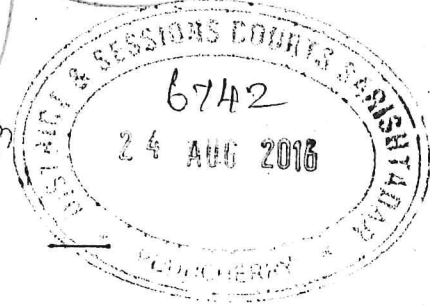


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R.O.C.No.5645/2009/F1



OFFICIAL MEMORANDUM

Sub: Advocates – Letter along with the Certified copy of the order received from Chairman of Bar Council of India, New Delhi – forwarding of for communication and necessary action – Regarding.

Ref: Letter received from Bar Council of India in BCI:D:3939/2016 (Council) dated 22.08.2016.

A copy of the letter received from the Bar Council of India under reference cited above is enclosed herewith for information and necessary action.

All the Principal District Judges / District Judges / Head of Units are hereby required to communicate the same to all the Courts or Units under their control.

High Court, Madras.
Dated : 22.08.2016

REGISTRAR GENERAL

To:

- 1.All the Principal District Judges /District Judges/Head of Units in Tamil Nadu (w.e).
- 2.The Chief Judge, Puducherry (w.e)
- 3.The Principal Judge, City Civil Court, Chennai-104.
4. The Chief Judge, Court of Small Causes, Chennai-104.
5. The Chief Metropolitan Magistrate, Egmore at Allikulam Complex, Chennai-600 003.
- 6.All the Registrars, High Court, Madras and Madurai Bench of Madras High Court, Madurai.

Endt.No.1973/JD/A/2016, dt.25.08.2016

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Copy communicated to all the Judicial Officers in the U.T of Puducherry.

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- 7.The Registrar-cum-Private Secretary to the Hon'ble the Chief Justice, High Court, Madras.
- 8.The Master, High Court, Madras.
- 9.The Additional Master, I/II/III/IV, High Court, Madras.
- 10.All the Officers, High Court, Madras and Madurai Bench of Madras High Court, Madurai.
- 11.All the Heads of Sections, High Court, Madras and Madurai Bench of Madras High Court, Madurai.

Grams : ALINDIABAR, New Delhi
E-mail : info@barcouncilofindia.org
Website : www.barcouncilofindia.org



Tel. : (91) 011-4922 5000
Fax : (91) 011-4922 5011

भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002
August 22, 2016


BCI:D: 3939 /2016 (Council)

The Secretary,
Bar Council of Tamil Nadu & Puducherry
High Court premises,
Chennai.

Sir,

I am sending herewith a certified order dated 22nd August, 2016 passed by Hon'ble Chairman, Bar Council of India. This is for your information and compliance.

Yours sincerely,


Ashok Kumar Pandey
Joint Secretary

Encl.: as above

Copy to:-for kind information.

The Registrar General,
High Court of Madras
At Chennai.

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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

August 22, 2016

Chairman's order

In the light of the order passed on 16th August, 2016 by me, the Chairman, Bar Council of Tamilnadu & Puducherry has written a letter and reported to me on 20th August, 2016 which runs as follows:-

"The Madras High Court has framed the new amendment Rules by exercising the power given under Sec.34(1) of the Advocates Act, 1961 and notification was issued on 25.05.2016 in the Government Gazette. After the notification, there are statewide agitations continuously more than 70 days. Number of times, the Bar Council of India and the State Bar Council issued statement requesting the Joint Action Committee and leaders of the Bar to withdraw the strike. The Bar Council of Tamil Nadu and Puducherry met the Honourable Chief Justice of Madras High Court and explained about the strike and requested to modify the controversial provisions in the new amended rules. Thereafter, the Honourable Chief Justice of Madras High Court constituted a Five Member Committee to revisit the amended rules and subsequently, the rule was kept in abeyance. Even after the order passed by Honourable Chief Justice, the legal fraternity in the State have not convinced and continued the agitations throughout the State. Thereafter, the Joint Action Committee announced the agitations to siege the Madras High Court. Since the situation was very volatile, in order to control the Joint Action Committee, the leaders of the Bar, and the agitating advocates, the Bar Council of India had taken firm decision after due deliberation, and passed an order of suspension of the practice of 125 lawyers from various Bar Associations on 23.7.2016. Even after the suspension order, the Joint Action Committee had conducted meeting near High Court and some of the cases have been also registered against them.

