Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.21/2026

Date of Order: 08.10.2026

Registrar General, High Court of Meghalaya Vs. State of Meghalaya & ors

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice
Hon'ble Mr. H.S. Thangkhiew, Judge

Appearance:

For the Petitioner : -

For the Respondents : Mr. N.D. Chullai, AAG with
Mr. A.S. Dey, Sr.GA
Mrs. S. Laloo, GA

The aforesaid petition has been registered as a suo motu petition in view of the call for abstention of judicial work given by the Shillong Bar Association and the High Court of Meghalaya Bar Association to all districts vide resolution dated **30th September, 2026**. The abstention from judicial work as per the resolution is from 1st October, 2026, to all the Bar Associations in the districts of Meghalaya, until the Government of Meghalaya removes the Advocate General from his post.

2. Registry has placed before us the data of all the districts, including that of the High Court. The said data reveals that the abstention has affected/impacted judicial work and as such, administration of justice. The abstention of lawyers from court

work in the High Court and all districts except Baghmara district, has left litigants unrepresented. Rightly so, Baghmara Bar Association has refused to support the call, as joining the call would be contrary to the judgment of the Apex Court in ***Ex-Capt. Harish Uppal v. Union of India*** reported in ***(2003) 2 SCC 45***. We applaud their decision and their stand in abiding by the law.

3. The law with respect to when contempt can be issued by courts when a Bar Association goes on a strike is no longer *res integra*. The Constitution Bench judgment of the Apex Court in ***Ex-Capt. Harish Uppal*** case (supra) has specifically observed and held that lawyers have no right to go on strike or even token strike or to give a call for strike. The Apex Court has in paragraphs 20, 21 22, 25, 26 and 35 observed as under:

> "*20.* ***Thus the law is already well settled. It is the duty of every Advocate who has accepted a brief to attend trial, even though it may go on day to day and for a prolonged period. It is also settled law that a lawyer who has accepted a brief cannot refuse to attend Court because a boycott call is given by the Bar Association. 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***

them and cannot adjourn matters merely because lawyers are on strike. The law is that it is the duty and obligation of Courts to go on with matters or otherwise it would tantamount to becoming a privy to the strike. It is also settled law that if a resolution is passed by Bar Associations expressing want of confidence in judicial officers, it would amount to scandalising the Courts to undermine its authority and thereby the Advocates will have committed contempt of Court. Lawyers have known, at least since Mahabir Singh case that if they participate in a boycott or a strike, their action is ex-facie bad in view of the declaration of law by this Court. A lawyer's duty is to boldly ignore a call for strike or boycott of Court/s. Lawyers have also known, at least since Roman Services case, that the Advocates would be answerable for the consequences suffered by their clients if the non-appearance was solely on grounds of a strike call.

21. It must also be remembered that an Advocate is an officer of the Court and enjoys special status in society. Advocates have obligations and duties to ensure smooth functioning of the Court. They owe a duty to their client. ***Strikes interfere with administration of justice. They cannot thus disrupt Court proceedings and put interest of their clients in jeopardy****. In the words of Mr. H. M. Seervai, a distinguished jurist:*

> *"Lawyers ought to know that at least as long as lawful redress is available to aggrieved lawyers, there is no justification for lawyers to join in an illegal conspiracy to commit a gross, criminal contempt of court, thereby striking at the heart of the liberty conferred on every person by our Constitution. Strike is an attempt to interfere with the administration of justice. The principle is that those who have duties to discharge in a court of justice are protected by the law and are shielded by the*

law to discharge those duties, the advocates in return have duty to protect the courts. For, once conceded that lawyers are above the law and the law courts, there can be no limit to lawyers taking the law into their hands to paralyse the working of the courts. 'In my submission', he said that 'it is high time that the Supreme Court and the High Courts make it clear beyond doubt that they will not tolerate any interference from anybody or authority in the daily administration of justice. For in no other way can the Supreme Court and the High Courts maintain the high position and exercise the great powers conferred by the Constitution and the law to do justice without fear or favour, affection or ill-will."

