

Topic: Right To Consult A Lawyer Under Article 22

Name of the case: State of Madhya Pradesh v. Shobhaaram, AIR 1966 SC 1910

Bench: Chief Justice AK Sarkar, Justice M Hidayatullah, Justice JR Mudholkar, Justice RS Bachawat, Justice JM Shelat

Fact of the case: The Madhya Bharat Panchayat Act, 1949, Section 63 was challenged.

The respondents were arrested by the police for the offence of trespass and were released on bail. They were tried and sentenced to pay a fine by Nayay Panchayat, "established under the Madhya Bharat Panchayat Act, 1949, with power to impose only a sentence of fine. The conviction was set aside by High Court on the ground that Section 63 of the Act, which provides that no legal practitioner shall appear on behalf of any party in the proceedings before the Nayay Panchayat, violated Article 21 of the Constitution and therefore void. The case was brought to Supreme Court.

Ratio: The Supreme Court held that a person arrested on accusation of a crime becomes entitled to be defended by counsel at the trial and his right is not lost even if he's released on bail, or is tried by a court which has no power to impose a sentence of imprisonment. Thus, a provision banning a lawyer from appearing before Nayay Panchayat could be void to the extent it denies a person arrested the 'right to be defended by a lawyer' for the crime for which he has been arrested.
