



भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D:1843/2021

Date: 10.05.2021

To,

1. The Secretary,
High Court Bar Association,
Punjab and Haryana High Court,
Sector 1, Chandigarh.
2. The Chairman,
Bar Council of Punjab and Haryana,
Law Bhawan, Sector-37, Chandigarh.

Sub.: Forwarding of Certified Copy of Resolution dated 10.05.2021 passed by the General Council of the Bar Council of India in Stay Petition No.2/2021 in Revision Petition No.13/2021 titled as Punjab and Haryana High Court Bar Association Vs. Bar Council of Punjab and Haryana.

Sir(s)

Please find enclosed herewith the certified copy of the Resolution dated 10.05.2021 passed by the General Council of the Bar Council of India in Stay Petition No.2/2021 in Revision Petition No.13/2021 titled as Punjab and Haryana High Court Bar Association Vs. Bar Council of Punjab and Haryana.

This is for your kind information.

Thanking you

Yours sincerely,

(Awanish K. Pandey)
Assistant Secretary
Bar Council of India



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**Certified Copy of the Resolution of the General Council of the
Bar Council of India dated 10.05.2021.**

**Stay Petition No.2/2021
In
Revision Petition No.13/2021**

**High Court Bar Association,
Punjab and Haryana High Court,
(Through its Secretary)**

Petitioner

Versus

**Bar Council of Punjab and Haryana
(Through its Chairman)**

Respondent

Order dated 10.05.2021

The Council has considered the matter and has also perused the resolutions passed by the petitioner Bar Association and the Order passed by the Hon'ble Chairman, Bar Council of Punjab and Haryana, which has been impugned in this case.

The Council fully appreciates the problems and the difficulties, which the lawyers of the entire country are facing during this pandemic. The problems raised by the High Court Bar Association, Punjab and Haryana High Court are not only confined to High Court of Punjab and Haryana Bar, but except one or two places, the entire legal fraternity is facing the same and similar problems. The Fraternity is witnessing the darkest days of their professional lives.

There is a serious risk of life if a lawyer starts discharging his professional duties and appearing in Court physically. Even in the hearings through Video-Conferencing, there are probabilities of getting infected as an Advocate cannot run his office without the assistance of the staff. The petitioner High Court Bar Association has rightly said that if a lawyer shuts down his office completely, he or his family will die of starvation. The harsh truth is that today, barring a few blessed advocates, the entire legal fraternity is facing the same situation for the last 13-14 months.

Neither the Union Government nor any State Government has come to the rescue of the Advocates and the result is that uptill now thousands of the lawyers in the country have died during this epidemic. In Chandigarh alone, more than 45 Advocates have died in the 2nd wave of Covid-19.

The Council has thoroughly considered the concerns expressed by the High Court Bar Association and has also perused the Resolution passed by it.

As stated above, in the clear opinion of this Council, the grievances raised by the High Court Bar Association need to be redressed as far as practicable and feasible.

The Council, therefore, admits this Revision Petition for final hearing.

Issue notice to the respondent i.e. Bar Council of Punjab and Haryana fixing 14th May, 2021 as the date for final hearing.

However, under the facts and circumstances of the case, the Council does not find any prima facie case for grant of any Stay of the Order dated 07.05.2021 passed by the Hon'ble Chairman, Bar Council of Punjab and Haryana. Neither the Bar Council of India nor the State Bar Council can support any resolution of any Bar Association giving call for the boycott of the Court of Chief Justice or any Judge of any Court on such ground. It can be done only in rarest of the rare cases when there is no other remedy left to the Lawyers' bodies.

The demand of transfer of the Chief Justice prima-facie does not seem to be proper and justified, nor is going to solve the problem. Any type of such politics should not be allowed to be played in any Bar Association. The Associations should desist from passing such resolutions.

Accordingly, the Council resolves to constitute a Committee of 7-Hon'ble Members of the Bar in order to meet the Hon'ble Chief Justice, High Court of Punjab and Haryana and to get the matter settled amicably. The Council further constitute the following Committee to meet the Hon'ble Chief Justice of Punjab and Haryana High Court: -

1. Mr. Ashwani Chopra, Senior Advocate (Convener of the Committee);
2. The President, High Court Bar Association, Punjab and Haryana High Court (Co-Convener of the Committee);
3. Mr. Harpreet Singh Brar, Former Chairman, Bar Council of Punjab and Haryana;
4. Hony. Secretary, High Court Bar Association, Punjab and Haryana High Court;
5. Mr. Puneet Bali, Senior Advocate;
6. Ms. Anu Chatrath, Senior Advocate; and
7. Mr. Partap Singh, Hon'ble Member, Bar Council of India (Special Invitee).

The Council requests the Hon'ble Chief Justice, Punjab and Haryana High Court to hear the Committee, listen to their grievances and redress it as far as practicable and feasible. The Council hopes and trusts that the Hon'ble Chief Justice will fix the meeting with the Committee soon after getting the request for the same from the convener of the Committee.

The Committee is requested to make a request to the Hon'ble Chief Justice for fixing an early date for the meeting. Further, the Committee shall try to get it fixed on or before 13.05.2021, so that the opinion/suggestions of the Committee could be placed on record and considered by this Council on 14.05.2021.

The office will send the link to the petitioner, the respondent and other Hon'ble Members of the Committee on 13.05.2021. The matter will be heard through Video-Conferencing by the Sub-Committee of this Council consisting of Hon'ble Chairman, Bar Council of India, Hon'ble Vice-Chairman, Bar Council of India and Hon'ble Executive Chairman, Bar Council of India on 14.05.2021 at 03.00 PM.

It is further requested that not more than 3 Members/Office Bearers from High Court Bar Association and not more than 2 Members from the State Bar Council should appear to argue the matter on 14.05.2021. The link will also be sent to the Hon'ble Members of the Committee for getting acquainted with their views.

Certified to be the True Copy



(Ashok Kumar Pandey)

Joint Secretary

Bar Council of India