

#### IV. Legal Profession: An Independent Profession

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"A bar association is deemed to be independent when it is free from external influence and can withstand pressure from external sources on matters such as the regulation of the profession, the development of codes of professional conduct, and the right of lawyers to join an association."

— DIEGO GARCÍA-SAYÁN, UN Special Rapporteur

##### I. Introduction:

In India, the legal profession is, among all the learned professions, the most independent one. Independence is from the state and state regulation. Its independence, which can never be lost sight of, is the bed-rock upon which its claims to lead the country are based. No member of the legal profession ever hesitates to condemn injustice or tyranny. More than the judge he stands for Justice as he pleads for it.<sup>1</sup> Around the world the legal profession operates under varying degrees of independence. In a few places it is still self-regulated in the sense that it defines its own rules of ethics and disciplines its own members. In other countries the Bar is heavily regulated by the political branches of government.<sup>2</sup> Independence is inbuilt in one of the seven lamps of advocacy i.e., judgment. In representing a client, whether state or private individual, an Advocate shall exercise independent professional judgment and render candid advice however unpleasant it may be. An advocate must withdraw when representation will result in violation of rules of professional conduct or other laws. Adherence to professional conduct is the *raison de etre* for professional autonomy and independence.

Legal profession is one of service through the use of independent judgment and pride in professional responsibility of the exercise of that judgment, resulting in concern with justice and social good rather than with material gain. Lawyers are the gatekeepers to the administration of justice. Their influence in both the private and public sector makes it particularly important that they proceed on a professional basis.<sup>3</sup>

The principle that the Bar must be self governing is globally recognised. There is a United Nations resolution to that effect and even Special Rapporteur on Independence of Judges and

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Lawyers find that Bar Associations play a vital role in safeguarding the independence and integrity of legal profession and its members. The United Nations's Basic Principles on the Role of Lawyers published in 1990 noted that such institutions must possess independence and its self-governing nature.<sup>4</sup> The Bar has a crucial role to play in democratic countries.

That independent role requires the lawyer to oppose the government in defence of the client's legal interests. Lawyers independence from political branches of government is important to rule of law.<sup>5</sup> When the countries pass through bad times, the Bar and its members will be at their best to save the rule of law as evidenced in different parts of the world. Their standing in society is well brought out in the following statement of the eminent jurist Fali Nariman<sup>6</sup>:

“The truth is that people- ordinary people (though not those working for governments)- regard lawyers as more equal than themselves. They look upon lawyers as trained to use the freedom granted by the country's constitution, as persons who know better than ordinary people how to use this freedom. In times of grave crisis- constitutional or national- they look at lawyers (and associations of lawyers) to see how they react. They have done so in the past- and will continue to do so in the future.”

Destroy the Bar and you will destroy a bulwark of civil and criminal justice, nay you will destroy the very foundation of security and liberty. ‘A government of law is the supreme manifestation of civilisation,’ and, as Lord Bacon said, ‘law is the great organ through which the sovereign power (of society) moves.’<sup>7</sup>

The legal profession cannot be equated with any other traditional professions. It is not commercial in nature and is a noble one, considering the nature of duties to be performed and its impact on the society. In India, the independence of the Bar and autonomy of the Bar Council have been ensured statutorily by the *Advocates Act, 1961*, in order to preserve the very democracy itself and to ensure that judiciary remains strong. Where the Bar has not performed the duty independently and has become a psychopath, that ultimately results in the denigrating of judicial system and the judiciary itself. A strong judicial system cannot exist without an independent Bar.

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The nobility of the legal system is to be ensured at all costs so that the Constitution remains vibrant and expands through interpretation to meet new challenges.<sup>8</sup>

It is observed that two conclusions of great significance stand out like a flame in the night in the address of Robert H. Jackson, Associate Judge, United States Supreme Court delivered in 1947, which he concluded after painting the struggle the legal professionals went through in the troubled times of world war. He concludes his address with the following note.<sup>9</sup>

"Every where in the aftermath of war, the legal profession is trying to repair the legal anatomy of shattered social bodies; everywhere they are struggling against anarchy. They are serving social orders that are not uniform; but no matter what the kind of society, the life of the individual is safer and more hopeful because of lawyers faithful to their professions are there. We should be conscious and proud of our fellowship in a profession that is world-wide and on whose fidelity so much of the hope of a free and peaceful world depends."

The first conclusion is his objective account of the loyalty, the patriotism, the heroism, and the sufferings of most of the lawyers and judges, in the invaded countries of Europe and even at the hands of their own Governments. Thousands of lawyers and judges were tortured and killed for their fidelity to law and justice. The second inference, equally unmistakable, is as to the plight and fate of independent lawyers and courageous judges when their own Governments became "big", bureaucratic, dictatorial, subservient to minority "pressure groups", and when such Governments found that law and lawyers were standing in the way of arbitrary power and official discretion.<sup>10</sup> while the independence of the judiciary and the legal profession is under increasing attack throughout the world, the real target is the rule of law.<sup>11</sup>

## **II. Rule of Law is at the basis Independence of Profession**

The significant features of conclusions of the New Delhi Congress of the International Commission of Jurists, which met to adopt a declaration on principles that constitute Rule of Law, are that the independence of the judiciary and legal profession should be ensured by rule of law principles.<sup>12</sup> This is popularly known as Delhi declaration on rule of law. Further, it is essential in the rule of law that there be an organised legal profession free to manage its own affairs, subject

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only to the general supervision by the courts and regulations governing admission to the bar. While a lawyer should be free to accept or refuse any case offered to him, the profession must always be prepared to defend persons associated with unpopular causes and minority views with which counsel may be entirely out of sympathy. Finally, the independence of the legal profession requires that lawyers be available to rich and poor alike, and that adequate legal service and representation be provided to all those threatened as to their life, liberty, property or reputation who are not able to pay for it. Here the primary responsibility rests on the legal profession, but there is an obligation upon the state and the community to assist the profession in meeting its duty.<sup>13</sup>

### III. International scenario:

#### 1. United Nation's Basic Principles on the Role of Lawyers:

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba adopted the Basic Principles on the Role of Lawyers. It was held between 27 August and 7 September 1990. The preamble provides that these principles are adopted to create an environment in which the important guarantees under international instruments like Charter of the United Nations, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Standard Minimum Rules for the Treatment of Prisoner and Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power can be realised. These guarantees, *inter alia*, relate to promoting human rights and fundamental freedoms irrespective of race, sex, language or religion; equality before law, presumption of innocence, fair and public hearing by an independent tribunal, defence of everyone charged with an offence; speedy trial, assistance to detained persons to communicate and consult counsel, ensuring legal assistance and confidential communication to undertrial prisoners and improving access to justice. In the last part of the preamble, it is manifestly brought out that existence of an independent legal profession is *sine a qua non* if these obligations are to be translated into reality. It reads as under:<sup>14</sup>

Whereas adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have *effective access to legal services provided by an independent legal profession*,

Whereas *professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of*

*them*, and cooperating with governmental and other institutions in furthering the ends of justice and public interest, ....<sup>15</sup>

These principles are to assist Member States in their task of promoting and ensuring that the role of lawyers is respected and taken into account by Governments and provided for the same within the framework of their national legislation.

The following Basic Principles on the Role of Lawyers have a direct bearing on establishing an independent legal profession in the national legal regime so that they can discharge all the mandates of the principles effectively.

- i. Governments, professional associations of lawyers and educational institutions shall ensure that lawyers have appropriate education and training and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognised by national and international law.<sup>16</sup> Further they shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status. However, a requirement, that a lawyer must be a national of the country concerned, is not considered as discriminatory.<sup>17</sup>
  - ii. Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognised by national and international law and shall at all times act freely and diligently in accordance with the law and recognised standards and ethics of the legal profession.<sup>18</sup>
  - iii. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.<sup>19</sup>
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- iv. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.<sup>20</sup>
  - v. No court or administrative authority before whom the right to counsel is recognised shall refuse to recognise the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.<sup>21</sup>
  - vi. Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.<sup>22</sup>
  - vii. Governments shall recognise and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.<sup>23</sup>
  - viii. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.<sup>24</sup>
  - ix. Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognised professional standards and ethics.<sup>25</sup>
  - x. Codes of professional conduct for lawyers shall be established by the legal profession through its appropriate organs, or by legislation, in accordance with national law and custom and recognised international standards and norms.<sup>26</sup>
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- xi. Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.<sup>27</sup>
- xii. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.<sup>28</sup>
- xiii. All disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognised standards and ethics of the legal profession and in the light of these principles.<sup>29</sup>

## **2. International Bar Association Standards for the Independence of the Legal Profession**

The International Bar Association (IBA) felt that independence of legal profession was essential for protection of human rights and equitable access to legal services; for the establishment and maintenance of the rule of law, an equitable system of administration of justice must guarantee the independence of lawyers in the discharge of their professional duties without any improper restrictions, pressures or interference, direct or indirect; conditions were to be established in which all persons have effective and prompt access to legal services by an independent lawyer to establish their rights; and associations of lawyers shall have a vital role to uphold professional standards and ethics, to protect their members from improper restrictions and infringements, to provide legal services to all in need of them, and to cooperate with governmental and other institutions in furthering the ends of justice. In order to persuade the governments to create an environment for an independent legal profession in their respective domains, the IBA has established certain standards, known as the IBA Standards for the Independence of the Legal Profession,<sup>30</sup> adopted in 1990, to assist in the task of promoting and ensuring the proper role of lawyers which should be taken into account and respected by Governments within the framework of their national legislation and practice and should be brought to the attention of lawyers, judges, members of the executive and the

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legislature and the public in general. The following are the important features of the standards so set.

