

# A Study on Specialist Skill used by Legal Advisor in India

**S. Sundara Vinayagam**

BA.LLB(Hons)

Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai

sundara916@gmail.com

**Abstract:** *Legal advisors play a crucial role in providing specialized skills and expertise in various legal matters. Their unique skill set combines legal knowledge, analytical thinking, and problem-solving abilities to guide individuals, businesses, or organizations through complex legal processes. This abstract explores the specialized skills utilized by legal advisors and their importance in the legal field. Legal advisors possess a comprehensive understanding of the law, including statutes, regulations, and legal precedents relevant to specific areas of practice. They are adept at conducting legal research, interpreting legal documents, and analyzing case law to provide accurate and informed advice to their clients. By staying up-to-date with the latest legal developments, legal advisors ensure that their guidance aligns with current legal standards and best practices. Critical thinking and analytical skills are integral to a legal advisor's toolkit. They can effectively assess complex legal situations, identify potential risks or pitfalls, and devise strategies to mitigate them. Legal advisors excel at examining intricate details, weighing evidence, and applying legal principles to construct compelling arguments and support their clients' interests. Communication skills are paramount for legal advisors. Additionally, legal advisors are skilled in negotiation, mediation, and advocacy, enabling them to effectively represent clients in legal proceedings, draft legal documents, and engage in discussions with opposing parties.*

**Keywords:** Judiciary, Separation of powers , Parliament, Decision making, democracy

## I. INTRODUCTION

In India, legal advisors play a crucial role in providing guidance and expertise in various legal matters. With a complex and diverse legal system, legal advisors serve as trusted professionals who assist individuals, businesses, and organizations in navigating the intricacies of Indian law. This introduction provides an overview of the role and significance of legal advisors in the Indian context. India's legal system is a blend of various laws, including constitutional, civil, criminal, and administrative laws. Additionally, India has state-specific laws and regulations, further adding to the complexity of the legal landscape. Legal advisors in India are well-versed in this multifaceted legal framework and provide specialized knowledge and skills to ensure compliance and protect the interests of their clients. Legal advisors in India may specialize in different areas of law, such as corporate law, intellectual property, contract law, taxation, employment law, family law, and litigation. They offer legal guidance tailored to the specific needs and requirements of their clients, whether individuals, businesses, or government entities. One of the primary roles of legal advisors in India is to provide legal opinions and advice. They conduct thorough research, analyze legal issues, and offer insights into the applicability and interpretation of laws, statutes, and regulations. By staying abreast of the latest legal developments and precedents, legal advisors ensure that their advice aligns with current Indian legal standards and best practices. Legal advisors also play a pivotal role in drafting and reviewing legal documents, such as contracts, agreements, and legal opinions. They possess excellent drafting skills and attention to detail, ensuring that legal documents accurately reflect their clients' intentions while safeguarding their legal rights and interests. Furthermore, legal advisors in India often represent their clients in legal proceedings, including negotiations, mediations, and court hearings. They possess strong advocacy skills, enabling them to effectively present their clients' case and protect their legal rights. Legal advisors also engage in legal research, prepare legal arguments, and strategize the best course of action to achieve favorable outcomes for their clients. Ethics and professional conduct are of utmost

importance for legal advisors in India. They are bound by the Advocates Act, which outlines ethical standards and ensures their duty towards clients, the court, and the legal profession. Legal advisors maintain client confidentiality, uphold the principles of justice and fairness, and act in the best interests of their clients. Legal advisors possess a range of specialist skills that enable them to provide valuable guidance and support in legal matters. Some key specialist skills of legal advisors include: Legal Knowledge: Legal advisors have in-depth knowledge and understanding of laws, statutes, regulations, and legal principles relevant to their practice area. They stay updated with legal developments and precedents to provide accurate and informed advice to their clients. Legal Research and Analysis: Legal advisors are skilled in conducting thorough legal research, examining case law, statutes, and legal literature. They can analyze complex legal issues, identify relevant precedents, and apply legal principles to specific situations, ensuring that their advice is well-grounded and legally sound. Contract Drafting and Review: Legal advisors excel in drafting and reviewing legal documents, including contracts, agreements, and legal opinions. They possess excellent writing skills and attention to detail, ensuring that legal documents accurately reflect the intentions of their clients while safeguarding their rights and interests. Problem-Solving and Critical Thinking: Legal advisors are adept at analyzing complex legal problems and applying critical thinking to develop effective solutions. They can identify potential risks, evaluate legal options, and devise strategies to mitigate challenges or conflicts faced by their clients.

### Objective

- To analyze the specialist skill used by legal advisor
- To analyze the necessity for legal advisor.
- To study issues faced by a legal advisor .
- To understand law relating to legal advisor

