



Bar Council of Punjab & Haryana

LAW BHAWAN

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

Ref. No. 6038/2021

Dated. 1-2-2021

To

The President/Secretary,
Punjab & Haryana High Court Bar Association,
Chandigarh.

Sub:- Copy of resolution passed by the Bar Council in its meeting held on 1.2.2021

I, am sending herewith a copy of resolution passed by the Bar Council of Punjab & Haryana in its Emergent/Extra Ordinary meeting held on 1.2.2021 for compliance and necessary action.




Addl. Secretary

**PROCEEDINGS OF THE EMERGENT/EXTRA-ORDINARY MEETING OF THE GENERAL HOUSE
OF THE BAR COUNCIL HELD ON 01.02.2021 :-**

An emergent meeting of the Bar Council of Punjab and Haryana has been convened today at 05.30 PM by way of physical presence and via video conferencing, as well.

The Hon'ble Chairman has informed that the Action Committee formed for the purpose of resumption of physical hearing is ready to take all the necessary steps to initiate physical hearing at the High Court, although on the call given by the Bar Council the physical hearings have started in all the Districts, Sub Divisions and all types of cases are being heard by the respective Presiding Officers, to the satisfaction of the members of the legal fraternity. The Action Committee is also meeting the Hon'ble Chief Justice shortly for immediate physical opening of the High Court, as well.

The Hon'ble Chairman has also apprised all the Members of Bar Council regarding the Resolution No. 1988/2021 HCBA dated 01.02.2021 passed by the Punjab and Haryana High Court Bar Association w.r.t. the proceedings of General House Meeting held today at the Bar Room (the copy of the resolution is already in the public domain).

The Clause "E" of the Resolution was discussed in the House (reproduced below):-

"Sh. Atul Nanda Advocate General, Punjab has continuously worked against the physical opening of the Court and has acted against the interests of the Bar and is dis-membered from the Punjab and Haryana High Court Bar Association"

The above action has been taken in an arbitrary manner. The Bar Council after elaborate discussion resolved that on one hand the Council fully supports the resolution regarding opening of physical hearings and strongly stands with the High Court Bar Association on this but the decision via Resolution "E" qua dis-membering of Sh. Atul Nanda, Sr. Advocate, Advocate General Punjab was discussed at length and views of individual members were taken one by one.

All the members were of the view that the decision taken by HCBA, is extremely unfair, unjust, harsh and uncalled for. Further the Members were ad-idem with the view of the Hon'ble Chairman that Sh. Atul Nanda has always stood for the cause of Advocates. The said resolution of the HCBA is against the facts as Sh. Atul Nanda has publicly, many a times, supported the resumption of physical working of the Courts. Lately on 3rd January 2021 itself, he has addressed the House consisting of all the Presidents and office bearers of all



Bar Associations of Punjab, Haryana and Chandigarh at Law Bhawan and supported the Resolution of the House for resumption of physical hearing of cases. The Resolution in which some other Members have also been dis-membered is passed in complete derogation of the HCBA Rules i.e Rule 10 (d) and Rule 11, as neither the proper notice for the meeting was given nor the minimum quorum, as required, for such meeting was complete.

In fact, the Advocate General Punjab has already written a Letter on the 30th of January 2021 giving his consent for appearance of law officers of the State of Punjab during physical hearing of cases in the High Court. It has also been discussed that yesterday on 31st January, a meeting of the Administrative Committee comprising of the Hon'ble Judges was convened at the Conference Hall of High Court at 04:00 PM to discuss the resumption of physical hearing and resolve the pending issues. The office bearers of the HCBA were also invited for discussion in the above meeting. The office bearers instead of attending the meeting and hold discussions with Hon'ble Judges, had chosen to boycott the meeting for the reason best known to them. The House was deliberately not apprised of the above factual position which is clear concealment.

The disciplinary action against any Member of the Bar cannot be taken without following the drill of relevant Rules. A specific agenda with due notice is required to be circulated if the conduct of a Member of HCBA is to be discussed in the House. The Resolution "E" is ex-facie illegal and passed in violation of the prescribed procedure in the relevant Rules of the HCBA and as such the House unanimously resolves to stay the Resolution "E" of HCBA that is part of Resolution No. 1988/2021 HCBA dated 01.02.2021 with immediate effect.

In the end it was reiterated unanimously that the conduct of Sh. Atul Nanda, Sr. Advocate, Advocate General Punjab has always been appreciable and exemplary especially whenever the interests of Advocates is involved.

Office is directed to issue process of the above Order.

The meeting ended with the vote of thanks.



Sd/-
Chairman

Bar Council of Punjab and Haryana

Attendance of the Members present : List attached.