**i. Entry into the legal professional and legal education:** In this regard it is provided that entry to the bar and continuation in profession should be without discrimination. Legal education should be open to persons of any race, colour, sex, religion, political or other opinion, national or social origin, property, birth, status or physical disability. The Legal education should promote knowledge and understanding of the role and the skills required of a lawyer, including awareness of the legal and ethical duties of a lawyer and of the human rights and fundamental freedoms recognised within the given jurisdiction and by international law. Legal education shall have regard to the social responsibilities of the lawyer, including co-operation in providing legal services to the needy and the promotion and defence of legal rights of whatever nature whether economic, social, cultural, civil and political and specially rights of such nature in the process of development.<sup>31</sup>

**ii. Education of the public concerning the law:** It is the responsibility of the legal profession and state to educate the public about the principles of the rule of law, the importance of the independence of the judiciary and of the legal profession and to inform them about their rights and duties and the relevant and available remedies.<sup>32</sup>

**iii. Rights and duties of lawyers:** A Lawyer is under a duty to discharge his duties freely, diligently and fearlessly in accordance with the legitimate interest of the client and without any inhibition or pressure from the authorities or the public. He is not to be identified by the authorities or the public with the client or the client's cause, however popular or unpopular it may be. He should not be threatened with any type of sanctions or harassment by reason of his having legitimately advised or represented any client or client's cause. Every court or administrative authority has to recognise the right of a lawyer qualified in that jurisdiction to appear before it for his client. A lawyer has a right to raise an objection for good cause to the participation or continued participation of a judge in a particular case, or to the conduct of a trial or hearing. A lawyer is entitled to civil and penal immunity for statements made in good faith in written or oral pleadings or in his or her professional appearances before a court, tribunal or other legal or administrative authority. The independence of lawyers representing persons deprived of liberty shall be guaranteed

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so as to ensure that they have free, fair and confidential legal assistance, including the lawyer's right of access to such persons.<sup>33</sup>

Further Lawyers are entitled to such other facilities and privileges as are necessary to fulfil their professional responsibilities effectively, including confidentiality of the lawyer-client relationship, including protection of the lawyer's files and documents from seizure or inspection and protection from interception of the lawyer's electronic communications; the right to travel and to consult their clients freely both within their own country and abroad. And most important, Lawyers shall not be denied freedom of belief, expression, association and assembly; and in particular they have the right to a) take part in public discussion of matters concerning the law and the administration of justice; b) join or form freely local, national and international organisations; c) propose and recommend well considered law reforms in the public interest and inform the public about such matters.<sup>34</sup>

#### **iv. Legal service for the poor**

The necessary corollary of an independent bar is that it shall make legal services available to all classes of people so that justice is not denied to anyone. Even when they participate in legal aid programmes financed whether wholly or partially from the public funds, they retain their professional independence.<sup>35</sup>

#### **v. Lawyers 'Associations**

The standards mandate that in each state there should be independent and self governing lawyers associations recognised in law. The executive bodies of such associations shall have freely elected members. Lawyers may form or join other professional organisations also.<sup>36</sup>

#### **vi. Functions of the Lawyers 'Associations**

It is the first responsibility and function of lawyers' associations to ensure the independence of the legal profession. The other functions are:

- a) to promote and uphold the cause of justice, without fear or favour;
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- b) to maintain the honour, dignity, integrity, competence, ethics, standards of conduct and discipline of the profession; and to protect the intellectual and economic independence of the lawyer from his or her client;
- c) to defend the role of lawyers in society and preserve the independence of the profession;
- d) to protect and defend the dignity and independence of the judiciary;
- e) to promote free and equal access of the public to the system of justice, including the provision of legal aid and advice;
- f) to promote the right of everyone to a prompt, fair and public hearing before a competent, independent and impartial tribunal and in accordance with proper and fair procedures in all matters;
- g) to promote and support law reform, and to comment upon and promote public discussion on the substance, interpretation and application of existing and proposed legislation;
- h) to promote a high standard of legal education as a prerequisite for entry into the profession and the continuing education of lawyers and to educate the public regarding the role of a Lawyers 'Association;
- i) to ensure that there is free access to the profession for all persons having the requisite professional competence, without discrimination of any kind, and to give assistance to new entrants into the profession;
- j) to promote the welfare of members of the profession and the rendering of assistance to members of their families in appropriate cases;
- k) to affiliate with and participate in the activities of international organisations of lawyers.

The associations have to extend all cooperation when a lawyer from another country is engaged. In addition, when a lawyer is arrested or detained, the details there of shall be informed to the lawyers association to fulfil its function of preserving independence.<sup>37</sup>

### **vii. Disciplinary proceedings**

The autonomous profession will have auto-regulation obligations. They have to adopt a code of professional conduct and enforce it. The procedure to be followed in the disciplinary proceedings shall include principles of natural justice and there should be a provision for representation by

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lawyers associations. There should be a provision for appeal from the decision of the disciplinary committee to an appropriate and independent appellate body.<sup>38</sup>

### **3. UN Special Rapporteur**

The United Nations Commission on Human Rights has adopted resolution 1994/41 on Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers.<sup>39</sup> Noting the increasing frequency of attacks on the independence of judges and lawyers, the Commission on Human Rights created the UN Special Rapporteur in 1994. Based on the resolution 1994/41, the UN Special Rapporteur should identify and record not only attacks on the independence of the judiciary, lawyers and court officials, but also progress achieved in protecting and enhancing their independence.

It is observed in the report of the Special Rapporteur on the independence of judges and lawyers, prepared pursuant to Human Rights Council resolution 35/11 submitted in 2018 that Bar associations play a vital role in the organisation and safeguarding of the independence and integrity of the legal profession and its members. The underlying rationale for their creation is the need to provide a platform to allow the legal profession to carry out its legitimate activities without any external interference. Bar associations should meet, at a minimum, the following requirements: (a) independence; (b) self-governing nature; (c) general mandate to protect the independence of the legal profession and the interests of its members; and (d) recognition under law.<sup>40</sup>

The Report emphasises that the Bar Associations have a crucial role to play in a democratic society to enable the free and independent exercise of the legal profession and to ensure access to justice and the protection of human rights, in particular due process and fair trial guarantees. The Bar Associations have to protect individual members of the legal profession, particularly in situations where they are not able to adequately defend themselves; facilitate access to the legal profession; develop codes of professional conduct; and handle disciplinary proceedings against lawyers. Further, they have to cooperate with state institutions in providing legal aid services to

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poor and disadvantaged persons and legal education and training to lawyers throughout their careers.<sup>41</sup>

The report analyses various forms of interference with bar associations 'independence, ranging from legal or administrative obstacles to prevent lawyers from establishing or joining independent professional organisations, to different forms of control by the executive or judicial branch on the entry into or continued practice within the legal profession, and threats of disciplinary action and intimidation against the members of bar associations. About independence of the profession the following para of the report is worthy of quoting:

"A bar association is generally deemed to be independent when it is mostly free from external influence and can withstand pressure from external sources on matters such as the regulation of the profession, the development and implementation of codes of professional conduct and the right of lawyers to join the association. Government controls, whether direct or indirect, is eliminated or minimised to the greatest extent possible."<sup>42</sup>

State involvement in the regulation of the legal profession varies greatly. Not all kinds of external intervention jeopardise the independence of the bar association. In some countries, such intervention is limited to the adoption of legislation on the legal profession, often in consultation with the bar association (In Germany and Lithuania, for example, national legislation on the legal profession is developed by the executive, whereas in Poland, the legislative branch is responsible for its development in consultation with the bar association). States may also retain the power to determine, in collaboration with the bar association, lawyers' fees (as in Slovakia and Azerbaijan), the requirements and procedures for access to the legal profession (in Lithuania) or the development and management of legal aid schemes (as in Czechia, Italy and Finland).<sup>43</sup>

In other countries, State interference is more significant, for instance where the Government participates directly in the work of the executive and disciplinary bodies of the association, (for example, Cyprus) or appoints some of the members of the disciplinary committee established by the bar association to handle disciplinary proceedings against lawyers (for example, Azerbaijan and Denmark). In those cases, it is important that appropriate safeguards be adopted to ensure that the

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delegation of regulatory competences to external actors does not undermine the independence and integrity of the legal profession.<sup>44</sup>

The best guarantee of independence is a self-governing body, understood as an organization independent from the State or other national institutions. All existing legal standards stress that bar associations should be self-governing. In practice, that means that the bar association should be able to set its own rules and regulations, make its own decisions free from external influence, represent its members' interests and be able to sustain itself. That entails the profession's right to set up bodies to oversee compliance with such regulations, through the power to admit, discipline and disbar.<sup>45</sup>

To ensure true independence, a bar association must also be able to sustain itself. The absence of financial sustainability can affect its operations and effectiveness. Bar associations often sustain themselves by membership fees and the organisation of training and events. In cases where it is necessary to obtain funding from outside the legal profession, bar associations should always ensure that external funding does not compromise its independence. They should be particularly cautious of receiving government funding, as such support may be aimed at keeping the bar association close and uncritical of the State machinery.<sup>46</sup>

The Special Rapporteur has highlighted on a number of occasions that bar associations should be provided with adequate human and financial resources to perform their functions independently and autonomously.<sup>47</sup> Further, when lawyers are arrested, the bar associations should be informed immediately of the reasons and legal basis for the arrest or detention and the bar shall be provided access to the lawyer so arrested or detained.<sup>48</sup> It is considered that the protection of individual members of the legal profession lies at the core of bar associations' mandate, particularly in situations where they are not able to defend themselves adequately. The bar associations could have no greater objective or interest than the protection of the independence of the profession and its individual members and that they are duty bound to rush in aid of their members when they are subject to harassment and intimidation.<sup>49</sup> The report concludes that Bar associations have a vital role

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to play in safeguarding the independence and integrity of legal profession and allow the legal profession to carry its legitimate activities without any external interference and influence.

The periodic reports submitted by the UN Special Rapporteur emphasise the importance of independence of legal profession pointing out the invasions into it and recommending remedial measures.

#### **IV. National Scenario**

##### **1. Framework of Independence of Legal Profession in India**

The Indian society created an exclusive right on the part of the advocates to appear on behalf of others in courts by enacting *The Advocates Act, 1961*. This Act has marked the beginning of a new era in the history of the legal profession by vesting largely in the Bar Councils the power and the jurisdiction which the courts till then exercised, by fulfilling the aspirations of those who had been demanding an All India Bar and effecting a unification of the Bar in India, by the creation of a single class of practitioners with power to practise in all the courts and bound by rules made and a code of conduct laid down by their own bodies to which the members could resort to for the protection of their rights, interests or privileges.<sup>50</sup> All the attributes of an independent profession are imbued into this legislation. Neither the government nor the courts nor any other external agency has any say in professional matters relating to advocates.

With the coming into force of *The Advocates Act*, advocates are the only class of persons who are entitled to practice the profession of law.<sup>51</sup> The Act further debars all other persons from practicing law unless they are enrolled as advocates under this Act.<sup>52</sup> The power of enrolment of legal practitioners and the disciplinary jurisdiction in respect of them are now vested in the State Bar Councils<sup>53</sup> and the Bar Council of India<sup>54</sup>. Now it is the function<sup>55</sup> of the State Bar Council, *inter alia*, to admit persons as advocates on its roll, to prepare and maintain such roll and to

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entertain and decide cases of misconduct against advocates on its roll. The functions<sup>56</sup> of the Bar Council of India include *inter alia*, preparing and maintaining a common roll of advocates, laying down standards of professional conduct and etiquettes for advocates, laying down the procedure to be followed by its disciplinary committee and the disciplinary committees of State Bar Councils. Any person aggrieved by an order of the disciplinary committee of the State Bar Council may prefer an appeal to the Bar Council of India.<sup>57</sup> Further, any person aggrieved by an order of the disciplinary committee of the Bar Council of India may prefer an appeal to the Supreme Court of India and the Supreme Court may pass such order including an order varying the punishment awarded by the disciplinary committee of the Bar Council of India as it deems fit.<sup>58</sup> Thus, it is the professional bodies, the State Bar Council and the Bar Council of India which have power to decide who shall be on the rolls and who shall be disbarred.

It is to be noted that, by contrast Sec.34(1) of the *Advocates Act* empowers the High Court to make rules laying down the conditions subject to which an advocate shall be permitted to practice in the High Court and the courts subordinate thereto. Further, Art. 145 of the Constitution of India empowers the Supreme Court to make rules for regulating generally the practice and procedure of the court including rules as to the persons practicing before the court. Therefore, an advocates right to practice before a court is subject to the rules made by the High Court under Sec.34(1) of the *Advocates Act* and Art.145 of the Constitution of India. However, these provisions do not affect the power of the Bar Councils to enrol eligible people as advocates and enquire into complaints of professional misconduct. Hence an advocate had no absolute right to practice before courts. This position was reinforced by the fact that Sec.30 had not come into force.<sup>59</sup>

## **2. Judicial contribution towards independence of profession**

A dent into the prerogative of the Bar Councils to discipline its members was made by the decision of the Supreme Court in *Re Vinay Chandra Mishra's case*.<sup>60</sup> In this case, the Court found the contemner, an advocate, guilty of committing criminal contempt of court for having interfered with and “obstructing the course of justice by trying to threaten, overawe and overbear the court

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by using insulting, disrespectful and threatening language." The Court held that the "contemner shall stand suspended from practicing as an advocate for a period of three years."<sup>61</sup>

Aggrieved by the direction that the "contemner shall stand suspended from practicing as an advocate for a period of three years", the Supreme Court Bar Association, through its Honorary Secretary filed a writ petition under Article 32 of the Constitution before the Supreme Court. In this case, i.e., *Supreme Court Bar Association v. Union of India*,<sup>62</sup> it was argued that the disciplinary committees of the Bar Councils set up under the *Advocates Act, 1961* alone have exclusive jurisdiction to inquire into and suspend or debar an advocate from practicing law for professional or other misconduct, arising out of punishment imposed for contempt of court or otherwise.<sup>63</sup> The Constitution Bench of the Supreme Court accepted the argument and held that the Supreme Court cannot disbar an advocate or suspend his licence to practice as the power belongs to Bar. Observing so, the Court overruled the *Re Vinay Chandra Mishra's case* and restored to the Bar Councils the power on their members. At the same time the Court asserted that the Supreme Court under Art. 145 and the High Courts under Sec.34(1) of the *Advocates Act* have power to regulate the conduct of advocates who practice before them.

The matter was further clarified by the Supreme Court in *Ex-Capt. Harish Uppal v. Union of India*.<sup>64</sup> This is a very important decision of Five Judge Bench, which has analysed the concerned provisions of the *Advocates Act* as also Art.145 of the Constitution and demarcates the power spheres of the Bar Councils to lay down conditions subject to which an advocate may continue on the rolls of the Bar and the power sphere of the courts to lay down conditions subject to which an advocate can practice in courts.

The jurisprudence evolved by the courts and the efforts of advocates in asserting their prerogative to regulate the profession go the prove that the autonomy and independence of the profession is closely guarded. This is further buttressed by the fact that Sec.30 of the *Advocates*

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Act which confers on advocates, a right to practice in all courts and tribunals,<sup>65</sup> which was lying dormant almost for five decades was enforced on June 15, 2011 by the Central Government.<sup>66</sup>

The judgment of the Supreme Court in *R. Muthukrishnan v. The Registrar General of the High Court at Madras*<sup>67</sup> provides a beautiful exposition on the role of the Bar and the Bench. In this case, the Supreme Court observed that an Independent Bar and an Independent Bench form the backbone of Democracy and the Bar and Bench are complementary to each other and without their active collaboration and mutual support of one or the other, it would be impossible to preserve the rule of law and its dignity.

The observations of B.V.Nagaratna J. drive home the importance of an independent profession when she observed, "The legal profession is an independent profession inasmuch as the advocates stand up to the might of governments on behalf of the ordinary citizens while seeking justice for them. Therefore, independence of the legal profession would mean self-regulation. At the same time, we have the apex body viz., Bar Council of India as well as the Bar Councils in various States who are regulatory bodies and they make regulations to meet the challenges/changes and needs of the legal professions."<sup>68</sup>

### **3. Assertions of independent profession- Lawyers rise up to the occasion**

In his exhilarating Hamlyn Lectures, Lord Justice Stephen Sedley- one of England's brightest judges- reminds his readers that the *rule of law*, of which we in the democracies speak so glibly, is a necessary but not sufficient condition of a decent society. There is more to a decent society than the rule of law. For instance, judicial enforcement of rights by courts of law does not necessarily guarantee public understanding and support for those rights; such understanding or awareness needs to be inculcated and can only be achieved by education, and if lawyers are to be educators, they must be trendsetters inspiring public confidence.<sup>69</sup>

Lawyers were at the vanguard of the freedom movement. The practising lawyer was given a pride of place in our Constitution. In the fundamental rights chapter itself, in Article 22(1), it is proclaimed that no person who is arrested 'shall be denied the right to consult with and be defended

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by a lawyer of his choice.' When *Advocates Act* was passed in 1961, it was intended that lawyers would be entitled - as of right - to practice throughout India in all courts, in all tribunals, and before all persons authorised to take evidence (Section.30).<sup>70</sup>

