

**SPEECH BY THE PRESIDENT OF INDIA, SHRI PRANAB MUKHERJEE AT  
THE INAUGURATION OF NATIONAL SEMINAR ON WELFARE OF  
LAWYERS, ACTIVITIES FOR MEMBERS OF THE BAR, PARTICULARLY,  
THE JUNIOR MEMBERS, DEPRIVED MEMBERS AND LADY MEMBERS  
OF THE BAR**

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1. I am glad to have this opportunity to be present on the inauguration of the All India Seminar on welfare activities for members of the legal fraternity and compliment the Bar Council of Delhi for taking the initiative in holding a discussion on this issue.

2. I am a student of law and have graduated in the subject. Lawyers and their lives always create immense interest for me.

3. Though I have not had the good fortune of practicing at the Bar, I am aware of the travails of lawyers, especially the 'Juniors' and women lawyers. In the public mind, normally the image of a 'lawyer' denotes the most successful members of the Bar who command wide respect, whose views are valued and listened to, who earn huge fees, write columns in newspapers and appear regularly on television debates.

4. The reality, however, is that such lawyers constitute an extremely small fraction of the entire community. The large majority struggle to survive and uphold the law amidst very difficult circumstances, with little public attention, poor infrastructure, meagre earnings and stiff competition. Women lawyers and those with other disadvantages find the going even more tough.

5. I am particularly happy about the focus on women in the Seminar because there is wide recognition of the need to ensure the safety and security of women in our society at large. Women lawyers can play an important leadership role in this regard. But, it is absolutely essential that an appropriate and conducive environment be ensured for them in the first instance. I gather that a group of lady lawyers in the Supreme Court have moved a petition to

seek the enforcement of the Courts own verdict in the Vishakha case on providing a more congenial workplace environment within the Courts for lady lawyers. I am sure the Supreme Court will give expeditious attention to the matter.

6. The recent incidents of brutal assault and child rape in Delhi have shaken our society's collective conscience. They highlight the urgency with which we need to introspect at the erosion of values and our repeated failure to ensure safety and security of our women and children. We must ensure the dignity and respect for women at all times. The legal fraternity, especially women lawyers must be in the vanguard of enabling our nation reset its moral compass. Lawyers and the Bar Council of Delhi must do everything possible to disseminate the values of human dignity and equality as well as ensuring that the rights of women are protected at all times.

7. Ladies and gentlemen, the judiciary is one of the most important pillars of our vibrant democracy. Lawyers play an extremely important role in enabling the public access justice and ensuring that our Constitution becomes a living reality. The legal profession is regarded a noble profession in every society where the rule of law prevails. In India, a large number of our national leaders including, Mahatma Gandhi and Pt. Jawahar Lal Nehru were lawyers. In fact it can be argued that training as lawyers and exposure to legal systems in India and abroad for our leaders played a major role in the evolution of our unique national movement which sought to wrest from the British freedom, basic rights and democracy using reason, argument, peace, non-violence and moral courage.

8. I have no hesitation in stating today that the Indian legal system as a whole has lived up to the faith and confidence of the people. The Bar as well as the Bench deserves unequivocal recognition for this stellar achievement. The quality and speed with which justice is delivered is at the heart of our democracy. It is essential that we ensure the legal fraternity is knowledgeable, well trained, socially committed and equipped with the best of facilities and

infrastructure. Lawyers should be confident and secure in their profession. Only then can they work to make sure that the justice system delivers the best results possible to the citizens of our country.

9. I am happy to know that the Bar Council of Delhi is committed to making a reality the words of Mahatma Gandhi when he said lawyers should not make their profession subservient to the interest of their purse, but use their skills for the service of our country. I believe when the Advocates Act was passed in 1961 there were only around 3000 lawyers across the country. Today, the Bar Council of Delhi alone has around 70,000 members and I understand there are almost 17 Lakh lawyers enrolled across the nation. There exists huge disparities between the elite at the top of the profession and young lawyers who support them and make their success possible. New entrants to the legal profession need to be helped find their feet.

10. The Advocates' Welfare Fund Act of 2001 which the Ministry of Law and Justice is tasked to administer is a beginning in this regard. This Act provides for the constitution of a Welfare Fund for the benefit of advocates all over the country and also makes provision for 20 % of the annual enrolment fee of advocates registered with a state Bar Council to be remitted to the Welfare Fund maintained by that individual state Bar Council. Aside from the enrolment fees of advocates, other sources of funding for this Welfare Fund include voluntary contributions, contributions from other advocates, contributions from the Bar Council of India and also sums collected by way of sale of welfare stamps affixed on the Vakalatnama.

11. The Advocates' Welfare Fund Act provides that the Trustee Committee will have the power to make ex-gratia payments to any member advocate and every such member advocate, who has been a member of the fund for five years, will be entitled to receive a certain sum, the amount of which is determined after an assessment of such member's practice and also taking into account their number of years in practice. The Act also provides that if an advocate ceases to practice as a result of permanent disability, the Trustee

Committee may pay such member an amount similar to what such individual would be entitled to receive according to the length of their practice. The Trustee Committee of such funds is also required to take Group Life Insurance on the life of the members of the fund and may use the funds for construction or maintenance of common facilities for its members.

12. As with many of the laws in the country, the challenge is to ensure effective implementation of this legislation. I am sure there is also need to mobilise additional resources for the Welfare Fund. I hope this seminar will focus on how the goals of the Advocates' Welfare Fund Act can be met and obstacles in the path of effective implementation removed.

13. Law is a very demanding profession and can be particularly arduous for lady members who have to juggle familial obligations alongside professional tasks. I have absolutely no doubt that women lawyers are as good if not better than many of their male counterparts. Unfortunately, they are still to get their full share. The Supreme Court has had only a handful of lady judges so far and designated Senior Advocates are also few in number. There is need for a conscious effort to establish a level playing field in this regard.

14. Lawyers should drive the fulfilment of democratic values and lawyers as a group must campaign for positive change in society. While representing their clients preserve the rule of law and act as safeguards of the individual rights of citizens, lawyers have a larger role to play in our constitutional democracy and should not shy away from this responsibility.

15. I am confident the deliberations in the Seminar will generate new ideas on additional welfare activities which could be undertaken and how to go about the same. I would like to use this occasion to call upon Judges to take special efforts to encourage young members of the Bar by considering them for local commissions and appointment as "*Amicus Curiae*" or "Friend of the Court" in cases of public importance. I am sure such initiatives will boost the confidence and morale of the younger members of the legal fraternity.

16. I congratulate the Bar Council of Delhi for having taken the lead in organising a Seminar of this nature, which is of significance to lawyers across the country. I wish the Seminar and all its participants every success. I hope these deliberations will lead to concrete action by the Bar Council of Delhi as well as all concerned authorities.

17. Let me conclude with a quote from two legal scholars, Mr. Rennard Strickland & Mr. Frank T. Read. According to them "At the most pragmatic level, lawyers are society's professional problem solvers. Lawyers are called upon to make distinctions, to explain how and why cases or experiences are alike or different. Lawyers are expected to restore equilibrium, to be balancers. Every discipline, every profession, every job, and every calling has a cutting edge. At that cutting edge, lines are drawn. Lawyers and judges are society's ultimate line drawers. On one side of the line, the conduct, action, or inaction is proper; on the other side of the line, it is not."

18. Let me also repeat to my young lawyer friends the words of Abraham Lincoln, former President of the US and himself an eminent lawyer "Let no young man choosing the law for a calling for a moment yield to the popular belief -- resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer."

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