22. It was expected that having known the well-settled law and having seen that repeated strikes and boycotts have shaken the confidence of the public in the legal profession and affected administration of justice, there would be self-regulation. The abovementioned interim order was passed in the hope that with self- restraint and self-regulation the lawyers would retrieve their profession from lost social respect. The hope has not fructified. Unfortunately strikes and boycott calls are becoming a frequent spectacle. Strikes, boycott calls and even unruly and unbecoming conduct are becoming a frequent spectacle. On the slightest pretence strikes and/or boycott calls are resorted to. The judicial system is being held to ransom. Administration of law and justice is threatened. The rule of law is undermined.

23. It is held that submissions made on behalf of Bar Councils of U.P. merely need to be stated to be rejected. The submissions based on Advocates Act are also without merit. Section 7 of the Advocates Act provides for the functions of the Bar Council of India. None of the functions mentioned therein authorise paralysing of the working of Courts in any manner. On the contrary, Bar Council of India is enjoined with the duty of laying down standards of professional conduct and

etiquette for advocates. This would mean that the Bar Council of India ensures that Advocates do not behave in unprofessional and unbecoming manner. Section 48-A gives a right to the Bar Council of India to give directions to State Bar Councils. The Bar Associations may be separate bodies but all Advocates who are members of such Association are under disciplinary jurisdiction of the Bar Councils and thus the Bar Councils can always control their conduct. Further even in respect of disciplinary jurisdiction the final appellate authority is, by virtue of Section 38, the Supreme Court.

25. In the case of Supreme Court Bar Association v. Union of India, it has been held that professional misconduct may also amount to Contempt of Court (para 21). It has further been held as follows:

> *"79. An advocate who is found guilty of contempt of court may also, as already noticed, be guilty of professional misconduct in a given case but it is for the Bar Council of the State or Bar Council of India to punish that advocate by either debarring him from practice or suspending his licence, as may be warranted, in the facts and circumstances of each case. The learned Solicitor-General informed us that there have been cases where the Bar Council of India taking note of the contumacious and objectionable conduct of an advocate, had initiated disciplinary proceedings against him and even punished him for 'professional misconduct', on the basis of his having been found guilty of committing contempt of court. We do not entertain any doubt that the Bar Council of the State or Bar Council of India, as the case may be, when apprised of the established contumacious conduct of an advocate by the High Court or by this Court, would rise to the occasion, and take appropriate action against such an advocate. Under Article 144 of the Constitution 'all authorities, civil and judicial, in the territory of India shall act in aid of the*

Supreme Court'. The Bar Council which performs a public duty and is charged with the obligation to protect the dignity of the profession and maintain professional standards and etiquette is also obliged to act 'in aid of the Supreme Court'. It must, whenever facts warrant, rise to the occasion and discharge its duties uninfluenced by the position of the contemner advocate. It must act in accordance with the prescribed procedure, whenever its attention is drawn by this court to the contumacious and unbecoming conduct of an advocate which has the tendency to interfere with due administration of justice. It is possible for the High Courts also to draw the attention of the Bar Council of the State to a case of professional misconduct of a contemner advocate to enable the State Bar Council to proceed in the manner prescribed by the Act and the Rules framed thereunder. There is no justification to assume that the Bar Councils would not rise to the occasion, as they are equally responsible to uphold the dignity of the courts and the majesty of law and prevent any interference in the administration justice. Learned counsel for the parties present before us do not dispute and rightly so that whenever a court of record records its findings about the conduct of an advocate while finding him guilty of committing contempt of court and desires or refers the matter to be considered by the Bar Council concerned, appropriate action should be initiated by the Bar Council concerned in accordance with law with a view to maintain the dignity of the courts and to uphold the majesty of law and professional standards and etiquette. Nothing is more destructive of public confidence in the administration of justice than incivility, rudeness or disrespectful conduct on the part of a counsel towards the court or disregard by the court of the privileges of the Bar. In case the Bar council, even after receiving 'reference' from the Court, fails to take

action against the advocate concerned, this Court might consider invoking its powers under Section 38 of the Act by sending for the record of the proceedings from the Bar Council and passing appropriate orders. Of course, the appellate powers under Section 38 would be available to this Court only and not to the High Courts. We, however, hope that such a situation would not arise.

