

ITEM NO.801

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SUO MOTO WRIT PETITION (CIVIL) No.3/2024

IN RE: ASSAULT ON TWO MEMBERS OF THE SUPREME COURT BAR ASSOCIATION
AT DISTRICT COURT COMPLEX, GAUTAM BUDH NAGAR

Date : 21-03-2024 This petition was MENTIONED today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s)

By Courts Motion

For Respondent(s)

Mr. R. Venkataramani, AG

Mr. K.K. Venugopal, Sr. Adv.

Mr. Vikas Singh, Sr. Adv.

Mr. Jayant Bhushan, Sr. Adv.

Mr. Meenesh Dubey, Adv.

Ms. Radhika Gautam, AOR

UPON being mentioned the Court made the following
O R D E R

- 1 On mentioning, the matter is taken on Board.
- 2 Before the commencement of the daily Board of cases, a matter of urgency has been mentioned before this Court by Mr R Venkataramani, Attorney

General for India, Mr K K Venugopal, Mr Vikas Singh and Mr Jayant Bhushan, senior counsel.

- 3 The issue which has arisen before this Court bears on an incident which took place before the court of Shri Avnish Saxena, District Judge, Gautam Budh Nagar on 20 March 2024.
- 4 The genesis of the incident appears from a copy of a letter written by the District Judge to Sri Umesh Bhati, President of the Janpad Dewani and Faujdari Bar Association, Gautam Budh Nagar. For convenience of reference, we set out the contents of the letter as it has been tendered during the course of the mentioning:

“On 20.03.2024 at 10.30 AM, while I was taking up bail applications you have entered the Court alongwith battery of lawyers to place before the Court a resolution of ‘no work’ and submitted that the Court may support the cause of ‘no work’, which is highhandedness of police officials while dealing with an advocate. It is during this address to the Court that one of a young lawyer has snatched the band of Shri Gaurav Byhatia, Senior Advocate, Supreme Court of India, who was present for arguing in one of the bail matter. This incident is highly deprecated, as it has demean not only the Institution but has also violated the personal right of an esteemed lawyer at the hand of another esteemed lawyer.

It is humbly expected from you, being the President of the Bar Association, Gautam Buddh Nagar and a Senior member of Bar, to take appropriate action at your end, so that the dignity of a Lawyer shall be maintained.

In this incident your good offices are required, so that the incident may not recur and you are also expected to take necessary steps in pursuing the young lawyer to convey apologies about the unpleasant and sorry incident.

As the incident has been occurred in my Court, I felt sorry and convey the same to the grieving lawyer.”

- 5 On 20 March 2024, the Executive Committee of the Supreme Court Bar Association passed a resolution adverting to the above incident. Ms Radhika Gautam, counsel appearing on behalf of the Bar Council of India states that the Bar Council is taking cognizance of the incident which took place at the District Court Complex, Gautam Budh Nagar.
- 6 Mr Gaurav Bhatia, senior counsel who was present before the court of the District Judge at Gautam Budh Nagar on 20 March 2024 is personally present before the Court and affirms the correctness of the nature of the incident as set out in the letter of the District Judge to the President of the Bar Association.
- 7 Ms Muskan Gupta, an advocate practicing before this Court, has also appeared in the course of the proceedings. She states that she was to appear in the court of Smt Babita Pathak, who occupies court No 8 at the District Court Complex in Gautam Budh Nagar. She states that a group of lawyers entered the court room and asked her to remove her bands and leave the court consequent upon a strike called by the advocates. Ms Muskan Gupta further states that she was manhandled in the process.
- 8 In repeated judgments, this Court has deprecated strikes by Bar associations (see in this context the decision of the Constitution Bench in ***Ex Captain Harish Uppal vs Union of India***¹). The rationale for this principle is simple. The members of the Bar represent, in the course of their professional duties, individual litigants whose cases involve their grievances in regard to injustices which have been caused to them. A strike by the members of the Bar immediately affects the litigants who are the most vital stakeholders in the legal profession.
- 9 At this stage, there is no reason why this Court should not accept *prima facie* what is placed on the record. Ordinarily, we would have insisted upon a

1 (2003) 2 SCC 45

formal petition being filed, but we are of the view that the manhandling of two members of the Supreme Court Bar Association is a serious matter which warrants the interference of this Court, particularly since the acts and conduct complained of would be in breach of the binding principles which have been laid down by this Court in regard to strikes by advocates.

- 10 We accordingly direct the Registry to register a *suo moto writ petition* [In Re: **Assault on two members of the Supreme Court Bar Association at District Court Complex, Gautam Budh Nagar**] on the basis of the material which has been set out above.
- 11 Notice shall issue to the President and the Secretary of the Janpad Dewani and Faujdari Bar Association, Gautam Budh Nagar, returnable on 1 April 2024 at 10.30 am. The notice to the President and the Secretary of the Janpad Dewani and Faujdari Bar Association, Gautam Budh Nagar, shall, in addition, be served through the Senior Superintendent of Police, Gautam Budh Nagar, requiring their presence before this Court on 1 April 2024 at 10.30 am.
- 12 Besides the above direction, we issue the following directions:
 - (i) The District Judge, Gautam Budh Nagar shall ensure that the CCTV footage of the incident is preserved in his safe custody pending further orders of this Court;
 - (ii) The District Judge, Gautam Budh Nagar, shall submit a report to this Court on the incident which took place in the course of the proceedings before his Court. The report shall also identify the specific persons who were involved in the incident;
 - (iii) Likewise, the District Judge shall also obtain a report from the administrative staff attached to the court of Smt Babita Pathak, occupying Court No 8 in whose court, Ms Muskan Gupta has alleged that an incident involving her manhandling took place; and

(iv) Copies of the report of the District Judge shall be forwarded to the Registrar (Judicial) of this Court and shall be produced before this court on the next date of listing.

13 List the Petition on 1 April 2024 at 10.30 am.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar