

A DISTRICT BAR ASSOCIATION DEHRADUN

v.

ISHWAR SHANDILYA & ORS.

(M.A. No. 859 of 2020)

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In

(SLP(C) No. 5440 of 2020)

APRIL 20, 2023

C **[M. R. SHAH AND AHSANUDDIN AMANULLAH, JJ.]**

Advocates/Bar Associations – Grievance Redressal Committees (GRC) – Constitution of – Held: No member of the Bar can go on strike and/or abstain himself from court working – If the member of the Bar has any genuine grievance or the difficulty being faced because of the procedural changes in filing/listing of the matters and/or any genuine grievance pertaining to misbehave of any member of the lower judiciary they can very well make a representation and it is appropriate that their genuine grievances are considered by some forum so that such strikes can be avoided and members of the Bar who might have genuine grievances like above may ventilate their grievances – Therefore, all the High Courts to constitute Grievance Redressal Committee in their respective High Courts which may be headed by the Chief Justice and such a grievance redressal committee be consisting of two other senior Judges, one each from service and one from the Bar to be nominated by the Chief Justice as well as the Advocate General, Chairman of the Bar Council of the State and President of the High Court Bar Association – High Court may also consider to constitute the similar Grievance Redressal Committee at the District Court level – Application disposed of.

G CIVIL APPELLATE JURISDICTION: M.A. No. 859 of 2020 in SLP (C) No. 5440 of 2020.

From the Judgment and Order dated 28.02.2020 in SLP (C) No. 5440 of 2020 of the Supreme Court of India.

H Ajai Kumar Bhatia, Adv. for the Petitioner.

Manan Kumar Mishra, Sr. Adv., Ms. Radhika Gautam, Ms. Anjul Dwivedi, Byrapaneni Suyodhan, Ms. Tatini Basu, Kumar Shashank, Sanjay Rastogi, Advs. for the Respondents.

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The Order of the Court was passed by

M. R. SHAH, J.

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1. Present application has been preferred by the Bar Council of India for appropriate direction for constitution of Grievance Redressal Committees (GRC) for redressal of grievances of Advocates/Bar Associations at different levels as submitted in affidavit dated 15.09.2021 including directions to all the High Courts to constitute the suggested “Grievance Redressal Committees” for the States as well as Districts and Taluka courts within their respective territorial jurisdiction.

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2. Shri Manan Kumar Mishra, learned Senior Advocate and Chairman of the Bar Council of India submitted that in order to check and control the frequent strikes, boycotts, Bar Council of India has already filed affidavit in M.A. No. 859/2020 arising out of SLP (C) No. 5440/2020 on 15.09.2021. The Council has suggested various measures for controlling the strike/abstention and has suggested the mechanism of redressal of the grievances of Advocates/Bar Associations at all levels. He has submitted that the Bar Council is of the firm view and opinion that the illegal and unreasonable strikes and boycott are always bad and the Bar Councils can never approve or encourage such practices. It is submitted that however, in a meeting of Chairmen/Office Bearers of all the State Bar Councils held, the Bar Council of India and all the representatives of the lawyers were of the unanimous opinion that there should be a grievance redressal mechanism available to Advocates at all levels from the Talukas/Muffasils/District Courts, High Courts where the members of the Bar could vent their grievances. It is submitted that many a times, members of the Bar might have very genuine grievances and due to non-resolving of such genuine grievance, the members of the Bar go on strike. It is submitted that therefore, if the genuine grievance of the members of the Bar like any dissatisfaction because of the procedural changes in filing or listing of the matters in High Courts or District Courts in the respective States or any grievance pertaining to misbehave of any member of the lower judiciary or any other serious grievance against judicial officers can be ventilated before the Grievance Redressal Committees so that the members of the Bar who are also

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- A part of the justice delivery system may feel that their genuine grievances are heard and ventilated by some forum.

3. Having heard Shri Manan Kumar Mishra, learned Senior Advocate and Chairman of the Bar Council of India, we once again reiterate that no member of the Bar can go on strike and/or abstain himself from court working. Time and again, this Court has emphasised and criticized the advocates going on strike and abstaining them from work. If the member of the Bar has any genuine grievance or the difficulty being faced because of the procedural changes in filing/listing of the matters and/or any genuine grievance pertaining to misbehave of any member of the lower judiciary they can very well make a representation and it is appropriate that their genuine grievances are considered by some forum so that such strikes can be avoided and members of the Bar who might have genuine grievances like above may ventilate their grievances. Therefore, we request all the High Courts to constitute Grievance Redressal Committee in their respective High Courts which may be headed by the Chief Justice and such a grievance redressal committee be consisting of two other senior Judges, one each from service and one from the Bar to be nominated by the Chief Justice as well as the Advocate General, Chairman of the Bar Council of the State and President of the High Court Bar Association. The High Court may also consider to constitute the similar Grievance Redressal Committee at the District Court level. It is observed that the Grievance Redressal Committee may consider the genuine grievance related to the difference of opinion or dissatisfaction because of procedural changes in filing/ listing of the matters of the respective High Courts or any District Courts in their respective States and any genuine grievance pertaining to misbehave of any member of the lower judiciary, provided such grievance must be genuine and not to keep the pressure on any judicial officer. The present application stands disposed of in terms of the above. I.A. No. 51257/2023 shall also stand disposed of.

4. Registry is directed to send the copies of this order to Registrar General of all the High Courts for further steps in terms of the present order.