In the words of Fali Nariman, the truth is that people- ordinary people (though not those working for governments)- regard lawyers as more equal than themselves. They look upon lawyers as trained to use the freedom granted by the country's Constitution, as persons who know better than ordinary people how to use this freedom. In times of grave crisis- constitutional or national- they look at lawyers (and associations of lawyers) to see how they react. They have done so in the past- and will continue to do so in the future.<sup>71</sup> The reason for this, in his own words is extracted below:

"The reason for this I believe is because, over the years, often without the support of any legal or constitutional guarantees, lawyers in most parts of the world have shown their true mettle. When times are bad, bar associations and its members are at their best. Also, bar associations and its officials are applauded (and remembered) for standing up and not being afraid of being counted. Post 26 June 1975, when Internal Emergency was clamped, Senior Advocate Ram Jethmalani, a lawyer cast in a heroic mould (you could wake him up in the dead of night and he would be ready for legal battle!), had made a hard-hitting speech at Palghat (in Kerala) against the imposition of the Emergency, and as a result was much sought after by police officers around the country, equipped with sniffer dogs and armed with a detention order and arrest warrant. Some of his friends filed a petition in the Bombay High Court for a stay of his arrest. What was uncommon about that case was not its subject matter or the result, but that 200 practising lawyers put their names down as appearing for him! Edmund Burke used to say that the study of law 'renders men acute', and that 'they are able to augur (soothsayer) misgovernment at a distance and sniff the approach of tyranny in every tainted breeze.' That is our strength; that is why we are also feared, particularly by those in power and authority."<sup>72</sup>

Further, quoting Lord Atkin, he adds that an impartial administration of law is like oxygen in the air; people know and care little about it till it is withdrawn. When it was withdrawn in India during the Internal Emergency (June 1975 to January 1977), the majority of those who stood up and were counted were the country's practicing lawyers. They openly fought the insolent might of the establishment, espousing human rights' causes. An increasing number of practicing lawyer are now crusading against varying forms of injustice and exploitation, and assisting in promoting change and

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development in favour of the poor and the deprived, particularly through the expedient known as public interest litigation.<sup>73</sup>

#### **4. How Advocates in turn have tried to save Independence of judiciary:**

The Constitution of India provides for a process of consultation in Arts. 124(2) and 217(2) between the executive and the judiciary in relation to appointment of the Supreme Court and High Court judges respectively. The interpretation of this expression 'consultation' has a strong bearing in preserving and maintaining the independence of judiciary. When there were attempts by the executive to attain an upper hand in the appointment of judges, it is the advocates and individuals who as a class stood up against the government to save the independence of judiciary.

The matter of appointment of Supreme Court and High Court judges came before the Supreme Court by way of public interest litigation in *S.P.Gupta v. Union of India*.<sup>74</sup> Many petitions were brought before various High Courts by advocates questioning the process of appointment of judges to the higher judiciary. All those petitions were transferred to the Supreme Court. The main question for consideration in this case was: of the several functionaries participating in the process of appointment of a High Court Judge whose opinion amongst the various participants should have primacy in the process of selection. The Supreme Court by majority gave a literal meaning to the word 'consultation,' in Arts. 124(2) and 217(2) and the final decision was left in the hands of the central executive; this made consultation with Chief Justices inconsequential. This judgement came to be severely criticised by a Bench of Supreme Court in *Subhash Sharma v. UOI*,<sup>75</sup> which emphasised that an independent, non-political judiciary was crucial to sustain the political democratic system adopted in India and it suggested that the matter be reconsidered by a larger Bench. As a result a Bench of nine judges was constituted which delivered the major judgment in *Supreme Court Advocates on Record Association v. UOI*.<sup>76</sup> A public interest litigation was filed in the Supreme Court by the Lawyers' Association raising several crucial questions concerning the appointment of judges of the Supreme Court and High Courts. The Court overruled the decision in *S.P.Gupta's case* and held that the 'consultation' envisaged in the Constitution indicates that the government does not enjoy 'primacy' or 'absolute discretion' in the matter of appointment of Supreme Court and High Court judges. The principles enunciated in this judgment

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were further elaborated and articulated by another Nine Judge Bench in *Re Presidential Reference case*<sup>77</sup> and has resulted in what has come to be known as collegium system.

While the collegium system invented by the court was appreciated for ensuring exclusion of political interference in the appointment of judges, it was also criticised for rewriting or amending the Constitution establishing monopoly of the judges in appointment of the judges. In the course of time dissatisfaction was expressed with its working. Consequently from time to time amendment of the Constitution was recommended for replacing the collegium by a broad based judicial commission representing the judges, the executive and other experts. Finally the Constitution was amended through the Constitution (Ninety Ninth Amendment) Act, 2014 along with a supportive Act i.e., *National Judicial Appointments Commission Act, 2014*. The amendment changed several provisions relating to the appointment of Supreme Court and High Court judges as well as the transfer requiring essentially the President to act on the recommendations of the National Judicial Appointments Commission whose constitution and functions were laid down in the Act. The Amendment and the Act were challenged before the Supreme Court by the Supreme Court Advocates on Record Association even before they came into force. In this case, *Supreme Court Advocates on Record Association v. Union of India*,<sup>78</sup> the Court by a majority of 4 to 1 invalidated the amendment as a consequence of which the Act also became invalid. The reason advanced was to maintain independence of judiciary.<sup>79</sup> This is how the Bar has endeavoured to protect the independence of judiciary which in turn has shown much concern for the protection of autonomy and independence of the profession.

##### **5. Attorney Generals/ Advocate Generals as independent professionals**

The office of the Attorney General/ Advocate General (AG) is historically and traditionally one of great respect and distinction. It is a constitutional post; the Attorney General for India under Art.76 and the Advocate General for the States under Art.165. The AG is by virtue of the office, by long tradition, the leader of the Bar, he is the principal legal advisor to the government and he has the right of pre audience in court. He is also entitled to speak and participate in the proceedings of

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the legislature and its committees- vide Articles 88 & 177. It is his function to advise the government and guide and monitor governmental litigation.<sup>80</sup>

Every advocate has two-fold duty- one to the client and the other to the court and in case of conflict the second duty must prevail. This is all the more so in the case of the AG. Government is not like every other ordinary litigant. As Justice Brandeis said, Government is a potent, omnipresent teacher. And as is inscribed on the portal of the US Supreme Court: The Government of the United States wins every case in which justice is done to the citizens.<sup>81</sup> Nani Palkhivala, in his letter dated December 11, 1989, to Soli Sorabjee on being appointed as Attorney General of India wrote as under:

“I wanted to congratulate you on your appointment as Attorney General. But after reading your public statement, I would like to congratulate India for having you as the highest law officer of the Government. What you have said about the Attorney General’s office - the guardian of public interest and the promoter of human rights - is so true and so little understood. The greatest glory of the Attorney General is not to win cases for the government but to ensure that justice is done to the people. In the United States, the motto of the Justice Department - carved into the rotundas of the Attorney General’s office is: “The United States wins its case whenever justice is done to one of its citizens in the courts.”

When Soli Sorabjee took over as Attorney General he had said that he did not see his role as that of a 'hatchetman' of the government of the day. He could be critical of the government whose principal law officer he was, much like his eminent predecessor Motilal Setalvad.<sup>82</sup> He set a very high bar for himself, promising that he would never be the mere mouthpiece of the government.<sup>83</sup> K.M.Munshi while delivering the presidential address at a conference organised by the Indian Law Institute referred to his old friend, the Attorney General, who had given the shining example of forensic fearlessness, even while occupying an office under the government and concluded that all these form an accumulated heritage of which the advocates should be proud and of which the coming generations should reap the benefit in freedom and order.<sup>84</sup>

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M.C.Chagla contrasts the high standards and principles of AG's office once occupied by M.C.Setalwad with the standards obtaining when occupied by Niren De in the following words in *Roses in December*:

I might say a word about Niren De. He was a friend of mine, but in public affairs friendship must give way to an objective judgment of a friend's actions. It is true that the Attorney-General represents the Government but he owes a duty not only to his client but also to the Court. He has to guide the Court and see that it does not come to wrong decision even if it is in favour of his client. But Niren De argued only from his brief and sometimes advance the most preposterous propositions. Compare this with the role played by Setalvad as Attorney General. The great reputation that the Supreme Court enjoyed before the advent of Ray was due as much to the ability of the Chief Justice as to the sterling independence of Setalvad who would never accept a proposition, even if it came from the Bench and was in favour of the Government, if he thought that the proposition was unsustainable in law.<sup>85</sup>

In this context, it should be mentioned that Fali Nariman who had moved to Delhi from Bombay on his appointment as an Additional Solicitor General resigned from that position on imposition of emergency by the Government which had appointed him. When Aishwarya Bhati was appointed as an Additional Solicitor General, Justice Rohinton Nariman congratulated her and he reminded her that even as a law officer her first duty was always to the court, and that she should always be fair to the court. This one line was so much for a law officer to always be conscious and mindful of.<sup>86</sup>

The AG is thus an *amicus curiae*- friend of the court in every sense in every case. Even when he appears and argues for the Government he is to assist the court in the administration of justice- holding the scales even between the citizen and the State. It is not uncommon to request the AG to assist the court even in cases where he does not appear.<sup>87</sup> Thus the AG is a lawyer first and is not a mouthpiece of Government.