## II. REVIEW OF LITERATURE

Judicial review refers broadly to the jurisdiction of courts to keep the public authorities within their respective domains. Judiciary could only intervene and not interfere. The power is neither a police power nor that of a teacher. **(James,2001)** The precise role is that of an umpire, who has to closely watch whether the executive and the legislature are complying with the constitutional and statutory limitations and mandates while exercising their powers and, if not, to blow the whistle and stop their moves **(Biklen,1997)**. The power of judicial review only looks into the legality, rationality and procedural propriety of the decision and not into the contents, the quality or wisdom of the decision. It is not an appellate power to look into the merits of the decision. **(Holmes,2003)** It is not revisional power either. It is a power to verify whether the decision making authority is competent to take that decision, and whether the decision is taken in a fair and just manner complying with the procedural requirements. **(Ceius,2010)** Practically, the power of judicial review is more concerned with the manner in which the decision is taken than with the decision itself. Wherever legal limitations are imposed upon the organs of government, there has to be an adjudicator to decide the disputes **(Peter,2007)** arising from the reform and that role is entrusted with the judiciary, which alone is competent to interpret the legal instrument. The effect of the intermittent and sporadic review of executive or administrative decisions will give an impression to the administration that their decisions, if disputed, are liable to be challenged and to be interfered with by courts. **(Coline,2009)** This may, to a large extent, indirectly influence most of them to be fair and just in their actions and decisions against the citizens, thereby improving the general quality of administration in a system, where the public administration is under perpetual surveillance of the judiciary as mentioned. **(Bodgan,2006)** The administration would thereby become more accountable and its performance would be more qualitative than the other systems, where there is no such check. This is precisely the case with the legislature, when it goes astray from the constitutional limitations and norms while enacting legislations. There is no difference in this matter between the civil law or common law systems. Irrespective of the form or the venue, the question is whether there is a neutral and **(Ceitil,2009)** independent agency to intervene, when an illegality or injustice from the administration is challenged by an aggrieved person. Therefore, the scope of judicial review is super-imposing in all constitutional systems governed by rule of law, so long as man hates injustice emanating from public power. This is applicable pari materia to the legislature also. **(Marwa ,2011)** The principle of constitutionality and validity of legislation coupled with the remedy of judicial review of legislation make it incumbent upon the Parliament and the state legislatures to be watchful, guarded

and accountable in their performance. In this way, if all the three organs of the State legislature, executive and judiciary accept the doctrine of constitutionalism (Aaker,2011)and judicial review in its proper legal spirit as permissible under the Constitution, without being influenced by the ego of institutional supremacy, there cannot be any better institution or mechanism than that of judicial review to balance branches of public administration. Therefore, the courts and judicial review are, in effect, shock absorbers of the society, (Mike et al ,2001)which not only absorb the shock of all irregularities and illegalities but also sweep and clean the system of public administration. It appears that the above developments in the 17th century England that lead to the rise and fall of judicial review and the dominance of parliamentary supremacy was the result of institutional conflict and power struggle supported(Casoline,2003) by the intelligentsia, mainly consisting of common law lawyers, judges and parliamentarians. Both the doctrines, viz., ‘judicial review’ and ‘parliamentary supremacy’ were fighting in the same battleground of ‘constitutionalism’. The common law lawyers, motivated by Coke, C.J. and others, sought the help of the parliamentarians to put (Walter,2019) a full stop to the Kings’ arbitrary dispensation of justice on the ground that it opposes the common law, the constitution and democracy. (Kotler,1997)It was the triumph of institutional wisdom as against the King’s individual decision or wisdom. It appears, on the same principle Parliament struck back and could succeed in imposing its supremacy on that of judicial review, represent the will of the people at large, opposed to ‘judicial review’ that represent the will or wisdom of a few selected and not elected judges(Marqa et al,2002), howsoever competent and knowledgeable they may be. The last two centuries have seen the slow and steady growth of the institution of judicial review world over as the most(Yin,2004)effective remedial measure against mal-administration and abuse of public power. The concept of rule of law coupled with the constitutional principle of separation of powers has made judicial review of public administration formidable and inevitable”(Aaker,2011). People throughout the democratic world have expressed faith in this judicial mechanism, since there is no better test of excellence of a Government than the efficiency of its judicial system. (Caroline,2008)Nothing more clearly protects the welfare and security of the commoner than his sense of relief and confidence that he can rely on the certain and prompt administration of justice of his country”. But its critics commented that it was emergence of a novel and possibly dangerous role for courts. Human rights and extravagant version of the rule of law have already given a significant boost to judicial powers“. (Paster,2009)Therefore the true significance of the part played by judicial institutions in any system of administration cannot be evaluated only by reference to the frequency with which their jurisdiction is invoked(James,2011)

**III. METHODOLOGY**

The research method followed here is empirical research. A total of 200 samples have been taken out of which is taken through simple random sampling. The independent variables taken here are age, gender, qualification, occupation, residence. The dependent variables are lawyer may advocate for the legal rights of their client in courts , oral communication is a tool that allows lawyers to advocate a cause or a position with conviction, a person is deemed innocent unless proven guilty, advocate is entitled to get payment when he provides or renders services to a client and The statistical tool used by the research is graph (mean),scaling.

**IV. ANALYSIS**

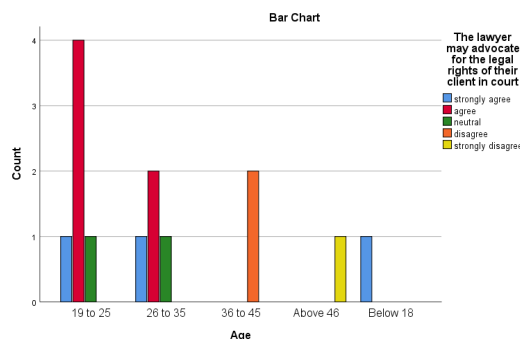
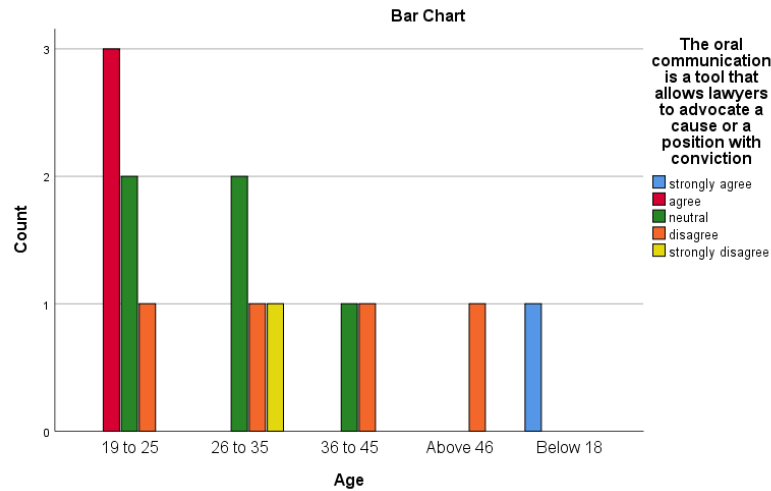


