

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2021
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

IN THE MATTER OF -

ROHINI AMIN AND ANR

...PETITIONERS

VERSUS

BAR COUNCIL OF INDIA & ORS

...RESPONDENTS

WITH

I.A. NO. _____ OF 2021:

APPLICATION SEEKING
EXEMPTION FROM FILING
ORIGINAL VAKALA-TNAMA,
ATTESTED AFFIDAVIT, AND
WELFARE STAMP

PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE PETITIONERS: MANJU JETLEY SHARMA

RECORD OF PROCEEDINGS

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PROFORMA FOR FIRST LISTING

SECTION – X

The case pertains to (Please tick/check the correct box)

- ☐ Central Act: (Title): **The Constitution of India**
 - ☐ Article: **32**
 - ☐ Central Rule: (Title): **NA**
 - ☐ 98711Rule No (s): **NA**
 - ☐ State Act: (Title): **NA**
 - ☐ Section: **NA**
 - ☐ Impugned Final Order/Decree: (Date): **NA**
 - ☐ High Court: (Name): **NA**
 - ☐ Name of Judge: **NA**
 - ☐ Tribunal/Authority: (Name): **NA**
-

1. Nature of matter: **CIVIL**
2. (a) Petitioner/Appellant: **ROHINI AMIN AND ANR**
(b) Email ID: **NA**
(c) Mobile Phone No.: **+91 9920477447**
3. (a) Respondent: **Bar Council of India and Others**
(b) Email ID: **NA**
(c) Mobile Phone No.: **NA**
4. (a) Main Category Classification: **--**
(b) Sub Classification: **--**
5. Not to be Listed Before: **NA**
6. (a) Similar Disposed of matter with citation, if any
and case details: **No similar matter disposed
of.**

A1

(b) Similar Pending Matter: **No similar matter pending in any court.**

7. Criminal Matters: NO

(a) Whether accused/convict has surrendered: **NA**

(b) FIR No. and Date: **NA**

(c) Police Station: **NA**

(d) Sentence Awarded: **NA**

(e) Period of Sentence undergone including period of detention/ custody undergone: **NA**

8. Land Acquisition Matters: NA

(a) Date of Section 4 Notification: **NA**

(b) Date of Section 6 Notification: **NA**

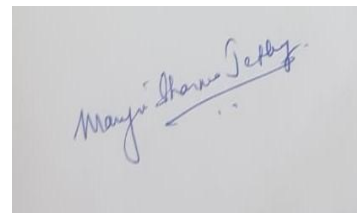
(c) Date of Section 1 Notification: **NA**

9. Tax Matters: State the tax effect: NA

10. Special Category (First Petitioner/Appellant Only) N/A

Senior Citizen, SC/ST, Women/Child, Disabled, Legal Aid Case, In custody

11. Vehicle Number (In case of Motor Accident Claim matters): NA

A rectangular box containing a handwritten signature in blue ink. The signature appears to read 'Manju Sharma Jetley' with a stylized flourish at the end.

Manju Jetley Sharma

Aor Code 350

Advocate for petitioner

Date: 29.JUNE, 2021.

SYNOPSIS AND LIST OF DATES

1. The Petitioners are instituting the instant writ petition for a declaration that Section V and V-A added to Part VI, Chapter II of the Bar Council of India Rules is void being violative of Section 49 (1) of the Advocates Act, 1961 and the fundamental rights guaranteed under Part III of the Constitution, in particular, Articles 14, 19 (1) (a), 19 (1) (c) and 21. On 25/06/2021 the Bar Council of India amended its rules and thereby introduced Section V and Section V-A on the premise of maintaining and improving the standards of professional conduct and etiquette for Advocates, however these rules flagrantly violate the fundamental rights of Advocate enumerated under Article 19(1)(a) and per se these rules are devoid of “reasonable restriction test” enunciated under Article 19(2) of the Indian Constitution.
2. Hence, in the backdrop of aforesaid peculiar facts and circumstances, the Petitioner seek kind indulgence of this Hon’ble Court urgently in the interest of justice, equity and good conscience. In order to elucidate the *factum probandum* of the case in details, a chronological list of dates is depicted as under –

LIST OF DATES

Sr. No.	Date	Particulars
1.	19.05.1961	The Advocates Act, 1961 came to be enacted on 19.05.1961. It is a law relating to legal practitioners

		and provided for constitution of Bar Councils and an All-India Bar.
2.	25.06.2021	The Bar Council of India amended its rules and thereby introduced Section V and Section V-A on the premise of maintaining and improving the standards of professional conduct and etiquette for Advocates
3.	27.06.2021	The Petitioners came to know of the amendments to the Bar Council Rules which appeared to be violative of Section 49 (1) of the Advocates Act, 1961 and the fundamental rights guaranteed under Part III of the Constitution, in particular, Articles 14, 19 (1) (a), 19 (1) (c) and 21.
4.		Hence this Writ Petition.

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2021
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]**

IN THE MATTER OF:

1. Rohini Amin
Advocate,
502, Rehman House CHS,
Nadirsha Sukhia Street,
Fort Mumbai-400001

 2. Maria Nedumpara,
Advocate
12F, Harbour Heights,
Narayan A Sawant Rd,
Azad Nagar, Colaba,
Mumbai-400005
- ...Petitioners

Versus

1. Bar Council of India
Represented by its Secretary,
21, Rouse Avenue
Institutional Area,
Near Bal Bhawan, New Delhi – 110 002.

2. Bar Council of Maharashtra and Goa,
Represented by its Secretary,
2nd Floor, High Court Extention,
Dr Kane Rd, Fort,

Mumbai, Maharashtra 400032

3. Bar Council of Kerala,
Represented by its Secretary,
Campus Ernakulam, Bar Council Bhavan,
High Ct Rd, Kochi, Kerala 682031
 4. Union of India
Represented by its Secretary in the Department of Legal Affairs
4th Floor, A-Wing, Shastri Bhawan
New Delhi-110 001
 5. State of Maharashtra,
Represented by its Chief Secretary,
Mantralaya, Mumbai.
 6. State of Kerala
Represented by its Chief Secretary,
2nd Floor, North Block
Secretariat,
Thiruvananthapuram
Kerala, PIN – 695001
- ... Respondents

PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

THE HUMBLE PETITIONERS MOST RESPECTFULLY SHOWETH:

1. The first Petitioner is a citizen of India, a resident of Mumbai and a practitioner of law. The 2nd Petitioner is a lawyer enrolled with the Bar Council of Kerala. The Petitioners are instituting the instant writ petition for a declaration that Section V and V-A added to Part VI, Chapter II of the Bar Council of India Rules is null and void ab

initio being violative of Section 49 (1) of the Advocates Act, 1961 and the fundamental rights guaranteed under Part III of the Constitution, in particular, Articles 14, 19 (1) (a), 19 (1) (c) and 21.