80. In a given case it may be possible, for this Court or the High Court, to prevent the contemner advocate to appear before it till he purges himself of the contempt but that is much different from suspending or revoking his licence or debarring him to practise as an advocate. In a case of contemptuous, contumacious, unbecoming or blameworthy conduct of an Advocate-on-Record, this Court possesses jurisdiction, under the Supreme Court Rules itself, to withdraw his privilege to practice as an Advocate-on- Record because that privilege is conferred by this Court and the power to grant the privilege includes the power to revoke or suspend it. The withdrawal of that privilege, however, does not amount to suspending or revoking his licence to practice as an advocate in other courts of tribunals."

Thus a Constitution Bench of this Court has held that the Bar Councils are expected to rise to the occasion as they are responsible to uphold the dignity of Courts and majesty of law and to prevent interference in administration of justice. In our view it is the duty of the Bar Councils to ensure that there is no unprofessional and/or unbecoming conduct. This being their duty no Bar Council can even consider giving a call for strike or a call for boycott. It follows that the Bar Councils and even Bar Associations can never consider or take seriously any requisition calling for a meeting to consider a call for a strike or a call for

boycott. Such requisitions should be consigned to the place where they belong viz. the waste-paper basket. In case any Association calls for a strike or a call for boycott the concerned State Bar Council and on their failure the Bar Council of India must immediately take disciplinary action against the Advocates who give a call for strike and if the Committee Members permit calling of a meeting for such purpose against the Committee Members. Further it is the duty of every Advocate to boldly ignore a call for strike or boycott*.*

26. It must also be noted that Courts are not powerless or helpless. Section 38 of the Advocates Act provides that even in disciplinary matters the final Appellate Authority is the Supreme Court. Thus, even if the Bar Councils do not rise to the occasion and perform their duties by taking disciplinary action on a complaint from a client against an advocate for non-appearance by reason of a call for strike or boycott, on an Appeal the Supreme Court can and will. ***Apart from this, as set out in Roman Services case, every Court now should and must mulct Advocates who hold vakalats but still refrain from attending Courts in pursuance of a strike call with costs. Such costs would be in addition to the damages which the Advocate may have to pay for the loss suffered by his client by reason of his non-appearance****.*

35. ***In conclusion it is held that lawyers have no right to go on strike or give a call for boycott, not even on a token strike. The protest, if any is required, can only be by giving press statements, TV interviews, carrying out of Court premises banners and/or placards, wearing black or white or any colour arm bands, peaceful protest marches outside and away from Court premises, going on dharnas or relay fasts etc. It is held that lawyers holding vakalats on behalf of their clients cannot refuse to attend Courts in pursuance to a call***

for strike or boycott. All lawyers must boldly refuse to abide by any call for strike or boycott. No lawyer can be visited with any adverse consequences by the Association or the Council and no threat or coercion of any nature including that of expulsion can be held out. It is held that no Bar Council or Bar Association can permit calling of a meeting for purposes of considering a call for strike or boycott and requisition, if any, for such meeting must be ignored*. It is held that only in the rarest of rare cases where the dignity, integrity and independence of the Bar and/or the Bench are at stake, Courts may ignore (turn a blind eye) to a protest abstention from work for not more than one day. It is being clarified that it will be for the Court to decide whether or not the issue involves dignity or integrity or independence of the Bar and/or the Bench. Therefore, in such cases the President of the Bar must first consult the Chief Justice or the District Judge before Advocate decide to absent themselves from Court. The decision of the Chief Justice or the District Judge would be final and have to be abided by the Bar. It is held that Courts are under no obligation to adjourn matters because lawyers are on strike. On the contrary, it is the duty of all Courts to go on with matters on their boards even in the absence of lawyers. In other words, Courts must not be privy to strikes or calls for boycotts.* ***It is held that if a lawyer, holding a vakalat of a client, abstains from attending Court due to a strike call, he shall be personally liable to pay costs which shall be addition to damages which he might have to pay his client for loss suffered by him****."* (***emphasis supplied***)

4. Thus, from the aforesaid, it is apparent and as observed by the Apex Court, it is unprofessional as well as unbecoming for a lawyer to refuse to attend the Court, pursuant to a call for strike

or boycott/abstention by the Bar Association. The Apex Court further observed that an Advocate is an officer of the court and enjoys a special status in the society and that Advocates have obligations and duties to ensure the smooth functioning of the court and that they owe a duty to their clients and strikes interfere with the administration of justice and put interest of their clients/litigants in jeopardy.

5. Infact, in ***Ex-Capt. Harish Uppal*** case (supra), the Apex Court held that the Advocate would be answerable for the consequences suffered by their clients if the non-appearance was solely on the ground of a strike. The Apex Court in ***Krishnakant Tamrakar v. State of Madhya Pradesh*** reported in ***(2018) 17 SCC 27*** observed that access to speedy justice is a part of the fundamental rights under Articles 14 and 21 of the Constitution of India. The Apex Court further observed that one of the reasons/root causes for the delay is uncalled for strikes by the lawyers and that since strikes were in violation of the law laid down by the Apex Court, the same amounted to contempt and that atleast the office-bearers of the Association, who gave call for the strikes, cannot disown their liability for contempt.

6. In ***Pandurang Dattatraya Khandekhar v. Bar Council of Maharashtra*** reported in ***(1984) 2 SCC 556***, the Apex Court observed that an Advocate stands in a *loco parentis* towards the litigants. Therefore, he is expected to follow norms of professional ethics and try to protect the interests of his client in relation to whom he occupies a position of trust; that a Counsel's paramount duty is to the client; that the client is entitled to receive disinterested, sincere and honest treatment and that it would be against professional etiquette of a lawyer to deprive his client of his services in the court on account of strike; that no Advocate can take for granted that he will appear in the court according to his whim or convenience; and, that it would be against professional ethics for a lawyer to abstain from the court when the cause of his client is called for hearing.

7. In ***Common Cause, a registered society v. Union of India & ors*** reported in ***(2006) 9 SCC 304***, the Apex Court held that abstention of work is not strike in literal sense but is strike in effect – whether called boycott, protest or token strike – all are illegal. It further observed that if any Bar Association goes on strike, State Bar Council and Bar Council of India must take disciplinary action.

8. The Bar Council of India has also passed a resolution reiterating that abstention from work amounts to professional misconduct.

9. Considering that the call for abstention given by the Shillong Bar Association and the High Court of Meghalaya Bar Association has obstructed administration of justice, the same would constitute criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971. In ***Ex-Capt. Harish Uppal*** case (supra) and subsequent judgments, the Apex Court has held that courts are entitled to initiate contempt proceedings against office bearers of the Bar Associations who have given the said call. In the facts, the reason given for abstention is '**abstain from judicial work till the State Government removes the Advocate General'**. A reason completely unacceptable. Courts cannot be used by lawyers to achieve their objective i.e., removal of the Advocate General. Courts are not concerned with the same and as such, abstention from work for the said reason, is uncalled for and cannot be countenanced. Strikes/abstention from work on any count much less the present reason given, is, completely illegal.