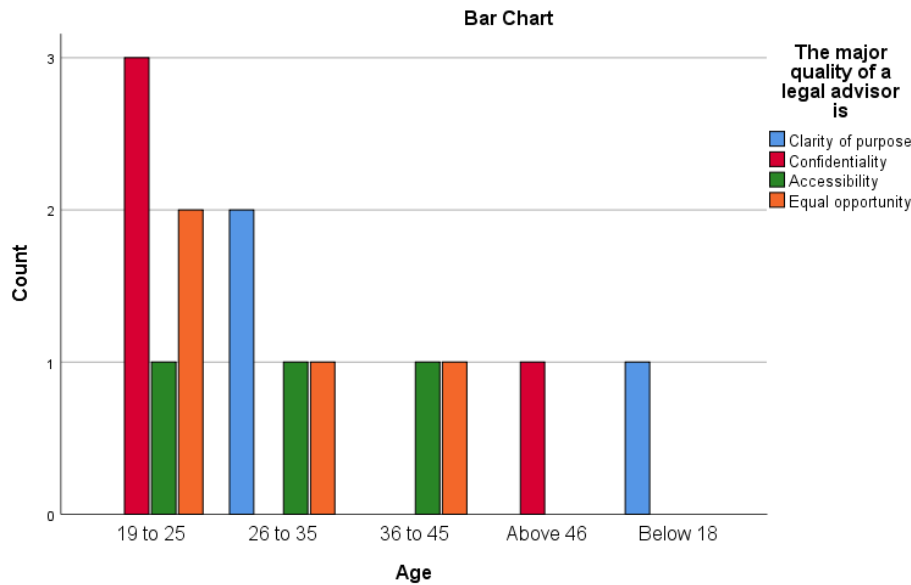
Fig 1

**Legend:** This above graph deals with The lawyer may advocate for the legal rights of their client in court with age of respondent



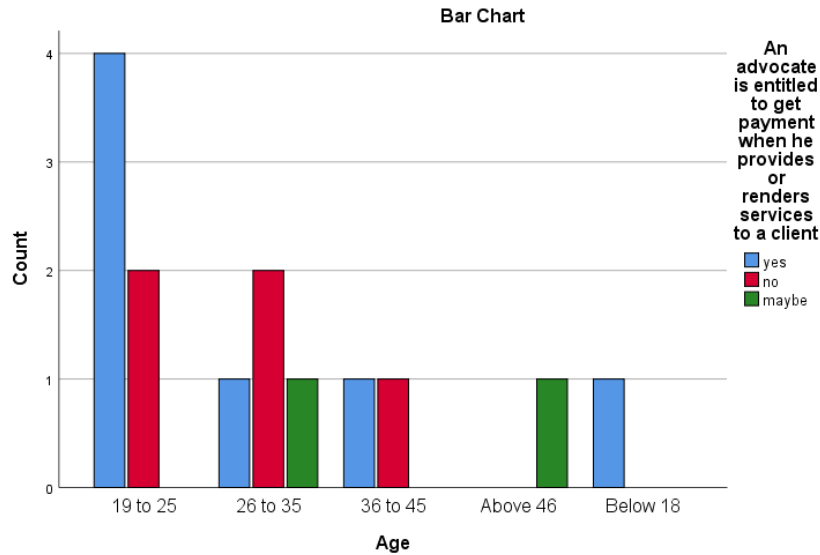
**Fig 2**

**Legend:** This above graph deals with The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction with age of respondent



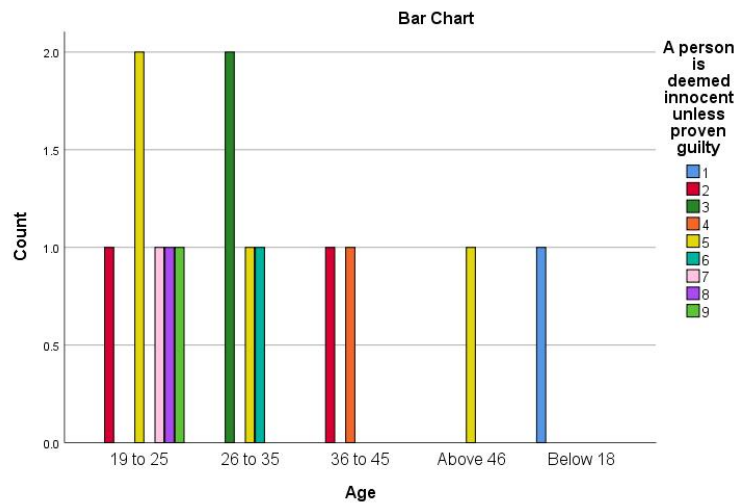
**Fig 3**

**Legend:** This above graph deals with The major quality of a legal advisor with age of respondent



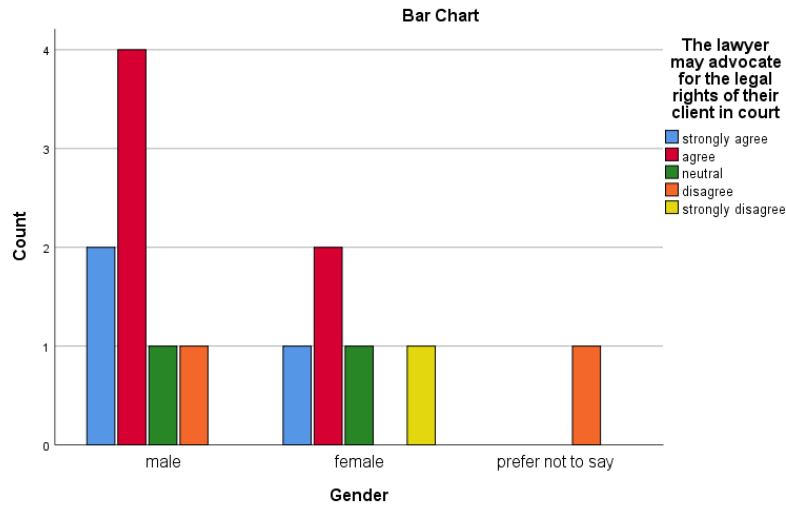
**Fig 4**

**Legend:** This above graph deals with An advocate is entitled to get payment when he provides or renders services to a client with age of respondent