2. Respondent no. 1 is the Bar Council of India, and it is a necessary party because what is under challenge is its notification dated 25.6.2021. Respondent no. 2, Bar Council of Maharashtra and Goa, and Respondent no. 3, Bar Council of Kerala are necessary parties because it is with them, respectively, that Petitioner no. 1 and 2 have enrolled as Advocates. Respondent no. 4, Union of India is a necessary party because the amendment under challenge is ultra vires Section 49 (1) of the Advocates Act, 1961. Respondent no. 5 and Respondent No. 6, that is the State of Maharashtra and the State of Kerala are proper parties.
3. That there is no identical matter pending before / disposed of by this Hon'ble Court or any High Courts filed by the Petitioners of this instant Writ Petition.

4. **FACTS OF THE CASE:**

- i. The Petitioner nos. 1 and 2 are enrolled with the Bar Council of Maharashtra and Goa and the Bar Council of Kerala, respectively. The 1st Petitioner is also the General Secretary of National Lawyers Campaign for Judicial Transparency and Reforms (NLC), an organization registered under the Maharashtra Public Trusts Act, 1950. The instant Petition is instituted, to repeat, for the enforcement of the fundamental rights of the Petitioners.

- ii. The Petitioners came to know of the amendments to the Bar Council Rules which was like a bolt from the blue, on 27.6.2021. The Petitioners could not believe it because it is unthinkable for a body like that of the Bar Council of India to bring an amendment of such ramifications, stifling the very freedom of speech and expression without which the very right to life is meaningless, keeping the Bar and the public at large in darkness. A copy of the notification by which Section V, titled as “Duties towards Society and Bar” and Section V-A “Code of conduct and disqualification for members of Bar Councils”, is produced as **Annexure P1 (pages 21 to 24)**. The said Sections read thus:

Section-V - Duties towards Society and Bar:— [Under Section 49(1)(c) of the Advocates Act, 1961]

An Advocate shall conduct himself/herself as a gentleman/gentle lady in his/her day to day life and he/she shall not do any unlawful act, he/she shall not make any statement in the Print, Electronic or Social Media, which is indecent or derogatory, defamatory or motivated, malicious or mischievous against any Court or Judge or any member of Judiciary, or against State Bar Council or Bar Council of India nor shall any Advocate engage in any willful violation, disregard or defiance of any resolution or order of the State Bar Council or Bar Council of India and any such act/conduct shall amount to misconduct and such Advocates would be liable to be proceeded with under Section-35 or 36 of the Advocates’ Act, 1961.

Section-VA: — Code of conduct and Disqualification for members of Bar Councils: [under Section 49(1)(a) and (ab) of the Advocates Act, 1961]

- (i) *No Member of any State Bar Council or of Bar Council of India shall be permitted to publish anything or to make any Statement or Press-Release in Print, Electronic or Social Media against any Resolution or Order of concerned State Bar Council or Bar Council of India or to make/use any*

derogatory or abusive language/comment/s/ word/s against the Bar Council or its office-bearers or members.

- (ii) The Decision of any State Bar Council or Bar Council of India shall not be criticized or attacked by any Member/s of Bar Council in public domain.*
- (iii) No Advocate or any Member of any State Bar Council or the Bar Council of India shall undermine the dignity or authority of the State Bar Council or Bar Council of India.*
- (iv) The Violation of this above mentioned clause (i) to (iii) of this code of conduct may amount to other misconduct under Section 35 of Advocates Act, 1961, and /or violation of Section-V and/or V-A shall result in suspension or removal of membership of such member from the Bar Council. The Bar Council of India may declare such Advocates (as mentioned above in Section-V) or any Member of Bar Council to be disqualified from contesting the elections of any Bar Association or Bar Council for any period, depending on the gravity of the misconduct. The State Bar Council/s may refer the matters of misconduct or violation of these Rules by any of its members to Bar Council of India.*

Note: Provided that a healthy and bona-fide criticism made in good faith, shall not be treated as a “misconduct”;

- (v) For declaring any Advocate or Member of Bar Council as disqualified from contesting the elections as aforesaid, Bar Council of India shall be required to hold an inquiry by a “3 Member Committee” headed by a Former Chief Justice or a former Judge of any High Court. The Committee shall be constituted by the Bar Council of India and may consist of any member of*

Bar Council of India or a Member or Office-Bearer of any State Bar Council or any Advocate with a minimum of 25 years of standing at the Bar.

- (vi) *After any such reference of any case by Bar Council of India, the committee shall issue notice to the concerned Advocate(s)/ Member(s) and give him/her/them opportunity of hearing. Bar Council of India shall take its decision after consideration of the report of the Committee.*
- (vii) *The proceedings for disqualification before the Bar Council of India and/or the Committee/s constituted by it shall follow the norms of natural Justice and it will be deemed to be an order passed under Section 49(1)(a) or 49(1)(ab).*

- iii. The words employed in Section V and V-A are shocking in how tyrannical they are. It is a fundamental principle of law that a subject, nay, citizen, like the king, the sovereign, is free to do whatever is not expressly prohibited by law. It is a fundamental principle of law that all human beings are born free and they enjoy absolute freedom to make full use of their physical and mental faculties, which certainly includes the freedom of speech and expression. The said freedom is only subject to the similar freedom vested in his/her fellow human beings. As a necessary corollary thereof no citizen, much less a lawyer, has any right to do “any unlawful act, make any statement in print, electronic or social media which is indecent or derogatory, defamatory or motivated, malicious or mischievous...” (quoting from Section V). If the prohibition under the Rules is against any fellow citizen, that is understandable, because an Advocate is certainly expected to be a “gentleman/gently lady” (sic), and is not expected to do “any unlawful act or

make any statement in the print, electronic or social media which is indecent, derogatory, defamatory, etc.” However, there was no need for bringing the amendment as aforesaid for the said purpose, for two reasons.

- iv. Firstly, the Bar Council has no legislative powers which fall in the exclusive province of the Parliament. The only power vested in the Bar Council is that of a delegatee, to give effect to the Act of Parliament, namely, the Advocates Act, 1961. Such a power is not a substantive power, but falls in the realm of procedure. In incorporating the prohibition as stated above, the Bar Council has exceeded its jurisdiction, acted as if it is the Parliament. The Rules as quoted above, therefore are ultra vires Section 49 (1) of the Advocates Act, 1961. Secondly, assuming such a power is invested in the Bar Council, which certainly is not, then also, no such rule could have been incorporated because the said province is covered by the common law, which is the law of the land under Article 372, as also covered by the Indian Penal Code, Information Technology Act, etc.
- v. This aspect, though absolutely manifest, the Bar Council lost sight of, because what was the concern of the Bar Council was not the citizens who may be injured by “any unlawful act ... indecent, derogatory, defamatory statement”, but strangely, “any Court or judge or any member of judiciary or against State Bar Council or Bar Council of India.” So far as any Court or judge or any member of judiciary is concerned, there are enough and more provisions to protect them. Sections 195, 340 and 345 of the CrPC, Chapter X of the IPC, Contempt of Courts Act, 1971, and even Articles 129 and 215

of the Constitution of India. The public perception is that the Contempt of Court jurisdiction has been grossly abused and many like the legendary Justice Krishna Iyer, and organizations like the NLC are striving to abolish the law of contempt of Court which belongs to the Dark Ages. In none of the Civil law countries does the law of contempt of court exist. And even among common law jurisdictions, except India and Pakistan, the law of Contempt is practically abolished. There has been no public demand from any section of society, including the Bar and the judges to protect the judges to an even greater degree from public criticism. The judges are fully protected against civil and criminal liability under the Judges Protection Act, even if they were to act maliciously from the seat of justice.

- vi. Nobody, today, would feel the need for any further legal protection to the judges. Far from a cry for providing further protection to the members of the judiciary, the demand of the civic society, today, is for greater freedom to fearlessly express injustice and sufferings in the justice delivery system. However, legislations like the Judicial Standards and Accountability Bill, 2010, are gathering dust for want of support of the higher judiciary. The real need of the hour is greater accountability, the freedom to ventilate judicial injustice. In such a situation, what made the Bar Council assume that there is a need to make a law to further protect the judiciary, that it is vested of legislative powers and bring in the rules as above to stifle criticism and dissent. It is “a riddle wrapped in a mystery inside an enigma,” to say the least.
- vii. What prompted the Bar Council to bring the aforesaid amendments is difficult to be fathomed. The Petitioners have heard many stories. For

considerations of reticence, the Petitioners refrain from mentioning them. The irresistible conclusion, however, is that the Bar Council also certainly wants to protect itself from any kind of criticism. The words used are “*An Advocate... shall not make any statement in the Print, Electronic or Social Media, which is indecent or derogatory, defamatory or motivated, malicious or mischievous against any Court or Judge or any member of Judiciary, or ... and any such act/conduct shall amount to misconduct and such Advocates would be liable to be proceeded with under Section-35 or 36 of the Advocates’ Act, 1961.*”

- viii. The words employed have a common thread, namely, of injury to the reputation of a person, and all fall within the ambit of the word ‘tort’ in common law. In incorporating Section V and V-A in the Bar Council Rules, the Bar Council of India has chosen to assume the role of the legislature, so far as the person injured of his reputation is a judge. The Bar Council is invested of no such power of legislation. It is only a professional body empowered to make Rules to maintain certain standards and discipline among the members of the profession, namely, lawyers, and nothing more. It is unnecessary to elaborate on that legal aspect, for it is beyond dispute.

- ix. However, assuming for a moment, for mere argument’s sake, that the Bar Council is vested of such jurisdiction of legislation, then also, a mere reading of Section V and V-A would indicate that the Bar Council lost sight of the elementary principles of law, which as a professional body of lawyers, could have least been expected of it. The Bar Council of India missed the

obvious, namely, the distinction between public law and private law. In England, during the early stages of the development of law, the province of public law was very limited. Law for all purpose meant private law of tort, contract, etc. In England, there were two streams of Courts, namely, the Court of common pleas, a jurisprudence which is the exclusive concern of disputes between private persons in which the Crown was in no way concerned, and the Court of Crown pleas, exclusively concerned with public law. The law of defamation is primarily in the province of private law. The amendments on the face of it seeks to protect the injury, if any, a judge or a member of judiciary may suffer which falls in the exclusive province of private law. The power which is vested in the Bar Council to frame regulations is absolutely in the province of public law. The Bar Council has no authority to speak on behalf of any person injured, in a matter which is exclusively in the realm of private law. If at all a lawyer defames a judge, the opposite counsel, the opposite party or even his own client, which is certainly not expected of him, the person aggrieved is not without a remedy. The lawyer, like any other citizen, is answerable to law and can be proceeded against. The aggrieved person can initiate civil and criminal action. A judge or a member of judiciary, who is defamed by a lawyer, and for that matter by anyone, has a remedy in law. The Bar Council cannot and need not assume the role of a guardian of all those people who may be defamed by a lawyer. It has certainly does not have the jurisdiction, to repeat, it is in the province of the Parliament.

- x. There can be no two opinions that for man, his reputation is his greatest asset, sacrosanct, and the law should provide adequate remedies where a

man's reputation is injured without a valid reason. The classical Roman law and later the common law, sedulously safeguarded it. And the Indian Penal Code by virtue of Section 500 made it an offence punishable with simple imprisonment for a term which may extend to two years or with fine or with both. Besides it being a civil wrong, the person aggrieved has every means to vindicate his right and secure damages. It is difficult to fathom how and why the Bar Council is concerned only about an injury which a judge or a member of judiciary may suffer on account of even a derogatory, defamatory, motivated, malicious or mischievous statement made by an Advocate in the print, electronic or social media. One would wonder how the Bar Council could assume itself to be the legislature empowered to take cognizance of a private injury a judge or a member of a judiciary may suffer on account of a derogatory or defamatory statement by a lawyer in print, electronic or social media. The Parliament alone, for it represents us, the people, is competent to make a law, for a particular class of people, provided that such a law has a rational nexus with the object sought to be achieved. Otherwise, even the Parliament is not competent to make a class legislation, such a legislation being violative of Article 14. An Advocate does not in law surrender his constitutional and legal rights, and the protection which Articles 14, 19 and 21 guarantee, only because he/she has enrolled as an Advocate with the Bar Council.

- xi. The Bar Council, for reasons difficult to be fathomed brought into existence the said Sections which are impugned in the instant writ petition with undue hurry. Unlike the Parliament, the Bar Council is not immune from attack on the ground of malicious exercise of its powers. The Bar Council, the

Petitioners beg to submit with utmost respect, is a delegatee of the sovereign legislative powers of the Parliament, on account of constraints of time and even want of expertise, having been vested merely with the power of making Rules about details and procedure. The Bar Council has no power to make any substantive law which would take away or abridge the legal and fundamental rights of its members. The Rules under challenge, therefore, are ultra vires and void ab initio.

