

ITEM NO.5 Court 13 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 859/2020 in SLP(C) No. 5440/2020

(Arising out of impugned final judgment and order dated 28-02-2020 in SLP(C) No. No. 5440/2020 passed by the Supreme Court Of India)

DISTRICT BAR ASSOCIATION DEHRADUN Petitioner(s)

VERSUS

ISHWAR SHANDILYA & ORS. Respondent(s)

(MR. MANAN KUMAR MISHRA, LEARNED SENIOR COUNSEL TO RENDER ASSISTANCE TO THIS COURT IN HIS CAPACITY AS CHAIRPERSON OF THE BAR COUNCIL OF INDIA)

Date : 20-09-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Ajai Kumar Bhatia, AOR

For Respondent(s) Mr. S. N. Bhat, AOR

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Manan Kumar Mishra, learned Senior Advocate and Chairman of the Bar Council of India. It is stated at the Bar that a Meeting of the Chairman/Office-bearers of all the State Bar Councils was held at the Bar Council of India and the issue of strike/boycott of the Courts by lawyers was discussed threadbare. It is submitted that there was an unanimous view expressed by all the representatives of the State Bar Councils that the illegal and unreasonable strikes and boycott are always bad and the Bar Councils shall never approve or encourage such practices. It is further submitted that, however, to redress the grievances of the advocates/lawyers, there should be a Grievance Redressal Mechanism

available to advocates at all levels from the Talukas/Mofussils/District Courts, High Courts and Supreme Court where the Members of the Bar could vent their grievances. Insofar as the constitution of the Grievance Redressal Forums, it is suggested as under:

"That it was further expressed by the representatives of the State Bar Councils that such Grievance Redressal Forums must have as its members the concerned District Judge/Representatives of State Bar Councils/Bar Associations, the Public Prosecutor, the District Magistrates and Police Officers not below the rank of Superintendent of Police/Deputy Commissioner of Police with District Judge as Chairman of the Committee.

At High Court level, a senior High Court Judge nominated by the Hon'ble Chief Justice of High Court should be the Chairman of the Committee. And the Chairman and Vice-Chairman of the State Bar Council, the Advocate-General, the President of High Court Bar Association, the Chief Secretary or a senior officer of the State Government should be the members of such Committee(s) at State level. Similarly, if some issues of protest/agitation affecting the Advocates of entire nation arises, then there should be a Committee to be headed by an Hon'ble Judge of Supreme Court (nominated by the Hon'ble Chief Justice of India) and the Chairman, Vice-Chairman of Bar Council of India, the Solicitor General of India, the Home Secretary, the Law Secretary (Legal Affairs), and the Finance Secretary should be included in the Committee."

Mr. Mishra, learned Senior Advocate and Chairman of the Bar Council of India, has also stated that now the practice of going on strike on every Saturday in the entire District of Dehradun, in several districts of Haridwar and Udham Singh Nagar district in the State of Uttarakhand have been stopped. However, despite a firm stand taken by the Bar Council of India not to encourage and for not to go on and/or boycott the Courts, still in some Talukas/Mofussils/District Courts and even some High Courts, the

strikes are called and the Courts are boycotted. We would like to pass a comprehensive detailed order on how to deal with the problem of boycotting the Courts and/or going on strikes by the Advocates.

Now-a-days in view of the pendency of large number of cases and the litigants are waiting for their turn for number of years, we cannot afford such strikes/boycott in the Courts. If the litigants do not get timely justice ultimately it will affect the rule of law and even triviality of justice delivery system.

For a detailed Order, Put up on 04.10.2021.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER