Right to Equal Justice

Why in news?

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The Supreme Court in a recent judgement has urged for a law to check the violation of professional ethics by lawyers.

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What is the case?

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- The judgment came in the case of a woman from Telangana whose husband died in a road accident.
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- She was made to sign a cheque for Rs.3 lakh by a lawyer who represented her accident claims case in the lower courts.
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- This was over and above the Rs.10 lakh she had already paid to him.
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- In her petition in the apex court, she had argued that the lawyer had exploited her trust.
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What has the court observed?

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- The very essence of the legal profession is to provide inexpensive access to justice in a fair manner.
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- However, the hefty fees charged by lawyers and the commercialisation of the legal profession defeats the very purpose.
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- The unregulated practices are getting to be a violation of the fundamental right of the poor to get equal justice.
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- The confidence of the public in the legal profession is integral to the confidence of the public in the legal system.
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- A report filed by the Law Commission way back in 1988 for structuring lawyers' fees payments continues to be in cold storage.
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- SC has thus called for a law that institutes caps for lawyers' fees.
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What are the drawbacks?

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- **Delay** - While lawyers' fee is indeed a big concern in the justice delivery system, the bigger problem is the delays running into decades.
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- The true picture is that under-trials often spend more time in jail than their sentences would have been had they been convicted.
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- But, instead of focusing on this real cost, the Supreme Court has focussed on keeping the legal costs minimum.
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- **Besides**, there are other options available for the concerns that the court had highlighted.
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- These include:
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i. there are always lawyers who charge lower fees; people are free to choose those lawyers if fees are the primary concern
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ii. the government can provide free representation of a better quality
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What is more desirable?

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- An appeal to other lawyers to do a certain share of pro bono work (work undertaken without charge for the public good) could be a more sensible

approach.
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- Putting caps on lawyers' fees looks more appealing since this is visible to everyone.
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- However, the real issue of delays demands proper rules about not granting more than a certain number of adjournments in each case.
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- Regulations could involve asking for written submissions that are examined by legal officers that form part of a judge's team.
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- And this essentially has the requirement of hiring more judges and filling up the vacancy in the first place.
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Source: Financial Express

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