

PROCEEDINGS OF THE EMERGENT BAR COUNCIL MEETING HELD ON 27TH
SEPTEMBER, 2017 IN BANGALORE

RESOLUTION NO. 93/2017

1. Karnataka Bar Council has met and deliberated today [27th Sept 2017]; having called for an 'emergent meeting' in consideration of demands, outcry in unison, frustration and displeasure expressed by the legal fraternity, on recent events of - Justice Jayant Patel the senior most Judge of the Karnataka High Court resigning and; 'non appointment of Judges' to the High Court, culminating in huge vacancies and disruption / sufferance of court work; and the need to address/express themselves to the situation.

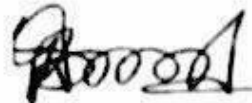
2. Members of the Bar / Legal fraternity; considering the sequence of events leading to initial transfer of Hon'ble Mr. Justice Jayant Patel, the then acting Chief Justice of Gujarat High Court, to Karnataka High Court (during the time, when transfer of Chief Justice Sri. Subhro Kamal Mukherjee from the State of Karnataka had been mooted) and, denial to Justice Patel of his rightful and deserved consideration of being appointed /elevated to the Supreme Court or as a Chief Justice to a High Court, despite being senior most Judge in his parent High Court of Gujarat [in normal course being entitled for such consideration] and; the media also reporting of he having fallen out of the favours of the executive; having antagonized the powerful politicians of his home State, and in the absence of any explanation or reasons forthcoming for being meted-out with such treatment, as to frustrate and lead to his resignation, the entire legal fraternity is greatly anguished, disturbed and is concerned for the need to re-instill the confidence in working of the Collegium System (as against legislative intent of a National Judicial Commission which has been struck down) have debated and 'resolved' and record as under:

3. That the entire legal fraternity is anguished and is greatly disturbed by the shaking of faith/confidence in the collegium system; which has meted out such treatment to the Hon'ble Mr. Justice Jayant Patel, who apparently, has satisfactorily discharged his duties and functions as a Judge. Members of the Bar perceive that, apparently decision makers in judiciary and executive have overlooked the aspirations and spirit of the NJAC verdict in achieving transparency by the actions reflected in recent events, like proposed transfer of Hon'ble Mr. Justice Jayant Patel on the eve of incumbent Chief Justice of Karnataka retiring and need to appoint another in the vacancy accruing. NJAC verdict having sought for transparency in collegium, appointment of judges and independence of Judiciary; recent events expose some of the flaws in the system
4. It is the considered view of this Bar Council that, it is required to bring forth by it, the immediate need to instill and rekindle the faith and confidence in Collegium System; of there being 'right decisions' in the larger interest of justice delivery system; ensuring independence of judiciary; which apparently has been 'dented' by the recent events in appointments, transfers and, posting of Judges to the High Court.
5. Members of the Bar, are also greatly disappointed, perturbed by the treatment being meted out by the executive Government of Centre, in delaying and non appointment of Judges to the High Court, resulting in reducing the strength of Judges to 25 from the sanctioned strength of 62.
6. It is to bring home the seriousness of the situation and; respecting the sentiments of the Members of Bar, treating this as a rarest situation, have resolved to request the Members of the Bar across the State, to abstain from

appearance in their respective Courts on **Wednesday the 4th October 2017**, as a mark of 'protest' and, to vindicate the independence of judiciary and express the concern and; request through the said process, to restore the faith in the system - NJAC verdict having sought for transparency in collegium, appointment of judges and independence of Judiciary.

7. The Bar Council of Karnataka is in agreement with the views and resolution of Gujarat High Advocate's Association, which has expressed [referring to the resignation of Hon'ble Mr. Justice Jayant Patel] - of having shaken the belief of the bar in the independence of judiciary and has the potential of adversely affecting the moral of the legal fraternity and the judiciary; and need for strongest condemnation by it.

8. That the Bar Council herein appeals to the concerned authorities; to address to the concerns of the members of the Bar, set right and redress their grievances in the ends of Justice.



(Y.R. SADASIVA REDDY)
Co-Chairman, BCI &
Member, Spl. Committee