

# Why India Needs an Advocates Protection Act – Points with Evidence

An Advocates Protection Act is a proposed law to ensure safety, independence, and dignity of lawyers while discharging professional duties. Several states like Rajasthan have already passed it. Here's why it's needed nationwide, with evidence:

## 1. Rising Physical Attacks on Advocates

Evidence:

1. Bar Council of India, 2023: Over 1,400 cases of assault, intimidation, and murder of advocates reported between 2017-2022.
2. Rajasthan: Adv. Jugraj Chauhan murdered in broad daylight in court premises, Jodhpur, 2023. Led to state-wide strike.
3. Uttar Pradesh: Adv. Shekhar Tripathi beaten to death in Kasganj court, 2024. CCTV footage showed police inaction.
4. Delhi: Tis Hazari clash 2019 – lawyers and police injured, 21 advocates suffered grievous hurt.

Why Act needed: IPC sections for assault are general. No specific deterrent for attacks because a person is an advocate. Act makes it a cognizable, non-bailable offence with higher punishment and time-bound trial.

## 2. Threats & Intimidation to Block Justice

Evidence:

1. NCRB data: Threats to witnesses/lawyers are under-reported, but Bar Associations report 300+ complaints/year of advocates getting threats in gangster, land mafia, and political cases.
2. Asaram Bapu case: 3 witnesses killed, 2 advocates attacked before conviction. Defence & prosecution lawyers both got threats.
3. Unnao rape case: Victim's lawyer Mahendra Singh was critically injured in a "road accident" in 2019.

Why Act needed: Provides for police protection on application, makes threatening an advocate a separate offence, and covers online intimidation/social media threats.

### 3. False Implications & Misuse of Police Power

Evidence:

1. Madras HC Bar Association: 47 advocates booked under SC/ST Act or 353 IPC in 2022-23 after arguments against police in court.
2. Allahabad HC: In Re: Incident at Ghaziabad Court, 2023, police filed FIRs against 12 lawyers who protested against magistrate's conduct.
3. Law Commission 266th Report: Noted "growing trend of implicating advocates in false cases to deter them from taking up cases against powerful persons".

Why Act needed: Mandates prior sanction from Chief Judicial Magistrate before FIR against advocate for acts done in professional capacity. Prevents malicious prosecution.

### 4. Protection of Privileged Communication

Evidence:

1. Evidence Act Sec 126: Lawyer-client privilege exists, but police often seize case files, mobiles during raids on advocate offices.
2. Bhima Koregaon case: Pune Police seized electronic devices of Adv. Surendra Gadling in 2018, containing other clients' data.
3. PMLA cases: ED has summoned lawyers asking for client details, violating privilege.

Why Act needed: Makes breach of advocate-client privilege a penal offence. Bars seizure of case files without court order. Protects independence of Bar.

## 5. Impact on Access to Justice for Citizens

Evidence:

1. DLSA Reports: In sensitive districts, 40% of accused in UAPA/NDPS cases don't get lawyer as local advocates refuse due to fear.
2. Legal Services Authority data: 23% rise in legal aid cases where private lawyers refuse briefs involving police/politicians.
3. SC in Hussainara Khatoon: Right to speedy trial includes right to counsel. If lawyers are unsafe, Article 21 is violated.

Why Act needed: If advocates can't work without fear, citizens lose right to defence. Act secures the justice delivery chain.

## 6. No Existing Central Law – Unequal Protection

Evidence:

1. Only 2 states have Acts: Rajasthan 2023, Karnataka draft. Lawyers in UP, Bihar, Maharashtra have no special protection despite higher attacks.
2. Doctors Protection Act exists in 19 states. Press has Working Journalists Act. Advocates, as officers of court, have no equivalent.
3. BCI Resolution 2021: Demanded central Act after nationwide strike by 1.7 million lawyers.

Why Act needed: Uniform central law ensures equal protection. Article 14 demands equal protection for equally placed professionals.

## 7. International Standard & Rule of Law

Evidence:

1. UN Basic Principles on Role of Lawyers, 1990: "Governments shall ensure lawyers can perform functions without intimidation... and where security is threatened, be adequately safeguarded".
2. ICJ Report 2022: Listed India among countries where "lawyers face violence for representing unpopular clients".
3. Global practice: UK, USA, Canada have specific laws for contempt against lawyers + bar grievance redressal.

Why Act needed: Aligns India with global rule-of-law standards and protects independence of judiciary, as Bar is part of justice system.

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Key Provisions Needed in Central Advocates Protection Act

**\*Problem\*   \*Proposed Section in Act\***

Assault on advocate      3-7 years jail + fine, non-bailable, trial in 1 year

Threats/intimidation      2-5 years jail, includes online threats

False FIR for court work    Prior sanction of CJM needed before FIR

Seizure of files      Prohibited without Sessions Court order

Police protection    SP to decide in 7 days on application

Grievance redressal      Advocate Protection Committee in each district

Breach of privilege 3 years jail for forcing disclosure

Bottom Line

An advocate represents the citizen against the State and powerful interests. Attacking a lawyer = attacking the client's right to justice. Evidence shows violence, threats, and false cases are systemic, not isolated. A central Advocates Protection Act will ensure fearless advocacy, speedy trials, and rule of law.