of birth and type of schooling indicates that among the English medium educated lawyers the representation of rural and urban areas was equal (50 percent) while among Hindi medium educated lawyers the representation of those from rural areas was high (57.2 percent). It suggests that some of the families of the rural areas of Meerut region were able to send their children for English medium schools located in urban areas. It is also an indicator of high urban exposure of elite families of the rural society of the region. The distribution of the subjects in relation to their caste and type of schooling indicates that majority of the lawyers who had educated in English medium schools were from the upper castes (45 percent) and the middle order castes (40 percent) background. Among the lower castes no one had education in English medium schools while one of the member of ex-untouchable caste had educated in English medium school. It is an indicator of the openness of educational institutions of the region for all sections of the society. The distribution of the subjects in relation to their fathers' occupation and type of schooling reveals that among the English medium educated lawyers as many as 35 percent were from the agricultural families. Another 30 percent were from the families of professionals. It suggests that a number of agricultural families were able to send their children to English medium schools. The distribution of the subjects in relation to their place of birth and place of secondary education reveals that out of 113 subjects who were born in a village only 21 (18.6 percent) had completed their secondary level education in village level school. Remaining subjects in this category received their secondary level education either in a neighbouring town school (38.9 percent) or in a city school (42.5 percent). It suggests that for the purpose of secondary level education as many as 81.4 percent of the rural children depended on towns and cities. This fact prove our assumption that in the process of educational attainment a rural child has to go to a town or a city. The distribution of subjects in relation to their medium of instruction at the level of secondary education and at the level of legal education indicates that rural or urban background has hardly effected their medium of instruction. At the level of secondary education pre-dominantly the children of rural as well as of urban background preferred to have Hindi medium but during attainment of legal education almost in equal proportion (about 40 percent) the subjects had shifted to English medium.

Now the salient features of the legal profession of Meerut and social background of its members may be summarised as follows: i) The profession is dominated by the rural based lawyers ; ii) Most of the members of legal profession are 'young' (below the age of 35 years); iii) Religionwise the Hindus have a very high (90 percent) representation in the legal profession; iv) The degree of

joint family decreased with the age of the lawyers, in the sense, that those who were in group of 21 – 35 years of age, had a tendency of living in joint families in comparison to middle aged and old aged lawyers. The tendency of living in joint family was found high among urban based lawyers rather than their counterpart rural lawyers; v) the caste factor is still powerful in the legal profession of Meerut. The upper castes are still in a dominant position. The middle order castes had second place in the profession, particularly Jats and Tyagis who constitute the major agriculturist castes of the region and in recent years the entry of these castes in the legal profession had been geared up. The representation of the castes of lower order is relatively low as the entry in the legal profession of Meerut required sound socioeconomic background. The representation of Muslim castes is also low in comparison to their counterpart Hindu community. As we have explored from the historical facts about the legal profession in Meerut that at the time of partition of the country the representation of Muslims was comparatively fair to its population strength. The possible explanation of this trend is that at the time of partition of the country the elite section of the Muslims who comprised mainly higher castes Muslims had migrated to West Pakistan and the population of Muslims in Meerut is now predominantly composed of occupational castes groups – Ansari (Weaver), Gaddi (Vegetable Grower) and (Animal Traders). The low socioeconomic conditions of these castes had checked their mobility into the legal profession despite the attainment of a degree in law. In recent past, the economic prosperity of these Muslim castes has been increased tremendously but their members are still confined to trade and commercial activities. ii) At the secondary level of education majority of the lawyers had got educated in Hindu medium schools. When one moves from old generation of lawyer towards young generation one found a significant decrease in the number of English medium educated lawyers which reflects the impact of growing number of Hindi medium schools in the region after independence. But in attainment of legal education the half of the subjects preferred English medium.

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