

Advocates,
Madras High Court

N0.134, Thambu Chetty Street,
Chennai-600 001

07.08.2019

To

The Secretary
Bar Council of India
21, Rouse Avenue Institutional Area
New Delhi -110 002

Dear Sir,

The press release issued by Mr. Manan Kumar Mishra, as the Chairperson of the Bar Council of India applauding the action of the Government scrapping Article 370 of the Constitution is shocking, undemocratic and a misuse of his official position.

We, the undersigned advocates of the Madras Bar wish to make it clear that the opinion expressed by Mr. Mishra is not the collective one of the entire legal fraternity as it claims to be.

Bar Council member, Mr. Manoj Kumar, has clarified that the view expressed by Mr. Mishra is not that of the Bar Council of India and no meeting was held by the Council to discuss the issue and no resolution of the Council was passed to that effect. The press release is therefore misleading and has not been authorised by the Bar Council. In any case, the powers of the Bar Council has statutory limitations and the Bar Council does not have the authority or mandate to express any political views, much less on behalf of the entire legal fraternity of the country.

Other points of view are being articulated by members of the legal fraternity, including the statement issued by the All India Lawyers Union yesterday, condemning the action of the Modi government scrapping Article 370 and thereby obliterating the special status of Jammu and Kashmir through a Presidential order.

We are deeply disturbed by the undemocratic manner in which Article 370 has been effectively abrogated and the repressive preventive measures adopted in Jammu and Kashmir, including arrest of all political leaders, cessation of all communication and stifling of freedom of the press in order to silence all voices of dissent. The constitutional status of a State has been changed without any consultation with the elected representatives of the State. In the absence of a State legislative Assembly and a situation where a democratic participation is not even possible, the decision to dismember the State of Jammu and Kashmir smacks of authoritarianism and a complete disdain for all democratic processes.

As lawyers, owing complete allegiance to the Constitution, we are extremely distressed by the disregard shown by the Union Government to the Constitution and the law, by bringing about a constitutional amendment through a Presidential order!

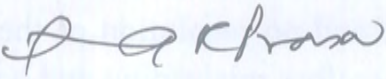


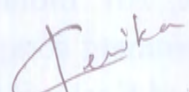
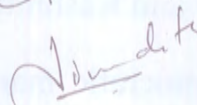
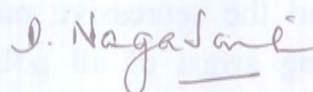

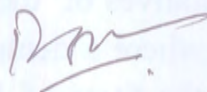
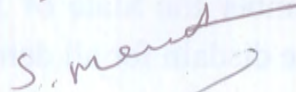
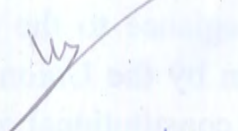
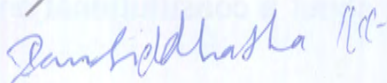
We place on record that the opinion expressed by Mr. Mishra, therefore, does not reflect that of the entire legal fraternity and can at best, be called his personal opinion that he is entitled to express, in his individual capacity.

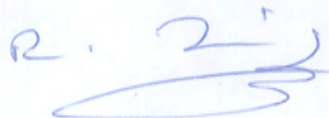
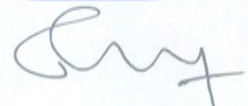
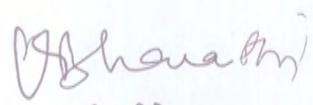
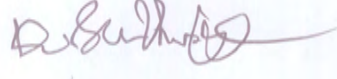

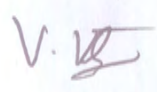
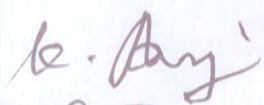
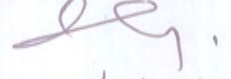



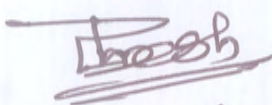

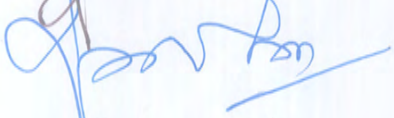
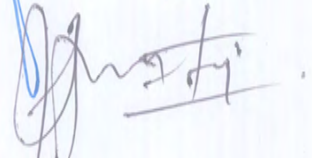
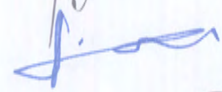
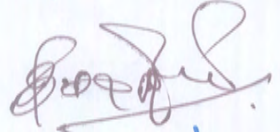


The office of Chairperson of the Bar Council cannot be abused in this manner and Mr. Mishra ought not to have issued a statement expressing his personal and political views in his official capacity. Use of official letter head and affixing his signature as the Bar Council Chairperson is improper and intended to create an incorrect impression that he speaks for all members of the Bar.

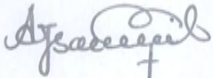
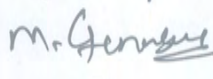

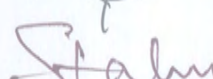

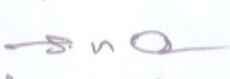



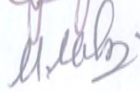


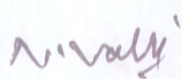
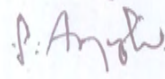
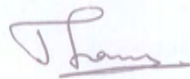


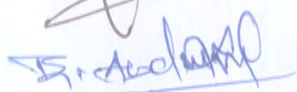
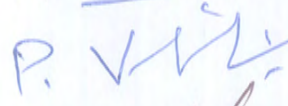
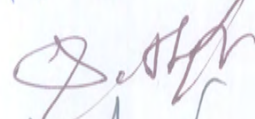
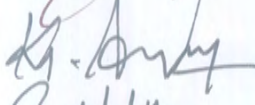
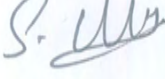
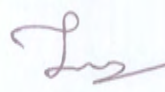
We request you to immediately issue a statement to the press clarifying that the statement of Mr. Mishra does not reflect the views of the entire legal fraternity and was not preceded by a resolution of the Bar Council.

We also urge you to ensure that the office of the Chairperson is not abused to advance any personal or political agenda.


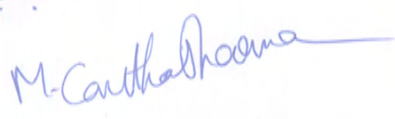
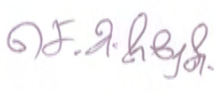




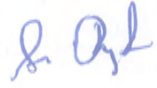
Yours sincerely,

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3. ANNA MATHIEW		9840024324
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16. P. PRABUDOSS	R. 	989468345
17. V. VADIVEI	V. 	9944068317
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21. R. SANKARASUBBU		9381036543
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60. K. Udaya selvi		9043622220
61. C. VEJAYA KUMAR		9840191669
62. PRITHEE VRAJ		9840487576
63. Thara		9444209671
64. T.R. Udayakumar		9003259186
65. R. Selvi		8754656862
66. T. Murugan		6381198953
67. S. N. Cirubanandam		9444069973
68. P. G. Thyagu		9841299304
69. R. T. Anbazhagan		9944116966
70. Noordin		9941314359
71. S. Arun		9566413881
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75. Canthaswamy Sharma		
76. A. SURESH SAKTHI MURUGAN MS. 1927/2010		9489235314
77. G. ANNABORANI MS 2281/19		9126320122
78. S. RAJU MS 1155/99		9443260169
79. B. SARAVANAN		994032324.
80. H. Manojini		9894664721
81. R. Arun Raj - Selan		9486855885