

**Court No. - 43**

**Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 12  
of 2024**

**Applicant :- In Re**

**Opposite Party :- District Bar Association Of Prayagraj**

**Counsel for Applicant :- ,Sudhir Mehrotra**

**Counsel for Opposite Party :- Anjul Dwivedi,Ashok  
Kumar Tiwari,Sai Girdhar,Shivendu Ojha**

**Hon'ble Ashwani Kumar Mishra,J.**

**Hon'ble Dr. Gautam Chowdhary,J.**

1. Pursuant to the orders passed by this Court on 07.08.2024, the matter has been placed before us.

2. When the matter is called out, Shri Sudhir Mehrotra, appearing for the Court seeks adjournment for two weeks, in order to collect the reports from all the districts with regard to the incident of strikes along with the details of office bearers, for being filed in compliance with the previous directions issued by this Court. Similar request for adjournment is made by Shri Sai Girdhar Dwivedi for the Bar Council of India and Shri Ashok Tiwari for the Bar Council of U.P.

3. Ms. K. R. Chitra, Advocate on record before the Supreme Court has appeared to assist the Court in the present matter. She states that occasionally she is appearing before the District Judgeship at Gautam Buddha Nagar and is often being harassed on account

of frequent strike calls made by the lawyers in the court. Learned counsel states that the legal profession is known by the name of noble profession and various duties have been entrusted upon the advocates under the Advocates Act, as also by the Bar Council of India Rules towards fellow advocates, who are enrolled in various State Bar Councils. Rules also provide specific duties of advocates towards their clients and towards the court and their fellow advocates. Ms. Chitra alleges that unfortunately some of the advocates are indulging in activities other than what is expected of them, at the cost of their professional duties, as a result of which the reputation of legal profession itself is being harmed. It is also causing immense harassment to the common man as well as to advocates, most of whom are opposed to frequent strikes in the courts. Learned counsel also submits that declaring sudden strike of judicial work and forcing the judicial officers not to conduct Court proceedings amounts to criminal intimidation and interference in the cause of justice. Such professional misconduct needs to be immediately curbed at any cost. She also submits that no advocate has any right to stop brother colleagues from attending to their professional duties or to act to the detriment to the interest of their clients. Learned counsel states that the Bar Councils and Bar Associations have been formed

with the intent of promoting the cause of better administration of justice and most of the Associations instead of collectively espousing the issues of concern are acting in furtherance of their personal interest, as a result of which the entire advocate community is getting a bad name.

4. An intervention application is also moved by Shri Satyaketu Singh, an Advocate, practising at Ghaziabad for the last 47 years. Shri Singh submits that he has never approved the strikes call by the Bar Association and has always resisted the office bearers from calling strikes on one pretext or the other. He states that during last one year for almost 80-100 days there has been strike at Ghaziabad Judgeship and the members of the Bar Association are routinely passing resolutions calling for strikes. He has also stated that the District Judge circulates resolution of strike to all of the Judges, as a result of which, most of the courts rise leaving the litigants in lurch not knowing as to what is happening.

5. The culture of frequent strike not only gives bad name to the legal profession, but is also bringing the credibility of the Justice delivery system into question in the eyes of the common citizen.

6. Since the grievance raised by Shri Satyaketu Singh and Ms. K. R. Chitra, Advocate on record before the Supreme Court of India, echoes the sentiments expressed

by the Hon'ble Supreme Court in various judgments noticed in our previous order, we reiterate that it is high time for the lawyers to self introspect their act of calling strikes and restore the faith of common citizens and the lawyers regain their glory of the noble profession.

7. We are conscious that most of lawyers throughout the districts are opposing the idea of strikes, and it is a handful of lawyers who at the drop of the hat, resort to strike in utter disregard of the law declared by the Supreme Court.

8. Since we have already issued directions in our previous order for enforcing the judgment of Supreme Court in Ex. Captain Harish Uppal Vs. Union of India : (2003) 2 SCC 45 and other similar cases, we hope and trust that the lawyers will see the cause in correct perspective and would desist from resorting to strike.

9. In our previous order, we also referred to and relied upon a resolution of State Bar Council, as per which the condolence meet would be held only at 3:30 p.m. This decision of the State Bar Council is in accord with the practice followed in the High Court also where condolence meet is organized only at 3:30 p.m. and the court work is not obstructed for the entire day. We are at a loss to understand as to why only in the State of Uttar Pradesh the lawyers have to call condolence meet

at 10:00 a.m. and thereby obstruct the Court working for the whole day. The judiciary is already facing backlog of huge cases for disposal and any further delay caused due to strike or condolence is wholly uncalled for.

10. We hope and trust that lawyers in the district courts would follow the resolution of the State Bar Council to hold condolence meet at 3:30 p.m., so that the entire day's work is not obstructed. We also emphasise that the office bearers of respective Bar Associations have to play the lead role in smooth functioning of district courts, and any call for strike by such lawyers will be viewed as an act in defiance of the directions of the Supreme Court, which specifically prohibits holding of strikes. The office bearers of the Bar Association who call for strikes will have to be personally held liable in such matters. This is high time that the members of the Bar Association at the District level realize their responsibility towards common citizens as also their fellow colleagues, and help in smooth running of the district courts.

11. We direct all the District Judges in the State of Uttar Pradesh not to circulate any resolution for strike call by the Bar Association, in their respective judgship.

12. List this matter once again on 22.10.2024, by when a report would be submitted by the Registry in terms of the previous order passed by the Court.

13. We also request the learned counsel appearing for the Court to take note of certain grievances raised by Ms. K. R. Chitra, Advocate, in respect of the amenities available at Gautam Buddha Nagar, which would be got examined and desired action be taken on it.

14. Names of Ms. K. R. Chitra and Shri Satyaketu Singh will be shown as intervenors on the next date fixed.

(Dr. Gautam Chaudhary, J.) (Ashwani Kumar Mishra, J.)

**Order Date :- 25.9.2024**

Mustaqeem.