## **V. Conclusion**

The Bar must be self governing and independent. Independence is necessary to stand upto the government in the service of rule of law and liberty of individuals. This is most necessary to tame the government from becoming authoritarian and to avert possible threat to democracy and

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constitutional order. When situation demanded, the Bar has risen upto the expectation and has ensured that democracy and rule of law survived and power holders are made to behave in a reasonable manner in different legal systems. The domain of independence of professions is carefully carved out in the UN Basic Principles on Role of Lawyers and the International Bar Association Standards for the Independence of Legal Profession in 1990. In India, the independence was sought to be achieved through creation of an autonomous profession through the Advocates Act, 1961 much before the UN Principles and IBA Standards. It is desirable that the regime of independence obtaining in India is brought in tune with the regime recommended at the international level so that the cause of rule of law is better served for the benefit of "We, the People of India."



## V. Gender Bias in Legal Profession

“A woman cannot be herself in the society of the present day, which is an exclusively masculine society, with laws framed by men and with a judicial system that judges feminine conduct from a masculine point of view.” - Henrik Ibsen<sup>1</sup>

Gender bias has been a social issue in India since from many centuries. Bias against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women.<sup>2</sup> UNICEF says ‘Gender equality implies that women and men, and girls and boys, enjoy the same rights, resources, opportunities, and protections. It does not require that girls and boys, or women and men, be the same, or that they are treated exactly alike.’<sup>3</sup> Although our Constitution grants equal rights to all, gender inequalities remain. It is true that the

women in India are worshipped as a form of Goddess of power and courage but it is also true that the Gender Inequality Index (GII) which was part of UNDP's Human Development Index (HDI) 2021, ranked India the 122<sup>nd</sup> out of 190 countries.<sup>4</sup> Such is the hypocrisy of the Indian society. On its path of development, gender issues in India have been largely ignored, despite them being critically important.<sup>5</sup>

Today's pace of modern economic growth provides plenty of employment opportunities for women as equal partners in the world. Women today stand for all round competition in almost all the spheres of the society. Since India's independence there has been considerable progress made by women. Women have as much as potential as men to contribute to the overall economic and social development of our country. But any field what so ever taken as a reference, a long-distinguished struggle story will be existing when the matter of participation of feminine gender would come up on surface. From the beginning of civilised society in the world one of such rudimentary field is protecting the legal rights of

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<sup>1</sup>Amrita Nair, ‘Unmasking the misogyny of Indian Courts’ <https://theleaflet.in/unmasking-the-misogyny-of-indian-courts/>, accessed on 15-05-2023.

<sup>2</sup> Prof.(Dr.) Nair Rajasekharan, ‘Gender Justice under Indian Criminal Justice System,’ Eastern Law House, New Delhi, 2011, pp 15-19

<sup>3</sup> Himanshi Saraswat, ‘Gender Bias in Legal investigations’, <http://www.sconline.com>, accessed on 16-05-2023.

<sup>4</sup>Parvathi Benu, ‘What the Economic Survey 2022-23 says about gender inclusion in India’, February 01, 2023 - The Economic Survey 2022-23 paints quite an optimistic picture of gender inclusion, <https://www.thehindubusinessline.com/data-stories/data-focus/what-the-economic-survey-2022-23-says-about-gender-inclusion-in-india/article66454795.ece>. Accessed on 26-04-2023.

<sup>5</sup> Nitish Mishra, ‘Gender Disparity in Legal Profession’, <http://lawtimesjournal.in/gender-disparity-in-legal-profession/> last visited on 09-10-2020.

every entity existing in such vicinity; the initiation of advocacy in its formal form, i.e., litigation or practising law as a profession. History is evident that from ages this profession is flourishing in almost all parts of the world as an indispensable half of the societal set up. Not only it was an inalienable part of the society but at the same time it was considered as one of the prominent professions among the list noble professions practiced in a civilized society.<sup>6</sup>In the profession of law, the competition was extremely tough and the educated women of India did assert their right of equality in the legal field to compete with men. There were hurdles to practice law for women, man-made law did not permit the entry of women in the profession of law. The Indian women were denied the privilege until the High Court of Allahabad took the lead and allowed the application of Miss Cornelia Sorabji by its historic judgment to practice law. She was the first woman who was enrolled as an advocate in India. This judgement created a strong and favourable public opinion. As a result, the Legal Practitioners (Women) act of 1923 was passed which became statutory right for women to practice law. After independence, equality of individuals before law is clearly enshrined in the Constitution of India.

Since 1923 many women joined the profession, law colleges now have several girl students but a very few make law as their career or practice law. However, women prefer to join as employees or partners in firms of Advocates or Solicitors rather than start private practice of their own. Women, as compared to men even today comprise a very small segment of the legal professionals in India though the number of women in the profession has been growing steadily, but their proportion in the total population of the legal practitioners is still less.<sup>7</sup>

### **Judicial Views**

The Indian Judiciary was active in its encouragement of women who took up the legal profession and went on to appoint the first woman Judge Hon'ble Justice Anna Chandy to Kerala High Court. Justice Anna Chandy had started her career as an Advocate in 1929 and had been appointed a Munsiff in 1937 thus becoming the first Woman Judge in pre-independent India. These two decades also saw the entry into the legal profession of two eminent lawyers who went on to become Hon'ble Justice Leila Seth and Hon'ble Justice Fathima Beevi Chief Justices of Himachal Pradesh and Kerala High Courts respectively. The

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<sup>6</sup>Ms. Prashna Samaddar, Gender Biased Battleground or Smooth Pathway: Challenges for Women Legal Professionals in 21st Century India, 2015 GJLS VOL III, No 1 Galgotias Journal of Legal Studies ISSN. 2321-1997, p-2.

<sup>7</sup>Sharma, Sheetal, 'Women lawyers practising at Delhi courts: a sociological study,' <http://hdl.handle.net/10603/29299> last visited on 12-10-2020.

former had been actively practicing advocate in Delhi, Kolkata and Patna High Courts for more than 15 years and the latter had risen from the position of a Munsiff and had retired as a Supreme Court Judge eventually. Curiously, over the years the representation of women has not increased in the Judiciary corresponding to the initial number of women Judges. The situation is such that there has been a demand of 33% reservation for women in the Judiciary to bring about parity between the numbers of male and female judges.<sup>8</sup>

### **Challenges Faced by Woman Being a Legal Professional in India**

Today legal fraternity are demanding a new and advanced ethical code for them and while talking about legal world in its strict sense women are now taken as its indispensable part. But the ethics get compromised at some point of time when there is a differential and discriminatory behaviour towards the female legal practitioners in the country. There are various causes at lion's share which stop them to have a happy presence in their profession. The discrimination of the gender biasness comes to them in different levels.<sup>9</sup>

There are several challenges that are faced by female advocates during the time of their profession, especially during the beginning of their profession. Some challenges as follows:

- **Physical Disadvantages**

Woman's physical structure places her to a disadvantage in the struggle for subsistence. Her physical well-being becomes an object of public interest and care in order to preserve the strength and vigor of the race.

- **Biological Factors**

The biological facts put the women in the disadvantages position. After early training as a lawyer, she must interrupt her career. Men do not need to interrupt their professional career to have babies. They can work leaving such matters to their spouses or female partners. It becomes hectic for women lawyers and more demanding at the peak of the legal profession. The biological interruption and its after birth of child caring and rearing, impose on women lawyers who have children are inescapable difficulties which most of their male counterparts do not experience.

- **Women Professional as Mothers**

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<sup>8</sup> Ashwin Kunal Singh, Dr. J. Adinarayana & Jayanthi Bai HL, A Socio-Legal Analysis of the Status of Indian Women in the Legal Profession, Pramana Research Journal, Volume 9, Issue 11, 2019 ISSN NO: 2249-2976, <https://pramanaresearch.org/>, p-150.

<sup>9</sup>Ms. Prashna Samaddar, 'Gender Biased Battleground or Smooth Pathway: Challenges for Women Legal Professionals in 21st Century India', <https://www.galgotiasuniversity.edu.in/pdfs/7-Gender-biased-battleground-or-smooth-pathway-challenges-for-women-legal-professionals-in-21st-century-india-prashna-samaddar.pdf> last visited on 12-10-2020.

Woman lawyers, as mother, may come to realise that there can be other and more fulfilling goals in life than working seven days a week and being at the beck and call of case-managing judges and demanding clients. Mothers may also select out of their jobs after childbirth because of lack of parental leave, flexible hours, or part-time work options, making it difficult to combine parenting and employment. Nevertheless, managing multiple roles is highly stressful and often it so happens that women executives develop various health problems like headache, backache or eye strain. Some of them even fall prey to depression because of their inability to manage everything at the same time.

