

**TOUR REPORT OF S. VIJAY GOPAL, UNDER SECRETARY FOR VISIT TO BALI,
INDONESIA TO ATTEND THE 5TH PRO BONO CONFERENCE HELD ON 31ST
AUGUST – 1ST SEPTEMBER, 2016**

The pro bono Conference is co-organised every year by Bridges Across Borders South East Asia Community Legal Education (BABSEACLE) in collaboration with an International Pro Bono consortium comprising International lawyers, NGO members, corporations with interest in Pro Bono, educationist, academics and individuals with expertise in the field of themes/topics of the Conference.

2. The Asia Pro Bono Conference is an initiative founded in 2012. The event celebrates and emphasizes pro bono legal work and legal ethics, discussing ways to further the outreach of the Pro Bono ethos and impact throughout Asia and around the world. The Conference was open for participation by Lawyers, Law Professors, Judiciary, Government Officials, Law Students etc. last year the Conference was held in Mandalay, Myanmar. The Conference is run on a revenue neutral basis and any surplus is used to support “Pro Bono Champions” who otherwise would not be in a position to attend.

3. The world pro bono is a shortened form of the latin expression “pro bono publico” which means “for the public good”. It refers to the professional work undertaken voluntarily and without payment. It is a service that uses specific skills of professionals to provide service to those unable to afford them.

4. The 5th Pro Bono Conference was held on 31st August – 1st September, 2016 in Bali, Indonesia. The conference hosted over 320 delegates from 30 countries including lawyers, legal educators, students, judges, government officials and civil society professionals. The theme of this year’s Conference was ‘The impact of “Pro-bono on transformational change: Working to achieve the Sustainable Development Goals”. One of the sustainable goals is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This involves partnership between Government and Law firms, University Professors, law students, NGO’s working in the field, Bar Councils to ensure that no one is left behind.

5. This year from the Department I was deputed to attend the Conference . I left for the airport from office in the evening on 29th August, 2016. There was a heavy downpour. Due to incessant rain there was a traffic gridlock on every road. There were some anxious moments as the vehicle was stuck in Chanakyapuri for nearly three hours. Instead of reaching the airport which would have been impossible given the paucity of time, i thought it prudent to reach the Dhaula Kuan Metro Station for taking the Airline Metro to reach IGI Airport. In such circumstances, it would be advisable for a person going to the airport to take the Airport Metro, especially when there is a dedicated facilitation counter of Air India for check- in at New Delhi/Shivaji Stadium Metro. The rest of the journey was uneventful.

6. Bali is a popular tourist destination, renowned for its highly developed arts including traditional dance, sculpture, painting, leather, metal working, and music. It has a population of 4.225 million (2014 figure) and home to most of Indonesia's Hindu minority. The Indian community is a small one, numbering about 300, mostly in teaching profession or running restaurants or small businesses. There is a Consulate General of India in Bali which is located in Denpasar, the capital of Bali.

7. I reached Denpasar, Bali on 30th, August, 2016 for attending the Conference. One of the interesting aspect of the Pro Bono Conference was an activity called "silent auction". In this participants bring small souvenirs from their Countries to the Conference and donate them to the auction. These items are displayed in the market place area which one can visit in time of Coffee and Lunch Breaks etc. Each item will have a "bid sheet" where people wishing to bid on the item can write the amount in US \$ or Indonesia Rupees that they are willing to pay for the item. Over two days people can outbid each other with higher prices. The person with the highest bid at the close of the auction wins the item. The undersigned donated 3 packets of long leaf Darjeeling tea bought from Central Cottage Emporium prior to the visit. The final bid for which went for Indonesian Rupiah 200,000/-. In all during the silent auction, a total of Indonesian rupiah 7,853,500 equivalent to US\$604/- was collected which was donated to "Lembaga Bantuan Hukum Bali" to support and develop Legal Aid Service in Bali.

