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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

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For last few days, the country is finding repeated attacks against our Judges and the Supreme Court.

1. Advocate Mr. Prashant Bhushan, while speaking in a webinar hosted by Indian-American Muslim Council, has crossed all the limits. He not only criticized and used filthy, demeaning words for our Judges of Supreme Court, but, exposed himself by uttering that by doing so, he intended to deter some of the Judges of Supreme Court of India.

Unfortunately, Mr. Prashant Bhushan's all the utterances are not only ridiculous but are reprehensible and a tirade against the Nation. Persons like Mr. Bhushan have never been the Champions of Civil Liberties, rather, by doing such nonsense acts, they succeed in giving a message to the world that they are anti Indians. In fact, such people are misusing the fundamental rights of freedom of speech & expression. We cannot imagine existence of people like Prashant in countries like China or Russia. Our country can never forget when Mr. Prashant Bhushan had gone even to the extent of calling for handing over Kashmir to Pakistan just to please some so-called leaders of Kashmir who were demanding for it.

Mr. Prashant Bhushan should never forget that he is not an ordinary citizen, but he is also an Advocate. His behaviour and conduct, even outside the court, is supposed to be like a responsible citizen and a gentleman. He is already a convict under Contempt of Courts Act, and that matter is still pending before the Bar Council of Delhi and it is yet to be decided whether he should be allowed to continue in practice or not.

By making such statements, attacking our Judiciary, persons like Mr. Prashant think that they would succeed in terrorizing the Judges. It is for the Judges of Supreme Court to think whether to encourage such mal-practices.

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Under various statutes, there are certain posts which could be assigned only to the retired Judges. Therefore, such appointments cannot be criticized in such indecent manner. Bar Councils have also been raising this issue, but, in respectful manner before the appropriate forum. Maligning the image of our Judges or the Institution for these matters is quite improper and unjustified.

Indian Bar has always stood with the Institution; Bar is of the unanimous opinion that unless the sanctity and authority of our Judiciary is maintained, we cannot expect the Bar to be stronger and similarly for a strong and independent Judiciary, a strong and fearless Bar is a compulsory requirement.

However, strong Bar does not mean that the Members are at liberty to abuse or utter anything against the sitting or former Judges. Today, through digital/social media every message goes to the entire world and therefore, one should be very careful in making any statement. No one has authority to ridicule the Supreme Court of India, its Judges or the Judiciary. You cannot make a mockery of the system, as a citizen of India more so, so long as you are an Advocate, or else be ready to face the consequences.

You can criticize anyone, but, you cannot cross the Laxman Rekha, always mind your language. The licence to practice does not empower you misuse your position as a Lawyer. For the conduct and etiquettes of Lawyers, the Bar Council of India and State Bar Councils have laid down the norms and guidelines.

Therefore, the Supreme Court may hesitate in initiating a contempt proceeding because of one or other reason, but, the Bar Councils won't tolerate such nuisances.

It is the duty of every Advocate to maintain the dignity and decorum of the Institution and to respect it.

The Supreme Court is the guardian of Indian Constitution and persons like Mr. Bhushan are bent upon to malign it for serving his self-interest. The lawyers of the country are wise enough to understand the motive behind such attempts, and the Advocates are not going to tolerate, such baseless allegation of Mr. Prashant against the Supreme Court or any Judge of the country anymore.

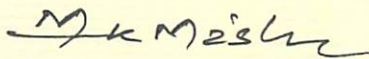
Partly agreed with Mr. Dushyant Dave: -

2. With regard to the recent Statements of Mr. Dushyant Dave, in the opinion of Bar Council of India, only the Chief Justice of India, is empowered to assign the cases to respective benches. It is a well-settled Law and a well established healthy practice. There should be no change in this age-old tradition.

However, so far the statements of Mr. Dave about grievances of Bar regarding the difficulties and delays in listing of cases, the Bar Council fully supports the views of Mr. Dave. The Chief Justice of India and the Judges should look into the seriousness of this matter and should take immediate measures for listing of urgent matters, without any difficulty to Advocates and the litigants. This is a very important and burning issue, which needs to be addressed and redressed by the Supreme Court, as also by some of the High Courts of the country.

It is the duty of Bar Council to safeguard the rights, privileges and interest of Advocates and therefore, the Bar Council of India proposes to convey the grievances of common Lawyers practicing in Supreme Court and some of the High Courts to the Hon'ble Supreme Court of India.

However, at the same time, we must note that there is no doubt that Hon'ble Chief Justice of India Mr. N. V. Ramana has done a lot for the Nation, and the Institution. Mr. Justice Ramana will always be remembered for his contributions and steps taken for betterment and strengthening of the Institution. He has always encouraged the Bar in general and the young Lawyers in particular. Judges like him, would be treated as assets in the history of the legal and judicial setup.



(Manan Kumar Mishra)
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