- **Perception Attitudes towards Women Lawyers**

There are less desirable working conditions and blocked career advancement for women. Women are more likely to discontinue from law practice. Women's careers are confronted with choices that most men's are not as a result of this commitment, combined with fewer advancement opportunities, law firms and corporate legal departments are more likely to lose their female lawyers. Until women are granted equal opportunities in the legal profession, employer retention of women will become increasingly more challenging and sacrificial.

- **Existence of Glass Ceiling**

Glass ceiling is an invisible barrier that determines the level to which a woman can rise in a practice. It prevents women from occupying leadership positions in the practice. It is generally based on attitudinal or organizational biasness. There are many signs that make the glass ceiling visible in the organizations. A major sign of the same is the difference in remuneration of women. Women practitioners are paid far less than their male counterparts.

- **Networking**

Those who practice in the Bar networking is a very important aspect of progressing in a law career. However, women may find it difficult to break into networks that are strongly male dominated because they do not feel welcome there, because they do not have the time for socializing after regular work hours or are less able to travel to attend conferences because of other competing commitments. A large proportion of women lawyers believe that men have a better chance than women to be promoted to law firm partnerships and to equivalent positions in public law organizations because of their networks.

- **Male Dominated Society**

Most of the institutions of the society are male dominated in nature. The ideology of male dominance is so deep rooted in our society, but for this both men and women are responsible.

Women have been socialized in such a manner that they love being dominated.<sup>10</sup> The problem in the male dominated society is not only on the ground of biological functions but also the misinterpretation of values prescribed to males and females. The ideologies of male dominated society propagate the idea of motherhood which restrict women's mobility and burdens them with the responsibilities to nurture and rear children. The biological factor to bear children is linked to the social position of women's responsibilities of motherhood: nurturing, educating and raising children by devoting themselves to family. Thus, it also affects the women lawyers in practice.<sup>11</sup> These are some challenges faced by women in legal profession in India.

Women are increasingly entering the legal profession, yet they are not located in the same positions as men. Arguments that the mere entry of women must make a difference to the practice of law need to examine the work contexts where different methods might be adopted rather than focusing on the gender of the practitioner. The first step towards making the profession more "women-friendly" has to be by breaking down the internal barriers caused by the persistence of sex role stereotypes and norms dictating that women should be subordinate to men in public and in private life. While the ambivalence that women feel when trying to balance their traditional domestic roles with their professional role and the male centric approach of the profession itself cannot be gotten rid of overnight, small steps must be taken to make it more feasible for women to be successful in the profession. One such step lies in the Delhi High Court's proposal to set up a crèche for the day care of children of women advocates and court employees. With such moves, it can be said that small steps are being taken to make it more viable for women to have a successful legal career. However, these are mere drops in the ocean and much more needs to be done for any significant change to take place.<sup>12</sup>

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<sup>10</sup> Dr. Biswal Tapan, 'Human Rights Gender and Environment', viva books Private Limited, Delhi, 2006, p-240.

<sup>11</sup> Laha, Sangita, 'Study of women and legal profession a feminist approach', <http://hdl.handle.net/10603/175292>, last visited on 20-10-2020.

<sup>12</sup> P. Kannan, 'An Empirical Study on the Satisfaction Level of Women Lawyers towards Their Work Life Balance', <http://www.iosrjournals.org/iosr-jbm/papers/Vol12-issue3/D01231619.pdf?id=6423> last visited on 20-10-2020.



## **VI. Globalisation and Legal Profession**

*“Today mankind is entering a new phase of history made distinct by globalization which is cutting across all previous barriers and boundaries”- Dr.Adimola O. Popoola*

Globalization is the word used to describe the growing interdependence of the world's economies, cultures, and populations, brought about by cross-border trade in goods and services, technology, flows of investment, people, and information.<sup>1</sup> Globalization must not be viewed from the restrictive sense as it connotes the process of making global, being present worldwide. It has brought to the force universalisation of diverse issue of commerce, production, consumption, trade and information technology.<sup>2</sup> The aim of globalization is to secure real, socio-economic integration and development of all the people of the world through a free flow of goods, services, information, knowledge and people across the boundaries.<sup>3</sup>

Globalization is the free movement of goods, services and people across the world in a seamless and integrated manner. Globalization can be thought of to be the result of the opening up of the global economy and the concomitant increase in trade between nations. It means, when countries that were hitherto closed to trade and foreign investment open up their economies and go global, the result is an increasing interconnectedness and integration of the economies of the world.<sup>4</sup>

### **Impact of Globalization on Legal Profession**

Globalization has impacted all spheres of life; legal profession is not an exception to this. Globalisation has influenced the way of doing business and to a great extent impacted legal profession all over the world. The term 'globalization' in the context of legal service refers to opening up the legal market in a country to foreign nationals for setting up law firms and consultancy services and to practice in the court of law.<sup>5</sup>

Due to globalization a revolution has taken place in the legal profession. Globalization has brought about a lot of changes in the legal profession like training of the advocates, the professional skills of the advocates, use of computers, easy access to materials, development of corporate legal firms, entering of foreign law firms into legal market,

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<sup>1</sup><https://www.piiie.com/microsites/globalization/what-is-globalization>, accessed on 02-03-2023.

<sup>2</sup> <http://www.legalserviceindia.com/articles/lprof.htm>

<sup>3</sup> Deepshikha Anand Pathak, Law in Globalizing World, Whitesmann, Delhi, 2020, p-1

<sup>4</sup> Deepshikha Anand Pathak, Law in Globalizing World, Whitesmann, Delhi, 2020, p-1

<sup>5</sup> Faisal Fasih, Liberalization of Legal Profession and Its Implication on Legal Education: Indian Perspective, in Globalization and Development Current Trends 156 (Shantanu Chakrabarti & Kingshuk Chatterjee ed., 2012)

activities in project financing, intellectual property protection, environmental protection, competition law, corporate taxation, infrastructure contract, corporate governance and investment in law etc., these things were very much unclear before globalization. This global shift made a growing demand for new laws, regulations, and administrative gear to facilitate a new economic activity. This, in turn, has created the need for lawyers capable of practicing law within this new legal and regulatory environment, particularly in corporate law fields such as mergers and acquisitions, project finance, securities, and initial public offerings that are increasingly being demanded by the growing number of foreign and domestic companies operating in these jurisdictions.<sup>6</sup>

With these new developments the legal hurdles of international trade were abolished with the adoption of an international law and order that aimed to smoothen the flow of goods and services across borders. Consequently, institutions have grown which intended to ensure compliance and keep an eye on international trade as guided by the legal principles.

The process of globalisation has increased the trade between several nations which have dissimilar legal systems, hence, this required individual states to develop programs that make sure their systems are compatible to enable a feasible business environment. The increase of international economic and commercial activities has impacted the sovereignty of individual countries to adopt laws and hence has resulted in changes in the legal profession so as to regulate these activities.<sup>7</sup>

Globalization has increased the size of the legal market at the international level. The global legal services industry is predicted to increase at a 4.6% CAGR (Compound Annual Growth Rate) during the forecast period from 2022 to 2032. The legal services market is estimated to garner a valuation of US\$ 400 Billion by the end of 2022. Development in the historical period was driven by significant economic growth in emerging nations, increasing mergers and acquisitions (M&A), higher consumer spending/more disposable income, and legal sector deregulation. Regulatory hurdles, skills shortages, and in-house legal teams raised pressure on traditional law firms, all of which hampered expansion over the historical period.<sup>8</sup>

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<sup>6</sup>D. Wilkins, V. Khanna, & D. Trubek (Eds.), *The Indian Legal Profession in the Age of Globalization: The Rise of the Corporate Legal Sector and its Impact on Lawyers and Society* <https://thepractice.law.harvard.edu/article/indian-legal-profession-age-globalization/>

<sup>7</sup>Harsimran Singh & Associates, 'Globalization and its effects on legal profession India: Globalisation of Legal Services (...And Indian Perspective)

<https://www.mondaq.com/india/management/696680/globalisation-of-legal-services-and-indian-perspective> last accessed on 24-03-2021

<sup>8</sup><https://www.futuremarketinsights.com/reports/legal-services-market> , last accessed on 15-03-2023

Rising demand for transactional practice areas, a developing legal IT industry, and globalization will fuel development in the future. Owing to this factor, the worldwide legal services market is anticipated to attain a value pool of US\$ 627.12 Billion by the end of 2032.<sup>9</sup>

### **Globalization impact on legal profession in India**

The legal profession has conventionally functioned chiefly within national boundaries. However, as the process of globalisation intensifies, a mounting number of global transactions are affected by multiple legal orders. The process of globalisation is also witnessing a shift in the economic power from the global north to global south including countries like Brazil, China, India, Russia and South Africa (BRICS).<sup>10</sup>

In India globalization has brought a huge change in the legal sector services and a lot has changed. The intellectual property protection, corporate law field activities, competition law, etc., were almost unknown in the 90s. Back then the number of lawyers working in such a field was limited. But due to globalization, a revolution has emerged and the need for professionals in the aforesaid field has increased.

