

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4855 OF 2023

J. JOHNSON

...Appellant(s)

v.

S. SELVARAJ

...Respondent(s)

O R D E R

We have heard the learned counsel appearing for the appellant, the learned senior counsel appearing for the Bar Council of India and the learned counsel appearing for the respondent.

2. The learned senior counsel appearing for the Bar Council of India submits that though certain documents on the record, including the cross-examination of the witnesses is in in Tamil Language and though the members of the Disciplinary Committee were not conversant with the said language, Google Lens was used by the members to translate.

3. Sub-Rule 3 of Rule 17 read with sub-Rule 2 of Rule 9 of the Rules regarding Disciplinary Proceedings framed by the Bar Council of India require the Bar Council to obtain translation of such documents in English. We are not

rejecting the contention that the members may have used Google Lens to get translation, but the Rules specifically require that the translation in English has to be called for. Secondly, when this Court perused the record, it did not have the benefit of translation of the Tamil documents and thirdly, since the Disciplinary Committee deals with the issue of misconduct of a member of the Bar, it is always essential to have transparency in the proceedings.

4. The learned counsel appearing for the appellant now states that he is willing to submit admitted signature on record of the Disciplinary Committee of the Bar Council of India.

5. We set aside the impugned order and remit the case to the concerned Disciplinary Committee of the Bar Council of India. The Disciplinary Committee will issue a notice directing the parties to appear before it on a particular date. On the date fixed by the Bar Council of India, even if the Committee is not able to hear the case, the appellant will sign on a paper in the presence of an officer nominated by the Bar Council of India and will submit the said paper to the officer so nominated.

6. The Disciplinary Committee of the Bar Council of India will appoint a hand-writing expert for seeking opinion on admitted handwriting and disputed handwriting. Appropriate orders can be passed by the Committee regarding meeting the cost of the expert.

7. As held earlier, the Rules require the Disciplinary Committee to get the documents which are not in English translated into English. However, even the parties before the Disciplinary Committee will have to cooperate and therefore, we permit the appellant to file English translation of the Tamil documents on record on the date fixed by the Bar Council of India. Necessary documents shall be provided by the Bar Council of India to the appellant to enable him to produce translation.

8. The Disciplinary Committee shall decide the complaint afresh in accordance with law as expeditiously as possible.

9. Under the Rules, it is the responsibility of the Disciplinary Committee to procure translations of the documents which are not in English. However, various translation softwares and Artificial Intelligence tools are available. By using the same, even the parties can get the documents translated. The disciplinary proceedings are always against a member of the Bar. The concerned member of the Bar will be always anxious to ensure that the proceedings are terminated at the earliest. Therefore, it will be always open for the Disciplinary Committee to suggest to the members of the Bar to produce English translation of the relevant documents which are not in English. This will obviate the delay in disposal of the disciplinary proceedings.

10. The appeal is accordingly allowed in the above terms.
All questions on merits are left open to be decided by the
Disciplinary Committee.

.....J.
(ABHAY S.OKA)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
November 10, 2023.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4855/2023

J. JOHNSON

Appellant(s)

VERSUS

S. SELVARAJ

Respondent(s)

(FOR ADMISSION and IA No.148929/2023-STAY APPLICATION and IA No.148931/2023-EXEMPTION FROM FILING O.T.)

Date : 10-11-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s)

Mr. V.Prabhakar, Adv.
Ms. Jyoti Parasher, Adv.
Ms. E. R. Sumathy, AOR

For Respondent(s)

Mr. Vairawan A.S, AOR
Mr. R.Sudhakaran, Adv.
Ms. Puspita Basak, Adv.
Mr. T.Hari Hara Sudhan, Adv.
Mr. Kumar, Adv.
Ms. Jaswanthi A., Adv.
Mr. S.Gomathi Lakshmi, Adv.

Mr. S. Prabhakaran, Sr. Adv.
Mr. Akshay Amritanshu, AOR
Mr. Ashutosh Jain, Adv.
Ms. Anjali Kumari, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed in terms of the signed order.
Pending applications also stand disposed of.(ANITA MALHOTRA)
AR-CUM-PS(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)