



THE BAR COUNCIL OF TAMILNADU & PUDUCHERRY

P.S. AMALRAJ
CHAIRMAN

High Court Campus,
Chennai - 600 104
Phone No : 2534 2739, 2535 2595
E- Mail : secretary@bctnpy.org
Office Mail : contact@bctnpy.org
www.bctnpy.org

Dated 12.07.2024

To:

**The President/Secretary,
All Bar/Advocate Associations.**

Sir/Madam,

CIRCULAR

In view of the order passed by the Hon'ble High Court of Madras in W.P. No. 17976/2019 dated 12.06.2024, the Bar Council of Tamilnadu and Puducherry in the General Council Meeting held on 05.07.2024, has passed a Resolution vide Resolution No. 520/2024 to Circulate the said order to all the Bar/Advocate Associations intimating about the directions issued by the Hon'ble High Court of Madras which reads as follows,

- (a) Any Advocate/Senior Advocate employing the services of Junior Advocates shall pay a minimum stipend of Rs. 20,000/- per month for advocate practising in the major cities of Chennai, Coimbatore and Madurai. (The Minimum amount is derived taking into consideration the cost of living and expenditure cost prevalent as on today).
- (b) Any Advocate/Senior Advocate employing the services of Junior Advocate shall pay a minimum stipend of Rs. 15,000/- per month for Advocates practising in other areas across the State of Tamilnadu and Puducherry.

(c) In the context of fixing of this minimum monthly stipend, this court would also like to bring to the fore the issue of pay disparity based on gender. Though this systemic issue of gender pay gap is beginning to gain attention, this issue is rarely spoken about. It is high time that we start making the difference. Hence, the minimum stipend fixed above shall be extended to all Junior Lawyers without kind of discrimination based on Gender.

The Hon'ble High Court also observed that it is the incumbent duty of all the stakeholders in the legal profession to provide an environment where every member of the legal fraternity feel valued and treated with respect. Opinions and thought may differ but the pages of our history have shown that the Lawyer community as a whole have always been the torchbearers of self-expression.


CHAIRMAN, BAR COUNCIL.

Enclosure:

Order passed by the Hon'ble High Court of Madras in W.P. No.17976/2019
dated 12.06.2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twelfth day of June Two Thousand Twenty Four

PRESENT

THE HON`BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON`BLE MR.JUSTICE C.KUMARAPPAN

WP.NO.17976 OF 2019

FARIDA BEGAM

[PETITIONER]

Vs

1 THE PUDUCHERRY GOVERNMENT, [RESPONDENTS]
REP.BY THE CHIEF SECRETARY TO GOVERNMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

2 THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

3 THE SECETARY TO GOVERNMENT,
FINANCE DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

4 THE SECRETARY TO GOVERNMENT,
LAW DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001



5 THE CHAIRMAN,
BAR COUNCIL OF TAMIL NADU,
MADRAS HIGH COURT BUILDINGS,
CHENNAI - 600104

6 ADVOCATES ASSOCIATION,
PONDICHERRY.

(R6 SUO-MOTU IMPEADED AS PER ORDER DATED 21/11/2019 MADE
IN WP.17976/2019 BY NKKJ, RPAJ)

7 THE PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU,
FINANCE DEPARTMENT, FORT ST.GEORGE,
CHENNAI.600 009.

8 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
LAW DEPARTMENT, FORT ST.GEORGE,
CHENNAI.600 009.

(R7 AND R8 ARE SUO MOTU IMPEADED AS PER ORDER DATED
03.06.2024 IN WP.17976/2019 BY SMSJ AND CKJ)

9 PUDUCHERRY BAR ASSOCIATION,
REP.BY THE PRESIDENT,
DISTRICT COURT BUILDINGS, PUDUCHERRY 605 001.

10 KARAIKAL BAR ASSOCIATION,
REP.BY THE PRESIDENT,
KARAIKAL COURT BUILDINGS.

11 MAHE BAR ASSOCIATION,
REP.BY THE PRESIDENT,
MAHE COURT BUILDINGS.

12 YANAM BAR ASSOCIATION,
REP.BY THE PRESIDENT,
YANAM COURT BUILDINGS.



13 INHABITANTS PUDUCHERRY ADVOCATES
WELFARE ASSOCIATION, REG.S.NO.141 OF 2021,
IPAWA, DISTRICT COURT BUILDINGS, PUDUCHERRY,
REP.BY THE GENERAL SECRETARY, M.SIVASUBRAMANIAN.