8. The two day conference saw presentations, panel discussions, question and answer sessions and interactive workshops. The Conference showcased successful impacts of pro bono programmes and initiatives. There were several sessions going on simultaneously. One had to pick and choose which of the sessions to attend. One of the sessions I attended was on 'why we do pro bono'. Representatives of the global Law firm DLA Piper shared their experience of doing pro bono. They said doing pro bono is a choice one makes. That is how they wish to live their lives. But there are also sound financial reasons for doing pro bono. The success of a firm is intrinsically linked to the communities they serve. Pro bono helps build skill sets of a lawyer.

9. Representative of another Law firm said that law should serve everyone and not only those who can afford it. She said fighting against unfair treatment on behalf of those who are the most vulnerable is amongst the most valuable work a Law Firm can do. She gave a successful example of fighting for a marginalised community whose lands were being proposed to be used as a dumping ground for radioactive waste. Due to the pro bono work of the firm there was a negotiated settlement of the issue.

10. According to the Australian pro bono Centre, there are some key elements of a best practice pro bono program in a firm. Briefly, the key elements are:

- i) A strong pro bono culture supported by management.
- ii) A dedicated pro bono leader whose main job is to manage pro bono practice.

- iii) Broad awareness of the pro bono programme. All lawyers are encouraged to do pro bono while recognising that it is not compulsory.
- iv) Broad engagement of staff. The firm should have a system for adequately crediting recognising and supporting Pro Bono legal work.
- v) A pro bono policy and strategic plan demonstrating the firm's commitment to pro bono legal work.
- vi) Performance of pro bono legal work supervised to be same standard as commercial work.
- vii) Adequate recognition of pro bono legal work.
- viii) Setting pro bono target and budget. For instance setting up of a target of say 35 hours per lawyer per year. A budget may be set for pro bono programme as set for any other practice group.
- ix) Strong and deep relationship with community partners.
- x) Appropriate training and regular evaluation.

11. Another session I attended was on the 'role of Bar Associations in promoting ethical pro bono practices'. Pro bono is by definition voluntary. Advocates do pro bono not because the Government asks them to do but because they want to do so. One view was whether Bar Councils is the right body to push pro bono? The general view was that Bar Councils can facilitate between those who need pro bono services and those who do pro bono. The Bar councils have a good idea of the supply side of the equation.

12. There was an interactive workshop on "So what difference does our pro bono program make?" The participants were divided into various groups with the objective of identifying why a pro bono programme needs to be initiated i.e the issue the programme aims to address or remedy, its explicit goals, outcome and input indicators, measuring its impact which is the reportable, quantifiable difference that a project or program is making in people's lives and reporting its findings.

13. It was a learning experience to gain knowledge of the wonderful work being done on Pro bono by committed individuals, Law firms, organisations etc. Due to social and economic condition in India, pro bono representation of poor clients is part of the social responsibility of the legal profession. Pro bono is an important element in the provision of access to justice, as it provides people with the legal help they otherwise do not get but also helps develop skills of lawyers. Lot of emphasis is being laid by the Government on the Pro-Bono legal assistance provided by Advocates to needy litigants as one of the yardstick to be considered for appointment as Judges of High Courts. Though it is not a substitute for a properly funded legal aid system, there is a need for a more inclusive and organised system of pro bono in the Country.

14. I thank Secretary (Justice) and Joint Secretary (J-1) for giving me an opportunity to attend the Conference. I also wish to thank Consulate General of India

especially Shri Sunil Babu, Consul General, and Shri Subrata Sarkar, Vice Consul for their patience in attending to my queries and for making excellent arrangements in Bali for a comfortable stay.

No. K-13024/01/2013-US-I
Government of India
Ministry of Law and Justice
(Department of Justice)

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Subject: Tour report of S.Vijay Gopal, Under Secretary for his visit to Bali, Indonesia to attend the 5th Pro bono Conference held on 31st August- 1st, September,2016.

The undersigned was deputed by the Competent Authority to attend the 5th Pro bono Conference held on 31st August- 1st, September, 2016 held in Bali, Indonesia. A tour report of the visit is placed below for kind perusal.

