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Q1 2023



Hon'ble Mr Justice DY Chandrachud
50th Chief Justice of India
reshaping jurisprudence

State Bar Council's UK
Delegation of 33 lawyers:
Highlights

The people's Judge:
Justice Surya Kant

12 Things Future Lawyers
Must Know Today



Azadi Ka Amrit Mahotsav is an initiative of the Government of India to celebrate and commemorate 75 years of independence and the glorious history of its people, culture and achievements. This Mahotsav is dedicated to the people of India who have not only been instrumental in bringing India thus far in its evolutionary journey but also hold within them the power and potential to enable Prime Minister Narendra Modi's vision of activating India 2.0, fuelled by the spirit of Aatmanirbhar Bharat. The official journey of Azadi Ka Amrit Mahotsav commenced on 12th March 2021 which started a 75-week countdown to our 75th anniversary of independence and will end post a year on 15th August 2023.

India will assume the **G20 Presidency** from the 1st of December this year from Indonesia and will convene the G20 Leaders' Summit for the first time in the country in 2023. A nation deeply committed to democracy and multilateralism, India's G20 Presidency would be a watershed moment in her history as it seeks to play an important role by finding pragmatic global solutions for the wellbeing of all, and in doing so, manifest the true spirit of 'Vasudhaiva Kutumbakam' or the 'World is One Family'.

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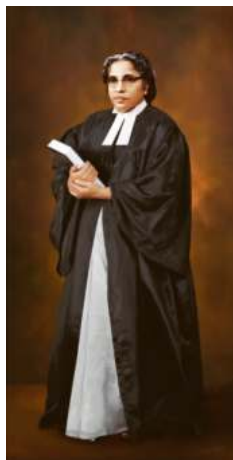
In this issue | Q1 2023

Justice Chandrachud is shaping India's future jurisprudence - In this issue, we learn from the great insight into the shaping of modern day law as a facilitative tool to render justice as steered by India's 50th Chief Justice. Whilst forging a new future, based on the ideals enshrined in our constitution, the CJ's emphatic words, enduring commitment and powerful presence are emboldened by his patient, dignified, and courteous approach towards litigants, lawyers, functionaries, bar representatives, court staff, court officials and others.



Q1 2023's most searched legal websites

- Indian Kanoon
- Live Law
- iPleaders
- Bar & Bench
- SCC Online
- Path Legal
- Lawctopus
- Vakil No.1
- LegallyIndia
- justice.gov



Remembering The Trailblazer Anna Chandy: India's First Women Judge Of High Court

Born on April 5 1905, Justice Anna Chandy made history on February 9, 1959, when she became the first Indian woman to serve as a judge at a high court. Sworn in as a judge of the High Court of Kerala, Chandy held office for over eight years till April 5, 1967.



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1. **Chair's column | The litigating lawyer**
Why litigation experience is necessary for every young lawyer. Litigation is sometimes a long and complicated procedure, but for a patient and passionate lawyer, the reward of winning a case merits the effort.

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2. **Justice Dr. DY Chandrachud**
Hon'ble Chief Justice of India



COVER STORY

Standing tall and delivering remarkable judgements with speedy disposal at its heart, the CJI gives us all a reason to be proud.

Under him the Supreme Court is setting remarkable examples through its works, and setting new standards in handling of the administrative side of its duties.

3. **First person | The people's Judge: Justice Surya Kant**

A first generation lawyer, an outstanding human being with a people-centric approach. His judgemental accuracy comes from his deep understanding of legal jurisprudence and social justice. With a sharp focus of promoting access to justice, Justice Kant is definitely one of the strongest pillars of the robust judicial framework.

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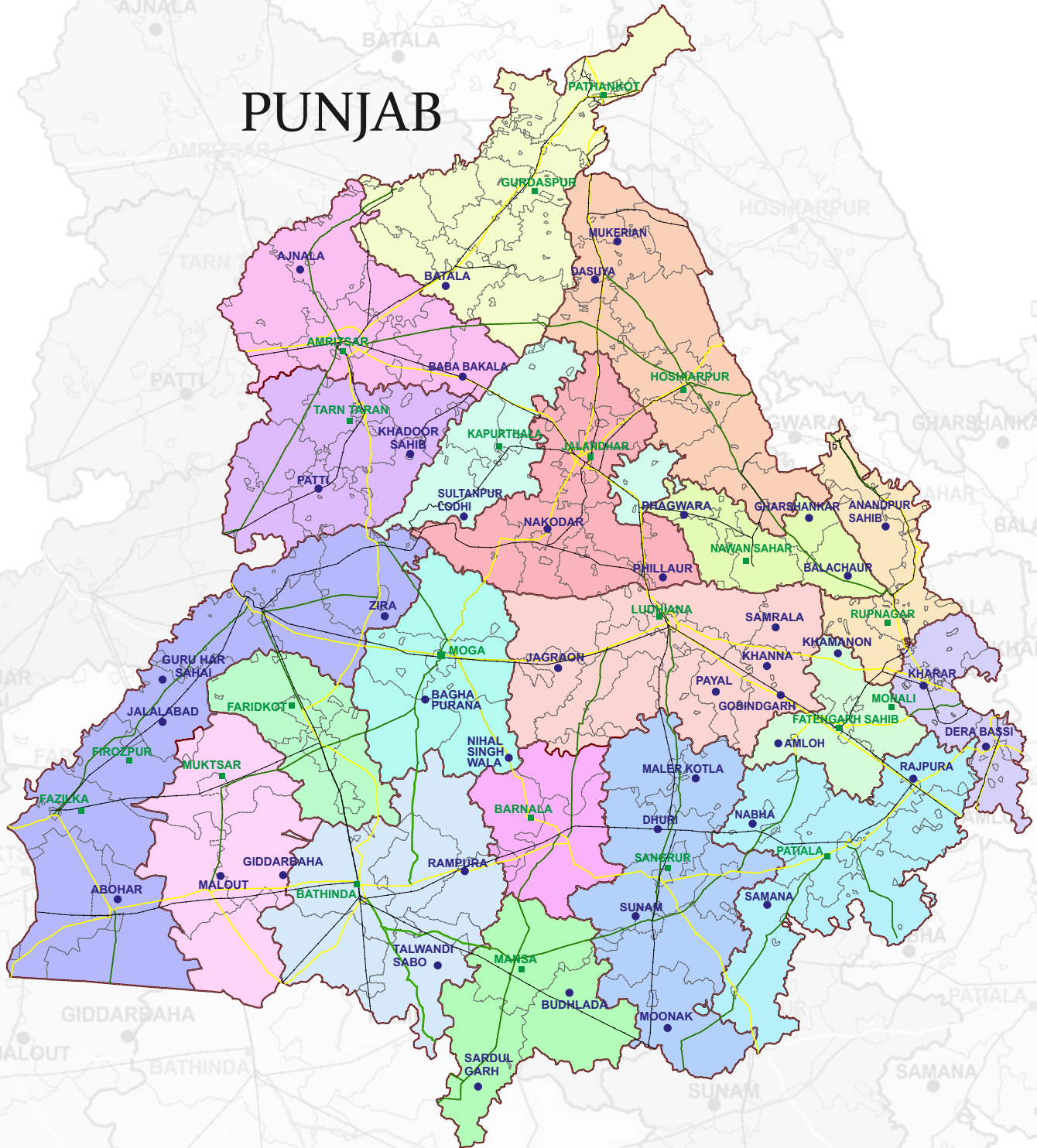
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Swadeshi is the only doctrine consistent with the law of humanity and love - Mahatma Gandhi

BAR COUNCIL OF PUNJAB & HARYANA, CHANDIGARH (Jurisdiction Map)



■ DISTRICT COURTS
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Contributors to this issue



Suvir Sidhu

Chairman



Ashok Singla

Vice-Chairman



Partap Singh

Member,
Bar Council Of India



Gurtej Singh Grewal

Hony. Secretary



Surinder Dutt Sharma

Co-Chairman



Ranvir Singh Dhaka

Co-Chairman



Baljinder Singh Saini

Co-Chairman



Raj Kumar Chauhan

Co-Chairman



Chander Mohan Munjal

Chairman,
Executive Committee



Harish Rai Dhanda

Chairman,
Finance Committee



Lekh Raj Sharma

Chairman,
Enrolment Committee



Rakesh Gupta

Member, Bar Council



Minderjeet Yadav

Member, Bar Council



Karanjit Singh

Member, Bar Council



Ajay Chaudhary

Member, Bar Council



Jai Vir Yadav

Sr. Advocate
Member, Bar Council



Bhupinder Singh Rathore

Member, Bar Council



Karamjeet Singh

Member, Bar Council



Amit Rana

Member, Bar Council



HARGOBINDER SINGH GILL (BAGGA)

Member, Bar Council



DR.VIJENDER SINGH AHLAWAT

Member, Bar Council



Chetan Verma

Member, Bar Council



Pravesh Yadav

Member, Bar Council



Rajat Gautam

Member, Bar Council



Harpreet Singh

Member, Bar Council



Baldev Raj Mahajan

A.G. Haryana (Ex-Officio)



Vinod Ghai

A.G. Punjab (Ex-Officio)

Suvir Sidhu

The litigating lawyer



Importance of litigation knowledge and practice for a lawyer cannot be understated.

Gauging the recent trends, I believe litigation is making a comeback as the most preferred choice for young lawyers. Our state Bar Council in the last 3-4 years has enrolled around 10k lawyers each year, and when the oath of advocacy is administered, career interests are sought and accordingly guidance is given by Hon'ble Judges, Senior Advocates, legal luminaries and Members of the Bar Council. Lately, there has been growing interest in queries related to litigation practice and traditional litigation or trial advocacy. It has also been observed that young lawyers have understood the importance of starting from the trial or taluka Courts first, which had been downplayed some years earlier.

Surprisingly many of the young lawyers who obtain their licenses and seek to join litigation are very much aware of the initial years of struggle. It takes years, if not decades, to earn a decent living. Law office seniors have been known to pay less or low salary to junior lawyers, and it's hard to make it into litigation in big cities where the market is thriving unless you have the patience and the financial back up to sustain in the long run. This is now changing, primarily for two understandable factors.

One is that apart from the usual district courts, taluka's, High and Supreme Court, we now have many tribunals, adjudicating authorities and statutory bodies before which one can start litigation careers. It is easier to build a practice in such specialised niche areas because the established lawyers rarely come before these forums and young lawyers have an opportunity to quickly make a name and get recognised for their work. The same is happening with new and emerging practice areas, which will also be discussed in this issue. There are new laws being introduced every year, trending fields and innovative areas which are making it difficult for older lawyers to specialize in each of those. While the established players stick to what they already know, young lawyers are specializing and transforming into futuristic litigating lawyers with their expertise in

such fields now sought after by Courts. There is only so much a senior can do on the strength of his brand without focussed business development, networking or actual specialised knowledge about emerging industries. More so, these fields are so intricately connected to the use of technology that understanding of the same needs A-grade connect with modern day tech.

For first generation lawyers, setting up litigation practice is a herculean task as compared to established legal offices with familial interests, but it is now widely established that this by itself does not deter them from standing out. Countless examples are now seen where first-gen lawyers have taken this with a pinch of salt. First-gen lawyers have broken all barriers and successfully proved that in the field of law, excellence can only be achieved by persistence, knowledge and hard-work. Gone are the days when first-gen lawyers used to bemoan the lack of opportunities - today, they stand up and do better. For them, all days are not the same; consistency is of vital importance. They are the ones who continually asks themselves 'How to stay motivated throughout the day?', 'How to overtake/surpass the challenges?', 'How to be more productive?' and eventually 'the question of all questions 'How to be successful?'. They are wise to follow their instincts, conceive logically, stay humble, gain experience swiftly, and make good choices.

Another reason for young lawyers opting for litigation can be understood as the changing nature of clients. For a long time, most lawyers dealt with unsophisticated clients who had no idea about law or processes that go into legal work. Today's clients are painstakingly sophisticated. They read up the law on their own and ensure due diligence before approaching a legal practitioner. Proper knowledge and delivery of expression is judged by the client on meeting the lawyer and dealing with him/her. Clients can often be seen to be working with different lawyers at the same time.

CHAIRMAN OF THE BAR'S COLUMN

This means more opportunities for younger lawyers who know how to treat their clients, provided they have the skills and abilities to deliver.

A litigating lawyer in the present age must know that the modern day client sees lawyers as fee seeking service providers, who must provide high quality customer service/consumer service on calling and are thoughtfully responsive to genuine queries. New age litigators need to understand the value and importance of good legal service and how best can they structure themselves to suit the pulse of the client. Nobility in our profession must come naturally - this alone makes us and doctors stand out as humane professionals.

In the national seminar organised by the State Bar Council last year in November 2022 at Panjab University Chandigarh, Justice Krishna Murari Judge of the Supreme Court of India while addressing young lawyers pointed out that advocacy is not a profession but a practice of living with austerity and contentment. Lordship's said, "Material things are not the measure of one's success. What matters is how satisfied you are with your work. There is no shortcut to success. A lawyer can give direction not only to a case but to the whole society, as has been done since

time's immemorial." As opinion makers and devout defenders of rule of law, litigating lawyers gradually learn their social responsibilities. Litigation must definitely be the first step to start practice.

While we learn to be elite litigation practitioners and court-sharp lawyers focused on delivering outstanding solutions, challenging traditional notions, and placing client's interests at the forefront of everything that we do - we must leverage bold, effective strategies that drive value and mitigate client risk. As we open up our legal practice to global colleagues, it is time we work on refining a new blueprint of client experience with highly-tailored and meticulous approach mostly driven by results and grounded by integrity.

Undoubtedly, litigators in this region are excellent creative problem solvers who bring first-class litigation skills to bear on any problem. They are always willing to go the extra mile to get things done and are highly professional in all of their dealings. At this crucial juncture, we look towards the future with ignited spirits and the rule of law in our hearts.



Dr Justice D Y Chandrachud

Hon'ble The Chief Justice of India

The 50th Chief Justice of India has his priorities set and straight - serving the ordinary citizen of India and kick starting reforms in the Indian judicial system.

While addressing a BCI event in December 2022, Chief Justice Chandrachud recollected about the time of his life when he moonlighted as radio jockey at All India Radio. He spoke about the kind of shows he did when was working for the radio in his early 20s. The 63-year-old revealed that he used to do shows such as 'Play It Cool', 'Date With You' and 'Sunday Requests'. Moonlighting essentially refers to a side job in addition to one's primary job.

Early Life and Education

Chief Justice Dhananjay Yeshwant Chandrachud was born on November 11th, 1959. His father, Y.V. Chandrachud, was the 16th Chief Justice of India. His mother, Prabha Chandrachud, was a singer for All India Radio. CJI Chandrachud graduated from St. Stephens College in Delhi with a degree in economics and mathematics in 1979, before obtaining a Bachelor's degree in Law from the Faculty of Law at Delhi University in 1982.

He compounded his legal education with an LL.M from Harvard University in 1983 after obtaining the 'Inlaks' scholarship, and received the Joseph H. Beale prize for securing the highest marks in the Conflict of Laws course. He stayed at Harvard until 1986 to complete his Doctorate in Juridical Sciences. On completing his studies, he enrolled as an advocate with the Bar Council of Maharashtra.

Career as an Advocate

CJI Chandrachud's focus on social causes



Technology has become a powerful tool in the legal system, improving efficiency, accessibility, and accuracy in the administration of justice. The success of any initiative and innovation, whether in law or technology, depends on the ability to collaborate with stakeholders and incorporate critical feedback from those who will be using it.

- CJI D Y Chandrachud | 24.01.2023 | Delhi HC

stems from his days as an advocate. In 1997, then-advocate Dr. Chandrachud, represented a labourer who was denied further employment by the public corporation he worked for after he contracted HIV-AIDS. The Bombay HC held that merely contracting HIV-AIDS was not a ground for violating the laborer's Right to Livelihood as he was still medically fit to perform his job. Dr. Chandrachud also appeared in cases involving the rights of bonded women laborers, and religious and linguistic minorities.

While practicing as an Advocate, CJI Chandrachud remained involved in legal academics by taking a position as a Visiting Professor of Comparative Constitutional Law at the University of Bombay between 1988 and 1997.

1998 was a big year for CJI Chandrachud. He was designated as a Senior Advocate in June despite being only 38 years old—this designation is rarely given to advocates below the age of 40. Further, he was appointed as an Additional Solicitor General of India, a position he held until his elevation as a Judge of the Bombay HC on March 29th, 2000.

Career as a Judge

CJI Chandrachud spoke about his time as a Judge at the Bombay HC in glowing terms. He credits Justice Ranjana Desai, who he served along with on a criminal Bench, for the shift in his approach towards crimes against women. He admits that he adopted a 'straight-jacketed approach' during his initial days as a Judge, but serving alongside Justice Desai gave him the 'necessary feminist perspective' to apply the law to social realities. This perspective is apparent in his SC Judgments like Lt. Colonel Nitisha (2021) where he recognised the concept of 'indirect discrimination' and held that women should also be considered for receiving Permanent Commissions in the Army.

After over a decade at the Bombay HC, then-Justice Chandrachud was appointed as the Chief Justice of the Allahabad High Court on October 31st, 2013. He was elevated as a Supreme Court Judge on May 13th 2016, and became the 50th Chief Justice of India on November 9th, 2022, following CJI U.U. Lalit's retirement.

At a recent event of the Guwahati High Court in

April 2023, Lordship's said that, *"law must have the touch of humanity to serve the interests of all people and should always be used with sensibility to address the roots of problems. He said that the law should take into consideration the realities of the communities where it is sought to be implemented. The legitimacy of the judiciary lies in the faith and confidence it commands from the people, who in turn depend on judicial independence. People's faith in judiciary is determined by the single most important factor that judiciary is the first and last access for citizens in distress and need. The constitutional path for justice is reflected in the Preamble of the Constitution. The parameters of fraternity, liberty and equality enshrined in it "provide the beacon for the unity of our nation and stability of social fabric. All three hands of the state - executive, legislature and the judiciary are engaged in the common task of nation building. Constitutional statesmanship above all requires deliberations and dialogue and not public grandstanding."*

Lordship is an early riser - he gets up at 3.30 AM. With par excellence intellect and a humble presence, his strength and determination to ensure access to justice for all is the guiding spirit for the Bar. Young lawyers look up to him and learn from him each day.