- xii. Through amendment under challenge, namely, Section V, apart from seeking to protect a judge or a member of judiciary from derogatory or defamatory statement by a lawyer in print, electronic or social media, the Bar Council seeks to protect itself of any such criticism. The Petitioners believe that in all of the common law history, there could not have been a legislation similar to the instant one, where the delegatee of a legislative power enacted a law to subserve its own cause. Except the Parliament, no other authority and certainly not authorities such as the Bar Council that are vested of delegated legislative power could enact a law which is self-serving. Way back in 1605, Chief Justice Coke held, in *Dr. Bonham v. College of Physicians*, 77 Eng. Rep. 638, that if the Parliament were to make a law making one of the parties to a dispute a judge thereof, such a law is utterly void and ineffective, namely, *Iniquum est aliquem rei sui esse judicem*. In *Dr. Bonham's* case, it was the Parliament which made such a law and not the College of Physicians. For the Bar Council to make a law, creating a protective shield for itself against criticism from lawyers, is against the first principles of natural justice. We live in an era where there is an increasing demand for a separate body for fixing the pay and emoluments for the members of Parliament, for it

is increasingly felt that for the members of Parliament to make a law directly benefitting themselves, is unfair. The Rules under challenge as aforesaid, therefore, are violative of Article 14 being unfair, inequitable and self-serving.

- xiii. Nothing could be more incredulous than for the Bar Council to enact a regulation such as Section V and V-A under challenge, protecting itself against criticism. As aforesaid, defamation is in the realm of private law. No state or instrumentality of state can ever claim to have suffered a legal injury such as defamation. To repeat, defamation is in the realm of private law. A private company, despite not being an animate entity, can claim damages for defamation. The reason is that the injury suffered is in the realm of private law. Government and public authorities like the Bar Council cannot ever be construed to have suffered, or be capable of suffering a legal injury like defamation which is in the province of private law. It is beyond comprehension how the Bar Council could have ever thought that it could stifle criticism, whether bona fide, malicious or motivated, by making a rule such as Section V and V-A under challenge. The Bar Council is incapable of suffering a legal injury on account of a malicious or motivated or defamatory statement, unlike a private person or a body corporate. The Bar Council is exercising a statutory duty and is not a business corporation to claim injury by virtue of a malicious statement.
- xiv. The Petitioners are not members of the State Bar Councils or Bar Council of India, nonetheless, the bar that “no member of any state Bar Council or Bar Council of India shall be permitted to publish ‘anything’ or to make ‘any’

statement or press release in print, electronic or social media against any resolution or order of the concerned State Bar Council or Bar Council of India or to make/use any derogatory or abusive language/comment/s/word/s against the Bar Council or its office-bearers or members.

- xv. It is difficult to believe that the Bar Council of India made such rules, which even the worst dictator, tyrant would not have thought to. The prohibition is absolute. The word employed is 'or'. The prohibition against publication is not merely against any derogative or abusive comments/words against the Bar Council, its office bearers or members. There is an absolute bar against publication of anything or making any statement or press release in the print, electronic or social media against any resolution or order of the State Bar Council or the Bar Council of India, which is an absolute infringement of the very freedom of speech and expression which is an integral component of the right to life, which is innate in every human being, recognized from time immemorial and guaranteed under Part III of the Constitution. The said Rules are, therefore, liable to be struck down as violative of the fundamental rights and as beyond the rule making power vested in the Bar Council.
- xvi. The Bar Council in its anxiety to bring the Amendment post haste, did not pay enough attention to even the wording of the Section. In Section V-A, instead of the words "State Bar Council concerned," the words employed are "the concerned State Bar Council." It is possible that the Bar Council framed the rules in the manner in which it has been done, which renders any statement, not merely ones which are derogatory or offensive, against a

resolution or order objectionable, on account of the undue haste. Had it been notified to the lawyers and given good publicity, it would have been a matter of discourse between lawyers and the deficiencies would have been pointed out and the Council would not have framed the Rules in the manner in which it has now been done.

- xvii. The Petitioners want to make it abundantly clear that they are not against any law enacted by a competent authority which will advance the cause of protection against malicious, defamatory, derogatory or injurious statements, in the print, electronic and social media, if there was indeed a need for such a legislation. The Petitioners believe that the existing laws are more than enough, and the Rules made by the Bar Council under challenge are impermissible, extremely dangerous and an unacceptable restriction on the freedom of speech and expression. It will completely demoralize lawyers who ought to be warriors of liberty and freedom, nay free speech.
- xviii. In short, the Section V and V-A under challenge is incapable of comprehension, viewed from a legal point of view. All this happened because the Bar Council was in haste, extreme haste for reasons difficult to be understood. It brought about the changes in great secrecy, and what prompted the Bar Council to bring in the amendments in such great hurry during the pandemic, remains shrouded in mystery. Otherwise, the Bar Council would have realized that it is none of its concern to make Rules for protecting the judges or members of judiciary from criticism from members of

the Bar. There exist more than enough laws to protect the judges against malicious, defamatory or derogatory attack on them.

- xix. The Petitioners, as stated at the very outset, believe that no lawyer, and for that matter no litigant or anyone, has a right to make any statement in the print, electronic or social media which is indecent or derogatory or defamatory, etc. Those who resort to such indecent or defamatory act shall face the consequences. The judge concerned is free to institute civil and criminal proceedings against the lawyer or litigant or member of the public who has defamed him/her. Besides that, there is the Contempt of Courts Act, 1971, and even Articles 129 and 215 which are very liberally invoked, unlike in rest of the world, where the Contempt law is in total disuse.
- xx. The law of Contempt belongs to the Dark Ages, it is a cathartic jurisdiction, meant to reform contemnor, the heretic. But even in those days, no one accused of contempt was convicted without a trial, and the contemnor was not punished if he had purged himself of the contempt by tendering an apology. In the 21st century, in India, an alleged contemnor is convicted without a trial and is sentenced even where he has tendered his apology. Such being the situation, and there being increasing disapproval of the regressive laws meant to stifle dissent and free speech, that the Bar Council chose to bring in the Amendments under question, that too in great secrecy and hurry during the pandemic, is extremely disturbing.
- xxi. The amendments under challenge are unconstitutional and void in as much as it is violative of the very right to life enshrined under Article 21 which takes

