

Statement by Navroz H. Seervai

The Bar Council of Maharashtra and Goa has purported to issue a “unanimous” Full House Resolution” seeking to represent the interest of 1,75,000 lawyers and supporting the contempt verdict against Prashant Bhushan.

The Resolution is a servile, self-serving attempt by the Bar Council to curry favour with the Chief Justice of India, to whom it has been forwarded. Its cringing language reads more like a confession wrung out from the accused during the great show-trials in 1930s USSR, rather than a resolution of any substance, passed by a responsible statutory body in accordance with the limited powers conferred upon it under the Advocates Act, 1961. It is not without significance that it mouths the phrase “ dealt with Iron hand (sic)”, thereby aping the language of the judgment it so enthusiastically supports!

This attempt by the Bar Council to arrogate to itself the power and authority to speak on behalf of and purport to represent 1,75,000 advocates, is illegal and improper. It is a usurpation of power not conferred upon it by statute, and speaks eloquently to the irresponsible manner in which the Bar Council misconducts itself. It calls for the strongest condemnation from lawyers and Bar Associations in Maharashtra and Goa.

I unequivocally repudiate this attempt by the Bar Council to represent my views on the judgment of the Supreme Court in *Prashant Bhushan*. In fact, my publicly stated position is to the contrary. The Bar Council, acting through it’s “Full House”, needs to be disabused of the grandiose notion that it represents the opinions of thousands of lawyers in the states of Maharashtra and Goa—it simply has no right or authority to do so in this fashion. That is a function, if at all, exclusively of Bar Associations of which lawyers are members. The Full House Resolution said to be passed on 19th August 2020 does not and cannot speak for all members of the Bar, and it certainly does not speak for me.