

DHC WOMEN LAWYERS FORUM

DELHI HIGH COURT, NEW DELHI

To,
The President
DHCBA

11.11.2021

Dear Sir,

The Delhi High Court Women Lawyers Forum is pained to make this statement, which in an ideal world should not require to be stated but in the circumstances we work and live in, it needs, to be said.

At the outset we applaud the courage of Sujata Kohli to have faith in the rule of law and to take recourse to law against violence at the workplace. We also applaud the trial court for its courage to give an independent decision without being intimidated by the might and power of the accused person.

We express our grave disappointment in the conduct of Co-ordination Committee of the Distinct Court Bar Associations calling for a strike to oppose the judgment of the CMM Central in the matter of State vs Rajeev Khosla, where the complainant was also a lawyer herself. Because this indicates they are siding up with a male lawyer against a women lawyer.

It is further condemnable that by its letter dated 9.11.2021, the co-ordination committee has set up a committee to scrutinize this judgment, as well as other orders and judgments passed by the CMM, and then submit a report. This is nothing but an act of intimidation/contempt against the trial court.

There are two tragic obvious facts here:

a) the misogyny of the bar (the bench differs in degrees and shades of subtle and not so much)

Many if not most women lawyers have suffered in varying degrees the oppressive patriarchy and sexual harassment within the legal profession. Sujata Kohli had the courage to initiate legal process and fight her cause over 27 years. We applaud her.

b) The conduct of the Bar Association subsequent to the judgment in fact makes good the case itself which is about harassment, bullying and intimidation. This should be an embarrassment to every lawyer.

The silence of other Bar Associations is significant and leads to the irresistible and sad conclusion that the bar does not treat gender issues, hooliganism, intimidation and contempt of courts as worthy principles to stand up for and call out, unless it is to suppress the voices of marginalized lawyers. It also indicates their approval and support for bullying of women lawyers and attempts to overreach the rule of law and independence of the Judiciary.

The conduct of the Bar Associations have highlighted the appalling conditions in which woman lawyers work in courts. It seems unlikely that any woman lawyer who is being harassed or been assaulted will want to report harassment faced by them as the bar always openly sides with the accused men.

While we assert and respect the right of the bar to condemn and protest against (1) dishonest or malafide judgments (2) obnoxious or unbecoming conduct by the bench, but it cannot be claimed that bar leaders have immunity from the rule of law especially when the bar remains silent in the face of malicious prosecution of ordinary lawyers by the State.

Indeed the rot in the system began before this case but if not dealt will now, will exponentially denigrate and deteriorate what was supposed to be a noble profession working to build an elegant dignified institution with exemplary standards and safe work environment.

We expect our Bar to condemn these actions by the co-ordination committee.

Regards

Delhi High Court Women Lawyers Forum