

SUPREME COURT OF INDIA**Bench: Justices Vikram Nath and Satish Chandra Sharma****Date of Decision: 12th February 2024**

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 538 OF 2019

RUPASHREE H. R. ...PETITIONER(S)**VERSUS****THE STATE OF KARNATAKA & ORS. ...RESPONDENT(S)****Legislation:**

Article 32 of the Constitution of India

Subject: Challenge to the Mysore Bar Association's resolution preventing members from representing the petitioner in any legal proceedings.**Headnotes:**

Right to Legal Representation – Fundamental Rights Violation: Challenge to the resolution of the Mysore Bar Association, dated 16th March 2019, prohibiting its members from filing vakalatnama on behalf of the petitioner – Considered a violation of the petitioner's fundamental right to legal representation and the lawyers' right to practice their profession – Supreme Court quashed the resolution as unconstitutional [Paras 2, 3].

Non-Appearance of Respondent No. 3: Despite repeated notices and orders to be served through the Commissioner of Police, Mysore, respondent no. 3 (Mysore Bar Association) failed to appear before the Court – Proceedings continued ex-parte [Paras 1, 2].

Decision: Writ petition allowed – The impugned resolution of the Mysore Bar Association quashed for being in violation of fundamental rights under Part III of the Constitution – Pending application(s), if any, disposed of [Paras 3, 4, 5].

Referred Cases: None.**Representing Advocates:****For Petitioner(s): Mr. Lakshmi Raman Singh, Mrs. Malavika Rajkotia, Ms. Aashna Talwar, Ms. Ekta Sharma, Mr. Ramakant Sharma.****For Respondent(s): Mr. Anand Sanjay M Nuli, M/S. Nuli & Nuli, Mr. Suraj Kaushik, Mr. Nanda Kumar, Mr. Agam Sharma, Ms. Akhila Wali, Mr. V. N. Raghupathy, Mr. Manendra Pal Gupta, Mrs. Vijayanthi Girish.****ORDER**

This matter is pending since 2019 and despite repeated notice, respondent no. 3 i.e. the Mysore Bar Association has not put in appearance.

2. Challenge by means of this petition under Article 32 of the Constitution is to the Resolution dated 16th March, 2019 [Annexure P3], whereby the Mysore Bar Association resolved that no member of the Association would file a vakalatnama on behalf of the present petitioner, details of which were given in the Resolution and any other related case. This Court while entertaining the petition, vide order dated 6th October, 2021 stayed the aforesaid Resolution of the Mysore Bar Association. On the previous date that is 14th November, 2022 notices to respondent no. 3 were to be served through the Commissioner of Police, Mysore but despite the same, respondent no. 3 has not put in appearance.

3. In that view of the matter, we have proceeded ex-parte. Having perused the impugned Resolution, we are of the definite view that such a Resolution could not have been passed. Right to defend oneself is a Fundamental Right under Part III of the Constitution of India and further right to appear for a client is also a Fundamental Right being a part of carrying on one's profession as a lawyer. As such, the said Resolution is hereby quashed.

4. The Writ Petition stands allowed, as above.

5. Pending application(s), if any, shall stand disposed of.