SCO (Supreme Court Observer)

First person | The people's judge: Hon'ble Mr Justice Surya Kant

A first generation lawyer, an outstanding human being with a people-centric approach. His judgemental accuracy comes from his deep understanding of legal jurisprudence and social justice. With a sharp focus of promoting access to justice, Justice Kant is definitely one of the strongest pillars of the robust judicial framework.



Wise, just and a humane judge and the everlasting bridge between the Bar and Bench. Bar deeply admires Lordship as a 'fair', 'intelligent' and 'fine legal mind' - a people's judge, where citizen welfare remains at the heart of his decisions. A multifaceted personality with inimitable qualities of judgeship, and a devout conscience keeper of justice in India. Wherever he has served, he has strived to reform the justice system while standing up for the poor and underprivileged. He speaks for the people of India.

Young lawyers have often been encouraged by him in Court. Lawyers who started their practice while he was a Judge at the High Court of Punjab and Haryana have humbly expressed their experiences whilst appearing before him describing his courtroom presence as thoughtful, efficient, compassionate, creative, practical and independent. But above all, a judge who was fair to all. Senior lawyers at the High Court consistently remember and share memories of his courtesy, timeliness, impartiality, decisiveness and knowledge of the law.

Education, Career as an Advocate & Judge

Justice Surya Kant was born on 10-02-1962 in Hisar (Haryana). He earned his LL. B degree in 1984 from Maharishi Dayanand University, Rohtak and completed his LL. M from Directorate of Distance Education, Kurukshetra University, Kurukshetra in 2011 and also earned the distinction of standing First Class First in his Master's degree in Law.

Justice Kant began his practice in District Court, Hisar in 1984 but later in 1985 shifted his base to Punjab and Haryana High Court. His practice was heavily focused on Constitutional, Service and Civil matters. He represented number of Universities, Boards, Corporations, Banks during his practice, and later was designated as Senior Advocate in March 2001.

Justice Kant was appointed as Advocate General, Haryana and held the office till his elevation as a Permanent Judge to the Punjab and Haryana High Court on 09-01-2004. He was also nominated as a Member of the Governing Body of National Legal Services Authority on 23-02-2007 for two consecutive terms.

Justice Kant became the Chief Justice of Himachal Pradesh High Court with effect from 05-10-2018 and on 24-05-2019 was elevated as a Judge of the Supreme Court of India.

During Covid times, in re: **Contagion of COVID-19 Virus in Prisons**, (2021) 12 SCC 819

"Having regard to the provisions of Article 21 of the Constitution of India, it has become imperative to ensure that the spread of the Corona Virus within the prisons is controlled."

The 3-judge bench of SA Bobde, CJ and L. Nageswara Rao and Surya Kant, JJ., noticing the issue of overcrowding of prisons is a matter of serious concern particularly in the present context of the pandemic of Corona Virus (COVID - 19), directed that the States/Union Territories to constitute a High Powered Committee to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate.

"A civic society has a 'fundamental' and 'human' right to live free from any kind of psycho fear, threat, danger or insecurity at the hands of anti-social elements"

- **Justice Surya Kant**

Justice Kant has brought to the Courts not only his abundant wisdom and fairness, but also his passion for the truth, his enormous capacity to listen (not only to what is said but to what has remained unsaid), his uncommon good sense, his grace, his humor, and his courage. Justice Kant has had the patience for all but the pompous. And unsparingly, speaks truth to power.

It was important to vaccinate people in poorer regions of this world where vaccines were not readily available. This was not just a governmental decision but shows solidarity and sharing. When we think of Constitutional morality, we need to think of common good but it does not mean it is subservient to societal norms or customs.

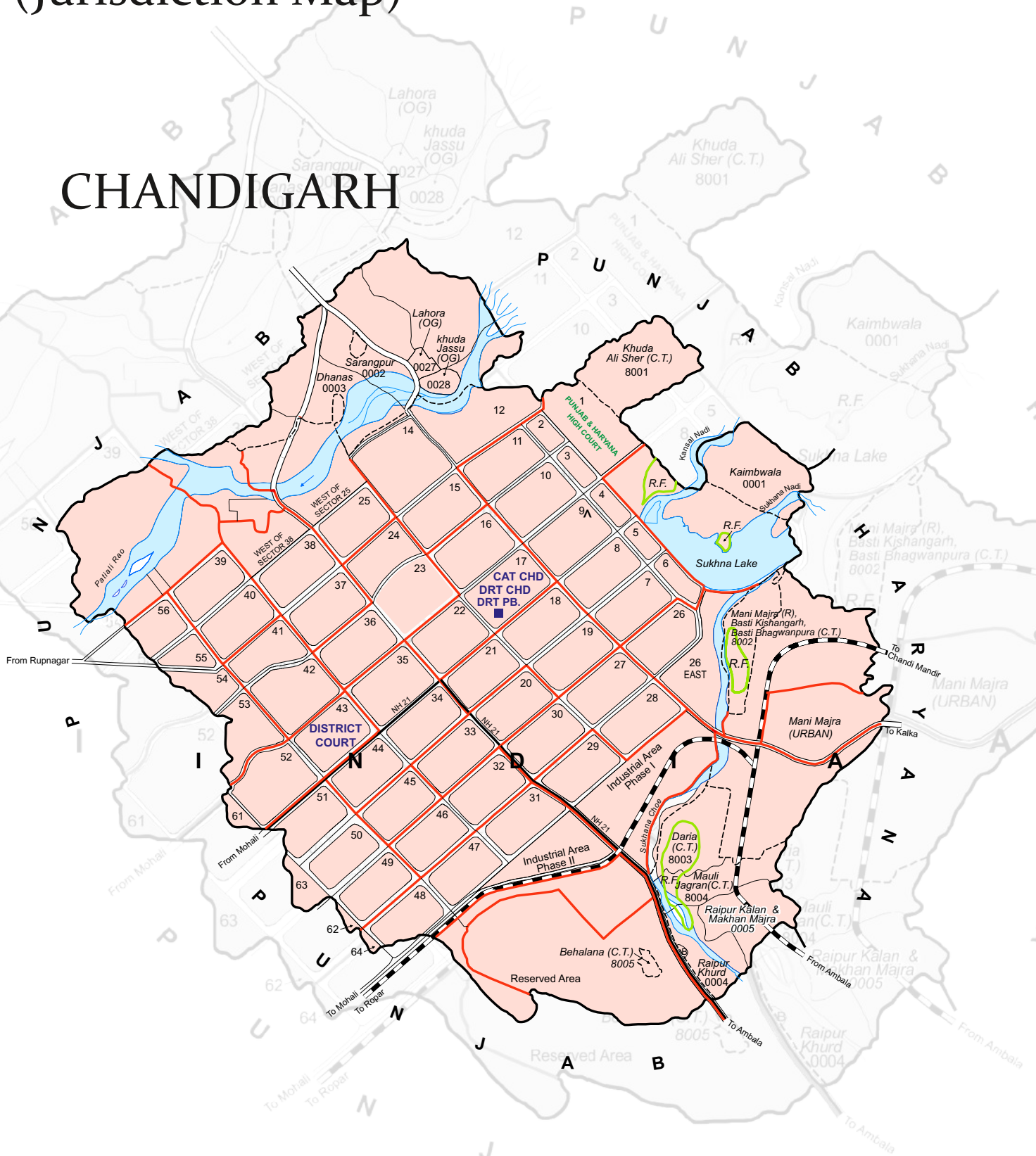
It speaks in essence of adherence to Constitutional values. But I feel it cannot be interpreted in abstract or vacuum.

The principle of Constitutional morality will be guided by centuries' old morals which have steered our society from darkness to light. A judicial or legislative structure should not be seen in the mirror of rights only whether the legislature is enacting a law to provide a right or judiciary is interpreting it to provide a right. But all the rights enacted is for a price and the price is duty.

- Justice Surya Kant | 26.12.2022 | 16th National Conference of the Akhil Bharatiya Adhivakta Parishad at Kurukshetra in Haryana

BAR COUNCIL OF PUNJAB & HARYANA, CHANDIGARH (Jurisdiction Map)

CHANDIGARH



- DISTRICT COURTS
- CIVIL COURTS

OATH

Oath of advocacy (as administered by the State Bar Council)

I _____ do swear in the name of God that I will bear true faith and allegiance to the Legal profession, and will uphold its dignity and integrity. I will faithfully and conscientiously discharge my duties as a lawyer and will not do anything which may lower down the image and dignity of the lawyers profession”



Hon'ble Mr Justice Ravi Shanker Jha, Chief Justice of High Court of Punjab and Haryana administering oath to newly enrolled advocates at Law Bhawan, Chandigarh. Also seen in the picture is Hon'ble Mr Justice Arun Palli Judge High Court of Punjab and Haryana.

Also seen are, Chairman BCPH, Mr Partap Singh Member BCI and Mr Ashok Singla Vice Chairman.



Hon'ble Mr Justice Jasjit Singh Bedi Judge High Court of Punjab and Haryana addressing newly enrolled advocates at Law Bhawan, Chandigarh on professional ethics and code of conduct.

Each convocation ceremony where enrollment certificates are distributed are conducted in way to boost morale and encourage young lawyers through the auspicious presence and address of legal luminaries.

12 Things

Future Lawyers must know today

Law and technology are changing at an accelerating speed. In this Amrit Kaal for Advocates don't be an outdated lawyer; strive to become the future lawyer! Let's uptake the joint resolve to reform for the better, in line with the shared pledge of the Honorable Prime Minister through 'Sankalp se Siddhi'.

1. Artificial Intelligence and Future Law

AI is the ability of a computer program to learn and think. The way they are programmed enables them to learn, analyse, infer and apply. With some countries now moving to allow AI systems to own patents, this field is about to disrupt intellectual property ownership as we understand it - the resultant legal challenges.

2. Blockchain & Cryptocurrencies Law

A blockchain is typically a bunch of computers (nodes) connected to each other. All of these computers contain the same information (e.g. a ledger of transactions). To "hack" this information, you will need to "hack" most of these computers at the same time. And that's a pretty tough thing to do!

There are many blockchains in the world. The Bitcoin Blockchain is the first and oldest one. It records all transactions of the bitcoin cryptocurrency. Anyone can run a node of this blockchain. All you need is a computer with enough storage space and a strong Internet connection.

A cryptocurrency is a type of electronic money that is powered by advanced mathematics. There are 11 types of cryptos! It is also called Math Money because it is created and managed using blockchains which are computer networks powered by advanced mathematics.

Cryptocurrency's growing use in criminal activities also makes it imperative for criminal lawyers to learn and understand.

3. Cybercrime & Digital Evidence Law

Traditionally, cybercrime is defined as a crime in which a computer is either a tool or a target or both. The rise of multiple metaverses, giving a lot more anonymity, will make traditional cybercrime more dangerous.

4. Decentralised Autonomous Organizations (DAOs) and Future Law

DAOs can be best described as an internet community with a

shared bank account. The specifics of each DAO, including its type, structure, rules and governance, depend on the community and its objectives. Future law must understand the structure of these organisations and how they function.

5. Decentralised Finance (DeFi) and Future Law

Decentralised Finance (DeFi) is what you get when money meets public blockchains. It has turned traditional finance on its head. This concept consists of financial applications built using blockchain technology.

6. Virtual Digital Assets and Future Law

We define a digital asset as anything in an electronic/digital form, which has intrinsic or derivative value. These could be intrinsic digital assets like content, crypto assets, digital evidence, medical records, domain names. Or, derivative digital assets like intellectual property, art & collectibles and even human talent.

7. Ecommerce & Fintech and Future Law

Ecommerce is digitally purchasing stuff. Simply put. It's no longer that simple, though. When you purchase a non-fungible token of a digital product using tokens, which run on a blockchain, to pay for it, and have your rights protected by a smart contract running in the background, that's when you can truly understand the scope of what ecommerce and fintech really mean today.

8. E-Contracts and Future Law

While they sound similar,



EVOLUTION OF THE FUTURE LAWYER

econtracts are nothing like smart contracts. An econtract is a legal document created online and digitally signed. The difference is that the execution of such a legally binding agreement is dependent on a centralised authority to enforce it.

9. Gaming, Metaverse & Web 3.0 and Future Law
Shockingly, this is not just about video games. New technology has taken things above any beyond in an effort to make gaming as life-like as possible. Add to that wearable technologies like oculus glasses and haptics and you have a whole new world of existence already available to gamers where they may exist forever.

The metaverse is a parallel digital universe where you could create your digital avatar and do all sorts of cool stuff – work, travel, learn, play, party, and more! Remember the movie Avatar? The separate but parallel worlds shown in there, give a pretty clear picture of what metaverses could look like and what you (via your avatar) could do there!

Web 3.0 is the latest generation of the World Wide Web and its focus is on decentralisation. Web 3.0 applications and services would increasingly be powered by blockchains, crypto-assets (fungible and non-fungible), artificial intelligence, and metaverses. Web 3.0 is expected to provide personalised content and also enable people to control their own data.

10. Non-Fungible Tokens (NFTs) and Future Law

Non-Fungible Tokens (NFTs) is what you get when intellectual property licences meet the blockchain. They are the next logical step for intellectual property law. Today fashion brands like Nike and

Gucci are also providing exclusive merchandise as NFTs on the metaverse. Customers can then use these digital products in the metaverse for accessories for their avatar.

11. Regulatory Sandboxes and Future Law

A regulatory sandbox (RS) usually refers to live testing of new products or services in a controlled/test regulatory environment for which regulators may (or may not) permit certain regulatory relaxations for the limited purpose of the testing.

The RS allows the regulator, the innovators, the financial service providers (as potential deployers of the technology) and the customers (as final users) to conduct field tests to collect evidence on the benefits and risks of new financial innovations, while carefully monitoring and containing their risks.

It can provide a structured avenue for the regulator to engage with the ecosystem and to develop innovation-enabling or innovation-responsive regulations that facilitate delivery of relevant, low-cost financial products. The RS is potentially an important tool which enables more dynamic, evidence-based regulatory environments which learn from, and evolve with, emerging technologies.

12. Smart Contracts and Future Law

Smart Contracts are neither smart nor contracts. But they are revolutionising the world of law and technology. They are automated, enforceable agreements that do not need any centralised intermediaries to execute them.

(Courtesy - Shuchi Nagpal from Asian School of Cyber Laws, Rohas Nagpal & multiple sources)



Apply or nominate by scanning the QR Code.

These awards will be a recognition given to lawyers, in-house counsels and law firms in the states of Punjab, Haryana and UT Chandigarh who are in the early stages of their careers/establishment (10 years or less as on 31.12.2022) for outstanding professional excellence in legal practice.

Top Tech Tools for Lawyers in 2023

(must know-use)



Practice management softwares – Law practice management software is a useful tool for all lawyers. These tools let lawyers manage and automate cases, communications, calendars, court forms, templates and case files. While there are various types of practice management software options, cloud-based platforms offer greater organization, improved security, and a higher level of accessibility.

Legal research tools – These are tools that make legal research quick, easy, and affordable. With the simple user interface, lawyers and support staff can upload legal documents and the software quickly identifies relevant case law, saving potential hours of research. Platforms like SCC Online and LawFinder maintain large databases of case laws and statutes, so you have an entire legal database at your disposal. These programs also offer citator tools to take the guesswork out of citations.

Note-keeping tools – Think about all of the ideas, notes, and thoughts you have during any given day. If you're maintaining all of these thoughts on random pieces of paper, you need a better option. Note-keeping tools allow lawyers to keep track of all their notes in one place. With such platforms you can keep it all together and organized from your phone, tablet or laptop. From pictures, evidences, courtroom arguments, important points to event reminders and to-do lists, a note-keeping tool makes your random thoughts a lot less random.

Productivity software – Lawyers have a lot on their plates each day, but productivity software helps them stay organized and on

task. There are a variety of software options on the market that can be used on desktops and laptops. You can also choose from various apps for your tablet or smartphone. From calendars to reminders and to-do lists, these options help you move through the workday more efficiently and effectively.

PDF conversion software – As more and more law offices choose to go paperless; a PDF conversion program is a must-have to turn all of those cumbersome paper documents into PDF files. With this software, users can scan paper to PDF and even apply OCR to scanned images for editing purposes. This software also allows you to add encryption, remove metadata, and build forms.

Document automation/document assembly software – The future of legal technology has provided innovative options for building documents. With a document automation program, lawyers can customize existing templates in a number of ways, as necessary to meet the needs of specific clients. With clause databases, lawyers can insert specialized wording into documents.

Time tracking software – Accurate time tracking is vitally important for law office success. So, effective software is imperative. Recording every minute of time means more revenue and profit for your firm. Time tracking and billing software offer law offices the tools they need to track every hour and send bills in a timely manner. With their cloud-based software and mobile app, users can track their tasks from virtually anywhere, even without an internet connection. The system then automatically synchs the tracked information when an

internet connection becomes available. With multiple timers, timekeepers can track several tasks simultaneously. Custom abbreviations also allow lawyers to create a uniform language for the entire office and save time while making entries.

Document management software – While you may be able to get some document management with a general document automation tool, a standalone management tool offers more comprehensive useful versions of these features, including version control, check-in/check-out access control features, integration with folder systems like Google Drive, and related software like Microsoft Word. Offline access, matter management, labeling, and global search functions are also offered with document management software platforms. The organization and efficiency of these programs are extremely useful for law offices that work in team settings.

Client relationship management (CRM) software

– CRM tools provide basic contact management features, including the ability to add notes to files, and data analytics that can help convert leads into conversions. With these platforms, law offices and lawyers can keep track of all client communication with a comprehensive view of your office, you can better which marketing strategies are successful, and which ones are not call-tracking functionality.

Internal communication platform – To improve law office communications, many law offices are implementing restricted-access, internal communication systems. Platforms with calendaring features allow lawyers to assign tasks and make notes on those items.

ChatGPT for Lawyers and Legal Field - Chat GPT has quickly become a useful tool for lawyers in the legal field. The AI-powered technology can help streamline time-consuming tasks such as research and content generation, freeing up more time for lawyers to focus on their cases. In addition, Chat GPT can help lawyers stay compliant with the ethical and professional guidelines they must follow. For example, it has the capability to generate content based on professional conduct that lawyers and law firms must adhere to. With its ability to customise, Chat GPT is now an invaluable asset for legal professionals.

