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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

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“It is nothing but open Gundagardi of Uttar Pradesh Police”

The Bar Council of India has taken a very serious notice of the incident which has taken place at Etah, Uttar Pradesh a few days back. The Police broke open the door of a house and dragged and pulled an Advocate (who was in Advocate's dress) and assaulted him mercilessly. The video of this incident got viral and entire nation has witnessed it. There is no limit to such atrocities of Uttar Pradesh Police and it has crossed all the limits. Similarly, incidents were witnessed in West Bengal, Bihar and almost all states. Such actions of the police is rather worse than the crime committed by any hardened criminal/s.

The act of police of Uttar Pradesh is shocking, it cannot be expected from the protectors of Law and Order. The brutality clearly shows that the police personnel of Etah were acting with some planning with some ulterior motive.

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The Council, thus, resolves to request Hon'ble Chief Justice of India and Hon'ble Chief Justice of Allahabad High Court to take immediate steps to find out the guilty police personnel and issue a direction to Uttar Pradesh Government to immediately put them under suspension, transfer them and remove them from service. The video clip itself is sufficient evidence of their guilty and barbarous illegal conduct and misconduct. The request of Uttar Pradesh Bar Council has not been considered by Uttar Pradesh Government.

The Indian Bar cannot tolerate such atrocities anymore and if the Judiciary and the Government are ignoring such atrocities on the Lawyers or even on common man, the Bar will have no option except to come on roads.

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The Bar Council of India has also resolved to write to Hon'ble Mr. Amit Shah, the Union Home Minister to take suitable action in the matter and make immediate suitable laws for providing protection to the Lawyers of the country.

The Bar Council of India has resolved and stated that the entire Legal Fraternity is in support of Bar Council of Uttar Pradesh and Lawyers of Uttar Pradesh on this issue.

The Council is going to convene a joint meeting of representatives of all the State Bar Councils through Video-Conferencing to decide the future course of action within 3-4 days.

The Joint Meeting shall also consider the inaction of Union and State Governments who have failed to provide any financial assistance to Lawyers during these bad days of pandemic.

Unfortunately, even the apex court has not done anything to help the Lawyers and the writ filed by Bar Council of India and suo-motu matter are still pending. We only wanted some interest free or soft rated loan from Government for the needy Lawyers, but, even that is not being done by the Government.

Court Proceedings (Physical, not Virtual):-

The Bar Council of India has also expressed serious concern on the intention of Government in planning to introduce the system of Virtual Hearings of Court proceedings and to give a go-bye to physical hearings. The Rules and proposal to make this system of virtual hearings permanent feature can never be accepted by Advocates of the country. Such proposal would be very dangerous and may lead to putting/giving the entire system in the pockets of some selected "big Law Firms" and few other "blessed Lawyers". The Indian Bar is not going to accept it at any cost. "Physical Hearings" should be resumed throughout the country without any delay.

Foreign Lawyers & Law Firms: -

Moreover, the proposal of Government to allow the Foreign Law Firms has been rejected by Bar Council of India on several occasions in past and all the State Bar Councils of the country and Bar Council of India have been stating and replying that this is not in the interest of the Indian Bar. But, even then the Council fails to understand as to why again and again such issues are raised in Parliament? It is again a matter of serious concern for the Indian Bar. Bar Council of India has made it clear that unless the interest of the Indian Lawyers who practice right from the Lower Courts to the highest Court of the land are protected and Indian Law Firms/Lawyers are allowed to practice and establish in the bigger countries like USA, UK, Australia and other European countries without any rigorous/impractical conditions, on reciprocal basis, the Indian Bar will not allow the foreign Lawyers or Law Firms to establish here. Furthermore, the area of practice of foreign lawyers also has to be very limited, so as to not to affect the Indian Lawyers practice in Civil, Criminal and other Laws. The Apex Court has already settled the Law in this regard in A. K. Balaji's case.

Lawyers and Law Firms of some of the irrelevant countries are applying for practice in India, while there is no scope for Indian Law Firms or Lawyers to practice in those countries and it would open a flood gate for them in our country without any benefit to Indian Lawyers.

The Joint Meeting of representatives of State Bar Councils and High Court Bar Associations will consider all the issues in coming week.



(Manan Kumar Mishra)

Chairman

Bar Council of India