In these circumstances, some of the senior members of the Bar requested to keep conducive atmosphere among the legal fraternity. In pursuant to that, I along with the Co-Chairman of Bar Council of India, Vice-Chairman, Bar Council of Tamil Nadu and other Members of the Bar Council of Tamil Nadu and Puducherry had negotiated with the Joint Action Committee at Delhi on 10.8.2016 and some sort of settlement has been arrived in that meeting. Thereafter, the Joint Action Committee along with Bar Associations convened a meeting on 14.08.2016 and that they have passed the following resolutions :-

- 1) It is hereby resolved that the agitation against the implementation of the recent amendment adopted by the Honourable High Court, Madras under Sec.34(1) of the Advocates Act has been suspended forthwith.*
- 2) All the advocates of Tamil Nadu and Puducherry will resume their work in courts from 16.08.2016 onwards.*
- 3) The Executive Committee of the Joint Action Committee will be called in the last week of August 2016 to assess the follow-ups."*

Thereafter, the decision of the Joint Action Committee has been brought to your notice by us and after reading the resolutions of Joint Action Committee, being a Chairman of Bar Council of India, your goodself was pleased to pass an order on 16.08.2016 by staying the suspension order dated 23.07.2016 till 22.08.2016 and further a direction has been also issued to the State Bar Council to ascertain/verify whether the advocates have started work throughout the State as per the resolution of the Joint Action Committee dated 14.08.2016 and directed us to send the report from the State Bar Council to reach the office of the Bar Council of India latest by 01.00 p.m. on 22.08.2016. It is further submitted that if the report confirms that advocates have started work pursuant to the resolution of Joint Action Committee and the Members and office-bearers of the Joint Action Committee have also started work peacefully, then the Bar Council of India will pass the final order on 22.08.2016 itself, which shall be communicated to the State Bar Council after 05.00 p.m. on the same day.

Respected Chairman, after your prompt action initiated against the agitating lawyers and after the intervention of the Bar Council of India, the conducive atmosphere among the members of the Bar in the State arose and now, the entire Courts in the State of Tamil Nadu started functioning smoothly and it is the duty of the State Bar Council to bring your notice that Honourable Chief Justice Mr.Sanjay Kishan Kaul extended the Rules Committee by adding two more Judges and that now, the Rules Committee became 7 Judges on the request made by the State Bar Council.

The Joint Action Committee attended on 19.08.2016 before the Rules Committee and many other Bar leaders also participated in the Committee and explained their grievances before the Committee about the new amended Rules.

Now, the State of Tamil Nadu and Puducherry, the members of the Bar are attending the Courts without any problem and maintaining conducive atmosphere between the Bench and the Bar.

Respected Chairman after your intervention, the State Bar Council and Joint Action Committee made peaceful negotiation and all the problems traversed among the legal fraternity had been settled. Therefore, myself and the entire Council requesting you to revoke the suspension of 125 lawyers and the leaders of the Bar, particularly the Council requesting you that the suspension period will not fall under the professional misconduct, because the lawyers have felt that new rule introduced by the Honourable High Court is totally against them and it will affect their freedom, while appearing before the court. Now, everybody have realized the situation after the due deliberation between the Bar and the Bench.

Therefore, once again, myself, B.C.I. Co-Chairman Mr.S.Prabakaran, Vice-Chairman Mr.P.S.Amalraj and others Members of the State Bar Council requesting you to revoke the suspension of 125 lawyers.

Respected Chairman Mr.Manan Kumar Mishra, the Bar Council of Tamil Nadu and Puducherry always with the Bar Council of India in all times and we extend our fullest co-operation whatever the decision, the Bar Council of India took and always the State Bar Council, being a statutory body stood with you in all times for the good causes.

Further, the Bar Council of Tamil Nadu and Puducherry request you and your Members come to Chennai to meet the leaders of the Bar, Joint Action Committee for maintaining good relationship among the legal fraternity and we will fix the meeting at Chennai in the premises of the Bar Council as per your convenient date."

The matter now appears to have been resolved fully. The Advocates throughout the State have started attending the Courts and have resumed their works. The conducive atmosphere throughout the court campus has again been restored. The Council appreciates the role played by Hon'ble Co-Chairman Mr. S. Prabakaran, the Chairman and other Hon'ble Members of Bar Council of Tamilnadu & Pucuherry State Bar Council of Tamil Nadu for getting the matter amicably resolved.

In view of the aforesaid letter of Hon'ble Chairman of State Bar Council, the order of suspension of Lawyers (who were put under suspension vide order passed on 23rd July, 2016) by the Council is hereby withdrawn. It is also made clear that the aforementioned suspension will not be treated as a misconduct on the part of suspended Lawyers for any performance in future and it shall not adversely affect their career in anyway.

It is hoped and expected that the Hon'ble members of the Bar, including the aforementioned members/office-bearers of the Joint Action Committee will not repeat the similar action of strike/boycotts/abstentions without getting the approval of the State Bar council or the Bar Council of India. It is further made clear that, if in future, anyone among the aforesaid Lawyers is reported to have committed the similar acts, then this Council or the State Bar Council will take serious actions against them.

It is further relevant to note and appreciate the positive role of Mr. S.K. Kharventhan, former Chairman of Bar Council of India in getting the matter amicably resolved. A copy of this order be sent to Mr. Kharventhan also.

As per my earlier order, whenever the Council receives the communication from the State Bar Council for holding a meeting with Members of the State Bar Council and Joint Action Committee, I along with our office-bearers including Co-Chairman Mr. S. Prabakaran, will visit Chennai and hold the meeting.

Put up the present order before the General Body in its next meeting for ratification.

Sd/-

Manan Kumar Mishra
Chairman, BCI



Ashok Kumar Pandey
Joint Secretary,
Bar Council of India