

# SUPREME COURT BAR ASSOCIATION (Regd.)

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

**Mr. Dushyant A. Dave (Sr.)**  
President

**Mr. Kailash Vasdev (Sr.)**  
Vice President

**Mr. Rohit Pandey**  
Acting Hony. Secretary

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**Col. R. Balasubramanian (Sr.)**

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**Mrs. Alka Agarwal**

**Mr. Tanveer Ahmed Khan**

## STATEMENT BY THE SUPREME COURT BAR ASSOCIATION

The Supreme Court Bar Association expresses shock, deep concern and dismay on the recent information available on the arbitrary, illegal and brazen exercise of brute power by the police and action taken by them contrary to law against members of the legal fraternity.

The first is the search and seizure conducted by the Delhi Police at the premises of an Advocate and member of this Association where in the course of the search, it is reported that the police has seized confidential data, computers, electronic digital devices which contain data both professional and personal to him. The search carried on till the early hours of the morning.

The second is the brutal assault of a lawyer in the District of Etah in Uttar Pradesh by the local police who entered the house of the lawyer, mercilessly and brutally assaulted him and then lodged him and his entire family in jail.

A search and seizure conducted by the police at the premises of an advocate in a proceeding not pertaining to or relating to a Member of the Bar is a malicious act which defeats the rights of an advocate to practice his profession without fear or favour. Such actions are intimidatory and designed to abuse the due process by coercing an advocate to succumb to police threats and methods unheard of in legal annals. Such a search/seizure is in the teeth of the specific provisions of law which recognise the client lawyer relationship and protects all correspondence between the advocate and his client. This encroachment on the rights of an advocate by the police violates the rights of the accused to a fair trial guaranteed under Article 21, and the protection against self-incrimination guaranteed under Article 20 (3) of the Constitution of India jeopardising the rights of the client to a free trial. The seizures of confidential information which is protected by lawyer-client privilege, in a search conducted by the very police authorities who are prosecuting the lawyer's clients, will prejudicially affect the rights and guarantees of the accused. It is illegal and contravenes all canons of protection available to a client and his lawyers.

Advocates are entrusted with confidential and privileged communications by their clients and are protected and privileged. Such privilege is protected under law and is the sine qua non for the effective realization of the right to fair trial, the right to access





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of justice, right against incriminating oneself which constitute essential rights guaranteed under Article 20 and 21 of the Constitution of India. These sacrosanct protections of confidentiality guaranteed under the constitution and the laws, work as the fundamental bedrock of our justice system.

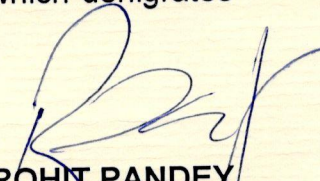
The grant of a search warrant by the Magistracy to search a lawyer's office in a routine mechanical manner, particularly in respect of a lawyer's communication and correspondences, is antithetical to rule of law and constitutes a disturbing violation of this privilege directly affecting the administration of justice.

The brutal assault of a member of our fraternity in Etah in his house when he was with his family is atrocious and unacceptable. It is a gross and calculated action on the part of the police in total contravention of law.

This Association strongly condemns the actions of the Delhi Police in its attempt to seize an advocate's personal computer and other personal digital devices by taking subterfuge under orders of a Court. Such an arbitrary exercise to access an Advocate's personal digital devices is a grave and egregious violation of privacy of any citizen and that of a member of the Bar who is engaged to act for his client. It does not augur well as such actions are in the teeth of the protections and privileges granted by law to lawyers to carry out their professional callings without fear or favour.

The Association taking serious exception to the conduct of the police calls upon the Delhi Police to immediately forbear, cease and desist from using the information available on the devices so seized.

The Supreme Court Bar Association expresses its serious concern on the reprehensible conduct of the police in both these cases and calls upon all concerned authorities to take serious punitive action against all concerned for their atrocious conduct which denigrates and violates the mandate of the Rule of law.

  
**ROHIT PANDEY**  
Acting Hony. Secretary