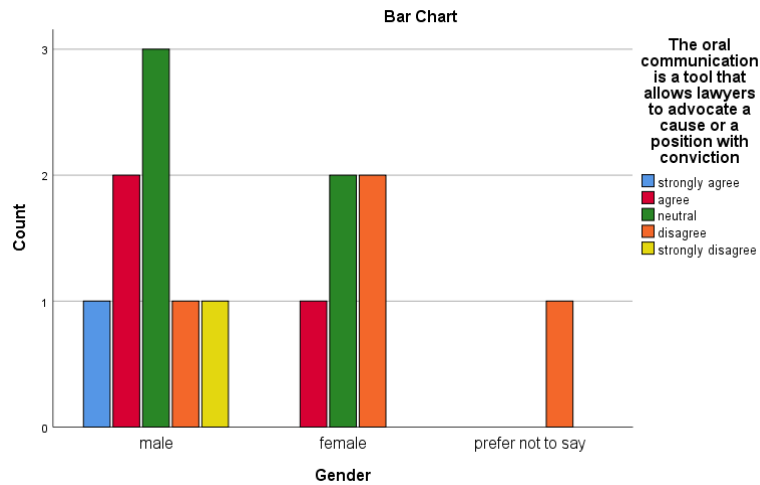
**Fig 5**

**Legend:** This above graph deals with A person is deemed innocent unless proven guilty with age of respondent



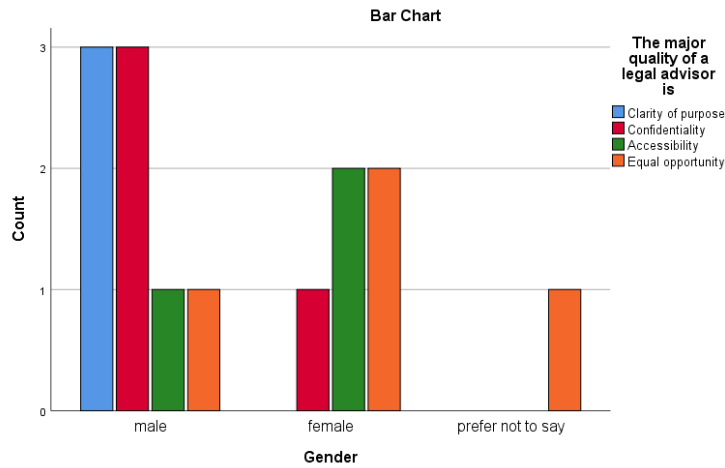
**Fig 6**

**Legend:** This above graph deals with The lawyer may advocate for the legal rights of their client in court with gender of respondent



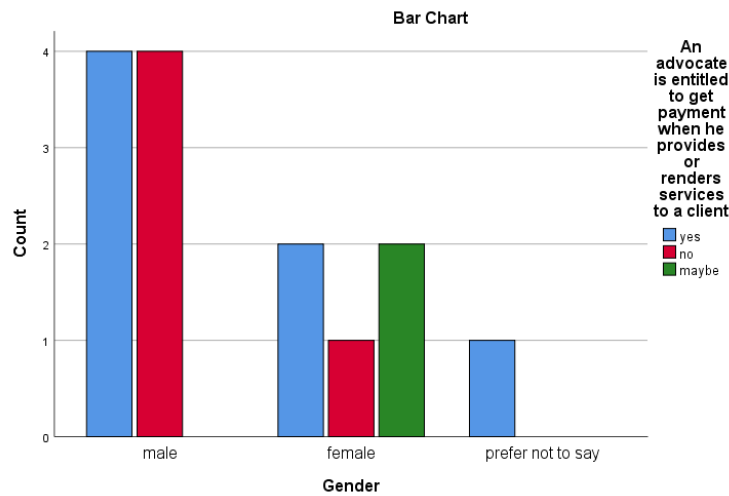
**Fig 7**

**Legend:** This above graph deals with The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction with gender of respondent



