



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Press Release dated 15.05.2021

The Council in its General Body Meeting dated 15.05.2021 has ratified and accepted the Order dated 14.05.2021 passed by the Sub-Committee in Revision Petition No.13/2021 titled as High Court Bar Association, Punjab and Haryana High Court Vs. State Bar Council of Punjab and Haryana. The Order dated 14.05.2021 of Sub-Committee is given below: -

"Pursuant to the Order passed by the General Council on 10.05.2021, the matter was heard today through video conference.

Mr. Ashwani Kumar Chopra, Sr. Advocate, Convener of the Committee and Mr. Puneet Bali, Sr. Advocate, Member of the Committee, Mr. G. B. S. Dhillon, President of the High Court Bar Association, Co-Convener of the Committee and Mr. Chanchal K. Singla, Hony. Secretary, High Court Bar Association joined the proceedings and expressed their opinion.

The State Bar Council of Punjab and Haryana was represented by Mr. Chander Mohan Munjal, Senior Advocate.

It appears that pursuant to the resolution of this Council the Convener of the Committee made a request to the Hon'ble Chief Justice, Punjab and Haryana High Court to fix a meeting with the Committee. The request of the Committee was promptly accepted and accordingly the meeting is stated to have taken place on 12.05.2021 at 11.30 AM at the residence of Hon'ble Chief Justice, Punjab and Haryana.

The President and Secretary of the High Court Bar Association, Mr. Harpreet Singh Brar, Former Chairman, State Bar Council of Punjab and Haryana attended the meeting along with the Hon'ble Convener and Mr. Puneet Bali Senior Advocate. Mr. Partap Singh, Hon'ble Member, Bar Council of India also attended the meeting as Special Invitee and Ms. Anu Chatrath was connected through Video Conferencing as she was unable to attend the meeting physically because she is down with Corona.

After the meeting, the Convener of the Committee has submitted his report through Email. The relevant portion of the said report of the Committee runs as follows: -

"Hon'ble Chief The Justice gave a very patient hearing. Since on the administrative side, steps had already been taken to optimize the working of Courts through Video Conferencing, Mr. G.B.S Dhillon the President, High Court Bar Association along with Mr. Chanchal K Singla, Hony Secretary Bar Association, Punjab and Haryana High Court showed grace and magnanimity to resolve all issues arising out of Resolution dated 07.05.2021 passed by the Punjab and Haryana Bar Association. Emergency meeting of the Executive Committee of the Punjab and Haryana High

Court Bar Association was held through virtual mode to discuss further course of action with regard to the Resolution dated 07.05.2021. Since the Hon'ble High Court had already allowed Anticipatory Bails, Habeas Corpus Petitions and Protection matters to be listed without mentioning and an assurance was given to consider feasible demands made by it, the Executive Committee of the Punjab and Haryana High Court Bar Association withdrew the Resolution dated 07.05.2021 whereby the Court of The Hon'ble Chief Justice had been boycotted and his transfer had been sought. Copy of the Resolution is attached herewith.

The President along with the Hony Secretary of the Punjab and Haryana High Court Bar Association gave assurance that the Revision Petition pending before the Bar Council of India will also be accordingly withdrawn.

The meeting of the Committee went along in the most harmonious and pleasant manner and all disputes were resolved amicably. All the members of the Committee agreed in unison that a resolution demanding the transfer of Hon'ble The Chief Justice may not have been in the best interest of all the stakeholders. As a convenor of the Committee, I put on record my appreciation towards Hon'ble The Chief Justice and the office bearers of the Bar Association in amicably resolving all the issues.