Some are: -

- Online file storage (Dropbox etc)

- Cloud based word processing tools (Microsoft 365 etc)
- Scanners (Evernote, scannable etc)
- VOIP phone provider
- Virtual receptionist service
- Document automation and management (LawCloud etc)
- Time tracking and billing solutions
- Legal news real time updates (LiveLaw, Bar&Bench etc)
- Legal research tools (SCCOnline, Legitquest etc)
- E-signature tools
- Video conferencing and e-meeting softwares
- Mobile and Tab apps (LegalXGen etc)
- Practice management softwares (ProVakil etc)
- Case management softwares (Manage my Lawsuits, Clio, mycase etc)
- Client portals
- Case e-copies repositories
- Security and ethics considerations for lawyer tools

IN THE BOX

Words of advise for young lawyers

In this first issue of the Bar Council's quarterly law journal, since I've represented young lawyers at the helm, on the request of Suvir, for the younger brethren, I wish to share my experience in the form of an advice i.e. 'RICE' (this is personally very close to my heart): -

R stands for Respect for seniors, respect for courts. In this profession if you don't respect, you can't progress.

I stands for Integrity which is to be observed in all dealings with clients as well as in Courts.

C stands for confidence which comes from knowledge of facts of case and knowledge of legal precedents.

E stands for eloquence which is related to Court craft. It means the way you address your arguments in the Court. It only gets better with time. Always observe how seniors address their arguments with all humility and conviction.

I'm sure if you nurture yourselves to follow these four commandments of RICE, you will definitely prosper in this profession.

Rajat Gautam

Former Chairman Bar Council (2015-16)
Second term as Member Bar Council (incumbent)
Additional Advocate General, Haryana

Challenging the status quo lawyering!

The legal industry has undergone profound change in recent years, but the disruption is by no means over. The Indian legal industry has a long and storied history and functions through long-established processes that are often resistant to change. It's no surprise, then, that law offices typically take a traditionalist approach to technology. Many seniors don't think that their legal organizations have the time, money, or know-how to pull off a digital transformation.

One can expect that this transformation if undertaken, will continue to deliver cost savings and optimizations in the long term. In the meantime, it can definitely see benefits that include increased flexibility and scalability, improved security, and enhanced collaboration.

UPCOMING LEGAL FIELDS TO SPECIALISE

- Aerospace and Aviation Law
- Space and Telecommunications Law
- Artificial Intelligence & Law
- Cybersecurity
- Blockchains
- Data Governance
- Mergers And Acquisitions
- Digital Economy
- Digital Gaming
- Digital Tax
- Energy
- Complex crimes
- Fintech
- Goods And Services Tax (GST) Law Practice
- Competition Law Or Anti-Trust Law
- Digital Trading
- Health-tech
- Mobility
- Online Content
- Export Control and Customs
- Investments
- Estate Planning and Private Clients
- Startups, Research and Innovations
- International Commercial Arbitration
- Parliamentary Research
- Defence Sector
- Media
- Sustainability
- Consumer practices
- Banking and Finance

How to write a judgement

Supreme Court of India

The Supreme Court of India has delivered a judgment on how to write a judgment! A judgment, the top court has held, must not confuse the reader using the veneer of complex language because it “speaks to the present and to the future” in settling crucial issues of law, besides providing a platform for societal dialogue. Setting down guidelines for judicial writing, a bench, headed by then Justice Chandrachud, emphasised that each judgment is a brick in the consolidation of the fundamental precepts on which a legal order is based. Judgment writing is therefore a critical instrument “in fostering the rule of law and in curbing rule by the law,” it said.

The format laid down by the top court includes providing headings and sub-headings, paragraph numbers, a table of contents for long judgements, digital signatures, properly inserted watermarks to enable access for the visually disabled who use screen readers (which get confused by improperly placed ones) , and the “Issue, Rule, Application and Conclusion” (IRAC) structure .

‘Issue’ refers to the question of law that the court is deciding; ‘Rule’ connotes the lawyers’ submissions on the pertinent issues; the reasoning of a court forms the ‘Application’; while the ‘Conclusion’ records the final decision. While judges may have their own style of judgment writing, the bench, which also included Justice AS Bopanna said, they must ensure lucidity in writing across these styles.

“The purpose of judicial writing is not to confuse or confound the reader behind the veneer of complex language. The judge must write to provide an easy-to-

understand analysis of the issues of law and fact, which arise for decision...While a judgment is read by those as well who have training in the law, they do not represent the entire universe of discourse,” said the bench.

Justice Chandrachud, writing the verdict for the bench, highlighted that the confidence in the judicial process is predicated on the trust which its written word generates. “If the meaning of the written word is lost in language, the ability of the adjudicator to retain the trust of the reader is severely eroded... Whether or not the writer of a judgment envisions it, the written product remains for the future, representing another incremental step in societal dialogue,” underlined the bench.

A judgment showcasing a maze of incomprehensible language defeats the purpose of judicial writing, said the court, adding that a judgment must make sense to those whose lives and affairs are affected by the outcome of the case, besides reflecting a commitment to protecting legal principle and imparting certainty to the law.

“Judgment writing is a layered exercise. In one layer, a judgment addresses the concerns and arguments of parties to a forensic contest. In another layer, a judgment addresses stake-holders beyond the conflict. It speaks to those in society who are impacted by the discourse. In the layered formulation of analysis, a judgment speaks to the present and to the future,” it held.

The court asserted the importance of judicial writing as it came across an “incomprehensible” judgment from the



Himachal Pradesh high court over disciplinary proceedings against a bank employee. Regretting that judiciary is also becoming a victim of the “cut-copy-paste convenience afforded by software developers”, the bench said that judgments must contain reasoning .

“Courts are as much engaged in the slow yet not so silent process of bringing about a social transformation. How good or deficient they are in that quest is tested by the quality of the reasons as much as by the manner in which the judicial process is structured,” it said.

“Equally significant is the fact that a judgment speaks to the present and to the future. Judicial outcomes taken singularly or in combination have an impact upon human lives. Hence, a judgment is amenable to wider critique and scrutiny, going beyond the immediate contest in a courtroom. Citizens, researchers and journalists continuously evaluate the work of courts as public institutions committed to governance under law,” added the bench. The court was emphatic that while recesses and expressions of the mind of a judge may be

inscrutable, “the reasoning in judgment cannot be.” At one point in the judgment, the bench emphasised that all judicial institutions must ensure that the judgments and orders being published by them do not carry improperly placed watermarks as they end up making the documents inaccessible for persons with visual disability who use screen readers to access them.

On the same note, courts and tribunals must also ensure that judgments and orders uploaded are accessible and signed using digital signatures, it added.

“They should not be scanned versions of printed copies. The practice of printing and scanning documents is a futile and time-consuming process which does not serve any purpose. The practice should be eradicated from the litigation process as it tends to make documents as well as the process inaccessible for an entire gamut of citizens,” said the court.

(State Bank of India and Anr vs Ajay Kumar Sood | Civil Appeal No 5305 of 2022 delivered on 16.08.2022 by Supreme Court of India)

Why you need to start arguing from e-copies/tabs/screens?



Gone are the days when advocates clad in grey gowns came to courts pedalling old bicycles with a bunch of files clipped in their carrier or a clerk or juniors following them with case files in both hands.

With the changing times, these legal eagles have moved in tandem with the digital era. The heavy law books have now shrunk to the compact tablet PC. Most advocates, especially youngsters, believe

that the I-Phone and tabs have made their working comfortable as they are more economical for them and save a lot of space also. Instead of spending money on law books, they prefer to go for law software for tablets PCs.

With changing times the Bar Council and Associations are working to provide free Wi-Fi coverage for lawyers. Using tabs or even smart phones will be encouraged in the coming years.

The need to structure ourselves

QUICKLY!

As we realize the increasing need to structure our traditional litigation offices, the best possible structure is making a law firm and putting together a myriad of legal specializations. Law Firms come under the category of Professional Service Firms which provide services characterised by high knowledge intensity with special training in the related sector, in our case the legal sector, a professional workforce, a licence to practice in the related area and may also provide specialist business support to other businesses.

Before starting a business, it is very important to select a suitable business structure for it. But even before that, let's look into the reasons and advantages of establishing a law firm. It could be that the individual wants to explore his full potential and is dissatisfied with the current job, is feeling restricted in the traditional family drove firms or is looking for professional independence. It could be as simple as fulfilling the dream of becoming an entrepreneur or could just be fuelled by the drive to earn money.

To find out the most suitable business structure for the opening of a law firm, we will consider the four main business structures available: Sole-Proprietorship, Partnership and Limited Liability Partnership (hereinafter LLP).

We will look into the main features of these four business vehicles and analyse their pros and cons with regard to the legal industry. Let's get started!

Sole-Proprietorship

A Sole Proprietorship is owned and controlled by one person who has the whole authority and responsibility with regard to the business. This essentially means that the owner gets the whole share of profits, can hire and fire employees and pay their salaries. But on the downside, the owner is personally liable because the business and the owner are considered to be a single entity, and hence the legal responsibility for the obligations of the business is by the owner.

Advantages:

- Cost effective as no formal registration required. Hence the cost of formation is not much, but you will need to consider the cost for administration and obtaining various licences.
- Flexibility regarding decisions. As there are no shareholders or directors, all the responsibility and decision-making power rests with the sole owner. Also, no need to conduct general and board meetings.
- Confidentiality is maintained because the important information and trade secrets are not divulged because there being a sole owner.
- The owner has complete control over the finances of the company giving him the incentive to work to his full potential.
- No need for audit unless the business exceeds

the threshold turnover of Rs. 10,00,000 or Rs. 1,20,000 in any of the 3 previous years or the previous year respectively, under the Income Tax Act 1961.

Disadvantages:

- The business only for as long as the owner exists. Hence, the business can't be continued after his death. No perpetual succession.
- Difficult to hire and retain good employees as there is not much incentive for them to work hard. (No ESOP scheme, share in profits, ownership rights)
- Difficulties in raising funds as investors also don't have much incentive to invest in your business.
- Unlimited liability of the owner which extends to his personal assets.
- A proprietorship is taxed with the person's personal income and not separately.

This business structure is good if you are rich, can handle and attract good clients alone and do not want to share your profits, liabilities and authority with anybody. But even if you do not have a huge initial investment and want to start a small firm, it is the ideal business structure as it can be operated from your home and is cost effective as well because of the minimum requirement of formalities.

However, if you dreamt of starting a firm with your classmate or your colleague, do not want to be held liable personally and want some tax benefits, you may look into the other options.

A Sole Proprietorship is not advisable in the Indian legal market because the BCI usually has certain barriers for such Legal Firms. It is advised to go for an LLP (Limited Liability Partnership) which has greater flexibility and you can control things as you wish.

Partnership

A partnership is regulated by the Partnership Act 1932 in the absence of a Partnership Deed between the partners and is defined as an

agreement between the partners to share the profits and cooperate to advance their mutual interests of and by a business carried on by all, or any of them on behalf of all of them.

Advantages:

- The first major advantage of a Partnership is that the rights and duties of the partners can be created and varied by the contract (Partnership Deed) like remuneration, profit sharing, indemnity, dispute resolution method, a method to take a decision on important decisions, etc. Hence, most of the rights are subject to the contract between the partners.
- A partnership firm is suitable in the case of a business where the initial capital requirement is medium. It is neither too large nor too small.
- Flexibility in registering the partnership with the Registrar of Firms.
- A partner may transfer his monetary interest in the firm. But the transferee does not enjoy the rights and duties of the partner except his share of profits.
- In a partnership firm, partners with different abilities, managerial talents, skills and expertise combine with each partner's contribution based on his area of specialisation and experience.
- Each partner is considered an agent of the firm. Actions taken by him in the name of the firm will bind the firm.
- Income is taxed in the hands of the partnership, and the remuneration to the partners will be exempted.
- It is not necessary for Partnerships to prepare audited financial statements each year. However, a tax audit may be necessary based on turnover and another criterion.
- Multiple ways available to dissolve a partnership firm.

Disadvantages:

- Each partner is jointly and severally liable for the acts and/or omissions of the other partners. The firm is also liable to the same

- extent as the partners.
- Liability for holding out to be a partner of the firm even when not.
- Procedures to convert a Partnership firm into a Company or LLP are cumbersome, expensive and time-consuming.

As you can see, the advantages of a partnership are greater than the disadvantages. Yes, the partners are made liable for the acts of the other partners (unlimited liability), but this provision has been incorporated to maintain high accountability in a partnership firm as the rights and duties are created and monitored by the Partnership Deed. Since the partners are bound by the Partnership Deed, they have to work for the betterment of the common goal.

This business structure is also financially less burdensome as the initial investment is shared between the partners. Also, u/s 464 of the Companies Act 2013, a partnership can have shared between the partners. Also u/s 464 of the Companies Act 2013, a pa can have a maximum of 100 partners (and a minimum of 2). Hence the partnership firms have the exponential potential for growth and a law firm starting out as specialising in one area of law can rapidly diversify upon gaining industry trust and clients.

Limited Liability Partnership

An LLP is a body corporate having features of both partnerships and corporations. It is relatively new to India and was introduced by The Limited Liability Partnership Act 2008. The partners of the LLP have limited liability, and the LLP is known by its own name and is not linked to the identity of its partners.

Advantages:

- Perpetual Succession.

- Capable of entering into contracts and holding property in its own name.
- Has the flexibility of declaring one or more addresses for official correspondence.
- Governed by LLP Agreement.
- Any LLP whose turnover does not exceed 40 lakh rupees in a financial year or whose contribution does not exceed 25 lakh rupees in a financial year is not required to mandatorily get its accounts audited.
- Relaxation in filing and application of penalties.
- There is no requirement of minimum capital.
- Minimum of 2 partners is required to form an LLP but no cap on the maximum number of partners.
- It is a separate legal entity. So the partners and the LLP in are distinct from each other and the liability of partners is limited except in the case of unauthorised acts, fraud and negligence. Even in that case, the partner is not personally liable for wrongful acts/ omissions of the other partner.
- Raising and utilisation of funds depend on the partners will. Funds can be bought and utilised only as per the norms listed under the Companies Act 2013.
- LLP is exempt from Dividend Distribution Tax (DDT).
- Income is taxed in the hands of the LLP and the remuneration to the partners will be exempted.

Disadvantages:

- An LLP cannot raise public money.
- Liability by holding out to be the partner of the LLP even when not.

Though the LLP structure has been introduced very recently in India, it has become the most preferred business structure among law firms because of the obvious advantages of the other business structures. Professional Service Firms are not incorporated as companies in India because of regulatory restrictions. The LLP business structure trumps over both sole-proprietorship and partnership firms because of

its more liberal regulatory compliances. Yes, the sole proprietorship requires very less capital to start with, but it's unlimited liability, and lack of motivation for employees does not make it appealing.

The reason why both partnership firms and LLPs are appealing is because they give a chance to associates to make partner and move forward in their careers. The LLP structure wins hands down as the most suitable business structure for law firms because of its limited liability and career growth prospects as there is no cap on the maximum number of partners. It also has low auditing requirements and gives the partners the freedom to govern their rights and duties by an LLP Agreement. It would not be wrong to say that it has taken the best features of the partnership structure and improved upon it.

While registration is not mandatory, registering a firm generates certain rights on the firm and on its partners, which a non-registered firm does not have. Each structure has a different procedure for registration and essential factors need to be taken into consideration while choosing the Legal structure of a Firm.

In today's competitive environment, it's a challenge for even the most qualified lawyers to maintain and grow a

successful law practice. If you are looking to start your own practice or grow your existing practice the step now would be setting up a law firm.

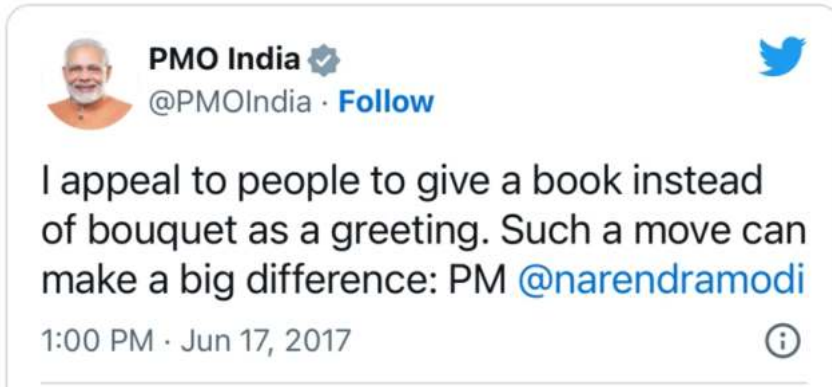
Build a Law Firm Website

Although marketing law firm services in India is not allowed, a simple informational website, as per norms, with expertly crafted informative blogs is allowed.

Once the company is set up you can create an attractive website which will have an immediate short-term benefit because it can help you build instant credibility. Chances are that even if you are being referred to a client, that person will want to do their own diligence on you. Having a website that emphasises your experience and practice strengths gives a potential client a degree of comfort that would otherwise be difficult to replicate with a word of mouth referral alone.



