

## **FIRST-GENERATION LAWYERS AND THE MYTH OF EQUAL OPPORTUNITY IN THE INDIAN BAR**

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### **Abstract**

*The Indian legal profession is often portrayed as a meritocratic<sup>1</sup> space where talent, diligence, and academic performance determine success. However, this perception conceals deep structural inequalities that disproportionately affect first-generation lawyers—those without familial, professional, or social lineage in the legal field. This paper critically examines the notion of “equal opportunity” in the Indian Bar and interrogates whether formal access to legal education truly translates into substantive professional equality for first-generation entrants.*

Drawing upon *constitutional principles, institutional practices of the Bar, and lived socio-economic realities*, the paper argues that the Indian legal profession continues to operate through informal hierarchies sustained by inherited social capital, mentorship networks, economic cushioning, and cultural familiarity with court systems. While *first-generation lawyers* formally satisfy the same eligibility conditions as their’ peers, they enter the profession at a structural disadvantage marked by financial precarity, lack of guidance, delayed career progression, and psychological marginalisation.

The study adopts a doctrinal and socio-legal methodology, analysing constitutional guarantees under **Articles 14, 19(1)(g), and 21<sup>2</sup>** alongside Bar Council regulations, judicial observations, and empirical accounts from lower courts. Special emphasis is placed on intersections of *class, caste, gender, and regional disparity*, revealing how first-generation women lawyers and candidates from rural or marginalised backgrounds experience compounded exclusion.

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<sup>1</sup> Meritocracy refers to a system in which advancement is based on individual ability, talent, and effort rather than social background or inherited privilege. Meritocracy, BLACK’S LAW DICTIONARY (11<sup>th</sup> ed. 2019).

<sup>2</sup> INDIAN CONST. arts. 14, 19 & 21 (guaranteeing equality before law, fundamental freedoms, and protection of life and personal liberty).

The paper further challenges the dominant assumption that the Bar is a neutral training ground where perseverance alone ensures success. Instead, it highlights how unpaid internships, informal briefing systems, and discretionary senior advocacy practices perpetuate inequality.

The study concludes by proposing structural reforms including stipend-based apprenticeships, institutional mentorship, transparent briefing mechanisms, and state-supported early-career assistance. It asserts that without addressing these systemic barriers, **the promise of equal opportunity in the Indian Bar remains largely illusory for first-generation lawyers.**

## Keywords

First-generation lawyers, Indian Bar, Equal opportunity, Access to justice, Legal profession, Social capital, Article

14, Bar Council of India, Legal inequality

## Introduction

The *legal profession* in India occupies a *paradoxical* position. On the one hand, it is constitutionally embedded within a democratic framework that values equality, fairness, and social justice. On the other, it continues to reflect entrenched hierarchies that mirror broader **socio-economic inequalities**. For first-generation lawyers<sup>3</sup> — individuals entering the legal field without any familial or professional legal background—the Bar often represents both hope and hardship.

For many such aspirants, becoming a lawyer is not merely a professional choice but a transformative aspiration. It signifies upward mobility, social recognition, and economic independence. However, the transition from law school to legal practice exposes a sharp divide between formal equality and lived inequality.

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<sup>3</sup> First-generation lawyers are individuals who are the first in their immediate family to enter the legal profession, lacking inherited

professional networks, institutional capital, or familial legal background. First-Generation Professional, BLACK'S LAW DICTIONARY (11<sup>th</sup> ed. 2019).

While access to legal education has expanded significantly over the past two decades, particularly through **National Law Universities**<sup>4</sup> and private law colleges, access to sustainable legal practice remains uneven.

This paper interrogates the dominant narrative that the Indian Bar offers a level playing field. It questions whether identical entry qualifications can genuinely compensate for disparities in social capital, financial backing, and professional exposure. The experiences of first-generation lawyers reveal that the Bar operates through informal structures that favour those with inherited advantage, thereby rendering equality more rhetorical than real.

