



MAHARASHTRA STUDENTS LAW ASSOCIATION (MASLA)

We Must Break the Chains, Once and Forever

FOUNDER PRESIDENT - SIDDHARTH S. INGLE - +91 9930 289 732

MASLA's Open Letter To The Bar Council of India

**Upholders of the Bar!
Be Just!**

Don't Imperil Justice And Transparency Under The Pretext of The Institution.

30th May 2019

To,
Mr. Manan Kumar Mishra
The Chairman, Bar Council of India
New Delhi.

Subject: Open letter by the Maharashtra Students Law Association (MASLA) in response to the Press Release dated 25th May 2019 by the Bar Council of India concerning retired Supreme Court Justices Mr. Chelameshwar and Mr. Lokur.

Mr. Mishra,

This is our second open letter to you in your position as Chairman of the Bar Council of India (BCI) since we responded to the BCI's first public "appeal"-<https://www.livelaw.in/news-updates/bci-appeals-members-of-legal-fraternity-144864>. This concerns the allegations against CJI Mr. Ranjan Gogoi of sexual harassment. Indeed we never expected we would write you so soon again.

We are completely taken aback by the cavalier attitude evidenced in both the previous "appeal" and in the Press Release-<https://www.livelaw.in/top-stories/bci-chairman-to-justices-lokur-and-chelameswar--145277> addressing and appreciating an issue as grave as this. We are also thoroughly disturbed by the insensitive comments in the Press Release directed towards Retired Supreme Court Justices Mr. Chelameshwar and Mr. Lokur

*** Governing Council Committee ***

Adv. Deepa Punjani
Mr. Rajendra Bhat

Mr. Gurunath Satale
Mr. Darshan Pawaskar

Adv. Intaj Shaikh
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Our first question is: Why are these honorable men being targeted?

Is it simply because they chose to speak their minds?

Is it because they are not toeing the official line that the BCI appears to have taken with you at the helm?

Importantly, the Press Release does not present all the facts of the issue as it has unfolded since the very beginning.

The tone of the Press Release is disparaging to say the least. It conveniently upends the views of the two ex-judges to serve a duplicitous and perverse narrative of institutional damage.

The institution has already been damaged, but not because the brave have spoken up, but rather because the meek have not.

The people who have expressed their reservations and dissatisfaction about how this issue came to be handled are far from disgruntled people. They are reasoned people who have made their points legally and morally.

The evidently partisan Press Release, which has presumed to make personal remarks against the two ex-judges and the other lawyers hinted at, does not behoove the Bar Council of India and your position as its top officer.

It is ironic that the Press Release speaks of perceived institutional damage when no thought has been given to berating the two ex-judges of our Apex court in such an uncalled for manner and so ungraciously.



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Please meet us some day and we will be happy to guide the BCI and you about how institutional damage actually occurs. It *first happens at the level of legal education, which by the way, is one of the main and important domains of your office.*

Our Association, which works for the welfare of the law students, as well as other students, can easily show how the Bar Council of India appears to be failing on *this fundamental step* of preserving the institution.

Our letter - https://www.livelaw.in/pdf_upload/pdf_upload-361148.pdf and RTI - https://www.livelaw.in/pdf_upload/pdf_upload-361149.pdf to the BCI are *still unanswered.*

We had sought details about the requisite rules that Universities and law colleges are supposed to maintain as per the Legal Education Rules of the BCI, and which the BCI has to ensure are met with.

In the letter, we had brought to the notice of the BCI, amendments brought about by Mumbai University in the examination and assessment pattern for LLB (Three Years) and BLS (Five Years) without the BCI being informed of the same. We had pointed out the absurdity of such a change because it involves conferring of degree. A writ petition and a PIL for this, along with our intervention application is pending in the High Court of Bombay.

The RTI sought details of approval/recognition status by the BCI for the law academies and universities in Maharashtra.

Why has the BCI not responded to either the letter or the RTI?

We would also like to ask what the BCI is constructively doing in solving the many problems of the law students and new advocates ranging from their learning to jobs and stipends



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Besides is the BCI really paying enough attention to how students are being taught and what is their actual takeaway in terms of their learning when they graduate?

To put things into perspective, this is just the tip of the iceberg of the actual institutional damage.

We invite you to have a public debate with us about this.

Please also provide us the signatories of all those whom the BCI's claims to be "the considered opinion of the Bar and the responsible citizen of this country" in the Press Release.

Moreover, the Press Release has completely brushed aside the prerogative of the woman-complainant and essentially her plea that justice has not been served.

The press release does not also explain the CJI Mr. Gogoi's changed stance since the Press meeting of the judges in 2018 in which he was a willing participant with the two ex-judges Mr. Chelameshwar and Mr. Lokur.

In the present case, it is MASLA's sincere request to your office as Chairman of the BCI to not polarise this issue. Better still for you on behalf of the BCI, to extend an apology to the two ex-judges for the terribly misconceived Press Release.

Like we said in our earlier letter Mr. Mishra: Law students are following the issue. They are the future of the institution. They are watching and they are questioning the BCI's stand.

When these future entrants to the Bar arrive, the question that needs to be asked now is:

What kind of institution will your office have left behind?

Sincerely,

Deepa Punjani -Governing council committee member, MASLA.

[Please click here for MASLA's earlier letter to the BCI.](#)

<https://www.livelaw.in/news-updates/law-students-slam-bci-chairmans-cji-sexual-harassment-allegations-144957>



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