Must read books for Young Lawyers



1. Before Memory Fades: An Autobiography by Fali S Nariman
2. Tomorrow's Lawyers: An Introduction to your Future by Richard Susskind
3. Nani Palkhivala: The Courtroom Genius by Soli J Sorabjee and Arvind P Datar
4. Landmark Judgements that changed India by Ashok K Ganguly
5. Roses in December: An autobiography by MC Chagla
6. Modi@20: Dreams Meet Delivery, a compilation of chapters written by notable personalities.
7. 10 Judgements that changed India by Zia Mody
8. We the People and We, the Nation: the Lost Decades by Nani A. Palkhivala
9. The Indian Constitution: Cornerstone of A Nation by Granville Austin
10. The Constitution of India by Dr. B.R. Ambedkar
11. Law of Evidence by Batuk Lal
12. A Dharma Reader – Classical Indian Law translated

and edited by Patrick Olivelle

13. Common Sense And Legal History In India: Collected Essays On Hindu Law And Dharmasastra by Richard W. Lariviere
14. The Indian Legal System by Mahendra Pal Singh and Niraj Kumar
15. From the Colonial to the Contemporary by Rahela Khorakiwala
16. A Journey: Poems by Narendra Modi translated by Ravi Mantha
17. Mann Ki Baat – 50 Episodes Special Edition: A Social Revolution on Radio by BlueKraft Digital Foundation
18. Bharatiya Samvidhan: Ankahi Kahani (Indian Constitution: Untold stories) by Ram Bahadur Rai
19. Guns, Germs and Steel by Jared Diamond
20. Freedom at Midnight by Dominique Lapierre and Larry Collins
21. Bhima: Lone Warrior, written by MT Vasudevan Nair and translated by Gita Krishnankutty

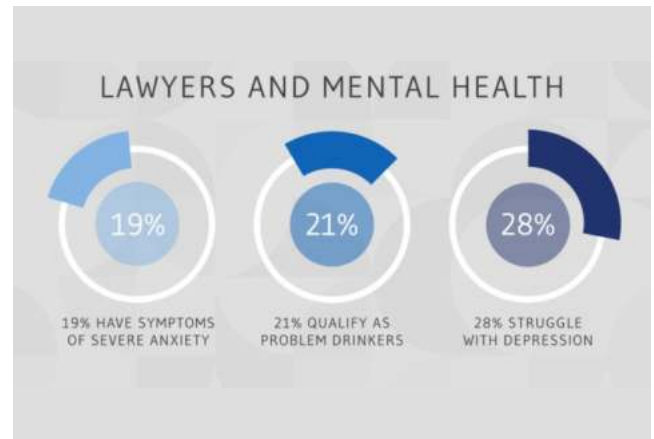
Mental health for lawyers

In the present legal system, with its innate challenges it is critical that mental health and personal growth are prioritized over intellectual but non-essential tasks. All lawyers deserve their 'me' time so that they remain in a positive frame of mind and do not feel peer pressure and anxiety to perform during complex tasks.

In this race to always be on top of things, the mental health of lawyers in India has surprisingly not been part of any mainstream discussion. The American Bar Association, on its website, has a dedicated page focusing on the mental health of lawyers and offers 'lawyer assistance programs,' which provide confidential services and support to judges, lawyers and law students who face mental health issues. Bar Council and Bar Associations have time and again organised legal-health related talks in Bar rooms to emphasise on the need of taking care of one's health while at work. State Bar Council in the coming days wishes to work in this field to make a real impact.

The Council feels a more effective approach would be for the senior lawyers to proactively reach out to juniors individually to check up on his/her mental health. It is time for lawyers to liaise with mental health experts and make their services available to their juniors, which only a handful of lawyers have been doing.

Planning a weekly game activity instead of a legal discourse could be another way to keep the morale high and foster team spirit. Playing simple games like Scrabble or Ludo not only breaks the stress, but also gives



lawyers a chance to bond with peers and feel connected. However, "voluntary" should be the keyword for any activity, as each person has a different mechanism for coping with stress and anxiety. There is no better time than now for lawyers to exhibit their compassion and empathy and convey to their colleagues that mental health matters. The endeavour must be to help each other navigate such phases as smoothly as possible. Ultimately, good mental health will serve to help lawyers cope with job-related stress better and lead to improved performance.

Lawyers tend to miss out on family time, with less moments to share with loved ones at home, which in turn leads to more stress and rather adds to the mental health burden

Pay scale upgradation is also one of the most important factors. Recently, the CJI issued an urgent call to action to senior members of the bar to remunerate their juniors fairly in order to enable them to live a life of dignity. CJI said, *"This structure of the legal profession, which is patriarchal and sometimes caste-based... it has to change so that we, as lawyers, discharge our duties to our society to make the legal profession open up to people from different communities and marginalised groups in our society."*

The strong case for use of regional languages in Courts

Prime Minister Narendra Modi had said that there was a need to simplify legalese by encouraging usage of local languages in courts and that as of now, English is mostly the language of preference across Courts in India. He further added that usage of local language right from court proceedings to the delivery of judgment will ensure better access to justice. The revered Prime Minister also said that legislations should be accompanied by easy-to-understand manuscripts so that citizens are well-equipped in the consultative process and are more empowered to understand their rights.

When he said that the innate character of the justice delivery system should be as uncomplicated as the personality of a cow (in Hindi), we struggled to find a suitable translation of the exact words in English, because the comparison is very befitting for the Indian perspective & it would be lost in translation in a colonial language. Of course, a subtle point had been made.

Chief Justice of India, Justice DY Chandrachud in January 2023 said that the judgments of Supreme Court will now be translated in four languages - Hindi, Gujarati, Odia and Tamil. CJI said English language in its "legal avatar" is not comprehensible to 99.9% of the citizens. He added that the access to justice cannot be meaningful unless citizens are able to understand the judgements. Chief Justice of India then announced in open court that the Supreme Court will release 1,268 judgments in 13 Indian languages on Republic Day in a bid to make justice administration more accessible to the common man.

The judgments he said would be made available in the court's e-SCR portal. The portal which is the repository of the electronic version of Supreme Court Reports (SCR), the official publication of Supreme Court of India, now has some new features in it. When a user uses the free text search engine in e-SCR portal and enters any keyword in the search box, the relevant judgments would be displayed in English language as reported in SCR and also display the list of Indian languages in which that particular judgment is available.

The CJI said the court was on a mission mode to translate its judgments from the official English language to the various regional languages. "We are on a mission to provide Supreme Court judgements in all scheduled languages. We have already started," the CJI observed. This was viewed as a major step by the Supreme Court towards digitalisation.

Prime Minister had also lauded Chief Justice Chandrachud's efforts to provide judgments in regional languages and for digitalisation of the court.

Many hold the view that proficiency in English is not the persona grata for practice in constitutional courts. Former CJI Justice NV Ramana had said, "I think the time has come now to revisit the demand and take it to a logical conclusion. The practice of law before Constitutional courts should be based on one's intelligence and understanding of law and not mere proficiency in language." He had also consistently pushed for the need of "Indianisation of Judiciary" & the need for the legal system to move away from the colonial hangover.

This hangover is obviously evident, not only in language but also in laws, in dress and in the way a common person perceives courts. It is a daunting task for many litigants to approach courts and navigate through the system, without the assistance of lawyers and it is not uncommon to see litigants struggling to make sense of things around.

Tectonic shifts do not come without challenges and lawyers think introduction of local languages may have their own.

The discourse around usage of plain language to translate legislations is not novel. The Prime Minister of India said that the practice of introducing manuscripts in plain language along with legislations is a practice which is followed in many countries and India intends to implement it as well. He said that the Central Government has formulated a committee for this purpose.

Former President's of the United States including Barrack Obama and Richard Nixon have highlighted the need for plain language for better access to justice and public awareness as well. Obama's administrator of the Office of Information and Regulatory Affairs noted, "Plain language can make a huge difference" by saving money and making it "far easier for people to understand what they are being asked to do."

In India, Ignorantia juris non excusat or "ignorance of law is no excuse" applies. To quote the Harvard Business Review, "What do you call a dense, overly lengthy contract that is loaded with legal jargon and virtually impossible for a nonlawyer to understand? The status quo."

Legal Podcasts and study playlist (Suggestive)



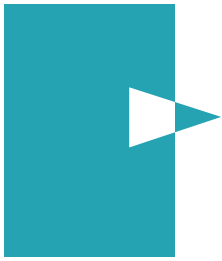
1. Policy Peepul (New Delhi)
2. Trial by Error by Nishita Jha
3. Newslaundry
4. Indicast
5. The Lawyerist Podcast
6. Thinking like a lawyer
7. The Digital Edge
8. Life of the law
9. Know your Kanoon
10. 39 A Podcast

Study Playlist

1. Indian Classical music (Instrumental)
2. Nature Sounds
3. We Shall Overcome by Pete Seeger
4. Chale Chalo by AR Rahman, Srinivas
5. Blowin In The Wind by Bob Dylan

6. Aashayein by KK, Salim Merchant
7. A Change Is Gonna Come by Sam Cooke
8. Roobaroo by AR Rahman, Naresh Iyer
9. Redemption Song by Bob Marley & the Wailers
10. Humble and Kind by Tim McGraw
11. Aas Paas Hai Khuda by Vishal & Shekhar, Rahat Fateh Ali Khan
12. Allah ke Bande by Kailash Kher
13. Rukk Jaana Nahin (Lakshmikant Pyarelal)
14. Temple of Relaxation - Any
15. Bharat Humko Jaan Se Pyara Hai by Hariharan
16. Teri Mitti by Arko, B Praak, Manoj Muntashir
17. Ae Watan by Arijit Singh, Sunidhi Chauhan, Shankar Ehsaan Loy, Gulzar
18. Maa Tujhe Salaam by A.R. Rahman
19. Insaaf Ki Dagar Pe Bacho dikhao Chal ke by Hemanta Mukherjee, Naushad
20. Think by Aretha Franklin
21. The Thrill Is Gone by B.B. King

(Courtesy: Bar & Bench)



MESSAGE

of the Chief Justice of Punjab & Haryana for Young Lawyers

Hon'ble Mr Justice Ravi Shanker Jha, The Chief Justice of High Court of Punjab and Haryana is undoubtedly one of the best judges to have graced the Bench and one of the finest administrators this High Court has ever known. Bar holds him in the highest esteem and reveres his intelligent, kind, articulate, considerate, and empathetic approach to justice. Much to learn from him comes from his vast experience, the respect he commands among his peers and the members of the Bar, his integrity, his judicial philosophy and his undying commitment to the rule of law. Lordship's moving presence exemplifies the culture of his Court - a Court that is rigorous but respectful, that focuses on the big picture but also on the precise choice of words, a Court where the Bench listens to each lawyer or litigant and works collectively to craft opinions that attempt to solve challenging legal and practical problems. The generous nature in which he interacts with the young members of the Bar is the gold standard for judicial mentoring in this country. Having dealt with access to justice to the common man with unfailing courtesy



without sacrifice of firmness and decisiveness has been one of his greatest strengths.

Born on 14th October, 1961 His Lordship is the son of late Shri Arun Shanker Jha, who is great grandson of Rai Saheb Pandit Lajja Shanker Jha, founder of Government Pt. Lajja Shanker Jha Model School of Excellence, Jabalpur and grandson of Padma Bhushan Dr. V.S. Jha, Ex Vice Chancellor of B.H.U, Chairman, Common Wealth Education Liason, London.

After obtaining degree in law (LL.B.) in 1986 from University Teaching Department, Rani Durgawati Vishwavidyalaya,

Jabalpur, His Lordship got enrolled himself as an advocate on 20.09.1986 with the State Bar Council of Madhya Pradesh and joined the chamber of Shri P.P. Naolekar in the year 1986, who later became Judge of the Madhya Pradesh High Court and retired as Hon'ble Judge of the Supreme Court of India and thereafter served as Lokayukta, Madhya Pradesh.

His Lordship was in active and continuous practice in the High Court of Madhya Pradesh since the day of enrolment along with at the CAT and SAT since their establishment and continuously and extensively dealt with constitutional vires matters, tax, N.S.A Election and other constitutional matters for the State of Madhya Pradesh apart from civil services, important constitutional and criminal matters. His Lordship was counsel for the High Court of Madhya Pradesh, Bhilai Steel Plant, Food Corporation of India, M.P. State Minor Forest Produce Trading & Development Federation and others during his years of practice.

He was later appointed as an Additional Judge of the High Court of Madhya Pradesh on 18th October, 2005 and Permanent Judge on 2nd February, 2007. His Lordship was then appointed as the Acting Chief Justice of the High Court of Madhya Pradesh on 10th June, 2019 and later took oath as Chief Justice of High Court of Punjab and Haryana on 6th October, 2019. In November 2022 at a national seminar for young

lawyers organised by the State Bar Council, Hon'ble Mr Justice Ravi Shanker Jha while addressing young lawyers in the audience referred to quotes from the ancient texts to greatly emphasise upon the strict adherence of legal ethics and lawyer' etiquette. Lordship's highlighted the vital importance of dharma, referring to ancient texts and scriptures and stressed upon how one needs to know the road to the destination before starting their journey. His Lordship's address has been widely viewed, and is a must watch for all young lawyers who are now part of this noble profession.



The full 23mins speech (in Hindi) can be viewed on [YouTube](#). Please scan above QR code.





State Bar Council's UK Delegation

of 33 Lawyers (17-21 April 2023): **Highlights**

On the invitation of The Honorable Society of the Inner Temple, Sikhs in Law and other Bar bodies in UK, the State Bar Council of Punjab and Haryana had sent a 33 member delegation comprising of Bar leaders and representatives, public prosecutors, legal academicians, senior and young lawyers. The hosts and visitors recognised the great potential of building upon existing links between colleagues, and the growing need to understand the critical role such official visits play in the long-term development of stronger ties between the legal fraternity from the two vibrant jurisdictions.

The delegation met important functionaries, visited historical institutions and interacted with hundreds of colleagues during their five day visits. As many as twenty four events were spread over five days, each costumed to suit the intent and purpose of the visit. All delegates had borne their own expenses and the State Bar Council has incurred no cost for this delegation. Some of the date-wise highlights from the delegation's visit are:

17.04.2023

Lunch and Library visit at Middle Temple



A modern institution with a long and distinguished history, Middle Temple is a place of many parts. First and foremost, Middle Temple is one of the four Inns of Court which have the exclusive right to Call students to the Bar. The education and training of advocates lie at the heart of the Inn, but we are also a professional society for our membership worldwide; and we maintain a heritage estate in central London housing chambers from which barristers practise.



Several important activities support Middle Temple's core functions. In addition to teaching, training and the management of the Inn's property portfolio, these include the provision of around £1 million per year in support of our students and other junior members; the running of a modern Law library and an historic archive; the oversight (with Inner Temple) of the historic Temple Church; and the management of a commercial events business. All of these activities represent the 21st century Middle Temple, but training and education will always be at its core.

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Middle Temple's membership comprises students, barristers and senior members of the Bar and Judiciary. Members of the Inn's Governing Body (Parliament) are known as Masters of the Bench. The Chairman is the Treasurer, who is elected each year for a 12-month period of office. The Chief Executive, who is a full-time permanent member of the Inn's staff, is the Under Treasurer. A staff of 90 permanent employees assist the Under Treasurer with the day-to-day management and operation of the Inn, along with part-time staff who support our corporate events.

The delegation had lunch at the Middle Temple Hall, under the sensational double hammerbeam roof, dating back to 1573. The delegates were joined by Barristers and Members of the Inn, with whom the history and tradition of the Inn was discussed. The delegation also visited the historic Middle Temple Library, established in the year 1641. Today the Library holds approximately 250,000 volumes of textbooks, law reports, journals and Parliamentary papers, having collection from as far back as 1540, and is one of the most important legal libraries in the country. Joined by Baldip Singh Auluk & Sgt Harvey Rai.



Trowers and Hamlins (International Law Firm)



Trowers & Hamlins LLP is an international law firm with offices throughout the United Kingdom, Middle East and Far East. It currently has over 150 partners and more than 900 employees. Headquartered in London, Trowers & Hamlins was founded nearly 250 years ago.



In 1777 the practice was run by Richard and John Woodhouse. Since that time it has undergone more than 20 changes of identity and amalgamations. Walter Trower (who was knighted in 1915) joined the partnership in 1886, and the name Hamlin originated in a firm called Hamlin & Grammer which was practising in 1875. Though the two firms using these names had been in association for many years, it was not until 1987 that they finally integrated to become Trowers & Hamlins. The lawyers' delegation visited the firm h.q. at 3 Bunhill Row, London.



The delegation met with Partners and counsels of the firm, having exchanged vital information on the legal practice procedures of both jurisdictions. The delegates networked with t&h's counsels whilst exploring common avenues of mutual growth. The delegation was informed about the setting up of an Indian desk of the firm. Joined by Navinder Grover.

Bar Council of UK



The General Council of the Bar, commonly known as the Bar Council, is the representative body for barristers in England and Wales. Established in 1894, the Bar Council is the 'approved regulator' of barristers, but discharges its regulatory function to the independent Bar Standards Board. As the lead representative body for barristers in England and Wales, the Bar Council's work is devoted to ensuring the Bar's voice is heard, efficiently and effectively, and with the interests of the Bar (and the public interest) as its focus.



The General Council of the Bar was created in 1894 to deal with breaches of a barrister's professional standards, something that had previously been handled by the judiciary.[3] Along with the Inns of Court it formed the Senate of the Inns of Court and the Bar in 1974, a union that was broken up on 1 January 1987 following a report by Lord Rawlinson. The Courts and Legal Services Act 1990 designated the Bar Council as the professional body for barristers, with the role as a regulatory body being split off in 2006 to form the Bar Standards Board.

As part of the representative remit of the Bar Council, it has a number of representative committees. The most senior of these is the Bar Council, which has 56 members representing organisations such as the Circuits and Specialist Bar

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Associations, and 60 members elected by the wider Bar. **There are a further fourteen committees, including:**

- * Bar Representation Committee
- * Education and Training Committee
- * Employed Barristers Committee
- * Equality, Diversity, and Social Mobility Committee
- * Ethics Committee
- * European Committee
- * General Management Committee
- * International Committee
- * Law Reform Committee
- * Legal Services Committee
- * Pro Bono and Social Responsibility Committee



* Remuneration Committee

The independent, practising Bar of England and Wales is more than 16,500 strong and plays a crucial role in upholding the principles of government accountability under law and



vindication of legal rights through the courts.

The delegation was welcomed and introduced to the Bar at its office by Christian Wisskirchen LL.M Head of International Policy at Bar Council who was joined by Sam Townend KC Vice Chair of the Bar Council. The delegation had the opportunity to learn more about the bar registration process in UK, the functioning of regulatory authority, ways to maintain legal ethical standards and the work carried out by Barristers. A detailed introduction to the UK legal services and Bar of England & Wales was given. Nick Vineall KC the Chairman of the Bar Council of England and Wales also joined the meeting along with Kirsty Brimelow KC the Chair of the Criminal Bar Association of UK. The meeting ended with exchange of views on the future of cross border legal practice and the need of increased cooperation between Bar's from both countries.

The entire delegation was hosted at dinner by Shri Sukhvinder Singh Nara, a leading Indian origin UK based Solicitor.



18.04.2023

Indian High Commission

The High Commission of India in London is the diplomatic mission of India in the United Kingdom. It is located in India House on Aldwych, between Bush House, what was Marconi House (now Citibank) and Australia House. It faces both the London School of Economics and King's College London. Since 1981, India House is a Grade II listed building.