### **Research Methodology**

This research adopts a doctrinal-cum-socio-legal approach. Primary sources include constitutional provisions, judicial pronouncements, **Bar Council of India** rules, and professional conduct regulations. Secondary sources consist of academic literature, law commission reports<sup>5</sup>, journal articles, newspaper editorials, and qualitative narratives emerging from district courts.

The paper relies on analytical reasoning rather than empirical surveys, focusing on structural patterns rather than isolated experiences. Comparative references are drawn from judicial training and professional entry models in other jurisdictions to contextualise Indian practices.

### **Understanding the Concept of First-Generation Lawyers**

A first-generation lawyer is one who enters the legal profession without the benefit of *familial legal lineage*—no parent, relative, or close associate within the judiciary, Bar, or allied legal services. Unlike legacy lawyers, first-generation entrants lack early exposure to courtroom culture, professional etiquette, and informal procedural knowledge.

This absence is not merely symbolic. It translates into tangible disadvantages such as lack of mentorship, absence of briefing opportunities, unfamiliarity with professional networking norms, and financial vulnerability during the initial years of practice. The profession's reliance on

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<sup>4</sup> National Law Universities (NLUs) refer to autonomous public law universities established by State legislations in conformity with standards prescribed by the Bar Council of India under the Advocates Act, 1961. Advocates Act, 1961, § 7(1)(h); Bar Council of India Legal Education Rules, 2008.

<sup>5</sup> Law Commission of India, 42<sup>nd</sup> Report on the Indian Penal Code, 1860 (1971).

*informal transmission of knowledge* disproportionately disadvantages those without inherited access.

### **The Myth of Equal Opportunity in the Indian Bar**

#### **Formal Equality versus Substantive Inequality**

Article 14<sup>6</sup> of the Constitution guarantees equality before law and equal protection of laws. However, equality in professional entry cannot be assessed merely through uniform eligibility criteria. The Bar operates within a framework where opportunities are distributed through discretion rather than transparency.

Briefing practices, chamber entry, and client referrals often function through informal networks. While not legally exclusionary, these systems privilege familiarity over merit. As a result, first-generation lawyers frequently remain confined to low-paying, clerical, or observational roles for extended periods.

#### **Financial Barriers and Unpaid Labour**

Legal practice in its early years is characterised by uncertainty and economic instability. Junior advocates are rarely paid fixed stipends, and many work for prolonged periods without remuneration. For first-generation lawyers from economically weaker backgrounds, this reality is unsustainable.

Unlike their privileged counterparts, *they cannot rely on family support to subsidise unpaid labour*. Consequently, many are forced to abandon litigation practice altogether, migrate to non-litigation roles, or leave the profession entirely—thereby reinforcing elite dominance within court practice.

#### **Intersectional<sup>7</sup> Disadvantages: Gender, Caste, and Region**

First-generation women lawyers face dual exclusion. Apart from professional uncertainty, they encounter societal pressure relating to **marriage, caregiving roles, and perceived instability** of

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<sup>6</sup> INDIA CONST. art. 14 (guaranteeing equality before the law and equal protection of the laws).

<sup>7</sup> Intersectionality refers to the analytical framework that examines how overlapping social identities—such as caste, gender, class, and religion—create interdependent systems of discrimination or disadvantage. See Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics, 1989 U. CHI. LEGAL F. 139, 140 (1989).

litigation careers. Delayed financial independence often leads families to discourage prolonged practice.

Similarly, lawyers from rural backgrounds or marginalised castes experience cultural alienation within urban court environments. Accent, language proficiency, and social mannerism<sup>8</sup> become markers of exclusion, further eroding confidence and professional visibility.

### **Institutional Role of the Bar and Regulatory Gaps**

The Bar Council of India primarily regulates entry qualifications and disciplinary conduct but offers minimal support for early-career advocates. There is no statutory framework mandating paid apprenticeships, mentorship programmes, or welfare mechanisms for junior lawyers.

Courts, while acknowledging the hardships faced by young advocates, have largely refrained from imposing structural obligations on the Bar. The absence of institutional accountability perpetuates a system where survival depends more on social capital than competence.

