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Regarding Necessary Steps to be Taken for Ensuring Social and Economic Justice in the Legal Fraternity

1 message

AILAJ HQ <ailajhq@gmail.com>
To: supremecourt@nic.in

Fri, Jan 27, 2023 at 10:08 PM

To,
Hon'ble Justice Dr. D.Y. Chandrachud,
Chief Justice of India,
Supreme Court of India,
New Delhi.

Dear Sir,

Sub: Regarding necessary steps to be taken for ensuring social and economic justice in the legal fraternity.

The All India Lawyers' Association for Justice (AILAJ) is an organisation of lawyers, legal professionals, and law students, striving to protect the core tenets of our Constitution, particularly liberty, equality, justice and fraternity. We write to you to kind your kind attention to the "**Campaign for the Social and Economic Justice for Lawyers**", which we are undertaking from 23rd January to 27th January 2023 in various states across the country.

We recall your words at a function organised by the Bar Council of India on 19th November, 2022: *"If we want to change the face of the legal profession, we have to provide equal opportunity and access to not just women, but also marginalized communities today. So that we can find more diversity on the Bench tomorrow"*.

We believe the question we need to answer is how to ensure equal opportunity and access for those from the marginalized communities. What is to be done to promote and sustain their legal practice especially when it is acknowledged that the legal profession is feudalistic and unwelcoming of women and marginalized communities.

Indeed, Covid and the lockdowns merely laid bare the vulnerable social reality of the legal fraternity. The closure of courts plunged legal professionals – particularly those from trial/taluk/district courts, junior and lawyers from marginalised communities, law clerks, notaries, writers, typists, and others into deep financial distress. Many were forced to abandon their practice and return to their villages; many slipped into deep debt. Families faced

destitution when legal professionals lost their lives to Covid. There were some efforts to ameliorate the situation, but it was inadequate.

We recall the efforts of the then Chief Justice of India, Justice Shri N. V. Ramana who wrote to the Minister of Law, Government of India on 8th June 2021 requesting the Union Government to address the digital divide, particularly in rural and Adivasi areas and to provide financial support to advocates, especially the junior advocates, who were struggling to survive. Indeed Justice Shri N. V. Ramana recognised the following as one of the issues which needed immediate intervention of the Union Government: *"To provide financial support to advocates, especially the junior advocates, who are struggling to make both ends meet due to loss of work for more than a year since the onset of pandemic."*^[1]

The situation of large percentage of lawyers is particularly concerning. In a pilot survey conducted in Delhi, it was found that nearly 80% of advocates with up to two years of practice experience fall in the income bracket of Rs. 5,000 to 20,000 monthly.^[2] Through feedbacks collected in the survey, it was found that the starting range, in reality, is much lower. In subsequent surveys at the Allahabad, Bombay, Kerala, Madras and Patna High Courts, a lower range of Rs. 2,000 to Rs. 5,000 was included and this attracted more than 40% of the total response.^[3] In High Courts of Calcutta and Gujarat, significantly 50% of the respondents reported that they earn less than Rs. 10,000 in a month.^[4] We have found that in district and mofussil courts, majority of lawyers earn less than Rs. 10,000 a month. The situation of junior advocates, first-generation advocates, women advocates and particularly advocates from Dalit, Adivasis and other socially disadvantaged sections is worse.

The social disadvantages suffered by women and advocates from Dalit, Adivasis and other socially disadvantaged sections, who additionally face discrimination and economic insecurities have to be addressed. There can be no diversity in the bench if there is no diversity in the bar.

It is a well-established under constitutional law that affirmative action and reservation are not exceptions to the right to formal equality, but are an aspect of formal equality which takes into consideration the existing inequality in the society and seeks to remedy it. Courts are unanimous that for equality to be truly effective or substantive, there must be recognition of existing inequalities in society and the endeavor to overcome them.

It is in this context, that we are undertaking this campaign making the following demands, for ensuring equality of opportunity to historically marginalized sections of society. Meeting these demands is necessary to realise the preambular goals of justice, equality and fraternity and would be an important step towards democratising the legal fraternity and.

1. Union / State Government and Bar Councils must announce **"Universal Advocates Welfare Scheme"** including the following:
 - a. Monthly stipend of Rs. 10,000/- for First-generation/Women/Dalit/Adivasi/Backward Communities/Junior lawyers for a period of 3 years of entering practice
 - b. Financial assistance for deceased lawyers' dependents
 - c. Financial assistance for retiring lawyers and cessation of practice by lawyers including Rs. 7,000/- monthly pension.
 - d. Accident-related financial assistance for Lawyers
 - e. Financial assistance for medical purposes and schemes related to life insurance
 - f. Financial assistance upto Rs. 3 lakhs for for First-generation/Women/Dalit/Adivasi/Backward community lawyers for purchase of law books and legal resources, and for setting up office.
2. Lawyers chambers should be established for every court premises and allocated to lawyers while giving priority to First-generation/Women/Dalit/Adivasi/Backward Communities lawyers, as also lawyers above 60 years.
3. Every Court premise shall have an Association Hall for women advocates which include creche facilities, toilets, computer infrastructure, etc.
4. Every Court premise should have a functional library equipped with law books and journals, computers, printers, etc.
5. "Committee for Gender Sensitisation and against Sexual Harassment" shall be constituted in every Court complex
6. Ensure representation of Dalit/Women/Adivasi/Backward Communities lawyers in the Judiciary
7. Reservation policy shall be implemented in the Bar Associations and Bar Councils.
8. For the purposes of transparency and accountability, the list of recipients of any benefits from the Bar Councils with details should be published half yearly.
9. The Preamble of the Constitution must be prominently displayed in all offices of Bar Councils/Associations
10. All employees in the Courts who are working under vulnerable working conditions and work as daily wage, contract workers must be treated as permanent employees and provided fair and just working conditions
11. Ensure that all government law colleges are provided with proper infrastructure, teaching staff and legal resources; provide monthly scholarships and paid internships for Women/Dalit/Adivasi/Backward Communities/first-generation law students.

We write to you with the hope that you will consider these favourably, and, take necessary action towards realising these, what we believe are just demands.

Thanking you,

Maitreyi Krishnan
(President)

Clifton D' Rozario
(General Secretary)

[1] Full text available at https://images.assettype.com/barandbench/2021-06/1a15967f-6642-44aa-9cd8-bc9d63203168/Letter_to_Law_Minister.pdf

[2] <https://www.hindustantimes.com/india-news/50-per-cent-high-court-lawyers-say-junior-advocates-earn-less-than-rs-10-000-survey/story-DV8iGsnOtuNI84KrFCXIJ.html>

[3] <https://www.barandbench.com/columns/financial-well-being-of-advocates-is-not-all-black-and-white>

[4] Ibid

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