



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JODHPUR**

D.B. Civil Writ Petition No. 3188/2023

Suo Motu

----Petitioner

Versus

State of Rajasthan

----Respondent

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For Petitioner(s) : By order  
For Respondent(s) : Mr. M.S. Singhvi, AG with Mr. K.S. Lodha, Advocate through VC  
Dr. Ganesh Parihar, AAG through VC  
Ms. Sheetal Mirdha, AAG through VC  
Dr. V.B. Sharma, AAG through VC  
Mr. C.L. Saini, Member of the State Bar Council  
Mr. R.D. Rastogi, ASG with Mr. Anand Sharma, Advocate  
Mr. Suresh Chandra Shrimali, Member of Rajasthan State Bar Council and representative of the State Bar Council in the Bar Council of India through VC

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**HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA**

**HON'BLE MR. JUSTICE VIJAY BISHNOI**

**(THROUGH VIDEO CONFERENCING)**

**Order**

**28/02/2023**

A suo motu petition has been registered taking cognizance of the situation on account of Members of the Bar abstaining from work. Several letters containing resolution passed by various Bar Associations including the Bar Associations at Jodhpur and Jaipur as also the Bar Associations in the District Courts have been forwarded and placed on record.

It appears that on account of murder of a lawyer, the Members of the Bar are agitating and the office bearers of various Bar Associations have called for abstention from work and strike.





We have requested learned Advocate General, learned Additional Advocate General and also the representatives of the Bar Council of India and Rajasthan State Bar Council to address the Court today.

Learned Advocate General submitted that the strike and abstention from work is against the verdict of the Hon'ble Supreme Court in the case of **Harish Uppal Versus Union of India (UOI) and Others, (2003) 2 SCC 45** and series of decisions rendered by Hon'ble Supreme Court from time to time. He also stated that he has not been allowed and obstructed to attend the Court proceedings today. He would also submit that a threatening letter has been given to him by office bearers of the Bar Association making a grievance that he is not cooperating in the agitation.

This indeed a serious matter. Any act of obstruction from any lawyer or litigant from appearing in the Court is to be construed as a direct offend to the administration of justice. Necessary directions are required to be issued. Let the statement so made by the learned Advocate General and also the letter issued to him be placed on record in appropriate manner.

Learned Additional Solicitor General of India, who is appearing not only as representative of Union of India, but also a senior Member of the Bar, would submit that the law in this regard is a well settled that abstention from work is not permissible in law. He would, however, submit that looking to the situation, attempt may be made to resolve the issue by deliberation and discussion among the stakeholders.

Mr. C.L. Saini, who is a Member of the Bar and also a Member of the State Bar Council, has appeared today and submits that the







State Bar Council has taken cognizance of the matter and a resolution has also been passed on 25.02.2023. He prays that a short time may be granted to place the same on record.

Mr. Suresh Chandra Shrimali, Member of Rajasthan State Bar Council and representative of the State Bar Council in the Bar Council of India has also appeared personally through video conferencing and he would submit that the lawyers are agitating because there is a serious issue with regard to protection to be afforded to the Members of the Bar in view of the recent incident, including murder of a lawyer.

The law in this regard is very clear and has been succinctly stated by the Hon'ble Supreme Court in series of decisions including Constitution Bench judgment of the Hon'ble Supreme Court in the case of **Harish Uppal (supra)**. It is well settled by now that the abstention from work is not permissible in law.

The call of strike and abstention from work by anyone including the office bearers of any of the Bar Association is not in accordance with the law and is in violation of the Supreme Court orders passed from time to time.

The suggestion which transpired during the course of hearing in the present case is that attempt being made to resolve the dispute, may be taken to its logical end as soon as possible. For this purpose, the learned Advocate General, learned Additional Solicitor General of India, learned representatives of the Bar Council of Rajasthan and learned Members of the Bar Council of India, representative of Bar Council of State to Bar Council of India may sit together and try to resolve the issue.





This Court is concerned with the recourse taken to in support of the demands. While there are permissible ways and means to persuade various demands that have been made by the Associations and the Members of the Bar collectively and individually, certainly, in view of the judgment of the Hon'ble Supreme Court, abstention from work is not one of the ways of doing it.

List this case day after tomorrow awaiting the response on record by the learned Advocate General, representatives of Bar Council of India and the State Bar Council. Since Mr. Suresh Chandra Shrimali stated that he has appeared in the capacity as the Member of the Bar Council of India, on the intimation given to him by the learned Advocate General. We are inclined to issue notice to the Bar Council of India through its Secretary to assist the Court through its duly represented counsel.

The submission of learned representatives of the Bar Council of Rajasthan that a resolution has been passed, be also placed on record on or before 02.03.2023.

We reiterate that any attempt made to obstruct any lawyer or litigant from entering the Court and appearing in the Court to argue the matter shall be viewed strictly and they shall be treated as an act of obstruction in the administration of justice and suitable action would be initiated against such persons.

List this case day after tomorrow, i.e., 02.03.2023.

**(VIJAY BISHNOI),J (MANINDRA MOHAN SHRIVASTAVA),ACTING CJ**

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