



W.P.No.13047 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.No.13047 of 2020

Sudha Ramalingam

..

Petitioner

Vs.

1. The Bar Council of Tamil Nadu and Puducherry
Rep. by its Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus, Chennai – 600 104 TN India.
2. The Bar Council of India
Rep. by its Chairman
Bar Council of India
21, Rouse Avenue Institutional Area
Near Bal Bhawan, New Delhi – 110 002.
3. The State of Tamil Nadu
Rep. by its Chief Secretary
Fort St. George, Chennai.
4. The Madras High Court Advocates Association
Rep. by its Secretary
High Court Campus, Chennai.
5. The Madras Bar Association
Rep. by its Secretary
High Court Campus, Chennai.

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6. The Women Lawyers Association
Rep. by its Secretary, High Court Campus, Chennai.
7. The Law Association
Rep. by its Secretary, High Court Campus, Chennai.
8. The Regional Manager
United India Insurance Company Ltd., Chennai Region.
9. The Regional Manager
National Insurance Company Ltd., Chennai Region.
10. The Regional Manager
Oriental Insurance Company Ltd.
Chennai Region.
11. The Regional Manager
New India Assurance Company Ltd.
Chennai Region.
12. The Tamil Nadu Judges Association
Rep. by its Vice President
High Court Campus, Chennai – 104.
13. The Madras High Court and Madurai Bench
Officers and Staff Association
Rep. by its Secretary
High Court Campus, Chennai – 104.

[R4 to R7 impleaded vide order dated 29.04.2021
in W.P.No.13047 of 2020]

[R8 to R11 *suo motu* impleaded vide order
dated 29.04.2021 in W.P.No.13047 of 2020]

[R12 & R13 *suo motu* impleaded vide order
dated 02.07.2021 in W.P.No.13047 of 2020] .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing respondents 1 to 3 herein to forthwith formulate and put in place a group health insurance (medi-claim policy) for advocates enrolled with the 1st respondent Bar Council and their dependent family members.

For the Petitioner : Ms.B.Poonkhulali

For the Respondents : Mr.M.R.Jothimanian
for R1

Mr.S.R.Raghunathan
for R2

Mr.P.S.Raman
Advocate General
assisted by Mr.T.Chandrasekaran
for R3

Mr.M.B.Raghavan
assisted by Mr.S.Arunkumar
for R8

Mr.J.Chandran for R10

ORDER

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The writ petition has been instituted by *Ms.Sudha Ramalingam*, practicing Lawyer, seeking a direction against the respondents 1 to 3 to formulate and put in place a Health Insurance (Medi-Claim Policy) for the Advocates enrolled with the Bar Council of Tamil Nadu and Puducherry.

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2. The writ petition has been instituted during Covid-19 period, taking into consideration the health concern of the Advocates enrolled in the State Roll. The writ petition is pending for about four years.

3. It is not in dispute between the parties that many Lawyers have taken Medi-Claim Policies from various Insurance Companies. Therefore, the willingness of the Lawyers must be secured by the Bar Council of Tamil Nadu and Puducherry for the purpose of finalizing the Medi-Claim Policy, to suit the needs of the Lawyers enrolled in the State roll. The Policy must emerge through the parties for the benefit of the Lawyers.

4. Learned counsel *Mr.M.R.Jothimanian*, appearing on behalf of the Bar Council of Tamil Nadu and Puducherry, would submit that the consent of the individual Lawyers must be obtained for the purpose of approaching the Insurance Companies. Forms are to be issued, seeking consent and the number of willing Lawyers are to be finalized for choosing Medi-Claim Policy.



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5. *Mr.P.S.Raman*, learned Advocate General would submit that the Government is in the process of examining the proposal mooted out by the Lawyers. However, the Government on receipt of any such concrete proposal from the Bar Council of Tamil Nadu and Puducherry, will consider the same.

6. Since it involves a policy decision to be taken collectively, the Bar Council of Tamil Nadu and Puducherry is directed to issue Forms to the Advocates, seeking their consent and finalize the list of Advocates, who all are willing to opt for group Medi-Claim Insurance Policy and thereafter approach the Insurance Companies for the purpose of finalizing the scheme.

7. It is brought to the notice of this Court that the Bar Council of India, vide letter dated 08.07.2024, addressed a letter to the Ministry of Law and Justice with a request for Health/Medical and Life Insurance Scheme for Advocates and their Dependents and for the implementation of the Advocates Protection and Compensation



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Bill/Act.

8. The Bar Council of India, enumerated the difficulties of the Lawyers and their families in the event of sudden death/ailments of Lawyers and further put forth the need for protection and compensation. The Bar Council of India has emphasised that implementing Health, Medical and Life Insurance Scheme and the Advocates Protection and Compensation Bill/Act would be a monumental step in acknowledging the sacrifices and dedication of the legal fraternity.

9. We are of the considered opinion that the efforts taken by the Bar Council of India is in the context of Article 21 of the Constitution of India. Health being an integral part of Article 21 and the Constitutional Courts have time and again expanded the scope, it necessary to consider the proposals submitted by the Bar Council of India for protection and compensation for the Lawyers and their families.



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11. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.14785 of 2021 is closed.

(S.M.S., J.)

(C.K., J.)

09.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To:

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S.M.SUBRAMANIAM, J.

AND

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