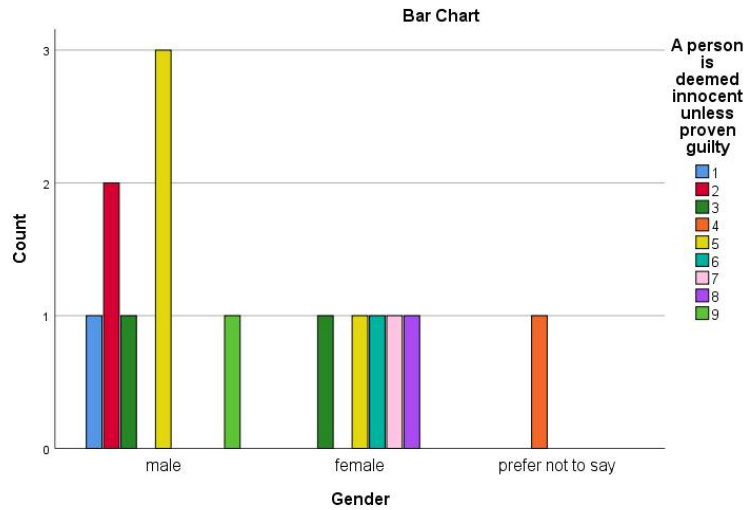
**Fig 8**

**Legend:** This above graph deals with The major quality of a legal advisor with gender of respondent



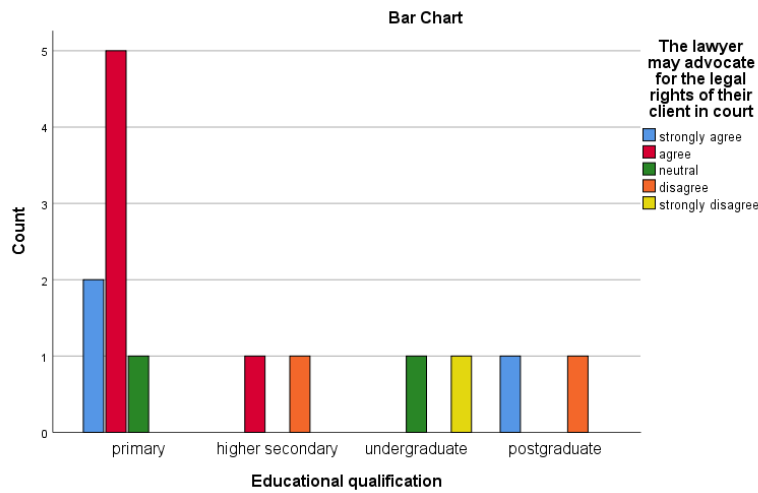
**Fig 9**

**Legend:** This above graph deals with An advocate is entitled to get payment when he provides or renders services to a client with gender of respondent



**Fig 10**

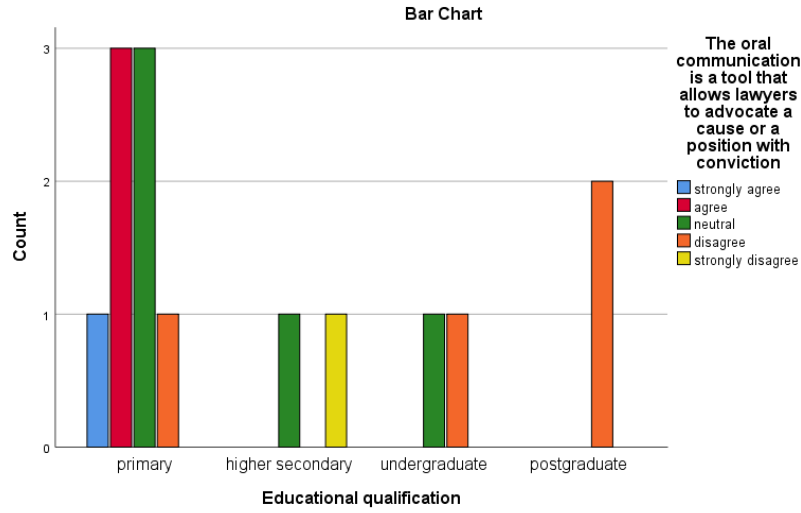
**Legend:** This above graph deals with A person is deemed innocent unless proven guilty with gender of respondent



**Fig 11**

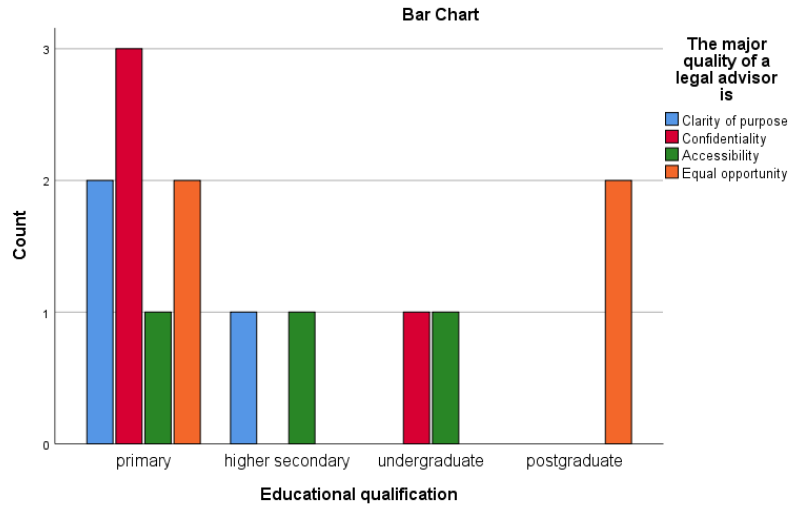
**Legend:** This above graph deals with The lawyer may advocate for the legal rights of their client in court with educational qualification of respondent





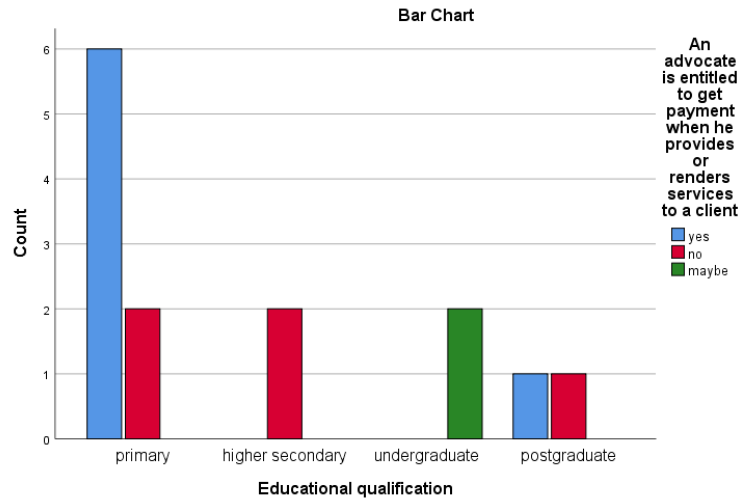
**Fig 12**

**Legend:** This above graph deals with The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction with educational qualification of respondent