within its ambit the freedom of speech and expression, specifically enumerated in Article 19 (1) (a). The right to self-preservation and procreation is considered to be inalienable rights of a human being. Every man is born free. He/she is entitled to have the freedom to enjoy and utilize his faculties, and the most sacrosanct of that innate right is the freedom of speech and expression, so too, the freedom of conscience and thought. This freedom which has no boundaries is only subject to the similar right and freedom one's fellow human beings are equally invested of. The Petitioner's freedom of speech and expression is subjected to and limited by such similar and equal freedom which the Petitioner's fellow human beings are vested of. No one, therefore, has the right to injure another's reputation. Defamation, therefore, has been recognized as a tort from time immemorial and our laws recognize it and provide for vindication thereof where it is infringed, by way of Civil and Criminal proceedings. The restrictions which the Bar Council has sought to enforce by virtue of the amendments under challenge is in the realm of substantive law with respect to which there are adequate legislations in existence. Assuming there to be any deficiency, it is for the legislature alone to enact laws to suppress the mischief, if any, which it has noticed, and promote welfare. The Bar Council has no jurisdiction to bring in the Amendments which are under challenge and the said Amendments ultra vires Section 49 (1) of the Advocates Act, 1961, and is violative of Articles 14, 19 and 21 of the Constitution of India.

5. GROUNDS

- A. Grounds in support of the reliefs sought for are fairly elaborated in the statement of facts above and hence are not repeated. The Petitioner

respectfully submits that paragraphs i to xvi hereinabove may be read and treated as the grounds in support of the instant Writ Petition.

6. The Petitioner craves leave of this Hon'ble Court to add to, alter, amend and/or modify any of the aforesaid grounds as and when required.
7. The Petitioner states that requisite Court-fee as per Rules has been paid.
8. The Petitioner states that there is no period of limitation for preferring this Petition and hence the same is within limitation.
9. The Petitioner states that the Petitioner shall rely upon documents a list whereof is annexed hereto.

PRAYER

THE PETITIONER, THEREFORE, RESPECTFULLY PRAYS THAT THIS HON'BLE COURT BE GRACIOUSLY PLEASED TO:

- a) to declare that Sections V and V-A of Chapter II, Part VI of the Bar Council of India Rules, namely, Annexure P1, are unconstitutional and void being violative of Articles 14, 19 (1) (a), and 21 of the Constitution of India and ultra vires Section 49 (1) of the Advocates Act, 1961.

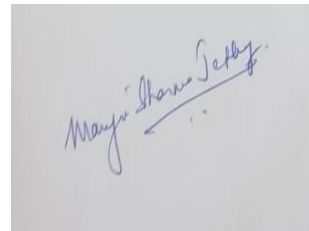
INTERIM PRAYER

- a) to issue an ad interim order staying the operation of Section V and V-A of Chapter II, Part VI of the Bar Council of India Rules, namely, Annexure P1,

pending final disposal of the above petition under Article 32.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONERS AS ARE
DUTY BOUND SHALL EVER PRAY

FILED BY:



Manju Jetley Sharma
Advocate for petitioners
AOR Code 350

Drawn by:
Mathews J Nedumpara
9820535428

NEW DELHI
DRAWN ON: 29/06/2021
FILED ON: 29/06/2021

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) NO.

OF 2021

IN THE MATTER OF -

ROHINI AMIN AND ANR

...PETITIONERS

VERSUS

BAR COUNCIL OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT

I, Rohini Amin, 47 years, adult, Indian Inhabitant, residing 502, Rehman House CHS, Nadirsha Sukhia Street, Fort Mumbai-400001, do hereby solemnly affirm and declare on behalf of myself and Petitioner No. 2 as under –

1. That I am the Petitioner No.1 in the accompanying Writ Petition and being so, I am well acquainted with the facts and circumstances of the instant case and thus duly competent to swear this Affidavit.
2. That the contents of Synopsis and List of Dates contained at Page Nos. B to C and the contents of the accompanying WP contained at Page Nos. 1 to 20 and the accompanying IAs have been drafted by my Counsel under my instructions and the averments made therein are true and correct to the best of my knowledge and belief.
3. That the annexures annexed with the accompanying WP are the true copies of their respective originals.



DEPONENT

VERIFICATION

Verified at Mumbai on this 29.06 2021, that the contents of the aforesaid Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.



DEPONENT



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-26062021-227925
CG-DL-E-26062021-227925

असाधारण
EXTRAORDINARY

भाग III—खण्ड 4
PART III—Section 4

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 259]

नई दिल्ली, शनिवार, जून 26, 2021/आषाढ़ 5, 1943

No. 259]

NEW DELHI, SATURDAY, JUNE 26, 2021/ASHADHA 5, 1943

भारतीय विधिज्ञ परिषद्

अधिसूचना

नई दिल्ली, 25 जून, 2021

मद संख्या 146/2020

(परिषद् की बैठक दिनांक 03.06.2020)

भारतीय विधिज्ञ परिषद् नियमावली के अध्याय-II में प्रस्तावित संशोधन धारा-V जोड़ने पर विचार और अधिवक्ताओं और/या अधिवक्ता संघों या विधिज्ञ परिषदों के सदस्यों के आचरण और शिष्टाचार के संबंध में स्पष्टीकरण।

संकल्प संख्या _____ / 2020

अधिवक्ता अधिनियम 1961 की धारा 7 (1)(बी)(सी)(डी)(जी)(एल) और (एम) सपटीत धारा 49 (1)(ए) और (एबी) में निहित कृत्यों के अनुसार भाग-VI अध्याय -II में निम्न संशोधन किये जाते हैं।

ये संशोधन अधिवक्ताओं द्वारा कदाचार से संबंधित मुद्दों को हल करने के लिए किए जा रहे हैं, जिनका विशेष रूप से प्रस्तावना या इस अध्याय के किसी भी खंड में उल्लेख नहीं किया गया है। अधिवक्ताओं के लिए पेशेवर आचरण और शिष्टाचार के मानकों को बनाए रखने और सुधारने के लिए इन नियमों को प्रविष्ट/जोड़ा जा रहा है।

भारतीय विधिज्ञ परिषद् नियमावली के भाग-VI, अध्याय-II में निम्नलिखित धारा-V जोड़ी जायेगी।

