

**CJ & SSMJ:**  
11.02.2021

**ORDER**

During the last two months, some instances of the Bar Associations abstaining from Court work have been brought to the notice of the Court. In fact, there was an appeal made by one of us (The Chief Justice) to the Presidents and Office Bearers of the Bar/Advocates' Associations in Karnataka on 3<sup>rd</sup> February 2021 calling upon them not to abstain from Court work or boycott Court work in the light of the law laid down by the Apex Court in the case of ***Ex-Captain Harish Uppal vs. Union of India and others***<sup>1</sup>.

2. The report submitted by the Registry shows that the Bar Association, Mandya abstained from Court work on 4<sup>th</sup> January 2021. The Bar Association at Maddur gave a call for abstaining from Court work on 4<sup>th</sup> January 2021, 15<sup>th</sup> January 2021 and 6<sup>th</sup> February 2021. The Bar Associations at Srirangapatna, Malavalli and Krishnarajapete abstained from Court work on 4<sup>th</sup> January 2021. The Bar Association at Pandavapura abstained from Court work on 4<sup>th</sup> January 2021, 15<sup>th</sup> January 2021 and 30<sup>th</sup> January 2021. The Bar Association at Davanagere abstained from Court work on 29<sup>th</sup> January 2021 and

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<sup>1</sup> **2003) 2 SCC 45.**

on 8<sup>th</sup> February 2021. Thus, at least two Bar Associations have taken recourse to giving a call to abstain from the Court works after the appeal was made on 3<sup>rd</sup> February 2021 by the Chief Justice.

3. Apart from the fact that in view of the decision of the Apex Court referred above, such actions may *prima facie* amount to a criminal contempt, it must be noted here that due to the pandemic of COVID-19 and lockdown, the functioning of the Courts was adversely affected which brought about sufferings to the litigants as well as to the members of the Bar. Now that the normalcy has been substantially restored, the Bar Associations are taking recourse to strikes or boycotts. The lockdown and consequent limited functioning of the Courts have resulted in increasing arrears of cases and therefore, it is all the more necessary for the Bar Associations to avoid such actions.

4. We, therefore, direct the Registry to initiate separate *suo motu* contempt proceedings against the Office Bearers of the aforesaid Bar Associations which gave calls to abstain from Court work. Separate contempt petitions for initiating *suo motu* proceedings shall be filed to which, the Office Bearers of the Bar Associations shall be made parties. We make it clear that the

object of initiating the proceedings is to ensure that the concerned Associations co-operate with the Court in disposal of cases and the law laid down by the Apex Court is respected by all concerned. The object is not to penalize any one.

5. The Registrar General to take a note of this order and take appropriate steps.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

\*alb/-.