The committee while appreciating the above noted steps, gives the following opinions/suggestions:-

- i. In light of the Resolution dated 12.05.2021 withdrawing the Resolution dated 07.05.2021, quietus has been given to the entire matter.*
- ii. Considering the potential threat of COVID-19 which is raging in Punjab, Haryana and Chandigarh, the methodology adopted by The Hon'ble Chief Justice for adjusting and listing cases, at this stage, is appreciable;*
- iii. As and when the situation in relation to COVID-19 eases out, there shall be further deliberations between Hon'ble The Chief Justice and the President/ Hony Secretary of the Punjab and Haryana High Court Bar Association so that measures feasible and suitable can be taken;*
- iv. In this period of crisis all the stakeholders of this institution should stand united, have free flowing channels of communication so that the dignity of the institution as a whole, is maintained.*
- v. In these trying times all the stakeholders of the Punjab and Haryana High Court i.e. Hon'ble The Chief Justice, Hon'ble The Judges, the Staff members, the Administrative Officers and the Advocates have to hold each other's hand. For that to happen channels of communication should be more proactive.*

The Report has been approved in principle by all the members of the Committee and I being the Convenor, has been authorized to submit the same to the Bar Council of India."

The Chairman, Bar Council of Punjab and Haryana has also sent a report on behalf of the State Bar Council pursuant to the notice issued to the State Bar Council of Punjab and Haryana. The State Bar Council also has mentioned about the Resolution passed by the High Court Bar Association on 01.02.2021 by which the High Court Bar Association had not only resolved to boycott the Court of Hon'ble Chief Justice but also to revoke the membership of Mr. Atul Nanda, Advocate General, Punjab from the High Court Bar Association.

From the Report of the State Bar Council, it appears that the State Bar Council had stayed the said resolution of High Court Bar Association finding it to be arbitrary and in violation of Rule-10 and 11 of the Rules of High Court Bar Association. The report has specifically explained as to how and why the Resolution dated 01.02.2021 passed by the High Court Bar Association was unjust, improper and devoid of any merit. This Council finds that this decision of State Bar Council was/is based on sound reasonings. Such resolutions to remove the membership of any Advocate from any Bar Association in such manner is not only mala-fide, but, may also invite disciplinary action against the office-bearers. But, in view of the stand taken by the representatives of the High Court Bar Association today before this Committee, there is no need to proceed any further in relation to this resolution dated 01.02.2021 which is also set aside being arbitrary and whimsical.

It appears that on many occasions Mr. Atul Nanda, Advocate General, Punjab had publicly expressed his support for physical hearing of the Court and had also given his written consent for resumption of physical hearings on 31.01.2021 before the Administrative Committee of the High Court. In the opinion of the Bar Council of India Mr. Atul Nanda, Advocate General, Punjab has always played a very exemplary and appreciable role. He is a seasoned Senior Advocate. Such persons are infact pride of any Bar Association.

A bare perusal of the two resolutions i.e. the Resolution dated 01.02.2021 and 07.05.2021 of the High Court Bar Association are almost the complete replica of each other and once the High Court Bar Association has resolved to withdraw the resolution dated 07.05.2021, there was no sense in keeping the matter pending with regard to the resolution dated 01.02.2021 and the State Bar Council has rightly made a request to this Council to take cognizance of the resolution dated 01.02.2021 and to pass necessary resolution in that regard also.

*The Council has perused the report of the 7-Member Committee as quoted above, of which the President and the Secretary of the High Court Bar Association were a part. At the very outset, the Committee has reported that **"quietus has been given to the entire matter"**. In course of hearing, the Chairman of the Bar Council of India put a specific question to the Hon'ble Members of the Committee, especially to the Hon'ble President and Hony. Secretary of the High Court Bar Association with regard to the resolution dated 01.02.2021, on which they fully agreed that the propose to withdraw everything and now nothing is pending to be considered or decided even with regard to the Resolution dated 01.02.2021 relating to the Learned Advocate General, Punjab.*

The Council has already examined the resolution dated 01.02.2021 passed by the High Court Bar Council. A bare perusal of the said resolution makes it amply clear that such resolutions have no leg to stand on, rather, as stated on the earlier occasion (i.e. on 10.05.2021), the Bar Association should desist from taking such reckless and irresponsible decisions. Unless there are strong compelling circumstances any Bar Association cannot lay any undue pressure on any of its Member/s to do a particular thing against his wishes. However, in view of the stand taken by the representatives of the High Court Bar Association before this Council and in the meeting held on