(R9 TO R13 ARE IMPLEADED AS PER ORDER DATED 03.06.2024 IN
WMP.26690/2021IN WP.17976/2019 BY SMSJ AND CKJ)

Writ Petition under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a writ of Mandamus with suitable directions to R1 to R5 to implement and enforce The Advocates Welfare Fund Act, 2001 to Puducherry union territory in accordance with Puducherry LA GAZETTE DE L'ETAT vide in G.O.Ms.No.14/2008-LD., dated 02.07.2008; and R1 to R5 pay a compensation of Rs.25,00,000/- to the petitioner with costs; or any other suitable writ (WP.NO.17976/2009)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.ELANGO VAN, Advocate for the petitioner and of MR.A.TAMILVANAN, Additional Government Pleader on behalf of the 1 to 4 Respondents and of MR.C.K.CHANDRASEKAR, Advocate for the 5th Respondent and of MR.JOHN J.RAJA SINGH, Advocate for the 7th and 8th Respondents and of MR.G.MASILAMANI, Senior Advocate, Chairman of Trust Committee, the court made the following order:-



The lis on hand is all about the Welfare Schemes and the safeguards to be provided to the Advocates enrolled in the State Roll and practising in various Courts across the State of Tamil Nadu and Puducherry.

2. The grievances of the Advocates and the Junior Advocates though addressed in many platforms, not redressed suitably. Thus, this Court has impleaded the Government of Tamil Nadu also to ensure that the applications received to settle the Welfare Fund Scheme benefits are paid to the eligible members without causing undue delay.

3. Firstly, regarding the Welfare Fund Scheme in Pondicherry, we have invited Mr.G.Masilamani, learned Senior Advocate, who is holding the post of Chairman of Trust Committee constituted under Section 32 of the Advocates' Welfare Fund Act, 2001. Mr.G.Masilamani, Chairman of Trust Committee would submit that he held several meetings with the Stakeholders and the Government of Puducherry and submitted a proposal for implementation of Schedule-I to the Act and for enhancement of Scheme amount. The proposal is yet to be approved, on account of internal dispute between the Advocates' Association in Pondicherry and Karaikkal. It is brought to our notice that the issues are resolved and elections were conducted. Thus, the Bar Council of Tamil Nadu and Puducherry is directed



to conduct a meeting with the recognised Associations at Pondicherry and Karaikkal and to ensure that the proposals submitted by the Trust Committee has been materialised by the Government of Pondicherry by issuing suitable amendments enhancing the Welfare Fund Scheme amount. Delay in finalising the proposal would result in hardship to the eligible members, who all are waiting to receive the Welfare Fund benefits. Thus, the Bar Council of Tamil Nadu and Puducherry, Government of Puducherry and the recognised Associations in Pondicherry and Karaikkal are directed to co-ordinate and ensure that the proposal for amendment of Schedule-I submitted by the Trust Committee constituted is finalised and the enhanced benefits due to the members are settled as expeditiously as possible.

4. Secondly, we have considered the issue relating to safeguarding of the livelihood of Junior Advocates employed by the Advocates / Senior Advocates.

5. Section 6 of the Advocates Act, 1961 enumerates functions of a State Bar Council. Section 6(1)(d) stipulates that the rights, privileges and interest of the Advocates on its roll to be safeguarded by the State Bar Councils. Safeguarding of rights, privileges and interest of the Advocates being one of the functions of the Bar Council, it is duty bound to ensure that the Junior Lawyers, who all are entering into legal profession with great



ambition are encouraged and their livelihood is protected. We are particularly, concerned about the livelihood of the Junior Lawyers, who all are coming from marginalised section, and from rural areas to the City to practice law

6. Earlier, the access to professional courses like Law was reserved only for the people with privileged background. But today, the Constitutional ideals played a pivotal role in creating a pathway to all Young graduates to come from multi-cultural, multi-social, multi-economic and diverse backgrounds. The noble profession of law is one of the frontrunners in reinventing itself as and when the need arises. Especially, post the Covid-19 pandemic, the Lawyers have adopted themselves in tune with technology and we are striving forward as a community to address pertinent issues in the field of law.

7. Young Lawyers today are post with numerous challenges. Their enthusiasm should not be stifled solely because of economic factors. Many youngsters are forced to quit the profession due to economic instability in the profession. A fair question may be put forth, Isn't it a common challenge faced in all professions?



8. True as this is, but this court strongly believes that as history as shown earlier, where Lawyers as a community have emerged as the biggest change makers and the forerunners of change in our Country, we must lead the change we want to be.

9. The common message that we put across to youngsters have always been that, we have gone through all kinds of difficulties to be heard, so you should be ready to face the same. With utmost humility this Court finds this opinion insensitive. Why should our future Lawyers be made to undergo the same difficulties we encountered? Why can't we come together to provide them with a safe and robust ecosystem? This should be the vision we must create for ourselves in today's time and age.

10. There is a common idea that has been doing the rounds in legal circles that economic instability and sufferings as a Junior Lawyer is a part and parcel of this profession and that the Juniors 'must get used to it'. This is wholly unacceptable and demeaning. There is no need for the young Lawyers to get used to anything. Rather, we must ensure that a safe and all conducive atmosphere be provided for their learning and growth in the profession.



11. Since many of the graduates come from afar places to Metro Cities, in their earlier faces of their carrier they have to deal with their day-to-day living costs in cities. Article 21, Right to a Livelihood extends to these young graduates. Once the services of Junior Lawyers are utilised their arises a consequential right on their part to get paid for the services rendered. Though they are here to learn, their livelihood also must be given importance and efforts must be made to ensure that their economic instability do not come in their way of learning. The success of any profession is weighed based on the future we create for the newcomers in that profession.