2. Due to social and economic condition in India, pro bono representation of poor clients is part of the social responsibility of the legal profession. Pro bono is an important element in the provision of access to justice, as it provides people with the legal help they otherwise do not get. Emphasis is being laid by the Government on the pro-bono legal assistance provided by Advocates to needy litigants, as one of the yardstick to be considered for appointment as Judges of High Courts.

3. This Department is not aware of the names of Advocates who are providing pro bono legal assistance, it is submitted that we may request the Bar council of India to send names of lawyers who are active in the field to enable the Department to maintain a data base of the same. A draft letter from Secretary (J) to the Chairman, Bar Council of India is placed below for consideration and approval please.

(S. Vijay Gopal)
Under Secretary
Desk – II
19.10.2016

Dear Shri

As you are aware due to social and economic condition in India, pro bono representation of poor clients is part of the social responsibility of the legal profession. Legal assistance to the poor is engaging the attention of the Government for the past several years. Pro bono is an important element in the provision of access to justice, as it provides people with the legal help they otherwise do not get but also helps develop skill sets of lawyers.

The Government is exploring the possibility of laying emphasis on pro-bono legal assistance provided by Advocates to needy litigants as one of the proposed yardstick to be considered for appointment as Judges of High Courts.

In this context, I shall be grateful if you could circulate to Advocates who fulfil the criteria (as per the enclosed format) and who wish to work in providing pro bono assistance to needy litigants to enable the Department to form a data base. The details provided by such advocates will be used for assisting needy litigants as and when required by them. I look forward to an early reply in the matter.

With regards

Yours Sincerely

Secretary(J)

- 1) Shri Manan Kumar Mishra,
Chairman,
Bar Council of India,
Rouse Avenue Institutional Area,
New Delhi-110002
- 2) Chairman of all State Bar Councils
(as per list attached)

List of Chairman of Bar Council of States

Sri A. Narasimha Reddy,
Chairman,
Bar Council Of Andhra Pradesh
3-4-875/2,
Barkatpura
Hyderabad (Andhra Pradesh)

Shri Gajanand Sahewalla, Sr. Advocate
Chairman,
Bar Council Of Assam.
Tulsibala Road, Ulubari
Guwahati – 781007

Shri Akhouri Mangla Charan Shrivastava,
Chairman,
Bar Council Of Bihar
Mohalla-Gaurakshini Sasaram
Distt. Rahtas – 821115
Patna, Bihar

Shri Koshram Sahu
Chairman,
Bar Council Of Chhattisgarh
Jr. HIG-18, Dawda Colony, Pachpedi Naka,
Raipur -Chhattisgarh

Mr. Surya Prakash Khatri, Advocate
Chairman
Bar Council Of Delhi,
86, Banarasi Dass Estate,
Lucknow Road,
Delhi-110054.

Shri Manojbhai M. Anadkat
Chairman,
Bar Council Of Gujarat
“Odhav Nivas” Swastik Society,

JAMNAGAR – 361 001.
Gujarat

Shri Desh Raj Sharma
Chairman,
Bar Council Of Himachal Pradesh
Mandi Distt. Mandi -01
(Himachal Pradesh)

Shri Rajiv Ranjan, Advocate
Chairman,
Jharkhand State Bar Council
60-D, Road No. 1, Ashok Nagar,
Ranchi – 834002
Jharkhand

Shri Gopaldaswamy C.R.
Chairman,
Bar Council Of Karnataka
No. 1431, 'Theertha Roopa',
I Stage, II Phase, 2nd Cross,
Chandra Layout,
Bangalore-40,
Karnataka

Shri Sreedharan Nair C, Advocate,
Chairman,
Bar Council Of Kerala
Neethi, Manjeri P.O.,
Malappuram – 676 121

Shri Shivendra Upadhyay
Chairman,
Bar Council Of Madhya Pradesh
309, Narendra Nagar,
Rewa, Madhya Pradesh

Shri Ashish Panjabrao Deshmukh,
Chairman,
Bar Council Of Maharashtra & Goa
Shivaji Ward, Pusad,
Tal.-Pusad,
Dist. Yavatmal.- 445 204.

