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ORDER SHEET

WPO/592/2024

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SAHASRANGSHU BHATTACHARJEE

VS

BAR COUNCIL OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 28th June, 2024.

Appearance:

Mr. Lokenath Chatterjee, Adv.

Mr. Kaustav Ch. Das, Adv.

Mr. Gouranga Ch. Das, Adv.

Mr. Falguni Bandyopadhyay, Adv.

Mr. Rajen Banerjee, Adv.

Mr. Sukanta Ghosh, Adv.

Ms. Rini Bhattacharyya, Adv.

Ms. Tiyasa Biswas, Adv.

Ms. Mary Dutta, Adv.

Mr. Atanu Basu, Adv.

Mr. Madhu Jana, Adv.

Mr. Arghya Chatterjee, Adv.

Mr. Sagnik Roy Chowdhury, Adv.

Ms. Shilpa Thapa, Adv.

Ms. Aishwarya Rajyashree, Adv.

...For the Petitioner

Mr. Saptangshu Basu, Sr. Adv.

Mr. Pantu Deb Roy, Adv.

Mr. Lalit Mohoto, Adv.

Mr. Achinta Banerjee, Adv.

Mr. Ananta Shaw, Adv.

Mr. Biswaroop Bhattacharya, Adv.

Mr. Biswa Brata Basu Mulick, Adv.

Mr. Sanjay Bardhan, Adv.

Ms. Sabnam De Bardhan, Adv.

Mr. Souvik Ganguly, Adv.
Mr. Tarun Chatterjee, Adv.
...For Bar Council of W.B.

The Court: The resolution of the Bar Council of West Bengal is under challenge. The resolution reads as follows :

“Resolved unanimously that as a mark of protest against 1) Bharatiya Nyaya Sanhita, 2023 2) Bharatiya Nagarik Suraksha Sanhita, 2023 and 3) Bharatiya Sakshya Adhiniyam, 2023 this Council will observe 1st July, 2024 as ‘ Black Day’ and lawyers of West Bengal and Andaman & Nicobar Islands will abstain from their judicial work on that day and all Bar Associations to organize protest rally in their respective association on the 1st July, 2024.”

The petitioner challenges the authority of the Bar Council to call such strike and relies on the decision of “EX-CAPT. HARISH UPPAL VS. UNION OF INDIA AND ANOTHER” reported in (2003) 2 Supreme Court Cases 45.

Mr. Basu, learned senior advocate for the Bar Council submits that as the authority of the Bar Council of West Bengal to call such strikes and rallies is under challenge, some opportunity should be given to the Bar Council to file their affidavit-in-opposition.

Let such affidavit-in-opposition be filed within three weeks; reply thereto, if any, within two weeks thereafter. List this matter after expiry of the aforesaid period.

It is a settled position of law that no one can be compelled to observe strike or cease work. Lawyers discharge public function for the litigants. Thus,

this resolution of the Bar Council of West Bengal shall not be treated as a mandate on the learned advocates to abstain from work. Willing advocates are entitled to appear before the Courts all over West Bengal and Andaman & Nichobar Islands. No coercive measures or disciplinary action or any action shall be taken against such advocates who wish to espouse the cause of their clients and who appear for the interest of their clients. The rallies which have been asked to be organized are in the nature of request to the Bar Association, this cannot be treated as a mandate.

Certified copy of this order is made available to the parties, if applied for the same, upon compliance with all requisite formalities.

(SHAMPA SARKAR, J.)

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