12. It is also seen that welfare schemes have been introduced by the Government to provide aid and assistance to Junior Lawyers. A monthly stipend of a minimum amount is provided to support the Lawyers. But this Court is not venturing into the Welfare Schemes. Instead the vision here is to create an inbuilt system to support our very own Juniors by providing them with support systems to thrive on. Our profession also is proud to possess a seizable number of first generation lawyers and it is only their minimum need and expectations that they earn a monthly stipend to cover their cost of living. These Junior Lawyers travel from different parts of the State including villages to come to cities and begin their carrier. We are succeeding in making



space to the youth from diverse social and economic background. But it is also equally important to keep their momentum from diminishing as they wade through the challenges in this complex profession. Their longevity in the profession can be etched only based on their early experiences in the profession.

13. It is important to note that young Lawyers especially from the marginalised sections of the society hold immense potential. Through the unified and concreted efforts of the Bar and the Bench in supporting these young Lawyers, the institution can move forward in leaps and bounds. Hence, this Court is of the opinion that by providing them with an adequate monthly stipend in return for their services, it will definitely serve as a catalyst for their development.

14. Mr.C.K.Chandrasekar, learned Counsel appearing on behalf of the Bar Council of Tamil Nadu and Puducherry, would submit that the Bar Council is very much interested in safeguarding and protecting the interest of the young Advocates in their rolls. The positive approach of the Bar Council is to be materialised by actually supporting our young Lawyers including first generation lawyers moving towards Cities to practice law.

15. Considering the issues, we are inclined to issue the following directions:



(i) The Bar Council of Tamil Nadu and Puducherry, Government of Puducherry and recognised Associations at Pondicherry and Karaikkal are directed to co-ordinate and finalise the proposal for amendment of Schedule-I to enhance the Welfare Fund Scheme amount submitted by the Trust Committee as expeditiously as possible preferably within a period of four (4) months from the date of receipt of a copy of this order.

(ii) The Bar Council of Tamil Nadu and Puducherry is directed to issue Guidelines/Instructions/Circulars to all the Advocates/Senior Advocates in the State rolls of the Bar Council of Tamil Nadu and Puducherry the following directions:

(a) Any Advocate/Senior Advocate employing the services of Junior Advocates shall pay a minimum stipend of Rs.20,000/- (Rupees Twenty Thousand Only) per month for Advocate practising in the major cities of Chennai, Coimbatore and Madurai. [The minimum amount is derived taking into consideration the cost of living and expenditure costs prevalent as on today].

(b) Any Advocate/Senior Advocate employing the services of Junior Advocate shall pay a minimum stipend of Rs.15,000/- (Rupees Fifteen Thousand Only) per month for Advocates practising in other areas across the State of Tamil Nadu and Puducherry.



(c) In the context of fixing of this minimum monthly stipend, this Court would also like to bring to the fore the issue of pay disparity based on gender. Though this systemic issue of gender pay gap is beginning to gain attention, this issue is rarely spoken about. It is high time that we start making the difference. Hence the minimum stipend fixed above shall be extended to all Junior Lawyers without kind of discrimination based on Gender.

16. It is the incumbent duty of all the stakeholders in the legal profession to provide an environment where every member of the legal fraternity feel valued and treated with respect. Opinions and thoughts may differ but the pages of our history have shown that the Lawyer community as a whole have always been the torchbearers of self expression.

17. The Bar Council of Tamil Nadu and Puducherry is directed to issue circular/instructions/guidelines as directed above within a period of four weeks from the date of receipt of a copy of this order.

18. In respect of the settlement of welfare fund amount to the eligible members in the State of Tamil Nadu, the Government of Tamil Nadu has to respond.



List the matter on 20.06.2024, for further considerations.

-sd/-

12/06/2024

/ TRUE COPY /

K. Manjula 12/06/2024

Sub-Assistant Registrar (Statistics / C.S.)

High Court, Madras - 600 104.

TO

1 THE CHIEF SECRETARY TO GOVERNMENT,
THE PUDUCHERRY GOVERNMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

2 THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

3 THE SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

4 THE SECRETARY TO GOVERNMENT,
LAW DEPARTMENT,
CHIEF SECRETARIAT BUILDINGS,
PUDUCHERRY - 605 001

5 THE CHAIRMAN,
BAR COUNCIL OF TAMIL NADU,
MADRAS HIGH COURT BUILDINGS,
CHENNAI - 600 104



6 THE PRINCIPAL SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU,
FINANCE DEPARTMENT, FORT ST.GEORGE,
CHENNAI 600 009.

7 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
LAW DEPARTMENT, FORT ST.GEORGE,
CHENNAI 600 009.

Order
in
WP.NO.17976 OF 2019

Date :12/06/2024

Madras High Court is issuing certified
copies in this format from 17/07/2023
PM(11/06/2024)
PM(13/06/2024)