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भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D:1464/2021

Date: 25.03.2021

To,

1. Hon'ble Mr. Vikas Singh, President,
2. Hon'ble Mr. Pradeep Rai, Vice-President,
3. Hon'ble Mr. Ardhendumauli Kumar Prasad, Hony. Secretary,
4. Hon'ble Mr. Rahul Kaushik, Joint Secretary,
5. Hon'ble Mr. Meenesh Kumar Dubey, Treasurer,
6. Hon'ble Dr. Ritu Bhardwaj, Joint Treasurer,
7. Hon'ble Mr. V. Shekhar (Sr.), Senior Executive Member,
8. Hon'ble Ms. Mahalaxmi Pawani (Sr.), Senior Executive Member,
9. Hon'ble Mr. Arijit Prasad (Sr.), Senior Executive Member,
10. Hon'ble Mr. Brijendra Chahar (Sr.), Senior Executive Member,
11. Hon'ble Ms. Sonia Mathur (Sr.), Senior Executive Member,
12. Hon'ble Mr. Vikas Pahwa (Sr.), Senior Executive Member,
13. Hon'ble Mr. Anupam Mishra, Executive Member,
14. Hon'ble Ms. Nina Gupta, Executive Member,
15. Hon'ble Ms. K. V. Bharathi Upadhyaya, Executive Member,
16. Hon'ble Mr. Mukesh Kumar Singh, Executive Member,
17. Hon'ble Ms. Sasmita Tripathy, Executive Member,
18. Hon'ble Mr. Prashant Singh, Executive Member,
19. Hon'ble Ms. Prerna Kumari, Executive Member,
20. Hon'ble Ms. Seema Patnaha, Executive Member,
21. Hon'ble Ms. Nandani Gupta, Executive Member,
Supreme Court Bar Association, New Delhi.

With copy to Hon'ble Mr. Justice S. A. Bobde,
The Chief Justice of India.
Supreme Court of India

- Reg.: 1. Request to avoid any protest like Candlelight march by Supreme Court Bar Association.
2. Request to Hon'ble Chief Justice of India to convene the meeting of 7-Judges Committee and invite the representatives of Supreme Court Bar Association/Supreme Court Advocates-on-Record Association etc. to attend that meeting.

Respected Sir(s)/ Madam(s)

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I'm writing this letter under some extraordinary circumstances and I hope that you all will give a serious thought over this important issue.

Brothers/ Sisters,

I know that even after the letter and efforts of Mr. Vikas Singh, the President of Supreme Court Bar Association, our representatives of Supreme Court Bar Association were not invited for a discussions and deliberations either by the Hon'ble Chief Justice of India or the 7-Judges Committee. Besides that, we all know that the Supreme Court Bar Association couldn't get a desired order from Supreme Court.

As the leader of Indian Bar, I cannot appreciate such stand of Supreme Court, but, at the same time, I'll request all concerned to take all possible and positive steps to resolve the issue amicably. Because whatever is happening, is not at all good for the health of the Institution.

The President, the Vice-President, Hony. Secretary and all the Senior office bearers and Senior Members of Executive Committee of Supreme Court Bar Association are very seasoned leaders of the Bar, and that's why I hope that you all will appreciate the concern which I'm trying to convey through this letter. I appreciate the immediate role played by Mr. Ardhendumauli Kumar Prasad and majority of Members of Executive Committee in avoiding the ugly event of protest/candlelight march.

Friends!

I had talks with several Hon'ble Senior and other Hon'ble members of our Supreme Court Bar on this matter, particularly on the issue of proposed Candlelight protest. I must state that though there were diverse views, but majority of the Members were completely against any sort of agitation by Supreme Court Bar Association. Majority of members are of the opinion that such issues should be resolved through dialogue only and no hasty decision should be taken. No leader of the Bar should make it his personal/prestige issue. It's at the request of hundreds of Members of Supreme Court Bar Association that I'm writing this letter to my leaders in Supreme Court Bar Association. For me, respect of Supreme Court Bar Association is of utmost importance.

Brothers and Sisters,

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I must tell you and make it clear that I'm fully aware of the anxiety of our leaders of Supreme Court Bar Association and the problems which the Lawyers are facing for last 12-13 months. **You all are aware that Bar Council of India has made it clear that nothing less than physical hearings is acceptable to the Lawyers of the Country. Bar Council of India has opposed even the concept of Hybrid mode of hearings.** Hybrid mode is not the solution, rather it will further complicate the issue and benefit will go to a limited number of Lawyers of elite class.

But, at the same time, we'll have to consider the factual and practical aspects too. The cases of Corona are again increasing at alarming rates, and we cannot overlook the ground realities.

However, I fully support the stand of Supreme Court Bar Association and I'm of the clear opinion that before finalising the SoP, the Bar should have been invited for their views.

Brothers/Sisters!

As leaders of the Bar and pillars of Justice, you all will have to realise and seriously think in future about the far reaching consequences and the irreparable damages which could be caused due to any call for Protest.

You or me, all are holding the respective offices for limited periods only. Similarly, the tenure of every Judge is fixed. But our deeds/misdeeds would leave its impact for long. One wrong and hasty decision may damage the Institution to a great extent. Kindly keep it in your mind. This Institution belongs to all.

Today, the President of Supreme Court Bar Association gave such a call, tomorrow onwards, any Association (there are thousands n thousands Associations in the Country, you all know it), any group of Lawyers, any Political Organisation or any one aggrieved with any Order / Judgment of our Supreme Court, any High Court or any Sub-ordinate Court would start giving such calls. Who will stop them? So many Social medias are waiting to grab such occasions to highlight and malign our Institutions.

To my information, on the request of majority of Members of Executive Committee, fortunately, the idea of protest march has been dropped; if it is true, then we must appreciate our leaders of Supreme Court Bar Association for this wisdom.

But, even in future, as responsible Leaders of the Bar and as Prudent and sensible Citizens of our Country, we shall have to think seriously before taking such harsh decisions and holding press conferences against our own Institution. You just see! In what a dirty manner, the arguments made by Mr. Vikas Singh before the Supreme Court (2 days back) is being highlighted by media. Many Members are of the view that in this matter, there was no need to move on Judicial side of Supreme Court and there was no justification for any such aggressive arguments in the court. We should first give respect, only then we should expect to get respect.

During last tenure of Supreme Court Bar Association, we have seen the result of such arrogance, it was due to impractical and rowdy behavior of some of our leaders, the infightings, that the Judges ignored them and did not even choose to invite them in many important events. We should not create the similar situation again.

This time majority of our representatives are very very practical and wise.

At the same time, I request the 7-Hon'ble Judges' Committee to send an invitation to the Hon'ble President and other Hon'ble leaders of S.C.B.A./SCAORA etc., in order to discuss and consider their genuine concern on SoP. **Bar and Bench, both have equal importance. They are the two sides of the same Coin. Neither of them should forget it. Bar shouldn't be ignored in such matters.**

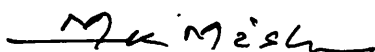
Accordingly, I request the Hon'ble Chairman and other Hon'ble members of 7-Judges Committee to convene the meeting on the very opening day (after Holi holidays) and give S.C.B.A. and SCAORA ample opportunity to place their views on SoP. The representatives should also keep in mind the latest position of cases of Covid-19.

We are here to protect the Institution and not to damage it due to mistakes of others. I am sure that the issue will be resolved in most dignified and respectful manner. But, both sides will have to give respect and proper weightage to each other.

I'm sending the copy of this letter to Hon'ble Chief Justice of India to place it before all the 7-Hon'ble Judges of Supreme Court-Committee for immediate necessary action in the matter.

Thanks and Regards.

Yours only



(Manan Kumar Mishra)

Senior Advocate, Supreme Court of India.

Chairman, Bar Council of India