

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**RAJYA SABHA
STARRED QUESTION NO.158
ANSWERED ON 13.03.2025**

Promoting advocates from SC/ST/OBC categories

158. Shri Masthan Rao Yadav Beedha:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government encourages advocates from SC/ST/OBC to undertake practice in the Indian courts;
- (b) if not, the reasons therefor;
- (c) whether Government has launched any specific initiative to support advocates from these communities, including mentorship programmes, financial assistance and reserved opportunities;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

- (a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (e) OF THE RAJYA SABHA STARRED QUESTION NO. *158 FOR THE 13TH MARCH, 2025 REGARDING 'PROMOTING ADVOCATES FROM SC/ST/OBC CATEGORIES'

(a) to (e) : The Ministry of Law & Justice administers the Advocates Act, 1961 and as per the provision given under Section 24(1)(f) the Advocates Act, 1961, regarding relaxation to the enrolment fees payable to the State Bar Council for registration in the State's Advocate roll, to members of the Scheduled Castes or Scheduled Tribes in order to encourage the Advocates from SC/ST/OBC category in the legal profession. This can be seen after perusal of the proviso under section 24(1)(f) which is as follows: -

"24. Persons who may be admitted as advocates on a state roll. -

(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfills the following conditions, namely: -

[(f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899 (2 of 1899), and an enrolment fee payable to the State Bar Council of [six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council]

Provided that where such person is a member of the Schedule Castes or the Schedule Tribes and produces a certificate to that effect from such authority as may be prescribed, the enrolment fee payable by him to the State Bar Council shall be [one hundred rupees and to the Bar Council of India, twenty-five rupees]."

In addition to this, to support advocates from SC/ST/OBC communities the Government has launched specific schemes including mentorship programs, financial assistance and reserved opportunities, Government, through various ministries and departments, implements schemes and initiatives to support these advocates, focusing on access to education, financial assistance and legal aid with the aim of ensuring equitable representation in the judiciary and legal profession. Here's a more detailed overview:

1. Education and Financial Assistance: -

- I. Coaching and Allied Scheme: These schemes provide pre-exam training and coaching for students belonging to SC, ST, OBC to enhance their competitiveness in higher education and legal profession.

II. Dr. Ambedkar Scheme of Interest Subsidy on Educational Loan for Overseas Studies for Other Backward Classes (OBCs) & Economically Backward Classes (EBCs): -This scheme helps OBC and EBC students pursue higher education abroad by providing interest subsidy on educational loans.

III. Educational Loans: Schemes like the National Fellowship for OBC Students and Dr. Ambedkar Scheme of Interest Subsidy on Educational Loan for Overseas Studies for OBCs & EBCs can help with the cost of legal education.

2. Professional Training & Development:

Rajiv Gandhi Advocate's Training Scheme: This scheme provides professional training to young advocates, with preference given to SC, ST, OBC, women, and physically handicapped candidates.

3. Reservations & Welfare measures:

Reservation in Legal Institutions: There are provisions for reservations in professional institutions, including National Law Schools, to promote the participation of SC, ST, and OBC candidates in the legal profession.

Furthermore, under the Advocates Act, 1961's Section 7(2)(a) the BCI being a regulatory body has been empowered to constitute one or more funds in the prescribed manner for the purpose of giving financial assistance to organize welfare schemes for indigent, disabled or other advocates.

In exercising the rule making power under Section 49(1) (ah) of the Advocates Act, 1961 the BCI had passed the resolution on 30th April, 2010 regarding All India Bar Examination Rules, 2010. In lieu of this, we sought inputs from the BCI and BCI has provided the following inputs: -

"Relaxation in passing Marks in AIBE Exam: The Bar Council of India provides relaxation in the passing percentage required to pass the All-India Bar Examination (AIBE). While for candidates belonging to the "general category and OBC the minimum score required to pass the AIBE is 45%, but for candidates belonging to SC/ST/PwD candidates the minimum required marks stand at 40%. In addition to the relaxation in minimum required marks, the Bar Council of India also provides relaxation in application fee of the AIBE, while the fees to be paid by 'General/OBC' candidate is Rs. 3500/-, the same stands at Rs. 2,500/- for candidates belonging to SC/ST category.

Furthermore, Bar Council of India also provides relaxation in minimum marks required for admission in law degree courses. Rule 7 of Bar Council of India Rules of Legal Education, 2008, states as follows: -

"Minimum marks in qualifying examination for admission Bar Council of India may from time to time, stipulate the minimum percentage of marks not below 45% of the total marks in case of general category applicants and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 Examination in case of Integrated Five Years' course or Degree course in any discipline for Three years' LL.B. course, for the purpose of applying for and getting admitted into a Law Degree Program of any recognized University in either of the streams. Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the government concerned from time to time to apply for admission."
