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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

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1. Bar Council of India has strongly deprecated the modus of some people with vested interests for their unsuccessful attempt to tarnish the image of our Supreme court and/or its Judges. Such growing tendency is really a matter of serious concern for the country and it has to be checked anyhow. One Mr. R. K. Pathan claiming to be the President of some so called "Supreme Court and High Court Litigant Association" is stated to have lodged a complaint against the Senior-most Judge of Supreme Court, Hon'ble Mr. Justice D. Y. Chandrachud. Such post and letter of Mr. R. K. Pathan is being made viral by a few people (in which, we know that 2-3 Advocates of Mumbai are also there) deliberately on the eve of Hon'ble Mr. Justice Chandrachud's elevation as the Chief Justice of India.

The Bar Council of India has thoroughly examined the contents of this 165-pages long letter and it finds that it is nothing but a scurrilous and malicious attempt to interfere with the functioning of Judiciary and the administration of Justice.

2. Surprisingly no details of Mr. R. K. Pathan is furnished in the complaint, no address or nature of body this man claims to represent is there. Bar Council of India has been informed by some senior members of Supreme Court and Bombay High Court Bar that it is the same Mr. R. K. Pathan (Rashid Khan Pathan) whom in April, 2020, in a Suo-Moto Contempt Petition, the Supreme Court found guilty of contempt for filing false, and baseless complaints against a Judge of Supreme court (now retired). The Supreme Court observed the complaints to be scandalous. Bar Council of India has been informed that alongwith this man, two other Advocates were also held guilty for contempt for their connivance with this man and all the three were sentenced to three months simple imprisonment by Supreme Court in Contempt Petition (Cr.) No.2 of 2019.

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As per the informations given by some senior members and office-bearers of State Bar Council of Maharashtra and Goa, this is not the only instance; even earlier, Mr. Rashid Khan Pathan had made scurrilous and scandalous allegations against a sitting Judge of the Hon'ble Bombay High Court. A show cause notice was issued by the Bombay High Court, observing that the statements made were is an attempt to scandalize the court and calculated attempt to interfere with the administration of justice. It appears that the present complaint is a continuation by the same person in his attempts to malign our Judiciary.

Bar Council of India has meticulously examined the complaint. The contents of the complaint itself expose the frivolity of the allegations and the malicious purpose and intent behind it. The allegations are based on two instances.

Firstly, it is alleged that the Hon'ble Judge passed an Order in SLP (Cr.) No.9131 of 2021, which according to the complainant is in some manner connected with certain proceedings in which the son of the Hon'ble Judge had appeared before the Hon'ble Bombay High Court. As per our clear informations the parties to the said proceedings before the Hon'ble Supreme Court were different from the parties before the Hon'ble Bombay High Court. Moreover, the grievance raised before the Supreme Court in this case was not based on merit; rather the grievance was that neither the petition was being taken up for hearing before the Bombay High Court, nor an application for vacating an order of stay was being considered. All that the Hon'ble Supreme Court did was to request the Hon'ble Bombay High Court to consider the petition and if the exigencies of work do not permit the same, to consider the application for vacating the stay.

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There is no relief granted and in any case by the Supreme Court, there is nothing to disclose that the Hon'ble Judge would be aware that his son had appeared in any matter, in the High Court, which is allegedly connected to the said case had the Judge of Supreme Court got any undue interest, he would have simply gave a call to the concerned Judge of High Court instead of passing a Judicial Order for such petty things. Therefore, this itself proves that Hon'ble Mr. Justice Chandrachud had no interest in the case. Any man of ordinary prudence can understand this simple thing. This, rather, establishes the integrity of the Hon'ble Judge. Moreover, the Supreme Court lawyers know it that the Supreme Court normally passes such orders requesting the High Courts to expedite the hearings in several appropriate cases. One of such order passed by a bench presided over by Hon'ble Mr. Justice Hemant Gupta was even highlighted because his lordship stressed for quick justice to litigants of Punjab and Haryana High Court. But, Mr. Pathan and his henchmen are trying to scandalise the Institution.

The second allegation in the complaint is regarding certain orders passed by Hon'ble Dr. Justice D. Y. Chandrachud, dismissing petitions that challenged restrictions placed upon people who had not availed of Covid vaccines. The complainant has alleged that these orders were a disregard and defiance of a settled position of law. Such orders are passed by the Courts in discharge of judicial duties as a judge on merits of the case and such a complaint based such baseless and frivolous allegations is clearly scandalous. In fact, as told by the Advocates it is in respect of another such complaint made by Mr. Rashid Khan Pathan against another Judge of the Supreme Court that he was held convicted for contempt of Court.

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3. Thus, anyone can easily smell Mr. Pathan is not representing any "Association of Litigants", rather it is his small group of handful of Lawyers of Mumbai, who are in the habit of adopting such evil designs. These people, have not even spared the son of Mr. Justice D. Y. Chandrachud. It is really very shocking.
4. This long letter is nothing, but a device to gain cheap popularity. This man has also defamed the litigants-mass of our country. This is also very sad. Such persons deserve strong penal and disciplinary action. The citations have nothing to do with the contents of letter.
5. The State Bar Council of Maharashtra and Goa and the Bar Council of India would investigate into such nefarious conducts of these handful of Advocates of Mumbai and appropriate action would be taken, so that in future no one could dare to commit such mischief.
6. The country and the Indian Bar has complete faith in Dr. Justice D. Y. Chandrachud. Hon'ble Dr. Justice D. Y. Chandrachud is an asset for the world's Judiciary and is known for his knowledge, honesty and integrity; but, surprisingly even such popular Judges are being attacked.
7. This act of Mr. Pathan is nothing, but, a deliberate attempt to malign our Indian Judiciary in the eyes of the world. Indian Bar cannot tolerate any such nonsense act of anybody. The timing of complaint clearly exposes the malicious purpose behind this fake and bogus complaint. But, the people of the country are prudent enough to understand the truth and the reason behind such post at this moment. The people can easily realise as to why this man was sleeping for such a long period. Obviously, he was waiting for the letter of Hon'ble Union Minister of Law and Justice asking for the name of the successor of Hon'ble Chief Justice of India.

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8. The Bar Council of India and State Bar Councils of the country believe in making the Institution strong and Bar Council of India has always stood for it. Certainly, our Judges are not supposed to come forward to defend themselves against such scandalous and baseless attacks, but, the Bar is here to protect the Judiciary in order to enable it to function independently, without any fear or favour, so that our Supreme Court and High Courts could protect our Constitution and the democracy.
9. Bar Council of India requests the Dignitaries to whom this scandalous letter is addressed and also to the Hon'ble Members of the Bar as well as the prudent citizen of our country to ignore such baseless posts and discourage such anti-Institutional people who are indulged in maligning the Judiciary and have been continuously attempting to weaken the Supreme Court.

(Manan Kumar Mishra)
Sr. Advocate, Supreme Court of India
Chairman, Bar Council of India