India in the UK

@HCI_London

India government organization

HC @VDoraiswami welcomed lawyers from Punjab and Haryana, on an exposure visit to the UK. Ideas were exchanged on India-UK legal services, especially for diaspora. @MEAIndia @sujitjoyghosh



4:58 PM · 18/04/23 · 2,607 Views

The delegation had the opportunity to meet with H.E. Mr Vikram Kumar Doraiswami High Commissioner of India to the United Kingdom at the first floor hall. The High Commissioner shared his own experiences, discussed about the intent and objective of the delegation, delved upon the growing legal field in India, spoke of the strength and challenges of the Indian diaspora and expressed his desire to work with the Bar Council to explore ways to provide easy access to justice to the Indian diaspora for the legal issues they may have back home. The High Commissioner surprised all with his endearing presence, having had detailed discussions with each delegate on the how best can one contribute to the Indian growth story.

The entire delegation while expressing immense pride, had the honour to hold the Indian national flag outside the India House, with patriotism at hearts raising in one voice the mild slogans of 'Bharat Mata Ki Jai'.



Visit and Lunch at Lincolns Inn



The exact origins of Lincoln's Inn, and in fact any of the other three Inns of Court, are not fully known. We do know that the Inn's formal records, or governing minutes known as the 'Black Books', go back continuously to 1422, which is nearly eighty years earlier than any other Inn. However, it is clear that the Inn had already been in existence for some time before these records begin.



Lincoln's Inn is an inclusive and diverse professional community, reflecting its historic role and the needs of the modern world. The Inn has been in existence for more than 600 years and is one of the four Inns of Court which have the exclusive right to call students to the Bar of England and Wales. The Inn's Benchers form the Council of Lincoln's Inn, the



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governing body. From their number are elected a Treasurer to head the Society each year and the Officers of the Inn. The Benchers also form the majority membership of the Inn's Bench Committees, which oversee the work of the Inn. They are joined in this work by barrister members of the Inn, predominantly drawn from the Bar Representation Committee. Lincoln's Inn is a thriving society of barristers, situated on a



large estate of historic buildings, contemporary facilities, and tranquil grounds in central London. The Inn is a multifaceted organisation, but is primarily dedicated to the qualification, training and development of our members, at all stages of their legal careers, in a prestigious, collegiate and inclusive environment.

At the Inn, the delegation had the opportunity to meet and interact with Sir Rabinder Singh KC, styled The Rt. Hon. Lord Justice Singh, a British Court of Appeal judge and President of the Investigatory Powers Tribunal, formerly a High Court judge of the Queen's Bench Division, a King's Counsel and barrister, formerly a founding member of Matrix Chambers and a legal academic. The delegation also met with Rt Hon Sir Geoffrey Vos, Treasurer of the Lincoln's Inn who was also appointed Master of the Rolls and Head of Civil Justice in England and Wales on 11 January 2021.

The delegation visited the Inn's chapel where the 'oath of advocacy' is administered to young lawyers. The delegates had lunch at the iconic Great Hall with Barristers and members of the Inn. Joined by Baldip Singh Auluk, Ravi Mahey, Harsimran Chohan & ors.

Court visit at Royal Courts of Justice



Royal Courts of Justice, also called Law Courts, in London, complex of courtrooms, halls, and offices concerned primarily with civil (noncriminal) litigation. It lies in the Greater London borough of Westminster, on the boundary with the City of London.



Within its confines are held sessions of the Court of Appeal, the High Court of Justice, and the Crown Court. Prior to the opening of the complex in 1882, civil cases were decided in Westminster Hall and in other locations. The Victorian Gothic structure was originally designed by George Edmund Street, who died during its construction. It includes several towers, more than 1,000 rooms,





and ornate decorations and furnishings. Statues of Christ, King Solomon, King Alfred, and Moses are located above its main doors. Its main hall is about 240 feet (73 metres) long and 80 feet (24 metres) high. Extensions were added to the building in 1911 and 1968.

The delegation had the opportunity to visit courtrooms, watch live court proceedings, hear case arguments and judges interpretations along with interacting with Barristers. The delegation saw courtroom cause-lists, different courtrooms, client counselling areas and different facilities along with historical artefacts including gowns, head-wigs etc as preserved from older times.



New Scotland Yard



Scotland Yard (now officially New Scotland Yard) is the headquarters of the Metropolitan Police, the territorial police force responsible for policing Greater London's 32 boroughs, but not the City of London, the square mile that forms London's historic and primary financial centre. Its name derives from the location of the original Metropolitan Police headquarters at 4 Whitehall Place, which also had an entrance on a street called Great Scotland Yard. The Scotland Yard entrance became the public entrance, and over time "Scotland Yard" has come to be used not only as the name of the headquarters building, but also as a metonym for both the Metropolitan Police Service itself and police officers, especially detectives, who serve in it.



The force moved from Great Scotland Yard in 1890, to a newly completed building on the Victoria Embankment, and the name "New Scotland Yard" was adopted for the new headquarters.

The delegation had the opportunity to visit the iconic building of the New Scotland Yard, interact with officers on investigative practices and crime control techniques. The delegates discussed with Sgt Harvey Rai and his colleagues on how prosecution is brought about and successfully concluded in the UK by the police.

House of Lords



One of the most memorable events was the visit inside the British Parliament and House of Lords. The House of Lords also known as the House of Peers is the upper house of the Parliament of the United Kingdom. Membership is by appointment, heredity or official function. Like the House of Commons, it meets in the Palace of Westminster in London, England.



The House of Lords holds the government to account by scrutinising bills, alongside the House of Commons. Peers regularly review and amend bills before they reach Royal Assent, seeking agreement with the House of Commons on the final text (also known as 'ping pong'). While it is unable to prevent bills passing into law, except in certain limited circumstances, it can delay bills and force the Commons to reconsider their decisions. In this capacity, the House of Lords, being independent of the electoral process, acts as a check on the House of Commons. While members of the Lords may also take on roles as government ministers, high-ranking officials such as cabinet ministers are usually drawn from the Commons. The House of Lords does not control the term of the prime minister or of the government. Only the lower house may force the prime minister to resign or call elections.



briefed on the functionality of both Houses of Parliament, legislative process and internal working of the parliamentary committees. The future course of action with regard to the collaboration amongst legal fraternity from India and UK was also discussed. The delegation was humbled by the presence of Shri Vishesh Agarwal, Director U.K. Policing Pathways who also accompanied the delegation here.

While the House of Commons has a defined number of members, the number of members in the House of Lords is not fixed. Currently, it has 778 sitting members. The House of Lords is the only upper house of any bicameral parliament in the world to be larger than its lower house, and is the second-largest legislative chamber in the world behind the Chinese National People's Congress.

The King's Speech is delivered in the House of Lords during the State Opening of Parliament. In addition to its role as the upper house, until the establishment of the Supreme Court in 2009, the House of Lords, through the Law Lords, acted as the final court of appeal in the United Kingdom judicial system. The House of Lords also has a Church of England role, in that Church Measures must be tabled within the House by the Lords Spiritual. Accompanied by Baldip Singh Auluk, Councillor Sunpreet Brar (Newbury), Amanjot Sidhu, Harsimran Chohan, Sahil & Ors.

The delegation visited the iconic building and held detailed discussions with Baroness Verma, Lord Sahota and other functionaries at the Committee Room. The increasing footprint of the Indian diaspora and the intertwined future growth between India-UK was deliberated upon. The delegation was

Dinner with Noble Solicitors

The entire delegation was hosted for dinner at Punjab Indian Restaurant by Noble Solicitors, a law firm with multiple Solicitors offices in Bedfordshire, Essex, Hertfordshire, Northampton down to the City of London, specialising in a broad range of legal services including Family Law, Criminal Law, Complex Crime and Mental Health Law. The delegation was delighted to hear and interact with Paul Millan, Managing Director of Noble Solicitors and one of the top rated Solicitor Advocate's in the UK.



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19.04.2023

Pinsent Masons LLP



500 of the firm's staff are based in its international headquarters in the City of London. It has more PLC clients than any law firm except one.

Pinsent Masons was named 'Law Firm of the Year' in 2021 and 2016 by respected industry magazine Legal Business, 'Law Firm of the Year 2018' at The Lawyer Awards and 'Law Firm of the Year' 2016 at Law.com's British Legal Awards. In 2020 and 2015 it was named 'The Most Innovative Law Firm in Europe' by the Financial Times. Joined by Pavitar Singh Bhullar

Pinsent Masons LLP is a multinational law firm which specialises in the energy, infrastructure, financial services, real estate and technology, science & industry sectors. The firm ranks among the top hundred law firms in the world by turnover.



The firm has 26 offices across Africa, Asia Pacific, Europe and the Middle East. In 2017, Pinsent Masons entered into an association with Saudi-based law firm AlSabhan & Alajaji.

Pinsent Masons LLP has over 450 partners, a total legal team of around 1,900 people and more than 3,700 employees. More than



The delegation met with Partners, Heads and counsels (total 16 members) of the firm where the inspirational journey and transformation of Pinsent Masons LLP was shared. Common agendas were discussed on how best can colleagues from both jurisdictions professionally benefit each other in the legal service delivery industry. The delegates shared their practice experiences with the firm Partners and advised them on how they can seek to expand in India, whilst looking for talent in and around the region of Chandigarh, Punjab and Mohali. The firm was invited to visit Chandigarh and this region to make them better understand the legal services here.

Lunch at Inner Temple & Ede & Ravenscroft visit



The Honourable Society of the Inner Temple, commonly known as the Inner Temple, is one of the four Inns of Court and is a professional association for barristers and judges. To be called to the Bar and practise as a barrister in England and Wales, a person must belong to one of these Inns. It is located in the wider Temple area, near the Royal Courts of Justice, and within the City of London. As a liberty, it functions largely as an independent local government authority.



The Inn is a professional body that provides legal training, selection, and regulation for members. It is ruled by a governing council called "Parliament", made up of the Masters of the Bench (or "Benchers"), and led by the Treasurer, who is elected to serve a one-year term. The Temple takes its name from the Knights Templar, who originally (until their abolition in 1312) leased the land to the Temple's inhabitants (Templars). The Inner Temple was a distinct society from at least 1388, although as with all the Inns of Court its precise date of founding is not



known. After a disrupted early period (during which the Temple was almost entirely destroyed in the Peasants' Revolt) it flourished, becoming the second-largest Inn during the



Elizabethan period (after Gray's Inn).

The Inner Temple expanded during the reigns of James I and Charles I, with 1,700 students admitted between 1600 and 1640. The First English Civil War's outbreak led to a complete suspension of legal education, with the Inns close to being shut down for almost four years. Following the English Restoration the Inner Templars welcomed Charles II back to London personally with a lavish banquet.

After a period of slow decline in the 18th century, the following 100 years saw a restoration of the Temple's fortunes, with buildings constructed or restored, such as the Hall and the



Library. Much of this work was destroyed during The Blitz, when the Hall, Temple, Temple Church, and many sets of barristers' chambers were devastated. Rebuilding was completed in 1959, and today the Temple is a flourishing and active Inn of Court, with over 8,000 members.

The delegation had lunch at the Inner Temple Hall. Located on the first floor with access to the main corridor that connects all rooms, The Inner Temple Hall is one of the very few Georgian-style event halls in the City of London. The oak-panelled walls are adorned with heraldic shields and historic paintings. Together with silvered chandeliers and a minstrels' gallery, the Hall is a delight to watch. Barristers and members of the Inn joined the delegation and shared their experiences.

Post the speed networking session, the delegates visited the Ede & Ravenscroft store, who are the oldest tailors in London, established in 1689. They have two London premises, in Chancery Lane and Burlington Gardens, very close to the famous Savile Row. They make, sell and hire out legal gowns and wigs, clerical dress, civic and municipal robes, academic dress and other ceremonial and formal dress. The delegation stopped at the main (and historic) outlet and offices at 93 Chancery Lane which, which has its proximity to the Inns of Court and the country's main civil and criminal law courts, and is the main outlet for legal dress. Delegates tried robes and hairwigs !



Law Society of England and Wales



The Law Society of England and Wales (officially The Law Society) is the professional association that represents solicitors for the jurisdiction of England and Wales. It provides services and support to practising and training solicitors, as well as serving as a sounding board for law reform. Members of the Society are often consulted when important issues are being debated in Parliament or by the executive. The Society was formed in 1825.



The Hall of The Law Society is in Chancery Lane, London, but it also has offices in Cardiff to deal with the Wales jurisdiction and the Senedd, and Brussels, to deal with European Union law.

A president is elected annually to serve for one year. The current president is Lubna Shuja, the first Asian and first Muslim president in the organisation's history.

The Law Society has nothing to do with barristers in England and Wales. The relevant professional body for barristers is the General Council of the Bar.



The London Law Institution, the predecessor to the Law Society, was founded in 1823 when many London Solicitors came together to raise the reputation of the profession by setting standards and ensuring good practice. 'London' was dropped from the title in 1825 to reflect the fact that the Law Institution had national aspirations.



The Society was founded on 2 June 1825, when a committee of management was appointed. The Society acquired its first Royal Charter in 1831 as The Society of Attorneys, Solicitors, Proctors and others not being Barristers, practising in the Courts of Law and Equity of the United Kingdom. A new Charter in 1845 defined the Society as an independent, private body servicing the affairs of the profession like other professional, literary and scientific bodies. By further Royal Charter in 1903 the name of the Society was changed to simply "The Law Society". The Society first admitted women members in 1922.



The Solicitors Act 1860 enabled the Society to create a three-tier examination system. In 1903, the Society established its own Law Society School of Law, which later merged with tutorial firm Gibson and Weldon to become the independent College of Law. By 1922 The Law Society required a compulsory academic year for all clerks.

The delegation met with the international wing of the Law Society, led by the President of Law Society Lubna Shuja and had a detailed discussions on the Indian legal service industry. The meeting led to a lot of shared concerns and knowledge about the legal fraternity from both jurisdictions. The delegation also got the opportunity to visit the historic library situated within the building. Paul Millan, Mandeep Kaur Virdee and Baldip Singh Auluk accompanied the delegation.

In July 2013, the Association of Women Solicitors (AWS), a national organisation working with and representing women solicitors in the United Kingdom, merged with the Law Society to form its Women Lawyers Division. Although merged, the AWS will operate separately from the Law Society.



Society of Asian Lawyers



The delegation was hosted for an evening dinner at the 3 King's Bench Walk North, Temple office by the Society of Asian Lawyers (SAL) at the Littleton Chambers. The delegation met and interacted with Ranjit Sond President SAL, Mohinderpal Sethi KC, Jaswant Narwal and many others.

The Society of Asian Lawyers (SAL) is an open, democratically run organisation – the biggest BAME lawyers' Society in the UK representing over 2000 members.

Littleton is a leading employment and commercial Chambers. The set's highly regarded team of 50 barristers, including 15 silks, all provide exceptional advice and advocacy to clients.

The delegates discussed about many common legal issues and international practice areas.

20.04.2023

London Court of International Arbitration (LCIA)



The LCIA is one of the world’s leading international institutions for commercial dispute resolution. The LCIA provides efficient, flexible and impartial administration of arbitration and other ADR proceedings, regardless of location, and under any system of law. The international nature of the LCIA’s services is reflected in the fact that, typically, over 80% of parties in pending LCIA cases are not of English nationality. The LCIA has access to the most eminent and experienced arbitrators, mediators and experts from many jurisdictions, and with the widest range of expertise. The LCIA’s dispute resolution services are available to all contracting parties, without any membership requirements. In order to ensure cost-effective services, the LCIA’s administrative charges, and the fees charged by the tribunals it appoints, are not based on sums in issue. A

registration fee is payable with the Request for Arbitration and, thereafter, hourly rates are applied by the arbitrators and by the LCIA.

The delegation met with Christopher Style KC Chairman of the LCIA Board, Prof Jackie van Haersolte-van Hof the Director General of the LCIA since 2014 and other counsels working with the institution at the IDRC. Based in London, IDRC is one of the finest international dispute resolution centres globally. IDRC offers modern and fully-equipped rooms for arbitrations, mediations, conferences, training and Public Inquiries. IDRC is the world’s leading integrated Alternative Dispute Resolution Hub, providing best-in-class hearing facilities and accommodating leading international dispute resolution institutions.



The delegates got the opportunity to learn about the new challenges in international commercial arbitration, the transformative Covid years, arbitration best practices and the LCIA way of dealing with disputes dealt with arbitration. The growing Indian arbitration institutions and the reasons of their rising prominence were discussed at length.

CND Parker Law Firm and other barrister chamber visits

CND PARKER ●●●



The delegation was hosted by Abhijit Khandeparkar Partner and Ravindra Kumar Partner of the CND Parker law firm at their office. CND Parker is a commercial law practice based in London aimed at delivering effective value-based services to its clients across the spectrum of their business and legal issues globally and locally.

The delegation also had the opportunity to see other leading Barrister and Solicitor chambers.



Tour of Royal Courts of Justice and meeting Lord Chief Justice



The Lord Chief Justice interacting with the delegation.

The delegation had the opportunity to see the insides of the Royal Courts of Justice. Queen Victoria opened the Royal Courts in December 1882 after eleven years of construction. The building instantly became an awe-inspiring landmark in the heart of London's Fleet Street.

George Edmund Street sadly died before the building was opened.

The Lord Chief Justice's Court was originally Court 6. He believed it to be unlucky and requested it be renumbered Court 4, as it is today. The Lord Chief Justice of England and Wales is the Head of the Judiciary of England and Wales and the President of the Courts of England and Wales.

Until 2005 the Lord Chief Justice was the second-most senior judge of the Courts of England and Wales, surpassed by the Lord Chancellor who normally sat in the highest court. The Constitutional Reform Act 2005 changed the roles of judges, creating the position of President of the Supreme Court of the United Kingdom and altering the duties of the Lord Chief Justice and Lord Chancellor. The Lord Chief Justice ordinarily serves as President of the Criminal Division of the Court of



11 Architects competed for the contract for the Law Courts (believing they were designing a Cathedral) with each submitting alternative designs with the view of the possible placing of the building on the Thames Embankment.

In 1868 it was decided that George Edmund Street, R.A. was to be appointed the sole architect for the Royal Courts of Justice and it was he who designed the whole building from foundation to varied carvings and spires.





the Lord Chief Justice of Ireland of the pre-Partition era.

The current Lord Chief Justice is Lord Burnett of Maldon, who assumed the role on 2 October 2017. The delegation had the opportunity to meet the Lord Chief Justice, who very kindly invited the delegates inside his courtroom, addressed the delegation and received tokens of gratitude from the delegation.

