

Draft Resolution

WHEREAS at the inaugural ceremony of the International Judicial Conference on 22nd February 2020, Justice Arun Mishra, while delivering the vote of thanks, remarked that *"India is a responsible and most friendly member of the international community under the stewardship of internationally acclaimed, visionary Prime Minister, Shri Narendra Modi."* Justice Arun Mishra further expressed that *"We thank the versatile genius, who thinks globally and acts locally, Shri Narendra Modi for providing us inspiring thoughts which would act as a catalyst in initiating the deliberations, and setting the agenda for the Conference."*

WHEREAS as part of the very same speech giving a vote of thanks, Justice Arun Mishra has observed that *"All these three organs of the State have to work independently but in tandem to make the democracy successful, to visualise and for effective implementation of constitutional aspirations and its values."*

WHEREAS on 25th February 2020, the Executive Committee of the Bar Association of India expressed its concern and dismay at the abovementioned words of Justice Arun Mishra, stating that it served to *"..dilute the perception of impartiality and independence and diminishes the confidence of general public.."*

WHEREAS on 26th February 2020, the Supreme Court Bar Association, in a resolution by circulation expressed its anguish and concern at the remarks made by Justice Arun Mishra, and strongly condemned the same on the grounds that *"..such proximity and familiarity may impact the decision making process of the Hon'ble Judges and may give rise to justifiable doubts in the minds of the litigants about the outcome"*.

WHEREAS on 26th February, 2020, the Chairman of the Bar Council of India, Mr. Manan Mishra, issued a statement characterizing the criticism and condemnation of the Justice Arun Mishra's remarks as betraying a *"narrow and myopic mindset"*

RESOLVED THAT:

This Association deprecates the conduct of a sitting judge of the Supreme Court of India making such obsequious remarks about the head of the Executive, and believes that they are both improper and unnecessary. This Association believes that it is particularly regrettable that such remarks were made at an event such as the International Judiciary Conference, in the presence of senior Cabinet Ministers such as the Law Minister, former and current judges of the Supreme Court of India and visiting members of the international legal community.

The Union of India is one of the biggest litigants, if not the biggest, and it is imperative that the Judiciary is and appears to be objective in its approach to the members of the Executive, both within and outside the courtroom. Comments of this nature shakes the confidence of the members of the legal profession and the public at large in the independence and integrity of the Higher Judiciary.

This Association is in agreement with various members of the legal community in India who have expressed their dismay and condemnation in respect of the aforementioned remarks of Justice Arun Mishra.

The Association condemns and disowns the remarks of the Chairman of the Bar Council of India, Mr. Manan Mishra who defended the remarks of Justice Mishra and deemed the criticism of such remarks as *"myopic"*, particularly given his position as the Chairman of the regulatory body for the legal profession.