

2. Meenakshi Arora

Since 1986, she has been a [Supreme Court lawyer](#). In 1989, she became an Advocate-on-Record at the Supreme Court to deal with appeal matters from lower courts.

She had even, for a brief time, worked with Goodwin and Soble, an international law firm based in Washington DC. Later she came back to India and became a partner in Hemant Sahai and Associates.

In 2010, her name was recommended by a Judges' collegium for elevation as a judge of the Delhi High Court. However, she withdrew her consent from it. She was also the standing counsel for the Election Commission of India.

Eventually, in September 2013, a full bench of the Supreme Court designated her as a senior advocate becoming only the fifth woman to be so titled.

She was also one of the members of the drafting committee which drafted the regulations of the Gender Sensitization & Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal), Regulations, 2013 to protect and provide grievance redressal to women lawyers from sexual harassment at the Supreme Court.

4. Pinky Anand

She is a designated senior advocate as well as a politician. She is presently serving as the Additional Solicitor General of India at the Supreme Court.

She graduated from Lady Shri Ram College, New Delhi and eventually received her LLB degree from Faculty of Law, University of Delhi.

Her career-changing court case was when she, then a junior in law, appeared against the then reputed jurist L. M. Singhvi and eventually won.

In 1980, she was elected as the first woman Secretary of Delhi University Students Union (DUSU) – winning with the highest number of votes. Later that year, she joined Harvard University to receive a Masters in Law. She was the head of All-India Legal Cell at BJP and is a former Additional Advocate-General for the State of Uttarakhand.

She is an expert in the field of Constitutional Law, [property](#), private international law, family law, environmental law and corporate law

7. Meenakshi Lekhi

She is presently a Supreme Court lawyer, Member of Parliament in the Lok Sabha from New Delhi constituency. She is also the national spokesperson of BJP.

She has been a part of the Drafting Committees for Bills like 'Women's Reservation Bill' and 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill'. The latter was passed by the Parliament as an Act in 2013. Meenakshi Lekhi represented the media in court to get the ban on media coverage of case proceedings revoked. She was successful in this effort.

She took up the case of permanent commissioning of women in the Indian armed forces in the Supreme Court. She represented the victim in the Shanti Mukund Hospital rape case.

Role of Bar Council of India

Section 4 of the advocates act 1961 mentioned about the establishment of Bar Council of India and further section 7 explains about the function of BCI, wherein clause (b) conferees power to BCI to lay standards of professional conduct and etiquettes of advocates[5]. according to verdicts of courts, the BCI should ensure that lawyers should not involve in strikes and protest. However, there are instances where BCI itself had called lawyers for strikes. The judgment pronounced in the case of Ex-Capt. Harish Uppal v Union of India and Another[6] wherein the supreme court made it clear that “lawyers have no right to strike. No Bar Council or Bar Association can permit calling of a meeting for purposes of considering a call for strike or boycott and requisition. Only in the rarest of rare cases where the dignity, integrity, and independence of the Bar and/or the Bench are at issue, courts may ignore to a protest abstention from work for not more than one day”. In Krishnakant Tamrakar v State of Madhya Pradesh[7], the supreme court held that frequent strikes by lawyers are illegal as they obstruct access to justice. The further court also observed that such actions amount to contempt of court and office. In Common Cause a Registered Society v. Union of India and Others[8] in this case it was held that, if any associations of advocates call for a strike, then the State Bar Council or the Bar Council of India must take actions against those persons who call for strike In another case of Praveen Pandey v. State of Madhya Pradesh and othrs[9] wherein the court held “the decision of the State Bar Council calling upon the Advocates in the State to observe a week-long protest and to abstain from all judicial works and Court

proceedings is illegal, unconstitutional and against the statutory provisions as well as contrary to the judgments of the Supreme Court”

Reasons for denying Lawyers the right to strike.

The fundamental duty of Judiciary is to serve people who are seeking justice for themselves and in order to do so its very important that every branch of it must coordinate and cooperate with each other. Any deficiency in the system would lead to the violation of the fundamental right to speedy trial guaranteed by article 21 of the constitution. Therefore the call for a strike by lawyers has an adverse effect in the functioning of the judiciary. The frequent protest and strikes interfere with the administration of justice that leads to delay in the trial of cases and ultimately resulting in the pendency of cases. From time to time the supreme court in its various judgments had resorted the right to strike by lawyers and directed the litigants to work efficiently for justice without any failures.

The division bench comprising of justice AK Goel and UU Lalit in

Krishnakant Tamrakar v State of Madhya Pradesh

[10] stated “By every strike, irreversible damage is suffered by the judicial system, particularly consumers of justice. They are denied access to justice. Taxpayers’ money is lost on account of judicial and public time being lost. Nobody is accountable for such loss and harassment” In Hussain and Anr. v Union of India[11] the court said “Hardships faced by

witnesses if their evidence is not recorded on the day they are summoned or impact of delay on under trials on account of avoidable interruptions of court proceedings is a matter of concern for any responsible body of professionals and they must take appropriate steps. This needs the attention of all concerned authorities and ways and means ought to be found to tackle this menace....Judicial services and legal services are missions for serving society. The mission is not achieved if the litigant who is waiting in the queue does not get his turn for a long time.”

Ex-Capt. Harish Uppal v Union of India and Another

[12] It is settled law that it is unprofessional as well as unbecoming for a lawyer who has accepted a brief to refuse to attend Court even in pursuance of a call for strike or boycott by the Bar Association or the Bar Council. It is settled law that Courts are under an obligation to hear and decide cases brought before it and cannot adjourn matters merely because lawyers are on strike.

Solutions to the Grievances of lawyers:

The ban imposed on strikes by lawyers is justified as consequences of strikes were corroding the roots of the judiciary. However, it is also important to safeguard the interest of the advocates, so that the functioning of the legal system should be balanced. Section 7 clause (d) of the advocate's act 1961 explains the functions of Bar Council of India to safeguard the rights, privileges, and interest of advocates [13] therefore abiding by the rules grievances of

lawyers must be heard and further steps should be taken to tackle their issues that they are facing.

In 266th report of law commission of India a suggestion has been made that at every district headquarters, the District Judge may constitute an Advocates' Grievance Redressal Committee headed by a Judicial Officer which will deal with the day to day routine matters, a large number of issues and grievances arise in the smooth working of the advocates. In this regard, the High Court may issue a circular in an exercise of its power under article 235 of the Constitution providing for redressal of grievances of the Advocates which will help in improving their efficiency. In case there is some grievance against a Judicial Officer, the Bar may raise the grievance before the Chief Justice of the concerned High Court. taking these suggestions into consideration[14]. Taking these suggestions into consideration the grievances of advocates can be construed to a greater extent that will ultimately help in curbing the menace of strikes by lawyers.

Conclusion:

In a nutshell, strikes by lawyers are beyond the scope of art 19 of the constitution. There are the certain profession that should be treated alike as they had a motto to serve the society at large and legal profession is one of them that needs to work towards providing justice to people without any delay. The landmark judgment of Ex-Capt. Harish case had declared the strikes by advocates as illegal and only in rare of rarest case lawyers can call for strikes as pointed by the supreme court in the judgment. The lawyers have the

right to demand solutions of their grievances but not at the cost of their client's right who had to suffer because of such strikes that lead to the delay in the procedure of giving justice to people.