12.05.2021 (at the residence of the Hon'ble Chief Justice), this Council does not think it necessary to deal with the matter in detail. The High Court Bar Association itself has withdrawn its resolutions and today also it was expressly stated by the representatives of the High Court Bar Association and the Committee that nothing remains pending and the High Court Bar Association has withdrawn the resolutions dated 07.05.2021 and 01.02.2021, therefore, the Council need not assign any further reason or pass a detailed order with regard to resolution dated 01.02.2021. The membership of Mr. Atul Nanda is hereby restored. He shall continue to be the Member of Punjab and Haryana High Court Bar Association.

This Revision petition and all the connected matters are accordingly disposed of in view of the fact that the high Court Bar Association does not intend to press it and the matters have been amicably settled to the full satisfaction of the High Court Bar Association and the State Bar Council.

Before parting with the resolution, we must express our thanks to the Hon'ble Members of the Committee as also to the Hon'ble President and Hon'y. Secretary of the High Court Bar Association who have played an active and positive role in getting all the matters resolved amicably. The Council appreciates the Office Bearers of High Court Bar Association.


The Council also appreciates Hon'ble Chief Justice of Punjab and Haryana High Court for taking immediate necessary steps to optimize the working of the Courts and in showing his magnanimity in getting the issue resolved.

The differences and dissatisfaction are bound to occur in every institution. But, the issues can be resolved amicably through talks and discussions; And if an issue is not resolved at the level of any Bar Association, the matter should be reported to the concerned State Bar Council. There is no reason that the persons sitting at the top of the system will not listen to the cause of the Advocates and will not fix a time for meeting with the representatives of the Bar and/or will not consider the genuine concerns of the Bar. Such guidelines are to be followed by all the Bar Associations.

Here, in the present case, we must appreciate the quick and appropriate decisions taken by the State Bar Council of Punjab and Haryana on both the occasions (i.e. on 01.02.2021 and 07.05.2021). Infact, the Advocates Act, 1961 has empowered the State Bar Councils to deal with and to tackle such issues properly.

The office is directed to communicate this Resolution to all the necessary parties and the copy should also be forwarded to the Union Ministry of Law and Justice as well as the Secretary General, Supreme Court of India.

The office is further directed to circulate this resolution to all the State Bar Councils for future guidelines."


(Srimanto Sen)
Secretary
Bar Council of India

Encl.: Press Release dated 11.05.2021 is enclosed herewith.



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(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Press Release Dated 11.05.2021

The Bar Council of India has in its meeting held on the evening of 10.05.2021 refused to stay the Order dated 07.05.2021 passed by the Bar Council of Punjab and Haryana. The High Court Bar Association, Punjab and Haryana High Court had challenged the Order of State Bar Council of Punjab and Haryana staying the Resolution of the High Court Bar Association to boycott the Court of Hon'ble Chief Justice of Punjab and Haryana High Court till his transfer from that High Court.

It is to be noted that on 07.05.2021, the High Court Bar Association, Punjab and Haryana passed a Resolution against the Hon'ble Chief Justice seeking his transfer on the ground that there are serious irregularities in the matters of listing of cases and out of 49 Judges only 12 are allotted work, causing large number of backlog of cases and even urgent matters like regular and anticipatory bails are not being taken up.

