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Lawyers can't claim fundamental right to strike: SC

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The Supreme Court on Friday declared that lawyers cannot claim a fundamental right to go on strike or boycott of courts. Even if there is such a right, it cannot be allowed to affect the rights of litigants to get speedy justice guaranteed under the Constitution.

A bench of Justices Arun Mishra and M R Shah took suo motu cognisance of the frequent strike by lawyers and asked the Bar Council of India and all the state bar councils to suggest further course of action and to give concrete suggestions to deal with the problem.

The bench noted that despite a resolution adopted by the BCI on September 29, 2002, on setting up the grievance redressal committees at the sub-division, district, the high court and the Supreme Court levels and its previous judgements, lawyers

“To go on strike/boycott courts cannot be justified under the guise of the right to freedom of speech and expression under Article 19(1)(a) of the Constitution. Nobody has the right to go on strike/boycott courts. Even, such a right, if any, cannot affect the rights of others and more particularly, the right of Speedy Justice guaranteed under Articles 14 and 21 of the Constitution.”

- SUPREME COURT

still went on strikes and boycotted courts.

“A day has now come for the BCI and the states council to step in and to take concrete steps. It is their duty to ensure that there is no unprofessional and unbecoming conduct by any lawyer,” the bench said.

The top court held that the Uttarakhand HC was “absolutely justified” in directing the advocates in the Dehradun, Haridwar and Udham Singh Nagar districts who have been boycotting the courts on all Saturdays for more than 35 years, to refrain from the practice, at times used for the purpose of condolence references.

“Things are very shocking. Every month on 3-4 Saturdays, the advocates are on strike and abstain from working, on one pretext or the other. If the lawyers would have worked on those days, it would have been in the larger interest and it would have achieved the ultimate goal of speedy justice, which is now recognised as a fundamental right under Articles 14 and 21 of the Constitution,” the bench said.

The court warned the lawyers of serious consequences, including contempt if they were found to be a breach of the high court's directions.