Globalization should not be looked upon in a restrictive sense as it has brought a change in the teaching of law students, training of advocates to refine professional skills to meet the challenges put down by the globalization and universalization of law. The increase in the high standards norms of the firms or legal industry requires lawyers capable of handling high profile cases which normally includes merger & acquisition, project finance, securities, and initial public offering that demanded by the foreign and domestic firms establishing in India.<sup>11</sup>

Today because of globalization the money earned by lawyers and workload both are effectively more than before. In today's fast-paced environment law students are trained and taught in a way to meet the present requirements, where effective work and proficiency in one's field is given utmost importance, which is the basic requirements.

Another important matter the globalization has impacted more on legal practice is that the impact of technology and communication system. Lawyer is essentially an information analyst and communicator. In this regard his job is made easier and difficult as a result of the information explosion and communication revolution. While the modern law

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<sup>9</sup><https://www.futuremarketinsights.com/reports/legal-services-market>

<sup>10</sup>N N Mathur, 'Globalisation and the legal profession', NI.UJ, Vol-1, Issue-1, Feb 2013, PP 84-86

<sup>11</sup> Rachit Garge, 'Globalization and its effects on legal profession', <https://blog.ipleaders.in/globalization-effects-legal-profession/> last accessed on 24-03-2021

offices in India is a technology marvel with infinite capacity for information research and online communication. But an average law office has to adopt to these new trends of technology into their offices. The future of the profession depends on how quickly and how successfully the transition is managed using the best of technology and providing a relatively level playing field to the members of the profession vis-a-vis the invasion by foreign professional services.<sup>12</sup>

In 1991, India opened its borders to allow multinational corporations into the country through a number of financial and economic reforms. India's legal services industry is growing at a rate of about 40% per annum, according to a report by Daisy Khanna, of KPO Consultants, a New Delhi-based consulting company which provides business solutions exclusively to the Legal Process Outsourcing (LPO) industry.<sup>13</sup> This is a good enough reason to think about the liberalization of the legal profession in India in the form of further reforms in the legal sector. In this regard, India is also planning to liberalize its legal profession, and in the near future foreign law firms may get the right to practice Indian law.<sup>14</sup>

One of the best revolutions brought by globalization was that finally foreign inventors and companies were allowed to export their state-of-the-art technology to India. The provisions of the Advocates Act 1961 (Act), and BCI regulations are too rigid as section 24 of the Act states that a person can only be allowed to practice in India if the person has studied law from a BCI recognized Law college and qualified under the Advocates Act, 1961 and a foreign national can only be permitted to practice law if that person is duly qualified, to practice law in their country. Section 33 the Act states that advocates are entitled to practice law, except as otherwise as per the Act or any other law for the time being in force, no person shall, on or after the appointed day, be entitled to practice law unless he is enrolled as an Advocate under the Act.

In 2012 in the case of *AK Balaji v. Government of India*<sup>15</sup>, the plaintiff filed the case in High Court through Article 226 under the writ of mandamus stating that the Government officials and Bar Council of India must look into some of the foreign legal firms and foreign solo practitioners who are working in the Indian legal scenario even though they are not

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<sup>12</sup> Prof. Menon Madhav, N.R., 'Reflections on Legal and Judicial Education', 2009, Universal Law Publishing Co. Pvt. Ltd., Delhi, p.117

<sup>13</sup> [https://asialawportal.com/indias-legal-industry-is-booming-and-theres-room-for-growth/#:~:text=India's%20legal%20services%20industry%20is,Process%20Outsourcing%20\(LPO\)%20industr y, 20-03-23](https://asialawportal.com/indias-legal-industry-is-booming-and-theres-room-for-growth/#:~:text=India's%20legal%20services%20industry%20is,Process%20Outsourcing%20(LPO)%20industr y, 20-03-23)

<sup>14</sup> Dr. Mohammad Atif Khan, Influence of Globalization on Indian Legal Profession, International Journal of Law Management & Humanities [Vol. 4 Iss 4; 2222] © 2021. International Journal of Law Management & Humanities [ISSN 2581-5369], <https://www.vidhiaagaz.com>

allowed to do so under the Advocates Act, 1961. The Madras High court held that the foreign legal firms can come to India on “a fly- in and fly- out” basis and in turn can provide advisory services to their clients based in India. Also, it was said that there is no provision which bars foreign firms to work in India regarding any international arbitration proceedings or negotiations

There are so many laws that need expert advice and demand legal knowledge in the society which can only be filled when there is a lawyer who has the proficiency to do the required. We not only need lawyers, judges, or jurists, we want them to be enriched with good knowledge and expertise that serves the revolution by Globalization. The challenges created through Globalization can only be resolved if our legal education system chooses to have a multi-purposive and multidisciplinary approach. A good lawyer studies the case through all the political, societal, technological aspects. The only way to fix our position in this changing global legal world is to produce hard-working, devoted, committed, skilled law professionals who are adaptive to reformations.<sup>16</sup>

Globalisation presents both opportunities and challenges to the legal profession. It is pertinent that all the stakeholders in the legal profession judges, lawyers, practitioners, legal academicians, law schools and law students work collectively to derive maximum gain from the opportunities presented and effectively deal with the challenges posed.

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<sup>16</sup>N N Mathur, ‘Globalisation and the legal profession’, NLUJ, Vol-1, Issue-1, Feb 2013, PP 84-86



## VII. Pandemic effects and challenges before lawyers

Like the 19<sup>th</sup> century's Bubonic Plague and 1918's Spanish Flu, COVID-19 has created lot of problems throughout the world. The whole world was its victim, including the Judiciary and the legal profession. The guardian of law now finds itself compelled to guard against this deadly virus, its fraternity and litigants alike.<sup>1</sup> The pandemic also affects lawyers all around the world and specially in India in their daily professional activities, which causes a great impact on the legal profession.

By the middle of March, 2020, India began to see a spike in the number of reported cases of COVID-19. In anticipation of a severe health crisis, the government announced a nationwide lockdown on the 24th of March.<sup>2</sup> The nationwide lockdown has brought to the fore the great disparity in the legal profession. The vast majority of lawyers, especially in the lower courts, function on a case-to-case basis for their income. And when the courts do not function, their economic situation becomes precarious.<sup>3</sup>

When the nationwide lockdown with an insistence on social distancing was announced on March 24, the judiciary, from the Supreme Court to the lowest courts, decided that they would only attend to extremely urgent matters. This would be done through video conferencing.<sup>4</sup> This raises important questions of access to technical skills and training that is required for a lawyer to plead his cases to the court via online means. The majority of lawyers in India do not have these skills or have access to high-speed internet connections. On top of that, courts are insufficiently equipped for online procedures as well.<sup>5</sup>

It has been 1 year since the lockdown had been announced and second wave also hit the country massively and states announced lockdowns in their respective states and every

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<sup>1</sup>Rusy Kohli, 'From the bubonic plague to COVID-19: Impact of pandemics on the legal profession in India' <https://www.barandbench.com/columns/from-the-bubonic-plague-to-covid-19-impact-on-the-legal-profession-in-india> last visited on 27-10-2020.

<sup>2</sup><https://lawyersforlawyers.org/en/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-india-2/>

<sup>3</sup>Anupam Agarwal, 'COVID-19 will change the future of litigations', <https://yourstory.com/2020/05/covid-19-change-future-litigations> last visited on 27-10-2020.

<sup>4</sup> Sruthisagar Yumunan, 'India's coronavirus lockdown is revealing deep income disparities in the legal profession', [https://amp-scroll-in.cdn.ampproject.org/v/s/amp.scroll.in/article/958528/indias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession?amp\\_js\\_v=a6&amp\\_gsa=l&usqp=mq33lAQFKAGwASA%3D#aoh=16038698807413&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fscroll.in%2Farticle%2F958528%2Findias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession](https://amp-scroll-in.cdn.ampproject.org/v/s/amp.scroll.in/article/958528/indias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession?amp_js_v=a6&amp_gsa=l&usqp=mq33lAQFKAGwASA%3D#aoh=16038698807413&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fscroll.in%2Farticle%2F958528%2Findias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession) last accessed on 27-10-2020.

<sup>5</sup>Dilip Chakma, 'COVID-19 Series: The impact of the crisis on lawyers in India', <https://lawyersforlawyers.org/en/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-india-2/> last accessed on 5-05-2021.

other service, is trying to sustain themselves through this time and continue to operate through various other modes which involve social distancing like use of Video Conferencing Apps and Work from Home. It is an understood fact that this type of working has brought in a lot of changes and challenges for and to the services and offices.

In the legal Profession, it was seen that, lawyers often used to work from home about 2 to 3 days in a week, but that was on an individual basis, but now that the whole Bar or courts are operating digitally with various apps and online methods, with no idea as to when they will return to their offices. The Big cooperate Law firms, have found these online modes very cost effective as they do not have to maintain such big infrastructures for efficient working. As for the courts, they also have been functioning online, with important cases being tried through video conferencing.