### **Comparative Perspectives**

In jurisdictions such as **Germany** and **Japan**, entry into judicial and legal practice is accompanied by structured training, stipends, and state supervision. These systems recognise that professional competence develops through supported learning rather than economic endurance.

**India's** reliance on informal apprenticeship without financial security<sup>9</sup> stands in contrast to these models and raises questions about fairness in professional access.

### **Recommendations**

**Mandatory Paid Apprenticeships:** *The Bar Council of India* should mandate minimum stipend norms for junior advocates during their initial years of practice. This would reduce economic

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<sup>8</sup> Social mannerisms encompass the behaviors and practices shaped by societal norms, which can inform judicial reasoning in cases relating to morality, public order, and social conduct. See *State of Maharashtra v. Madhukar Narayan Mardikar*, AIR 1960 SC 180.

<sup>9</sup> Financial security refers to the state of having stable income or resources to maintain a standard of living now and in the foreseeable future, including protection against economic risks. See *BLACK'S LAW DICTIONARY* (11<sup>th</sup> ed. 2019).

attrition and enable first-generation lawyers to sustain litigation careers without undue financial hardship.

**State-Supported Legal Fellowships:** Government-funded fellowships for first-generation lawyers can provide financial security during early practice years, particularly in district courts. Such schemes would democratise access to litigation and reduce elite monopolisation.

**Institutionalised Mentorship Frameworks:** *Bar Associations* should establish structured mentorship programmes that pair senior advocates with first-generation juniors. Transparent mentor allocation would reduce reliance on informal patronage.

**Transparent Briefing Mechanisms:** Courts and senior advocates must adopt fair briefing norms to ensure equitable distribution of professional opportunities. *Transparency would promote merit-based advancement.*

**Gender-Sensitive Professional Policies:** Flexible work arrangements, childcare support, and career re-entry mechanisms must be introduced to retain women lawyers within the profession.

**Judicial and Regulatory Oversight:** Courts should exercise supervisory jurisdiction to ensure that professional norms align with constitutional values of equality and dignity.

## **Conclusion**

*The Indian Bar's* claim of **equal opportunity**<sup>10</sup> remains largely aspirational for first-generation lawyers. While the doors of legal education may be open, the corridors of legal practice remain guarded by inherited privilege. Without deliberate structural reform, the profession risks reproducing inequality under the guise of meritocracy.

The Indian Bar's assertion of **equal opportunity** remains largely aspirational for first-generation lawyers. While formal access to legal education and enrolment has expanded, the profession

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<sup>10</sup> Equal opportunity refers to the principle that all individuals should have the same chances to access education, employment, and professional advancement, free from discrimination based on caste, gender, religion, or social background. See *State of Kerala v. N.M.*

Thomas, AIR 1976 SC 490 (discussing affirmative action and equality).

continues to privilege inherited social capital over substantive equality. For first-generation entrants, *legal practice often becomes a test of economic endurance rather than professional merit.*

The exclusion of first-generation lawyers has broader implications for the justice system itself. A judiciary and Bar that lack socio-economic diversity risk becoming detached from the lived realities of the communities they serve. True professional equality requires more than uniform eligibility—it demands institutional empathy, economic support, and structural accountability.

Reforming the Bar<sup>11</sup> is not merely a matter of professional welfare<sup>12</sup> but a **constitutional imperative**. If the legal profession is to function as a pillar of democratic governance, it *must reflect the diversity, dignity, and aspirations of the society it represents.* Only through deliberate structural reform can the myth of equal opportunity be transformed into a lived reality for first-generation lawyers in India.

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<sup>11</sup> Reforming the Bar refers to initiatives aimed at improving the legal profession, including enhancing access to justice, ensuring ethical standards, promoting diversity, and modernizing legal education. See Bar Council of India, Report on Reforming the Legal Profession (2015).

<sup>12</sup> Professional welfare of lawyers includes ensuring fair remuneration, access to legal aid programs, training, mental health support, and regulation by professional bodies. See Bar Council of India Rules, 2008, r. 1–3; Law Commission of India, 222<sup>nd</sup> Report on Reform of Judicial Administration (2009).