Shri Gopal Krushna Mohanty,
Chairman,
Bar Council Of Orissa
Plot No. 1053//D,
Sector Vi, Markat Nagar
Bidanasi, Cuttack, Orissa

Mr. Randhir Singh Badhran
Chairman,
Bar Council Of Punjab & Haryana ,
@1217 Sector-4,
Panchkula,
Chandigarh

Shri Manoj Kumar Garg
Chairman,
Bar Council Of Rajasthan
"Garg Bhawan" Paota B Road
JODHPUR

Shri D. Selvam,
Chairman,
Bar Council Of Tamil Nadu,
No. 3, Raaj Avenue, Kuppam Road,
Kaveri Nagar, Kottivakkam,
Chennai – 600 041
Tamil Nadu

Shri Ajay Kumar Shukla
Chairman, Bar Council Of Uttar Pradesh,
Aira road, Naurangahad, Lakhimpurkheri,

Shri Yogendra Singh Tomar,
Chairman,
Bar Council Of Uttarakhand,
VILL. & PO. KANWALI,
DEHRADUN.

Shri Asit Baran Basu, Advocate
Chairman,
Bar Council of West Bengal
Maheshtala , Po. & Dist. Malda,
Pin – 732 101 , West Bengal
West Bengal

Format for Advocates doing Pro Bono

1	Name in full (in block capitals) with aliases, if any, (Please indicate if you have added or dropped part of your name or surname):	SURNAME	NAME
2	SEX		
3	(i) Date of Birth (ii) Present age		
4	Nationality		
5	(i) Present Address in full		
6	(ii) Permanent Address in full		
7	Marital status		
8	Practice		
	(i) Date of enrolment		
	(ii) Actual number of years of practice		
	(iii) Places and/or the courts before whom practised and the period		
	(iv) Nature of practice (Civil, Criminal, Constitutional, Taxation, Labour, Company, Service etc.)		
	(v) The field of specialization, if any		
9	Professional Income (Gross Receipts/Fees minus professional expenses for the last five years. Gross and Taxable		
10	No. of Reported Judgments of Supreme Court and High Courts, for the last ten years, in which argued independently (only authenticated list of citations to be provided.)		
11	No. of Unreported Judgments of Supreme Court and High Courts, for the last ten years, in which argued independently (only authenticated list of cases along with soft-copy (CD/DVD etc.) of Judgements to be provided).		
12	Inputs on Pro-bono work during the last ten years		
13	Association, if any, with any political party :		

	(a) Name of the party
	(b) Period of association
	(c) Whether held any organizational office and, if so, period.
	(d) Whether held elective office in any legislative or local authority and, if so, the period.
14	Whether held any position in the Bar Council and the Bar Association(s) and the period.
15	Whether member of any club or educational, cultural or social organization (give particulars).
16	Whether candidate held any office as Advocate General, Assistant Advocate General, Government Advocate or Standing Counsel for the State or Union or any statutory authority or public Undertakings (give particulars).
17	Whether spouse or any blood relation (candidate as well as spouse) practising in the High Court or a Court subordinate to it or working with a law firm having its office(s) within the jurisdiction of this High Court is living with the candidate
18	Whether spouse or any blood relation is working with a law firm having office(s) within the jurisdiction of this High Court.
19	Whether related to any sitting Judge or retired Judge of High Court/Supreme Court. If so, state relationship.
20	Whether practicing as a junior to sitting Judge or retired Judge of High Court/Supreme Court
21	Whether party to any civil, criminal or other litigation. If so, the nature of involvement.
22	Whether any proceedings were initiated or are pending against the candidate before Bar Council of India or State Bar Council. If so, particulars thereof.
23	General state of health.

