



TAMIL NADU ADVOCATES' ASSOCIATION

Madras High Court Campus, Chennai-600 104

S. PRABAKARAN
President

To

04.01.2021

1. The Hon'ble Chief Justice of India,
The Supreme Court, New Delhi.
2. The Hon'ble Chief Justice of Madras High Court,
Chennai.
3. The Hon'ble Governor,
Tamil Nadu, Chennai.
4. The Hon'ble Chief Minister of Tamil Nadu,
Chennai.
5. The Hon'ble Health Minister of Tamil Nadu,
Chennai.
6. The Respected Health Secretary,
Tamil Nadu, Chennai.
7. The Hon'ble Chief Minister,
Union Territory of Puducherry.
8. The Hon'ble Lt-Governor,
Union Territory of Puducherry.
9. The Hon'ble Union Minister for Health and Family Welfare,
New Delhi.
10. The Respected Union Health Secretary,
New Delhi.

Sub: Demand to include every member of the legal fraternity in the list of priority groups eligible to receive vaccination for Covid-19 in the first phase and first stage of the proposed inoculation – REG



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Respected Sirs,

I introduce myself as a designated senior advocate, having more than three decades of practice and public service behind me. I am at present co-chairman of the statutory Bar Council of India (BCI), New Delhi, and also the member representing the Bar Council of Tamil Nadu and Puducherry in the BCI. I am President of the Tamil Nadu Advocates Association (TNAA) and former President of the Madras High Court Advocates Association (MHAA). I am also a senior office-bearer in such prestigious Bar forums like the International Council of Jurists (ICJ) and All India Bar Association (AIBA) for nearly two decades and also member of American Bar Association.

The lengthy introduction was required to establish my credentials and locus standi to call upon the Government of India (GoI), the Government of Tamil Nadu and the Union Territory of Puducherry, to include judges and lawyers working in all courts from judicial magistrate courts upto the Supreme Court of India, besides umpteen crucial tribunals across the nation, as priority groups, along with frontline health workers, defence and police personnel, etc, and inoculate the legal fraternity in the first phase of the proposed vaccination drive for Covid-19 across the nation.

Sirs, since the detection of the spread of coronavirus from China in February 2020 and since India went into the lockdown mode since the third week of March 2020, India, just as every other nation in the world, has suffered innumerable economic, social, political, academic, industrial, agricultural, civil and judicial slowdown. No section of the society was spared. However, since early October thanks to better awareness of social distancing, personal hygiene and vigorous use of personal protective gears like facial masks, the spread has been contained and death toll brought down drastically.

Having lost much of the year 2020, all professionals including members of the legal fraternity were delighted when vaccines were developed, trialled and approved by different countries. Thus, the year 2020 ended on a positive note.

While developed nations like the US and several other European countries have already started the vaccination drive, news reports quoting officials have said India is procuring at least 3 crore vaccine vials for the first phase. It was happy to note that the first day of the year 2021 saw 'dry run' being conducted by officials and frontline health workers to ascertain possible teething trouble in administering vaccines to such a vast number of people.



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The Government of India, as also the government of Tamil Nadu, had tentatively prepared a list of priority segment of the society who would get vaccinated in the first phase of inoculation, which is likely to commence in the next few weeks. Needless to say, authorities have announced that frontline health workers/professionals, defence, police personnel, besides people aged above 50 years and those having co-morbidities like high blood pressure, diabetes, kidney and heart ailments, would be covered in the first phase.

Respected sirs, it was a matter of shock, surprise and concern that the list of priority segment does not show inclusion of members of the legal fraternity. It is a case of glaring omission or a deliberate discrimination committed by the officials concerned, as the essentiality of a robust judicial machinery cannot be either undermined or underrated.

Since March 2020, no courts and tribunals in the country are able to function to their capacity, and several lakhs of cases are gathering dust in judicial and quasi-judicial forums, as any relaxation in norms might cause a spurt in Covid-19 cases. However, while battling the constraints, all courts from the Supreme Court downwards have adapted themselves well and faced the challenge by taking to virtual mode. Today a vast amount of judicial work is happening online – lawyers and their clerks are filing cases online and argue the cases online.

It should be borne in mind that virtual courts and online filing and hearing of cases are only stop-gap arrangements, as they can never fully replace a physical, in-person court proceedings. Courts and legal fraternity do not live for themselves, as they use the statute and the Constitution for the betterment of the society at large. Cases concerning individual liberty, safety, security, law and order, civil issues concerning assets and liabilities of individual litigant or corporate entities are all argued day in and day out, as they have a huge bearing on the social and economic well-being of the nation.

While so, not including lawyers in the priority list of professionals eligible for inoculation for covid-19 in the first phase of the vaccination drive is unfair and illegal, to say the least. To leave out lawyers from the priority list is due to the misplaced priorities of bureaucrats. We, therefore, request you to do the following:

1. To begin with, the central and state governments should immediately declare legal fraternity as essential service personnel, and include them in the list of priority groups eligible for covid-19 vaccination in the first phase/stage itself.



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2. The central and state governments shall immediately contact the Bar Council of India and the Bar Council of Tamil Nadu and Puducherry for the list of practising lawyers, and contact them through whatever means possible, including electronic/online or in-person.
3. The central and state governments shall work in coordination with the Bar Council at the Centre and the state to conduct vaccination camps in the first phase/stage of inoculation for frontline health warriors, and others.
4. The governments should make available the necessary number of vials/doses of the vaccination to the Bar Council at the Centre and the states, so that all members of the legal fraternity could be reached out without fail.
5. Bar councils should make available their premises to the government officials involved in inoculation, and help them administer the vaccination to all lawyers, judicial officers and judges.
6. The TNAA hereby puts the central and state governments on notice that if lawyers and judicial officers are not declared as priority professional eligible for inoculation in the first phase, the TNAA will approach the competent judicial forums and obtain necessary judicial orders and directives. TNAA shall not be held liable for any cost and delay caused by such a lawful exercise, as it is the failure of the government and its bureaucrats which would leave the TNAA without any other option but to approach judicial forums.
7. The TNAA reiterates that unless courts and tribunals are back on rail 100%, affairs of the state and issues directly concerning the masses could not be effectively tackled and addressed.

With Warm Regards and Hearty New Year Wishes,

S. Prabakaran,
Senior Advocate
President

Tamil Nadu Advocates Association,
Madras High Court, Chennai.