खंड-V अधिवक्ताओं का समाज और बार के प्रति कर्तव्य :-

अधिवक्ता अधिनियम, 1961 की धारा 49 (1)(सी) के तहत एक अधिवक्ता अपने दैनिक जीवन में स्वयम् को एक सज्जन पुरुष/सज्जन महिला के रूप में आचरण करेगा और वह कोई भी गैरकानूनी कार्य नहीं करेगा, वह प्रिंट, इलेक्ट्रॉनिक या सोशल मीडिया में कोई ऐसा बयान नहीं देगा, जो कि किसी भी न्यायालय या न्यायाधीश या न्यायपालिका के किसी सदस्य के विरुद्ध हो या राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् के विरुद्ध अभद्र या अपमानजनक, दुर्भावनापूर्ण या शरारत पूर्ण भावना से ऐसे आचरण को कदाचार माना जायेगा और कोई वकील भारतीय विधिज्ञ परिषद् के किसी आदेश या किसी भी संकल्प का किसी भी तरह से जानबूझकर उल्लंघन, अवहेलना या अवहेलना में संलग्न नहीं हो सकेगा। यदि संलग्न हुआ तो उसे कदाचार माना जायेगा। उपरोक्त कार्य/आचरण को कदाचार माना जाएगा और इसप्रकार का आचरण/उल्लंघन यह अधिवक्ता अधिनियम, 1961 की धारा 35 या 36 के तहत कार्यवाही के लिए उत्तरदायी बनायेगा।

धारा-5 ए:- विधिज्ञ परिषद् के सदस्यों के लिए आचार संहिता और अयोग्यता:

अधिवक्ता अधिनियम, 1961 की धारा 49 (1)(ए) और (एबी) के तहत नये नियम:-

(1) किसी भी राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् के किसी भी सदस्य को या किसी भी अधिवक्ता को संबंधित राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् के किसी भी संकल्प या आदेश के खिलाफ या विधिज्ञ परिषद् या उसके पदाधिकारियों या सदस्यों के खिलाफ कोई जानबूझकर अपमानजनक शब्द या अपमानजनक भाषा/टिप्पणी/अपमानजनक शब्द बनाकर उपयोग करके प्रिंट मीडिया, इलेक्ट्रॉनिक या सोशल मीडिया में कुछ भी प्रकाशित करने या कोई बयान या प्रेष विज्ञप्ति, करने की अनुमति नहीं है।

(2) किसी भी राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् के निर्णय को सार्वजनिक अनुक्षेत्र में विधिज्ञ परिषद् के किसी सदस्य द्वारा आलोचना या अनावश्यक आक्रमण/टीका टिप्पणी नहीं किया जाएगा।

(3) कोई भी अधिवक्ता या किसी भी राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् का कोई सदस्य राज्य विधिज्ञ परिषद् या भारतीय विधिज्ञ परिषद् के गरिमा को ठेस नहीं पहुँचायेगा।

(4) इस आचरसंहिता के उपर्युक्त खंड (I) से (III) का उल्लंघन अधिवक्ता अधिनियम, 1961 की धारा 35 के तहत "अन्य कदाचार" के रूप में माना जाएगा, और/या धारा-V और/या धारा-VA का उल्लंघन का परिणाम विधिज्ञ परिषद् से ऐसे सदस्य की सदस्यता को समाप्त कराने या निलंबित होने के लिए उत्तरदायी बना सकेगा।

नोट :-ज्ञातव्य है कि किसी प्रकार की स्वस्थ एवम् नेक नीयत से की गयी आलोचना जो "बिना किसी द्वेष-भाव" (Bona-fide) से की गयी हो, वैसे आलोचना को कदाचार नहीं माना जायेगा।

भारतीय विधिज्ञ परिषद् ऐसे अधिवक्ताओं (जैसाकि उपर्युक्त खंड (V) में उल्लेखित किया गया है) या विधिज्ञ परिषद् के किसी भी सदस्य को कदाचार को गंभीरता के आधार पर किसी भी अवधि के लिए किसी भी विधिज्ञ संघ या विधिज्ञ परिषद् में चुनाव लड़ने से अयोग्य घोषित कर सकती है। राज्य विधिज्ञ परिषद् अपने किसी सदस्य के द्वारा इन नियमों के उल्लंघन या इन नियमों के उल्लंघन के मामलों को भारतीय विधिज्ञ परिषद् को सूचित कर सकता है।

(5) किसी भी अधिवक्ता या विधिज्ञ परिषद् के सदस्य को चुनाव लड़ने से अयोग्य घोषित करने के लिए, भारतीय विधिज्ञ परिषद् के द्वारा "तीन सदस्यीय समिति" जिसमें उच्च न्यायालय के किसी पूर्व मुख्य न्यायाधीश या न्यायाधीश की अध्यक्षता वाली समिति से जाँच करने की आवश्यकता होगी। त्रिसदस्यीय समिति का गठन भारतीय विधिज्ञ परिषद् के द्वारा किया जायेगा और इसमें न्यायाधीश के अलावा दो सदस्य भारतीय विधिज्ञ परिषद् के कोई भी सदस्य या राज्य विधिज्ञ परिषद् का पदाधिकारी या कोई सदस्य या कोई अधिवक्ता (जिसकी 25 साल की वकालत हो), शामिल होगा।

(6) भारतीय विधिज्ञ परिषद् के द्वारा किसी भी ऐसे मामलों की सूचना मिलने पर, त्रिसदस्यीय समिति संबंधित अधिवक्ता या अधिवक्ताओं/सदस्य या सदस्यों को नोटिस जारी करेगी और उन्हें सुनवाई का अवसर देगी। भारतीय विधिज्ञ परिषद् समिति की रिपोर्ट पर विचार करने के बाद अपना निर्णय लेगी।

भारतीय विधिज्ञ परिषद् और/या उसके द्वारा गठित समिति/समितियों के समक्ष अयोग्यता की कार्यवाही प्राकृतिक न्याय के मापदंडों का अनुपालन करते हुए करेगी और इसे धारा 49 (1)(ए) और (एबी) के तहत पारित आदेश माना जाएगा।

अशोक कुमार पाण्डेय, संयुक्त सचिव

[विज्ञापन-III/4/असा./124/2021-22]

BAR COUNCIL OF INDIA

NOTIFICATION

New Delhi, the 25th June, 2021

Item No.146/2020

(Council Meeting dated 03.06.2020)

To consider the proposed amendments in Chapter-II of Bar Council of India Rules and to add Section-V in order to make certain clarifications with regard to conduct and etiquettes of Advocates and/or office-bearers of Bar Associations, Members of Bar Councils.

Resolution No. _____/2020

Amendment in Part-VI, Chapter-II of Bar Council of India Rules as per the functions contained under section 7(1)(b)(c)(d)(g) and (l) and (m) read with the section 49 (1)(a) and (ab) of Advocate Act, 1961.