The robust Indian justice delivery system as it exists today was widely appreciated by him.



Appeal and Head of Criminal Justice, meaning its technical processes within the legal domain, but under the 2005 Act can appoint another judge to these positions. The Lord Chancellor became a purely executive office, with no judicial role.

The equivalent in Scotland is the Lord President of the Court of Session, who also holds the post of Lord Justice-General in the High Court of Justiciary. The equivalent in Northern Ireland is the Lord Chief Justice of Northern Ireland, local successor to



The Honourable Society of Inner Temple



The Inner Temple is one of the four Inns of Court - each not-for-profit, unincorporated professional membership associations which have existed since the 14th Century. The core purpose is to promote education and training at the Bar of England & Wales and beyond. The primary functions are as:

- * collegiate educational establishments- organising vast annual programmes of education and training and networking and social events for members at all stages of their professional careers; the Inns of Court College of Advocacy Bar Course; world-class law libraries; membership services; and exercising some regulator duties for the Bar;
- * charities - e.g., providing scholarships to prospective Bar students in order to widen access to the profession;
- * large central London estates - providing professional premises to barristers; and promoters of the Bar and Rule of Law nationally and internationally.

The Inns share common goals in strengthening and promoting the rule of law and a vibrant, diverse, legal community; promoting the highest levels of professionalism and ethics in the practice of law; the provision of legal education and opportunities for bilateral learning; and the development of cross-jurisdictional professional and collegiate links.

Any barrister who seeks to practice at the Bar of England and



Wales must be a member of one of the four Inns. In addition to barristers, the Inns' membership includes judges from all levels of the judiciary (the majority of whom have been appointed from the Bar itself), academics, pupils, students and those in other areas of professional life. The Inns' members hail from virtually every country in the world. Some return to their home jurisdiction to practice and the Inns aim to maintain links with these members, as well as to foster mutually beneficial relationships with non-member international lawyers, judges and others, to further develop a thriving global network of legal practitioners and jurists.

The delegation visited the Inner Temple, its chambers, offices, libraries and rooms. The Inner Temple had invited the delegation to build upon existing links with colleagues in India and to share knowledge and examples of legal education and teaching methods, and how this teaching can be put into practice. The KC's and Sub-Treasurer gave an introduction to the history and role of the Inns of Court of England and Wales and also gave presentation on the key principals of advocacy training and the ethical conduct of barristers. This was followed by bilateral discussions.

Mahatma Gandhi was admitted as a student of the Inner Temple on 6 November 1888. The forms that he completed in his strong, legible, handwriting and the books that he signed are still there. The admission book shows that he paid £140-15-5d in fees on 6 November 1888.

The delegation was shown such invaluable of Mahatma Gandhi.



4 Paper Buildings Barrister Chambers



4PB is one of the largest specialist family law set in England & Wales. The set has a long history as a friendly team of specialist barristers providing excellent, expert, common sense and practical advice and advocacy in all areas of family law.

4PB is consistently ranked as a leading family set of chambers. Their barristers are experts in divorce/civil partnership dissolution, financial remedies, emergency protection, private

children matters included assisted reproduction, public law children matters, child abduction and other matters concerning the international movement of children, and Court of Protection work.

Many of the most serious, sensitive and significant family cases are undertaken by members of 4PB and they are known to receive instructions from a diverse array of clients including Government departments, media organisations, the rich and/or famous, parents seeking to prevent children from being removed into care and children's guardians. The Chambers



provide a wide spread of services to assist in dispute resolution, in particular Mediation, Collaborative Law, Early Neutral Evaluations, private FDRs and Arbitration.

The delegation was hosted by Barristers of 4PB at their spectacular office space. The Head of the Chambers Charles Hale KC and Barbara Mills KC joined Henry Setright KC along with the entire team of counsels at the chambers to discuss on the family law issues in India and the UK. Detailed discussions were held in which delegates got an opportunity to network and gain an insight into their vast family law practice across many jurisdictions. The delegation was delighted to meet Sir Alistair William Orchard MacDonald, styled The Hon. Mr Justice MacDonald Judge in the Family Division of the High Court of UK.



Met Indian Law Students

The delegation met a team of Indian National Student Association (INSA)-UK and INSA Warwick, primarily law students in UK. We discussed on various topics covering life of Indians students in the UK and also discussed upon potential opportunities to help our Indian law students with Joined by Sankalp Mishra, Anirudh, Amit Tiwari, Vasikar Sathiyamoorthy & Ors.



21.04.2023

Crown Prosecution Service (CPS)



The Crown Prosecution Service (CPS) prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent, and we make our decisions independently of the police and government.

Our duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.

The CPS:

- * decides which cases should be prosecuted;
- * determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations;
- * prepares cases and presents them at court; and
- * provides information, assistance and support to victims and prosecution witnesses.

Prosecutors must be fair, objective and independent. When deciding whether to prosecute a criminal case, our lawyers must follow the Code for Crown Prosecutors. This means that to charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic





prospect of conviction, and that prosecuting is in the public interest. The Director of Public Prosecutions (DPP) is the head of the Crown Prosecution Service (CPS) and the third most senior public prosecutor in England and Wales, ranking after the attorney general and solicitor general. The delegation met and interacted with Max Hill KC the



current Director of Public Prosecutions of England along with Jaswant Narwal the Chief Crown Prosecutor. The delegates had the opportunity to discuss about cross border crimes and investigations, prosecutors challenges etc and see the office.



Tour of Supreme Court of United Kingdom and meeting with Judges



The Supreme Court of the United Kingdom is the final court of appeal in the United Kingdom for all civil cases, and for criminal cases originating in England, Wales and Northern Ireland. As the United Kingdom's highest appellate court for these matters, it hears cases of the greatest public or constitutional importance affecting the whole population.

The United Kingdom has a doctrine of parliamentary sovereignty, so the Supreme Court is much more limited in its powers of judicial review than the constitutional or supreme courts of some other countries. It cannot overturn any primary legislation made by Parliament. However, as with any court in the UK, it can overturn secondary legislation if, for an example, that legislation is found to be ultra vires to the powers in primary legislation allowing it to be made.

As authorised by the Constitutional Reform Act 2005, Part 3, Section 23(1), the Supreme Court of the United Kingdom was formally established on 1 October 2009 and is a non-ministerial government department of the Government of the United Kingdom. Section 23 of the Constitutional Reform Act limits the number of judges on the Court to 12, though it also allows for this rule to be amended, to further increase the number of judges, if a resolution is passed in both Houses of Parliament. It assumed the judicial functions of the House of Lords, which had been exercised by the Lords of Appeal in Ordinary (commonly called "Law Lords"), the 12 judges appointed as members of the

House of Lords to carry out its judicial business as the Appellate Committee of the House of Lords. Its jurisdiction over devolution matters had previously been exercised by the Judicial Committee of the Privy Council.

The court is composed of the President and Deputy President and ten other Justices of the Supreme Court, all with the style of "Justices of the Supreme Court" under section 23(6) of the Constitutional Reform Act. The President and Deputy President of the court are separately appointed to those roles.

The delegation had the opportunity to see the entire building, attend the launch of Sikhs in Law, and hold meetings with various legal luminaries of the UK. The delegation met with Lord Justice Saini and Justice Cheema-Grubb, was addressed by Lord Justice Singh inside the courtroom and greeted Lord Leggatt Judge of the Supreme Court of United Kingdom.

The delegation is immensely grateful to Sikhs in Law, and most importantly Baldip Singh Auluk Barrister 33 Bedford Row and International Family Law Barrister for having spared precious time and resources for the sake of mutual growth and promotion of the legal fraternity. The delegation also expresses deep appreciation for Clr Sunpreet Brar, Simran Chauhan, Mandeep Kaur and other colleagues of eminence who spared time.

TESTIMONIALS

(UK Delegation)

We at Sikhs in Law were delighted to host such an esteemed delegation of lawyers from Punjab and Haryana. We hope this is the first of many exchange programmes between our two countries.

Baldip Singh
Chair of Sikhs in Law Association

I recently had the opportunity to go UK on a delegation tour organized by Bar Council of Punjab and Haryana, and it was truly a transformative experience. Being part of a delegation gave me the chance to meet with other professionals in my field. I learned so much from the other members of my delegation, as well as from the people we met with during our tour.

One of the most rewarding aspects of the delegation was the chance to learn about work culture of UK Law firms, Crown Prosecution Services and Investigating agencies (New Scotland Yard). The tour allowed me to gain a deeper understanding of the UK legal system which is open for overseas lawyers. I also had the opportunity to network with legal professionals from different backgrounds and perspectives, which was invaluable in expanding my knowledge and will certainly help in enhancing my skills.

Overall, I would highly recommend going on a delegation tour to anyone who has the chance. It's a great way to broaden your horizons, learn new things, and build valuable connections. My experience on the delegation has certainly been wonderful, and I'm grateful to Sh. Baldev Raj Mahajan, Ld. Advocate General Haryana for recommending my name from AG Haryana Office and also to Bar Council of Punjab and Haryana for giving me the opportunity to have been a part of it.

Our delegation tour was very well organized, a big applause for the Bar Council of Punjab and Haryana for the same.

Vivek Saini, Advocate
Additional Advocate General, Haryana

Dinesh Kumar Jangra, Advocate, Vice-President, Punjab and Haryana High Court Bar Association, practicing since 1999 and am a trained Mediator and as a part of delegation of Bar Council came across with judicial system of England and Wales especially in the field of Arbitration, Property, Criminal, Matrimonial, Mediation and Commercial Laws and looking forward for joint ventures in the legal field.

Vice President HCBA

I would like to express my heartfelt gratitude to the Bar Council of Punjab and Haryana for providing me with an enriching and invaluable experience as a part of their delegation to the UK. Their meticulous planning and attention to detail was commendable. The Council's unwavering commitment to promote the professional development of the legal fraternity is truly inspiring. This experience has been invaluable, and I am excited to bring back the knowledge and insights gained from this trip to further my legal career.

Gagandeep Singh Chhina, Advocate
Assistant Advocate General, Haryana

It was a great opportunity and honour to be a part of the first Indian Delegation to United Kingdom. My heartfelt thanks to State Bar Council for planning a comprehensive and informative itinerary. I am very grateful for all their efforts.

Being a part of the delegation, I was delighted to visit the best International law firms in United Kingdom. They were extremely supportive and congenial. Their main agenda was how we can collaboratively work towards the development in the legal sphere in the times to come. The Bar council of India has allowed foreign Law firms to practice foreign law in India on reciprocal basis. It was very informative to hear their expert opinion and perspective. I am enlightened by all the information and knowledge gained from this tour.

Karanbir Singh, Advocate

It was a great opportunity to engage in productive conversations with legal professionals of London. The bar Council of Punjab and Haryana organised such an impactful delegation. I hope that this is the just beginning of many future collaborations and partnerships between legal professionals from both the nations. We returned home with new knowledge, skills and experience. Special thanks to the bar Council for making this opportunity possible.

Vijay Sihag, Advocate

I had a fantastic time visiting the United Kingdom justice system and law firms in London. Not only did I learn a lot about the legal system, but I also had the opportunity to network with some of the top professionals in the field. Lot's of sweet memories with the all delegates, all were amazing. Thank you all.

Baljeet Singh Beniwal, Advocate
Treasurer HCBA

Being part of the delegation itself is a proud thing but when the delegation is for United Kingdom then it is Exceptional, being part of the delegation we are able to understand the working of judicial system in United Kingdom and we have been able to portray our system of working & procedure to them. It would certainly help in future that how we can assist/corporate our foreign counterparts while working together. Through this delegation we have been strongly marked the presence of the lawyers of Punjab & Haryana Bar Council.

Manvender Rathee, Advocate

Exceptional....having visited and meeting various law firms, Barristers, Solicitors sharing experiences of both jurisdictions. The delegation was successful in portraying the capabilities and integrity of the lawyers practising in the states of Punjab and Haryana.

Jasmeet Bhatia, Advocate
Hony' Secretary HCBA

My experience of visit to the UK as a delegate of the Bar Council of Punjab and Haryana was impeccable. The Sikhs in Law Association, UK and the Bar Council arranged some amazing meetings which allowed us to have a conversation with industry leaders in legal fraternity from the UK. It was an enriching experience including discussions on future collaborative work between the lawyers from both the nations. The visit was filled with fruitful conversations, networking sessions, and amazing memories that I will cherish. Looking forward to other foreign visits with the Bar Council of Punjab and Haryana.

Avineet Singh Chawla
Arbitration Lawyer | Lecturer and Assistant Dean at Jindal Global Law School

No doubt it was an enriching experience of visiting and knowing the legal system of another jurisdiction but I feel that we have a better justice delivery system in India, however, if we can succeed in ensuring implementation of laws in true letter and spirit, we can be the best Judicial system of the World.

Shekhar Verma, Advocate

I am proud to have been a part of the first delegation to meet the legal luminaries of United Kingdom after the change of rules to practise for foreign lawyers and law firms. It was an enriching experience throughout. I was equally ecstatic to see what diaspora of our homeland has achieved in England in legal profession. Special thanks to the Chairman Bar Council to have walked the extra mile to make all this happen.

Parvez Chugh, Advocate

Leading The Bar

Manan Kumar Mishra



Senior Advocate Supreme Court of India & Chairman of Bar Council of India.

One of the most popular figures amongst the Indian legal fraternity, he is undoubtedly the greatest leader of advocates in Indian history. Having been elected as the Chairman of the apex body for the sixth consecutive term this year, his immense contributions to the rule of law, legal education and legal reform are widely acclaimed.

Mr Mishra has been instrumental in setting up of the National Law School of India University at Bangalore, and other prestigious law universities of such stature. He is the sole inspiration behind the historical initiatives undertaken by the Bar Council of India Trust (Pearl Trust) and the setting up of world-class India International University of Legal Education and Research, Goa India (IIULER).

50 years of the Basic Structure Doctrine

Introduction

The 50 Years of Basic Structure Doctrine marks a significant milestone in India's constitutional history. The doctrine was established in 1973 through the landmark Kesavananda Bharati case, this doctrine has helped preserve the core principles of the Indian Constitution. Over the past five decades, the Basic Structure Doctrine has played a crucial role in maintaining a balance of power between different branches of government and safeguarding citizens' fundamental rights. However, over the years, this doctrine has faced various challenges and debates, such as the extent of judicial intervention and the definition of its components.



About the Kesavananda Bharati case

The Kesavananda Bharati case was a landmark judgment by the Supreme Court of India in 1973. It involved a Hindu monastery head, Kesavananda Bharati, who challenged the Kerala government's land reform acts that would cause his monastery to lose its land. This case led to a historic ruling which established the Basic Structure Doctrine, stating that Parliament cannot amend the basic structure of the Constitution.

The Supreme Court's decision was made by a slim majority of 7 to 6 judges. The Doctrine allowed the judiciary to review constitutional amendments and strike down any that violated the basic structure. This ruling helped maintain a balance of power between the branches of government and protected citizens' fundamental rights.

The case marked a significant power struggle between the Parliament and the Supreme Court, with the government appointing judges who were expected to favor Parliament. Despite the tense atmosphere and various challenges, the Kesavananda Bharati case remains a crucial milestone in Indian constitutional history, ensuring the Constitution's integrity and democratic principles are preserved.

What is the Basic Structure Doctrine?

The "Basic Structure" doctrine is a legal doctrine made from judicial innovation specific to the Indian context. The doctrine prescribes that certain features of the constitution are essential for the functioning of the state. Such features are beyond the limits of the amending powers of the

Parliament.

The word “Basic Structure” is not mentioned in the Constitution of India. The concept developed gradually with the tussle between the Parliamentary power to amend the constitution and the judiciary’s power to review such amendments. The concept was recognised for the first time in the Kesavananda Bharati case in 1973.

What is the significance of the Basic Structure Doctrine?

Protecting Democracy: The Basic Structure Doctrine ensures that India remains a democratic nation by preventing any political party from altering the democratic principles enshrined in the Constitution. For instance, in the 2020 Bihar state assembly elections, the Doctrine played a crucial role in upholding democratic values when the Election Commission of India conducted the elections amid the COVID-19 pandemic, ensuring free and fair elections while adhering to safety protocols. The Doctrine thus continues to guard democratic principles, even during unprecedented situations, maintaining the integrity of India’s democratic system.

Safeguarding Secularism: The Doctrine maintains the secular nature of the Indian state, protecting the freedom of individuals to practice and profess any religion of their choice. A recent example is the 2019 Supreme Court verdict on the Ayodhya land dispute case. The court ruled in favor of constructing a Ram temple at the disputed site while allocating an alternative piece of land for the construction of a mosque. This decision highlighted the secular nature of the Indian Constitution, as the court aimed to ensure a balanced outcome respecting the religious sentiments of both Hindu and Muslim communities.

Preserving Federalism: The federal character of the Indian Constitution is protected by the Doctrine, which prevents any amendments that would jeopardize the balance of power between the central government and the states. In 2019, the abrogation of Article 370, which granted special status to Jammu and Kashmir, was challenged in the Supreme Court. The court’s decision to uphold the abrogation demonstrated that it did not violate

the Basic Structure Doctrine, ensuring that federalism was maintained.

Upholding Fundamental Rights: The Basic Structure Doctrine helps to secure citizens’ fundamental rights, such as the right to life, liberty, and equality, by preventing Parliament from amending these rights in a manner that would undermine the Constitution’s basic structure. In 2018, the Supreme Court decriminalized homosexuality by striking down Section 377 of the Indian Penal Code, thereby upholding the rights to equality and personal liberty.

Ensuring Judicial Independence: The Doctrine plays a crucial role in preserving the independence of the judiciary, as it prevents any amendments that would compromise the separation of powers between the legislature, the executive, and the judiciary. In 2018, the Supreme Court struck down the 99th Constitutional Amendment and the National Judicial Appointments Commission (NJAC) Act, asserting that these provisions would undermine the independence of the judiciary by giving the executive an undue influence over the appointment of judges. This decision demonstrated the importance of the Basic Structure Doctrine in preserving the separation of powers and maintaining judicial independence.

Preventing Authoritarianism: By limiting the power of the Parliament to amend the Constitution, the Basic Structure Doctrine acts as a safeguard against the rise of authoritarianism, ensuring that the government remains accountable to the people. The 2020 nationwide protests against the Citizenship Amendment Act showcased the importance of the Doctrine in protecting citizens’ rights to express dissent and hold the government accountable.