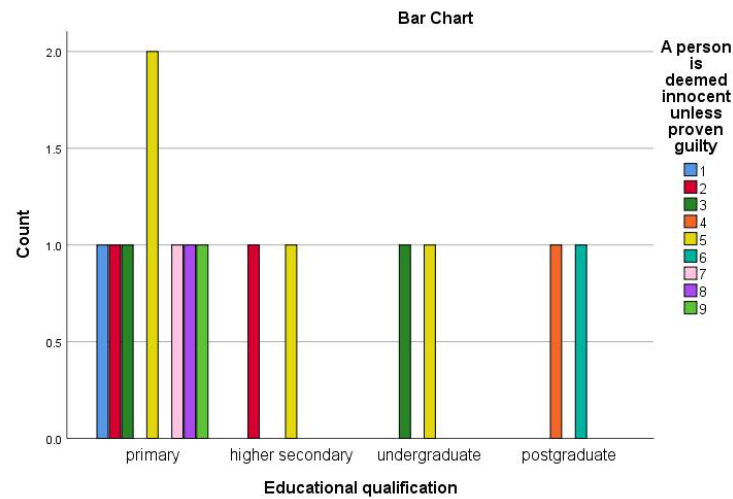
**Fig 13**

**Legend:** This above graph deals with The major quality of a legal advisor with educational qualification of respondent



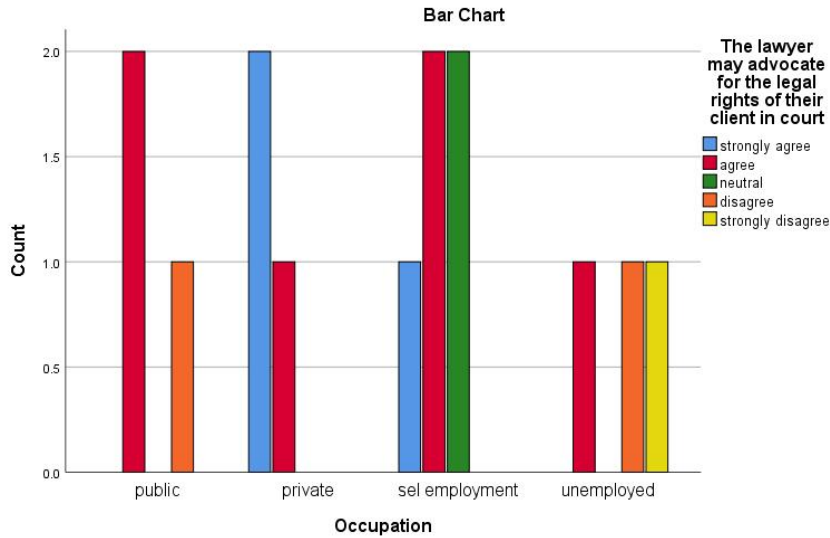
**Fig 14**

**Legend:** This above graph deals with An advocate is entitled to get payment when he provides or renders services to a client with educational qualification of respondent



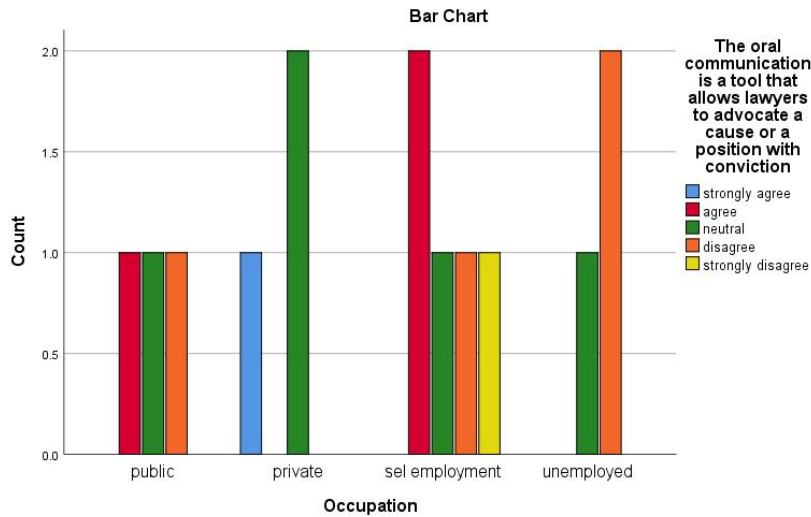
**Fig 15**

**Legend:** This above graph deals with A person is deemed innocent unless proven guilty with educational qualification of respondent



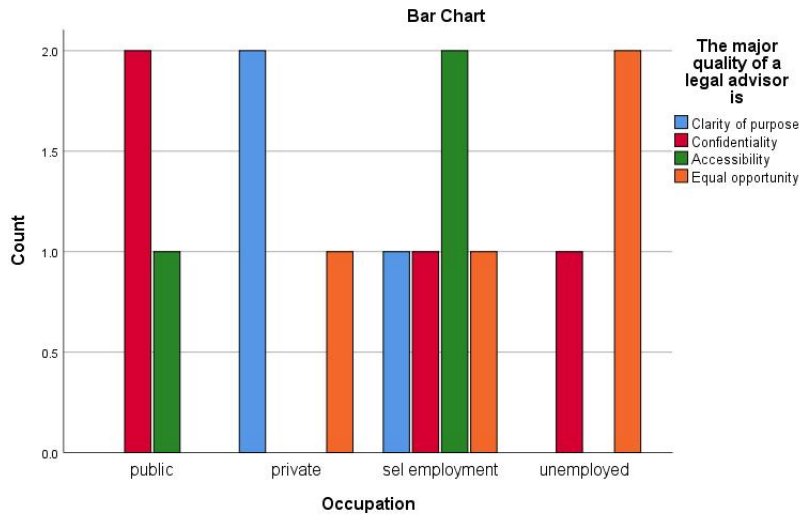
**Fig 16**

**Legend:** This above graph deals with The lawyer may advocate for the legal rights of their client in court with occupation of respondent



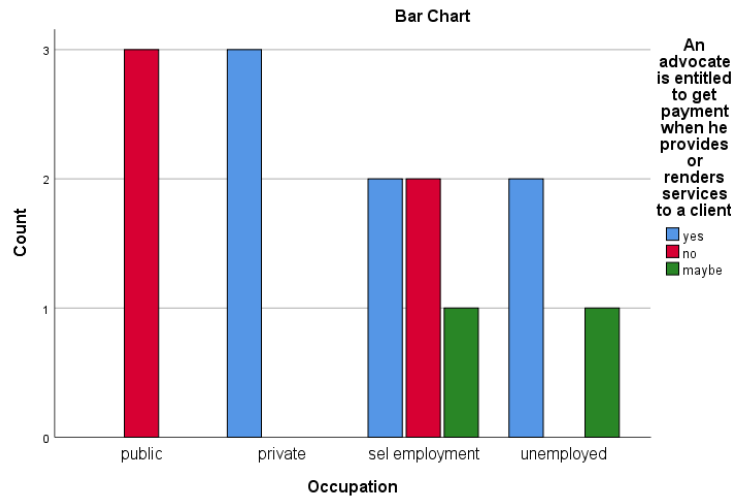
**Fig 17**

**Legend:** This above graph deals with The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction with occupation of respondent



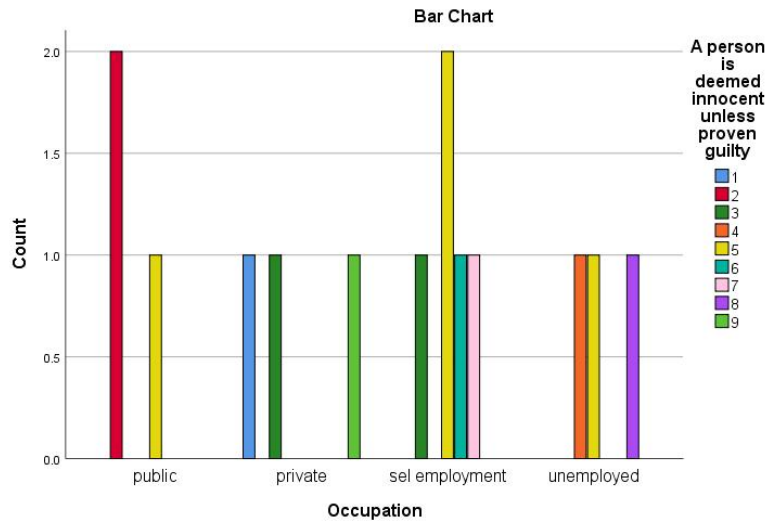
**Fig 18**

**Legend:** This above graph deals with The major quality of a legal advisor with occupation of respondent



**Fig 19**

**Legend:** This above graph deals with An advocate is entitled to get payment when he provides or renders services to a client with occupation of respondent



**Fig 20**

**Legend:** This above graph deals with A person is deemed innocent unless proven guilty with occupation of respondent

## V. RESULT

In **Figure 1** from the graph it is evident that majority of the respondents have rated on the scale it means that people believe The lawyer may advocate for the legal rights of their client in court.

In **figure 2** It is evident that most of the respondents have answered that The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction .

In **figure 3** it is evident that most of the respondents have answered that confidentiality is the major quality of a legal advisor and the question is compared with independent Variable Gender.

In **figure 4** it is evident that most of the respondents have chose yes , an advocate is entitled to get payment when he provides or renders services to a client.

In **figure 5** it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty.

In **figure 6** it is evident that most of the respondents have agreed that the lawyer may advocate for the legal rights of their client in court independent Variables Gender.

In **figure 7** it is evident that most of the respondents agree the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction And the question compared with independent Variables Educational qualification.

In **figure 8** it is evident that most of the respondents have chose confidentiality is the major quality of a legal advisor. It is a simple method and is easy to practice.

In **figure 9** it is evident that most of the respondents have chose yes ,an advocate is entitled to get payment when he provides or renders services to a client. Therefore people believe that it conserves water for the future.

In **figure 10** it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty and the question compared with independent Variables with Age.

In **Figure 11** from the graph it is evident that majority of the respondents have agreed it means that people believe the lawyer may advocate for the legal rights of their client in court.

In **figure 12** It is evident that most of the respondents have answered the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction.

In **figure 13** it is evident that most of the respondents have answered that confidentiality is the major quality of a legal advisor with occupation is compared with independent Variable Gender.

In figure 14 it is evident that most of the respondents believe an advocate is entitled to get payment when he provides or renders services to a client.

In figure 15 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty.

In figure 16 it is evident that most of the respondents have agreed that the lawyer may advocate for the legal rights of their client in court with independent Variables Gender.

In figure 17 it is evident that most of the respondents have agreed the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction And the question compared with independent Variables Educational qualification.

In figure 18 it is evident that most of the respondents have chose confidentiality is the major quality of a legal advisor with occupation .In figure 19 it is evident that most of the respondents believe an advocate is entitled to get payment when he provides or renders services to a client. Therefore people believe that it conserves water for the future.

In figure 20 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty.