These amendments are being made in order to address issues with regard to misconduct by Advocate/s, which have not been specifically mentioned in the Preamble or any of the Sections of this Chapter. These Rules are introduced/added with a view to maintain and improve the standards of professional conduct and etiquette for Advocates.

The following Section-V shall be added in Part-VI, Chapter-II of the Bar Council of India Rules:—

Section-V - Duties towards Society and Bar:—

[Under Section 49(1)(c) of the Advocates Act, 1961]

An Advocate shall conduct himself/herself as a gentleman/gentle lady in his/her day to day life and he/she shall not do any unlawful act, he/she shall not make any statement in the Print, Electronic or Social Media, which is indecent or derogatory, defamatory or motivated, malicious or mischievous against any Court or Judge or any member of Judiciary, or against State Bar Council or Bar Council of India nor shall any Advocate engage in any willful violation, disregard or defiance of any resolution or order of the State Bar Council or Bar Council of India and any such act/conduct shall amount to misconduct and such Advocates would be liable to be proceeded with under Section-35 or 36 of the Advocates' Act, 1961.

Section-VA: — Code of conduct and Disqualification for members of Bar Councils:

[under Section 49(1)(a) and (ab) of the Advocates Act, 1961]

(i) No Member of any State Bar Council or of Bar Council of India shall be permitted to publish anything or to make any Statement or Press-Release in Print, Electronic or Social Media against any Resolution or Order of concerned State Bar Council or Bar Council of India or to make/use any derogatory or abusive language/comment/s/ word/s against the Bar Council or its office-bearers or members.

(ii) The Decision of any State Bar Council or Bar Council of India shall not be criticized or attacked by any Member/s of Bar Council in public domain.

(iii) No Advocate or any Member of any State Bar Council or the Bar Council of India shall undermine the dignity or authority of the State Bar Council or Bar Council of India.

(iv) The Violation of this above mentioned clause (i) to (iii) of this code of conduct may amount to other misconduct under Section 35 of Advocates Act, 1961, and /or violation of Section-V and/or V-A shall

result in suspension or removal of membership of such member from the Bar Council. The Bar Council of India may declare such Advocates (as mentioned above in Section-V) or any Member of Bar Council to be disqualified from contesting the elections of any Bar Association or Bar Council for any period, depending on the gravity of the misconduct. The State Bar Council/s may refer the matters of misconduct or violation of these Rules by any of its members to Bar Council of India.

Note: Provided that a healthy and bona-fide criticism made in good faith, shall not be treated as a “misconduct”;

(v) For declaring any Advocate or Member of Bar Council as disqualified from contesting the elections as aforesaid, Bar Council of India shall be required to hold an inquiry by a “3 Member Committee” headed by a Former Chief Justice or a former Judge of any High Court. The Committee shall be constituted by the Bar Council of India and may consist of any member of Bar Council of India or a Member or Office-Bearer of any State Bar Council or any Advocate with a minimum of 25 years of standing at the Bar.

(vi) After any such reference of any case by Bar Council of India, the committee shall issue notice to the concerned Advocate(s)/ Member(s) and give him/her/them opportunity of hearing. Bar Council of India shall take its decision after consideration of the report of the Committee.

(vii). The proceedings for disqualification before the Bar Council of India and/or the Committee/s constituted by it shall follow the norms of natural Justice and it will be deemed to be an order passed under Section 49(1)(a) or 49(1)(ab).

ASHOK KUMAR PANDEY, Jt. Secy.

[ADVT.-III/4/Exty./124/2021-22]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.

OF 2021

IN THE MATTER OF –

ROHINI AMIN AND ANR

...PETITIONERS

VERSUS

BAR COUNCIL OF INDIA & ORS

...RESPONDENTS

APPLICATION SEEKING EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA, ATTESTED AFFIDAVIT AND WELFARE STAMP

TO,
HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUDGES OF
THE SUPREME COURT OF INDIA

THE APPLICATION OF THE HUMBLE PETITIONER
ABOVE NAMED

MOST RESPECTFULLY SHOWETH:-

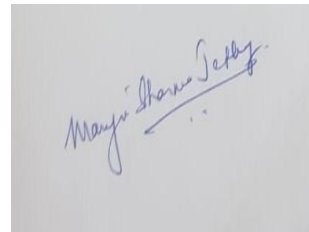
1. The instant Writ Petition has been preferred by the humble Petitioner under Article 32 of Constitution of India, inter-alia, seeking kind indulgence of this Hon'ble Court to declare, Sections V and V-A of Chapter II, Part VI of the Bar Council of India Rules, namely, Annexure P1, are unconstitutional and void being violative of Articles 14, 19 (1) (a), and 21 of the Constitution of India and ultra vires Section 49 (1) of the Advocates Act, 1961.

2. The factum probandum of the instant case have been duly furnished by the humble Petitioner in the accompanying Petition and the contents thereof are not being reiterated for the sake of brevity and to avoid prolixity. However, the humble Petitioner seeks kind leave and liberty of this Hon'ble Court to refer and rely upon the same in the interest of justice, equity and good conscience.
3. That due to the COVID-19 pandemic, the humble Petitioner is unable to get the accompanying Affidavit attested and they are further unable to affix requisite Welfare Stamp on the Vakalatnama and further unable to enclose the Original Vakalatnama duly signed by the Petitioner, along with the accompanying Petition.
4. Hence, the humble Petitioner is seeking kind exemption from filing the Attested Affidavit, Welfare Stamp and Original Vakalatnama with the accompanying Petition in the interest of justice and undertake to furnish the same after resumption of the normal functioning.
5. Hence this Application which is bonafide and in the interest of justice.
6. **PRAYER:** It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to –
 - a) Allow the instant Application and thus **grant exemption to the Petitioner from submitting Original Vakalatnama, Attested Affidavit** in support of the instant Petition **and Welfare Stamp on the Vakalatnama** in view of COVID-19; and/or

b) Pass any other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER IS DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:

A photograph of a handwritten signature in blue ink on a white background. The signature is written in a cursive style and reads "Manju Jetley Sharma".

Manju Jetley Sharma
Advocate for Petitioner
AOR Code 350

Drawn by:
Mathews J Nedumpara
9820535428

NEW DELHI

DRAWN ON: 07/05/.2021

FILED ON: 08/05/.2021

DEPONENT

1. That the instant Writ Petition has been preferred by me under Article 32 of Constitution of India, inter-alia, seeking kind indulgence of this Hon'ble Court for their much needed interference.
2. The Petitioners are instituting the instant writ petition for a declaration that Section V and V-A added to Part VI, Chapter II of the Bar Council of India Rules is void being violative of Section 49 (1) of the Advocates Act, 1961 and the fundamental rights guaranteed under Part III of the Constitution, in particular, Articles 14, 19 (1) (a), 19 (1) (c) and 21. The aforesaid provisions smacks of the fundamental right to freedom of speech which possesses a liked and significant position in the hierarchy of liberties, therefore to turn a blind eye to this draconian provision would tantamount to a bull in a china shop. If the instant WPC is not immediately listed before the Hon'ble

Court then undoubtedly it will have wide ramifications upon the celebrated right enshrined under Article 19(1)(a) of the Constitution of India.