The Bar Council of Punjab and Haryana passed a reasoned and speaking Order and stayed the operation of the Resolution passed by the High Court Bar Association on the same day. The High Court Bar Association challenged the Order of State Bar Council of Punjab and Haryana on the ground that the Order of Stay passed by the Chairman of the State Bar Council was against the principle of natural justice and it was done in a very hasty manner. On this ground, the High Court Bar Association preferred a Revision Petition before the Bar Council of India. The matter was placed before the General Body of the Bar Council of India yesterday i.e. 10.05.2021 and the Council while appreciating/being concerned with the problems and the difficulties of the lawyers admitted the Revision Petition for hearing. The Council in its Order has taken note of the fact that such problems are common to almost all the High Courts. Barring one or two, High Courts, almost all other High Courts are unable to take-up urgent matters and there is a strong resentment among the litigants and the lawyers, but, at the same time, the Council has also taken into consideration the serious risk of the life of lawyers and their staff even when the cases are conducted through Video-Conferencing.

On the one hand, it is the question of risk of life and on the other, it is the question of livelihood of the legal fraternity. The Council in its resolution has also noted that neither the Union Government nor any State Government has come to the rescue of the Advocates during these difficult times and thousands of the lawyers in the country have died due to the pandemic.

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The Bar Council of India has constituted a 7-Member Committee to meet the Hon'ble Chief Justice of Punjab and Haryana High Court for redressal of the grievances of the Advocates. The Committee includes the following Members: -

1. Mr. Ashwani Chopra, Senior Advocate (Convener of the Committee);
2. The President, High Court Bar Association, Punjab and Haryana High Court (Co-Convener of the Committee);
3. Mr. Harpreet Singh Brar, Former Chairman, Bar Council of Punjab and Haryana;
4. Hony. Secretary, High Court Bar Association, Punjab and Haryana High Court;
5. Mr. Puneet Bali, Senior Advocate;
6. Ms. Anu Chatrath, Senior Advocate; and
7. Mr. Partap Singh, Hon'ble Member, Bar Council of India (Special Invitee).

The Bar Council of India has also made a request to the Hon'ble Chief Justice of Punjab and Haryana High Court to hear the Committee and redress the grievances of the High Court Bar Association as far as practicable and feasible. However, the Council has not granted any Stay of the Order passed by the Hon'ble Chairman, State Bar Council of Punjab and Haryana and in most clear words the Bar Council of India has noted that it cannot support any resolution for boycott of the Court of the Chief Justice or any Judge of High Court on such grounds. Such extreme recourse could be taken by a body of lawyers only in rarest of rare cases where there are strong compelling grounds and there is no other remedy left to the legal fraternity.

The Bar Council of India in its resolution has also observed that the demand of transfer of the Chief Justice of Punjab and Haryana High Court prima-facie is improper and unjustified and is not going to solve any problem. The Council has further observed that such type of politics cannot be allowed to be indulged into by any Bar Association/s and the Bar Associations have been advised to desist from passing such resolution/s. The Bar Council of India has expressed and placed its hopes and trust on the Chief Justice of Punjab and Haryana High Court that he will fix a meeting with the Committee soon after getting a request from its Convener. The Revision Petition is fixed for final hearing by the Bar Council of India on 14.05.2021. On that day, the Council will take into consideration the opinion/suggestions of the Members of the Committee and will finally dispose of the Revision Matter.


(Srimanto Sen)
Secretary
Bar Council of India



Bar Council of Punjab & Haryana

LAW BHAWAN

Dakshin Marg, Sector 37-A, Chandigarh - 160036, website. www.bcph.co.in

Ref. No. 543/2021

Dated 7-5-2021

Resolution

In view of the lockdown and Unprecedented surge of Covid 19 . The physical meeting of the house is not possible. Thus, the following resolution is presented through circulation on whats app group for the consideration and approval of the House. Kindly indicate your opinion.

The above resolution is passed through circulation by the vote of majority held on 07-05-2021.

The whole country is facing an unprecedented onslaught of Covid- 19 which has taken many lives. The pandemic is going to peak within the next 3 to 4 weeks. Citizens are struggling to find medical assistance and there is an acute shortage of medicines, oxygen, even beds in hospitals are full. This alarming situation has led to drastic steps of closing down businesses. Even Court work has been affected. The Hon'ble Supreme Court has preponed the Summer vacations. Several immunologists have strongly prescribed strict lockdown to break the chain of transmission. The whole country is reeling under the havoc caused by this exponential surge in Covid infections. The transmission rate is alarming. Bar Council is conscious of the entire situation and had requested the Hon'ble Chief Justice to take stock of the prevailing circumstances to ensure the safety of Lawyers and Judicial Officers in its last General House Meeting held on 30.04.2021. The Bar Council is daily receiving reports of deaths of several Advocates due to Covid-19. The list of some of the deceased Advocates is given below

1. Sh. Yogesh Garg (Sirsa)
2. .Sh. Rajesh Jindal (Rohtak)
3. Sh. Akhil Jindal and his wife (Rohtak)
4. .Sh. Satya Veer Sharma (Gurugram)
5. Sh. Jogender Saini (Bhiwani)
6. Sh. Jitender Dabas (Bhiwani)
7. .Sh. Sandeep Kumar Rathee (Hisar)
8. Sh. Balbir Singh Malik (Gohana)
9. .Sh. Ram Phal Mor (Gohana)
10. Sh. Mukesh Saini (Panipat)
11. .Sh. Surinder Saini (Hissar)
12. Sh. Amaral Hans (Bhiwani)
13. Sh. Bharat Inder Mor (Rohtak)
14. Sh. Yashvir Chaudhary (Ludhiana)
15. Sh. Arvind Mehta (Panchkula)
16. Sh. Roop Singh Sra (Kalanwali)
18. Sh. Rajinder Singh Tapiala (Baba Bakala)
19. Sh. Divjoyt Singh Sandhu (High Court)

Amrinder Singh

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20. Sh. S.S. Goraya (High Court) 21. .Sh.Harish Mehndiratta (Samalkha)
22. Sh Ramesh Sharma(Jind)
23. .Sh.Ajay Dutt Parasher (Faridabad)
- 24 -Sh S.S. Bhargav (Rewari)
25. Sh Rishal Singh (Rewari)
26. Sh Randhir Singh (Rewari)
27. Sh O.P.Aggarwal (Rewari)
- 28 . Sh Mohinder Yadav (Gurugram)
29. Sh Satbir Yadav (Gurugram)
30. Sh.Deepak Gahlawat (Rohtak)
- 32 Sh. Rajkishore (Sohna).
33. Sh Nissan Sinha (Gurugram)
34. Arun Yadav (Gurugram)
- 35 Sh. Risal Singh
36. Sh D R khachkar Sonipat
36. Sh Satyavir Sharma(Gurugram)
37. Pawan Kumar (Sohna)
38. Mohsin (Nuh)
- 39.Baljeet Singh (Hissar).

It is learnt that more than 170 Advocates have died due to Covid-19. The number is increasing every day. The situation is becoming very serious.

The Executive of HCBA has passed a resolution today on 7th May demanding of transfer of Hon'ble Chief Justice of Punjab & Haryana and also boycotting his Court on the demand of stopping the mentioning of cases. The Bar Council is all along supported the HCBA and always strived hard for the Welfare of the legal fraternity. But the Unprecedented and precarious situation has compelled the Bar Council to intervene. The issue of mentioning including any other can wait for 3 weeks and can be raised at the appropriate time. Now the situation is to join hands to save the lives of all the stakeholders of Legal Fraternity. It is not the right time for any agitation. Now it is not the matter of livelihood of Advocates rather it is the safety and health of Advocates it is the time to save the lives of Advocates and their family members.

Bar Council finds this resolution whole unjustified and uncalled for. Thus the resolution passed by the Executive of HCBA dated 7th May mentioned above is hereby stayed and we earnestly hope the HCBA will take along all the stakeholders in this adversity and we must proactively try to break the chain of transmission by staying home and being safe. We as a learned class is expected to heed to the medical advice.

True Photocopy
G B Singh
Adv

Approved

Sd/-

MINDERJEET YADAV
CHAIRMAN