



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

BCI/D/ 3409 /2018 (Council)

dated: 05.09.2018

To,

All State Bar Councils

And All District Bar Associations of various States Through State Bar Council

Delhi High Court Bar Association

Delhi District Bar Association & Bar Associations of NCR

Coordination Committee of District Bar Associations of Delhi

Sirs,

Please find attached herewith the resolution passed in the Joint meeting of the Bar Council of India with the representatives of all State Bar Councils and representatives of High Court Bar Association of Delhi, District Bar Associations of Delhi, and NCR on 1st September, 2018 at 11 am at the premises of the Bar Council of India, in the Auditorium of Bar Council of India, 21, Rouse Avenue, Institutional Area, Near Bal Bhawan, New Delhi-110002.

The Minutes are quoted herein below: -

“Joint resolution passed in the Joint Meeting of the Bar Council of India with the representatives of all State Bar Councils and representatives of High Court Bar Association of Delhi, District Bar Associations of Delhi, and NCR on 1st September, at 11 am August 3 P.M. at the premises of the Bar Council of India the Auditorium of Bar Council of India, 21, Rouse Avenue, Institutional Area, Near Bal Bhawan, New Delhi-110002 to further discuss and deliberate about the detailed future course/course of action in matters relating to the

issue of the courts trying to throttle the democratic rights of Advocates going on strikes even against genuine injustice and wrongdoings, and matters relating to attempts to usurp the rights of Lawyers representative bodies, and on the Draft Bill of Higher Education Commission of India (Repeal of University Grants Commission Act), 2018, and to demand from the Union as well as the State Governments to provide a scheme for insurance, medi-claim, pension, stipend and other welfare measures for the Lawyers.

The detailed agenda was as below:

- (i) *To consider the judgment dated 28.03.2018 passed by Hon'ble Supreme Court of India in the Criminal Appeal No.470/2018 arising out of SLP (Crl.) No.9399/2017 titled as Krishnakant Tamrakar Vs. The State of Madhya Pradesh. By the said judgment, the Hon'ble Apex Court has restrained the Bar Associations/Bar Councils to give a call for strike/boycott/abstention/s of the Court in any event. The Judgment is a direct attack on the fundamental rights of the Lawyers. The meeting is being held to consider the line of action in this regard.*
- (ii) *To consider to make a demand from the Union as well as the State Governments for the provisions for insurance, medi-claim, pension, stipend and other welfare measures for the Lawyers. At many places there are no proper sitting arrangements for the Lawyers and the Governments are totally slack on the issue and even the Courts have never tried to look into these aspects of the matter.*
- (iii) *To consider the Draft Bill of the Higher Education Commission of India (Repeal of University Grants Commission Act) Act, 2018 by which the Government is trying to take-away the powers of Lawyers' Bodies*

It is RESOLVED that every Bar Associations of the country should meet on 17th September 2018 at their respective headquarters and there should be an awareness drive amongst the legal fraternity. Therein they will be made acquainted with the above referred judgment of the Supreme Court, the inactions of the Government and of the fact that in order to shut mouth of the leaders of the lawyers in order to directly or indirectly help the Government in passing the anti-lawyers legislatures such judgement was passed and such above referred bill of the Higher Education Commission of seeking to override the provisions of the Advocates Act, 1961 is being sought to be passed.

All Bar Associations/Advocates Associations, will hold the meeting of the general body. Therein they would discuss threadbare, what is the purport, what is the consequences of the judgment wherein not only the leader of the Bar rather every member of the Bar is going to be affected.

The First move is that awareness drive on 17th September 2018 be started, thereafter a resolution be passed that the democratic rights of Advocates cannot be throttled in any manner and the same will be handed over to the local Member of Parliament, local Collectors, District Judges and the State Bar Council will go to and meet and handover the same to the Chief Minister and to the Government.

After the joint meeting of 1st September, 2018, upon reaching the Headquarters and Heads of the Institutions i.e. concerned State Bar Council Heads concerned State Bar Council office bearers will hold a press conference and the resolution taken on 1st September, 2018 be highlighted in the press media and electronic media.

This will be a nationwide agitation. There will be two steering committees, one will be a 21 members Central Steering Committee and other a 15 State Member State Steering Committee. The State Bar Council in consultations with the member Bar Council of India, will form 15 Members steering committee of concerned State Bar Council to steer the agitation. The Committee will also include some Office bearer of some Bar Association.

The Central Steering Committee will include the members of Delhi Bar Council, NCR, Bar Associations Co-ordination Committees and will try to include most of the representatives of the State Bar Council. This committee will be constituted within one week.

It is further RESOLVED to hold a nationwide demonstration at/ from Supreme Court to Parliament.

The nationwide demonstration shall be held after Durga Puja in the month of October, 2018. The date will be decided later, but it is final that we are going to hold a demonstration in Delhi.

It is also resolved that a demand be put to abolish Section 34 of the Advocates Act, 1961.

It is also resolved to put forth a strong demand for withdrawal of Higher Education Commission Bill.

It is further resolved that while filling up the vacancies in High Court and Supreme Court Judges and also in the lower judiciary, their appointment be made in consultations with the leaders of the Bar Councils. Judicial accountability Legislation should also be made.

It is further resolved that High Court or Supreme Court Judges should not be given any sort of government assignment after retirement.

It was finally resolved that for the benefit of the Advocates fraternity, an Advocates Protection Act should be passed at the Central level and it should include provisions for Advocate's Welfare.

It is also resolved that Rs.25 lakhs be sanctioned for the flood affected Lawyers of Kerala State in view of the recent tragedy of the Kerala floods which has disrupted and uprooted many Advocates.

Resolved accordingly."

All the State Bar Councils are requested to translate to the letter in regional language and send it to all Bar Associations in their respective state.

Yours sincerely,

Srimanto Sen
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Secretary