3. That, thus, in view of the urgency involved in the instant matter, the humble Petitioner is praying for Urgent Listing of captioned Writ Petition (Civil)before the Hon'ble Court, at the earliest.

Thanking You,

.....

DEPONENT

VERIFICATION

Verified at Mumbai on this 29/06/2021, that the contents of the aforesaid Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

.....

DEPONENT

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2021
IN THE MATTER OF -
ROHINI AMIN AND ANR ...PETITIONERS
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BAR COUNCIL OF INDIA & ORS ...RESPONDENTS

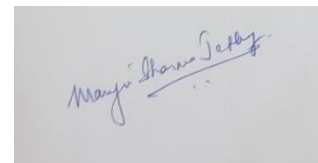
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			TOTAL	RS.

Certified that the copies are correct

Filed on: 29.06.2021.

filed by:



Manju Jetley Sharma
Advocate-on-Record
AOR CODE 350
For Petitioners
Supreme Court of
India
New Delhi – 110001.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2021
IN THE MATTER OF –

ROHINI AMIN AND ANR _____PETITIONERS

VERSUS

BAR COUNCIL OF INDIA & ORS _____RESPONDENTS

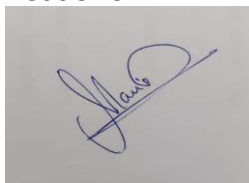
VAKALATNAMA

We, the Petitioners in the above Petition, do hereby appoint and retain **Ms. Manju Jaitley, Advocate-on-Record** of the Supreme Court to act and appear for me/us in the above Proceedings/Suit/ Appeal/ Petition/ Reference and or my /our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/ or behalf in the said Suit Appeal/ Petition Reference and in application of Review, and to represent me/us and to take all necessary steps on my /our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 29th day of June 2021.

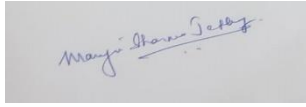


Petitioner 1



Petitioner 2

Accepted, Certified and satisfied

A rectangular box containing a handwritten signature in blue ink. The signature appears to read 'Manju Jetley Sharma'.

Manju Jetley Sharma
Advocate-on-Record
AOR CODE 350
For Petitioners
Supreme Court of India
New Delhi – 110001.

Place: Delhi
Date: 07.05.2021.

MEMO OF APPEARANCE

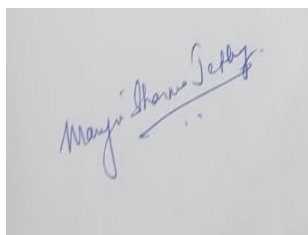
**To,
The Registrar,
Supreme Court of India
New Delhi**

Sir,

**Please enter my appearance on behalf of the Petitioner(s)
/Appellant(s)/ Respondent(s) /Intervener in the matter above
mentioned.**

Dated this the 29th day of June, 2021.

Yours Sincerely,

A photograph of a handwritten signature in blue ink on a light-colored surface. The signature is written in a cursive style and appears to read 'Manju Jaitley'.

(Manju Jaitley)

Advocate-on-Record for the Petitioner

AoR.Reg.No.350,

Sai Krupa, A-491, Sarita Viharr, New Delhi – 110 076

M: 9212325285, E: manjusatsam@gmail.com.

MODIFIED CHECK LIST

Sl. No.	Particulars	Yes/ No
1.	Writ Petition has been filed in form 32 with certificate ?	Yes
2.	The petition is as per the provision of Order XXXVIII Rule 1?	Yes
3.	The paper of Writ Petition have been arranged as per order in Supreme Court Rules 2013?	Yes
4.	Brief list of dates/ events has been filed?	Yes
5.	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index?	Yes
6.	Proper and required numbers of paper-books (1+3) have been?	Yes
7.	The contents of the petition/appeal, applications and accompanying documents are clear, legible and typed in double space on one side of the paper.?	Yes
8.	The particulars of the impugned judgement passed by the courts below are Uniformly written in all documents ?	NA
9.	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate?	NA
10.	If the petition is time barred, whether application for condonation of delay mentioning the no. of days of delay, with affidavit and court fee been filed?	NA
11.	The Annexures referred to in the petition are true copies of the documents before the Court below and are filed in chronological order as per list of dates.?	Yes
12.	The Annexures referred to in the petition are filed and index separately and not marked collectively	Yes
13.	The relevant provisions of the Constitution, Statutes, Ordinances, Rules, Regulations, Bye-laws, Orders etc referred to in the impugned Judgement/order has been filed as appendix to the Writ Petition	Yes
14.	In Writ Petition against the order passed in second appeal, copies of the order by the Trial Court and first appellate court have been filed	NA
15.	The complete listing proforma has been filled in, signed and included in paper book	Yes
16.	In a petition (PIL) filed under Clause (d) Rule 12(1) of Order XXXVIII The petitioner has disclosed: (a) His full name, complete postal address, e-mail address, Phone number, proof regarding personal identification, Occupation and annual income, PAN Number and National Unique Identity card number if any;	NA

	(b) The facts constituting the cause of action; (c) Nature of injury caused or likely to be caused to the public (d) The nature and extent of personal interest if any of the Petitioners; (e) Details regarding any civil, criminal or revenue litigation, Involving the petitioner or any other petitioners which has or Could have any legal nexus with the issue involved in the Public interest litigation.	
17.	If any identical matter is pending/disposed of by the Honourable Supreme Court, the complete particulars of such matter has been given?	NA
18.	The statement in terms of the order XIX Rule 3(1) of Supreme Court Rules 2013 has been given in the petition?	Yes
19.	Whether a bank draft of Rs. 50,000/ or 50% of the amount whichever is Less has been deposited by the person intending to appeal if required to be Paid as per the order of NCDRC, in term of Section 23 of the Consumer Protection act 1986?	NA
20.	In case of appeal under Armed forces tribunal Act, 2007 the petitioner/appellant Has moved the armed force tribunal for granting certificate for leave to appeal To the Supreme Court?	NA
21.	All the paper books to be filed after curing the defects shall be in Order?	Yes

Date : 29.06.2021.