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Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 15895 of 2015

Petitioner :- In Re

Respondent :- Zila Adhivakta Sangh Allahabad

Counsel for Petitioner :- Ajay Singh, Anshu Singh, Arun Kumar, Devesh Kumar Shukla, Dharmesh Kumar Shukla, Dinesh Kumar Misra, Hare Krishna Mishra, Mir Sayed, Nitin Gupta, Pradeep Kumar Tiwari, Pranshu Kumar

Counsel for Respondent :- A.K. Bajpai, Ajai Shankar Pathak, Anupam Kumar, Ashutosh Dwivedi, Ayub Khan, C S C, C.P. Upadhyay, Chandra Kumar Singh, D.K. Tiwari, Daya Shankar Mishra, Diwakar Rai Sharma, H.N. Singh, Hemendra Pratap Singh, Jyotish Awasthi In Person, Mohd. Asif, Mohit Bihari Mathur, Mumtaz Ahmad Siddiqui, P.K. Jain, Pranesh Dutt Tripathi, R.D. Sahi, R.K. Singh, Rakesh Pandey, Ratnakar Upadhyay, Ritesh Srivastava, S.C. Mishra, Sanjay Mishra, Sanjay Singh, Sanjiv Kumar Pandey, Santosh Kumar Pandey, Santosh Kumar Tripathi, Shishupal Sharma, Siddharth Nandan, Sudhir Dixit, Suresh Chandra Pandey, Swetashwa Agrawal, Tahir Husain, V.C. Srivastava, Vineet Kumar Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Mrs. Sunita Agarwal, J.

Hon'ble Surya Prakash Kesarwani, J.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Mahesh Chandra Tripathi, J.

Kanpur Bar Association and the Lawyers' Association, Kanpur Nagar are on continuous strike. Initially they were only boycotting the Court of District & Sessions Judge, Kanpur Nagar, but later on, they are boycotting the entire Courts of Kanpur Judgeship since 25th March, 2023, hampering the entire judicial work.

On administrative side, the Chief Justice and the Administrative Judges of Kanpur Nagar, held meetings separately as well as jointly with the President and the General Secretary of Kanpur Bar Association, Kanpur Nagar and tried to resolve the issue and in turn, the President and the General Secretary of the Kanpur Bar Association had given assurance to call off the strike and resume their work, but they have deviated from their assurance and are

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now threatening to spread the strike in the whole district of Kanpur Nagar in different modes.

Learned Advocate General, present in the Court, submits that the strike cannot be supported in any manner and the lawyers are supposed to work in the Court. He has given assurance to this Court that all sorts of assistance would be provided to the lawyers and the Judges for dispensation of justice. In support of his submission, he has referred to the judgment of the Supreme Court in **Ex. Capt. Harish Uppal vs. Union of India and another, AIR 2003 SC 739** and submits that the lawyers are supposed to perform their duties in the Court and, if any strict action is required to be taken, that will also be supported by the State. He has further placed reliance upon the judgments of the Supreme Court in **Supreme Court Bar Association v. Union of India (1998) 4 SCC 409**; **Krishnakant Tamrakar vs. State of Madhya Pradesh, 2018 (17) SCC 27** and **Hussain v. Union of India, (2017) 5 SCC 702**. He further submits that the strike by lawyers is not only illegal and unethical, but it also causes great hindrance in dispensation of justice. It also amounts to committing professional misconduct, a breach of contract, a breach of trust and a breach of professional duty. Moreover, strike by Advocates leads to wastage of valuable time of the court and hard earned money of the tax payers. These strikes also lower the image of the institution.

In **Ex. Capt. Harish Uppal vs. Union of India and another (supra)**, as now held, that the lawyers have no right to go on strike or give a call for boycott, not even on a token strike. The lawyers holding Vakalat of a client and abstaining from Court due to a strike call would be personally responsible for costs, in addition to liability to damages towards his client for loss suffered by the client. In **Supreme Court Bar Association v. Union of India**

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(supra), it has been held that the professional misconduct may also amount to contempt of Courts. In **Krishnakant Tamrakar vs. State of Madhya Pradesh (supra)**, Supreme Court, rightly pointed out that every strike, causes irreversible damage to the judicial system, particularly to the litigants.

In the present case, despite sincere efforts being made by this Court, the lawyers are adamant not to perform their work in the Court and their actions are creating hurdle in dispensation of justice, which is nothing but a sort of contempt of Courts.

In the given facts and circumstances of the case, we feel it appropriate to issue notices to Sri Naresh Chandra Tripathi, President, Kanpur Bar Association, Sri Anurag Srivastava, General Secretary, Kanpur Bar Association, Sri Ravindra Sharma, President, the Lawyers' Association, Kanpur Nagar and Sri Sharad Kumar Shukla, General Secretary, the Lawyers' Association, Kanpur Nagar.

Notices be served upon the aforesaid office bearers through the Commissioner of Police, Kanpur Nagar, directing them to remain present personally before this Court on 07.04.2023 at 10:00 am.

As an interim measure, it is directed that the lawyers shall resume their work forthwith and to purge the contempt and in case, any hindrance is created by any of the lawyer or office bearers, the same would be viewed seriously.

As assured by learned Advocate General, we expect the local administration to help in all sorts of manner.

This order shall be communicated to the office bearers of both the Bar Associations, Kanpur Nagar and to the District Administration, Kanpur Nagar by the Registry. Learned Advocate General is also obliged to serve a copy of this order to the District Administration.

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Registrar General of this Court is directed to ensure publication of this order amongst not only the lawyers community at Kanpur Nagar, but through media also.

The District Magistrate and the Commissioner of Police, Kanpur Nagar are also directed to affix this order on the notice board of both the Bar Associations and other conspicuous places inside the Court premises.

After completing all the formalities, the officers to report to the Registry of this Court before 1:00 pm today.

In the given facts and circumstances of the case, the Chairman, Bar Council of Uttar Pradesh is also requested to assist the Court and to remain present tomorrow at 10:00 am before the Court.

Put up this matter on 07.04.2023 at 10:00 am.

Order Date :- 6.4.2023

RK/RKK

(Pritinker Diwaker, CJ)

(Sunita Agarwal, J)

(Surya Prakash Kesarwani, J)

(Manoj Kumar Gupta, J)

(Anjani Kumar Mishra, J)

(Dr. Kaushal Jayendra Thaker, J)

(Mahesh Chandra Tripathi, J)