Promoting Constitutional Stability: The Doctrine contributes to the stability of the Indian Constitution by ensuring that the basic features and principles enshrined in the document remain consistent and enduring, allowing for continuity and coherence in governance. In the 2017 Right to Privacy case, the Supreme Court declared the right to privacy a fundamental right, which is now protected under the Basic Structure Doctrine, demonstrating its role in maintaining constitutional stability.

Remembering Justice Anna Chandy

"A woman of many firsts, the first female judge of high court and the first female to become a judge of the Commonwealth nations, a vociferous champion of Women's Rights, her views on women's rights were far ahead of her time whose articulation of equality for women were twin concepts of autonomy and dignity."

Born on 5th April 1905, Justice Anna Chandy, the first woman judge of India, was born to Malayali Syrian Christian parents in Kerala. She was also also the first woman judge of the High Court of India. For decades before Elizabeth Lane, she was the first female judge in the entire Anglo-Saxon world. She joined the Court of Justice in the year 1928 and was appointed as District Judge. While practicing as a lawyer since 1929, she was actively involved in promoting the cause of women's rights and their basic role in society. During her tenure, she rocked the cradle for women's career hopes in the legal field of India. During her retirement, Anna served in the Law Commission of India, and with that she also wrote her autobiography named Aatmakatha.

A pioneer in her own right, rendered invisible in the recollection of historical subjects that have influenced our legal system, Justice Anna Chandy was a well known "first-generation feminist" of Kerala and championed the cause of women's rights in the social, political and economic spheres, especially through the publication titled Shrimati, which she founded and edited. On entering the male-dominated field of politics in 1931, she provoked the ire of the Nair newspaper titled



Malayalarajyam despite being supported by the Christian Nazrani Deepika which recognized her as a "Syrian Christian candidate". Often, her views on women's rights were far ahead of her time and were opposed by vast sections of society, including women themselves. However, she held her own in the face of constant criticism and opposition and publicly and candidly expressed her views.

As an advocate and eventually as a judge, Anna Chandy was well known for her grasp

on criminal law as well as being a member of the Bench of the Kerala High Court, her judgments spanned a wide breadth of topics and her ability to critically analyze diverse areas of law and deliver well-reasoned judgments is commendable. Despite being the first woman judge in the Kerala High Court, she held her own among her brethren and went on to author many important decisions. The language of her judgments was characterized by pithy articulation and her understanding of cases by infallible logic. Her knowledge led to some fine decision-making in criminal matters during her tenure as judge of the Kerala High Court.

Anna Chandy, a woman of great conviction, overcame all odds to become one of the pioneers of the women's rights movement in Kerala. Her ideas were well ahead of her time, with great emphasis on a rights-based approach. The judgments, articles and positions she articulated throughout her life reflect a vision that was perhaps only understood much later. History, sadly, has not been kind to her as she has been barely remembered among the other woman stalwarts in India.



THE ADVOCATES ACT, 1961

Act no. 25 of 1961

Indian High Courts Act, 1861 (commonly known as the Charter Act) passed by the British Parliament enabled the Crown to establish High Courts in India by Letters Patent and these Letters Patent authorised and empowered the High Courts to make rules for advocates and attorneys (commonly known as Solicitors). The law relating to Legal Practitioners can be found in the Legal Practitioners Act, 1879 (18 of 1879), the Bombay Pleaders Act, 1920 (17 of 1920) and the Indian Bar Councils Act, 1926 (38 of 1926)

After Independence it was deeply felt that the Judicial Administration in India should be changed according to the needs of the time. The Law Commission was assigned the job of preparing a report on the Reform of Judicial Administration. In the mean while the All India Bar Committee went into detail of the matter and made its recommendations in 1953. To implement the recommendations of the All India Bar Committee and after taking into account the recommendations of the Law Commission on the subject of Reform of Judicial Administration in so far as the recommendation relate to the Bar and to legal education, a Comprehensive Bill was introduced in the Parliament.

Statement of Objects and Reasons

The Bill seeks to implement the recommendations of the All India Bar Committee made in 1953, after taking into account the recommendations of the Law Commission on the subject of Reform of Judicial Administration in so far as the recommendations relate to the Bar and in legal education. The main features of the Bill are:



1. The establishment of an All India Bar Council and a common roll of advocates, and advocate on the common roll having a right to practice in any part of the country and in any Court, including the Supreme Court;
2. The integration of the bar into a single class of legal practitioners known as advocates;
3. The prescription of a uniform qualification for the admission of persons to be advocates,
4. The division of advocates into senior advocates and other advocates based on merit;
5. The creation of autonomous Bar Councils, one for the whole of India and one for each State.

Following the recommendations of the All India Bar Committee and the Law Commission, the Bill recognised the continued existence of the system known as the dual system now prevailing in the High Court of Calcutta and Bombay, by making suitable provisions in that behalf. It would, however, be open to the two High Courts, if they so desire, to discontinue this system at any time.

The Bill, being a comprehensive measure, repeals the Indian Bar Council Act, 1926, and all other laws on the subject.

The Notes on clauses explain, whenever necessary, the various provisions of the Bill.

Act 25 of 1961

The Advocate Bill was passed by both the Houses of Parliament and it received the assent of the President on 19th May, 1961 and it became The Advocates Act, 1961 (25 of 1961).

BAR COUNCIL PUNJAB HIGH COURT, CHANDIGARH

1957-1960 (Under the Indian Bar Councils Act, 1926)



Sitting L to R:

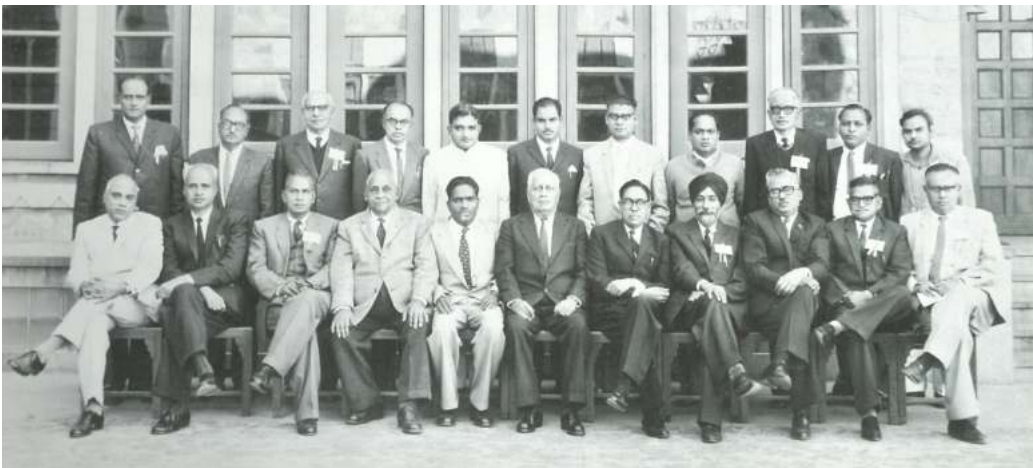
Mr. Anand Mohan Suri (Honorary Secretary), Mr. Dwarka Nath Aggarwala
Mr. S.M. Sikri (Advocate-General), R.B. Har Parshad (Chairman), Mr. Faqir Chand Mital, Mr. Shambu Lal Puri.

Standing L to R:

Mr. Atma Ram, Mr. Hem Raj Mahajan, Mr. Ajmer Singh,
Mr. Harbans Lal Sarin, Mr. Daulat Ram Manchanda.

Chairmen & Secretaries of Central & State Councils

FIRST CONFERENCE OF BAR COUNCILS OF INDIA, JAIPUR (RAJASTHAN) (1966)



Sitting L to R:

Shri N. Krishna Swamy Reddy, Chairman, Madras, Shri A.C. Byrappa, Chairman, Mysore, Shri R.S. Dabir, Chairman, Madhya Pradesh,
Shri S.N. Sahay, Chairman, Bihar, Shri P. Shiv Shanker, Vice Chairman, Andhra Pradesh, Shri C.K. Daphtary, Attorney General & Chairman,
Bar Council of India, Shri C.L. Agrawal, Chairman, Rajasthan, Shri P.S. Safer, Chairman, Delhi, Shri Rama Rao W. Adik, Chairman,
Maharashtra, Shri Anand Swaroop, Chairman, Punjab, Shri H.K. Thakur, Rep. Gujrat.

Standing L to R:

Shri C.J. Antony Secretary, Kerala, Shri B.M. Natranjan Secy. Mysore, Shri Ranjeet Rai, Secy., Punjab, Shri A.N. Veerraghavan Secy., Bar
Council of India, Shri G.G. Kulkarni, Secy., Maharashtra, Shri K.V. Satya Narayana, Secy, Andhra Pradesh, Shri G.S. Chatterjea, Secy., West
Bengal, Shri R.C. Mohanty, Member-Secy. Orissa, Shri M.M. Bhandari, Secy., Rajasthan, Shri K.K. Shrivastava Secy., Madhya Pradesh, Shri
A.C. Prashad, Steno., Bihar

Members of
BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH
 September 1972



Sitting L to R:

Shri Sat Pal Sehgal, Shri Ajit Singh Bains, Shri Harbans Lal Sarin, Shri Joginder Singh Wasu, Advocate-General (Punjab), Shri Karampal Singh (Chairman), Shri Hans Raj Mehta, Shri Raghubir Sharn Sharma, Shri Naranjan Singh Nijjar, Shri Mul Chand Maheshwari (Vice-Chairman), Shri J.N. Kaushal Advocate-General (Haryana)

Sitting L to R:

Shri Vijai Singh Navet, Shri Gurcharan Singh, Shri Tara Singh Cheema, Shri Maluk Singh, Shri Manmohan Singh Liberian, Shri Brij Mohan Lal, Shri Suraj Parkash Gupta, Shri Davedra Singh Lamba, Shri Atma Ram, Shri Balwant Singh Gupta, Shri Mohindar Pal Singh Gill (Honorary Secretary)

Members of
BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH
 September 1970-1975



Sitting L to R:

Shri Mohinder Pal Singh Gill, Shri Raghubu Sharn Sharma, Shri Hans Raj Mehta, Shri Krishan Chandra Grover (Vice-Chairman), Shri Davendra Singh Lamba (Chairman), Shri J.N. Kaushal (Advocate-General, Haryana) Shri Harbans Lal Sarin, Shri Mul Chand Maheshwari, Shri Suraj Parkash Gupta

Standing L to R:

Shri Maluk Singh, Shri Manmohan Singh Liberhan, Shri Vijai Singh Navet, Shri Gurcharan Singh Grewal, Shri Atma Ram, Shri Brij Mohan Lal, Shri Balwant Singh Gupta.

EXPOSURE

Photograph taken on occasion of the visit of HON'BLE MR. JUSTICE B.P. SINHA, CHIEF JUSTICE OF INDIA TO THE BAR COUNCIL OF PUNJAB, CHANDIGARH

10th October 1962



Sitting L to R:

Shri Ganga Parshad Jain (Member), Shri Krishan Sarup Thapar (Member), Shri Anand Mohan Suri (Member), Shri Som Datta Bahri (Member), Shri Karam Chand Nayar (Member, Also Member, Bar Council of India), Shri Krishan Chandra Grover (Vice-Chairman), Honourable Mr. Justice D. Falshaw, 1.C.S. (Chief Justice of Punjab High Court), Honourable Mr. Justice B.P. Sinha (Chief Justice of India), Shri Harbans Lal Sarin (Chairman), Shri S.M. Sikri (Advocate-General & Member), Shri Shambu Lal Puri (Member), Shri Narinjan Singh Keer (Member), Shri Dwarka Nath Aggarwal (Member)

Standing L to R:

Shri Daljit Singh Chahal (Member), Shri Anand Swaroop (Member), Shri V.P. Prashar (Member), Shri Ranjit Singh Sarkaria (Registrar, Punjab High Court), Shri Ranjit Rai (Secretary), Shri Suraj Parkash Gupta (Member)

Members of
BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH
1961-1964



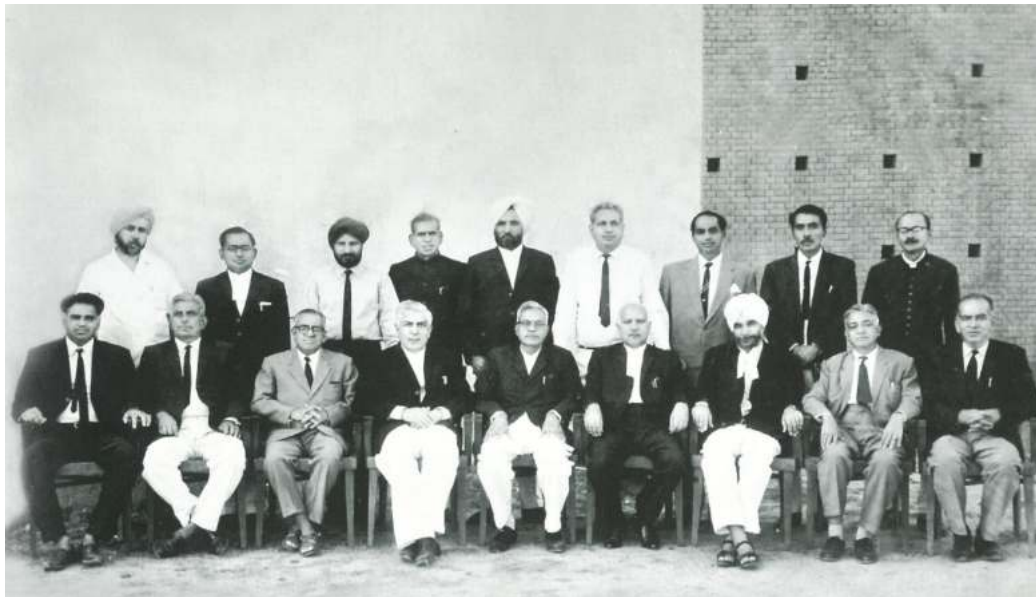
Sitting L to R:

Shri Anand Mohan Suri, Shri Narinjan Singh Keer, Shri Shambu Lal Puri, Shri Krishan Chandra Grover (Vice-Chairman), Shri Harbans Lal Sarin (Chairman), Shri D.N. Aggarwala, Shri Har parshad (R.B.), Shri Anand Swaroop.

Standing L to R:

Shri Ranjit Rai (Secretary), Shri Sureshwar Krishan Bhatnagar, Shri joginder Singh Wasu, Shri Ganga Parshad Jain, Shri Inder Singh, Shri V.P. Prashar, Shri Suraj Parkash Gupta.

Members of
BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH
 1964-1970



Sitting L to R:

Sh. Sat Pal Sehgal, Sh. Raghubir Sharan Sharma, Sh. Harbans Lal Sarin, Sh. Hira lal Sibal (A.G. Punjab), Sh. Pitam Singh Jain (Chairman), Sh. Jagan Nath Kaushal (A.G. Haryana), Sh. Joginder Singh Wasu, Sh. Krishan Chandra Grover, Sh. Karam Chand Nayar.

Sitting L to R:

Sh. Gurcharan Singh, Sh. Suraj Parkash Gupta, Sh. Balbir Singh Wasu, Sh. Manohar Lal Gupta, Sh. Ajit Singh Bains (Hony, Secretary), Sh. Harbhagwan Singh, Sh. Manmohan Krishan Mahajan, Sh. Ved Paul Prashar, Sh. Mahabir Prasad Jain..

Members of
BAR COUNCIL OF PUNJAB AND HARYANA, CHANDIGARH
 1972-1974



Sitting L to R:

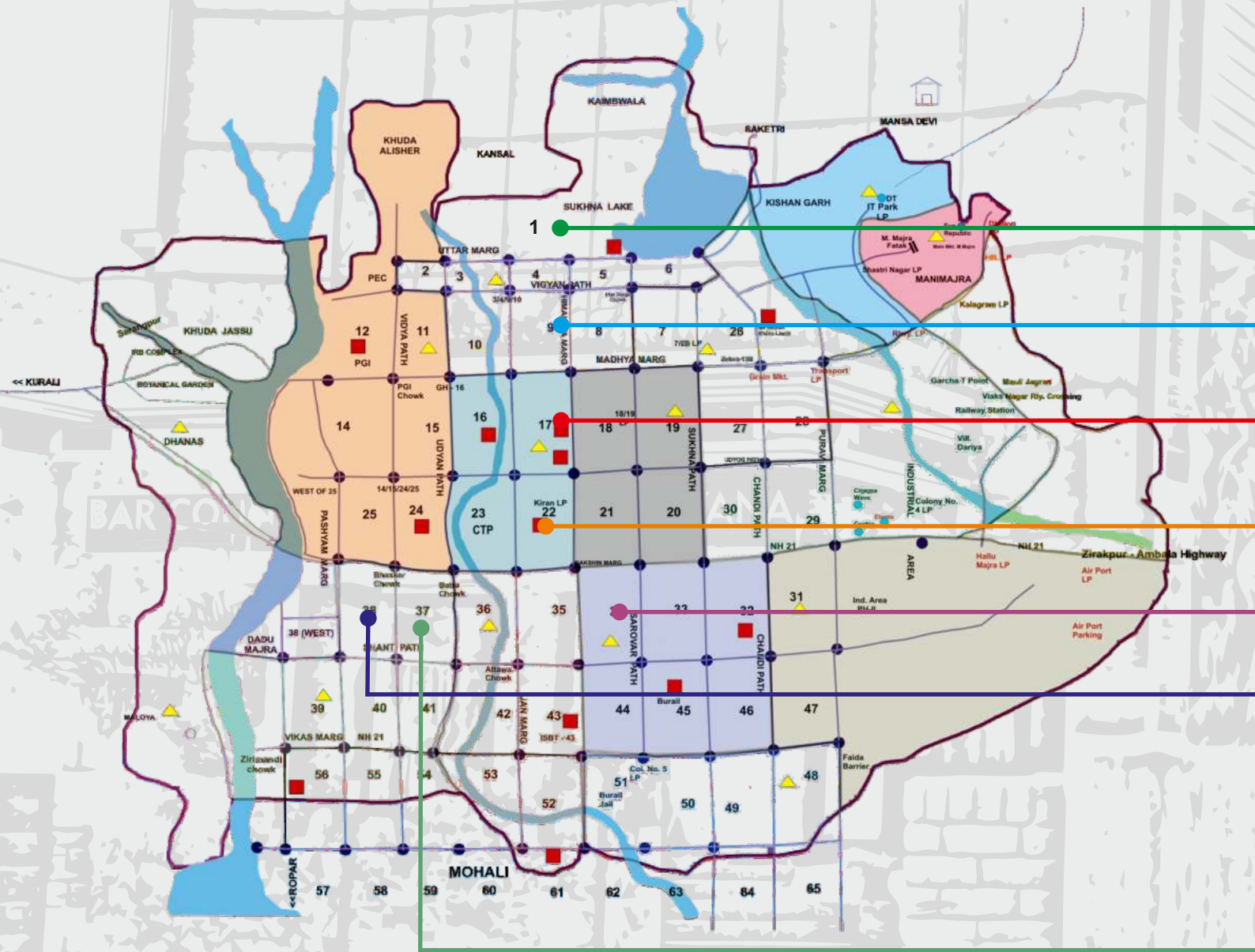
Shri Mul Chand Maheshwari, Shri Raghubir Sharn Sharma, Shri Mohinder Pal Singh Gill (Honorary-Secretary), Shri Hans Raj Mehta, Shri Ajit Singh bains (Chairman), Shri Joginder Singh Wasu (Advocate-General, Punjab), Shri Sat Pal Sehgal (Vice-Chairman), Shri Harbans Lal Sarin, Shri Karampal Singh.