## VI. DISCUSSION

From Figure 1 from the graph it is evident that majority of the respondents respondents have rated on the scale it means that people beleive The lawyer may advocate for the legal rights of their client in court. From figure 2 It is evident that most of the respondents have answered that The oral communication is a tool that allows lawyers to advocate a cause or a position with conviction .from figure 3 it is evident that most of the respondents have answered that confidentiality is the major quality of a legal advisor and the question is compared with independent Variable Gender. By observing figure 4 it is evident that most of the respondents have chose yes , an advocate is entitled to get payment when he provides or renders services to a client. In figure 5 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty. In figure 6 it is evident that most of the respondents have agreed that the lawyer may advocate for the legal rights of their client in court independent Variables Gender. In figure 7 it is evident that most of the respondents agree the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction And the question compared with independent Variables Educational qualification. In figure 8 it is evident that most of the respondents have chose confidentiality is the major quality of a legal advisor. It is a simple method and is easy to practice. In figure 9 it is evident that most of the respondents have chose yes ,an advocate is entitled to get payment when he provides or renders services to a client. Therefore people believe that it conserves water for the future. In figure 10 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty and the question compared with independent Variables with Age. In Figure 11 from the graph it is evident that majority of the respondents respondents have agreed it means that people beleive the lawyer may advocate for the legal rights of their client in court. In figure 12 It is evident that most of the respondents have answered the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction. In figure 13 it is evident that most of the respondents have answered that confidentiality is the major quality of a legal advisor with occupation is compared with independent Variable Gender. In figure 14 it is evident that most of the respondents believe an advocate is entitled to get payment when he provides or renders services to a client. In figure 15 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty. In figure 16 it is evident that most of the respondents have agreed that the lawyer may advocate for the legal rights of their client in court with independent Variables Gender. In figure 17 it is evident that most of the respondents have agreed the oral communication is a tool that allows lawyers to advocate a cause or a position with conviction And the question compared with independent Variables Educational qualification. In figure 18 it is evident that most of the respondents have chose confidentiality is the major quality of a legal advisor with occupation .In figure 19 it is evident that most of the respondents believe an advocate is entitled to get payment when he provides or renders services to a client. Therefore people believe that it conserves water for the future. In figure 20 it is evident that most of the respondents have rated 5 out of 10 for person is deemed innocent unless proven guilty.

### Suggestion

- Improve District Courts.
- Increase judicial capacity.
- Improve the Court management.
- Improvise Case management.
- Infrastructure should be developed.

### Limitation

The major limitations of my study is the straight frame of the sample taken from bus stands and markets . The people are not much aware about my topic . The various schemes implemented by the oral state and government is also one of the major drawbacks. The restricted area of sample size is another major drawback. The physical factors are the most impacted and a major factor limiting the study.

## VII. CONCLUSION

In conclusion, the role of a legal advisor in modern times is of immense significance and encompasses a diverse range of specialist skills. Legal advisors serve as trusted professionals who navigate complex legal landscapes, provide expert guidance, and protect the rights and interests of their clients. In today's fast-paced and ever-changing world, legal advisors bring their extensive legal knowledge and expertise to the table. They stay updated with the latest legal developments, precedents, and regulations, ensuring that their advice aligns with current legal standards and best practices. The specialist skills of legal advisors, such as legal research and analysis, contract drafting and review, problem-solving, and critical thinking, enable them to address complex legal issues and devise effective strategies. They possess strong communication and advocacy skills, allowing them to represent their clients' interests persuasively in negotiations, mediations, and court proceedings. Moreover, legal advisors uphold ethical conduct and professionalism, maintaining confidentiality, integrity, and loyalty to their clients. They prioritize the principles of justice and fairness, ensuring that their clients receive unbiased and impartial advice. In the modern era, legal advisors face the challenges posed by technological advancements, globalization, and the ever-increasing complexity of legal systems. They adapt to these changes, embrace continuous learning, and leverage technology to enhance their efficiency and effectiveness in providing legal services. The role of a legal advisor goes beyond legal expertise. They serve as trusted advisors, offering guidance and support to clients in making informed decisions. They build strong client relationships, fostering trust and confidence through effective communication and personalized attention. A modern legal advisor possesses a comprehensive skill set, combining legal expertise, analytical thinking, effective communication, ethical conduct, and adaptability. Through their specialist skills, legal advisors continue to navigate the complexities of the legal landscape, provide valuable guidance, and contribute to a just and fair society.

## REFERENCES

- [1]. <http://www.preservearticles.com/2011100314414/essay-on-the-indian-supreme-court-unlike-the-us-supreme-court.html>
- [2]. <http://archives.dawn.com/archives/67335>,
- [3]. <http://vishwabhusan.blogspot.in/2011/09/judicial-review-concept-origin-and.html>
- [4]. Prem Arora, Political Science (Indian Government and Politics), Cosmos Book Hive (P) LTD, P.543.
- [5]. <http://vishwabhusan.blogspot.in/2011/09/judicial-review-concept-origin-and.html>, 21.10.13
- [6]. Prem Arora, Political Science (Indian Government and Politics), Cosmos Book Hive (P) LTD, P.544.
- [7]. Prem Arora, Political Science (Indian Government and Politics), Cosmos Book Hive (P) LTD, P.545.
- [8]. <http://archives.dawn.com/archives/67335>, 21.10.13
- [9]. <http://www.preservearticles.com/2011100314414/essay-on-the-indian-supreme-court-unlike-the-us-supreme-court.html>, 21.10.13
- [10]. Prem Arora, Political Science (Indian Government and Politics), Cosmos Book Hive (P) LTD,
- [11]. <http://www.elaw.org/resources/text.asp?id=1831>
- [12]. <http://constitution.findlaw.com/article3/annotation13.html>

- [13]. John Marshall Definer of a Nation <https://books.google.com/books?id=9mnzC4qfMEC&pg=PA95>
- [14]. Barnett, Randy, “The Original Meaning of Judicial Power”, 12 Supreme Court Economic Review 115, 138 (2004).
- [15]. <https://www.britannica.com/EBchecked/topic/307542> at the Encyclopedia Britannica.
- [16]. [www.lawinfo.com](http://www.lawinfo.com).
- [17]. [www.unilawbooks.com](http://www.unilawbooks.com).
- [18]. [www.lawsindia.com](http://www.lawsindia.com).
- [19]. Lallubhai v. Union of India, .A. 1981 S.C 728 (para.13)
- [20]. Kavita v. State of Maharashtra, A. 1981 S.C. 2084.