10. In view of the aforesaid, issue notice under Section 15 of the Contempt of Courts Act read with Article 215 of the Constitution of India to;

(1) **Mr. K.S. Kynjing, Sr.Adv, President, High Court of Meghalaya Bar Association**;

(2) **Mr. N. Syngkon, Vice President, High Court of Meghalaya Bar Association;**

(3) **Mr. Pyllang Nongbri, Vice President, High Court of Meghalaya Bar Association;**

(4) **Mr. Kishore Ch. Gautam, Secretary General, High Court of Meghalaya Bar Association**;

(5) **Mr. Andrew R. Passah, Secretary, High Court of Meghalaya Bar Association;**

(6) **Mr. Arnold G. Momin, Secretary, High Court of Meghalaya Bar Association;**

(7) **Mr. Sujit Dey, Treasurer, High Court of Meghalaya Bar Association;**

(8) **Executive Members, High Court of Meghalaya Bar Association:**

(i) **Mr. Apu Dey**

(ii) **Mr. Andrew M. Sangma**

(iii) **Mr. Cherak C.T. Sangma**

(iv) **Shri Jonathan M. Thangkhiew**

(v) **Mr. H.L. Shangreiso, Sr.Adv**

(vi) **Mr. Melvbin M. Laitmon**

(vii) **Shri Raymond K. Majaw**

(viii) **Smti. Rosylia Kharshiing**

(9) **Mr. H.R. Nath, President, Shillong Bar Association;**

(10) **Mr. Nelson Kharnarbi, Vice President, Shillong Bar Association**

(11) **Mr. Teiborlang Jyrwa, Secretary, Shillong Bar Association**

(12) **Mr. N. Shyambor Singh Marpan, Assistant Secretary, Shillong Bar Association**

(13) **Mr. Nurina N. Lyngdoh, Assistant Secretary, Shillong Bar Association**

(14**) Smti. Ilawanda S. Lyngdoh, Treasurer, Shillong Bar Association**

(15) **Executive Members, Shillong Bar Association:**

(i) **Mr. Kishore Ch. Gautam**

(ii) **Mr. Ricky Nelson Marbaniang**

(iii) **Mr. Jonathan M. Dkhar**

(vi) **Smti. Jyoti K. Marak**

(v) **Mr. Krishna Sharma**

(vi) **Mr. Stevie R. Lyngdoh**

to show cause why action for criminal contempt should not be initiated/taken against them for having given a call for abstention from judicial work in all Courts in Meghalaya and for obstructing the administration of justice.

11. Notice is made returnable on **13th October, 2026**.

12. All contemnors to personally remain present on the next date. Contempt notices be served through the Registrar General, High Court of Meghalaya to enable the contemnors to appear before this Court.

13. We make it clear that if judicial work is not resumed by the Advocates in other districts forthwith, we will be constrained to issue contempt notices even against the President, Secretary and office bearers of the respective District Bar Associations on the next date, except the Baghmara Bar Association. A copy of this order to be circulated to all concerned, including in the districts to enable them to take note of the same.

14. Considering that it is the responsibility of the Bar Council of Meghalaya and the Bar Council of India to take appropriate disciplinary action against the lawyers for abstaining from work, we deem it appropriate to also implead the Bar Council of India as party respondent No.5. Registry to do the needful.

15. Accordingly, we issue notice to the respondent No.2-State Bar Council of Meghalaya and the newly added respondent No.5-Bar Council of India returnable on **13th October, 2026**.

16. We expect the Chairman of the Bar Council of Meghalaya to personally remain present in Court on the next date, so as to inform this Court of the action taken by the Bar Council of Meghalaya against the protesting lawyers, who have called for abstention from judicial work.

17. Stand over to **13th October, 2026**.

18. All parties to act on the authenticated copy of this order.

(H.S. Thangkhiew)
Judge

(Revati Mohite Dere)
Chief Justice

Meghalaya
08.10.2026
"Lam DR-PS"

Verified
Digitally signed by: LAMPHRANG KHARCHANDY
Signed On: 08-10-2026 20:04:45 IST