Even before this Pandemic, there was planning to make the courts digitalize for various matters. In an event organized by the Supreme Court Bar Association, Chief Justice S.A Bobde mentioned the idea introducing “Artificial Intelligence in Courts”. With this Independent Lawyers have also started Online Consultations for their Clients and have been increasingly using E- Contracts.<sup>6</sup>

The courthouses across the country have been forced to adopt new technologies at every stage of proceedings. In normal days, courts are mostly overcrowded with people including lawyers, litigants and other supporting staff. The court norms and procedures have been undergoing drastic changes during the lockdown. Judges are being given more powers to device ways for speedy trials. The impact of the lockdown is felt by all stakeholders. The legal culture, structural, economic, delivery patterns, and self-regulation are all affected. The pandemic has opened the doors for gradual transformation of various platforms for all stakeholders. It will change the legal culture in India with or without the support from establishment.

Digital transformation some areas of civil litigation have already undergone transformation. Even before the outbreak, attorneys occasionally used to carry out remote declarations through telephones and delivered documents in large boxes across the country. Now the situation is different. Offices and courts are closed, resources are not available for printing and shipping of documents, and attorneys have already begun to use video conferencing for depositions and hearings. Video conferencing has seen rapid

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<sup>6</sup> Samaira Nakra, 'Effect of Covid 19 On Legal Profession', <https://inbaviewpoint.org/effect-of-covid-19-on-legal-profession/>

implementation in hearings. The establishment of e-courts is increasing and e-filing has also become more accessible for the attorneys. It also reduces the petition's paper size and allows only mandatory or critical documents to be annexed in any case. Sign up for our exclusive newsletters. Subscribe to check out our popular newsletters. Clients who did not attend the proceedings before the outbreak, can now witness virtual proceedings. Many courts have successfully installed technologies to conduct hearings and examine witnesses.<sup>7</sup>

COVID 19 is considered to be a boon in disguise of a bane for Lawyers. This crisis also gives a proof that the courts are efficiently equipped with sufficient ways to act at any time or in an hour of need. This Pandemic has also helped us to eradicate certain methods of age old practices and go digital and effective. This is how pandemic has changed legal profession in adapting digitalisation in legal profession. The other effects of pandemic as follows:

#### **Human rights violation and lawyer's response**

The lockdown has been marred by the large number of incidents involving police brutality and torture. This has been reported from every state currently affected by COVID-19. We found that in numerous cases police baton charged people who were leaving their home to seek essential services such as food supplies and household provisions. Video footage has revealed numerous cases of policemen singling out individuals and brutally thrashing them in public spaces.

The legal sanction for such police impunity was drawn from the imposition of section 144 of the Criminal Procedure Code (Cr.PC) in every state along with bringing into force the Epidemic and Disease Act 1897. Section 144 of Cr.PC prohibits the unlawful assembly of four or more persons, this section has been notoriously used by the police to prevent protest and prevent riots and unrest. This section was imposed in relation to the Epidemic and Disease Act 1897 which allowed the police to book an uncounted number of people for the violation of the lockdown. In Uttar Pradesh alone, in the first 15 days of lockdown more than ten thousand cases were registered along with other draconian provisions of the Indian penal code.

Access to justice was limited due to the closure of courts and also the targeting of lawyers. Lawyers looking to respond to cases of human rights violations were limited not only due to the closure of judicial complexes but also road blockades. Lawyers were not

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<sup>7</sup>Anupam Agarwal, 'COVID-19 will change the future of litigations', <https://yourstory.com/2020/05/covid-19-change-future-litigations> last visited on 27-10-2020.

allowed to open their chambers in many of the Indian states for more than two months. Being unable to open their chambers has severe consequences for the ongoing struggle for human rights. Families of arrested persons will remain deprived of legal aid as not only can they not visit the lawyer's chamber's; they are also prevented from visiting the police station to file complaints or secure release of their family members. Due to the lockdown the family was unable to access the courts as the court complex and chambers were shut.<sup>8</sup> This is how human rights of lawyers were affected by pandemic.

### **Pandemic and Pendency of Litigation**

The Indian Judiciary has been overburdened for several years, and COVID-19 is only adding to this menace. As of May 27, 2020, there are approximately 3.24 crore pending cases in India's subordinate courts and about 48.2 lakh pending cases in the High Courts.

The Supreme Court, vide its notification dated March 13, 2020, restricted functioning of the Court to "urgent matters" only. High Courts too have restricted their functioning to urgent matters. In normal course, a High Court hears north of 400 matters a day, since late March 2020, High Courts across the country are hearing somewhere between 10-100 matters a day. Subordinate courts account for over 80% of pending cases.<sup>9</sup>

### **Justice Delayed Is Justice Denied**

Pendency in India's courts has always been a hindrance in securing timely justice for people, if not denying justice altogether. As the usual functioning of courts has been disrupted, many under trials and even many of those whose appeals are pending, are left with no recourse. It can hardly be denied that the subject adage has particular force in the criminal sphere.

In pursuance of the Apex Court's directions dated March 23, States and Union Territories have been asked to constitute High Powered Committees "to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate."

Therefore, each state is free to determine its own criteria for granting bail. Further the Supreme Court has clarified vide its order dated April 13, 2020 that it has not directed the states/union territories "to compulsorily release the prisoners from their respective prisons." This clarification has allowed High Courts to further restrict the nature of cases in

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<sup>8</sup><https://lawyersforlawyers.org/en/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-india-2/>

<sup>9</sup>Rusy Kohli, 'From the bubonic plague to COVID-19: Impact of pandemics on the legal profession in India' <https://www.barandbench.com/columns/from-the-bubonic-plague-to-covid-19-impact-on-the-legal-profession-in-india> last visited on 27-10-2020.

which they are prepared to grant bail. Coronavirus cases have already sprung up in various jails across India, including over 180 cases in Mumbai's Arthur Road Jail.<sup>10</sup>

### **Plight of Advocates and Law Firms**

There is also financial implication for lawyers. The courts have come to a standstill, which means that there are no new clients for the majority of the lawyers and therefore no income. Junior lawyers, without an established legal practice or family connections to bank upon, are most vulnerable. Thus, lawyers might find the going very tough in the months ahead as the pandemic continues.<sup>11</sup> Daily appearances in court are the main source of income for most advocates, and cash flow has come to a drip, if not completely dried up. The legal profession features some senior counsels who charge lakhs for a hearing and crores as retention fees. This group is a small minority but they corner a disproportionate number of important matters in the courts. That unequal mix has been exacerbated during the lockdown.

Law firms have also been severely affected. Many partners have either chosen to renounce salaries or agreed to take significant pay cuts.<sup>12</sup>

Lawyers' associations have responded to the lockdown problem. The Supreme Court Bar Association now provides an interest-free loan of Rs 25,000 to members repayable in two years. Bar Associations in Maharashtra, Tamil Nadu and Karnataka are devising their own strategies to provide financial help to struggling lawyers during the lockdown. However, lawyers the situation would improve only when the courts start functioning normally.<sup>13</sup>

It appears that the Coronavirus is here to stay, and the Judiciary needs to cope with it. Normal functioning or rather "new normal" functioning of courts is going to take its own time. Hopefully, it shouldn't take too long, lest *Lady Justice* will soon have to, along with a blindfold, sword and scales, be adorned with *a face mask*.

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<sup>10</sup>Rusy Kohli, 'From the bubonic plague to COVID-19: Impact of pandemics on the legal profession in India' <https://www.barandbench.com/columns/from-the-bubonic-plague-to-covid-19-impact-on-the-legal-profession-in-india> last visited on 27-10-2020..

<sup>11</sup>Anupam Agarwal, 'COVID-19 will change the future of litigations', <https://yourstory.com/2020/05/covid-19-change-future-litigations> last visited on 27-10-2020.

<sup>12</sup>Rusy Kohli, 'From the bubonic plague to COVID-19: Impact of pandemics on the legal profession in India' <https://www.barandbench.com/columns/from-the-bubonic-plague-to-covid-19-impact-on-the-legal-profession-in-india> last visited on 27-10-2020.

<sup>13</sup>Sruthisagar Yumunan, 'India's coronavirus lockdown is revealing deep income disparities in the legal profession', [https://amp-scroll-in.cdn.ampproject.org/v/s/amp.scroll.in/article/958528/indias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession?amp\\_js\\_v=a6&amp\\_gsa=l&usqp=mq33lAQFKAGwASA%3D#aoh=16038698807413&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fscroll.in%2Farticle%2F958528%2Findias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession](https://amp-scroll-in.cdn.ampproject.org/v/s/amp.scroll.in/article/958528/indias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession?amp_js_v=a6&amp_gsa=l&usqp=mq33lAQFKAGwASA%3D#aoh=16038698807413&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24s&ampshare=https%3A%2F%2Fscroll.in%2Farticle%2F958528%2Findias-coronavirus-lockdown-is-revealing-deep-income-disparities-in-the-legal-profession) last accessed on 27-10-2020.