Standing L to R:

Shri Maluk Singh, Shri Suraj Parkash Gupta, Shri Gurcharan Singh, Shri Tara Singh Cheema, Shri Atma Ram, Shri Vijai Singh Navet, Shri Naranjan Singh Domeli, Shri Davendra Singh Lamba, Shri Manmohan Singh Liberhan, Shri Brij Mohan Lal, Shri Balwant Singh Gupta.

EXPOSURE

LOCATIONS OF STATE BAR COUNCIL OFFICE OVER THE YEARS



1961 to February 1978
High Court Premises, Chandigarh

January 1981 to September 1984
Kothi No. 17, Sector 9 A, Chandigarh

June 1991 to April - May 2002
District Court, Sector 17, Chandigarh

February 1978 to January 1981
SCO 815-816, Sector-22, Chandigarh

September 1984 to June 1991
1577, Sector -34-D, Chandigarh

April-May 2002 to September 2002
SCO 308, Sector -38-D, Chandigarh

Since September 2004 till Date
Law Bhawan, Sector -37-A, Chandigarh

- Ch. Matu Ram, Law Bhawan
- Babu Ramji Dass, Administrative Block
- Diwan Atma Ram, Law Auditorium
- Yadavindra, Banquet Hall
- Bhagwant Singh Sidhu, Library

Embracing Arbitration in Modern India: The Amrit Mahotsav

by Raj Kumar Chauhaan, Co-Chairman

Introduction

Amrit Mahotsav, the 75th anniversary of Indian Independence, is an ideal occasion to re-evaluate and recognise India's potential in the field of arbitration. As a country with a long and diverse history, the ancestral Indian judicial system has numerous lessons to offer. Ancient Indian history and scriptures are a deep well of wisdom for enhancing our understanding of arbitration and its significance. In this article, we explore how modern advocacy and arbitration can benefit from these timeless teachings.

Modern Advocacy and Arbitration in India

Modern arbitration in India is based on the Arbitration and Conciliation Act of 1996, comprising an amalgamation of the principles of the United Nations Commission on International Trade Law (UNCITRAL) Model Law, with adaptations to suit Indian culture and conditions. Over time, India has been working on creating an ecosystem for resolving disputes, enhancing transparency, and accelerating the process of arbitration. The Indian judiciary has become increasingly pro-arbitration, as seen in various landmark judgments that solidify the country's commitment to arbitration as a preferred method of dispute resolution.

The Need for Ancient Wisdom

As India positions itself at the global forefront of arbitration, we must not forget the guidance offered by our ancestral wisdom. Ancient Indian poetry can teach us the values of justice, wisdom, and balance. For instance, notable epics like the Ramayana and Mahabharata beautifully illustrate the intricacies and necessity of impartial arbitration. These texts remind us of the duty we have to uphold the principles of Dharma or righteousness.

Quotations from Ancient Indian Poetry

Below are a few verses from ancient Indian poetry that can serve to inspire and enrich our understanding of arbitration and advocacy:

1. *From the Bhagavad Gita (4.7):*

"Yada yada hi dharmasya glanir bhavati bharata, Abhythanamadharma sya tadatmanam srijamyaham."

"Whenever there is a decline in righteousness, O Bharata, And a rise in unrighteousness, then I manifest Myself."

In the context of arbitration, this verse can guide our approach to protecting the standards of justice and morality. The importance of impartiality, integrity, and upholding the rule of law is highlighted.

2. *"Satye pratisthitam rājyam kaunteya pratipādaye, Dharme a jīvanam nityam abhīpsitam ariṅjāyam."*

"O son of Kunti, establish the kingdom based on Truth,

Considering righteousness as the eternal strategy for life and the desired victory over enemies."

This verse from the Ramayana emphasises the need for transparency, ethics, and fairness in all matters, including dispute resolution. Arbitration must be founded upon these principles in order to achieve long-lasting, equitable outcomes.

3. *From the Mahabharata (Anusasana Parva):*

"Na kāmāye vijayam vaishampayana sauhidam, Dharmatma satyavacā vimukho ripumāgratah."

"I do not desire victory, O Vaishampayana, nor pleasure,

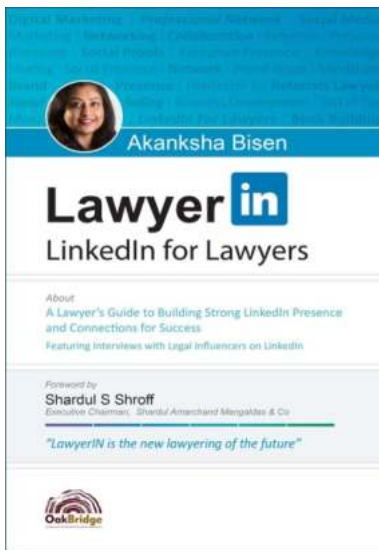
Nor kingdoms nor Heaven; what shall we say of these?

I seek the good of my subjects and the wide earth as my field."

From the Mahabharata, this quote reminds us that the true aim of any dispute resolution process is to ensure the welfare and betterment of all parties involved. Arbitrators must always strive for fair and just outcomes rather than focusing on their individual goals.

Conclusion

As we celebrate the Amrit Mahotsav of India's independence, it is essential to recognise and embrace the knowledge and wisdom offered by our ancient texts. By integrating the insights from these VEDIC masterpieces, modern arbitration can champion principles of justice and righteousness, creating a harmonious balance within the society. The time is ripe for India to cultivate its rich heritage and emerge as a global leader in arbitration and dispute resolution while staying true to its ancient wisdom.



Book Review

LawyerIn LinkedIn for Lawyers

by Akanksha Bisen

Publisher: OakBridge Publishing (www.oakbridge.in)

When you Google a professional's name, you are likely to stumble upon his/her LinkedIn profile. This is one reason why LinkedIn is important and keeping your LinkedIn profile updated even more so. LinkedIn is not only your virtual business card but also your virtual professional personality.

As a lawyer, you understand the importance of networking and building professional relationships. In today's digital age, social media platforms like LinkedIn have become an indispensable tool for professionals to connect, learn and share knowledge, and grow their careers. The latest book "LawyerIn: LinkedIn for Lawyers" published by OakBridge Publishing and authored by Akanksha Bisen is a practical hands on guide to leveraging the power of LinkedIn for enhancing your professional brand and expand your network.

Mr Shardul S Shroff, Executive Chairman, Shardul Amarchand Mangaldas & Co. says in his Foreword, "It is a tool of the future for lawyers and Akanksha has done a magnificent job in presenting

the future for creating connections and linkages in the legal domain. LawyerIn is the new lawyering of the future."

This book is a must-read for any lawyer and law student looking to maximize their online presence and make the most of the opportunities that LinkedIn offers. From creating a compelling profile to utilizing LinkedIn's advanced search features to connect with potential clients, this book covers all the essential aspects of leveraging LinkedIn for your legal career and practice.

One of the most appreciable things about this book is its practicality. It offers real-world examples and step-

by-step instructions for implementing the strategies discussed. Whether you're a new lawyer just starting out or a seasoned professional looking to stay ahead of the game or a law student, you'll find valuable insights and actionable advice in this book.

The book tries to focus on the How and the What. For example, I know I have to complete my LinkedIn profile, but how do I do it? How to take the dreaded first few steps? What exactly do I have to do? The chapter, Best Practices, discusses industry-specific practices that can help lawyers at all stages in their professional journeys reap the benefits of LinkedIn. Further, the chapter, Success Stories, covers the interviews of various LinkedIn influencers who have provided their thoughts, experience and insights on how to build and grow your network.

The book concludes with checklists and additional resources that can help the reader track his/her progress of building a great and interactive LinkedIn profile. The book serves as a ready-reckoner that guides legal professionals and helps them get the most out of LinkedIn, all the points covered in the chapters are ubiquitously applicable to everyone. The bonus tips help the readers to tackle real-life situation in an effective manner.

This much needed book is an informative, well-written, and practical guide that you won't want to miss. So, don't hesitate to grab a copy and start taking your LinkedIn game to the next level!

Vikesh Dhyani, Co-founder, Director, Publisher – OakBridge Publishing (www.oakbridge.in)

Honorary Secretary's Desk

Gurtej Singh Grewal

As the global market and technology overtake all functioning, 'Counsel' is a conscientious effort by the Bar Council of Punjab and Haryana to bring the lawyer of today in the closest proximity with these evolving times. From recent endeavors of the Hon'ble Chief Justice of India to "modernise" judiciary by putting it on a global map, to the efforts of the Bar Council of India to ameliorate by proposing to open the gates of the Indian legal fraternity to the world at large, not only the Judges but also litigants, lawyers, functionaries, bar representatives and beyond have been prompt in tuning our robust judicial system with the compelling necessities of the hour.

The last few years have seen some monumental changes in the judiciary. Be it the challenges our fraternity faced together during the Coronavirus period or the need to look at technology beyond Covid, we have flourishingly faced every such battle. Apropos of the skyrocketing effectuation of the Artificial Intelligence, the very first step taken of the CJI to digitalise all the 34,000 judgments of the Supreme Court was a laudable endeavour indeed as it not only amalgamates lawyers and technology but also makes these judgments open to people beyond any geographical limits furthering the diffusion of the legal ideas of the world.

'Counsel' aims to play a significant role in not only showcasing the ongoing achievements and developments but generating new ideas and new viewpoints to existing research and provides a platform for academicians, practitioners, researchers, scholars and students for enhancement of the legal concepts. The objective behind it is to encourage exchange of ideas, concepts and their applicability and promote problem-solving capabilities at an international platform. To disseminate new knowledge and legal developments for the benefit of everyone ranging from the academic and professional research communities to legal practitioners in a vast range of area in legal sector.

As the Honorary Secretary, it is a matter of honour to see this idea finally turn to paper as we present to you the first edition with a hope that it is able to generate outstanding research output at an international level.

Globalisation

Indian Lawyers and Emerging Economies



Watch the full speech:
scan QR code.



Hon'ble Mr Justice Surya Kant Judge Supreme Court of India
at the 9th Annual Dinner of the State Bar Council gave the keynote address on the
theme 'Globalisation, Indian Lawyers and Emerging Economies'.



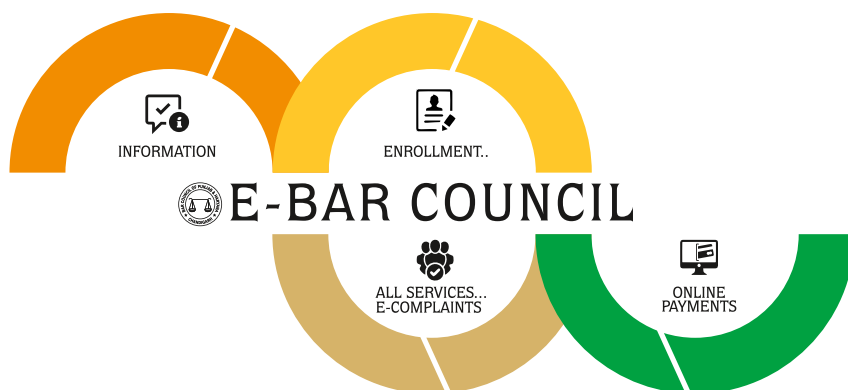
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of the Bar Council of Punjab & Haryana's Law Journal.



The first issue is focused on young and future lawyers.
This shall be a quarterly publication.



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BAR COUNCIL OF PUNJAB & HARYANA

Law Bhawan, Dakshin Marg, Sector 37-A, Chandigarh ☎ 0172-2688519, 81950-17269

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The Secretary, Bar Council of India 21 Rouse Avenue- Institutional Area, New Delhi - 2, 011-49225000, 49225011 (info@barcouncilofindia.org) www.barcouncilofindia.org

List of Members of the Bar Council of Punjab and Haryana

Mr. Suvir Sidhu, Advocate
Chairman

221, Sector 21-A Chandigarh 160022
9878697595 (suvirsidhu@gmail.com)

Mr. Ashok Singla, Advocate
Vice-Chairman

2205 Sector 38-C, Chandigarh
9814920019 (advashoksinglambc@gmail.com)

Mr. Partap Singh, Advocate
Member, Bar Council of India

447 Sector2, Panchkula, Haryana
9417040410 (partapsingh.adv@gmail.com)

Mr. Gurtej Singh Grewal, Advocate
Honorary Secretary

C-7, Officers Colony Mangwal, Sangrur, Punjab
9988700700 (gsgrewaladvocate@gmail.com)

Mr. Surinder Dutt Sharma, Advocate
Co-Chairman

10/37, Barh Mohalla, Faridabad, Haryana
9811927470 (surinderduttsharma64@gmail.com)

Mr. Ranvir Singh Dhaka, Advocate
Co-Chairman

1223 Sector 1, Rohtak, Haryana
9728350005(dhaka.ranvir@gmail.com)

Mr. Baljinder Singh Saini, Advocate
Co-Chairman

2051, New Sunny Enclave, Sector 123, Kharar, Mohali,
Punjab (advbaljindersaini@gmail.com)

Mr. Raj Kumar Chauhaan, Advocate
Co-Chairman & Chairman Trustee Committee

680 Sector 8, U.E. Karnal, Haryana
9324000003 (rajkumarchauhaan3@gmail.com)

Mr. Chander Mohan Munjal, Advocate
Chairman, Executive Committee

158 Sector 21 A, CHANDIGARH
9814052224(chandermohan.munjal@gmail.com)

Mr. Harish Rai Dhanda, Advocate
Chairman, Finance Committee

The Retreat, Barewal Octroi Road, Ludhiana, Punjab
9814120300 (dhandahr@gmail.com)

Mr. Lekh Raj Sharma, Advocate
Chairman, Enrollment Committee

247 Sector 49-A, Advocates Society, Chandigarh
9417037621, 9216730079
(adv.lekhrhajsharma@gmail.com)

Mr. Rakesh Gupta, Advocate

216 Sector 35 A Chandigarh
9814049502 (law.rakeshgupta@gmail.com)

Mr. Minderjeet Yadav, Advocate

Additional Advocate General, Haryana

428,G, GH 2 Shikhar Apartments, Sec.5 MDC, PkI Haryana
9466696555/9814639181 (minderjeetyadav@yahoo.in)

Mr. Karanjit Singh, Advocate

Additional Advocate General, Punjab
65, Sector 77, Pb. Judges Enclave, Mohali, Punjab
9417050203 (adv.karanjitsingh@gmail.com)

Mr. Ajay Chaudhary, Advocate

129 WW Road, Malibu Town, Gurugram, Hry
9899567308 (ajaychaudharyadv@gmail.com)

Mr. Jai Vir Yadav, Senior Advocate

1079 Sector 39-B, Chandigarh
9417209543 (jaiviryadav@gmail.com)

Mr. Bhupinder Singh Rathore, Advocate

1087/13, U.E. Karnal, Haryana
0184-2200148, 2206310, 9416031310

Mr. Karamjeet Singh, Advocate

1/5, Skynet Tower, Near AKM Tower, Zirakpur Pb
9855243100 (advkaramjeetchoudhary@gmail.com)

Mr. Amit Rana, Advocate

Senior Deputy Advocate General, Punjab
Flat No. 203, GH-5, Sector 24, Panchkula, Haryana
9417151117 (amitranaadvocate@gmail.com)

Mr. Hargobinder Singh Gill (Bagga), Advocate

Additional Advocate General, Punjab
B - 13/19, Baba Farid Nagar, Barnala, Punjab 9814555099,
9417208001 (gillhargobinder@yahoo.in)

Dr. Vijender Singh Ahlawat, Advocate

940/22, Vijay Park, Jhang Colony, Rohtak, Haryana
9416000030 (dr.v.s.ahlawat@gmail.com)

Mr. Chetan Verma, Advocate

715-C Dakshin Vihar, M.T. Ext Ludhiana, Punjab
9815908091 (chetan3421@yahoo.com)

Mr. PraveshYadav, Advocate

Plot No 7012, DLF Phase IV, Gurugram, Haryana
9810999683/8285999683, advpravesh123@gmail.com

Mr. Rajat Gautam, Advocate

Additional Advocate General, Haryana
Haryana MLA Flats No. 25, Sector 3, Chandigarh
9815444670 (rajatgautamaag@gmail.com)

Mr. Harpreet Singh

180, Nepli Forest Gate, Saketri, Sector 1,
Mansa Devi Complex, Panchkula
9888765432, multaniharpreet98@gmail.com

Mr. Baldev Raj Mahajan, Senior Advocate

Advocate General, State of Haryana
#657, Sector 16-D, Chandigarh
0172-2740042,2724549(O)

Mr. Vinod Ghai, Senior Advocate

Advocate General, State of Punjab
#2116, Sector 15-C, Chandigarh, 9914813374
(vinodghai15@gmail.com)

BAR COUNCIL OF PUNJAB & HARYANA

Law Bhawan, Dakshin Marg, Sector 37-A, Chandigarh ☎ 0172-2688519, 81950-17269

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